

**Regular Meeting ~ Agenda**

Wednesday, March 20, 2013

5:30 PM

Mayor's Conference Room

Egg Harbor Township MUA  
3515 Bargaintown Road  
Egg Harbor Township, NJ 08234  
(609) 926-2671

- 
1. **Call the meeting to order**
  2. **Opening Statement Pursuant to the Open Public Meetings Act**
  3. **Roll Call:**
    - Nathan Davis, Chairman
    - Michael Duffy, Vice Chairman
    - H. Chris Schwemm, Treasurer
    - Theresa Prendergast, Secretary
    - Charles Pfrommer, Commissioner
    - Theresa Moschetto, Alternate Commissioner
  4. **General Public Discussion**
  5. **Applications / Project Status**
    - a. Block 902, Lot 8 [6725-6727 Delilah Road] – Discussion regarding subdivision and request for easement.
    - b. Blocks 1926 /1927, Lots 1-2 / 1-4 [Cottonwood Avenue] Preliminary Extension Application
      - ~ Resolution #30 – 2013
    - c. Blocks 5205 – 5210, Various Lots [Ocean Heights & English Creek Avenues] Amended Preliminary
      - ~ Resolution #31 – 2013
  6. **Ratification of Administrative Action**
  7. **Resolution Memorialization**
  8. **Engineer Report**
    - ~ Resolution #32 - 2013
    - Change Order #1 for Contract #63 – Bridge Force Main Repair
  9. **Old Business**
  10. **New Business**
  11. **Treasurer's Report**
    - ~ Resolution #33 - 2013
      - Approve Bill List for Operating Account
    - ~ Resolution #34 - 2013
      - Approve Bill List for Developer Account
    - ~ Resolution #35 - 2013
      - Approve transfer from Construction Fund to Operating Account

**12. Authority Clerk**

~ Resolution #36 - 2013

Approve February 2013 Adjustments

**13. Other Business** (not listed on the Agenda)

**14. Subcommittee Reports**

**15. Closed Session** (If Necessary)

~ Resolution #37 - 2013

Authorizes the MUA to convene into a Closed Executive Session to discuss matters which may involve litigation and/or personnel.

**16. Adjournment**



**Egg Harbor Township Municipal Utilities Authority  
3515 Bargaintown Road  
Egg Harbor Township, NJ 08234**

**Wednesday, March 20, 2013  
5:30 PM – Mayor’s Conference Room**

**Minutes**

Chairman Davis called the meeting to order at 5:30 PM and read the Opening Statement pursuant to the Open Public Meetings Act.

**Roll Call:** Nathan Davis, Chairman – Present  
Michael Duffy, Vice-Chairman – Present  
H. Chris Schwemm, Treasurer – Present  
Theresa Prendergast, Secretary – Present  
Charles Pfrommer, Commissioner – Present  
Theresa Moschetto, Alternate Commissioner - Present

Also in attendance: Engineer Vince Polistina, Attorney John Ridgway, and Authority Clerk Elaine Super.

**Open Meeting to the Public**

There was no public in attendance. Motion Mr. Schwemm second Mr. Duffy to close the public portion of the meeting. All voted yes.

**Applications/Project Status/Updates/Discussion**

Block 902, Lot 8 [6725-6727 Delilah Road]  
Representatives Present: Charles Gemmel and Matt Tucker  
Mr. Gemmel explained the status of a proposed subdivision to the property. The subdivision includes an on-site easement for all utilities. There are two buildings on the property, each serviced by an independent water line with a single, common on-site sewer line and cleanout. The estimated cost to install a new lateral is approximately \$20,000. Motion Mr. Schwemm second by Chairman Davis to not permit the easement requested. Mr. Schwemm, Mr. Davis and Mrs. Prendergast voted yes. There was no response from Mr. Duffy or Mr. Pfrommer.

**~ Resolution #30 – 2013**

Blocks 1926 /1927, Lots 1-2 / 1-4 [Cottonwood Avenue] Preliminary Extension Application  
Representatives Present: Jack Plackter and Andy Schaeffer  
The proposed 70 unit apartment building is expected to assist with satisfying the affordable housing requirements and provide housing for Veterans. Mr. Polistina reported that capacity is available and the maximum depth of the pipes is 8'. There are 22 improved properties within the perimeter of the project, only two are without sewer. A conceptual plan to sewer those two homes has been submitted. There are no easements and no known recapture agreements. Motion Mr. Schwemm second Mrs. Prendergast to grant preliminary approval subject to any recapture agreements. All voted yes.

**~ Resolution #31 – 2013**

Blocks 5205 – 5210, Various Lots [Ocean Heights & English Creek Avenues]

Amended Preliminary

Representatives Present: Paul Casacio, Sal Perillo, Andy Schaffer, Brian Brangan, Chris Hanlon, Keith Ottens

Mr. Perillo is requesting that the application be heard as they wish for the project to move forward. The application and plans submitted in June 2012 are being considered for an amended preliminary approval. Based on the Authority's Rules & Regulations, the application is to be signed by the applicants prior to it being acted upon. Mr. Brangan had not signed the application as he was concerned over the proposed route of the sewer traversing through the commercial portion of the project, which would restrict the location of the buildings. Mr. Brangan agreed to sign the application so that it could formally be acted upon with the understanding that the proposed route would be conditioned upon several factors, including cost as well as the idea that the applicant could submit for an amended preliminary if it was determined that the proposed route of the sewer lines would interfere with the building construction. Once the cost estimates are prepared for the connection of the off-site properties, a determination will be able to be made regarding the route of the sewer line in order for those properties to be connected. It would be accomplished with either a line to English Creek Avenue or with an easement through the commercial portion of the project. Mr. Brangan signed the original Preliminary Application, MUA Project # 06-67, received June 14, 2012. Motion Mr. Schwemm second Mr. Pfrommer to grant amended preliminary approval with the condition that the Final application submitted June 14, 2012 be formally withdrawn. At this time, Sal Perillo officially requested the final application be withdrawn. All voted yes on the motion to grant amended preliminary approval.

**Re- Open Meeting to the Public**

Motion Mr. Schwemm second Mr. Duffy to re-open the public portion of the meeting. All voted yes. Mr. James Pashley, 209 Blackman Road, was present and requested a reimbursement for damages incurred as a result of excessive amount of pressure which built up in the sewer line causing his sewer pump to burn up. The expenses submitted to the Authority were in the amount of \$1,442.55. Motion Mrs. Prendergast second Mr. Pfrommer to reimburse Mr. Pashley for the damaged pump and repairs. All vote yes.

A motion was made by Mr. Schwemm seconded by Mr. Duffy to re-close the public portion of the meeting. All voted yes.

**Ratification of Administrative Action**

None

**Resolution Memorialization**

None

**Engineer Report** – The Engineer's Report is attached and made a part of these minutes.

**~ Resolution #32 - 2013**

Change Order #1 for Contract #60 – Bridge Force Main Repairs

Motion Mr. Schwemm second Mr. Duffy to authorize the change order in the amount of

\$280.00. All voted yes.

Mr. Polistina explained a Connection Application that was received from Atlanticare regarding the draining of the retention pond. The flow will be metered and Atlanticare will be billed based on the flow. The basin needs to be drained to perform necessary repairs.

### Treasurer's Report

~ **Resolution #33-2013** – Motion Mr. Schwemm second Mrs. Prendergast to approve all vouchers presented for payment out of the Operating Account (\$461,561.86), dependent up on the transfer from the Construction Fund. All voted yes.

~ **Resolution #34-2013** – Motion Mr. Schwemm second Mrs. Prendergast to approve all vouchers presented for payment out of the Developer Account (\$3,854.50). All voted yes.

~ **Resolution #35-2013** – Motion Mr. Schwemm second Mrs. Prendergast to approve the Construction Fund voucher (\$83,857.15). All voted yes.

### Clerk's Report

~ **Resolution #36-2013** – Motion Mr. Schwemm second Mrs. Prendergast to approve the February 2013 adjustments. All voted yes.

Motion Mr. Schwemm second Mrs. Prendergast to approve the revised November 2012 open session minutes. All voted yes.

Motion Mr. Schwemm second Mrs. Prendergast to approve the February 2013 open session minutes. All voted yes. Motion Mr. Duffy second Mr. Schwemm to approve the February 2013 closed session minutes. All voted yes.

#### **Block 1129, Lot 26** – 2600 Tilton Road [Request for Adjustment/Refund]

The request for a refund was for charges incurred prior to the purchase of the property by the current owner. MUA records indicate account information was provided to a search company who in turn should have provided the information to the title company. However, at the time of settlement, the past due charges were not provided to the MUA. Those charges were paid by the new owner shortly after settlement. In addition, there is a second building on the property that is not being billed. It was suggested that an additional billing be generated, however, it was agreed that since the building is vacant an additional bill will not be generated at this time. The owner will be required to submit a connection application prior to obtaining any building or tenant approvals for that building. Motion Mr. Schwemm second Mrs. Prendergast to deny the request for the refund.

#### **Block 1602, Lot 54** – 500 Scarborough Drive [Request for Adjustment]

Motion Mr. Schwemm second Mr. Duffy to authorize an adjustment of 165,000 gallons as the water leaked from the cooling tower did not enter the sanitary sewer system. All vote yes.

**Block 4301, Lot 4 – 7084 Black Horse Pike [Request for Adjustment]**

No action taken until additional information can be obtained from the water company.

**Block 2302, Lots 10 & 20 – 6725 Black Horse Pike [Shore Mall]**

The initial demolition permit has been issued for the old Value City store only. As the demolition plan proceeds, the sewer lines will be cut and capped as needed. All reviews and approvals have been completed for the stores which are moving to existing spaces within the portion of the building to remain as well as into the building on the adjacent parcel of property.

The Financial Disclosure forms that were previously distributed can be disregarded. Mrs. Super was advised by the Township Clerk's office that there will be a new process for filing the forms.

The Arbitrage Calculation was completed. There are no penalties due as the amount of interest earned was less than the amount allowed.

We continue to work with FEMA in regards to the information needed to complete the claim. Letters of Intent were submitted in February in an effort to obtain funds for preventative measures, specifically generators and an additional portable pump.

Jeffrey Ball has been a probationary employee for six (6) months and it was recommended that the probationary status be changed to permanent. Motion Mrs. Prendergast second Mr. Pfrommer to grant Jeffrey Ball permanent full-time, at will, employment with the Authority. All vote yes.

~ **Resolution #37-2013 - Closed Session** – 7:00 PM - Motion Mr. Duffy second Mrs. Prendergast to enter into closed discussion to discuss potential litigation. The minutes of the closed session will be released once all issues discussed have been resolved. All voted yes.

7:37 PM – Return to Open Session

No action was taken during the closed session. A motion was made by Mr. Schwemm, seconded by Mrs. Prendergast authorizing Mr. Ridgway to draft a letter to the Mayor of Northfield, Vincent Mazzeo, suggesting a possible resolution to the issue with the force main from Egg Harbor Township going into Northfield adjacent to the Maple Run Bridge. Mayor McCullough will be consulted prior to preparing the response. All vote yes.

Motion Mr. Duffy second Mrs. Prendergast to adjourn the meeting at 7:40 PM. All voted yes.

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Theresa Prendergast, Secretary

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Prepared by Elaine Super, Authority Clerk

*March 20, 2013 Minutes*  
*Approved April 17, 2013*

**Engineer's Report**  
**Egg Harbor Township MUA**  
**March 20, 2013**

**Engineering Projects**

1. **Emergency Maintenance Contract**

There was no work completed by Weco Construction within the last month. No billing is due at this time.

2. **ACUA Contract Administration**

Overall the maintenance logs from the ACUA have normal during the past month. We have seen some increases in runtimes at the Brenta and Lyons Court stations due to a few storms last month that created higher than normal high tides. The impellers in the pumps at the Delancy station have begun to show extreme wear and will need to be replaced soon. The ACUA is obtaining pricing for replacements. We had three pressure transducers repaired and two were needed to replace existing units that recently failed.

The Authority currently has four pumps out for service from the following stations: Fernwood Hills, West Jersey, Seaview Harbor and Dogwood Avenue. Due to the age and cost to repair the pump from the Seaview Harbor station a replacement Barnes pump was ordered at a cost of \$4,650.00. The original pump was over twenty years old.

The repair of the Dogwood pump is completed and the ACUA expects to return it this week.

Our office is obtaining pricing for the purchase of new pumps at the Fernwood Hills and West Jersey stations due to the costs to repair each of the pumps. The pump from Fernwood Hills appears to be about 14 years old but has been repaired twice in the past 6 years. We quoted the cost to repair the West Jersey pump last month but determined it would be more prudent to replace since the warranty coverage was denied by the manufacturer and the cost difference between replacement and repair is negligible. The existing pump was manufactured by PX Pumps, we will be obtaining pricing for either a Barnes or KSB pump as a replacement.

The Authority Operator, Bill Hiller, is in the process of replacing the batteries in the communication units. This will be completed over the next several weeks.

### **3. Wet Well Cleaning Contract Administration**

Over the past month Caprioni has assisted in cleaning of blockages and an overflow along with repairing the basket from the Bevis Mill station. They have also provided normal preventative jetting services selected by the Authority Operator with the normal basket and well cleanings.

We have recommended a payment in the amount of \$11,697.26 for the work completed in February.

### **4. Spills**

The Authority experience two spill incidents within the last month. The first spill incident occurred on February 28th and originated from a manhole located near 263 Steelmanville Road. The spill was due to the failure of one of the electronic components at the Beaver Station. Upon arriving at the station the pumps were operated in the manual position until personnel from the ACUA could arrive and diagnosis what caused the failure.

We estimate that under 500 gallons flowed along the edge of the roadway with a minor amount flowing into Beaver Lake. The residual water was washed away by a heavy rain storm the following morning.

The second spill occurred on March 15th and originated from a manhole near the intersection of Abbey Court and Windsor Drive. A portion of the mains downstream from this manhole are located in a rear yard easement crossing the properties of several residents. Two of residents experienced an overflow in their back yards where a manhole had been located. Caprioni Family Septic was utilized to clear the blockage with their jetting equipment. The cause was the accumulation of grease in the mains near the Storybook station completely restricting flow. Once the blockage was released Caprioni removed the residual water that had accumulated along the edge of the roadway and in the stormwater basins on Windsor Drive. An application of lime was placed along the edge of the roadway and in the rear yards of the affected residents. We estimate that approximately 500 gallons overflowed from the system.

### **5. FAA PS Relocation and Gravity Main Extension**

The project scope has been modified due to the environmental concerns involving the dewatering for the gravity main extension. A revised project scope involves the construction of a new wet well and control building near the location of the existing facilities.

Our office had been preparing to have a subsurface investigation completed to verify the extent of the contamination but due to the costs provided by the geotechnical engineering firm we are exploring other alternatives to having the work completed.

### **6. Miami Pump Station Improvements**

We have been in discussions with FEMA regarding the replacement of the station along with examining the alternatives to continuing sanitary service to the commercial properties located on the north and south side of the Black Horse Pike. We are still in the process of determining which would be the most cost effective option.

We had a subsurface investigation completed near the station to determine the structural support needed for the improvements.

The new Godwin pump has been set up at the station and is now responsible for pumping the flow. The rental pump has been returned.

10. **West Atlantic City Rehabilitation Phase III**

The contractor has completed the replacement of the asbestos mains along Milan, Toulon, Genoa, Palermo Avenues and Frankfurt Court. All but a few of the sanitary laterals have replaced. The temporary restoration has been completed along all of the streets.

We have recommended a payment in the amount of \$70,494.65 for the work completed to date.

11. **West Avenue and Tilton Road - Re-Bid**

The Authority awarded the contract to Ocean Construction at the February meeting. We held a preconstruction meeting with the contractor on Thursday, March 7th and they expect to begin work in the middle of April once they have satisfied the concerns of the EHTPD and Atlantic County officials.

12. **Bridge Force Main Maintenance**

The contractor has completed all repair / maintenance items in the contract which were recommended by the Authority Operator.

We have recommended a final payment in the amount of \$35,880.00 for the work completed. A single change order was processed in the amount of \$280.00 for some minor additional work.

13. **Delilah Oaks Video Inspection**

The Authority awarded the contract to Video Pipe Services, Inc. at the February meeting. We held a preconstruction meeting with the contractor on Tuesday, March 5th and they expect to begin work later this week. This work will assist in determining the extent of the grease issue within the Delilah Oaks development along with locating cleanout and manhole structures.

14. **Washington Avenue Interceptor Rehabilitation**

We are preparing the design plans and specifications for submission to the NJDEP Environmental Infrastructure Trust due in April. The Trust provides loan funding for projects with 75% of the costs covered with zero interest loans and the remaining 25% covered by market rate interest loans. The loan application was submitted by the March deadline.

The project involves the lining of the twenty-seven (27") RCP interceptor that carries flow along Washington Avenue from the head of the line near the Garden State Parkway overpass to the metering chamber located at the Municipal Border with the City of Pleasantville.

15. FEMA Hazard Mitigation Grant Program

Our office assisted the Authority Clerk with the preparation of Letters of Intent to request grant funding for the purchase of permanent standby generators, a portable generator and a large portable bypass pump. Based on the submission criteria FEMA will provide funding up to 75 percent of the project costs. We do not anticipate obtaining funding for all of the stations but are hopeful several can be upgraded via this funding source.

16. Brookside- Joanne Cleanout Locations

With the information obtained via the completion of the video inspection our office has been completing the field work to locate all of the cleanout structures located within these basins. The approximate number of cleanouts located within the basin are 1,200 and we have located approximately 750 to date. Once the vast majority have been located we will be preparing bid documents for the provision of a "neenah" casting for each cleanout and resetting of each one to grade.

We anticipate having the documents ready for bid in the month of May.

Developer Projects

Extension Applications

There are no developer funded sanitary system expansion projects currently underway.

Connection Applications

None

Change of Use Applications

1. Shore Mall

The application was for the relocation of the GNC, Radio Shack and Gamestop to new locations near the front of the mall complex due to interior renovations.

2. Fire's BBQ, LLC

The application was for the renovation of an existing single story building formerly used as an automobile service station into a sit down / take out restaurant.

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Vince Polistina  
Authority Engineer

**Egg Harbor Township Municipal Utilities Authority**  
**Checks Written - Operating Account**  
As of March 20, 2013

Num	Name	Memo	Amount
<b>Operating Account</b>			
		April Payroll and PERS	-68,917.11
TEPS	State of NJ Health Benefits	March 2013	-11,075.38
8412	Egg Harbor Township - Dental	Dental Benefits - March 2013	-494.46
8413	Crystal Springs	Invoice # 3228663 030113	-34.64
8414	Daily Journal, The	Acct. # 108712	-252.70
8415	Mossman's Business Machine	Invoice #129897	-25.77
8416	Phoenix Advisors, LLC	Arbitrage Rebate Calculation	-1,500.00
8417	Press of Atlantic City, The	Acct. # 103389	-495.90
8418	W.B. Mason Co., Inc.	Invoice #09856686 & I10006489	-214.50
8419	ACE Hardware	Customer #552303	-131.57
8420	Crown Auto Parts, Inc.	Invoice #D584547	-50.82
8421	CW Sales Corporation	Acct. # EGGHAR; Inv. #106355	-1,922.21
8422	Johnson & Towers, Inc.	Invoice #0686541 & 0688645	-1,409.28
8423	One Call Concepts, Inc.	Invoice #3025254	-282.56
8424	Waszen Brothers Sanitation, Inc.	Invoice # 20930	-500.00
8425	AT & T	Acct. # 020 595 7994/5499	-141.26
8426	Atlantic City Electric	multiple accounts	-18,422.02
8427	New Jersey American Water Co.	multiple accounts	-680.07
8428	South Jersey Gas	Acct: 11341704119 & 11338452912	-50.00
8429	Verizon	Acct. #201 Z42 0142 999 78 Y	-606.47
8430	Verizon Wireless	Acct. # 200702280-00001	-126.72
8431	Atlantic County Utilities Authority	Maintenance - Qtr 1	-86,368.59
8432	Caproni Family Septic	February 2013	-11,697.26
8433	Ocean Construction, LLC	Bridge Force Main Maintenance Pay Est. 1 - Final	-35,880.00
8434	Perna Finnigan, Inc.	WAC Sewer Replacement Pay Estimate No. 2	-70,494.65
8435	Pleasantville - Line Rental	Line Rental - Calendar Year 2012	-49,152.17
8436	Polistina & Associates, LLC	February 2013	-73,438.75
8437	Polistina & Associates, LLC	February 2013	-13,362.50
8438	Ridgway & Ridgway	February 2013	-13,834.50
	Total Operating Account		<u>-461,561.86</u>
<b>TOTAL</b>			<b><u>-461,561.86</u></b>

3:20 PM  
03/20/13  
Accrual Basis

**EHTMUA**  
**Checks Written - Developer Account**  
As of March 20, 2013

<u>Num</u>	<u>Name</u>	<u>Memo</u>	<u>Amount</u>
<b>CB Developer Account</b>			
3105	Polistina and Associates	February 2013	-3,480.75
3106	Ridgway & Ridgway	February 2013	-373.75
	Total CB Developer Account		-3,854.50
<b>TOTAL</b>			<b><u><u>-3,854.50</u></u></b>

**EGG HARBOR TOWNSHIP MUNICIPAL UTILITIES AUTHORITY  
PRELIMINARY SEWERAGE EXTENSION APPLICATION  
RESOLUTION # 30 of 2013**

**Applicant: Rukenstein & Associates, LLC  
Project: Cottonwood Avenue  
Block 1926, Lots 1 - 2  
Block 1927, Lots 1 - 4  
EHTMUA Application #13-04**

The Egg Harbor Township Municipal Utilities Authority (referred to as “Authority” or “EHTMUA”) is a duly formed and authorized public body created under the Municipal and County Utilities Authorities Law, as set forth in Chapter 183 of the Laws of New Jersey of 1957, as amended, for the purposes of overseeing the provision and development of sewerage facilities and services within Egg Harbor Township, New Jersey, as more particularly set forth in the Act.

The Township of Egg Harbor is the owner of Block 1926, Lots 1-2 and Block 1927, Lots 1-4, in Egg Harbor Township, New Jersey. The property is approximately six (6) acres and is situated with frontage along Reega Avenue, Cottonwood Avenue, Linden Avenue and Eisenhower Avenue. The Applicant Rukenstein & Associates, LLC, represented by Ron Rukenstein, submitted the application with the consent of the Township of Egg Harbor.

At the regularly scheduled meeting of the Authority on March 20, 2013, the Applicant’s request for Preliminary Approval was heard. The Applicant’s representatives, Jack Plackter, Esquire and Andrew F. Schaefer, were in attendance. At that time, the Authority was presented with plans, specifications and other information concerning the application as set forth below and as otherwise provided in the application materials and the Memorandum of the Authority’s Engineers, Polistina & Associates dated March 19, 2013. A copy of the Engineer’s Report is attached and incorporated into this Resolution by reference. Likewise, the details and specifications of the plans submitted by the Applicant to the Authority at the time of the hearing are incorporated into this Resolution by reference.

**FACTS PRESENTED**

**EGG HARBOR TOWNSHIP MUNICIPAL UTILITIES AUTHORITY  
PRELIMINARY SEWERAGE EXTENSION APPLICATION  
RESOLUTION # 30 of 2013**

**Applicant: Rukenstein & Associates, LLC**

**Project: Cottonwood Avenue**

**Block 1926, Lots 1 - 2**

**Block 1927, Lots 1 - 4**

**EHTMUA Application #13-04**

The Applicant is proposing the construction of a seventy (70) unit residential apartment building on site. The overall footprint of the building will be 21,800 square feet and associated site improvements will include parking, stormwater management systems, and an open space/recreation area. The Applicant has proposed a 100 percent affordable project for low and moderate income residents for the site which will be targeted towards veterans.

The building will contain fourteen (14) one-bedroom units, thirty-eight (38) two-bedroom units, and eighteen (18) three-bedroom units. The total project wastewater flow for the building is 16,050 gallons per day.

The applicant is proposing to construct a total of 293 linear feet of eight (8") inch diameter PVC and two (2) manholes in order to provide service for the proposed project. A six (6") lateral will tie-in to the terminal manhole located on the site. A portion of the eight (8") main will be constructed within the Cottonwood Avenue right-of-way but the balance of all sanitary sewer will be located on-site.

On the project site, the flow is conveyed through the 8" mains constructed in conjunction with the Atlantic Land development over to the 15" main along West Jersey Avenue. The 15" main along West Jersey Avenue conveys the flow to the ACUA Broadway pump station where it enters the Coastal Interceptor line.

The applicant is proposing to construct approximately 293 linear feet of 8-inch diameter sanitary sewer main within the proposed project. There is sufficient cover over the proposed main and the maximum depth of the main is approximately eight (8') feet.

The applicant has provided a copy of the tax assessor's adjacent property list of properties within the 200-foot radius of the project site.

There are a total of twenty-two (22) improved properties within two-hundred feet of the project. Twenty-one (21) of the properties are residential and one (1) is commercial. Twenty (20)

**EGG HARBOR TOWNSHIP MUNICIPAL UTILITIES AUTHORITY  
PRELIMINARY SEWERAGE EXTENSION APPLICATION  
RESOLUTION # 30 of 2013**

**Applicant: Rukenstein & Associates, LLC**

**Project: Cottonwood Avenue**

**Block 1926, Lots 1 - 2**

**Block 1927, Lots 1 - 4**

**EHTMUA Application #13-04**

of the improved properties within two-hundred feet of the project have access or are currently connected to the public sanitary sewer system.

The applicant has provided a conceptual plan to service the remaining two (2) properties within two-hundred feet. The properties shown to be serviced on the conceptual plan include Block 1928, Lots 5 and 9.

The applicant is not proposing any easements for the project.

The Authority Engineer recommended that the application be granted Preliminary Approval.

**AUTHORITY ACTION**

Based upon the above facts developed at the time of the hearing and as otherwise set forth in the application materials, Commissioner Schwemm made a motion to grant Preliminary Approval of the application subject to the applicant's obligations under any applicable recapture agreements that impact the project and Commissioner Prendergast seconded the motion to grant approval subject to that condition. The Commissioners voted unanimously in favor of granting Preliminary Approval as follows:

Chairman Davis:	Affirmative
Vice Chairman Duffy:	Affirmative
Commissioner Schwemm:	Affirmative
Commissioner Prendergast:	Affirmative
Commissioner Pfrommer:	Affirmative
Commissioner Moschetto:	No Vote- Acting as Alternate

**CONDITIONS AND LIMITATIONS OF AUTHORITY ACTION**

The Authority's action set forth above is conditional as set forth below:

1. A preliminary sewerage application is limited only to determining the feasibility aspects of the proposed sewerage project.

**EGG HARBOR TOWNSHIP MUNICIPAL UTILITIES AUTHORITY  
PRELIMINARY SEWERAGE EXTENSION APPLICATION  
RESOLUTION # 30 of 2013**

**Applicant: Rukenstein & Associates, LLC**

**Project: Cottonwood Avenue**

**Block 1926, Lots 1 - 2**

**Block 1927, Lots 1 - 4**

**EHTMUA Application #13-04**

2. In the event the Permit Extension Act of 2008 as amended (the “Act”) applies to this development/project, the suspension, tolling and/or extension of an Authority “Approval” as that term is defined in the Act, is specifically contingent upon the availability of sufficient sewer capacity on the part of the Authority and those entities accepting and treating sewerage flow from the Authority to accommodate the flow generated from the subject development/project pursuant to N.J.S. 40:55D-136.4(e).

3. Preliminary approval is not an allocation of sewerage capacity nor authorization to commence construction. The applicant will not receive a final sewerage allocation until final approval by the Authority is granted, and the State of New Jersey, Department of Environmental Protection (NJDEP) reviews the Treatment Works Application and thereafter executes and issues a permit. Finally the applicant shall not begin any sewerage construction until the Authority issues a final permit which only occurs after the NJDEP permit is issued to the Authority.

4. If the sewer extension or other relief requested in the application is in any way contingent upon construction of other sewerage facilities by the applicant herein or applicants or developers, and these other facilities fail to come into fruition, the Authority reserves the right to deny final approval.

5. Authority approval shall only be valid for one (1) year from the Authority meeting granting such approval. The Authority shall have no obligation to extend any approval. The applicant may request the Authority to extend an approval prior to the expiration of one (1) year in accordance with the Authority’s Rules and Regulations. However, if the Authority does not grant an extension of an approval within one (1) year after the date of Authority action, this resolution and approval shall automatically expire and be deemed revoked without further notice from the Authority. All extensions of the New Jersey DEP Construct and Operate Treatment Works Approval must be filed by and through the Authority’s office at the applicant’s request.

**EGG HARBOR TOWNSHIP MUNICIPAL UTILITIES AUTHORITY  
PRELIMINARY SEWERAGE EXTENSION APPLICATION  
RESOLUTION # 30 of 2013**

**Applicant: Rukenstein & Associates, LLC**

**Project: Cottonwood Avenue**

**Block 1926, Lots 1 - 2**

**Block 1927, Lots 1 - 4**

**EHTMUA Application #13-04**

6. In the event the subject application has been tabled by action of the Authority, such application must be reheard within six (6) months of the date of the Authority action tabling the application in order to maintain any prior preliminary or final application approval in active status. If the tabled application is not reheard and acted upon by the Authority within six (6) months from the time of Authority action tabling it, all prior preliminary and/or final approvals shall be deemed null and void and the application must be resubmitted to the Authority including all application and review fees for any further action.

7. A denied Application must be reheard within six (6) months of the action in order to remain active. Otherwise, a new Application and all applicable fees must be submitted for further Authority action.

In addition to the above, the Authority reserves the right to administratively amend, suspend or revoke the above action through the Authority Clerk in the event of any of the following:

- A. A material change of any plan(s) submitted by the applicant.
- B. Local, County, State or Federal law, plan, regulation, agreement, assessment, obligation or other matter which directly or indirectly affects this project, the sewer plan, capacity, feasibility, the number of building units, or the Authority's action concerning the project.
- C. Any moratorium or other State, County or local action preventing the approval.
- D. Any action outside of the control of the Authority which affects the capacity and feasibility of the applicant's proposed developments. This includes the denial of an easement or other access right necessary for the routing or placement of sewer improvements as set forth in the application materials.
- E. The approval is specifically subject to and conditioned upon the permitting and approval of the plans and the development by the Atlantic County Utilities Authority and the New Jersey Department of Environmental Protection.

**EGG HARBOR TOWNSHIP MUNICIPAL UTILITIES AUTHORITY  
PRELIMINARY SEWERAGE EXTENSION APPLICATION  
RESOLUTION # 30 of 2013**

**Applicant: Rukenstein & Associates, LLC**

**Project: Cottonwood Avenue**

**Block 1926, Lots 1 - 2**

**Block 1927, Lots 1 - 4**

**EHTMUA Application #13-04**

- F. Authority preliminary or final approval is not an allocation of sewer capacity nor is it authorization to commence construction of any sewer related improvement. Sewer related construction may not commence until the Authority issues a final permit after receipt of proper County and State permits.
- G. Any and all "downstream" or other required sewage facilities within or outside the control of the applicant, must be permitted and constructed prior to the applicant taking any action in connection with the development.
- H. Notwithstanding the approval, the applicant must still comply with all rules and regulations of the Authority and Egg Harbor Township, and shall be required to pay all applicable fees, assessments or service charges to the appropriate governmental agency including the appropriate sewer connection fee(s).
- I. It is the applicant's responsibility to determine whether this project is subject to a prior developer's repayment agreement rights. In the event such repayment agreements are involved, all applicable fees must be paid prior to the applicant taking further action.
- J. An Applicant that disagrees with the Authority's actions as set forth in this Resolution or in connection with an application shall have the right to seek reconsideration of the Authority's action. Reconsideration must be sought by submitting written notice of the request for reconsideration to the Authority Clerk within thirty (30) days of the Authority action together with a detailed report stating what actions are challenged and setting forth the applicant's basis for disagreeing with the Authority's actions. All facts, plans, information, statements and reports of professionals supporting the request must be submitted to the Authority at the time the request is made. The Authority will act upon such reconsideration requests within sixty (60) days of receipt of the Applicant's request for reconsideration and report. The applicant's failure to request reconsideration within

**EGG HARBOR TOWNSHIP MUNICIPAL UTILITIES AUTHORITY  
PRELIMINARY SEWERAGE EXTENSION APPLICATION  
RESOLUTION # 30 of 2013**

**Applicant: Rukenstein & Associates, LLC**

**Project: Cottonwood Avenue**

**Block 1926, Lots 1 - 2**

**Block 1927, Lots 1 - 4**

**EHTMUA Application #13-04**

the thirty (30) days set forth above shall constitute an acceptance of the Authority's action.

I, Theresa Prendergast, Secretary for the Egg Harbor Township Municipal Utilities Authority do hereby certify that the foregoing Resolution was duly approved at the regular meeting of the Egg Harbor Township Municipal Utilities Authority held the 20th day of March, 2013, at the Municipal Building, Egg Harbor Township, New Jersey at 5:30 p.m.

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THERESA PRENDERGAST  
SECRETARY



Civil / Municipal Engineering  
 Site Plan and Subdivision Design  
 Surveying  
 Land Use Planning  
 Water and Wastewater Design  
 Environmental Consulting  
 Inspection / Construction Management

Vincent J. Polistina, PE, PP, CME  
 Craig R. Hurlless, PE, PP, CME

**MEMORANDUM**

March 19, 2013

**TO:** EHTMUA  
 Egg Harbor Township

**FROM:** Polistina & Associates  
 Vincent J. Polistina *(Signature)*  
 Authority Engineer

**RE:** EHTMUA No. 13-04  
 Ron Rukenstein  
 PA No. 8121.8

**LOCATION:** Reega Avenue and Cottonwood Avenue  
 1926 / 1, 2 and 1927 / 1-4

**STATUS:** Sewer Extension – Preliminary Review

**USE:** Residential Apartment Building

**JURISDICTIONAL AREA:** Pinelands

The materials submitted and subject to review are as follows:

NO.	TITLE	PREPARED BY	DATE	REVISION
---	Preliminary Application for Extension of Existing Sewer System	Applicant / Schaeffer, Nassar & Scheidegg	03/05/13	---
	Plans	Schaeffer, Nassar & Scheidegg	02/22/13	---

**DESCRIPTION:** The proposed project site comprises approximately 6 acres and is situated between Reega Avenue, Cottonwood Avenue, Linden Avenue and Eisenhower Avenue. The parcels of land are owned by the Township of Egg Harbor. The Township has consented to the submission of the application to the MUA. Ron Rukenstein of Rukenstein & Associates is listed as the applicant for the proposed residential building.

The developers are proposing the construction of a seventy (70) unit residential apartment building on the site. The overall footprint of the building will be 21,800 square feet and associated site improvements will include parking, stormwater management systems, and an open space / recreation area. The developers have proposed a 100 percent affordable project for low and moderate

income residents for the site which will be targeted towards veterans.

The building will contain fourteen (14) one-bedroom units, thirty-eight (38) two-bedroom units, and eighteen (18) three-bedroom units. Based on this mix of units, the anticipated flow is as follows:

14 One-bedroom units @ 150 gpd / unit =	2,100 gpd
38 Two-bedroom units @ 225 gpd / unit =	8,550 gpd
18 Three Bedroom Units @ 300 gpd / unit =	5,400 gpd

The total project flow for the building is 16,050 gallons per day.

The applicant has also provided a conceptual plan to service two (2) existing homes in conjunction with the application. We will calculate a total flow for the project and improved properties within two-hundred feet in conjunction with the final approval once a decision has been made regarding the servicing of the properties.

The applicant is proposing to construct a total of 293 linear feet of eight (8") inch diameter PVC and two (2) manholes in order to provide service for the proposed project. A six (6") lateral will tie-in to the terminal manhole located on the site. A portion of the eight (8") main will be constructed within the Cottonwood Avenue right-of-way but the balance of all sanitary sewer will be located on-site.

From the project site, the flow is conveyed through the 8" mains constructed in conjunction with the Atlantic Land development over to the 15" main along West Jersey Avenue. The 15" main along West Jersey Avenue conveys the flow to the ACUA Broadway pump station where it enters the Coastal Interceptor line.

#### **PRELIMINARY REVIEW CRITERIA:**

##### **1) Capacity:**

The proposed eight-inch sanitary sewer main will have sufficient capacity to service the proposed project. The downstream 8" and 15" mains also have sufficient capacity to handle the proposed flow.

The ACUA Broadway pump station and associated force are sized to provide sufficient capacity to accommodate the projected volume of waste from the proposed project.

##### **2) Feasibility:**

The applicant is proposing to construct approximately 293 linear feet of 8-inch diameter sanitary sewer main within the proposed project. There is sufficient cover over the proposed main and the maximum depth of the main is approximately eight (8) feet.

**3) Homes within 200':**

The applicant has provided a copy of the tax assessor's adjacent property list of properties within the 200-foot radius of the project site.

There are a total of twenty-two (22) improved properties within two-hundred feet of the project. Twenty-one (21) of the properties are residential and one (1) is commercial. Twenty (20) of the improved properties within two-hundred feet of the project have access or are currently connected to the public sanitary sewer system.

The applicant has provided a conceptual plan to service the remaining two (2) properties within two-hundred feet. The properties shown to be serviced on the conceptual plan include Block 1928, Lots 5 and 9.

**4) Easements:**

The applicant is not proposing any easements for the project.

**5) Administrative Issues:**

The application is administratively complete.

**6) Recapture:**

We are not aware of any recapture agreements that the developer would be subject to at this point in time.

**RECOMMENDATIONS:**

Polistina & Associates recommends that this application be granted preliminary approval.

Should there be any questions regarding the contents of this report, please feel free to call.

**EGG HARBOR TOWNSHIP MUNICIPAL UTILITIES AUTHORITY  
AMENDED PRELIMINARY SEWERAGE EXTENSION APPLICATION  
RESOLUTION # 31 of 2013**

**Applicants: Ralph Clayton, Crossing MHC Corp, Walter Gauta  
Project: English Creek Avenue & Ocean Heights Avenue**

**Blocks 5205 – 5210, Multiple Lots  
EHTMUA Application # 06-67**

The Egg Harbor Township Municipal Utilities Authority (referred to as "Authority" or "EHTMUA") is a duly formed and authorized public body created under the Municipal and County Utilities Authorities Law, as set forth in Chapter 183 of the Laws of New Jersey of 1957 as amended for the purposes of overseeing the provision and development of sewerage facilities and services within Egg Harbor Township, New Jersey as more particularly set forth in the Act.

Ralph Clayton, Crossings MHC Corp, and Walter Gauta are the owners of multiple lots within Blocks 5205-5210, in Egg Harbor Township, New Jersey, and are the designated Applicants in this matter. The property is approximately 52 acres and is situated at the intersection of English Creek Avenue and Ocean Heights Avenue.

The Applicant received Preliminary Approval at the Authority's regularly scheduled meeting on September 19, 2007. At the regularly scheduled meeting of the Authority on March 20, 2013, the Applicant's request for Amended Preliminary Approval was heard. The Applicant's representatives, Salvatore Perillo, Esquire, Christopher J. Hanlon, Esquire, Andrew F. Schaeffer, PE, PP, Keith Ottens, Paul Casacio and Brian Brangan were in attendance. At that time, the Authority was presented with plans, specifications and other information concerning the application as set forth below and as otherwise provided in the application materials and the Memorandum of the Authority's Engineers, Polistina and Associates dated August 30, 2012. A copy of the Engineer's Report is attached and incorporated into this Resolution by reference. Likewise, the details and specifications of the plans submitted by the Applicant to the Authority at the time of the hearing are incorporated into this Resolution by reference.

**EGG HARBOR TOWNSHIP MUNICIPAL UTILITIES AUTHORITY  
AMENDED PRELIMINARY SEWERAGE EXTENSION APPLICATION  
RESOLUTION # 31 of 2013**

**Applicants: Ralph Clayton, Crossing MHC Corp, Walter Gauta  
Project: English Creek Avenue & Ocean Heights Avenue**

**Blocks 5205 – 5210, Multiple Lots  
EHTMUA Application # 06-67**

**FACTS PRESENTED**

At the commencement of the hearing it was noted that no representative of Crossing MHC Corp had signed the application. Prior to the Authority considering the matter, Mr. Brangan signed the application.

The developers are proposing the relocation of 92 age-restricted mobile home units and the construction of 165,751 square feet of retail space, a 150 seat restaurant, a 4,099 square foot bank, a 136 seat fast food restaurant, a 256 seat restaurant, another 54 seat restaurant, and 10,000 square foot of outdoor storage space. The applicant indicated that the project will be developed in three (3) phases.

The total project flow for all three (3) phases is 55,615 gallons per day.

The applicant has provided a conceptual plan to service twenty (20) existing homes and seven (7) commercial properties in conjunction with the application. The Authority Engineer will calculate a total flow for the project and improved properties within two-hundred feet in conjunction with the final approval once a decision has been made regarding the servicing of the properties.

The applicant is proposing to construct a total of approximately 9,561 linear feet of 8” diameter PVC in order to provide service for the proposed project.

Under Phase I, the applicant has indicated that a grinder pump and force main along Mill Road are proposed. The grinder pump/force main are to be abandoned in conjunction with Phase II of the project once the on-site pump station once the on-site pump station is constructed.

For Phases II and III, the flow will be collected and directed to an on-site pumping station, which will be located on Ocean Boulevard just south of English Creek Avenue. From the on-site pumping station, the plans show a force main which will be extended along English Creek Avenue, Ocean Heights Avenue and Mill Road to connect into an existing manhole which feeds to the English Mill pump station. From the English Mill pump station, the flow is

**EGG HARBOR TOWNSHIP MUNICIPAL UTILITIES AUTHORITY  
AMENDED PRELIMINARY SEWERAGE EXTENSION APPLICATION  
RESOLUTION # 31 of 2013**

**Applicants: Ralph Clayton, Crossing MHC Corp, Walter Gauta  
Project: English Creek Avenue & Ocean Heights Avenue**

**Blocks 5205 – 5210, Multiple Lots  
EHTMUA Application # 06-67**

conveyed to the Mountain Lane Regional Pumping Station which will then redirect the flow to the ACUA Broadway Pumping Station on West Jersey Avenue.

The proposed on-site pumping station and eight-inch sanitary sewer mains will have sufficient capacity to service the proposed project. The on-site pumping station and tributary mains will be designed by the Authority to ensure sufficient capacity to provide service to all improved properties within the EHTMUA English Mill and Pennsylvania basins.

The plans show the flow being conveyed from the on-site pumping station via a six-inch force main along English Creek Avenue, east along Ocean Heights Avenue and north along Mill Road to a gravity system which feeds the English Mill pump station. The Authority may modify the force main routing in conjunction with the design work for the pump station/force main since routing the flow to High School Drive may be preferable to the current design. The force main design and routing will be completed in conjunction with the final approval for the project.

From the English Mill pump station, the flow is conveyed via force/gravity mains along High School Drive, Tremont Avenue and West Jersey Avenue to the Mountain Lane Regional pump station. The flow will be conveyed from the Mountain Lane Regional Pumping Station via force/gravity main to the ACUA Broadway Pumping Station.

The English Mill pump station and associated force main and Mountain Lane Regional Pumping Station and associated force main have been designed to provide sufficient capacity to accommodate the projected volume of waste from the proposed development.

The applicant is proposing to construct approximately 9,561 linear feet of 8-inch diameter sanitary sewer main within the proposed development. As the applicant will be constructing an on-site pump station for the proposed project, the applicant will be able to provide sufficient cover over the proposed sanitary sewer facilities. The maximum depth of the proposed main is currently shown at fourteen (14) feet.

The applicant has provided a copy of the tax assessor's adjacent property list of properties within the 200-foot radius of the project site.

**EGG HARBOR TOWNSHIP MUNICIPAL UTILITIES AUTHORITY  
AMENDED PRELIMINARY SEWERAGE EXTENSION APPLICATION  
RESOLUTION # 31 of 2013**

**Applicants: Ralph Clayton, Crossing MHC Corp, Walter Gauta  
Project: English Creek Avenue & Ocean Heights Avenue**

**Blocks 5205 – 5210, Multiple Lots  
EHTMUA Application # 06-67**

There are a total of twenty-eight (28) improved properties within two-hundred feet of the project. Twenty (20) of the properties are residential and eight (8) are commercial. Only one (1) of the properties is currently connected to the public sanitary sewer system (the existing Wawa located on Block 3301, Lot 1).

The applicant has provided a conceptual plan to service the remaining twenty-seven (27) properties within two-hundred feet. The properties shown to be serviced on the conceptual plan include:

Block 5101, Lots 179.01, 180, 181, 183, 184; Block 5104, Lots 8, 9; Block 5105, Lots 1, 7; Block 5106, Lot 1; Block 5117, Lots 1, 2, 3; Block 5202, Lots 42, 43, 44, 46, 47, 48, 49, 50; Block 5205, Lot 43, 48 and 55; and Block 5210, Lots 10, 11, 16.

The applicant is proposing several easements for the project as follows:

1. A 100 foot by 75 foot easement for the proposed pump station on Ocean Boulevard.
2. A twenty (20) foot wide easement for sewer proposed along Ocean Avenue where the right-of-way has been vacated. The easement will extend for a length of 390 feet and will connect to the existing Ocean Avenue right-of-way.
3. An easement for the sewer proposed through the commercial portion of the project. This easement may be necessary should the flow from the homes along Ocean Heights Avenue be conveyed through the project as is currently shown.

Descriptions of all proposed easements must be provided in conjunction with final approval. The Authority Engineer will also be working with the applicant to explore the possibility of limiting the easements in conjunction with final approval.

The applicant will owe recapture for the Mountain Lane pump station/force main and any other recapture obligations impacting the project.

The Authority Engineer recommended that the application be granted Amended Preliminary Approval. The Applicant agreed to withdraw the pending application for Final Approval from the Authority.

**AUTHORITY ACTION**

**EGG HARBOR TOWNSHIP MUNICIPAL UTILITIES AUTHORITY  
AMENDED PRELIMINARY SEWERAGE EXTENSION APPLICATION  
RESOLUTION # 31 of 2013**

**Applicants: Ralph Clayton, Crossing MHC Corp, Walter Gauta  
Project: English Creek Avenue & Ocean Heights Avenue**

**Blocks 5205 – 5210, Multiple Lots  
EHTMUA Application # 06-67**

Based upon the above facts developed at the time of the hearing and as otherwise set forth in the application materials, Commissioner Schwemm made a motion to grant Amended Preliminary Approval of the Application subject the conditions that the applicant be responsible for all recapture obligations impacting the project and withdraw the pending application for Final Approval from the Authority. Commissioner Pfrommer seconded the motion to grant approval subject to those conditions. The Commissioners voted unanimously in favor of granting Preliminary Amended Approval as follows:

Chairman Davis:	Affirmative
Vice Chairman Duffy:	Affirmative
Commissioner Schwemm:	Affirmative
Commissioner Prendergast:	Affirmative
Commissioner Pfrommer:	Affirmative
Commissioner Moschetto:	No Vote- Acting as Alternate

**CONDITIONS AND LIMITATIONS OF AUTHORITY ACTION**

The Authority’s action set forth above is conditional as set forth below:

1. A preliminary sewerage application is limited only to determining the feasibility aspects of the proposed sewerage project.
2. In the event the Permit Extension Act of 2008 as amended (the “Act”) applies to this development/project, the suspension, tolling and/or extension of an Authority “Approval” as that term is defined in the Act, is specifically contingent upon the availability of sufficient sewer capacity on the part of the Authority and those entities accepting and treating sewerage flow from the Authority to accommodate the flow generated from the subject development/project pursuant to N.J.S. 40:55D-136.4(e).
3. Preliminary approval is not an allocation of sewerage capacity nor authorization to commence construction. The applicant will not receive a final sewerage allocation until final approval by the Authority is granted, and the State of New Jersey, Department of Environmental

**EGG HARBOR TOWNSHIP MUNICIPAL UTILITIES AUTHORITY  
AMENDED PRELIMINARY SEWERAGE EXTENSION APPLICATION  
RESOLUTION # 31 of 2013**

**Applicants: Ralph Clayton, Crossing MHC Corp, Walter Gauta  
Project: English Creek Avenue & Ocean Heights Avenue**

**Blocks 5205 – 5210, Multiple Lots  
EHTMUA Application # 06-67**

Protection (NJDEP) reviews the Treatment Works Application and thereafter executes and issues a permit. Finally the applicant shall not begin any sewerage construction until the Authority issues a final permit which only occurs after the NJDEP permit is issued to the Authority.

4. If the sewer extension or other relief requested in the application is in any way contingent upon construction of other sewerage facilities by the applicant herein or applicants or developers, and these other facilities fail to come into fruition, the Authority reserves the right to deny final approval.

5. Authority approval shall only be valid for one (1) year from the Authority meeting granting such approval. The Authority shall have no obligation to extend any approval. The applicant may request the Authority to extend an approval prior to the expiration of one (1) year in accordance with the Authority's Rules and Regulations. However, if the Authority does not grant an extension of an approval within one (1) year after the date of Authority action, this resolution and approval shall automatically expire and be deemed revoked without further notice from the Authority. All extensions of the New Jersey DEP Construct and Operate Treatment Works Approval must be filed by and through the Authority's office at the applicant's request.

6. In the event the subject application has been tabled by action of the Authority, such application must be reheard within six (6) months of the date of the Authority action tabling the application in order to maintain any prior preliminary or final application approval in active status. If the tabled application is not reheard and acted upon by the Authority within six (6) months from the time of Authority action tabling it, all prior preliminary and/or final approvals shall be deemed null and void and the application must be resubmitted to the Authority including all application and review fees for any further action.

7. A denied Application must be reheard within six (6) months of the action in order to remain active. Otherwise, a new Application and all applicable fees must be submitted for further Authority action.

**EGG HARBOR TOWNSHIP MUNICIPAL UTILITIES AUTHORITY  
AMENDED PRELIMINARY SEWERAGE EXTENSION APPLICATION  
RESOLUTION # 31 of 2013**

**Applicants: Ralph Clayton, Crossing MHC Corp, Walter Gauta  
Project: English Creek Avenue & Ocean Heights Avenue**

**Blocks 5205 – 5210, Multiple Lots  
EHTMUA Application # 06-67**

In addition to the above, the Authority reserves the right to administratively amend, suspend or revoke the above action through the Authority Clerk in the event of any of the following:

- A. A material change of any plan(s) submitted by the applicant.
- B. Local, County, State or Federal law, plan, regulation, agreement, assessment, obligation or other matter which directly or indirectly affects this project, the sewer plan, capacity, feasibility, the number of building units, or the Authority's action concerning the project.
- C. Any moratorium or other State, County or local action preventing the approval.
- D. Any action outside of the control of the Authority which affects the capacity and feasibility of the applicant's proposed developments. This includes the denial of an easement or other access right necessary for the routing or placement of sewer improvements as set forth in the application materials.
- E. The approval is specifically subject to and conditioned upon the permitting and approval of the plans and the development by the Atlantic County Utilities Authority and the New Jersey Department of Environmental Protection.
- F. Authority preliminary or final approval is not an allocation of sewer capacity nor is it authorization to commence construction of any sewer related improvement. Sewer related construction may not commence until the Authority issues a final permit after receipt of proper County and State permits.
- G. Any and all "downstream" or other required sewage facilities within or outside the control of the applicant, must be permitted and constructed prior to the applicant taking any action in connection with the development.
- H. Notwithstanding the approval, the applicant must still comply with all rules and regulations of the Authority and Egg Harbor Township, and shall be required to pay all applicable fees, assessments or service charges to the appropriate governmental agency including the appropriate sewer connection fee(s).

**EGG HARBOR TOWNSHIP MUNICIPAL UTILITIES AUTHORITY  
AMENDED PRELIMINARY SEWERAGE EXTENSION APPLICATION  
RESOLUTION # 31 of 2013**

**Applicants: Ralph Clayton, Crossing MHC Corp, Walter Gauta  
Project: English Creek Avenue & Ocean Heights Avenue**

**Blocks 5205 – 5210, Multiple Lots  
EHTMUA Application # 06-67**

- I. It is the applicant’s responsibility to determine whether this project is subject to a prior developer’s repayment agreement rights. In the event such repayment agreements are involved, all applicable fees must be paid prior to the applicant taking further action.
- J. An Applicant that disagrees with the Authority’s actions as set forth in this Resolution or in connection with an application shall have the right to seek reconsideration of the Authority’s action. Reconsideration must be sought by submitting written notice of the request for reconsideration to the Authority Clerk within thirty (30) days of the Authority action together with a detailed report stating what actions are challenged and setting forth the applicant’s basis for disagreeing with the Authority’s actions. All facts, plans, information, statements and reports of professionals supporting the request must be submitted to the Authority at the time the request is made. The Authority will act upon such reconsideration requests within sixty (60) days of receipt of the Applicant’s request for reconsideration and report. The applicant’s failure to request reconsideration within the thirty (30) days set forth above shall constitute an acceptance of the Authority’s action.

I, Theresa Prendergast, Secretary for the Egg Harbor Township Municipal Utilities Authority do hereby certify that the foregoing Resolution was duly approved at the regular meeting of the Egg Harbor Township Municipal Utilities Authority held the 20th day of March, 2013 at the Municipal Building, Egg Harbor Township, New Jersey at 5:30 p.m.

\_\_\_\_\_  
THERESA PENDERGAST  
SECRETARY

**MEMORANDUM**

August 30, 2012

**TO:** EHTMUA  
Egg Harbor Township

**FROM:** Polistina & Associates  
Vincent J. Polistina  
Authority Engineer

**RE:** EHTMUA No. 06-67  
Ralph Clayton / Crossings, MHC (Brangan) / Walter Gauta  
PA No. 8119.1

**LOCATION:** English Creek Avenue and Ocean Heights Avenue  
5210 / 1 and Various

**STATUS:** Sewer Extension – Preliminary Review (Amended)

**USE:** Mobile Homes / Retail / Pharmacy / Bank / Restaurants

**JURISDICTIONAL AREA:** CAFRA

The materials submitted and subject to review are as follows:

NO.	TITLE	PREPARED BY	DATE	REVISION
---	Preliminary Application for Extension of Existing Sewer System	Applicant / Schaeffer, Nassar & Scheidegg	06/14/12	---
	Plans	Schaeffer, Nassar & Scheidegg	04/25/12	---

**DESCRIPTION:** The proposed project comprises approximately 52 acres and is situated at the intersection of English Creek Avenue and Ocean Heights Avenue. The parcels of land are owned by several different entities including Clayton Development Group (Ralph Clayton), Brangan Group, LLC (Brian Brangan) and Kristin Property Group (Walter Gauta). The ownership of each of the properties associated with the application was provided as an appendix to the preliminary application submission.

The developers are proposing the relocation of 92 age-restricted mobile home units and the construction of 165,751 square feet of retail space, a 150 seat restaurant, a 4,099 square foot bank, a 136 seat fast food restaurant, a 256 seat restaurant, a 54 seat restaurant, another 54 seat restaurant, and 10,000 square feet of

outdoor storage space. The applicant is indicating that the project will be broken into 3 phases with the flow breakdown as follows:

**Phase I**

150 seat restaurant @ 35 gpd / seat =	5,250 gpd
3,600 sf retail @ .1 gpd / sf =	360 gpd

**Phase II**

30 Mobile Homes (3-bedroom) @ 225 gpd =	6,750 gpd
62 Mobile Homes (2-bedroom) @ 175 gpd =	10,850 gpd

**Phase III**

162,151 sf retail @ .1 gpd / sf =	16,215 gpd
4,099 sf bank @ .1 gpd / sf =	410 gpd
256 seat restaurant @ 35 gpd / seat =	8,960 gpd
136 seat fast food restaurant @ 15 gpd / seat =	2,040 gpd
54 seat restaurant @ 35 gpd / seat =	1,890 gpd
54 seat restaurant @ 35 gpd / seat =	1,890 gpd
10,000 sf outdoor storage @ .1 gpd / sf =	1,000 gpd

The total project flow for all three (3) phases is 55,615 gallons per day.

The applicant has also provided a conceptual plan to service twenty (20) existing homes and seven (7) commercial properties in conjunction with the application. We will calculate a total flow for the project and improved properties within two-hundred feet in conjunction with the final approval once a decision has been made regarding the servicing of the properties.

The applicant is proposing to construct a total of approximately 9,561 linear feet of 8" diameter PVC in order to provide service for the proposed project.

Under Phase I, the applicant has indicated that a grinder pump and force main along Mill Road are proposed. The grinder pump / force main are to be abandoned in conjunction with Phase II of the project once the on-site pump station is constructed.

For Phases II and III, the flow will be collected and directed to an on-site pumping station, which will be located on Ocean Boulevard just south of English Creek Avenue. From the on-site pump station, the plans show a force main which will be extended along English Creek Avenue, Ocean Heights Avenue and Mill Road to connect into an existing manhole which feeds to the English Mill pump station. From the English Mill pump

station, the flow is conveyed to the Mountain Lane Regional Pumping Station which will then redirect the flow to the ACUA Broadway Pumping Station on West Jersey Avenue.

**PRELIMINARY REVIEW CRITERIA:**

**1) Capacity:**

The proposed on-site pumping station and eight-inch sanitary sewer mains will have sufficient capacity to service the proposed project. The on-site pumping station and tributary mains will be designed by the Authority to ensure sufficient capacity to provide service to all improved properties within the EHTMUA English Mill and Pennsylvania basins.

The plans show the flow being conveyed from the on-site pumping station via a six-inch force main north along English Creek Avenue, east along Ocean Heights Avenue and north along Mill Road to a gravity system which feeds the English Mill pump station. The Authority may modify the force main routing in conjunction with the design work for the pump station / force main since routing the flow to High School Drive may be preferable to the current design. The force main design and routing will be completed in conjunction with final approval for the project.

From the English Mill pump station, the flow is conveyed via force / gravity mains along High School Drive, Tremont Avenue and West Jersey Avenue to the Mountain Lane Regional pump station. The flow will be conveyed from the Mountain Lane Regional Pumping Station via force / gravity main to the ACUA Broadway Pumping Station.

The English Mill pump station and associated force main and Mountain Lane Regional Pumping Station and associated force main have been designed to provide sufficient capacity to accommodate the projected volume of waste from the proposed development.

**2) Feasibility:**

The applicant is proposing to construct approximately 9,561 linear feet of 8-inch diameter sanitary sewer main within the proposed development. As the applicant will be constructing an on-site pump station for the proposed project, the applicant will be able to provide sufficient cover over the proposed sanitary sewer facilities. The maximum depth of the proposed main is currently shown at fourteen (14) feet.

**3) Homes within 200':**

The applicant has provided a copy of the tax assessor's adjacent property list of properties within the 200-foot radius of the project site.

There are a total of twenty-eight (28) improved properties with two-hundred feet of the project. Twenty (20) of the properties are residential and eight (8) are commercial. Only one (1) of the properties is currently connected to the public sanitary sewer system – the existing Wawa located on Block 3301, Lot 1.

The applicant has provided a conceptual plan to service the remaining twenty-seven (27) properties within two-hundred feet. The properties shown to be serviced on the conceptual plan include:

Block 5101, Lots 179.01, 180, 181, 183, 184; Block 5104, Lots 8, 9; Block 5105, Lots 1, 7; Block 5106, Lot 1; Block 5117, Lots 1, 2, 3; Block 5202, Lots 42, 43, 44, 46, 47, 48, 49, 50; Block 5205, Lot 43, 48 and 55; and Block 5210, Lots 10, 11, 16.

**4) Easements:**

The applicant is proposing several easements for the project as follows:

1) A 100 foot by 75 foot easement for the proposed pump station on Ocean Boulevard.

2) A twenty (20) foot wide easement for sewer proposed along Ocean Avenue where the right-of-way has been vacated. The easement will extend for a length of 390 feet and will connect to the existing Ocean Avenue right-of-way.

3) An easement for the sewer proposed through the commercial portion of the project. This easement may be necessary should the flow from the homes along Ocean Heights Avenue be conveyed through the project as is currently shown.

Descriptions of all proposed easements must be provided in conjunction with final approval. We will also be working with the applicant to explore the possibility of limiting the easements in conjunction with final approval.

**5) Administrative Issues:**

The application is administratively complete.

**6) Recapture:**

The applicant will owe recapture for the Mountain Lane pump station / force main. We are not aware of any other recapture agreements that the developer would be subject to at this point in time.

**RECOMMENDATIONS:**

Polistina & Associates recommends that this application be granted amended preliminary approval.

Should there be any questions regarding the contents of this report, please feel free to call.

**Egg Harbor Township  
Municipal Utilities Authority**

**CERTIFICATION OF AVAILABILITY  
OF FUNDS FOR  
CHANGE ORDER**

In accordance with regulations of the Local Finance Board, I hereby certify that funds are available for the following:

<b>Date</b>	March 20, 2013
<b>Resolution #</b>	32 - 2013
<b>Contract</b>	# 63 – Bridge Force Main Repairs
<b>Vendor</b>	Ocean Construction
<b>Original Contract Amount</b>	\$ 35,600.00
<b>Change Order Amount</b>	\$ 280.00
<b>Reason</b>	Additional work
<b>Budget Line Item</b>	Repair & Maintenance

\_\_\_\_\_  
Henry C. Schwemm, Treasurer

\_\_\_\_\_  
Theresa Prendergast, Secretary

**EGG HARBOR TOWNSHIP  
MUNICIPAL UTILITIES AUTHORITY**

**RESOLUTION # 33 – 2013**

**Resolution authorizing payment of all bills out of the Operating Account**

**BE IT RESOLVED**, by the Municipal Utilities Authority that all bills as enumerated on the attached list of bills are hereby authorized to be paid.

Dated: March 20, 2013

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Theresa Prendergast  
Secretary

**Egg Harbor Township Municipal Utilities Authority**  
**Checks Written - Operating Account**  
 As of March 20, 2013

Num	Name	Memo	Amount
<b>Operating Account</b>			
		April Payroll and PERS	-68,917.11
TEPS	State of NJ Health Benefits	March 2013	-11,075.38
8412	Egg Harbor Township - Dental	Dental Benefits - March 2013	-494.46
8413	Crystal Springs	Invoice # 3228663 030113	-34.64
8414	Daily Journal, The	Acct. # 108712	-252.70
8415	Mossman's Business Machine	Invoice #129897	-25.77
8416	Phoenix Advisors, LLC	Arbitrage Rebate Calculation	-1,500.00
8417	Press of Atlantic City, The	Acct. # 103389	-495.90
8418	W.B. Mason Co., Inc.	Invoice #09856686 & I10006489	-214.50
8419	ACE Hardware	Customer #552303	-131.57
8420	Crown Auto Parts, Inc.	Invoice #D584547	-50.82
8421	CW Sales Corporation	Acct. # EGGHAR; Inv. #106355	-1,922.21
8422	Johnson & Towers, Inc.	Invoice #0686541 & 0688645	-1,409.28
8423	One Call Concepts, Inc.	Invoice #3025254	-282.56
8424	Waszen Brothers Sanitation, Inc.	Invoice # 20930	-500.00
8425	AT & T	Acct. # 020 595 7994/5499	-141.26
8426	Atlantic City Electric	multiple accounts	-18,422.02
8427	New Jersey American Water Co.	multiple accounts	-680.07
8428	South Jersey Gas	Acct: 11341704119 & 11338452912	-50.00
8429	Verizon	Acct. #201 Z42 0142 999 78 Y	-606.47
8430	Verizon Wireless	Acct. # 200702280-00001	-126.72
8431	Atlantic County Utilities Authority	Maintenance - Qtr 1	-86,368.59
8432	Caproni Family Septic	February 2013	-11,697.26
8433	Ocean Construction, LLC	Bridge Force Main Maintenance Pay Est. 1 - Final	-35,880.00
8434	Perna Finnigan, Inc.	WAC Sewer Replacement Pay Estimate No. 2	-70,494.65
8435	Pleasantville - Line Rental	Line Rental - Calendar Year 2012	-49,152.17
8436	Polistina & Associates, LLC	February 2013	-73,438.75
8437	Polistina & Associates, LLC	February 2013	-13,362.50
8438	Ridgway & Ridgway	February 2013	-13,834.50
	Total Operating Account		-461,561.86
<b>TOTAL</b>			<b>-461,561.86</b>

EGG HARBOR TOWNSHIP  
MUNICIPAL UTILITIES AUTHORITY

RESOLUTION # 34 – 2013

Resolution authorizing payment of all bills out of the Developer Account

**BE IT RESOLVED**, by the Municipal Utilities Authority that all bills as enumerated on the attached list of bills are hereby authorized to be paid.

Dated: March 20, 2013

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Theresa Prendergast  
Secretary

3:20 PM  
03/20/13  
Accrual Basis

**EHTMUA**  
**Checks Written - Developer Account**  
As of March 20, 2013

<u>Num</u>	<u>Name</u>	<u>Memo</u>	<u>Amount</u>
<b>CB Developer Account</b>			
3105	Polistina and Associates	February 2013	-3,480.75
3106	Ridgway & Ridgway	February 2013	-373.75
	Total CB Developer Account		-3,854.50
<b>TOTAL</b>			<b><u><u>-3,854.50</u></u></b>



**Egg Harbor Township Municipal Utilities Authority**

**Resolution # 36 - 2013**

**February 2013 Adjustments**

**WHEREAS**, there are certain accounts requiring adjustments for sewer service charges and/or interest charges.

<b>Acct #</b>	<b>Property Location</b>	<b>Amount</b>	<b>P or I</b>	<b>Explanation</b>
13037-0	74A Oxford Village	\$ 7.95	I	Wrong mailing address
8189-0	10 Providence Road	\$ 3.39	I	Military
10624-0	320 Sunflower Drive	\$ 2.70	I	Good History
10478-0	636 London Court II	\$ 2.26	I	Good History
10918-0	335 Sunflower Drive	\$ 1.17	I	Good History
1780-8	6690 Black Horse Pike	\$ 1.13	I	Paid prior to penalty
1780-9	6690 Black Horse Pike	\$ 1.13	I	Paid prior to penalty
3745-0	8012 Black Horse Pike	\$ 1.13	I	Paid prior to penalty
1078-0	6206 Black Horse Pike	\$ 1.13	I	Paid prior to penalty
111-0	6804 Delilah Road	\$ 1.13	I	Good History
1791-0	6685 Black Horse Pike	\$ 15.36	I	Paid prior to penalty
3576-0	7014 Black Horse Pike	\$ 1.13	I	Good History
4871-11	501 Zion Road	\$ 1.13	I	Good History
391-0	16 Idlewood Avenue	\$ 1.15	I	Delayed Deed

**WHEREAS**, there are certain account requiring a refund for sewer service charges and/or interest charges.

<b>Acct #</b>	<b>Property Location</b>	<b>Amount</b>	<b>P or I</b>	<b>Explanation</b>
None				

**NOW THEREFORE**, be it resolved by the Egg Harbor Township Municipal Utilities Authority that said accounts are hereby adjusted and/or refunded in the specified amounts.

I, Theresa Prendergast, Secretary for the Egg Harbor township Municipal Utilities Authority do hereby certify that the foregoing Resolution was duly adopted at the regular meeting of the Egg Harbor Township MUA held on March 20, 2013 at the Municipal Building, 3515 Bargaintown Road, Egg Harbor Township, NJ at 5:30 PM.

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Theresa Prendergast, Secretary

**EGG HARBOR TOWNSHIP  
MUNICIPAL UTILITIES AUTHORITY  
Closed Session**

**RESOLUTION # 37 – 2013**

**Resolution to convene into Closed Executive Session to discuss matters which may involve litigation and/or personnel**

**WHEREAS**, the Open Public Meetings Act, PL 1975, Chapter 231 permits the exclusion of the public from a meeting in certain circumstances; and

**WHEREAS**, this public body is of the opinion that such circumstances presently exist; and

**WHEREAS**, the Authority wishes to discuss matters involving Personnel and/or Litigation as follows:

Potential Litigation related to sewer line relocation responsibility

**WHEREAS**, minutes will be kept and once the matter(s) involving the confidentiality of the above no longer requires that confidentiality, then the minutes can be made public;

**NOW, THEREFORE, BE IT RESOLVED** by the Egg Harbor Township Municipal Utilities Authority that the public be excluded from this Closed Executive Session of the Authority meeting.

Dated: March 20, 2013

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Theresa Prendergast  
Secretary