

RESOLUTION 2023-96

RESOLUTION OF COLTS NECK TOWNSHIP, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, PROVIDING MUNICIPAL CONSENT FOR VEOLIA WATER NEW JERSEY TO PROVIDE WATER AND SEWER SERVICE PREVIOUSLY PROVIDED BY SUEZ WATER TOMS RIVER, INC.

WHEREAS, on the 14th day of May, 1987, the Township granted municipal consents and franchises (the “**Franchises**”) to S.B. Water Company, Inc. and S.B. Sewer Company, Inc. (collectively “S.B.”) to provide water and sewer services within that portion of the Township described as Lot two (2) of Block 41.01 of the Colts Neck Tax Map, and to own, operate, construct, maintain and repair a water supply and distribution system and a sewer supply and distribution systems and such other and related capital facilities including mains, service lines, storage facilities, pipes, valves and appurtenances thereto as are necessary to enable it do so; and

WHEREAS, S.B. and Suez Water Toms River Inc. (“Suez”)(formerly known as United Water Toms River Inc.) entered into an Asset Purchase Agreement dated August 19, 2015 pursuant to which S.B. agreed to sell to Suez all of the assets owned by S.B. and used in the S.B.’s water and sewer businesses, including the assignment of all approvals, consents and franchises to operate such businesses (the “Asset Sale”); and

WHEREAS, on the 9th day of March, 2016, Colts Neck Township granted municipal consents to assign the Franchises to Suez Water Toms River Inc. (formerly known as United Water Toms River Inc.) as part of the Asset Sale from S.B.; and

WHEREAS, Suez Water Toms River Inc. was merged into and became a part of Suez Water New Jersey Inc. in 2018; and

WHEREAS, Suez Water New Jersey Inc. was rebranded to Veolia Water New Jersey, Inc. (“VWNJ”) on March 28, 2022, after a change in the control of ownership of its main parent company, SUEZ S.A., which was acquired by Veolia Environnement S.A., in January 2022;

WHEREAS, certain properties located in that area which was shown on the Tax Maps of the Town of Colts Neck as Block 41.01, Lot 2 within Colts Neck Township (“Township”) have historically received sewer service from Suez, and the continued provision of sewer services to such properties is in the best interest of the Township and its citizens; and

WHEREAS, by Resolution 2018-142, the Township expanded the Franchises to include the property known as Block 42, Lot 4 on the Tax Maps of the Township; and

WHEREAS, VWNJ seeks the Township's consent to transfer the Franchises to VWNJ;
and

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of Colts Neck Township does consent and agree to the assignment of the Franchises from Suez to VWNJ subject to the following conditions:

1. The Township's consent herein shall be effective upon the approval of the transfer of Suez's assets to VWNJ by the New Jersey Board of Public Utilities; and

2. There shall be no expansion by VWNJ of the number of properties currently served by the Franchises granted to Suez without the express permission of the Township and any other necessary governmental agency or authority; and

3. VWNJ shall comply with all terms and conditions set forth in the Franchises, which are incorporated herein by reference; and

4. Nothing herein shall have any effect whatsoever on the rights of private property owners regarding the laying of water and sewer pipes beneath private property, and VWNJ is required to obtain any and all necessary consents, approvals, rights of way, easements or any other right or interest from private property owners prior to undertaking any work on private property contemplated or permitted by the Franchises; and

5. VWNJ shall abide by the Ordinance established by Colts Neck Township regarding road openings or municipal permits necessary to perform any maintenance, repair or replacement work on its water utility infrastructure. Said work performed by VWNJ shall be subject to inspection by the appropriate construction official or municipal engineer as designated by the Ordinance and/or the New Jersey Uniform Construction Code; and

6. VWNJ shall comply with all requirements and outside approvals as may be required from Colts Neck Township or any other governmental authority prior to undertaking any work contemplated or permitted by the Franchises.

I, Trina Lindsey, do hereby certify the foregoing resolution was passed by the Township Committee of the Township of Colts Neck during a regular meeting held on the 31st day of May, 2023.



Trina Lindsey, Municipal Clerk

RECORD OF VOTE						
	M	S	Yes	No	NV	Ab
Mayor Fitzpatrick			X			
Deputy Mayor Rizzuto			X			
Torchia Buss			X			
Viola	M		X			
Bartolomeo	S		X			

M - Moved S - Seconded X - indicates vote NV -
 Not Voting Ab - Absent