

**RESOLUTION AUTHORIZING BREAKOUT OF SEWER CHARGES FOR  
CONDOMINIUM PROJECTS IN ARREARS BY OWNERSHIP PERCENTAGE**

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**MOTIONED BY:** Raia

**SECONDED BY:** Wiley

**WHEREAS**, the North Hudson Sewerage Authority (hereinafter "Authority") is a public body, duly formed under the Sewerage Authorities law, constituting Chapter 138 of the Laws of New Jersey of 1946, as amended (Chapter 14A of Title 40 of the New Jersey Statutes Annotated) and possesses the powers set forth therein; and

**WHEREAS**, many condominium projects in the Authority's service area are suffering great financial strain, exacerbated by recent storm damages, resulting in non-payment of sewer use charges; and

**WHEREAS**, individual unit owners current with their condominium maintenance and other assessments, are being precluded from selling or refinancing their respective units as overdue project sewer use charges are considered liens on the individual units by purchasers and mortgagees; and

**WHEREAS**, some individual unit owners have been required to escrow the entire complex's outstanding sewer use charges to close or refinance; and

**WHEREAS**, N.J.S.A. 40:14A-8(b) provides, in part, that charges ... "shall as nearly as the sewerage authority shall deem practicable and equitable be uniform throughout the district for the same type, class and amount of use or service of the sewerage system, except as permitted by section 1 of P.L.1994, c. 78 (C.40:14A-8.2), and may be based or computed either on the consumption of water on or in connection with the real property, making due allowance for commercial use of water, or on the number and kind of water outlets on or in connection with the real property, or on the number and kind of plumbing or sewerage fixtures or facilities on or in connection with the real property, or on the number of persons residing or working on or otherwise connected or identified with the real property, or on the capacity of the improvements on or connected with the real property, or on any other factors determining the type, class and amount of use or service of the sewerage system, or on any combination of any such factors, ... "; and

**WHEREAS**, percentage ownership of a condominium unit is generally proportionate to both the number of plumbing fixtures and occupants of a unit thereby comporting with the equitable and uniform statutory billing requirement.

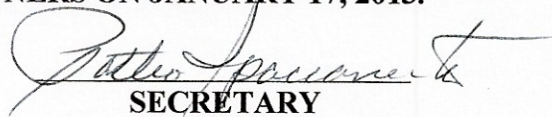
**NOW THEREFORE, BE IT RESOLVED** that the Authority may breakout billing for condominium projects among individual unit owners based on each owner percentage ownership of common elements as used by the municipal tax collector.

DATED: JANUARY 17, 2013

RECORD OF COMMISSIONERS' VOTE

|                          | YES | NO | ABSENT |
|--------------------------|-----|----|--------|
| Commissioner Irizarry    | x   |    |        |
| Commissioner Marotta     | x   |    |        |
| Commissioner Raia        | x   |    |        |
| Commissioner Schroeder   | x   |    |        |
| Commissioner Soares      | x   |    |        |
| Commissioner Spaccavento | x   |    |        |
| Commissioner Wiley       | x   |    |        |
| Commissioner Zucconi     | x   |    |        |
| Commissioner Wolff       | x   |    |        |

THIS IS TO CERTIFY THAT THIS RESOLUTION WAS DULY ADOPTED BY THE NORTH HUDSON BOARD OF COMMISSIONERS ON JANUARY 17, 2013.

  
SECRETARY