

AMG

3-18-86

letter rec

- Cert by Kaltkecker
- Cert by Willens

QSS-13

Q: # 3323,
3324

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MAR 24 1986

J. ALBERT MASTRO
ATTORNEY AT LAW
7 MORRISTOWN ROAD
BERNARDSVILLE, NJ 07924
(201) 766-2720

JUDGE SERPENTELLI'S CHAMBERS

March 18, 1986

Honorable Eugene D. Serpentelli
Judge, Superior Court of New Jersey
Ocean County Court House, CN 2191
Toms River, New Jersey 08754

Re: AMG Realty Company, et al vs. Township of Warren, et al

Dear Judge Serpentelli:

Enclosed is a copy of Certification of Ronald H. Willens and Certification of Stanley P. Kaltnecker, Jr., the originals of which have been filed with the Clerk of the Superior Court in Trenton.

Very truly yours,



J. Albert Mastro

JAM/jc

encs.

cc:

Joseph E. Murray, Esq.
John E. Coley, Jr., Esq.
Eugene W. Jacobs, Esq.
Raymond R. Trombadore, Esq.
Robert H. Kraus, Esq.
John T. Lynck, Esq.
Clerk, Trenton
Clerk, Somerset County

RECEIVED

MAR 24 1986

JUDGE SERPENTELLI'S CHAMBERS

J. ALBERT MASTRO
COUNSELLOR AT LAW
7 MORRISTOWN ROAD
BERNARDSVILLE, N. J. 07924
201-766-2720

March 18, 1986

Clerk, Superior Court of New Jersey
CN - 971
Trenton, New Jersey 08625

Re: AMG Realty Company, et als vs. Township of Warren, et al
Docket Nos. L-23277-80 P.W. and L-67820 P.W.

Dear Sir:

Enclosed is the following document for your attention:

Summons
 Complaint
 Answer
 Affidavit
 Notice of Motion
 X X Certifications
 Order
 Crossclaim
 Counterclaim
 Release
 Notice of Settlement

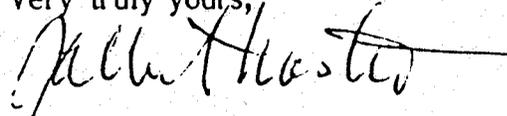
Warrant of Satisfaction
 Judgment
 Check \$ _____
 Interrogatories
 Answers to Interrogatories
 Deed - for recording & return
 Mortgage - for recording & return
 Mortgage - endorsed for cancellation
 Self addressed stamped envelope
 Realty Transfer Tax Check
 Fee

With respect to the above please:

File
 X File & return filed copy
 Record & return to me
 Serve defendant & advise
when service has been made

Consent to and return
 Sign Order and return
 Acknowledge receipt
 Cancel of record & return
 Answer & return 0+1 within the
time prescribed by the Rules of Court

Very truly yours,



J. Albert Mastro

JAM/jc

Enclosures

STANLEY P. KALTNECKER, JR., hereby certifies as follows:

1. I am a professional engineer and vice president of Elson T. Killam Associates, Inc., with offices at 27 Bleeker Street, Millburn, New Jersey. The majority of my employment relates to wastewater management and my credentials relative to same have been previously outlined during my testimony in the above matter on behalf of defendant.

2. I am the regularly retained engineer for the Warren Township Sewerage Authority and am familiar with the municipal sanitary sewer system in Warren Township and the records relative thereto. I am also familiar with the properties owned by Skytop Land Corp., AMG Realty Company and Timber Properties within Warren Township.

3. The records of the Warren Township Sewerage Authority reflect that Skytop has reserved 60,000 gpd of sewer capacity in the Stage V sewage treatment plant and Timber Properties has reserved 16,000 gpd in said sewage treatment plant which is currently available for use by those parties.

4. The Stage V sewage treatment plant is currently designed to accommodate a capacity of 380,000 gpd which can be easily expanded to 520,000 gpd with very little difficulty. That expansion would cause no significant adverse impact upon the receiving stream. These facts were verified with the New Jersey Department of Environmental Protection at the time the application for construction of the Stage V sewage treatment plant was being processed. In addition, at a meeting with NJDEP representatives in regard to the sewerage of Mount Laurel projects, NJDEP officials indicated that the processing of a sewage treatment plant expansion would be expedited because of those circumstances.

5. The contractual arrangement between the Township of Warren and the Township of Bridgewater provides that Warren's reserve capacity in the Middle Brook Trunk within Bridgewater Township is equivalent to 4.1 mgd peak flow. Accordingly, the sewerage of the AMG parcel (approximately 100,000 gpd) and a portion of the Skytop parcel (approximately 88,000 gpd) should present no problem provided Bridgewater has capacity to receive the effluent considering its Mount Laurel obligations. This approach would of course require an amendment to the 208 Water Quality Management Plan and the 201 Facilities Plan which NJDEP representatives indicated would receive deferential treatment.

6. Thus, assuming that the 201 and 208 Plans can be modified and further assuming that Bridgewater Township can accept sewage from the Middle Brook Trunk project in Warren Township without exceeding its capacity limit, it would appear that 100,000 gpd from AMG and 88,000 gpd from Skytop could be sewerage through the Middle Brook trunk. Secondly, both Skytop and Timber Properties already have subscribed to 60,000 gpd and 16,000 gpd respectively in the Stage V sewage treatment plant which is currently available with an additional 140,000 gpd realistic expansion without stream overload. Thus, the total sewer capacity that would be available to AMG, Skytop and Timber Properties appears to be in the neighborhood of 404,000 gpd.

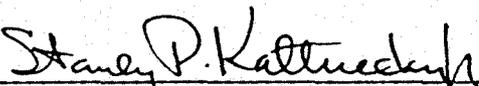
7. There would appear to be no need to continue the injunction against the Stage IV treatment plant expansion since the parcels of property involved in the above litigation can be adequately sewerage through other sewer districts. In addition, to my knowledge there are no other parcels of land within the Stage IV sewer district that have been designated for lower income housing purposes. Indeed, at the present time an approximate 40 acre tract of land ("Nottingham") which lies to the Northeast of the Skytop property is being sewerage through the

Stage V sewage treatment plant. One final factor might be mentioned in regard to the proposed Stage IV treatment plant expansion, namely, there appears to be approximately 49,000 gpd capacity that will be available after completion of the proposed expansion which can be used for Mount Laurel purposes. Thus, it would be in the interests of lower income households to have the Stage IV treatment plant expansion proceed to completion.

8. In my opinion, a viable and sound presentation can be made before the NJDEP to allow an additional 50,000 gpd expansion to the Stage I and II treatment plants discharging into the Passaic River since this is only 12% above the Stage I and II discharge permit limitation.

9. I certify that the foregoing statements made by me are true. I am aware that if any of such statements made by me are willfully false, I am subject to punishment.

DATED: March 18, 1986


STANLEY P. KALTNECKER, JR.

RECEIVED

FILED MAR 24 1986

JUDGE SERPENTELLI'S CHAMBERS

MAR 21 11 03 AM '86

SOMERSET COUNTY
C. R. OLSON, CLERK

J. ALBERT MASTRO
& Morristown Road
Bernardsville, N.J. 07924
(201) 766-2720

Attorney for Defendant Township of Warren Sewerage Authority

AMG REALTY COMPANY and
SKYTOP LAND CORP.,

Plaintiff,

JOAN H. FACEY, et als.,

Intervenors,

vs.

THE TOWNSHIP OF WARREN,

Defendant,

CONSOLIDATED WITH

TIMBER PROPERTIES,

Plaintiff,

vs.

THE TOWNSHIP OF WARREN, et als.,

Defendant.

: SUPERIOR COURT OF
: NEW JERSEY
: LAW DIVISION
: SOMERSET COUNTY

Docket No. L-23277-80 P.W.
L-67820-80 P.W.

Civil Action
(Mount Laurel)

CERTIFICATION OF
RONALD H. WILLENS

3/24/86
C. R. Olson

RONALD H. WILLENS, hereby certifies as follows:

1. I live at 7 Wynchwood Way, Warren, Somerset County, New Jersey, and have lived at that address continuously for approximately the past twenty years.

2. I have been a former governing body member and mayor of the Township of Warren and presently chairman of the Warren Township Sewerage Authority of which I have been a member for approximately the past thirteen years. During the period of time that I have served as a public official, I have become thoroughly familiar with the infrastructure of Warren Township and particularly the past and present status of sanitary sewers within or affecting Warren Township.

3. Warren Township lies generally within two major wastewater planning areas: (a) the Raritan River Basin which lies in the southern portion of the community, and (b) the Upper Passaic River Basin which lies generally in the northerly section of the township.

4. Federally funded 208 and 201 planning studies have been undertaken for both the above two wastewater planning areas which set forth a proposed plan for providing adequate wastewater facilities for Warren.

5. In the Upper Raritan River Basin, the facilities plan provide for a central sanitary sewer system to be constructed which will discharge into an interceptor along the East Branch of the Middle Brook. In view of the fact that discharge cannot be made directly into the East Branch of the Middle Brook because of low stream flows, wastewater was to be conveyed to Bridgewater through Bridgewater interceptors for treatment ultimately at the Somerset-Raritan Wastewater Treatment Plant.

6. The Upper Raritan River Basin, which consists of two sub-areas (Dock Watch Hollow and Middle Brook) was the subject matter of an agreement entered into between the Township of Warren and the Township of Bridgewater in 1971 for the construction of a regional solution to wastewater treatment by both the Township of Warren and the Township of Bridgewater in which Warren Township was to absorb 32.1% of the cost of the trunk sewer in the Township of Bridgewater which was designed to service also the Township of Warren. The construction of a central sanitary sewer system for the Middle Brook Basin was completed by the Warren Township Sewerage Authority in the latter part of 1983 and the receiving sewers of the Township of Bridgewater became initially operative in the late summer of 1985. After completing construction of the Middle Brook Trunk project within the Township of Warren, the Warren Township Sewerage Authority sold \$5.6 million in bonds to fund that portion of the construction for which it was obligated.

7. To date, the Township of Bridgewater has expended approximately \$4.5 million toward construction of the Middle Brook Trunk which would be the receiving facility for the Upper Raritan River Basin in Warren Township and it is anticipated that an additional sum of approximately \$1.5 million will be needed to complete said project.

8. At the present time there are approximately 2,000 users of the sanitary sewer system in Warren Township and approximately 600 immediate connections to the Middle Brook Trunk System in Warren Township which are currently being installed. It is also anticipated that there will be approximately 100 connections per year to the Middle Brook Trunk System in the future, the bonding for which anticipated to be 70 to 80 connections per year.

9. Funding for the Middle Brook Trunk project within Warren Township and payment of Warren's share of the regional Middle Brook Trunk System in Bridgewater Township was so structured that annual bonded indebtedness was to be paid from connection fees received. Annual user fees were structured primarily to address operating expenses of the Warren Township Sewerage Authority. Payment of debt service for the Middle Brook Trunk project in both Warren Township and that portion of the Bridgewater Trunk for which Warren is obligated appear in Schedules I and II attached to this certification.

10. The relief sought by Plaintiff in the above matter is inappropriate for the following reasons:

(a) continuing existing restraints on the expansion of the Stage IV Sewage Treatment Plant will totally disregard the interests of property owners in that area who have participated in a plant expansion project that took two years to accomplish and was deferred for a period of two years pending the restraint issued in the above litigation. Nothing has occurred to my knowledge pending the above litigation which would prejudice the accomodation of sewers for projects incorporating lower income housing.

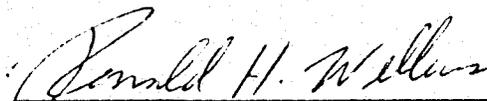
(b) The sewer district established for Stage IV is reasonable as presently outlined and any land that may be sewerred into that basin can be adequately accomodated through other service districts.

(c) Any restraints upon connections to the Middle Brook Trunk project presently constructed in Warren Township would obviously affect the interests of bond holders since the Warren Township Sewerage Authority has relied upon immediate connections as well as future connections to fund the annual debt service anticipated from the bond sale.

II. At some time subsequent to the injunction precluding the Stage IV expansion, the Warren Township Sewerage Authority entered into discussions with representatives of Skytop Land Corp. relative to sewerage anticipated development of its land through the Stage V sewage treatment plant. Skytop had indicated its willingness to fund a feasibility study toward that objective which the Warren Township Sewerage Authority agreed to undertake. Thereafter, Skytop apparently lost interest in pursuing this approach.

12. I certify that the foregoing statements made by me are true. I am aware that if any of such statements made by me are willfully false, I am subject to punishment.

DATED: March 18, 1986



RONALD H. WILLENS

SCHEDULE I

SEWER SYSTEM REVENUE BONDS, SERIES OF 1985

DATE	PRINCIPAL	COUPON	INTEREST	PERIOD TOTAL	FISCAL TOTAL
1/ 1/86			273,627.10	273,627.10	
7/ 1/86			234,537.50	234,537.50	508,164.60
1/ 1/87			234,537.50	234,537.50	
7/ 1/87			234,537.50	234,537.50	469,075.00
1/ 1/88			234,537.50	234,537.50	
7/ 1/88	145,000.00	6.250000	234,537.50	379,537.50	614,075.00
1/ 1/89			230,006.25	230,006.25	
7/ 1/89	150,000.00	6.500000	230,006.25	380,006.25	610,012.50
1/ 1/90			225,131.25	225,131.25	
7/ 1/90	160,000.00	6.750000	225,131.25	385,131.25	610,262.50
1/ 1/91			219,731.25	219,731.25	
7/ 1/91	170,000.00	7.000000	219,731.25	389,731.25	609,462.50
1/ 1/92			213,781.25	213,781.25	
7/ 1/92	185,000.00	7.250000	213,781.25	398,781.25	612,562.50
1/ 1/93			207,075.00	207,075.00	
7/ 1/93	195,000.00	7.500000	207,075.00	402,075.00	609,150.00
1/ 1/94			199,762.50	199,762.50	
7/ 1/94	210,000.00	7.750000	199,762.50	409,762.50	609,525.00
1/ 1/95			191,625.00	191,625.00	
7/ 1/95	230,000.00	7.900000	191,625.00	421,625.00	613,250.00
1/ 1/96			182,540.00	182,540.00	
7/ 1/96	245,000.00	8.000000	182,540.00	427,540.00	610,080.00
1/ 1/97			172,740.00	172,740.00	
7/ 1/97	265,000.00	8.200000	172,740.00	437,740.00	610,480.00
1/ 1/98			161,875.00	161,875.00	
7/ 1/98	290,000.00	8.750000	161,875.00	451,875.00	613,750.00
1/ 1/99			149,187.50	149,187.50	
7/ 1/99	315,000.00	8.750000	149,187.50	464,187.50	613,375.00
1/ 1/ 0			135,406.25	135,406.25	
7/ 1/ 0	340,000.00	8.750000	135,406.25	475,406.25	610,812.50
1/ 1/ 1			120,531.25	120,531.25	
7/ 1/ 1	370,000.00	8.750000	120,531.25	490,531.25	611,062.50
1/ 1/ 2			104,343.75	104,343.75	
7/ 1/ 2	400,000.00	8.750000	104,343.75	504,343.75	608,687.50
1/ 1/ 3			86,843.75	86,843.75	
7/ 1/ 3	435,000.00	8.750000	86,843.75	521,843.75	608,687.50
1/ 1/ 4			67,812.50	67,812.50	
7/ 1/ 4	475,000.00	8.750000	67,812.50	542,812.50	610,625.00
1/ 1/ 5			47,031.25	47,031.25	
7/ 1/ 5	515,000.00	8.750000	47,031.25	562,031.25	609,062.50
1/ 1/ 6			24,500.00	24,500.00	
7/ 1/ 6	560,000.00	8.750000	24,500.00	584,500.00	609,000.00
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ACCRUED	5,655,000.00		6,926,162.10	12,581,162.10	
			33,877.64	33,877.64	
	5,655,000.00		6,892,284.46	12,547,284.46	
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Bridgewater
MIDDLE BROOK

BOND PAYABLE SCHEDULE

1983-2001

2/...

SCHEDULE II

	TOTAL PRINCIPAL	TOTAL INTEREST	OLD	NEW	OLD	DUE FROM WARREN NEW	OLD	NEW
			INTEREST (A) MARCH 1	INTEREST (B) MAY 1	INTEREST (A) SEPT.	INTEREST (B) NOV. 1	PRINCIPAL (A) SEPT.	PRINCIPAL NOV.
1983.....	200,000.00	280,000.00	13,492.70	29,371.50	13,492.70	29,371.50	32,100.00	32,100.00
1984.....	200,000.00	265,350.00	12,727.65	27,902.93	12,727.65	27,902.92	32,100.00	32,100.00
1985.....	200,000.00	250,700.00	11,962.60	26,434.35	11,962.60	26,434.35	32,100.00	32,100.00
1986.....	200,000.00	236,050.00	11,197.55	24,965.77	11,197.55	24,965.78	32,100.00	32,100.00
1987.....	200,000.00	221,400.00	10,432.50	23,497.20	10,432.50	23,497.20	32,100.00	32,100.00
1988.....	225,000.00	206,750.00	9,667.45	22,028.62	9,667.45	22,028.63	32,100.00	32,100.00
1989.....	225,000.00	189,812.50	8,902.40	20,192.91	8,902.40	20,192.90	32,100.00	40,125.00
1990.....	225,000.00	172,875.00	8,137.35	18,357.19	8,137.35	18,357.18	32,100.00	40,125.00
1991.....	225,000.00	155,937.50	7,372.30	16,521.47	7,372.30	16,521.47	32,100.00	40,125.00
1992.....	225,000.00	139,000.00	6,607.25	14,685.75	6,607.25	14,685.75	32,100.00	40,125.00
1993.....	275,000.00	122,062.50	5,842.20	12,850.03	5,842.20	12,850.03	32,100.00	40,125.00
1994.....	275,000.00	100,550.00	5,077.15	10,280.02	5,077.15	10,280.03	32,100.00	56,175.00
1995.....	275,000.00	79,037.50	4,312.10	7,710.02	4,312.10	7,710.02	32,100.00	56,175.00
1996.....	275,000.00	57,525.00	3,547.05	5,140.01	3,547.05	5,140.01	32,100.00	56,175.00
1997.....	275,000.00	36,012.50	2,782.00	2,570.01	2,782.00	2,570.00	32,100.00	56,175.00
1998.....	100,000.00	16,000.00	2,225.60	-	2,225.60	-	32,100.00	56,175.00
1999.....	100,000.00	12,000.00	1,669.20	-	1,669.20	-	32,100.00	-
2000.....	100,000.00	8,000.00	1,112.80	-	1,112.80	-	32,100.00	-
2001.....	100,000.00	4,000.00	556.40	-	556.40	-	32,100.00	-
	<u>3,900,000.00</u>	<u>2,553,062.50</u>	<u>127,624.25</u>	<u>262,507.78</u>	<u>127,624.25</u>	<u>262,507.77</u>	<u>609,900.00</u>	<u>542,000.00</u>