



## Legislation Details (With Text)

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**File created:** 8/1/2023      **In control:** Recreation, Cultural Affairs and Senior Services

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**Title:** Dept/Agency: Recreation, Cultural Affairs and Senior Services  
Action: ( ) Ratifying (X) Authorizing ( ) Amending  
Type of Service: Memorandum of Understanding  
Purpose: To inspire youth to develop life skills, to succeed academically and to create positive relationships through the sport of hockey.  
Entity Name: Hockey in New Jersey (HNJ)  
Entity Address: 110 Jabez Street, Suite 260, Newark, New Jersey 07105  
Project Location: Sharpe James/Kenneth A. Gibson (Ironbound) Recreation Center located at 226 Rome Street, Newark, New Jersey 07105  
Reimbursement Amount: \$0.00  
Contract Period: Three (3) years from the date of MOU execution, with two (2) one (1) year options to renew  
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:  
Memorandum of Understanding, pursuant to N.J.S.A. 40:12-20 et seq.

**Sponsors:** Michael J. Silva, Patrick O. Council

**Indexes:**

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Date	Ver.	Action By	Action	Result
9/20/2023	1	Municipal Council	Adopt	Pass

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**WHEREAS**, the City of Newark (“City”) is a municipal corporation in the County of Essex in the State of New Jersey, which owns parks, playgrounds, recreation areas and similar places where it operates, maintains, and administers recreation and educational activities for the benefit of the City’s residents; and

**WHEREAS**, Hockey in New Jersey (“HNJ”) is a registered 501(c)3 nonprofit organization incorporated in the State of New Jersey whose mission is to inspire youth to develop life skills, to succeed academically and to create positive relationships through the sport of hockey; and

**WHEREAS**, in accordance with its mission and through its hockey programs, HNJ provides children with the opportunity to learn and play ice hockey at no cost, to acquire life skills training, and to receive academic assistance, as well as the opportunity to participate in HNJ’s summer camp(s); and

**WHEREAS**, HNJ was founded twenty years ago as Hockey in Newark, and has for twenty years had a continued presence at the City-owned recreation area known as the Ironbound Recreation Center (“Recreation Center”) located at 226 Rome Street, Newark, where it has operated, administered, and managed in collaboration with the City various recreation and educational programs, including an ice-hockey skills development program, an educational assistance program, and a workforce job training program; and

**WHEREAS**, as a recreation area, the Recreation Center constitutes a park within the meaning of N.J.S.A. 40:12-20 et seq.

**WHEREAS**, N.J.S.A. 40:12-22 authorizes municipalities to enter into agreements with nonprofit organizations for the maintenance, operation or improvement at no cost to the municipality of any of its parks, or any portion of said parks; and

**WHEREAS**, N.J.S.A. 40:12-26 requires that as a condition of any such agreement, the nonprofit organization and each its employees, agents, contractors, members, or volunteers (collectively, “nonprofit entity”) sign a waiver releasing the municipality and its employees and agents from any civil liability for any injury or damages which may be sustained by the nonprofit entity, except those arising from criminal or willful, wanton, or grossly negligent conduct; and

**WHEREAS**, N.J.S.A. 40:12-23 allows a municipality to provide, at no cost to a non-profit, such equipment, materials, supplies or services to assist with the municipal park maintenance, operation, or improvements, including but not limited to, solid waste recycling and disposal services; and

**WHEREAS**, pursuant to N.J.S.A. 40:12-20 et seq., the City desires to enter into a memorandum of understanding (“MOU”) with HNJ for the continued provision of the aforementioned educational and recreation programs and services; and

**WHEREAS**, pursuant to N.J.S.A. 40:12-28(b), this MOU is not subject to the requirements or provisions of N.J.S.A. 40A:11-1 et seq., the Local Public Contracts Law.

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

1. The Mayor and/or his designees, the Business Administrator or the Director of the Department of Recreation, Cultural Affairs and Senior Services ("Director") is hereby authorized and directed on behalf of the City of Newark ("City") to enter into and execute the attached Memorandum of Understanding ("MOU") with Hockey in New Jersey, Inc., ("HNJ"), 110 Jabez Street, Suite 260, Newark, NJ 07105, for the provision of recreation and educational services at the Sharpe James/Kenneth A. Gibson (Ironbound) Recreation Center (Recreation Center) located at 226 Rome Street, Newark, New Jersey.
2. HNJ is authorized to provide at the Recreation Center the services and programming set forth in Exhibit A of the MOU. Both the MOU and Exhibit A are attached hereto.
3. No substantial or material changes to the MOU may occur without the Municipal Council's prior approval.
4. In no event shall the City be required to pay or reimburse HNJ for any service, program, or other item provided pursuant to the MOU for any reason whatever.
5. Should HNJ desire to gift anything to the City for the benefit of the Iron Bound Recreation Center or any of the programs provided under this MOU, said gift shall receive the prior approval of the Municipal Council pursuant to N.J.S.A. 40A:5-29.
6. The Director shall cause a copy of the executed MOU to be filed in the Office of the City Clerk, which copy shall be made available for public inspection.

### **STATEMENT**

This resolution authorizes the Mayor and/or his designees the Business Administrator or the Director of the Department of Recreation, Cultural Affairs and Senior Services ("Director") to enter into the attached Memorandum of Understanding with Hockey in New Jersey, Inc., 110 Jabez Street, Suite 260, Newark, NJ 07105 for the continued administration, operation, and management of certain recreation and educational programs at the Sharpe James/Kenneth A. Gibson (Ironbound) Recreation Center for, for a term of three (3) years from execution, with two (2) one (1) year options to renew.