



Legislation Text

File #: 12-1791, **Version:** 1

Dept/ Agency: Engineering

Action: () Ratifying (X) Authorizing () Amending

Type of Service: Environmental Allocation Agreement

Purpose: Agreement with CNA Holdings LLC, successor to HNA Holdings, Inc. f/k/a Hoechst Celanese Corporation ("CNA"), 1601 W. LBJ Freeway, Dallas, Texas 75234, Regarding the Remedial Investigation of the Ironbound Recreation Football and Playing Fields Site

Additional Information:

WHEREAS, the City of Newark entered into a Memorandum of Understanding (MOU) with the New Jersey Department of Environmental Protection (NJDEP) for the investigation and remediation of the Ironbound Recreation Center Football and Playing Fields Site ("Ironbound Center"), identified by Tax Block 2052, Lot 1, on the Tax Map for the City of Newark; and

WHEREAS, Resolution 7RF adopted, January 18, 1989, authorized the Mayor and Director of Engineering to enter into an Allocation Agreement with Hoechst Celanese Chemical Group, Inc., ("Celanese"), 1250 W. Mockingbird Lane, P.O. Box 569320, Dallas, Texas 75356-9320, to fund, with a \$1.5 million cap, increased costs relating to the construction of the Ironbound Swimming Pool; and

WHEREAS, Resolution 7REH (AS), adopted August 4, 1993, authorized the Director of Engineering to enter into a Memorandum of Understanding (MOU) with the New Jersey Department of Environmental Protection and Energy (NJDEPE),, to facilitate the remediation of the Ironbound Recreation Center- Football and Playing Fields site; and

WHEREAS, Resolution 7RB(s), adopted on October 26, 1993, authorized the Mayor and the Director of Engineering to execute an amended A Agreement dated December 17, 1993 with Hoechst Celanese Corporation, Route 202-206, Sommerville, New Jersey 08876,; and

WHEREAS, Resolution 7RBs, adopted on August 5, 1998, the Municipal Council approved a settlement with HNA Holdings, Inc. f/k/a Hoescht Celanese Corporation and Celanese Ltd., f/k/a Hoescht Celanese Chemical Group, Ltd., 30 Independence Boulevard, P.O. Box 4915, Warren, New Jersey 07060-4915, regarding the Ironbound Aquatic Center and Other Remediation in the amount of \$5 million; and

WHEREAS, by Resolution 7RCZ(AS), adopted on February 7, 1990, the Municipal Council authorized the Mayor and the Director of Development to enter into an amended Allocation Agreement with Hoechst Celanese Chemical Group, Inc., , to facilitate the interim remedial action, remedial investigation, feasibility study and implementation of cleanup remedy at a pool portion of

the Ironbound Center; and

WHEREAS, the City commenced an investigation pursuant to the MOU with the NJDEP, dated October 26, 1992; and

WHEREAS, the City and CNA Holdings LLC, successor to HNA Holdings, Inc. f/k/a Hoechst Celanese Corporation (“CNA”), 1601 W. LBJ Freeway, Dallas, Texas 75234, wish to retain a consultant, mutually acceptable to both parties, pursuant to a non-fair and open process pursuant to New Jersey Local Pay-to-Play Reform Law, N.J.S.A. 19:44A-20.5, to perform a Draft Remedial Investigation Work Plan, dated August 2011 and wish to enter into an Allocation Agreement for the expenses and responsibilities related thereto.

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

1. The Mayor of the City of Newark and his designee, the Director of Engineering, are authorized to execute an Allocation Agreement Regarding the Remedial Investigation of the Ironbound Recreation Football and Playing Fields Site with CNA Holdings LLC, successor to HNA Holdings, Inc. f/k/a Hoechst Celanese Corporation (“CNA”), 1601 W. LBJ Freeway, Dallas, Texas 75234.
2. The Director of the Department of Engineering shall file a fully executed copy of the Agreement with the City Clerk.
3. Any monies to be payable to the consultants shall be paid from the Budget of the Department of Engineering

STATEMENT

Resolution authorizing the Mayor and the Director of the Department of Engineering to enter into an Allocation Agreement Regarding the Remedial Investigation of the Ironbound Recreation Football and Playing Fields Site.