

HARDYSTON TOWNSHIP MUNICIPAL UTILITIES AUTHORITY

**A RESOLUTION OF THE
HARDYSTON TOWNSHIP MUNICIPAL UTILITIES AUTHORITY
CONCERNING THE “SHOTMEYER BYPASS” CONSTRUCTION ASSOCIATED
WITH CRYSTAL SPRINGS**

WHEREAS, the Hardyston Township Municipal Utilities Authority (the “Authority”) owns and operates a potable water supply system and a wastewater conveyance system servicing the residents of Hardyston Township (the “System”); and

WHEREAS, Crystal Springs Builders, LLC (“Developer”) was in the process of constructing the Shotmeyer housing section of its development (the “Project”) prior to 2008; and

WHEREAS, as part of the Project the Authority required the Developer to construct a bypass sewer line to accommodate all sewer flow from the completed Project by diverting the existing flow from behind the Craig housing section (said bypass hereinafter referred to as the “Shotmeyer Bypass”); and

WHEREAS, in October of 2008, the Developer requested permission from the Authority to delay the construction of the Shotmeyer Bypass due to a number of circumstances; and

WHEREAS, the Authority via a Resolution dated October 6, 2008 (revised version dated November 3, 2008), granted the Developer’s request by requiring the Developer to construct the Shotmeyer Bypass by the earlier of November 20, 2012, prior to the expiration of the Developer’s permit to construct the Bypass or the construction of 140 units of the Project; and

WHEREAS, the Developer has not yet constructed the Shotmeyer Bypass, primarily due depressed real-estate market; and

WHEREAS, the Developer is in the process of recapitalizing the Project; and

WHEREAS, the Developer has requested additional time from the Authority for the construction of the Shotmeyer Bypass so that it can recapitalize the Project and begin moving the Project in a positive direction; and

WHEREAS, the Authority has considered the Developer’s request, as well as the input of the Authority’s engineer and legal counsel;

NOW THEREFORE, BE IT RESOLVED by the Commissioners of the HARYSTON TOWNSHIP MUNICIPAL UTILITIES AUTHORITY as follows:

1. The Developer shall provide the Authority’s engineer with an update on the status of its efforts to recapitalize and reactivate the Project on or before March 1, 2017 and again on October 1, 2017.

2. The Developer is hereby authorized to obtain approval from the Township to reactivate the construction permits for two single home properties 22 Woodcott Drive, and 18 Coventry Road as well as 6 Townhome Building consisting of units 112, 114, 116, 118, 120 and 122 Tarrington Road in order to complete the construction of said units but only after properly submitting payment of any and all taxes which are due for said properties (referred to herein as the "Approved Units").
3. The Developer shall be required to Initiate the permitting process for the Shotmeyer Bypass at the Shotmeyer Tract as soon as practicable following the reactivation of the Project, and prior to requesting any construction permits for any properties within the Project, other than the Approved Units.
4. If the Developer requests any construction permits from the Township for any properties within the Project, other than the Approved Units, then the Developer shall be required prior to requesting said permits, to post a performance bond in the amount of the then updated construction cost estimate of the Shotmeyer Bypass, as approved by the Authority's engineer.

BE IT FURTHER RESOLVED, that this Resolution of the Board of Commissioners of the Hardyston Township Municipal Utilities Authority shall take effect immediately.

	YES	NO	ABSTAIN	ABSENT
Chairperson Cicerale	X			
Vice Chairperson Kula	X			
Secretary Marples				X
Treasurer Roof	X			
Kaminski	X			
O'Grady				X

Certified to be a true copy of the Resolution adopted by the Authority at a meeting held on November 7, 2016

Gail C. Hensal, Recording Secretary