ORDINANCE #2000-946

AN ORDINANCE PROVIDING FOR THE SALE OF THE
BOROUGH OF MANVILLE'S WATER UTILITY

BE IT ORDAINED by the Borough Council of the Borough of Manville, in the County of Somerset, State of New Jersey, that the Borough shall pursue the Sale of its Water Utility to the highest responsible bidder, Elizabethtown Water Company, P.O. Box 788, Westfield, New Jersey 07091-0788 for the price of Four-Million-Nine-Hundred-Ten-Thousand Dollars ($4,910,000.00), in compliance with N.J.S.A. 40:62-1 through 40:62-6.

BE IT FURTHER ORDAINED that the Utility to be sold shall include the System described in the attached documents, which are hereby incorporated in their entirety as a part of this Ordinance, and shall be governed by the terms and conditions described in the same documents.

BE IT FURTHER ORDAINED that upon passage of this Ordinance, the Borough Clerk shall immediately cause a certified copy of this Ordinance to be served on the Somerset County Clerk and shall request of him that the following question be placed on the ballot for this year's general election, to be held November 7, 2000.

> "Shall the Borough of Manville's Water Utility be sold for the sum of Four-Million-Nine-Hundred-Ten-Thousand Dollars $$4,910,000.00)?" "Yes" "No"

BE IT FURTHER ORDAINED that upon passage of this referendum by a majority of those voting at the election, the Borough may accept the bid and carry out the sale as authorized by the election.

NOW, THEREFORE, BE IT FURTHER ORDAINED that:

a. All ordinances or portions of ordinances which are inconsistent with this Ordinance shall be repealed as to their inconsistencies only.

b. The various parts, sections and clauses of this Ordinance are hereby declared to be severable so that if any part, sentence, paragraph, section or clause of this Ordinance is adjudged unconstitutional or invalidated by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

c. No ordinance or any item or part thereof shall take effect without the Mayor's approval under N.J.S.A 40A:60-5(d), unless the Mayor fails to return the Ordinance to the council, as prescribed above, or unless the Borough Council, upon consideration of the Ordinance following its return shall, by a vote of two-thirds (⅔rds) of all of the members of the Borough Council, resolve to override the veto.

d. This Ordinance shall take effect immediately upon final passage and publication as required by law, except that no contract shall be entered into, and no sale completed, until passage of this referendum by a majority of those voting at the November 7, 2000 general election has occurred, and such election has been certified by the county clerk.

Borough of Manville

Angelo Corradino, Mayor

ATTEST:

Philip E. Petrone, Borough Clerk

ORDINANCE #2000- 946

FIRST READING:

Introduced	Seconded	Council	Yes	No	Abstain	Absent
		ALLAN				√
	√	DARABANT	√			
		JASIAK	√			
		PETROCK				√
		POLAK				√
√		WEISS	√			
		MAYOR CORRADINO				

PASSED this _____**31st**___day of **August**_____, 2000.

Attest:

Philip E. Petrone, Borough Clerk

SECOND READING:

Introduced	Seconded	Council	Yes	No	Abstain	Absent
		ALLAN	√			
		DARABANT	√			
	√	JASIAK	√			
		PETROCK	√			
		POLAK	√			
√		WEISS	√			
		MAYOR CORRADINO				

ADOPTED this ___**12th**___-_____ day of _____**September**_____, 2000.

Attest:

Philip E. Petrone, Borough Clerk