

TOWNSHIP OF BRIDGEWATER

AN ORDINANCE GRANTING CONSENT AND PERMISSION TO NEW JERSEY AMERICAN WATER COMPANY, INC. TO FURNISH WASTEWATER COLLECTION AND CONVEYANCE SERVICE IN A PORTION OF THE TOWNSHIP OF BRIDGEWATER, NEW JERSEY

WHEREAS, the Township of Bridgewater, County of Somerset and State of New Jersey (the “Township”), hereby grants consent and permission to New Jersey-American Water Company, Inc. (“NJAW”), a New Jersey corporation to furnish wastewater service within a portion of the Township; and

WHEREAS, NJAW is in the process of acquiring the wastewater system (the “System”) currently owned and operated by the Borough of Somerville (“Somerville”) subject to regulatory approvals; and

WHEREAS, Somerville is desirous of having NJAW acquire the System; and

WHEREAS, the Somerville System currently provides wastewater service to 43 customers located in the Township in the area shown on the map attached hereto as Schedule A; and

WHEREAS, these Bridgewater residents have historically been customers of the Somerville System, and following the completion of the acquisition of the Somerville System by NJAW, these Bridgewater residents will become customers of NJAW; and

WHEREAS, the Bridgewater residents who are currently served by the Somerville System, and who will continue to be served by said System and become customers of NJAW upon completion of the acquisition will, with approval by the Board of Public Utilities of the State of New Jersey, be subject to the seven year rate plan provided for in the agreement of sale; and

WHEREAS, the rate plan will hold current sewer rates of the Somerville System for two years following closing, then increase rates no more than 3 percent annually for the next three years, and then no more than 4 percent annually for the following two years; and

WHEREAS, NJAW is a regulated public utility corporation of the State of New Jersey currently providing water service to the Township and seeking the municipal consent of the Township to permit NJAW to provide wastewater collection and conveyance service through the Somerville System to a portion of the Township currently served by the Somerville System; and

WHEREAS, NJAW has requested the consent of the Township 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 Township 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 Township have concluded that granting of said consent shall enhance the health, safety and welfare of the citizens of the Township.

NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE TOWNSHIP AS FOLLOWS:

Section 1. That exclusive and perpetual consent and permission to furnish wastewater collection and conveyance for those residents, businesses and government buildings in the area of the Township on **Schedule A (the "Proposed Franchise Area")** is hereby given and granted to NJAW, its successors and assigns for the maximum duration permitted by law, 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. The consent to use the Township streets is limited by statute to fifty (50 years).

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 Township 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 completing the acquisition of the Somerville System.

Section 5. The Mayor and the Administrator of the Township 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.

Adopted: March 30, 2023

Effective: April 19, 2023

SCHEDULE A

PROPOSED FRANCHISE AREA MAP