



Legislation Text

File #: 16-0406, Version: 1

Dept/ Agency: Engineering

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

Type of Service: Authority to establish a Dedication by Rider Trust

Purpose: Requesting approval of the New Jersey Division of Local Government Services to create a Newark Greenstreets Trust Account and establish a Dedication by Rider

Additional Information:

WHEREAS, permission is required of the Director of the Department of Community Affairs, Division of Local Government Services, for approval to establish a Dedication by Rider Trust for revenues received by a municipality when the revenue is not subject to reasonable accurate estimate in advance; and

WHEREAS, N.J.S.A.40A:4-39, provides that the Director of the Division of Local Government Services may approve the expenditures of money by Dedication by Rider Trust; and

WHEREAS, on March 16, 2016, the Municipal Council authorized Resolution 7R4-d directing the Director of Finance to place \$600,000.00 in funds received as a result of U.S. Environmental Protection Agency ("EPA") Administrative Compliance Orders Nos. CAA-02-2015-1006, CAA-02-2015-1007, and CAA-02-2015-1008 (collectively the "2015 Greenstreets ACOs"), each of which involves EPA compliance efforts related to air quality in accordance with 42 U.S.C. § 7413(a)(1), Section 113(a)(1) of the Federal Clean Air Act, 42 U.S.C. § 7401 et seq. (the "Clean Air Act") and New Jersey Administrative Code 7:27-14.3(a), into a separate account to be used for Newark Greenstreets Projects.

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

1. The Mayor and/or his designee, the Director of Finance, is hereby authorized by the Municipal Council of the City of Newark to request permission of the Director of the Division of Local Government Services for the approval to establish a Dedication by Rider Trust, for a Newark Greenstreets Trust Account for the funds generated through the 2015 Greenstreets ACOs.
2. Pursuant to Section D, Paragraph 31.b of the 2015 Greenstreets ACOs, these funds are intended for Newark Greenstreets Projects, and solely those projects that are "targeted towards green infrastructure projects in areas of Newark that are most impacted by air emissions associated with activities at the Port Newark-Port Authority Marine Terminal. The green infrastructure projects may include, but are not limited to, vegetative barriers; plantings; replacement of impervious surfaces with pervious ones; and bioswales."

3. In the future, Newark may elect to deposit additional funds generated through gifts, donations, grants, fees, payments associated with site plan approvals, fines, violations, or other means into this Newark Greenstreets Trust Account for use on Newark Greenstreets Projects. Such deposit may be accomplished by separate Dedication by Rider, approved by the Director of the Division of Local Government Services, where necessary. Nothing in this paragraph, however, shall change, alter, modify, or amend the conditions placed upon the use of the \$600,000.00 generated by the 2015 Greenstreets ACOs, as provided in Section D, Paragraph 31.b of the 2015 Greenstreets ACOs. Newark shall maintain an accurate accounting of the use of this \$600,000.00 at all times, in case of future inquiry by EPA.

4. The Municipal Clerk of the City of Newark is hereby directed to forward two certified copies of this resolution to the Director of the Division of Local Government Services, Department of Community Affairs.

STATEMENT

This resolution is requesting approval of the Director of the Division of Local Government Services to establish a Dedication by Rider Trust for funds generated through the 2015 Greenstreets ACOs related to air quality and compliance with the Clean Air Act, pursuant to Resolution 7R4-d, adopted March 16, 2016, and to expend those monies exclusively for the Greenstreet Projects specifically identified in the 2015 Greenstreets ACOs as provided above.