

RESOLUTION 2023-49

BORDENTOWN SEWERAGE AUTHORITY
COUNTY OF BURLINGTON

**RESOLUTION OF THE BORDENTOWN SEWERAGE AUTHORITY,
IN THE COUNTY OF BURLINGTON, STATE OF NEW JERSEY
AUTHORIZING THE RELEASE OF THE SYLVAN GLEN PUMP STATION
IMPROVEMENTS PERFORMANCE GUARANTEE FOR THE RESERVE
AT CROSSWICKS, LLC AND FURTHER AUTHORIZING THE
AUTHORITY'S ACCEPTANCE OF CERTAIN IMPROVEMENTS
CONSTRUCTED BY THE RESERVE AT CROSSWICKS, LLC AND/OR
THEIR AGENTS AND RELATED PARTIES**

WHEREAS, The Reserve at Crosswicks, LLC and/or their related parties (the "Developer") previously entered into a Municipal Developer's Agreement with the Bordentown Sewerage Authority (the "Authority") on February 24, 2020 Exhibit "A" attached hereto; and

WHEREAS, the Developer has successfully completed the construction of the Sylvan Glen Pump Station improvements (collectively, the "Project") to the satisfaction of the Authority; and

WHEREAS, the Authority's consulting engineer had an opportunity to inspect the Project improvements and believes that the performance of this Project work was completed to the satisfaction of the Authority; and

WHEREAS, the Consulting Engineer to the Authority has recommended the full release of the performance guarantee in the amount of \$590,500.00 provided operation and maintenance documentation has been accepted and approved for use by the Authority and a maintenance bond is posted.

NOW, THEREFORE, BE IT RESOLVED By The Board of the Bordentown Sewerage Authority, in the County of Burlington, State of New Jersey, this 17th day of April, 2023, that:

1. The aforementioned Performance bond #LICX1197757 in the amount of \$590,500.00 is hereby released.
2. Operation and maintenance documentation shall be accepted and approved for use by the Authority as a condition of this release.
3. A maintenance guarantee in the amount of \$59,050.00 shall be required to be posted by The Reserve at Crosswicks, LLC and/or their related parties as a condition of this release.
4. The Authority hereby accepts the improvements to the Sylvan Glen Pump Station. These public improvements will be maintained and operated by the Authority.
5. Any and all resolutions inconsistent with this resolution are hereby repealed to the extent of such inconsistencies.

Dated: April 17, 2023

THE BORDENTOWN SEWERAGE AUTHORITY

Attest:



Aneka Miller, Secretary

By:



M. Ellen Gulbinsky, Chairwoman

EXHIBIT "A"

MUNICIPAL DEVELOPER'S AGREEMENT BETWEEN THE BORDENTOWN
SEWERAGE AUTHORITY AND 206 BORDENTOWN URBAN RENEWAL, LLC
CONCERNING SANITARY SEWER IMPROVEMENTS TO BE CONSTRUCTED IN
CONNECTION WITH THE DEVELOPMENT OF BLOCK 1.01, LOTS 3, 4, 5, 6, 7, AND 8

WHEREAS, 206 BORDENTOWN URBAN RENEWAL, LLC ("206") having its office at 1250 Route 28, Suite 101, Branchburg, New Jersey, 08876, is the developer of certain real property in the Township of Bordentown, County of Burlington, State of New Jersey, which is more specifically described as Block 1.01, Lots 3, 4, 5, 6, 7, and 8 (the "PROPERTY"); and

WHEREAS, The Bordentown Sewerage Authority (the "AUTHORITY"), a public body corporate and politic, organized pursuant to N.J.S.A. 40:14A *et seq.*, is authorized pursuant to the "New Jersey Sewer Authority Law" to enter into an agreement with a developer intent on constructing on and off-tract improvements; and

WHEREAS, 206 has requested that the AUTHORITY enter into a municipal developer's agreement ("AGREEMENT") to insure that 206 and the AUTHORITY each fully understand and properly memorialize their respective obligations as it relates to the improvements to be constructed by 206; and

WHEREAS, sanitary sewer facilities need to be expanded, in order to accommodate the sewage flow from the proposed development of the PROPERTY by 206 as part of one sewer project as more specifically described in Schedule A attached hereto and made a part hereof (the "PROJECT"), which said PROJECT will be required to accommodate flow from the PROPERTY; and

WHEREAS, when built as described in Schedule "A" the PROJECT will provide additional downstream conveyance system capacity for the proposed development by 206 at the PROPERTY.

NOW, THEREFORE, it is agreed by the parties hereto as follows:

1. 206 shall, to the extent not already accomplished, secure all required permits and approvals needed to design and construct PROJECT improvements. 206 shall also provide the AUTHORITY with separate performance bonds to guarantee the construction of said PROJECT in accordance with the Authority's rules and regulations. The performance bond for the PROJECT shall be the combination of construction cost and soft costs.
2. As part of the construction of the PROJECT, 206 shall install the sewer improvements described herein in accordance with plans and specifications previously approved in writing by the AUTHORITY'S consulting engineers (Remington & Vernick Engineers).

Upon the completion of said construction, 206 shall provide the AUTHORITY with copies of all complete as built drawings and plans for the PROJECT.

3. The AUTHORITY and 206 agree that the AUTHORITY and/or its agents and professionals shall have the right to both approve the proposed PROJECT material prior to ordering and inspect all PROJECT work undertaken by 206 prior to the AUTHORITY'S acceptance of the PROJECT improvements. The AUTHORITY further agrees that it will not grant final approval for any construction work until it receives from 206 each of the documents referenced in Section 2 above and that all of the obligations of 206 pursuant to this AGREEMENT have been satisfied. 206 further acknowledges and agrees that the AUTHORITY shall have no obligation to consent or provide the necessary approvals to the Township of Bordentown in order for any temporary or permanent certificate(s) of occupancy to be issued until all 206's obligations under this AGREEMENT are completed to the satisfaction of the AUTHORITY.

4. For its part, 206 does hereby agree to hold harmless, identify and defend the AUTHORITY its successors and assigns from any claims of any nature whatsoever arising out of this Agreement its implementation and/or execution.

5. This AGREEMENT shall remain in full force and effect for a period of twenty (20) years, from the completion of the construction of PROJECT.

6. This AGREEMENT may not be modified orally. This AGREEMENT shall not be assignable by 206 without the express written permission of the AUTHORITY.

7. This AGREEMENT shall be binding upon 206 and the AUTHORITY and the respective heirs and assigns.

8. This AGREEMENT shall be recorded in the office of the County Clerk of Burlington County.

9. This AGREEMENT shall be governed by and construed in accordance with the laws of the State of New Jersey.

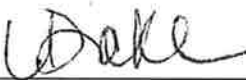
10. If any provision of this AGREEMENT is deemed invalid, void or illegal, then the provisions so effected shall be deleted from this AGREEMENT. All remaining provisions shall remain in full force and effect.

11. The AUTHORITY and 206 agree that each will take any and all actions, including the execution of any documentation which may be necessary to effectuate the intent of the parties as set forth in this AGREEMENT. Both the AUTHORITY and 206 warrant that each has been duly authorized to execute this AGREEMENT required by law.

12. This AGREEMENT constitutes the entire understanding between the parties with respect to the subject matter hereof. This AGREEMENT may only be amended in writing and signed by both parties. This AGREEMENT may be executed in multiple copies, and if so executed, each copy of the AGREEMENT shall be deemed an original.

In witness whereof, the parties have executed this Agreement by their proper corporate officers this 24th day of February, 2020.

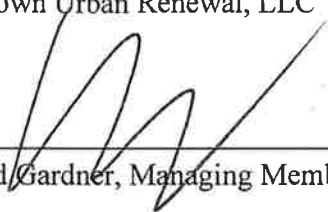
Attest:



Secretary
LORIA A. DRAKE
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires February 7, 2023

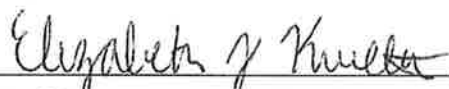
206 Bordentown Urban Renewal, LLC

By:



David Gardner, Managing Member

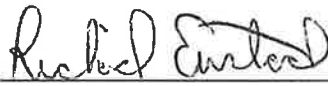
Attest:



ELIZABETH KWELTY Secretary
ADMINISTRATIVE MANAGER

Bordentown Sewerage Authority

By:



Richard Eustace, Executive Director

**MUNICIPAL DEVELOPMENT'S AGREEMENT BETWEEN THE BORDENTOWN
SEWERAGE AUTHORITY AND 206 BORDENTOWN URBAN RENEWAL, LLC
CONCERNING SANITARY SEWER IMPROVEMENTS TO BE CONSTRUCTED IN
CONNECTION WITH THE DEVELOPMENT OF BLOCK 1.01, LOTS 3, 4, 5, 6, 7, AND 8**

SCHEDULE A

At the Sylvan Glen Pump Station Site

1. Remove all existing pumps/motors including frames.
2. Remove piping, fittings and valves to the extent shown on the drawings in order to accomplish the proposed work. Remove pump control panel from the dry well.
3. Remove pump control panel from the dry well.
4. Provide two raw sewage Gorman Rupp horizontal centrifugal self-priming pumps each rated at 650 gpm at a total dynamic head to be determined.
5. Each pump shall possess a high efficiency inverter type electric 20 horsepower (nameplate) motor.
6. Each pump shall include new suction and discharge pipe, fittings and valves in order to connect to the existing piping system.
7. Completely paint pump station dry well interior after all new equipment is operational.
8. Remove existing dry well alarm panel. The Bordentown Sewerage Authority will provide a new wireless alarm system panel for inclusion in the new above grade electrical power panel by the Contractor. Applicant shall include all features necessary in the design for the new wireless alarm system to function as intended and be provided adequate room in the panel. All conductors associated with the wireless system shall connect to a terminal strip located adjacent to the wireless alarm panel in the event the panel must be replaced in the future. Connections into the wireless alarm shall be from the terminal strip.
9. Provide new pump control panel with air conditioner adjacent to the new electrical power panel. Both panels are adjacent to one another located on a new common reinforced concrete pad. Each pump shall possess a variable frequency drive (VFD) with solid state bypass. Both VFD's shall be located in the new above ground pump control panel.
10. In the dry well for each pump motor, provide an electrical disconnect switch.
11. Completely replace the dry well sump pump discharge piping.
12. Clean the wet well as noted on the drawings and specified.
13. Provide a wet well pump control water level monitoring system including a new bubbler line into the wet well.
14. Provide a new high-water float system in the wet well connected to the new pump control panel.
15. In order to not be required to have explosionproof equipment in the dry well upgrade blower intake and exhaust systems in order to meet required number of air changes in NFPA 820. As a minimum this requires a new intake blower and new intake blower piping system.
16. Remove exposed abandoned conductors/conduits.
17. Existing generator shall remain the property of the Bordentown Sewerage Authority. Applicant shall provide direction on the Drawings for the Contractor to load, haul and unload the existing generator at a location as designated by the Bordentown Sewerage Authority within the Township of Bordentown. Contractor shall schedule the unloading with the Bordentown Sewerage Authority.

18. Provide new natural gas fueled emergency 60 KW capacity generator that will after a step start will simultaneously operate two 20 horsepower raw sewage pumps on VFD's along with controls, dehumidifier, blowers, lighting, generator water jacket heater, receptacles and all appurtenances. Whatever possesses the largest load, either the dry well heater or the pump control panel air conditioner shall also be included within the generator capacity.
19. With the new generator will be a new 225-amp circuit breaker. The existing automatic transfer switch can be re-utilized if its capacity is acceptable.
20. Provide new conductors/conduits to produce a functioning system.
21. Maintain the continuous flow of wastewater bypassing the work area.
22. Provide a new aluminum wet well bar screen system with stainless steel Thern davit winch with brake and base on a reinforced concrete base slab.
23. Provide electrical components and concrete base for a site light. Site light to be installed by the Authority in the future. Light pole anchoring system shall be based on a light pole manufacturer/model number provided by the Bordentown Sewerage Authority.
24. Provide site restorations as directed by the Bordentown Sewerage Authority.

END OF 206 BORDENTOWN URBAN RENEWAL, LLC SCHEDULE A

GENERATED FEBRUARY 2020