



**BOROUGH OF MANVILLE**

**Ordinance No. 2024-1312**

**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.

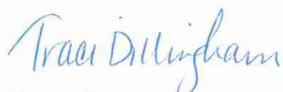
**Section 5.** The Mayor and the Borough Administrator are authorized to execute the documents and agreements necessary to effectuate this municipal consent.

**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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TRACI DILLINGHAM  
ACTING BOROUGH CLERK



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RICHARD M. ONDERKO  
MAYOR

**INTRODUCED** this  
26<sup>h</sup> day of February, 2024:

**ORDINANCE # 2024-1312**  
**FIRST READING: 2/26/2024**  
**ROLL CALL**

Introduced	Seconded	Council	Yes	No	Abstain	Absent
		Agans	x			
x		Camacho	x			
		DeVito	x			
		Madak	x			
		Puia	x			
	x	Skirkanish	x			
		Onderko				

Attest:




Traci Dillingham  
Acting Borough Clerk

**ADOPTED** this  
11<sup>th</sup> day of March, 2024:

**ORDINANCE # 2024-1312**  
**SECOND READING AND FINAL ADOPTION: 3/11/2024**  
**ROLL CALL**

Introduced	Seconded	Council	Yes	No	Abstain	Absent
		Agans				x
x		Camacho	x			
		DeVito	x			
		Madak	x			
	x	Puia	x			
		Skirkanish	x			
		Onderko				

Attest:



Traci Dillingham  
Acting Borough Clerk

**ADOPTED** this 11<sup>th</sup> day of March, 2024