

**TOWNSHIP OF HAMILTON
COUNTY OF MERCER, NEW JERSEY**

ORDINANCE

No. **20-035**

1ST READING **June 16, 2020** _____

DATE TO MAYOR _____

2ND READING & PUBLIC HEARING **July 21, 2020** _____

DATE RESUBMITTED TO COUNCIL _____

WITHDRAWN _____ LOST _____

DATE EFFECTIVE _____

APPROVED AS TO FORM AND LEGALITY

FACTUAL CONTENTS CERTIFIED TO BY

TOWNSHIP ATTORNEY

TITLE

AN ORDINANCE OF THE TOWNSHIP OF HAMILTON, IN THE COUNTY OF MERCER, NEW JERSEY, AMENDING ORDINANCE NO. 19-044, ADOPTED SEPTEMBER 17, 2019, ENTITLED "AN ORDINANCE OF THE TOWNSHIP OF HAMILTON, IN THE COUNTY OF MERCER, NEW JERSEY, PROVIDING FOR THE SPECIAL ASSESSMENT OF A PORTION OF THE COST RELATING TO LEAD SERVICE LINE REPLACEMENTS AND APPROVING THE EXECUTION OF A SHARED SERVICES AGREEMENT IN CONNECTION THEREWITH"

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 among other things, the ACO requires the City's water utility, Trenton Water Works ("TWW"), to replace lead-lined service lines connecting the TWW main water distribution system lines to the meters on privately-owned properties ("LSLs"), including properties in the Township of Hamilton (the "Township"), with copper lines (the "LSL Replacement Project"); and

Whereas the City is undertaking the LSL Replacement Project in a series of phases, including the first phase, which consists of up to 2,600 LSLs (the "LSL Replacement Project - Phase 1) and will finance the costs of the LSL Replacement Project through loans and/or grants (the "NJIB Loan") from the New Jersey Infrastructure Bank (the "NJIB"); and

Whereas on September 17, 2019, the Township Council of the Township adopted an ordinance entitled "An Ordinance of the Township of Hamilton, in the County of Mercer, New Jersey, Providing for the Special Assessment of a Portion of the Cost Relating to Lead Service Line Replacements and Approving the Execution of a Shared Services Agreement in Connection Therewith" (the "2019 Township Special Assessment Ordinance"); and

Whereas the 2019 Township Special Assessment Ordinance provides for the special assessment (the "Special Assessment"), against the properties identified in Exhibit A attached thereto (the "Township Benefitted Properties"), of a portion of the costs of the LSL Replacement Project on properties in the Township specially benefitted by the LSL Replacement Project; and

Whereas the 2019 Township Special Assessment Ordinance further provides that the Special Assessment relates to the LSL Replacement Project - Phase 1, although notice of the Special Assessment was provided to all TWW customers in the Township that might be eligible for the LSL Replacement Project, including all properties identified in Exhibit A thereto; and

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Whereas the City and the Township also conducted a collaborative, public outreach effort, including circulating notices and hosting public meetings, to notify system users about the LSL Replacement Project and invite property owners to voluntarily participate in the program; and

Whereas on November 14, 2019, under the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1 *et seq.*, the City and the Township entered into a Shared Services Agreement (the "2019 Shared Services Agreement"), pursuant to which the City will be responsible for assessing, collecting and enforcing the payment, by owners of the Township Benefitted Properties, of Special Assessment payments; and

Whereas the Township desires to amend the 2019 Township Special Assessment Ordinance to provide that the Special Assessment applies to all Township Benefitted Properties that participate in the LSL Replacement Project, including those in phases after Phase 1; and

Whereas the Township also desires to enter into an amendment to the 2019 Shared Services Agreement ("the Amendment") to provide that it applies to all Township Benefitted Properties that participate in the LSL Replacement Project, including those in phases after Phase 1;

Now, Therefore, Be It Ordained by the Council of the Township of Hamilton, in the County of Mercer and State of New Jersey, as follows:

- Section 1. The recitals hereof are incorporated by reference as it is set forth at length herein.
- Section 2. All references to "the LSL Replacement Project - Phase 1" in Sections 2 and 3 of the 2019 Township Special Assessment Ordinance are hereby deleted and replaced with "LSL Replacement Project".
- Section 3. The proper officials of the Township of Hamilton are authorized to execute any and all documents necessary to effectuate the purpose of this ordinance including, but not limited to, the Amendment, in substantially the same form as that on file with the Township Clerk, together with such additions, deletions or modifications as the Mayor and/or administration deems reasonable and necessary.
- Section 4. If any part(s) of this ordinance shall be deemed invalid, such part(s) shall be severed and the invalidity thereby shall not affect the remaining parts of this ordinance.
- Section 5. This ordinance shall take effect twenty (20) days after the first publication thereof after final adoption.

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PRESIDENT

MUNICIPAL CLERK

RECORD OF VOTE													
First Reading							Second Reading						
COUNCIL	AYE	NAY	NV	AB	ORD	SEC	COUNCIL	AYE	NAY	NV	AB	ORD	SEC
ANTHONY P. CARABELLI, JR.	✓					✓	ANTHONY P. CARABELLI, JR.						
NANCY PHILLIPS	✓						NANCY PHILLIPS						
CHARLES F. WHALEN	✓						CHARLES F. WHALEN						
PASQUALE "PAT" PAPERIO, JR.	✓				✓		PASQUALE "PAT" PAPERIO, JR.						
RICHARD L. TIGHE, JR.	✓						RICHARD L. TIGHE, JR.						

X - Indicates Vote A.B. - Absent N.V. - Not Voting ORD. - Moved SEC. - Seconded

REJECTED _____

JEFFREY S. MARTIN, MAYOR

DATE

APPROVED _____

RECONSIDERED BY COUNCIL _____

OVERRIDE VOTE

AYE _____

NAY _____