

# ORDINANCE

No. 23-066

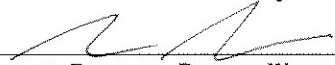
1<sup>st</sup> Reading DEC 07 2023  
Public Hearing DEC 21 2023  
2<sup>nd</sup> Reading & Passage DEC 21 2023  
Withdrawn \_\_\_\_\_ Lost \_\_\_\_\_

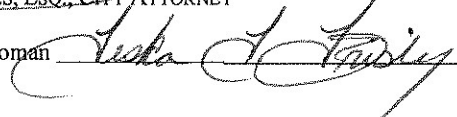
Date to Mayor 1-5-2024  
Date Returned 1-8-2024  
Date Resubmitted to Council \_\_\_\_\_

Approved as to Form and Legality

Factual content certified by

  
WESLEY BRIDGES, ESQ., CITY ATTORNEY

  
SEAN SEMPLE, DIRECTOR, DEPT. OF WATER AND SEWER

Councilman /woman 

presents the following Ordinance:

## **AN ORDINANCE ESTABLISHING THE GOALS OF THE TRENTON WATER WORKS' SMART METER PROJECT, RATEPAYER BENEFITS, AND THE PENALTIES FOR NONCOMPLIANCE**

**WHEREAS**, Trenton Water Works (TWW) seeks to provide its ratepayers and service-area consumers with high-quality drinking water that meets or exceeds the federal and state Safe Drinking Water Act (N.J.S.A. 58:12A-1 et seq.) utilizing water-industry-proven processes, systems and technologies; and

**WHEREAS**, to achieve this paramount goal, TWW undertakes capital projects and operational work to maintain high water quality, continuous regulatory compliance, and optimum water system performance to benefit its ratepayers and service-area consumers; and

**WHEREAS**, in 2019, TWW announced a \$405 million, six-year capital plan, a blueprint to modernize the TWW system, which included the removal of all lead infrastructure by 2031, upgrading the Water Filtration Plant; constructing a network of decentralized storage tanks, and upgrading its 683-mile water distribution system, and

**WHEREAS**, the upgrade to the distribution system requires the installation of two-way communicating water meters (Smart Meters) at over 63,000 ratepayers' homes and businesses; and

**WHEREAS**, the Smart Meters shall be installed at no costs and for the benefit of the ratepayers; and

**WHEREAS**, the Smart Meters are critical to the efficient operation of TWW, and shall allow TWW personnel to read meters remotely; and

**WHEREAS**, installation of Smart Meters will benefit ratepayers by eliminating almost all estimated bills, elevating customer service, and providing billing data to allow for timely and efficient processing; and

**WHEREAS**, for the benefit of TWW's ratepayers, the New Jersey Water Bank, a state revolving fund program jointly administered by the New Jersey Department of Environmental Protection and the New Jersey Infrastructure Bank, is funding the \$20-million Smart Meter Project. TWW secured approval for the low-interest loan backed by TWW revenue and municipal bonds; and

**WHEREAS**, the American Water Works Association supports and encourages TWW's use of Smart Meters as an effective tool to reduce unaccounted for water and revenue loss; and

**WHEREAS**, the New Jersey Department of Environmental Protection has directed TWW to reduce non-revenue water to 15 percent from nearly 40 percent of total gallons supplied annually by 2027; and

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**WHEREAS**, in order for TWW to maximize the benefits of the installation of Smart Meters, installation shall be mandatory for ratepayers; and

**WHEREAS**, TWW will notify ratepayers about the Smart Meter Project via direct mail, social media, conventional media, and through town-hall style community meetings called “H2Open Forums”; and

**WHEREAS**, the Smart Meters shall be installed at ratepayers’ homes and business by appointment via meter-reading routes to maximize efficiency; and

**WHEREAS**, TWW understands that it may be difficult for some ratepayers to accommodate appointments; and, therefore, TWW shall provide such ratepayers a three-month grace period to set an appointment; and

**WHEREAS**, in order to ensure global installation of Smart Meters, TWW must penalize those ratepayers that are noncompliant; and

**WHEREAS**, the first penalty for noncompliance following the three-month grace period shall be a doubling of the “Ready to Serve” charge on the ratepayers’ quarterly bill, which charge shall be reversed once the ratepayer complies with the installation of the Smart Meter; and

**WHEREAS**, the second penalty for noncompliance shall be a notice to the ratepayer providing 15 days to respond to TWW’s request to set an appointment for Smart Meter installation, and the failure to respond to the 15-day notice shall result in a 72-hour shutoff notice. TWW shall assess a \$100 reconnection fee to reverse a shutoff.

## **Section 1**

**NOW, THEREFORE, BE IT ORDAINED**, by the City Council of the City of Trenton, County of Mercer that the foregoing “Whereas” clauses shall be incorporated herein by reference and made a part hereof; and

**BE IT FURTHER ORDAINED**, by the City Council of the City of Trenton, County of Mercer that the City Council supports the Trenton Water Works plan to install Smart Meters for all ratepayers.

## **Section 2**

Repealer. All prior ordinances or parts of same inconsistent with any provisions of this ordinance are hereby repealed to the extent of such inconsistency.

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**Section 3**

Severability. Should any section, clause, sentence, phrase or provision of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the remaining sections of this ordinance.

**Section 4**

Effective Date. This ordinance shall take effect 20 days after the final adoption thereof and approval by the Mayor, in accordance with N.J.S.A. 40:69A-181.

INTRODUCTION:	Feliciano				Edwards				ORD. AUTHORED BY:		ADOPTION	Feliciano				Figueroa Kettenburg						
	MOTION:											MOTION:										
	INTRODUCTION				ADOPTION							INTRODUCTION				ADOPTION						
	AYE	NAY	NV	AB	AYE	NAY	NV	AB		AYE	NAY	NV	AB	AYE	NAY	NV	AB	AYE	NAY	NV	AB	
EDWARDS	✓				✓				GONZALEZ	✓				FRISBY	✓							
FELICIANO	✓				✓				HARRISON	✓												
FIGUEROA KETTENBURG	✓				✓				WILLIAMS	✓												

NV - NO VOTE      AB - ABSENT

Adopted on first reading at a meeting of the City Council of the City of Trenton, NJ on DEC 07 2023

Adopted on second reading after the public hearing on DEC 21 2023

\_\_\_\_\_  
 Mayor APPROVED  
REFUSED

\_\_\_\_\_  
 Reconsidered by Council - Override Vote AYE  
NAY

\_\_\_\_\_  
 President of Council

\_\_\_\_\_  
 City Clerk