

**TOWNSHIP OF HARDYSTON**

**2013-07**

**AN ORDINANCE OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX AND THE STATE OF NEW JERSEY, AUTHORIZING THE TOWNSHIP TO EXECUTE AGREEMENTS BETWEEN THE TOWNSHIP OF HARDYSTON AND AQUA NEW JERSEY, INC. GRANTING TO AQUA NEW JERSEY, INC. THE FRANCHISES TO SERVE AND MUNICIPAL CONSENTS AND PERMISSIONS TO CONSTRUCT, OPERATE AND MAINTAIN WATER AND WASTEWATER FACILITIES IN THE TOWNSHIP RIGHTS OF WAY**

**WHEREAS**, Aqua New Jersey, Inc., currently provides water and wastewater services pursuant to rates and tariffs approved by the New Jersey Board of Public Utilities; and

**WHEREAS**, the Township Council has determined that the provision of such services would best be accomplished by a method which does not involve public funds and minimizes municipal financial responsibility and liability; and

**WHEREAS**, Aqua New Jersey, Inc. has significant experience as the operator of water and wastewater utilities which have been approved by the New Jersey Board of Public Utilities, and

**WHEREAS**, the Township Council has determined that it is in the best interests of the Township's residents to authorize the provision of centralized water and wastewater services to Aqua New Jersey, Inc.; and

**WHEREAS**, the Township Council has determined that it has the authority to authorize the attached Franchise Agreements:

- 1) *Agreement Between the Township of Hardyston and Aqua New Jersey, Inc., Granting the Franchise to Serve and Municipal Consent and Permission to*

*Construct, Operate and Maintain Water Facilities in the Township Rights of Way;*

- 2) *Agreement Between the Township of Hardyston and Aqua New Jersey, Inc., Granting the Franchise to Serve and Municipal Consent and Permission to Construct, Operate And Maintain Wastewater Facilities in the Township Rights of Way;*

(hereinafter referred to as “Franchise Agreements”).

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Township Council, of the Township of Hardyston, County of Sussex and State of New Jersey, as follows:

1. That the attached Franchise Agreements referenced herein are hereby approved and the Mayor and Township Clerk are hereby authorized to execute the attached Franchise Agreements between the Township and Aqua New Jersey, Inc.
2. That any other Township officials and professionals are hereby authorized and directed to take all actions necessary in order to effectuate the intentions of this Ordinance.
3. That all other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.
4. That if any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.
5. That this Ordinance shall take effect immediately upon final passage and publication in accordance with the law.

TOWNSHIP OF HARDYSTON  
COUNTY OF SUSSEX  
STATE OF NEW JERSEY

ATTEST:

\_\_\_\_\_  
Jane Bakalarczyk, Clerk

\_\_\_\_\_  
Leslie Hamilton, Mayor

Introduced: \_\_\_\_\_

Adopted: \_\_\_\_\_

**NOTICE**

**PLEASE TAKE NOTICE** that notice is hereby given that the above ordinance was introduced and passed at the regular meeting of the Hardyston Township Council held at the Municipal Building, 149 Wheatsworth Road, Hardyston, New Jersey, on August 6, 2013. The same came up for final adoption at a meeting of the Township Council of the Township of Hardyston held on August 27, 2013, and after all persons present were given the opportunity to be heard concerning the same, it was finally passed, adopted and will be in full force and effect in the Township according to law.

**BY ORDER OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF HARDYSTON.**

**JANE BAKALARCZYK, RMC/CMC**

**TOWNSHIP CLERK**