

**MINUTES
HARDYSTON TOWNSHIP
MUNICIPAL UTILITIES AUTHORITY
October 1, 2012**

The meeting of the Hardyston Township Municipal Utilities Authority was held on Monday, October 1, 2012, at the Municipal Building located at 149 Wheatsworth Road. Members present were Mr. Cicerale, Mr. Verrilli, Mr. Kula, and Mr. Marples. Also present were Mike Vreeland, Mark Hontz, and Marianne Smith.

After salute to the flag, Mr. Cicerale stated compliance with the Open Public Meetings Act.

Minutes: The minutes of the September 10, 2012 meeting will be presented at a later date.

OLD BUSINESS:

Indian Field:

Phase II As-Built Plans – Mike stated nothing new at this time

Phase III Conveyance – Mike stated he received correspondence from Beazer and they indicated that they are working through the issues.

Water Spheroid Rehabilitation – Mike stated the outer coatings were applied today. This will take a few days to cure. Once fully cured and touch ups completed, the logo will be completed and the scaffolding will be removed. Once the tank is filled then samples will be taken and assuming the water samples pass, the system will be placed back on line. Weather permitting; it should be another 10 days until the project is complete.

Crystal Springs:

K. Hovnanian – Mike stated nothing new at this time.

Water Tank/Wireless Communication Upgrade – Mike stated he has not received any instruction to date.

High Ridge Properties:

Payment Status; High Ridge Properties & Beaver Run Shopping Ctr. – Gail stated High Ridge Properties is currently 17 full and 1 partial quarters behind for a total amount due of \$441,718. This was certified to the tax collector to place as an additional lien on the property. A property tax lien is currently on the property. The tax collector is in the

process of contacting the current lien holder. An update will be given at next month's meeting.

Beaver Run Properties currently has a credit balance of \$1,046 after the quarterly charge was applied to the previous credit being held.

Litigation – Mark stated nothing new at this time. Mr. Cicerale inquired as to if we will continue to charge High Ridge Properties. Mark stated that as per the conclusion of the litigation the sewer allocation continues and the amounts due will be updated to the tax collector in relation to the lien on the property. The attorney fees, which were a part of the litigation, have been duly recorded.

Ridgefield Commons Emergency Interconnection:

Mark has recused himself.

Mike stated nothing is new at this time. As a note there have been no issues in relation to the use of the interconnection during the Indian Field Waterspheroid project.

North Church Technical Center:

Mark stated the agreement was signed by Riverdale Quarry.

A MOTION was made by Verrilli seconded by Kula; **WHEREAS**, Riverdale Quarry Co., Inc. "Riverdale" and the HTMUA entered into a written agreement dated September 7, 1990 regarding the "Construction, Operation and Ownership of a Fire Protection System Servicing the North Church Technical Center" (hereinafter referred to as the "**1990 Agreement**"). The 1990 Agreement contemplated that Riverdale would construct and install a water-based fire protection system, consisting of "pipes, conduits, pumps, hydrants, valves and appurtenances" together with a storage tank that would physically connect to and service each lot and contemplated industrial building in the North Church Technical Center development in Hardyston Township (said improvements and system and easements collectively hereinafter referred to as the "**Fire Suppression System**"). The 1990 Agreement identified the "North Church Technical Center" as the following lots in Block 62 on the Hardyston Township tax map: 18.01, 18.03 through 18.14 inclusive, 18.16, 18.17, 22.01, 22.02 and 22.03, which were also included in a major subdivision plat registered in the Sussex County Clerk's Office under the name, "North Church Technical Center." In addition to other obligations, the 1990 Agreement obligated Riverdale to complete the Fire Suppression System at its own expense. Ultimately, the 1990 Agreement contemplated that Riverdale would convey the completed Fire Suppression System to HTMUA at no cost to HTMUA. As an agreement recorded with the Sussex County Clerk's Office, the 1990 Agreement is a part of the title of each of its enumerated lots in the North Church Technical Center development; and

WHEREAS, to date, the Fire Suppression System in the North Church Technical Center development has not been fully constructed by Riverdale, nor have the Fire Suppression System or its accompanying easements been transferred to or accepted by HTMUA. Some improved lots in said development require an active, sprinkler-type fire suppression system possessing the capabilities anticipated in the 1990 Agreement. Some improved lots do not. Some lots conveyed from Riverdale to third parties in said development have a deed reference to required easements for the Fire Suppression System. Some lots do not. Many components of the Fire Suppression System are in place. Some components are not. Some components of the Fire Suppression System are compliant with current fire suppression system regulations and requirements. Some components are not. A recent survey of property owners revealed that some lot owners were willing to share the cost of completing and maintaining the Fire Suppression System. Some lot owners were not so willing or were unresponsive; and

WHEREAS, Riverdale seeks to enter into a written agreement with Hardyston Township and HTMUA to assist in the completion of the fire suppression system and conclude Riverdale's obligations under the 1990 Agreement; and

WHEREAS, Hardyston Township seeks to enter into a written agreement in order to maintain the viability and value of the North Church Technical Center development with a functioning Fire Suppression System without placing a financial burden on other, non-affected persons or properties of Hardyston Township; and

WHEREAS, HTMUA has the technical ability to inspect, operate and maintain the fire suppression system and to administer the system and billing the users of said system within a designated rate structure;

NOW, THEREFORE, BE IT RESOLVED by the Commissioners of the HTMUA as follows:

1. HTMUA is authorized to enter into a written agreement with Riverdale and Hardyston Township, in the form attached hereto, and the HTMUA Chair is authorized to sign said agreement and the HTMUA Chair's September 10, 2012 execution of said agreement is hereby ratified.

In favor; Cicerale, Verrilli, Kula, and Marples.

YMCA

Mike stated nothing new at this time. Flows were received for September and nothing seems to be unusual.

New Business

Nothing at this time.

PAYMENT OF BILLS:

A MOTION was made by Kula and seconded by Verrilli to pay the bills as per the bill list. In favor: Cicerale, Verrilli, Kula, and Marples.

CORRESPONDENCE:

Nothing to discuss

OFFICER'S REPORTS:

Nothing at this time.

PROFESSIONAL'S REPORTS:

Administrator – nothing at this time

Operator – not present

Billing Clerk – The 4th quarter billing was mailed, unfortunately 2 weeks later than normal. The fiscal year was closed out and preparations for the audit have begun.

Amongst the billing were the irrigation charges for Indian Field of which usage was over 1 million gallons or \$32, 272.10. Their previous bills averaged in the \$9-10,000 range. The bill was mailed out September 20th. Discussion was held regarding the usage.

We received approval from the State for our recently adopted budget.

There were 11 properties noticed for tax sale for delinquent water and sewer, all but 2 paid. The tax sale is upcoming.

CFO – not present

Accountant – not present

Attorney – Mark stated Crystal Springs is moving along on the conveyance of the Bourne system.

A meeting was held the prior week regarding bankruptcies and the process involved as it relates to municipal tax liens. A procedure memo will be presented at next month's meeting.

Engineer – Mike stated nothing further.

OPEN PUBLIC PORTION:

The meeting was opened to the public.

No members of the public were present.

The meeting was closed to the public.

There being no further business, A MOTION was made by Kula to adjourn, meeting adjourned.

Respectfully submitted,

Gail Hensal
Recording Secretary