

RESOLUTION NO. 53 - 2009

RESOLUTION OF THE LOWER TOWNSHIP MUNICIPAL UTILITIES AUTHORITY PROVIDING FOR MANDATORY CONNECTIONS OF ALL PROPERTIES TO THE LOWER TOWNSHIP MUNICIPAL UTILITIES AUTHORITY WATER SYSTEM

WHEREAS, The Township of Lower (the "Township") pursuant to N.J.S.A. 40:14B-1 et seq. and by ordinance numbered 68-10, adopted July 4, 1968, established the Lower Township Municipal Utilities Authority (the "MUA"); and

WHEREAS, since that time the MUA has undertaken various capital projects constituting the MUA's Water System (the "Water System") and has provided water services connecting thereto; and

WHEREAS, the Township, pursuant to N.J.S.A. 40:63-52 (the "Initial Water Services Act"), has previously by ordinance numbered 71-15, adopted October 13, 1971, and 88-16, adopted October 13, 1988, identified and required certain properties in the Township to mandatory connected to such Water System; and

WHEREAS, the Township desires, pursuant to the County and Municipal Water Supply Act, N.J.S.A. 40A:31-1 et seq., the successor to the Initial Water Services Act referred to above, to require the mandatory connection of all property in the Township in order to ensure that water provided and supplied to the residents and properties throughout the Township will at all times meet all governmental quality standards and will protect the health, safety and welfare of all residents of the Township.

NOW, THEREFORE, BE IT RESOLVED, by the Township of Lower Municipal Utilities Authority of the Township of Lower, in the County of Cape May, New Jersey as follows:

WHEREAS, the Township of Lower has adopted **Ordinance No. 2009-1 dated February 18, 2009** that once a public Water System is available to any property within the Township the properties shall make application for connection to the Water System and pay the annual User Fees for such water services within one (1) year of such notification. Upon connection to the Water System, if the Cape May County Department of Health or New Jersey State Department of Environmental Resources or any other State agency determines private wells on the property must be sealed and abandoned, the property owner shall seal and abandon the private wells located on the property. If such properties have not connected to the Water System within the one (1) year period, the property owner shall pay the annual minimum Users Fee and a lien shall be placed on the property in the amount of the Connection Fee and or any delinquent User Fees. Such a lien and payment of fees is in addition to any and all other remedies the Township and the Authority have to effectuate mandatory connection of a property.

BE IT FURTHER RESOLVED, When residential properties connect to the Water System, Connection Fees may be paid in equal annual installments over a five (5) year period upon connection to the system within the one (1) year period beginning at the time of connection or one (1) year from the date of notice from the MUA or its designee as provided for in the Township Ordinance hereof and with interest on any unpaid balance beginning at the end of year five (5). Failure to comply with the payment plan will result in a lien being placed on the property for any balance due with interest.

BE IT FURTHER RESOLVED, The amount of a Residential Connection Fee shall be One Thousand Six Hundred Dollars (\$1,600.00) installed in the right of way or to the curb for residential connections and shall remain in effect for a five (5) year period. After the five (5) year period, the MUA from time to time based on the capital investment of the MUA in constructing the Water System, may adjust the connection fee consistent with applicable law.

BE IT FURTHER RESOLVED, that residents may make application to the United States Department of Agriculture (USDA) under the 502 or 504 plans or the New Jersey Housing and Mortgage Finance Agency (NJHMFA) for grants and/or loans for the connection fee, installation cost and well abandonment.

All notices required by this resolution to be sent to the owners of any property in the Township shall be sent by first class regular mail and certified mail, return receipt requested to the address of the property owner reflected on the then current Township tax records.

This resolution shall become effective immediately upon final passage and publication as required by applicable law.

The Resolution published herewith was adopted after a Public Hearing at the Regular meeting of the Authority held March 4, 2009.

Offered by: Thomas M. Brown, Sr.

Seconded: Richard Wall

I hereby certify that the foregoing is a true and exact copy of a resolution introduced and adopted by the Township of Lower Municipal Utilities Authority at a meeting held on March 4, 2009.

Adopted: March 4, 2009

Emily Oberkofler, Secretary