



## Legislation Text

File #: 20-1338, Version: 1

**Dept/Agency:** Recreation, Cultural Affairs and Senior Services

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

**Type of Service:** Memorandum of Understanding with Urban League of Essex County and the Fairmount Heights Neighborhood Association

**Purpose:** To revitalize the City-owned park located at 211-215 12<sup>th</sup> Avenue, Newark, New Jersey 07107 (Block 1813, Lot 31), to include the adjacent vacant lot located at 217 12<sup>th</sup> Avenue, Newark, New Jersey 07107 (Block 1813, Lot 34).

**Entity Name:** Urban League of Essex County and Fairmount Heights Neighborhood Association

**Entity Address:** 508 Central Avenue, Newark, New Jersey 07107 and 146B Ferry Street, Suite 103, Newark, New Jersey 07105

**Project Location:** 211-215 12<sup>th</sup> Avenue, Newark, New Jersey 07107 (Block 1813, Lot 31) and 217 12<sup>th</sup> Avenue, Newark, New Jersey 07107 (Block 1813, Lot 34)

**Reimbursement Amount:** N/A

**Contract Period:** November 2020 through November 2025

**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:**

**WHEREAS**, the City of Newark (the "City") desires to revitalize the City-owned park located at 211-215 12<sup>th</sup> Avenue, Newark, New Jersey 07107 (Block 1813, Lot 31) (the "Park") by enhancing the overall operation, equipment, and maintenance also known as Kaboom Park; and

**WHEREAS**, there is a vacant lot located at 217 12<sup>th</sup> Avenue, Newark, New Jersey 07107 (Block 1813, Lot 34), which is adjacent to Kaboom Park, and will be included as part of the Park; and

**WHEREAS**, N.J.S.A. 40:12-20 et seq. (the "Act"), recognizes that counties and municipalities often do not have the funds necessary for the proper maintenance, operation and improvement of their parks even though same helps extend the life of such facilities; and

**WHEREAS**, pursuant to N.J.S.A. 40:12-22, municipalities may enter into agreements with private businesses and non-profit organizations, at no cost to the municipality, for the maintenance, operation, or improvement of a park, or any portion thereof; and

**WHEREAS**, pursuant to N.J.S.A. 40:12-23, the City may provide, at no cost to entities entering into such agreements with the City, such equipment, materials, supplies and or services to assist with the Park maintenance, operation or improvements, including, but not limited to solid waste recycling and disposal services; and

**WHEREAS**, the City believes the Park will benefit from entering into an agreement, known as

a Memorandum of Understanding, with the Urban League, 508 Central Avenue, Newark, New Jersey 07107 (the "Urban League"), whose mission is to assist disadvantaged urban residents in the achievement of social and economic self-sufficiency, and Fairmont Heights Neighborhood Association, 146 B Ferry Street, Suite 103, Newark, New Jersey 07105 (the "Fairmount Heights"), who assists in providing programs and services, safe school environments, jobs, businesses, housing, transportation, and recreation, and promotes sustainability and equitable economic, cultural, social, and civic development for the members of the community, for the purpose of improving and revitalizing the Park for the use and enjoyment of the community (collectively "the Participants"); and

**WHEREAS**, pursuant to N.J.S.A. 40:12-23, the City shall be responsible for the installation of a fence and adding the Park to the Division of Sanitation route for garbage pick-up and the City shall not incur any additional expense in relation to the revitalization of the Park; and

**WHEREAS**, the Participants shall be responsible for the upgrade, installation of park equipment, hosting community cleaning events for the Park, and developing and supporting park programming, as more specifically detailed in the Memorandum of Understanding; and

**WHEREAS**, Participants shall not be paid for the administrative, and management services being provided by their employees or affiliates for the project, which may be considered in-kind services; and

**WHEREAS**, the Agreement is not subject to the requirements or provisions of the Local Public Contracts Law, pursuant to N.J.S.A. 40:12-28(b); and

**WHEREAS**, the City will benefit from an Agreement between the Urban League and Fairmont Heights Neighborhood Association and the City to provide services to assist in maintaining and improving the Park for a term not to exceed five (5) years.

**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 Business Administrator or the Director of the Department of Recreation, Cultural Affairs and Senior Services are hereby authorized to enter into and execute a Memorandum of Understanding (the "Agreement") with Urban League of Essex County, 508 Central Avenue, Newark, New Jersey 07107 (the "Urban League") and Fairmount Heights Neighborhood Association, 146B Ferry Street, Suite 103, Newark, New Jersey 07105, collectively ("the Participants"), to perform maintenance and preservation operations for the purpose of improving and revitalizing a City-owned park located at 211-215 12<sup>th</sup> Avenue, Newark, New Jersey 07107 (Block 1813, Lot 31) known as Kaboom Park, which shall include the adjacent vacant lot located at 217 12<sup>th</sup> Avenue, Newark, New Jersey 07107 (Block 1813, Lot 34) (the "Adjacent Lot"), collectively known as (the "Park"). The Adjacent Lot shall be included as part of Kaboom Park.
2. The Agreement is in accordance with N.J.S.A. 40A: 40:12-20 et seq.

3. The City shall be responsible for the maintenance of the Park, removal of debris, and garbage removal. Once the new park equipment is installed, the City shall provide new fencing for the Park and repair same.
4. Urban League shall purchase and install park equipment as more particularly described in the Agreement. The estimated cost of the purchase and installation of the park equipment is Three Hundred Forty-Nine Thousand Two Hundred Three Dollars and Seventy-Five Cents (\$349,203.75). The City shall be responsible for the cost to maintain, repair and replace equipment, subject to availability of funding.
5. Fairmount Heights Neighborhood Association shall serve as park stewards and monitor, host community-cleaning events, develop and support park programming activities for members of the community.
6. Participants shall not be paid for the administrative, and management services being provided by employees of Participants or its affiliates for the project, which may be considered in-kind services. All funding provided by Urban League shall solely be dedicated to project costs for materials, supplies and services to effectuate the project.
7. The term of the Agreement shall commence upon execution and shall not exceed five (5) years.
8. There shall be no changes made to the Agreement without approval from the Municipal Council.
9. The Director of the Department of Recreation, Cultural Affairs, and Senior Services shall file an executed copy of the Memorandum of Understanding and all such other executed documents pertaining to the Memorandum of Understanding in the Office of the City Clerk.
10. The Agreement is not subject to the requirements or provisions of the Local Public Contracts Law, pursuant to N.J.S.A. 40:12-28(b).

### **STATEMENT**

This resolution authorizes the Mayor and/or his designee, the Business Administrator and/or

the Director of the Department of Recreation, Cultural Affairs and Senior Services to enter into and execute a Memorandum of Understanding with Urban League of Essex County 508 Central Avenue, Newark, New Jersey 07107 and the Fairmount Heights Neighborhood Association, 146B Ferry Street, Suite 103, Newark, New Jersey 07105 to perform maintenance and preservation operations for the purpose of improving and revitalizing a City-owned park located at 211-215 12 Avenue, Newark, New Jersey 07107 (Block 1813, Lot 31), which will include an adjacent vacant lot located at 217 12<sup>th</sup> Avenue, Newark, New Jersey 07107 (Block 1813, Lot 34) for a term not to exceed five (5) years. (West Ward)