



Township of Hillsborough

COUNTY OF SOMERSET
THE PETER J. BIONDI BUILDING
379 SOUTH BRANCH ROAD
HILLSBOROUGH, NJ 08844
(908) 369-4313
www.hillsborough-nj.org

ORDINANCE 2024-06

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 Hillsborough, Somerset County, New Jersey.

WHEREAS, the Township of Hillsborough, County of Somerset, State of New Jersey (“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 (“System”) currently owned and operated by the Borough of Manville (“Manville”) subject to regulatory approvals; and

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

WHEREAS, the Manville System currently provides wastewater service to approximately 440 customers located in the Township in the area shown on the map attached hereto as **Schedule A**; and

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

WHEREAS, the Township residents who are currently served by the Manville System, and who will continue to be served by said System and become customers of NJAW upon completion of the acquisition will, with approval of 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 by and between Manville and NJAW; 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 Manville System to a portion of the Township currently served by the Manville System; and

WHEREAS, NJAW has requested the consent of the Township, as required by N.J.S.A. 48:13-10 and N.J.S.A. 48:13-11, to lay its pipes and conduits beneath such public roads, streets, avenues and alleys as it may deem necessary for its corporate purposes, in the area shown on the map attached hereto as **Schedule A**, provided all such pipes shall be laid henceforth at least three feet (3’) below the surface and shall not unnecessarily interfere with public travel or damage public or private property; and

WHEREAS, it is deemed to be in the best interests, health, safety and welfare of the Hillsborough residents and property owners currently serviced by the Manville System 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.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey, as follows:

Section 1. 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 depicted on **Schedule A** is hereby given and granted to NJAW, its successors and assigns for the maximum duration permitted by law, subject to the permission by the New Jersey Board of Public Utilities.

Section 2. Exclusive consent and permission is given to NJAW, its successors and assigns, under the provisions of N.J.S.A. 48:13-10 and N.J.S.A. 48:13-11, to lay its pipes and conduits beneath such public roads, streets, avenues and alleys as it may deem necessary for its corporate purposes, in the area shown on the map attached hereto as **Schedule A**, provided all such pipes shall be laid henceforth at least three feet (3') below the surface and shall not unnecessarily interfere with public travel or damage public or private property. All work and maintenance of the System shall be performed in accordance with all applicable federal, state and local statutes, rules, regulations, codes, ordinances and permit requirements. NJAW shall be responsible for the continued upkeep and maintenance of the System. This consent is limited by statute to fifty (50) years).

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

Section 4. The consent granted herein shall be subject to NJAW complying with all applicable federal, state and local statutes, rules, regulations, codes, ordinances and permit requirements. This consent is expressly contingent upon New Jersey Board of Public Utilities approval and the Borough and NJAW completing the acquisition of the Manville 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 6. If any provisions of this Ordinance shall be adjudged invalid, such adjudication shall not affect the validity of the remaining provisions which shall be deemed severable therefrom.

Section 7. This Ordinance shall take effect upon passage and publication.

ATTEST:

TOWNSHIP OF HILLSBOROUGH:

Sarah Brake, Township Clerk

Robert Britting, Jr., Mayor

Introduced: 5/14/2024

Published: 4/26/2024, 5/3/2024

Public Hearing: 6/11/2024

Adopted: 6/11/2024

Published: 6/21/2024