



## Legislation Details (With Text)

**File #:** 15-1593      **Version:** 1      **Name:** Resolution: Amendment to Pass Through Agreement with Trust for Public Land (Joseph G. Minish Passiac River Waterfront Park and Historic Area)

**Type:** Resolution      **Status:** Filed

**File created:** 8/17/2015      **In control:** Economic and Housing Development

**On agenda:** 3/8/2016      **Final action:** 3/8/2016

**Title:** Dept/ Agency: Economic & Housing Development  
Action: (X ) Ratifying (X) Authorizing (X) Amending  
Type of Service: Pass Through Agreement  
Purpose: Amendment to previous agreement for Joseph G. Minish Passaic River Waterfront Park and Historic Area a/k/a Minish Park a/k/a Newark Riverfront Park  
Entity Name: City of Newark  
Entity Address: 920 Broad Street, Newark, New Jersey 07102  
Grant Amount: \$1,500,000.00/\$300,000.00  
Funding Source: State of New Jersey, Department of Environmental Protection (NJDEP), Green Acres Program and Office of the Natural Resource Restoration  
Total Project Cost: \$3,215,000.00  
City Contribution: \$1,500,000.00 from a grant in the amount of \$2,651,809.00 from United States Department of Housing and Urban Development (HUD) Community Development Block Grant (CDBG) Program (accepted and authorized pursuant to Resolution 7R3-d(S)042313)  
Other Funding Source/Amount: N/A  
Contract Period: Till the completion of project  
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)

Additional Information:

**Sponsors:** Augusto Amador, Carlos M. Gonzalez

**Indexes:**

**Code sections:**

Date	Ver.	Action By	Action	Result
3/8/2016	1	Municipal Council	Adopt	Pass

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

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

**Additional Information:**

**WHEREAS,** The Trust for Public Lands (“TPL”), a national non-profit organization dedicated to conserving land for recreation and open space purposes, is partnering with the City of Newark to design, remediate and redevelop the area to be known as Newark Riverfront Park, which consists of a 7.8 acre portion of the Passaic River Waterfront in Newark (the “Site”) on a portion of the area formerly known as Joseph G. Minish Passaic Riverfront Park and Historic Area through its Parks for People Newark Program; and

**WHEREAS,** the New Jersey Department of Environmental Protection (“NJDEP”) Green Acres Program (“Green Acres Program”) provides loans and/or grants to municipal and county governments and grants to non-profit organizations for assistance in the acquisition and development of lands for outdoor recreation and conservation purposes; and

**WHEREAS,** pursuant to Resolution 7R1-f, adopted on August 5, 2009, the City of Newark (the “City”) accepted a matching grant award from the Green Acres Program in the amount of \$1,715,000.00 and authorized the Mayor and/or his designee, the Acting Business Administrator, to enter into a grant agreement with the NJDEP for the development of Newark Riverfront Park (GA Project #0714-06-025); and

**WHEREAS,** pursuant to Resolution 7R1-i, adopted on January 6, 2010, the Municipal Council authorized the Mayor and/or his designees, the Business Administrator and the Deputy Mayor/Director of the Department of Economic and Housing Development to enter into a Pass-Through Agreement with TPL to utilize the above grant funds for the development of Newark Riverfront Park (the “Pass Through Agreement”); and

**WHEREAS,** pursuant to Resolution 7R3-e, adopted on December 18, 2013, the City of Newark accepted an additional matching grant award in the amount of \$1,500,000.00 from the NJDEP Green Acres Program for Project #0714-06,025 and authorized the Mayor and/or his designee, the Acting Business Administrator, to enter into an amended Grant Agreement with the NJDEP; and

**WHEREAS,** pursuant to Resolution 7R3-e, adopted on December 18, 2013, the City of Newark accepted a grant in the amount of \$300,000.00 from the NJDEP Office of Natural Resource Restoration (“Natural Resources Grant”) towards the development of Newark Riverfront Park with no

match required; and

**WHEREAS**, TPL and the City are developing Newark Riverfront Park in two phases, and Phase I was opened to the public on August 3, 2013 and the construction of Phase II is currently ongoing; and

**WHEREAS**, the Mayor and the Business Administrator have determined that it is in the best interest of the City of Newark to continue to provide the additional Green Acres Grant Funding and the Natural Resource Restoration Grant to TPL in order to continue the redevelopment activities of Newark Riverfront Park; and

**WHEREAS**, through enacting *N.J.S.A. 40:12-20 et seq.*, the State of New Jersey recognizes the needs of municipalities to enter into agreements to rehabilitate, improve, and maintain their parks, and thus authorizes municipalities to establish mutually beneficial partnerships, through an agreement, with nonprofit organizations that will result in municipal parks that are better maintained, operated, and improved for the use and enjoyment of the public; and

**WHEREAS**, *N.J.S.A. 40:12-21* defines “improvement” as meaning, but not necessarily limited to, construction, reconstruction, stabilization, repair, rehabilitation, renovation, restoration of a park or park facility, building, structure, infrastructure, or feature; and

**WHEREAS**, *N.J.S.A. 40:12-23* allows a municipality to provide the partnering non-profit organization with equipment, materials, supplies, or services to assist with the municipal park maintenance, operation, or improvements; and

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

**WHEREAS**, the parties wish to amend the terms of the Pass Through Agreement between the City and TPL to add the \$1,500,000.00 in Green Acres Program funding and \$300,000.00 in Natural Resource Restoration funding, both of which have already been accepted by the City through Resolution 7R3-e, adopted on December 18, 2013 and to extend the term of the agreement such that it terminates no later than June 25, 2016.

**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 and the Deputy Mayor/Director of the Department of Economic and Housing Development, are hereby authorized to amend Resolution 7R1-i, adopted on January 6, 2010, and enter into and execute an Amended Pass Through Agreement with the Trust for Public Land, 20 Community Place, Morristown, New Jersey 07960 to: (1) increase the grant award by \$1,500,000.00 in Green Acres Project #0714-06-025 funding and \$300,000.00 in NJDEP Natural Resource Restoration funding, both of which have already been accepted by the City through Resolution 7R3-e, adopted on December 18, 2013; and (2) to extend the term of the Pass Through Agreement so that it terminates no later than June 25, 2016.

2. TPL hereby agrees to utilize funds made available under the Agreement as hereby amended solely for the purpose of developing the Newark Riverfront Park.
3. TPL shall fully comply with all provisions of federal, state, and local laws, rules and regulations applicable to the development of the park, including, but not limited to the terms and conditions set forth in the grant awards to the City by the NJDEP Green Acres Program and NJDEP Office of Natural Resource Restoration.
4. All other terms and conditions of the Agreement, authorized by the Newark Municipal Council pursuant to Resolution 7R1-i, adopted on January 6, 2010, shall remain the same and are hereby ratified from the commencement of the Agreement through the date of this authorizing resolution.
5. Attached hereto is a Certification of Funds from the Director of Finance of the City, which states that: (1) there are sufficient funds for the purpose set forth hereinabove; and (2) the line appropriation of the official budget which shall be charged is:

Business Unit	Dept. ID	Div./Proj.	Activity	Account#	Budget
NW051	G15	D1560	A	72090	B2015
NW051	G15	D1570	A	72090	B2015

6. An executed copy of said Agreement shall be filed with the Office of the City Clerk by the Business Administrator.
7. This Agreement is being awarded pursuant to N.J.S.A. 40:12-20 et seq.

### **STATEMENT**

This resolution ratifies and authorizes the Mayor and/or his designees, the Business Administrator and the Deputy Mayor/Director of the Department of Economic and Housing Development, to amend Resolution 7R1-i, adopted on January 6, 2010 and enter into and execute an Amended Pass Through Agreement with the Trust for Public Land, 20 Community Place, Morristown, New Jersey 07960 to: (1) increase the grant award by \$1,500,000.00 in Green Acres Project #0714-06-025 funding and \$300,000.00 in NJDEP Natural Resource Restoration funding, both of which have already been accepted by the City through Resolution 7R3-e adopted on December 18, 2013; and (2) to extend the term of the Pass Through Agreement so that it terminates no later than June 25, 2016.