

# **REQUIREMENTS FOR DEVELOPER AND NON-RESIDENTIAL WATER AND SEWER SERVICE**

## **1.0 OVERVIEW**

All major subdivisions, site plan development or any multi-family structure regardless of volume of flow and all non-residential development, such as schools, commercial buildings, industrial buildings, and all similar structures shall be required to file a 'Statement of Utility Services' form, which will alert the Authority that review of a specific project will be forthcoming.

- ❖ Typically, three levels of approval must be obtained from the Authority: Preliminary, Tentative and Final, in accordance with the Authority's Rules and Regulations. The Owner, proper official of the Company or an authorized agent shall sign all applications.
- ❖ All application fees shall be paid in accordance with the Authority's current Schedule of Rates and as outlined at the top of each application.
- ❖ Review fees are paid in accordance to the schedule outlined at the top of each application and are held by the Authority in individual project escrow accounts.
- ❖ Water and sewer applications submitted as one application will be reviewed with the same review fees. If they are submitted under separate application, a separate review and application fee will be required for each application.
- ❖ Sewer applications will not be considered unless an accompanying water application has been or will be submitted, or if the property in question is already connected to the Authority's water supply system. Likewise, water applications will not be considered unless an accompanying sewer application has been or will be submitted.

In general, applications delivered to the Authority by the 1<sup>st</sup> of each month will be placed on the agenda for that month's meeting.

- ❖ The Authority shall approve or disapprove the completed application within 90 days of receipt of the application. The Authority does reserve the right to extend the time for approval or disapproval for a period not to exceed 30 days by adoption of a Resolution.
- ❖ After approval by the Authority Board, a copy of the Authority Engineer's review comments and requirements will be furnished to the developer/applicant and to the developer/applicant's engineer, as well as the Jackson Township Planning Board and/or Zoning Board of Adjustment.
- ❖ Preliminary Approval becomes null and void after one (1) year from the date of the resolution. Tentative and Final expire after two (2) years from the date of the resolution. If an approval expires, the developer/applicant must resubmit for all approvals already received, along with any relevant application and review fees.

Review and approval of the plans and specifications by the Authority shall not relieve the developer/applicant and their contractor of any responsibility, and the Authority and/or the Authority Engineer shall not consider such review as an assumption of any risk or liability. The developer/applicant shall have no claim against the Authority due to the failure or inefficiency of any plan or method reviewed.

In addition to approval of the Authority, projects may require approvals from other agencies such as NJDEP, OCUA, Local Land Use Agencies, and other county, state or federal permits. It is the sole responsibility of the developer/applicant to obtain any necessary permits and adhere to the requirements of any of the governing agencies, which have jurisdiction over the project.

- ❖ Funds are released to the Authority's Consulting Engineer and General Counsel upon submittal of their invoices to the Authority. The Consulting Engineer also forwards a copy of their invoice directly to the developer/applicant. The Consultant's invoice should be reviewed for accuracy and any discrepancies or questions should be brought directly to their attention. Invoices from the Authority's General Counsel will be provided upon request to the Authority.
- ❖ Developers/Applicants are requested to periodically update their address with the Authority so that the Authority's bank can forward monthly statements directly to the account holders. Developers/Applicants are required to replenish deficient escrow accounts upon written request of the Authority or their agent.
- ❖ Upon the sale of a property/project, the Authority requires that the seller or seller's attorney notify the Authority with the buyer's name, address and phone number. The Authority will review the seller's escrow account to ensure that there are sufficient monies to cover any outstanding invoices and will make arrangements to credit any unused portion of the escrow to the seller. The buyer is required to open a new escrow account in their name.

These Rules and Regulations are consistent with N.J.A.C. 5:21 "Residential Site Improvement Standards". Accordingly, the Authority's design requirements for residential construction are the State mandated standards.

- ❖ If public water and/or a public sanitary sewer system is to be provided to the area within a five (5) year period, as indicated in the Authority's Master Plan, the developer/applicant will be required to install a capped (or "dry") system within the road right of way or provide a cash contribution to the Authority in lieu of the improvement(s), as permitted by the NJDEP.
- ❖ It is the responsibility of the developer/applicant to install individual water services and/or sewer service laterals to residential structures and vacant lots along the extension.

## 2.0 APPLICATION FOR REVIEW OF PRELIMINARY PLANS

An application for review of preliminary plans for the proposed subdivision, development, building addition or lot line adjustment resulting in additional lots shall be submitted to the Authority on the form entitled 'Application for Review of Preliminary Plans for Utility Services'.

The purpose of this application is to:

- ✓ Determine whether connection is required into the Authority's existing system;
- ✓ Find the nearest connection point;
- ✓ Identify off-tract improvements;
- ✓ Look at the possibility of dry line alternatives;
- ✓ Evaluate capacity;
- ✓ Size main extensions; and
- ✓ Ascertain cost sharing potentials.

Preliminary Approval is valid for one year from the date approved by the Board. Developers/Applicants not required to connect to the Authority's systems or to install dry water or sewer mains will be provided with a resolution of Preliminary Approval stating that no further action is required.

**AT A MINIMUM**, the following documents need to be submitted for Preliminary Approval:

- ✓ Application for Review of Preliminary Plans;
- ✓ An original signed W-9;
- ✓ Review of Preliminary Plans Application Fee, check based on the Authority's current Schedule of Rates;
- ✓ Review of Preliminary Plans Review Fee check, based on per unit or per square foot as established by the Authority's current Schedule of Rates; and
- ✓ Two (2) sets of Conceptual Plans:
  - 24" x 36" in size, with a 1" = 1000' minimum scale;
  - Indicate the nature, size and location of the proposed development/non-residential unit;
  - Include location of all existing sewer and water mains on the tract and the location of the nearest existing facilities belonging to the Authority;
  - Propose method of connection;
  - Show the general layout and number of all proposed lots; and
  - Present the general layout of all proposed Easements.

### 3.0 APPLICATION FOR REVIEW OF TENTATIVE PLANS

If an application for Tentative Approval is required, the developer/applicant shall be required to submit an 'Application for Review of Tentative Plans for Utility Services'.

This application shall be of sufficient detail to enable the Authority to review the adequacy of the proposal in accordance with the Authority's construction specifications and is valid for two (2) years from the date of the resolution but may be extended at the written request of the developer/applicant and approved via formal Resolution.

**AT A MINIMUM**, the following documents need to be submitted for Tentative Approval:

- ✓ Application for Review of Tentative Plans;
- ✓ Review of Tentative Plans Application Fee check, based on the Authority's current Schedule of Rates;
- ✓ Review of Tentative Plans Review Fee check, based on per unit or per square foot as established by the Authority's current Schedule of Rates;
- ✓ Two (2) sets of Specifications for Construction of the proposed system and appurtenances;
- ✓ Two (2) sets of detailed plans and profiles for the proposed sewer and/or water systems, properly entitled.
  - 24" X 36" in size with a 1 ½" border on the left side for binding.
  - Plan view of water mains shall show the location of all services, curb stops, fire hydrants, valves, fittings and post type hydrants.
  - Plan view of the sewer system shall show all services and cleanouts, manholes and invert elevations, sewer mains, curbs, storm sewer inlets and storm sewers.
  - Air relief valves should be shown, if required.
  - Easements should be shown, if required.
  - Storm sewer must not interfere with the sanitary sewer or water mains.
  - Plan view shall also show roads, curbs, sidewalks, lot lines, boundary lines, typical street cross-sections, and thrust block design.
  - The size, type and class of pipe shall be shown for each pipe.
  - Profiles for sewers shall show all manholes, siphons, pumping stations, storm sewer crossings, water main crossings, and elevations of stream crossings.
  - Gradients and diameter of sewers, rim elevations, and invert elevation shall be shown at each manhole.
  - Profiles for water mains are not required except at stream crossings.
  - The plan shall show contours at one (1) foot intervals, all existing and proposed street and surface elevations at all breaks in grade and street intersections, a north arrow, title date and scale. Datum, symbols and conventions shall refer to established USCGS Elevations and Standards Base on 1988 vertical datum.
  - Horizontal datum shall be consistent with New Jersey State Plain Coordinate System (NAD).

- Bold lines shall accent proposed systems. Dashed lines shall show existing systems.
- All topographical symbols and conventions shall be USGS.
- Symbols for water systems shall be those approved by the AWWA.
- The distances and stationing between the centerlines of manholes, grades, main sizes, strength classes, and material shall be shown on the plans.
- Sanitary sewer force main systems shall show all bends, air relief manholes, cleanout manholes, etc.
- For any proposed sewage Pump Station, a general site plan showing boundaries, contours, proposed pump station, capacities, underground piping and valves, details and power supply lines shall be submitted. (Additional Pump Station Rules and Regulations are available upon request to the Authority Engineer.)
- ✓ Detailed cost estimate for water and sewer;
  - A detailed cost estimate for water and sewer shall be submitted using the Authority's approved unit costs. The Authority reserves the right to reject any cost estimate in which the quantities cannot be substantiated.
- ✓ Original NJDEP, BSDW and OCUA Applications;
  - Original NJDEP and OCUA Applications along with required engineer's reports for execution by the Authority upon tentative approval. They shall be returned to the developer/applicant upon execution for submission to the various agencies. The Authority and the Authority's Consulting Engineer shall be copied on all correspondence from the developer/applicant to the referenced agencies.
- ✓ Two (2) Sets of the Engineer's Report – setting forth the basis of design.
  - Design compliance with NJ-DEP Water Supply Element Safe Drinking Water Act.
  - All water mains shall be designed to carry the peak hour flows, and where fire protection is provided, the required fire demand plus the required domestic demand.
  - Average Daily Consumption shall be calculated in accordance with current NJ-DEP regulations.
  - Materials used in construction must be as outlined in the Authority's Rules & Regulations.
- ✓ Irrigation Plan
  - Design compliance with the Authority's Rules & Regulations indicating that the developer/applicant will not satisfy the project's irrigation needs with potable water.
  - Scaled to maximize one 24" by 36" plan area.
- ✓ Metering Schematic & Proposed Meter Sizes
- ✓ Grease Interceptor/Trap Sizing and Maintenance Plans

Upon acceptance of tentative plans, the developer/applicant is required to submit a copy of plans in accordance with NJDEP Mapping and Digital standards.

## 4.0 APPLICATION FOR REVIEW OF FINAL PLANS

When the developer/applicant receives all outside agency permits and Final Planning Board Approval from the Township, they shall apply to the Authority for Final Approval via an ‘Application for Review of Final Plans’.

**AT A MINIMUM**, the following documents need to be submitted for Final Approval:

- ✓ Application for Review of Final Plans;
- ✓ Review of Final Plans Application Fee check, based on the Authority’s current Schedule of Rates;
- ✓ Review of Final Plans Review Fee check, based on the Authority’s current Schedule of Rates;
- ✓ Two (2) final Specifications for Construction of the proposed system and appurtenances;
- ✓ Final detailed cost estimate for water and sewer;
- ✓ Two (2) copies of all outside agency permits;
- ✓ Draft Easements for review;
  - Deed of Easement
  - Metes and Bounds Description
  - Signed and Sealed Drawings
- ✓ Two (2) sets of revised plans.
  - 1988 Vertical Datum
  - NAD 83 Horizontal Datum

The Authority will determine bonding requirements, inspection fees and connection fees based on the current Schedule of Rates.

Final Approval is valid for two years from the date of the resolution but may be extended at the written request of the developer/applicant and approved via formal Resolution.

## 5.0 REVIEW AND INSPECTION FEES

- A. Hourly Rates and Expenses: Pursuant to N.J.S.A. 40:14B-73, et seq developers/applicants shall be obligated to reimburse the Authority for all reasonable review and inspection fees incurred by the Authority. Charges shall be assessed based upon hourly rates established annually by Resolution of the Authority. Hourly rates for work performed by Authority employees whose salary, support staff and overhead are paid by the Authority shall be fixed at 2.35 (or in accordance with the current rate schedule) of each such employee's hourly base salary in effect at the time that the work is performed. Hourly rates for retained professionals and/or consultants shall be equal to those charged to the Authority by such professionals and/or consultants pursuant to the terms and conditions of the relevant Professional Services Agreement in effect at the time that the work is performed.

In addition to fees based upon hourly rates, developers/applicants shall reimburse the Authority and/or its professionals for such actual out-of-pocket expenses as are incurred, and subject to reimbursement pursuant to N.J.S.A. 40:14B-74.

- B. Escrow Deposits:
1. Review Fee Deposit: At the time of Preliminary, Tentative and Final application, the developers/applicants is required to post a deposit to be held in escrow and utilized to pay and/or reimburse the Authority for review and legal fees. Review fees shall be based on the latest fee schedule.
  2. Inspection Fee Deposit: At such time as the Authority may direct, each developer/applicant shall post a deposit to be utilized for the payment and/or reimbursement of inspection fees. Except in extraordinary circumstances, the deposit shall not exceed the greater of \$500.00 or 5% of the cost of project improvements as calculated by the Authority's consulting engineer pursuant to N.J.S.A. 40:14B-77. At the Authority's discretion and subject to agreement between the Authority and the developer/applicant, inspection fees for large projects may be posted based upon established project phases.
  3. Escrow Replenishment: Pursuant to N.J.S.A. 40:14B-73(b) the Authority or their designees shall not perform any application reviews or inspections if sufficient funds to pay for those reviews and inspections are not on deposit. If an escrow account or deposit contains insufficient funds to enable the Authority or its Consulting Engineer to perform required application reviews or inspections, the Authority's Consulting Engineer and/or Business Department shall provide notice of escrow deficiencies. In order for work to continue the developer/applicant must deposit within a reasonable period of time, such additional funds as the Authority may reasonably require. In the interim, any required health and safety inspections shall be made and charged back against the replenishment of funds.

- C. Off-Site Improvements: The Authority reserves the right to charge and or assess additional fees and to require additional escrow deposits for projects, which entail an off-site component.
- D. On-Site Improvements: The non-residential developer/applicant will own all on-site improvements, unless otherwise approved by the Authority. However, the on-site improvements shall be inspected by the Authority or its designee. In the event that the applicant proposes to bulk meter the on-site improvements, then inspection by the Authority will not be required.
- E. Legal Compliance: The Authority's requirements with respect to inspections fees, review fees, deposit escrows and bonding requirements shall at all times comply with and afford to the Authority the maximum benefits permitted by N.J.S.A. 40:14B-71 et seq. and as same may be amended, modified and/or supplemented from time to time.

In the event that the statutes may be amended and/or that any section of the Authority's Rules and Regulations shall not be in compliance with or afford the Authority the maximum benefits permitted by N.J.S.A. 40:14B-71 et seq., the section shall be revised and/or interpreted accordingly and the balance of the Authority's Rules and Regulations shall remain in full force and effect.

## **6.0 PERFORMANCE BOND**

Prior to commencement of any construction, the developer/applicant shall post a Performance Bond guaranteeing the complete construction of the approved systems.

- ❖ The Performance Bond shall be in the form prescribed by the Authority and in an amount equal to 120% of the project cost estimate used for calculating review and inspection fees.

A surety company licensed to do business in New Jersey shall issue the Performance Bond. It shall be the policy of the Authority to accept Irrevocable Letters of Credit on a form as prescribed by the Authority in lieu of Performance Bonds or a cash bond.

The Performance Bond shall be submitted to the Authority no less than ten days prior to the start of construction and shall remain in full effect until all construction, including base course paving and providing and recording of all property and easement deeds and approved as-builts, has been completed.

## **7.0 CERTIFICATE OF INSURANCE**

Before any physical work takes place, the developer/applicant's contractor shall submit copies in quadruplicate of each of the insurance policies, covering all insurance called for under the project.

- ❖ All policies shall name The Jackson Township Municipal Utilities Authority ("The Authority"), The Authority Commissioners, Employees, Attorney, Engineer and Resident Engineer as an additional named insured.

The developer/applicant's contractor shall furnish the Authority, the Engineer, and the Resident Engineer with satisfactory proof that he has obtained insurance from insurance companies or underwriters satisfactory to the Authority, the Engineer, and the Resident Engineer, and shall keep such insurance enforced until the developer/applicant's contractor and his subcontractors shall have fully and satisfactorily performed each and every obligation. The insurance shall include the subcontractor's operations also.

All insurance certificates shall stipulate that the insurance will not be changed or cancelled or permitted to expire without giving thirty (30) days prior notice to the Authority by registered mail. The developer/applicant's contractor shall furnish to all named insured with certified certificates. Specific reference to the project shall be made in all policies.

## **8.0 CONNECTION FEES**

Residential connection fees shall be as set forth in the Authority's current rate schedule.

- ❖ For uses other than residential, connection fees, as set forth in the Authority's current rate schedules, shall be calculated by using the NJ-DEP Standards of Water Average Daily Flow and dividing that number by the established gallons per day per 'unit', as defined in the Authority's current schedule of rates.

The resulting number of 'units', which shall be rounded up to the next tenth (1/10) unit will be multiplied by the single residential 'unit' charge.

If a non-residential applicant wishes to estimate usage based on other than DEP standards, the Authority may permit it, provided the applicant enters into a written agreement allowing the Authority to monitor the actual flow and assess additional connection fees at the then current rate for increases in flow above the original estimate.

In addition to the one-time connection fee, there is a quarterly meter service charge based on the size of the meter requested. Quarterly charges on these facilities will be in accordance with the current Jackson Township Municipal Utilities Authority Rate Schedule.

## 9.0 CONSTRUCTION

A preconstruction conference shall be held prior to the start of construction.

- ❖ At a minimum, the meeting will include the developer/applicant, contractor, design engineer, Jackson Township Traffic Safety Officer and the Authority's representative.

Prior to the meeting, the developer/applicant shall provide the Authority with the following:

- ✓ Nine sets of final construction plans;
- ✓ Review and Inspection Fees as outlined in Final Approval Recommendation Letter;
- ✓ A Performance Bond, found acceptable by the Authority's Attorney;
- ✓ Certificate of Insurance;
- ✓ Traffic Safety Plan;
- ✓ All shop drawings, including grease and sand/oil traps;
- ✓ A written program of inspection and cleaning of the trap;
- ✓ Notification in writing of the responsible person for supervision and safety of employees and the site; and
- ✓ All outside agency permits (including County and Township Road Opening Permits).

### **Further:**

- Under no circumstances can work begin until all local and/or country road permits are in hand.
- Easements are to be prepared and stubbed out prior to construction and then verified during/after installation.
- The Authority's Engineer or duly authorized representative shall inspect all utility construction for compliance with the Authority's Rules and Regulations and approved plans and specifications.
- The Authority's Consulting Engineer shall receive two (2) business days notice prior to start of construction.
- The inspector is an observer and is not responsible for directing the installation of the utilities or safety practices of the contractor.

After the installation of all underground utility, curbs, and road gravel, sewers and manholes shall be inspected for, but not limited to, line, grade, cleanliness, and general workmanship.

Water system shall be checked for, but not limited to, valve box grade, valve nut accessibility, hydrant grade and color, and valve function. Curbs shall be marked permanently with a "W" or "H" at the location of water and sewer services respectively.

At this point the developer/applicant shall test the facilities in accordance with the Authority's Specifications and As-Built Drawings shall be provided for review and approval.

As-built drawings must be submitted prior to testing and Final approval. Record drawings shall be in conformance with the as-built requirements listed in Appendices. The Authority's Consulting Engineer will incorporate the developer/applicant as-built drawings into the Authority Infrastructure Mapping.

All approved as-built and easement documentation must be on file with Jackson Township Municipal Utilities Authority prior to activation/operation of the systems.

The water system shall be disinfected and pass a bacteriological test in accordance with the specifications of these Rules and Regulations.

Upon successfully completing the required testing and submitting approved As-Builts, the Authority will consider the project substantially complete and file NJDEP's "Approval to Operate" certifications.

## **10.0 Partial Performance Guarantee Reduction**

The developer/applicant may request in writing, a Performance Guarantee reduction, providing the following items are complete:

1. The water system improvements have successfully passed the final hydrostatic pressure test and final bacteriological analysis.
2. The sanitary sewer improvements have successfully passed the final pressure test and deflection test. Pump Stations must have successfully completed the start-up procedure.
3. All easements and property deeds regarding the Authority, have been field verified and re-recorded, if necessary. (Easements filed on the filed plat are not acceptable.)
4. Record drawings have been submitted and approved.
5. The Bureau of Safe Drinking Water Construction Certification Report has been executed and submitted.
6. The New Jersey Department of Environmental Protection WQM-005 has been executed and submitted.
7. The Authority has granted an Approval to Operate.
8. Initial punch list items are completed.
9. Initial walk thru with Authority is completed.

The Authority's Engineer shall respond to the developer/applicant's request in writing, not later than 45 days after receipt of the developer/applicant's request. The Authority's Engineer or Consulting Engineer shall provide a revised bond estimate supporting any bond reduction.

The Authority shall approve the reduction by resolution. This resolution shall be adopted not later than 45 days after receipt of the Authority's Engineer's recommendation.

- ❖ In the event that the developer/applicant has made a cash deposit with the Authority as part of the performance guarantee, then any partial reduction granted in the performance

guarantee shall be applied to the cash deposit in the same proportion as the original cash deposit bears to the full amount of the performance guarantee.

- ❖ The developer/applicant may not receive more than one (1) reduction in the performance guarantee.
- ❖ The reduction shall only be made upon recommendation of the Authority's Engineer and may not exceed **70%** of the dollar value of improvements installed.

## **11.0 PERFORMANCE BOND RELEASE**

The developer/applicant may submit a written request for a Performance Guarantee Release providing that the following items are completed, as well as those items listed above under the Partial Performance Guarantee Reduction have been satisfied:

1. Completion of all required improvements including, but not limited to: water, sanitary sewer, storm sewer, gas, electric, telephone, etc. and all of the curbs and sidewalks have been completed along with the final paving.
  2. One (1) year after system is placed in service, televise sewer mains and laterals in a format acceptable to the Authority.
  3. An affidavit certifying that all of the contractor(s) and supplier(s) have been paid in full as of the date of the request. (See appendix "H")
  4. Resolution of all outstanding complaints.
  5. Walk through of the project with the Authority and/or its representative. A checklist specific to the project will be provided.
  6. Written request to transfer all utilities into the Authority's name, if applicable.
- ❖ In no case shall the Performance Bond be released prior to the project having final paving completed.

The Authority's Engineer shall respond to the developer/applicant's request in writing, not later than 45 days after receipt of the developer/applicant's request for the release. In their letter of recommendation, the Authority's Engineer or Consulting Engineer shall provide a maintenance bond estimate based on the original construction cost for the water and/or sewer system.

The Authority shall approve the Performance Bond Release by resolution. This resolution shall be adopted not later than 45 days after receipt of the Authority's Engineer's recommendation.

## 12.0 MAINTENANCE BOND

Should the developer/applicant request and receive a Performance Bond Release, they shall submit a Maintenance Bond to the Authority on a form as prescribed by the Authority guaranteeing the proper functioning of the system.

- ❖ The Maintenance Bond shall be in an amount of 15% of the construction cost and shall remain in effect for a period of two years from the date of maintenance bond acceptance.
- ❖ Letters of Credit on a form as prescribed by the Authority may be accepted in lieu of a Maintenance Bond.

Once all contingencies outlined in the consulting engineer's Performance Bond Release recommendation letter have been satisfied, the Authority will send a letter to the developer/applicant accepting the facilities and the two (2) year Maintenance Bond effective with the date of the Acceptance Letter.

- ❖ If during the life of the Maintenance Bond, the Authority finds any deficiencies within the accepted facilities, a certified letter will be forwarded to the developer/applicant outlining the deficiencies and requesting immediate remediation.
- ❖ Depending on the severity of the problems outlined, the Authority has the right to correct the problem immediately and seek reimbursement from the developer/applicant or its bonding company.
- ❖ If the developer/applicant is unresponsive, the Authority will notify the bonding company of its intent to file a claim against the bond, and after the appropriate amount of time has elapsed, the Authority will file a claim with the bonding company.

90 days prior to the expiration of the Maintenance Bond, the Authority will conduct one last walk through of the project site with the developer/applicant.