

**ORDINANCE NO. 08-18**

**ORDINANCE OF THE BOROUGH OF MOUNT EPHRAIM, COUNTY OF CAMDEN, AND STATE OF NEW JERSEY, AUTHORIZING THE SALE OF THE BOROUGH'S MUNICIPALLY OWNED WASTEWATER COLLECTION SYSTEM**

**WHEREAS**, there exists in the Borough of Mount Ephraim ("Borough") two sanitary sewer pump stations and a wastewater collection system ("Wastewater Collection System"); and

**WHEREAS**, the aforesaid Wastewater Collection System is currently owned and operated by the Borough; and

**WHEREAS**, pursuant to the Municipal Utility Law, N.J.S.A. 40:62-1, *et seq.*, the Borough is authorized to sell the Borough's Wastewater Collection System; and

**WHEREAS**, pursuant to N.J.S.A. 40:62-3, in the event the Borough intends to sell its Wastewater Collection System to a private entity, same must be in compliance with the provisions of N.J.S.A. 40:62-4 and N.J.S.A. 40:62-5 and can only be sold if authorized by the legal voters of the Borough; and

**WHEREAS**, based upon a review, evaluation and recommendation by the Borough Engineer, Federici & Akin, P.A., and in accordance with N.J.S.A. 40:62-4, the Governing Body adopted Resolution No. 29-18 on April 5, 2018, deeming it advisable to sell the Borough's Wastewater Collection System to the highest qualified bidder; and

**WHEREAS**, as further required by N.J.S.A. 40:62-4, the Borough prepared, distributed and advertised in connection with the proposed sale of the municipally owned Wastewater Collection System and made available to all prospective purchasers a Request for Bid ("RFB") regarding same; and

**WHEREAS**, on June 6, 2018, the Borough received one proposal from New Jersey American Water ("NJAW") in response to the RFB, the other potential bidder, Aqua New Jersey, Inc., having elected not to submit a proposal; and

**WHEREAS**, the Borough has determined that NJAW's proposal is responsive to the RFB and in compliance with the terms and conditions thereof;

**NOW THEREFORE**, be it Ordained by the Mayor and Board of Commissioners of the Borough of Mount Ephraim, County of Camden, State of New Jersey, as follows:

**SECTION 1:** The Borough hereby approves the sale of the municipally owned Wastewater Collection System to NJAW, the highest responsible bidder, in the amount of \$1,400,000.00, subject to the approval thereof by a majority of the legal voters in the Borough of Mount Ephraim at the November 6, 2018 general election.

**SECTION 2:** The Borough is hereby authorized to enter into an Asset Purchase Agreement with NJAW, subject to review and approval by the Borough Solicitor as to form

and content with the terms and conditions set forth in the RFB and any addendums and clarifications to same.

**SECTION 3:** The Mayor and any other appropriate officials of the Borough are hereby authorized to execute, and the Borough Clerk is hereby authorized to attest to, the aforesaid Asset Purchase Agreement, as well as any other documents necessary to be executed and/or attested to, including but not limited to any documents to be submitted to all appropriate state and other regulatory agencies.

**SECTION 4:** The Mayor, the Borough Clerk and any other appropriate officer of the Borough are hereby authorized and directed to take any and all action(s) necessary to effectuate the sale of the municipally owned Wastewater Collection System to NJAW including, but not limited to, causing a certified copy of this Ordinance to be served upon the County Clerk and/or officer charged with the duty of preparing election ballots, with a request that the question of the sale as shown by this Ordinance be placed upon the ballot to be used at the November 6, 2018 general election in the Borough as per N.J.S.A. 40:62-5.

**SECTION 5:** This Ordinance shall take effect immediately upon final passage and publication in accordance with law.

Approved by: \_\_\_\_\_  
Joseph E. Wolk, Mayor

Attest: \_\_\_\_\_  
Terry Shannon, Borough Clerk

Introduced: July 5, 2018

Adopted: \_\_\_\_\_, 2018