



## Legislation Text

File #: 21-1073, Version: 1

**Dept/ Agency:** Economic and Housing Development

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

**Type of Service:** Application for Grant Funds

**Purpose:** To amend Resolution 7R2-c adopted on May 19, 2021, to conduct Preliminary Assessment (PA), Site Investigation (SI), and Remedial Investigation (RI) work for the remediation of sites contaminated, or suspected of being contaminated with hazardous waste.

**Entity Name:** New Jersey Economic Development Authority (NJEDA)

**Entity Address:** 36 West State Street, Trenton, New Jersey 08625

**Grant Amount:** \$98,711.00

**Total Project Cost:** \$98,711.00

**City Contribution:** \$500.00 processing fee

**Other Funding Source/Amount:** \$0.00

**Grant Period:** Two (2) years from date of grant approval by the NJEDA

**Contract Basis:** ( ) Bid ( ) State Vendor ( ) Prof. Ser. ( ) EUS

( ) Fair & Open ( ) No Reportable Contributions ( ) RFP ( ) RFQ

( ) Private Sale (X) Grant ( ) Sub-recipient ( ) n/a

**List of Property:** (if applicable)

**(Address/Block/Lot/Ward)**

38-42 Bay Avenue/Block 5088/Lot 30/East Ward

**Additional Information:**

The property is the former Berkowitz Fat Co site on 38-42 Bay Avenue, aka Wheeler Road.

This resolution amends Resolution 7R2-c adopted on May 19, 2021, to adjust the grant amount, total project cost, and grant period as recommended by the NJEDA.

**No Action Taken 7R2-m (s) 081721**

**DEFERRED 7R2-m (s) 081921**

**WHEREAS**, a grant and loan fund was established, jointly administered by the New Jersey Department of Environmental Protection (NJDEP) and the New Jersey Economic Development Authority (NJEDA), known as the Hazardous Discharge Site Remediation Fund (HDSRF) codified as N.J.S.A. 58:10B-1 et seq., dedicated for the provision of financial assistance to municipal governmental entities, individuals, corporations, partnerships and other private business entities for the purpose of financing remediation activities for sites, at which there is, or is suspected of being a discharge of hazardous substances or hazardous wastes; and

**WHEREAS**, the City of Newark has determined that there has been, or it suspects that there has been a discharge of hazardous substances or a hazardous waste on the property located at 38-42 Bay Avenue, Newark, New Jersey 07114 and found on the Official Tax Map of the City of Newark, as Block 5088, Lot 30 (the "Property") and known as the former Berkowitz Site; and

**WHEREAS**, the City of Newark authorizes application to the Hazardous Discharge Site Remediation Fund (HDSRF) for funding for the assessment and investigation of the Former

Berkowitz Site in order to determine the extent or the existence of any hazardous substances or hazardous waste; and

**WHEREAS**, on May 19, 2021, the Municipal Council adopted Resolution 7R2-c (“Original Resolution”) authorizing the submission of an application to the New Jersey Department of Economic Development Authority (NJEDA) through the New Jersey Department of Environmental Protection (NJDEP), requesting grant funding from the Hazardous Discharge Site Remediation Fund (“HDSRF”) Grant Program for preliminary assessment (PA), site investigation (SI), and remedial investigation (RI) work with no City funds for the remediation of the Property; and

**WHEREAS**, the NJEDA conducted a preliminary review of the City’s application for HDSRF funds and recommended that the Original Resolution and application be amended to specify the grant amount, correct total project cost, and specify the grant period; and

**WHEREAS**, the Department of Economic and Housing Development desires to amend the Original Resolution and application, as necessary, in order to proceed with processing the grant application for HDSRF funds for the remediation of the Property.

**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/or his designee, the Deputy Mayor/Director of the Department of Economic and Housing Development, is hereby authorized to submit an application to the New Jersey Economic Development Authority (NJEDA) through the New Jersey Department of Environmental Protection (NJDEP) requesting grant funding from the Hazardous Discharge Site Remediation Fund (“HDSRF”) Grant Program for Preliminary Assessment (PA), Site Investigation (SI), and Remedial Investigation (RI) work with no City funds, aside from the Five Hundred Dollars and Zero Cents (\$500.00) processing fee, required.
2. The Municipal Council hereby ratifies its authorization of this application from the date of application submission to the date of adoption of this authorizing Resolution.
3. Resolution 7R2-c adopted on May 19, 2021 (“Original Resolution”), shall be amended as follows: 1) the grant amount shall be changed from “to be determined” to \$98,711.00; 2) the total project cost shall be reduced from \$108,391.00 to \$98,711.00; and 3) the grant period be changed from an open ended period to a 2-year period from the date of the NJEDA’s approval of the grant.
4. The grant award in the amount of \$98,711.00, is hereby accepted.
5. The Mayor and/or his designee, the Deputy Mayor/Director of the Department of Economic and Housing Development, are hereby authorized to enter into and execute grant documents with the NJEDA to receive and expend the grant award for PA, SI, and RI work on the Property.
6. A Five Hundred Dollar and Zero Cents (\$500.00) processing fee is required for receipt or acceptance of this grant award.

7. Attached hereto is a Certification of Funds from the Director of the Department of Finance, which states: (1) that there are sufficient funds in the amount of Five Hundred Dollars and Zero Cents (\$500.00) for the purpose set forth herein above; and (2) that the line appropriation which shall be charged is as follows:

Business Unit	Dept.	Div/Proj.	Activity	Account #	Budget Ref.
NW026				32100	B2021

8. All other terms of the Original Resolution shall remain unchanged and in full force and effect.
9. The Deputy Mayor/Director of the Department of Economic and Housing Development shall file a fully-executed copy of the Grant Application, Grant Award letter and Grant Agreement in the Office of the City Clerk.

### **STATEMENT**

This Resolution ratifies, authorizes and amends Resolution 7R2-c adopted on May 19, 2021 ("Original Resolution"), to specify the grant amount, correct total project cost, and specify the grant period within the Original Resolution and grant application, as applicable for Preliminary Assessment (PA), Site Investigation (SI), and Remedial Investigation (RI) work, for the property located at the former Berkowitz Site, 38-42 Bay Avenue, Newark, New Jersey 07114 (Block 5088, Lot 30). A \$500.00 processing fee is required for receipt or acceptance of this grant award.