ORDINANCE No. 24-022

1st Reading MAR 21 2024
Public Hearing APR 04 2024
2nd Reading & Passage APR 04 2024
Withdrawn _____ Lost _____

Date to Mayor APR 09 2024
Date Returned APR 12 2024
Date Resubmitted to Council _____

Approved as to Form and Legality

WESLEY BRIDGES, ESQ., CITY ATTORNEY

Factual content certified by

SEAN SEMPLE, DEPARTMENT OF WATER & SEWER

Councilman /woman _____ presents the following Ordinance:

AN ORDINANCE OF THE CITY OF TRENTON, IN THE COUNTY OF MERCER, NEW JERSEY, AMENDING ORDINANCES TO RESCIND SPECIAL ASSESSMENT IN CONNECTION WITH LEAD SERVICE LINE REPLACEMENT PROJECT

WHEREAS, the City of Trenton (the "**City**") and the New Jersey Department of Environmental Protection (the "**DEP**") entered into that certain Administrative Consent Order, dated July 26, 2018 (the "**ACO**"); and

WHEREAS, in addition to other requirements, the ACO directs the City's water utility, Trenton Water Works ("**TWW**"), to replace lead-lined service lines, connecting the TWW main water distribution system to meters on privately-owned properties served by the system ("**LSLs**"), with copper lines (the "**LSL Replacement Project**"); and

WHEREAS, to finance the costs of the LSL Replacement Project, the City adopted bond ordinance #19-16 on February 21, 2019, as amended by ordinance #19-47, adopted on September 5, 2019, and bond ordinance #20-27, adopted on May 7, 2020 (collectively, the "**City LSL Ordinances**"); and

WHEREAS, in the City LSL Ordinances, the City imposed a special assessment (the "**Special Assessment**"), pursuant to the Local and Other Improvements Law, *N.J.S.A.* 40:56-1 *et seq.*, against properties benefitted by the LSL Replacement Project (the "**City Benefitted Properties**") for a portion of the costs associated therewith; and

WHEREAS, Ewing Township, Hamilton Township and Lawrence Township (each a "**Township**" and, collectively, the "**Townships**"), each of which is served by TWW, adopted ordinances imposing a special assessment against properties in such municipalities specially benefitted by the LSL Replacement Project; and

WHEREAS, pursuant to the Uniform Shared Services and Consolidation Act, *N.J.S.A.* 40A:65-1 *et seq.*, the City entered into Shared Services Agreements, each dated November 14, 2019 (as subsequently amended and, collectively, the "**Shared Services Agreements**") with the Townships, which agreements set forth the obligations of the City and each Township with respect to the administration of the Special Assessment; and

WHEREAS, P.L. 2021, c. 183 (codified at N.J.S.A. 58:12A-45), authorizes TWW to recoup the costs of the LSL Replacement Project from all subscribers of the public water system, *i.e.* through the water system rates rather than through a special assessment imposed against particular property owners; and

ORDINANCE

WHEREAS, the City believes that the provision of clean, lead free drinking water to its residents and customers is a public purpose beneficial to the City as a whole and any benefit to any private land owner in accomplishing this purpose is incidental and subordinate to this primary public and governmental purpose; and

WHEREAS, the City now desires to rescind the Special Assessment against the City Benefitted Properties, subject to the enactment of legislation permitting same or, in the alternative, at the discretionary approval of the Director of the Local Finance Board ("**LFB**"); and

WHEREAS, those customers that have signed Right of Entry forms that indicate there will be a $1,000 Special Assessment fee are no longer required to honor that commitment.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF TRENTON, IN THE COUNTY OF MERCER, NEW JERSEY, AS FOLLOWS:

Section 1. The recitals hereof are incorporated by reference as it is set forth at length herein.

Section 2. The City LSL Ordinances are hereby amended to rescind the imposition of the Special Assessment against the properties identified therein.

Section 3. The purposes described in Section 3 of the City LSL Ordinances are improvements the City may lawfully undertake as general improvements and, no part of the cost of such improvements shall be specially assessed against the properties specially benefitted thereby. The balance of the City LSL Ordinances, including the appropriations made thereby and the authorizations to issue debt thereunder, shall remain in full force and effect.

Section 4. The Shared Services Agreements are hereby terminated, and the Mayor and City Clerk are hereby authorized to execute and attest any documents necessary to effectuate the proposes of this ordinance.

Section 5. This ordinance shall take effect twenty (20) days after the first publication thereof after final adoption.

INTRODUCTION:	MOTION:				SECOND:				ORD. AUTHORED BY:									ADOPTION	MOTION: Frisby				SECOND: Williams			
	INTRODUCTION				ADOPTION					INTRODUCTION				ADOPTION					INTRODUCTION				ADOPTION			
	AYE	NAY	NV	AB	AYE	NAY	NV	AB		AYE	NAY	NV	AB	AYE	NAY	NV	AB		AYE	NAY	NV	AB	AYE	NAY	NV	A
EDWARDS	✓				✓				GONZALEZ	✓				✓				FELICIANO	✓				✓			
FIGUEROA KETTENBURG	✓				✓				HARRISON	✓				✓												
FRISBY	✓				✓				WILLIAMS	✓				✓												

NV - NO VOTE AB – ABSENT

Adopted on first reading at a meeting of the City Council of the City of Trenton, NJ on MAR 21 2024

Adopted on second reading after the public hearing on APR 04 2024

Mayor — APPROVED / REJECTED

Reconsidered by Council – Override Vote — AYE / NAY

President of Council

City Clerk