

RESOLUTION 2016-171

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF BARNEGAT, COUNTY OF OCEAN, STATE OF NEW JERSEY, SETTING PROCEDURES FOR PAYMENT OF PRIOR WATER CHARGES TO HOMEOWNERS, PREVIOUSLY CHARGED TO COMMON AREA IRRIGATION METERS IN MIRAGE

WHEREAS, the Township Committee of the Township of Barnegat, County of Ocean and State of New Jersey (the "Township") has been involved in extensive negotiations with representatives of the Mirage Homeowners Association (hereinafter referred to as "Mirage") regarding the meter charges for 27 common water meters associated with the Mirage irrigation system; and

WHEREAS, the Township has previously agreed to modify the manner in which meter charges are assessed to the common irrigation meters by, in lieu thereof, assessing each of the homeowners a pro-rate share of that charge, for each of the homeowners connected to that particular irrigation meter; and

WHEREAS, the Township inadvertently has failed to charge for these water services since 2012, and as a result needs to assess the homeowners who have benefited from the use of the water for irrigation purposes; and

WHEREAS, after extensive discussions with representatives of Mirage, an agreement has been reached as to how the water charges will be recouped for the Township, in order to best protect the Township, as ratepayers.

NOW, THEREFORE, BE IT RESOLVED, this 3rd day of May, 2016 by the Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey, as follows:

1. The Township shall recoup the unpaid water charges associated with the 27 water meters associated with the Mirage irrigation system by assessment of \$22.83 per homeowner unit (which is connected to that particular common irrigation system) per year, beginning 2012. Therefore, each of the homeowners will be assessed \$22.83 per year for 2012 through 2015.

2. For those homeowners who have moved into Mirage subsequent to January 1, 2013, upon review of the Deed of Conveyance, provided to the tax collector, a prior year assessment of \$22.83 will be waived inasmuch as the current owner was not benefiting from the use of the irrigation system before that period.

3. The Township authorizes and directs the Mayor, Township Clerk, and Township Administrator to execute any and all necessary documents in order to implement the intent of this resolution.

4. A certified copy of this resolution shall be forwarded by the Township Clerk to the following:

**DASTI, MURPHY
McGUCKIN, ULAKY,
KOUTSOURIS & CONNORS**

COUNSELLORS AT LAW

620 WEST LACEY ROAD
P.O. BOX 1057
FORKED RIVER, N.J. 08731

- (a) Honorable John J. Novak, Mayor;
- (b) Martin Lisella, Township Administrator;
- (c) Jerry J. Dasti, Esquire;
- (d) Crystal Brinson, Tax Collector; and
- (e) Mirage Homeowners Association

CERTIFICATION

I certify that the foregoing Resolution was duly adopted by the Township of Barnegat at a meeting held on May 3, 2016, a quorum being present and voting in the majority.

MICHELE RIVERS, RMC, TOWNSHIP CLERK

Prepared by:

**DASTI, MURPHY, McGUCKIN, ULAKY,
KOUTSOURIS & CONNORS**
Forked River, New Jersey 08731

\\dmm-sbs\Shared\CLIENT MATTERS - GL\Barnegat\SPECIAL GENERAL [RETAINER]\GL-24306 RESOLUTIONS 2016\Resolution re Mirage HO.doc

**DASTI, MURPHY
McGUCKIN, ULAKY,
KOUTSOURIS & CONNORS**

COUNSELLORS AT LAW

620 WEST LACEY ROAD
P.O. BOX 1057
FORKED RIVER, N.J. 08731