



## Legislation Details (With Text)

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**File created:** 2/22/2016      **In control:** Water Sewer Utility

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**Title:** Dept/ Agency: Water and Sewer Utilities  
 Action: ( ) Ratifying (X) Authorizing ( ) Amending  
 Type of Service: Intergovernmental Agreement  
 Purpose: Utility Relocation for Gas Metering and Regulating Station at the Northeast Intersection of Port Street and Corbin Street  
 Entity Name: Public Service Electric and Gas Company (PSE&G)  
 Entity Address: 4000 Hadley Road, 2nd Floor, South Plainfield, New Jersey 07080  
 Contract Amount: No Municipal Funds Required  
 Funding Source: Public Service Electric and Gas Company (PSE&G)  
 Contract Period: Until Completion of the Project  
 Contract Basis: ( ) Bid ( ) State Vendor ( ) Prof. Ser. ( ) EUS  
 ( ) Fair & Open ( ) No Reportable Contributions ( ) RFP ( ) RFQ  
 ( ) Private Sale ( ) Grant ( ) Sub-recipient (X) n/a  
 Additional Information:  
 No municipal funds are required or will be spent. However, PSE&G will reimburse the City for any costs incurred by the City which are necessary to accomplish this Project.

**Sponsors:** Council of the Whole

**Indexes:**

**Code sections:**

Date	Ver.	Action By	Action	Result
4/6/2016	1	Municipal Council	Adopt	Pass

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**Additional Information:**  
 No municipal funds are required or will be spent. However, PSE&G will reimburse the City for any costs incurred by the City which are necessary to accomplish this Project.

**WHEREAS,** Public Service Electric and Gas Company (PSE&G) is about to undertake the design and construction of a gas Metering and Regulating Station located at the northeast

intersection of Port Street and Corbin Street (Block 5082, Lot 46) in the City of Newark, County of Essex, State of New Jersey hereinafter called the "Project"; and

**WHEREAS**, the Project requires a relocation of two (2) existing water lines as identified in Exhibit A (the "Water Lines") which are owned and operated by the City; and

**WHEREAS**, the purpose of this Utility Relocation Agreement between PSE&G and the City is to include all required utility facility construction and to protect, relocate, and rearrange facilities of the existing Water and Sanitary Sewer System owned and operated by the City as it may become necessary by PSE&G for the Project and

**WHEREAS**, through the Utility Relocation Agreement, the Parties concur that PSE&G will relocate at no cost to the City, facilities which, because of PSE&G's Project, are in any way removed, relocated and/or disrupted resulting in services being restored to the status and degree of use as existed prior to these changes. The City and PSE&G agree to jointly use their best efforts to relocate, adjust the existing facilities and construct new facilities if deemed necessary without detrimentally affecting or interrupting services to the City of Newark's customers; and

**WHEREAS**, the City of Newark's legal right to occupy the public right-of-way, subject to the conditions imposed by PSE&G, is in no way mitigated by this agreement; and

**WHEREAS**, the City of Newark is not obligated by State law or agreement to relocate its own facilities at its own expense for this type of Project; and

**WHEREAS**, the City shall cooperate with PSE&G in developing plans and cost estimates for the work necessitated by PSE&G's Project and the City shall designate a responsible representative from the Department of Water and Sewer Utilities; and

**WHEREAS**, PSE&G will, at its sole cost and expense, contract for and cause to be constructed, all items indicated in the PSE&G's contract plans and specifications for the Project, related to existing and proposed facilities owned and operated by the City of Newark; and

**WHEREAS**, the City will disclose and verify to PSE&G, its existing utility facilities, which are owned and operated by the City, that are within PSE&G Project's limits and that will or may be effected or impacted by the Project. The City shall identify the facility type, size and operating potentials; and

**WHEREAS**, PSE&G will indicate, disclose and identify to the City the existing and proposed utility facilities, owned and operated by the City, and/or to be constructed by PSE&G, as per the contract documents; and

**WHEREAS**, when PSE&G begins to develop plans for the Utility Relocation Project, both PSE&G and the City shall jointly identify potential conflicts between the City's facilities within the Project limits and both PSE&G and the City shall jointly develop a scheme for the protection, relocation, rearrangement and/or betterment of facilities in accordance with N.J.A.C. 16:25 Utility Accommodation to accomplish the Project; and

**WHEREAS**, PSE&G will authorize and reimburse the City for its actual costs of design, review, approval and inspection, for the protection, relocation and/or adjustment of its existing facilities

necessary to accomplish the Project; and

**WHEREAS**, the City will submit its expenses and PSE&G will reimburse the City its costs for, among other things, the preliminary engineering design, correspondence, meetings and exchange of engineering information with PSE&G once this Agreement is fully executed, issued and approved; and

**WHEREAS**, PSE&G will issue modifications to this Agreement to cover unanticipated work resulting from the Project activities and/or field conditions; and

**WHEREAS**, under the Utility Relocation Agreement, the City will comply with the Buy America Federal Regulation requirements as set forth in 23 U.S.C. §313 and 23 C.F.R. §635.410 for all steel and iron materials furnished by the City for incorporation in this Project; and

**WHEREAS**, PSE&G will supply the City with a copy of the contract plans and specifications once the Project is advertised; and

**WHEREAS**, the Water and Sanitary Sewer System constructed under the terms of this Agreement shall become the sole property of the City of Newark and the City shall be solely responsible for its operation, repair, and maintenance.

**NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE CITY OF NEWARK, NEW JERSEY, THAT:**

1. The Mayor, and/or his designee and the Director of the Department of Water and Sewer Utilities, are hereby authorized on behalf of the City of Newark to enter into a Utility Relocation Agreement with Public Service Electric and Gas Company (PSE&G) for the proposed gas Metering and Regulating Station.
2. A fully executed copy of this Agreement shall be filed in the Office of the City Clerk by the Director of Water and Sewer Utilities.
3. No changes shall be made to the terms and conditions of this Agreement without prior Municipal Council approval.
4. No municipal funds are required or will be spent under this Agreement or for this Project. However, PSE&G will reimburse the City for any costs incurred by the City which are necessary to accomplish this Project.

### **STATEMENT**

This resolution authorizes the Mayor and/or his designee, the Director of the Department of Water and Sewer Utilities to enter into a Utility Relocation Agreement with Public Service Electric and Gas Company (PSE&G), for the protection, relocation, rearrangement, adjustment and/or replacement of the facilities of the City's existing Water and Sanitary Sewer System, and the construction of new facilities, as may become necessary during the construction of the gas Metering and Regulating Station.

