

**BOROUGH OF MANVILLE  
SOMERSET COUNTY  
NOTICE OF INTENT TO CONSIDER MUNICIPAL CONSENT ORDINANCE  
REQUESTED BY NEW JERSEY AMERICAN WATER, INC.**

**NOTICE IS HEREBY GIVEN** that, in accordance with N.J.S.A. §48:3-13 and N.J.S.A. §48:3-14, that the following Ordinance will be introduced by for first reading and introduction at a meeting of the Mayor & Council of the Borough of Manville, in the County of Somerset, State of New Jersey, to be held at Manville Borough Hall on the **12th** day of **February 2024**, at **7:00pm** and that, if passed on first reading, said Ordinance will be taken up for further consideration for final passage at a meeting of the Mayor & Council to be held at Manville Borough Hall on the **26th** day of **February 2024**, at **7:00pm**.

The Municipal Consent Ordinance was requested by New Jersey American Water, Inc (“NJAW”) following NJAW and the Borough executing an agreement for the sale of the Borough’s wastewater system, after passage of a referendum approving said sale by the voters of the Borough of Manville on November 7, 2023, by a vote of 1,552 to 325. NJAW is requesting the Municipal Consent to provide wastewater collection and conveyance service through the system for the maximum duration permitted by law.

A copy of this Notice has also been posted in the Borough website [www.ManvilleNJ.org](http://www.ManvilleNJ.org), and has been posted at: (1) the public bulletin board inside the Manville Borough Hall lobby; (2) the public bulletin board at the Manville Library; (3) the outdoor public kiosk at the “Heart of Manville” park at South Main Street; (4) the outdoor public kiosk outside at 325 North Main Street; (5) at the entrance to Manville VFW Post 2290 at 600 Washington Avenue.

**Ordinance No. 2024-01**

**AN ORDINANCE GRANTING CONSENT AND PERMISSION TO  
NEW JERSEY AMERICAN WATER, INC. TO FURNISH  
WASTEWATER CONVEYANCE SERVICE IN THE BOROUGH OF  
MANVILLE, NEW JERSEY**

**BOROUGH OF MANVILLE**

**Ordinance No. 2024-01**

**AN ORDINANCE GRANTING CONSENT AND PERMISSION TO NEW JERSEY AMERICAN WATER, INC. TO FURNISH WASTEWATER COLLECTION AND CONVEYANCE SERVICE IN THE BOROUGH OF MANVILLE, NEW JERSEY**

**WHEREAS**, the Borough of Manville, County of Somerset and State of New Jersey (the “Borough”), hereby grants consent and permission to New Jersey American Water, Inc. (“NJAW”), a New Jersey Corporation to furnish wastewater collection and conveyance service within the Borough; and

**WHEREAS**, NJAW is in the process of acquiring the wastewater system (the “System”) currently owned and operated by the Borough, which has been approved by the voters of the Borough on November 7, 2023, pursuant to N.J.S.A. §40:62-5; and

**WHEREAS**, the Borough is desirous of having NJAW acquire the System and the voters of the Borough of Manville approved same by passage of a referendum on November 7, 2023, by a vote of 1,552 to 325; and

**WHEREAS**, NJAW is a regulated public utility corporation of the State of New Jersey presently seeking the municipal consent of the Borough to permit NJAW to provide wastewater collection and conveyance service through the System; and

**WHEREAS**, NJAW has requested the consent of the Borough as required by N.J.S.A. §48:19-17 and §48:19-20, as amended, to lay its pipes beneath and restore such public roads, streets and places as it may deem necessary for its corporate purposes, free from all charges to be made for said privilege (except that fees for road opening permits shall be paid), provided that all said pipes installed after the date of this ordinance shall be laid at least three feet (3’) below the surface and shall not in any way unnecessarily obstruct or interfere with the public travel or cause or permit other than temporary damage to public or private property; and

**WHEREAS**, it is deemed to be in the best interests of the citizens of the Borough to provide this consent; and

**WHEREAS**, notice of this Ordinance was published in accordance with the requirements of N.J.S.A. §48:3-13 and N.J.S.A. §48:3-14; and

**WHEREAS**, the Mayor and Council of the Borough have concluded that granting of said consent shall enhance the health, safety and welfare of the citizens of the Borough.

**NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE BOROUGH AS FOLLOWS:**

**Section 1.** That exclusive and perpetual consent and permission to furnish wastewater collection and conveyance to the Borough and all residents, businesses and

government buildings therein is hereby given and granted to NJAW, its successors and assigns for the maximum duration permitted by law (50 years), subject to the permission by the Board of Public Utilities of the State of New Jersey.

**Section 2.** That exclusive consent and permission is given to NJAW, its successors and assigns, under the provisions of N.J.S.A. §48:19-17 and N.J.S.A. §48:19-20, as amended, without charge therefore, (except fees for road opening permits which shall be paid) as the same may be required in order to permit NJAW to own and operate the System, add to, extend, replace, operate and maintain said System in the public property described herein in order to provide said wastewater collection and conveyance service. This shall include permission to lay pipes beneath the public roads, streets, public property and public places.

**Section 3.** That a certified copy of this Ordinance, upon final passage, shall be sent to NJAW, the New Jersey Department of Environmental Protection and the Board of Public Utilities of the State of New Jersey.

**Section 4.** That the consent granted herein shall be subject to NJAW complying with all applicable laws of the Borough and/or the State of New Jersey including, but not limited to, any and all applicable statutes and administrative agency rules and/or regulations and contingent upon the Borough and NJAW executing the *Agreement of Sale Between the Borough of Manville and New Jersey American Water, Inc.*, as the same may be amended from time to time.

**Section 5.** The Mayor and the Borough Administrator are authorized to execute the documents and agreements necessary to effectuate this municipal consent.

**Section 5.** Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

**Section 6.** All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

**BE IT FURTHER ORDAINED**, that if any portion of this Ordinance shall be declared invalid as a matter of law, such declaration shall not affect the remainder of said Ordinance; and

**BE IT FURTHER ORDAINED**, that this Ordinance shall take effect upon passage and publication in accordance with law.

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Acting Borough Clerk

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RICHARD M. ONDERKO

MAYOR