

October 26, 2011

The Regular Meeting of the Hanover Sewerage Authority, County of Morris and State of New Jersey, was held on Wednesday, October 26, 2011 at 8:30 in the evening, prevailing time, at the Municipal Building, 1000 Route 10, Whippany, New Jersey.

PRESENT: Chairman Schleifer, Members O'Brien, O'Hare, Fariello, and Galacki Liaison Sheridan, Michael C. Wynne, P.E., Executive Director; Silvio Esposito, Treasurer and Christopher Falcon, Esq.

ABSENT: None

STATEMENT OF PRESIDING OFFICER

Adequate notice of this meeting has been provided in accordance with the Open Public Meeting Act by posting written notice and agenda of the meeting on the Bulletin Board in the Municipal Building, 1000 Route 10, in the Township of Hanover, and by informing the following newspapers:

HANOVER EAGLE/REGIONAL WEEKLY NEWS
MORRIS COUNTY DAILY RECORD

And by filing same with the Township Clerk.

(Signed) Joseph Schleifer,
Chairman

Chairman Schleifer opened the meeting to the public at 8:30 pm. A public hearing was held on the adoption of Resolution Nos. 62-11, Connection Fee Regulation Change and 60-11, 2012 Rate Schedule Adoption. There were no comments from the public after these were public noticed. The Executive Director read the Resolutions onto the record. The Executive Director asked for a motion to approve the Resolution. Member O'Brien offered the following Resolution and moved its adoption:

**RESOLUTION NO. 62-11
TO AMEND THE RATE SCHEDULE OF THE HANOVER SEWERAGE
AUTHORITY PERTAINING TO THE CALCULATION AND TIME OF
PAYMENT OF CONNECTION FEES**

WHEREAS, the Hanover Sewerage Authority (hereinafter "the Authority") is authorized by the Sewerage Authorities Law (N.J.S.A.40:14A-7) to make and enforce rules and regulations for the management and regulation of its business and affairs, and to amend the same from time to time; and

WHEREAS, there is a need for the Hanover Sewerage Authority ("the Authority") to revise and amend the Regulations, Specifications and Rate

Schedule of the Authority pursuant to N.J.S.A.40:14A-8, and more particularly Appendix I, Charge System and Fees to incorporate revisions required to those provisions pertaining to connection charges;

WHEREAS, the Authority has considered certain amendments to the Rate Schedule of the Authority at the meetings of June 22, August 17 and September 28, 2011 as set forth in Resolution Nos. 43-11, 51-11 and 56-11; and

WHEREAS, a copy of Resolution 56-11 was published in accordance with N.J.S.A. 40:14A-8 and a hearing was held thereon on October 26, 2011 at 8:30 p.m. at the Municipal Building, 1000 Route 10, Whippany, New Jersey.

NOW, THEREFORE, BE IT RESOLVED by the Hanover Sewerage Authority in the County of Morris and State of New Jersey on this 26th day of October, 2011 as follows:

1. Appendix I of the Regulations, Specifications, and Rate Schedule of the Hanover Sewerage Authority entitled "Charge System and Fees" and more particularly Section 3 thereof entitled "Connection Charges" is hereby amended by the amendment of Subsections (c) and (e) and the addition of new Subsections (f) and (g) as follows:
 - c. Residential Units – the Connection Fee for residential units shall be the basic connection charge as hereinafter provided except for dwelling units existing prior to 1962 which shall be charged \$100 for each residential unit in the building to be connected.
 - e. Time of Payment – The Connection Fee shall be paid at the time of the issuance of a Construction Permit for construction of a sanitary sewer for the purpose of eventual connection to a Public Sewer. In the event that construction has not started within the term of the Connection Permit and the Authority or NJDEP imposes a connection ban and/or ceases the endorsement/issuance of Treatment Works Approvals pursuant to N.J.A.C.7:14A-22.1, et seq. or a successor regulation, then the Connection Fee shall be payable upon the occurrence of such event.
 - f. Credit for Lot Merger – In circumstances where one or more properties/tax lots are merged into one tax lot for the development of a new project, the party responsible for the

payment of the Connection Fee shall receive a credit relating to the calculation of the applicable connection fee, equal to the connection fee or fees previously paid or the connection fee and allocated flow applicable at the time the building sewers were capped, whichever is greater, on any lots associated with the amalgamation of lots to form the new merged lot.

- g. New Connection Fee following Permanent Vacancy – In circumstances where 1) a use has been abandoned and a sewer line has been capped upon Permanent Vacancy pursuant to this Appendix I, Special Provisions Related to Rates, Subsection 5 – Adjustment of Service Charge due to Permanent Vacancy of Property Unit, and 2) use of the subject property is later reinstated and renewed for the same or a new use, the party responsible for payment of the Connection Fee shall pay based upon the difference between the current Connection Fee calculated in accordance with the Rate Schedule then in effect and the Connection Fee which would have been charged in the year that the prior use was abandoned and the sewer line capped.

- 2. Appendix I of the Regulations, Specifications, and Rate Schedule of the Hanover Sewerage Authority entitled “Charge System and Fees” and more particularly Section 5 entitled “User Charge System” is hereby amended by the amendment of Subsection 5 (c) entitled “Special Provisions Related to Rates” and Subsection 5 thereof to read:

5) Adjustment of Service Charge due to Permanent Vacancy of Property Unit:

- a) A customer-owner of a property unit being served by the sewer system shall be eligible for an adjustment of the annual service charge when said property unit has become destroyed or in other ways has been rendered in such a condition as to be ineligible for a Certificate of Occupancy and when the owner officially applies for adjustment of the service charge by submitting a certified written statement to the Authority stating when said property became permanently uninhabitable as determined by Township construction, fire or health officials and when the sewer line to the property is/was capped at the property line.

- b) The adjusted charge shall consist of only the unit facilities charge calculated in accordance with Section 5 (a) entitled “Basis of User Charge” and Footnote (a).
4. If any provision of this Resolution or the application thereof to any person or circumstance is held invalid by a court of competent jurisdiction, such invalidity shall not effect other provisions of the Resolution and to this end the provisions of this Resolution are declared to be severable.
5. This Resolution shall take effect as provided by law.

DATED: October 26, 2011

HANOVER SEWERAGE AUTHORITY
COUNTY OF MORRIS
STATE OF NEW JERSEY

Member Galacki seconded. Roll call vote:

Ayes: Members O’Brien, Fariello, O’Hare, Galacki and Chairman Schleifer

Nay: None

The Executive Director asked for a motion to approve Resolution No. 61-11. Chairman Schleifer offered the following Resolution and moved its adoption:

RESOLUTION NO. 60-11

WHEREAS, the Hanover Sewerage Authority (hereinafter “the Authority”) is authorized by the Sewerage Authorities Law (N.J.S.A. 40A:14-7 (11) to make and enforce rules and regulations for the management and regulation of its business and affairs and or the use, maintenance and operation of the sewerage system and any other of its properties, and to amend the same; and

WHEREAS, the Authority adopted the “Regulations and Specifications and Rate Schedule of the Hanover Sewerage Authority” (hereinafter “the Regulations”) on November 30, 1960 and amended the same from time to time including a comprehensive revision dated January 1, 2004; and

WHEREAS, the Authority has reviewed the current Rate Schedule and desires to implement changes in the following areas for the 2012 fiscal year:

- 1) Adjust the user charges.
- 2) Adjust the IPP point charge.

WHEREAS, the Authority has considered certain amendments to the Rate Schedule of the Authority at the meeting of September 28, 2011 as set forth in Resolution No. 55-11; and

WHEREAS, a copy of Resolution 55-11 was published in accordance with N.J.S.A. 40:14A-8 and a hearing was held thereon on October 26, 2011 at 8:30 p.m. at the Municipal Building, 1000 Route 10, Whippany, New Jersey.

NOW, THEREFORE, BE IT RESOLVED by the Hanover Sewerage Authority as follows effective December 1, 2011:

1) Appendix I, Charge Systems and Fees, amended as follows:

a) Paragraph 9, Fee Schedule

e) User Charges –

Facilities Charge per ccf \$1.40

Volume Charge per ccf \$4.32

j) Industrial Discharge Permit Fee

Point Charge \$146.59

5) The balance of Appendix I shall remain unchanged.

6) If any provision of this Resolution or the application thereof to any person or circumstance is held invalid by a court of competent jurisdiction, such validity shall not affect other provisions of the Resolution and to this end the provisions of this Resolution are declared to be severable.

7) This Resolution shall take effect as provided by law.

DATED: October 26, 2011

HANOVER SEWERAGE AUTHORITY
COUNTY OF MORRIS
STATE OF NEW JERSEY

Member Galacki seconded. Roll call vote:

Ayes: Members O'Brien, Fariello, O'Hare, Galacki and Chairman Schleifer

Nay: None

This concluded the Open Public Meeting. The meeting was adjourned at 8:34 p.m.

The Executive Director, Michael Wynne, noted that the following correspondence was received:

1. HATCH MOTT MACDONALD

- a. 10/26/2011 letter re: Contract 24 Proposal for Professional Engineering Services
- b. 10/26/2011 Letter re: Waterview at Hanover - The Executive Director asked for a motion to approve plans. Motion was made by Member O'Brien; seconded by Member Galacki. Roll call vote was unanimous.

2. NJDEP

- a. 10/21/2011 Letter re: NJEIT Authorization to Award Contract

3. PROOF OF PUBLICATION

- a. 10/03/2011 Star Ledger re: Resolution No. 55-11 Rate Schedule
- b. 10/03/2011 Star Ledger re: Resolution No. 58-11 Connection Fee Change
- c. 10/05/2011 Daily Record re: Resolution No. 55-11 Rate Schedule
- d. 10/05/2011 Daily Record re: Resolution No. 58-11 Connection Fee Change

Chairman Schleifer offered the following resolution and moved its adoption.

RESOLUTION NO. 61-11

WHEREAS, the Hanover Sewerage Authority (hereinafter "the Authority") is authorized by the Sewerage Authorities Law (N.J.S.A. 40A:14-7 (11) to make and enforce rules and regulations for the management and regulation of its business and affairs and or the use, maintenance and operation of the sewerage system and any other of its properties, and to amend the same; and

WHEREAS, the Authority adopted the "Regulations and Specifications and Rate Schedule of the Hanover Sewerage Authority" (hereinafter "the Regulations") on November 30, 1960 and amended the same from time to time including a comprehensive revision dated January 1, 2004; and

WHEREAS, the Authority has reviewed the current Rate Schedule and desires to implement changes in the following areas for the 2012 fiscal year:

- 3) Adjust the connection fee.

NOW, THEREFORE, BE IT RESOLVED by the Hanover Sewerage Authority as follows effective December 1, 2011:

- 2) Appendix I, Charge Systems and Fees, is proposed to be amended as follows:

Paragraph 9, Fee Schedule

| | |
|-------------------------|------------|
| e) Connection Charges – | |
| Basic Connection Charge | \$6,300.00 |
| Average Sewerage Flow | 195 gpd |

- 3) The balance of Appendix I shall remain unchanged.
- 4) A copy of this Resolution shall be published in accordance with N.J.S.A. 40:14A-8 and a hearing held thereon on November 30, 2011 at 8:30 p.m. at the Municipal Building, 1000 Route 10, Whippany, New Jersey.
- 5) If any provision of this Resolution or the application thereof to any person or circumstance is held invalid by a court of competent jurisdiction, such validity shall not affect other provisions of the Resolution and to this end the provisions of this Resolution are declared to be severable.
- 6) This Resolution shall take effect as provided by law.

DATED: October 26, 2011

HANOVER SEWERAGE AUTHORITY
COUNTY OF MORRIS
STATE OF NEW JERSEY

Member Galacki seconded; there was unanimous roll call approval.

AYES: Chairman Schleifer, Members O'Brien, Fariello, O'Hare, and Galacki

ABSENT: None

Member Galacki offered the following resolution and moved its adoption.

RESOLUTION NO. 63-11

WHEREAS, the Sewerage Authorities Law (N.J.S.A. 40:13A-1 et seq) authorizes every authority to appoint and employ such professional and technical advisors and experts as it may require; and

WHEREAS, the Hanover Sewerage Authority has retained the services of Hatch Mott MacDonald as a non-fair and open contract pursuant to provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, Contract 24 will be financed by the New Jersey Environmental Infrastructure Trust Program (NJEIT) and the NJDEP has required an engineering agreement that includes specific tasks related to Contract 24 and the funding program and;

WHEREAS, Hatch Mott MacDonald has submitted a proposal to amend the existing contract which addresses the NJEIT / NJDEP requirements, dated October 26, 2011, and;

WHEREAS, the Executive Director has determined and certified in writing that the value of the work will exceed \$17,500, and;

WHEREAS, the anticipated term of this amendment is for the duration of the construction during Contract 24, and;

WHEREAS, Hatch Mott MacDonald has previously completed and submitted a Business Entity Disclosure Certification which certifies that the firm has not made any reportable contributions to a political or candidate committee in the Township of Hanover in the previous one year, and that the contract will prohibit the firm from making any reportable contributions through the end of the contract, and;

WHEREAS, the Treasurer has stated that certified funds are available for these services; and

WHEREAS, the Authority is authorized to enter into contracts for professional services without public advertising for bids pursuant to N.J.S.A. 40A:11-5, provided notice of the award is published; and

NOW, THEREFORE, BE IT RESOLVED by the Hanover Sewerage Authority, County of Morris and State of New Jersey on this 26th day of October 2011 as follows:

1. The Authority hereby amends the Engineering agreement to include Hatch Mott MacDonald's proposal of October 26, 2011.
2. The Chairman and Executive Director are hereby authorized and directed to execute any required documents.
3. A brief notice shall be published in the Hanover Eagle/Regional Weekly News stating the nature, duration, service and amount of the contracts and that this Resolution and contracts are on file for public inspection at the office of the Hanover Sewerage Authority, 1000 Route 10, Whippany, New Jersey.
4. A resolution authorizing the award of non-fair and open contract for the business disclosure entity certification and the determination of value be placed on file with this resolution, and;
5. This Resolution shall take effect as provided by law.

DATED: October 26, 2011

HANOVER SEWERAGE AUTHORITY
COUNTY OF MORRIS
STATE OF NEW JERSEY

Member Galacki seconded; there was unanimous roll call approval.

AYES: Chairman Schleifer, Members O'Brien, Fariello, O'Hare and Galacki

Chairman Schleifer moved the following reports be accepted and filed as received; Member O'Hare seconded; there was unanimous approval.

REPORTS

- Plant Operations Report – dated September 22 – October 19, 2011
- Plant Operations Weekly Meetings Report – dated September 22- October 19, 2011
- Hatch Mott MacDonald Report – dated October 21, 2011
- Collection System Status Report – dated September 22- - October 19, 2011
- Treasurers Report – dated September 230, 2011
- Superintendents Report # 699– dated September, 2011
- IPP Report - dated September 23 – October 19, 2011

Member O'Brien moved the payment of bills be confirmed and authorized as listed; Member Galacki seconded; there was unanimous approval

| | |
|----------------------------------------|--------------|
| <u>REVENUE FUND 110</u> | \$ 1,4093.87 |
| <u>REVENUE FUND 111</u> | \$269,692.42 |
| <u>REVENUE FUND 201</u> | \$ 0.00 |
| <u>PLANT EXPANSION FUND 301</u> | \$107,026.13 |
| <u>PLAN REVIEW FUND 401</u> | \$ 2,997.59 |
| <u>PAYROLL</u> | \$175,761.49 |

OTHER BUSINESS

OPEN TO PUBLIC

ADJOURNMENT

Respectfully submitted,

Michael C. Wynne, P.E.
Executive Director