

**LOWER TOWNSHIP MUNICIPAL UTILITIES AUTHORITY
CAPE MAY COUNTY, NEW JERSEY**

RESOLUTION NO. 141-2022

**ADOPTING SCHEDULE OF RATES AND CHARGES FOR THE WATER SYSTEM OF
THE LOWER TOWNSHIP MUNICIPAL UTILITIES AUTHORITY FOR CUSTOMERS
WITH SERVICE CONNECTIONS IN MIDDLE TOWNSHIP**

WHEREAS, the Lower Township Municipal Utilities Authority (“LTMUA” or “Authority”) is a local sewer and water utilities authority, duly formed, organized and existing in accordance with the County and Local Utilities Authority Law, N.J.S.A. 40:14B-1, *et. seq.*, and the ordinances of the Township of Lower; and

WHEREAS, N.J.S.A. 40:14B-20(6) provides that the LTMUA may “produce, develop, purchase, accumulate, distribute and sell water services, facilities and products within or without the district, provided that no water may be sold at retail in any municipality . . . without the district unless the governing body of such municipality . . . shall have adopted a resolution requesting the municipal authority to sell water at retail in such municipality . . . and the board of public utility commissioners shall have approved such resolution as necessary and proper for the public convenience;” and

WHEREAS, on May 20, 2019, the governing body of Middle Township adopted Resolution 222-19 pursuant to N.J.S.A. 40:14B-20(6) requesting the Authority to sell water at retail in Middle Township and subsequently presented that resolution to the LTMUA; and

WHEREAS, the New Jersey Board of Public Utilities, by Decision and Order dated September 11, 2019, under Docket No. WO19080945, found that “Resolution 222-19 adopted by Middle Township requesting that the LTMUA extend and provide water service into the Del Haven section of Middle Township and its immediate vicinity, is necessary and proper for the public convenience;” and

WHEREAS, the LTMUA and Lower Township are parties to a November 19, 1968 Service Agreement; and

WHEREAS, Section 411 of the November 19, 1968 Service Agreement provides that “the Authority will not permit any property located outside [Lower] Township to be connected with [the LTMUA’s Water] System for the purpose of securing water from the System . . . or

supply water to . . . any person or property outside of the Township unless written consent thereto shall have previously been given by or on behalf of the Township;" and

WHEREAS, Section 408 of the November 19, 1968 Service Agreement provides that whenever Lower Township "is authorized to give its written consent, such consent may be given and shall be conclusively evidenced by a copy, certified by its Township Clerk and under its seal, of a resolution purportedly to have been adopted by the Governing Body and purporting to give such consent;" and

WHEREAS, by Resolution 2018-381, adopted December 17, 2018, the Governing Body of Lower Township gave its consent to the LTMUA to expand its water supply and distribution system into the Del Haven section of Middle Township and for properties in the Del Haven section of Middle Township to connect to the LTMUA's water supply and distribution system for the purpose of the LTMUA supplying persons and property in the Del Haven section of Middle Township and adjacent areas with potable water pursuant to a Water Supply and Distribution Agreement;

WHEREAS, by LTMUA Resolution 90-2019, adopted July 10, 2019, the LTMUA Chairman and Secretary were authorized to execute on behalf of the LTMUA a Water Supply and Distribution Agreement with Middle Township (the "Water Agreement"); and

WHEREAS, on September 12, 2019 Middle Township and the LTMUA entered into the Water Agreement (which Water Agreement subsequently has been amended); and

WHEREAS, under the Water Agreement the LTMUA provides potable water to customers in an area that is described in the Water Agreement as the "LTMUA/Middle Service Area;" and

WHEREAS, under paragraph 6a of the Water Agreement, Middle Township and the LTMUA agreed that while water rates for customers within the LTMUA/Middle Service Area shall be calculated in the manner prescribed by N.J.S.A. 40:14B-21, those rates need not be identical to the rates that are charged to LTMUA customers with service connections within Lower Township; and

WHEREAS, in accordance with the provisions of N.J.S.A. 40:14B-23, the LTMUA proposed a schedule of water rates to be charged to customers within the LTMUA/Middle Service Area and, as required by N.J.S.A. 40:14B-23, the LTMUA mailed notice of the proposed water rates to the Clerk of Middle Township and published a Notice of Public Hearing in two

newspapers of general circulation in the LTMUA/Middle Service Area -namely, the Press of Atlantic City and the Cape May County Herald- all of which occurred more than 20 days prior to the date of the public hearing; and

WHEREAS, in accordance with the provisions of N.J.S.A. 40:14B-23, the LTMUA conducted a rate hearing on December 1, 2021 at 5:00 p.m. at the Lower Township Municipal Utilities Authority offices located at 2900 Bayshore Road., Villas, NJ 08251; and

WHEREAS, upon consideration of the evidence presented at the public hearing, the Authority Members have determined that the following Rate Schedule of Quarterly Water Service Rates & Charges for Middle Township should be charged and collected for customers with service connections within the LTMUA/Middle Service Area.

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

- 1) All of the statements of the Preamble are repeated and are incorporated herein and made a part hereof by this reference thereto.
- 2) The following Rate Schedule of Quarterly Water Service Rates & Charges for Middle Township is adopted:

**RATE SCHEDULE OF QUARTERLY WATER SERVICE RATES &
CHARGES FOR
MIDDLE TOWNSHIP**

Size of Meter	Consumption of Water Allowed in Minimum Quarterly Charge in Gallons	Minimum Quarter Charge (in \$)
5/8" Residential	10,000	175.00
3/4" Residential	10,000	181.90
1" Residential	20,000	219.05
5/8" Commercial	10,000	175.00
3/4" Commercial	10,000	181.90
1" Commercial	20,000	219.05
1 1/2" Commercial	40,000	315.63
2" Commercial	50,000	357.03
3" Commercial	80,000	474.53
4" Commercial	120,000	649.05
6" Commercial	250,000	1,211.95
8" Commercial	337,500	1,571.73

Meter Checks: \$50.00

Meter Bottom Replacement: \$50.00

Consumption in excess of the water allowance for the minimum quarterly charge shall be determined as follows:

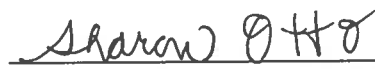
1. Excess usage within the quarter, above the minimum, but less than twice the minimum shall be charged at the rate of \$3.61 per thousand gallons.
2. Excess usage within the quarter, exceeding twice the minimum, shall be charged at the rate of \$3.97 per thousand gallons.
3. Annual charge per Fire Hydrant Public: \$41.50
4. Annual charge per Fire Hydrant Private: \$41.50.
5. Annual charge per Sprinkler System: \$139.34

Bulk Water Sale, Miscellaneous Charges, Discontinuation & Restoration of Service Charges – Shall be as set forth in Lower Township Municipal Utilities Authority Resolution 171-2010, adopted January 5, 2011

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	BITTING	HENDERSON	O'CONNOR	RECHNER	LAMBERT
MOTION				X	
SECOND		X			
AYES	X	X	X	X	X
NAY					
ABSENT					
ABSTAIN					

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 November 2, 2022.


Sharon Otto, Secretary