



Legislation Details (With Text)

File #: 18-0271 **Version:** 1 **Name:** Pass Through Agreement for Phase III Renovation of Jessie Allen Park
Type: Resolution **Status:** Adopted
File created: 2/23/2018 **In control:** Recreation, Cultural Affairs and Senior Services
On agenda: 5/10/2018 **Final action:** 5/10/2018

Title: Dept/ Agency: Recreation, Cultural Affairs and Senior Services
Action: (X) Ratifying (X) Authorizing () Amending
Type of Service: Pass Through Agreement
Purpose: To Enter into and Execute a First Amended (Pass-Through) Agreement with The Trust for Public Land for the Continued Rehabilitation of Jesse Allen Park
Entity Name: The Trust for Public Land
Entity Address: 20 Community Place, Suite 7, Morristown, New Jersey 07960
Pass-Through Grant Amount: \$1,350,000.00 (including Additional \$850,000.00 Grant Funding)
Funding Source: State of New Jersey, Department of Environmental Protection, Green Acres Program and Office of the Natural Resource Restoration
Total Project Cost: \$2,982,300.00
City Contribution: Matching Funds Are City Funding Granted and Reimbursed to The Trust for Public Land for the Project, Pursuant to Resolution 7R3-i adopted on July 3, 2012
Other Funding Source/Amount: \$0.00
Contract Period: May 20, 2009 through November 16, 2018
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: Jesse Allen Park
(Address/Block/Lot/Ward)
41-55 Avon Avenue/Block 2583/Lot 44/Central Ward
Additional Information:

Sponsors: Council of the Whole

Indexes:

Code sections:

Date	Ver.	Action By	Action	Result
5/10/2018	1	Municipal Council	Adopt	Pass

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Additional Information:

WHEREAS, the City of Newark has identified that its parks are in need of rehabilitation, renovation, and redevelopment, which will improve the quality of life of its citizens, continue to foster economic growth and development, and improve the City's aging infrastructure; 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, The Trust for Public Land ("TPL"), a national nonprofit organization dedicated to conserving land for recreation and open space purposes; and

WHEREAS, since 2009 and pursuant to Resolution 7R1-b, TPL has been partnering with the City of Newark to rehabilitate Jesse Allen Park, 41-55 Avon Avenue/Block 2583/Lot 44/Central Ward, a City-owned park located in Newark's Central Ward (the "Site"), through its Parks for People-Newark program; 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. 40:12-21 defines "park" as meaning a park, playground, picnic area, square, monument, beach, waterfront, recreation area, conservation area, or similar place of property, or any open space, owned or controlled by the local government unit; and

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

WHEREAS, the City's pass-through agreement with TPL 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, pursuant to Resolution 7R1-b, adopted January 7, 2009, the Municipal Council authorized the Mayor and/or the Business Administrator to accept funding from and execute an agreement with the New Jersey Department of Environmental Protection Green Acres Program (hereinafter, "Green Acres") for matching grant funding in the amount of Five Hundred Thousand Dollars and Zero Cents (\$500,000.00) (the "Grant") to develop and make improvements

("Improvements") for the rehabilitation of Jesse Allen Park (hereinafter, "Park"); said agreement is attached hereto and made a part hereof; and

WHEREAS, on May 20, 2009, pursuant to Resolution 7R1-b, the Municipal Council authorized the Mayor and/or the Business Administrator to enter into and execute a pass-through agreement with The Trust for Public Land d/b/a TPL-New Jersey (hereinafter, "TPL") to provide TPL with the Five Hundred Thousand Dollars and Zero Cents (\$500,000.00) Green Acres funding so that TPL could undertake the rehabilitation of the Park through December 31, 2010; said pass-through agreement is attached hereto and made a part hereof; and

WHEREAS, on August 3, 2016, pursuant to Resolution 7R9-a, the Municipal Council authorized the Mayor and/or the Business Administrator to enter into and execute an agreement with Green Acres to extend the term of the Grant to November 16, 2018 and for the provision of additional matching grant funds in the amount of Eight Hundred and Fifty Thousand Dollars and Zero Cents (\$850,000.00) for the redevelopment and rehabilitation of the Park; these additional funds brought the total amount of the Grant to One Million Three Hundred and Fifty Thousand Dollars and Zero Cents (\$1,350,000.00); this agreement with Green Acres is attached hereto and made a part hereof; and

WHEREAS, TPL completed Phase I of the Park's renovation in September 2009, and completed construction of Phase II of the Park in September 2013, advancing construction costs intended by the parties to be covered by the original Five Hundred Thousand Dollars and Zero Cents (\$500,000.00) Grant; and

WHEREAS, the pass-through agreement lapsed prior to completion of the contracted-for services; and

WHEREAS, the Department of Recreation, Cultural Affairs, and Senior Services has been overseeing TPL's redevelopment and rehabilitation of the Park since at least 2016; and

WHEREAS, the Department of Recreation, Cultural Affairs and Senior Services and TPL are working together to fund and complete the last phase of the Park ("Phase III") and the parties wish to amend TPL's pass-through agreement with the City to add the additional Grant funding and extend the pass-through agreement termination date to November 16, 2018; and

WHEREAS, the Department of Recreation, Cultural Affairs and Senior Services now seeks to amend the City's pass-through agreement with TPL by entering into a First Amended Agreement to provide TPL with the additional Eight Hundred and Fifty Thousand Dollars and Zero Cents (\$850,000.00) Green Acres funds for the rehabilitation of the Park, and extend the contract period and effectuate the same terms set forth in Resolution 7R1-b May 20, 2009 (which authorized the initial pass-through agreement with TPL); and

WHEREAS, all other terms of the pass-through agreement between the City of Newark and TPL will remain the same as set forth in Resolution 7R1b May 20, 2009.

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 and/or the Mayor's

designee, the Director of the Department of Recreation, Cultural Affairs and Senior Services, are hereby authorized to enter into and execute a First Amended Agreement with The Trust for Public Land to add an additional Eight Hundred and Fifty Thousand Dollars and Zero Cents (\$850,000.00) in Green Acres funding for the rehabilitation of Jesse Allen Park.

2. The new termination date of the pass-through agreement between the City of Newark and the Trust for Public Land is November 16, 2018, allowing a drawdown of funds from the Grant for expenditures incurred prior to the termination date.
3. All other terms and conditions of the pass-through Agreement, authorized by the Newark Municipal Council pursuant to Resolution 7R1-b adopted May 20, 2009, remain the same and are ratified as though they remained in full force and effect throughout the extended term.
4. The Director of the Department of Recreation, Cultural Affairs and Senior Services shall file in the Office of the City Clerk a fully executed copy of the herein authorized First Amended Agreement.

STATEMENT

This resolution authorizes the Mayor and/or his designee, the Business Administrator and/or the Mayor's designee, the Director of the Department of Recreation, Cultural Affairs and Senior Services, to enter into and execute a First Amended Agreement with The Trust for Public Land, 20 Community Place, Suite 7, Morristown, New Jersey 07960, to add an additional Eight Hundred and Fifty Thousand Dollars and Zero Cents (\$850,000.00) in Green Acres funding to the pass-through agreement for the rehabilitation of Jesse Allen Park and extend the termination date of that pass-through agreement to November 16, 2018.