

RESOLUTION FOR AUTHORIZATION FOR EXECUTION OF SEVENTH
AMENDMENT TO CUSTOMER SERVICE CONTRACT WITH MINE HILL
RELEVANT TO SEWER SERVICE FOR FERROMONTE PLAZA

**Township of Mine Hill
Ferromonte Plaza
271-273 US Route 46 West
Block 807, Lot 1**

WHEREAS, the Township of Mine Hill desires to provide sanitary sewer service to Ferromonte Plaza, 271-273 US Route 46 West, Block 807, Lot 1, located in Mine Hill. The project includes construction of approximately 170 LF of force main for commercial use to be connected through an existing Sewer Easement agreement, dated January 13, 2021, into a sewer main on William Street, and is needed to replace a failing septic system and to address a public health issue affecting the property. By letter dated May 7, 2019, Deputy Director of Health, Derrick Webb, documented septic effluent discharging from the onsite failing septic system. Additionally, Mark Burghoffer, Environmental Specialist, NJDEP, documented septic effluent discharging from the septic system by letter, Compliance Evaluation and Assistance Report and Notice of Violation issued on May 20, 2022. The property currently contains a gym, barber shop, restaurants, and a childcare center; and

WHEREAS, the aforementioned property is within the unassigned area of the RVRSA Sewer Service Area as confirmed by Morris County Planning and Development and is reflected on Sewer Service Area 3M Map adopted on October 1, 2020. The property is adjacent to the RVRSA sewer service area; and

WHEREAS, an application for a Sewer Connection Permit has been submitted by the Township of Mine Hill ("Mine Hill") which proposes the connection of Ferromonte Plaza, Block 807 Lot 1, to the RVRSA sanitary sewer service area; and

WHEREAS, the proposed project will connect to the Jackson Brook Interceptor, which is owned and operated by the Township of Randolph; accordingly, the Township of Randolph must approve the connection of the project to the Jackson Brook Interceptor; the approval of the Township of Randolph is required but has not yet been received. Therefore, RVRSA approval must be contingent upon Township of Randolph approval allowing the connection of the project to the Jackson Brook Interceptor; and

WHEREAS, pursuant to RVRSA's planning estimates, the gallongage required to service the proposed project is in the amount of 4,234 GPD; and

WHEREAS, pursuant to NJDEP's criteria, the gallonage required to service the proposed project is in the amount of 4,234 GPD; and

WHEREAS, the Township of Mine Hill is a customer of the RVRSA. Pursuant to the Amended and Restated Customer Service Contract, dated April 19, 2018, between the RVRSA and Mine Hill Township, Mine Hill Township is authorized to discharge not more than 109,822 gallons per day of sewage into the System of the Authority. A First Amendment to Amended and Restated Customer Service Contract Between the Rockaway Valley Regional Sewerage Authority and the Township of Mine Hill was executed on March 15, 2019, which provided for the discharge of an additional 5,850 gallons of sewerage for a total flow of 115,672 gallons per day of sewage into the system of the Authority. A Second Amendment to Amended and Restated Customer Service Contract Between the Rockaway Valley Regional Sewerage Authority and the Township of Mine Hill was executed on March 18, 2019, which provided for the discharge of an additional 2,475 gallons of sewerage for a total flow of 118,147 gallons per day of sewage into the system of the Authority. A Third Amendment to the Amended and Restated Customer Service Contract Between the Rockaway Valley Regional Sewerage Authority and the Township of Mine Hill was executed on May 30, 2019, which provided for the discharge of an additional 12,895 GPD of sewerage for a total flow of 131,042 gallons per day of sewage into the System of the Authority. A Fourth Amendment to the Amended and Restated Customer Service Contract Between the Rockaway Valley Regional Sewerage Authority and the Township of Mine Hill was executed on July 24, 2020, which provided for the discharge of an additional 2,785 GPD of sewerage for a total flow of 133,827 gallons per day of sewage into the System of the Authority. A Fifth Amendment to the Amended and Restated Customer Service Contract Between the Rockaway Valley Regional Sewerage Authority and the Township of Mine Hill was executed on April 23, 2021, which provided for the discharge of an additional 5,836 GPD of sewerage for a total flow of 139,663 gallons per day of sewerage into the System of the Authority. A Sixth Amendment to the Amended and Restated Customer Service Contract Between the Rockaway Valley Regional Sewerage Authority and the Township of Mine Hill is pending, which will provide for the discharge of an additional 10,350 GPD of sewerage for a total discharge of 150,013 gallons per day; and

WHEREAS, subject to execution of a Seventh Amendment to the Amended and Restated Customer Service Contract by RVRSA and the Township of Mine Hill providing for sufficient gallonage to accommodate the additional flow proposed to be

served pursuant to this authorization, for a new total discharge of **154,247 GPD**, the RVRSA is amenable to extending sewer service to the aforementioned project to alleviate the existing public health issue; and

WHEREAS, no connection shall be made, suffered, or allowed to be made to the System unless a Permit to Connect shall have first been issued by the Authority and all requirements of the Authority's Connection Permit System shall have been satisfied, including but not limited to, the inspection by the Authority's representative, employee or agent of all sewer lines and laterals to be connected to the System. Such inspection shall be required of that portion of a sewer line between the building foundation and the local collection system, as well as of the local collection system itself. Mine Hill shall not issue a plumbing permit authorizing the connection of any properties to the RVRSA without first providing notice to the RVRSA.

NOW, THEREFORE, BE IT RESOLVED by the Rockaway Valley Regional Sewerage Authority as follows:

- A. Subject to the receipt of an approval from the Township of Randolph, authorizing the project to connect to the Jackson Brook Interceptor, there shall be allocated from RVRSA's "First Come/First Serve" category, gallonage in the amount of 4,234 GPD to serve the Ferromonte Plaza Project. This approval is further conditioned upon the following terms and conditions:
- B. This approval explicitly excludes connection of vacant lot(s), which encroach upon any environmentally sensitive areas (ESA) pursuant to Special Grant Condition No. 4, federal project C340389-04-2, effective November 29, 1983.
- C. This approval is expressly conditioned upon compliance, by the Applicant, with any relevant provisions of the Highlands Preservation and Planning Act or any rules or regulations issued pursuant thereto, if any.
- D. Any connection from a non-domestic source is subject to the RVRSA's industrial pretreatment program regulations. The applicant shall first obtain clearance from the RVRSA's pretreatment program prior to seeking for obtaining the necessary permit(s) for connection to the RVRSA's local/regional conveyance system.

- E. The qualified property owner must obtain the necessary permit(s) for sewer connection(s) to the RVRSA system, and in connection therewith, must comply with the requirements of other governmental entities having jurisdiction.
- F. The sewer mainline and each of the building laterals to be installed in connection with the project shall be subject to inspection(s) by the RVRSA.
- G. This approval is subject to compliance with the revised Service Rules of the RVRSA, and the payment of the appropriate fees and/or charges of the RVRSA including, but not limited to those set forth at Section 4.03 (3) Revised Service Rules of the RVRSA, and payment of the appropriate fees of any other governmental authority having jurisdiction.
- H. This endorsement is further conditioned upon the execution of an Amended and Restated Customer Service Contract by RVRSA and the Township of Mine Hill providing for sufficient gallonage to accommodate the additional flow proposed to be served pursuant to this authorization.

CERTIFICATION

I hereby certify that this Resolution was adopted at a meeting of the Rockaway Valley Regional Sewerage Authority held on September 8, 2022.

On motion of Commissioner Farrell

Second by Commissioner Howarth

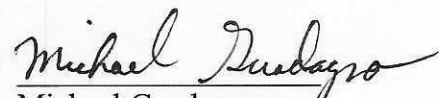
And a Roll Call Vote as Follows:

Yeas: (9) Andes, Cegelka, Corbett, Farrell, Howarth, Isselin, and Schorno

Nays: (0)

Abstain: (2) Guadagno and Lavery

Absent: (1) Zuppa


Michael Guadagno
Board Secretary