



THE OCEAN COUNTY UTILITIES AUTHORITY
501 HICKORY LANE
BAYVILLE, NEW JERSEY 08721

AGREEMENT

THIS AGREEMENT, made this 25th day of March, 2014

BETWEEN: THE OCEAN COUNTY UTILITIES AUTHORITY a public body politic and corporate of the State of New Jersey, having its principal office at 501 Hickory Lane, Bayville, New Jersey 08721, hereinafter referred to as "OCUA"

AND: THE TOWNSHIP OF MANCHESTER a public body corporate organized and existing under the laws of the State of New Jersey, having its office at 1 Colonial Drive, Manchester, New Jersey 08759 hereinafter referred to as "MANCHESTER TOWNSHIP"

AND: JACKSON TOWNSHIP MUNICIPAL UTILITIES AUTHORITY, a public body politic and corporate of the State of New Jersey having its principal office located at 135 Manhattan Street, Jackson, New Jersey 08527, hereinafter referred to as "JACKSON TOWNSHIP MUA"

AND: TOMS RIVER MUNICIPAL UTILITIES AUTHORITY, a public body politic and corporate of the State of New Jersey having its principal office located at 340 West Water Street, Toms River, New Jersey 08753, hereinafter referred to as "TOMS RIVER MUA"

WITNESSETH:

WHEREAS, the OCUA is charged with the responsibility and obligation of reviewing and approving all plans and specifications for proposed treatment facilities and sewer extensions within its Service Area and its participating customer areas; and

WHEREAS, the development project is located on South Hope Chapel Road in Jackson and Manchester Townships and has been assigned an OCUA Project No. N-12-198; and

WHEREAS, at this location, the OCUA has no facilities to provide direct service to either MANCHESTER TOWNSHIP and JACKSON TOWNSHIP MUA, and the JACKSON TOWNSHIP MUA has agreed to convey wastewater emanating from this area to the TOMS RIVER MUA, which

Breeder's Walk." Sheets 2 and 3 of 22, dated September 1, 1999, latest revision date September 5, 2012 which is attached hereto as Exhibit A and JACKSON TOWNSHIP MUA is agreeable to serving the portion of the project located in Manchester Township; and

WHEREAS, under Article III-C of the Service Agreement between the JACKSON TOWNSHIP MUA and OCUA, the OCUA must give its written consent to the JACKSON TOWNSHIP MUA to provide sewerage service to areas outside of its jurisdiction; and

WHEREAS, under Article III-C of the Service Agreement between TOMS RIVER MUA and the OCUA, the OCUA must give its written consent to the TOMS RIVER MUA plan to provide sewerage service to areas outside of its jurisdiction; and

WHEREAS, MANCHESTER TOWNSHIP, JACKSON TOWNSHIP MUA, and the TOMS RIVER MUA are agreeable to serving this portion of Manchester Township through the facilities of the JACKSON TOWNSHIP MUA, and the TOMS RIVER MUA; and

WHEREAS, servicing this portion of MANCHESTER TOWNSHIP and the JACKSON TOWNSHIP MUA by the OCUA through the TOMS RIVER MUA and JACKSON TOWNSHIP MUA is consistent with the present Ocean County Water Quality Management Plan; and

WHEREAS, the OCUA is willing to approve the project and their connections to the MANCHESTER TOWNSHIP and JACKSON TOWNSHIP MUA facilities in accordance with the terms and conditions stated herein; and

WHEREAS, these terms and conditions are acceptable to MANCHESTER TOWNSHIP, the JACKSON TOWNSHIP MUA, the TOMS RIVER MUA, and the OCUA.

IT IS THEREFORE AGREED between the parties as follows:

1. The OCUA, by this Agreement, hereby gives its consent to serving the area of MANCHESTER TOWNSHIP generally known as Breeder's Walk through the wastewater collection system of the JACKSON TOWNSHIP MUA and the area of JACKSON TOWNSHIP MUA generally depicted as the Central Service Area through the wastewater collection system of the TOMS RIVER MUA to a maximum average daily flow of 300,000 gpd.

2. The discharge of wastewater by MANCHESTER TOWNSHIP and JACKSON

discharged, shall in any way whatsoever be deemed to be regional lines or facilities, and does not in any way obligate the OCUA to purchase, acquire, or incorporate same into its regional sewerage system or to participate in any manner in the operation, maintenance, repair, or replacement of same.

3. The OCUA will bill the TOMS RIVER MUA for the wastewater flow emanating from this area of MANCHESTER TOWNSHIP and JACKSON TOWNSHIP in accordance with the terms and conditions of its Service Agreement with the TOMS RIVER MUA, without differentiating this wastewater from wastewater emanating from within the confines of MANCHESTER TOWNSHIP or JACKSON TOWNSHIP.

4. MANCHESTER TOWNSHIP, the JACKSON TOWNSHIP MUA, and the TOMS RIVER MUA agree that the Agreements between MANCHESTER TOWNSHIP and the OCUA, the Agreements between the JACKSON TOWNSHIP MUA and the OCUA, and the Agreements between the TOMS RIVER MUA and the OCUA, incorporate by reference the Sewer Use Rules and Regulations of the OCUA and the requirements for Industrial Discharge Permits issued by the OCUA. MANCHESTER TOWNSHIP, the JACKSON TOWNSHIP MUA, and the TOMS RIVER MUA agree to impose these same terms and conditions of the TOMS RIVER MUA Service Agreements to any sewage discharge from MANCHESTER TOWNSHIP and from JACKSON TOWNSHIP MUA through the TOMS RIVER MUA facilities to the OCUA. MANCHESTER TOWNSHIP, JACKSON TOWNSHIP MUA, and the TOMS RIVER MUA further agree to impose any additional terms and conditions relating to any sewage discharged from MANCHESTER TOWNSHIP and JACKSON TOWNSHIP MUA that may be imposed on them by the OCUA.

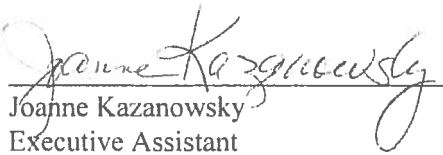
5. Any surcharges that are applicable in accordance with the Service Agreements between the OCUA and MANCHESTER TOWNSHIP, the JACKSON TOWNSHIP MUA, and the TOMS RIVER MUA which apply to properties located in this subdivision shall be billed by the OCUA directly to the TOMS RIVER MUA in conformance with the provisions of the existing Service Agreement.

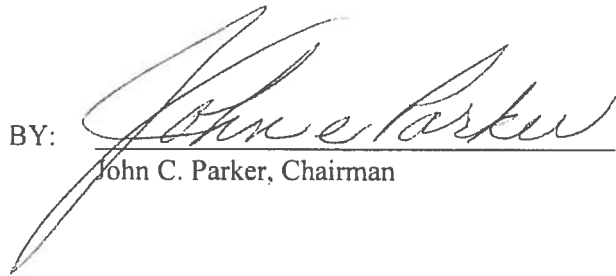
6. The abbreviations "OCUA," "MANCHESTER TOWNSHIP," the "JACKSON TOWNSHIP MUA," and the "TOMS RIVER MUA" shall include their successors and assigns.

IN WITNESS WHEREOF, the OCUA, MANCHESTER TOWNSHIP, the JACKSON TOWNSHIP MUA, and the TOMS RIVER MUA have caused their respective corporate seals to be hereunto affixed and attested, and these presents to be signed by their respective officers thereto duly authorized and this Agreement to be dated as of the date and year first above written.

ATTEST:

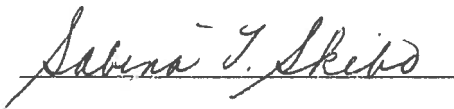
THE OCEAN COUNTY UTILITIES AUTHORITY

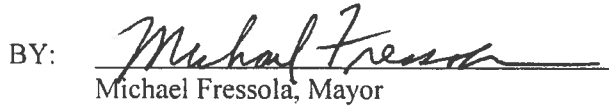

Joanne Kazanowsky
Executive Assistant

BY: 
John C. Parker, Chairman

ATTEST:

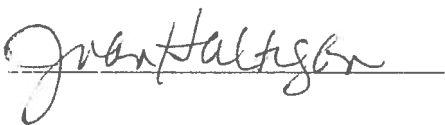
MANCHESTER TOWNSHIP

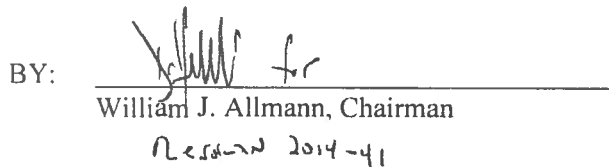


BY: 
Michael Fressola, Mayor

ATTEST:

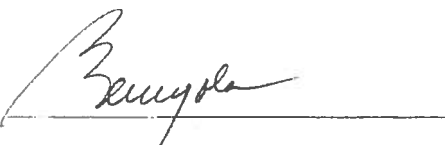
JACKSON TOWNSHIP
MUNICIPAL UTILITIES AUTHORITY

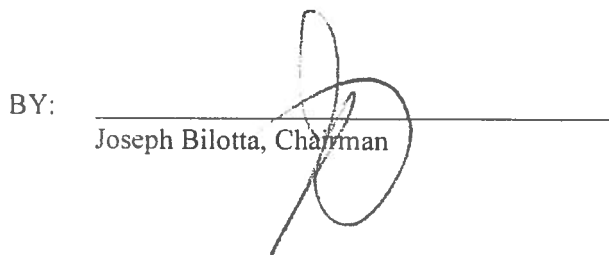


BY: 
William J. Allmann, Chairman
Resigned 2014-41

ATTEST:

TOMS RIVER
MUNICIPAL UTILITIES AUTHORITY


GEORGIA BENYOLA
ASSISTANT SECRETARY

BY: 
Joseph Bilotta, Chairman



THE OCEAN COUNTY UTILITIES AUTHORITY

501 HICKORY LANE

BAYVILLE, NEW JERSEY 08721

RESOLUTION No.: 10-9421

DATE: April 22, 2010

WHEREAS, the Ocean County Utilities Authority approved Resolution No. 10-9407 dated March 25, 2010 at its March 2010 meeting allowing Jackson Township MUA to provide service to wastewater customers in Manchester Township which is outside their jurisdiction; and

WHEREAS, the Resolution was not clear that the wastewater emanating from the subdivision Breeder's Walk will pass from Manchester Township through Jackson MUA to Toms River MUA's system via the Whitesville Road force main in accordance with a previous three-party agreement dated December 19, 2002; and

WHEREAS, the OCUA will only bill Toms River MUA and not Jackson MUA as described in Resolution No. 10-9407 dated March 25, 2010 for the wastewater flow emanating from this major subdivision.

NOW, THEREFORE, BE IT RESOLVED by the COMMISSIONERS of THE OCEAN COUNTY UTILITIES AUTHORITY as follows:

1. Resolution No. 10-9407 dated March 25, 2010 be amended to read that the bill for the wastewater emanating from the Breeder's Walk subdivision will be paid by Toms River MUA and not Jackson MUA.
2. That the Chairman of the Authority is authorized to enter into a four-party agreement with Manchester Township, Jackson Township MUA, and Toms River MUA consenting to serving the subject subdivision without differentiating this wastewater emanating from within the confines of Manchester Township.
3. That a certified copy of this resolution be forwarded to:
 - (a) Manchester Township



THE OCEAN COUNTY UTILITIES AUTHORITY

501 HICKORY LANE

BAYVILLE, NEW JERSEY 08721

RESOLUTION No.: 10-9407

DATE: March 25, 2010

WHEREAS, The Ocean County Utilities Authority (OCUA) is charged with the responsibility and obligation of reviewing and approving all plans and specifications for proposed treatment facilities and sewer extensions within its District; and

WHEREAS, under Article III(C) of the service agreements executed with both Manchester Township and the Jackson Township Municipal Utilities Authority (Jackson Township MUA), the OCUA must give its approval to a Participant providing sewer service to areas outside its jurisdiction;

NOW, THEREFORE, BE IT RESOLVED by the COMMISSIONERS of THE OCEAN COUNTY UTILITIES AUTHORITY as follows:

1. Manchester Township and Jackson Township MUA shall enter into an Interlocal Service Agreement allowing the conveyance of sanitary sewer flow from portions of Manchester Township into Jackson Township.
2. That the OCUA is hereby authorized to enter into a three-party agreement with Manchester Township and Jackson Township MUA consenting to serve the area of Manchester and Jackson Townships, known as Breeder's Walk major subdivision (Manchester Township Block 66, Lot 1 and Jackson Township Block 12, Lot 4), which is known as OCUA Project No. N-12-198, through the wastewater collection system of the Jackson Township MUA.
3. That the OCUA will only bill the Jackson Township MUA for the wastewater flow emanating from this major subdivision in accordance with the terms and conditions of its Service Agreement with the Jackson Township MUA, without differentiating this wastewater emanating from within the confines of Manchester Township.
4. That a certified copy of this resolution be forwarded to: