



Legislation Details (With Text)

**File #:** 23-1311      **Version:** 1      **Name:** Woodard & Curran Access Agreement (Virginia Street)  
**Type:** Resolution      **Status:** Adopted  
**File created:** 8/9/2023      **In control:** Economic and Housing Development  
**On agenda:** 9/20/2023      **Final action:** 9/20/2023

**Title:** Dept/ Agency: Economic and Housing Development  
Action: ( ) Ratifying (X) Authorizing ( ) Amending  
Type of Service: Access Agreement  
Purpose: To allow access to City-owned property for groundwater monitoring in connection with environmental remediation of former economy color card facility, located at 1001 Newark Avenue, Elizabeth, New Jersey 07208.  
Entity Name: Woodard and Curran, LSRP  
Entity Address: 50 Millstone Road, Building 400, Suite 201, East Winsor, New Jersey 08520  
Contract Amount: \$0.00  
Funding Source: Not Applicable  
Contract Period: Until completion of groundwater investigation as determined by LSRP or NJDEP  
Contract Basis: ( ) Bid ( ) State Vendor ( ) Prof. Ser. ( ) EUS  
( ) Fair & Open ( ) No Reportable Contributions ( ) RFP ( ) RFQ  
( ) Private Sale ( ) Grant ( ) Sub-recipient (X) n/a  
Location of Property:  
(Address/Block/Lot/Ward)  
980-990 Frelinghuysen Avenue (Rear)/Block 3773/Lot 53/South Ward  
Additional Information:

**Sponsors:** Council of the Whole

**Indexes:**

**Code sections:**

Date	Ver.	Action By	Action	Result
9/20/2023	1	Municipal Council	Adopt	Pass

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**Additional Information:**

**WHEREAS**, Invensys, LLC (“Invensys”) identified itself to the New Jersey Department of Environmental Protection (“NJDEP”) as the “person responsible for conducting the remediation” (“PRCR”) for two areas of concern (“AOCs”) at the former Economy Color Card facility located at 1001 Newark Avenue, Elizabeth, New Jersey (the “Site”); and

**WHEREAS**, in furtherance of its regulatory obligations with respect to the two AOCs at the Site, Invensys has been performing certain investigative activities under the direction of its Licensed Site Remediation Professional (“LSRP”), John Sammon of Woodard & Curran (“W&C”); and

**WHEREAS**, the City of Newark (the “City”) is the owner of the real property identified as Block 3773, Lot 53 on the official tax maps of the City of Newark, with an address of 980-990 Frelinghuysen Avenue Rear, Newark, New Jersey, including the adjacent Virginia Street right-of-way (collectively, the “Property”); and

**WHEREAS**, Invensys’ regulatory obligations include sampling of groundwater off-site, including sampling of three (3) groundwater monitoring wells that were installed within the Property, pursuant to and in accordance with a 2001 Access Agreement entered into between W&C and the City; and

**WHEREAS**, the 2001 Access Agreement between W&C and the City has since expired; and

**WHEREAS**, two (2) of the groundwater monitoring wells on the Property were destroyed during redevelopment activities on Virginia Street; and

**WHEREAS**, pursuant to applicable NJDEP regulations, the installation and continued sampling of all three (3) groundwater monitoring wells on the Property are required for Invensys’ remediation of the two AOCs at the Site until no longer required as determined by the NJDEP and/or the LSRP; and

**WHEREAS**, W&C has requested that the City grant further access to the Property to complete the groundwater investigations, in accordance with the terms of the Access Agreement attached hereto, and the City finds it in its best interest to do so.

**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 Deputy Mayor/Director of the Department of Economic and Housing Development, are authorized to enter into and execute an Access Agreement with Woodard & Curran, LSRP to Invensys, LLC, in the form substantially as attached hereto, to allow Invensys to complete groundwater monitoring work within the Property, which is required in connection with Invensys’ environmental remediation of the former Economy Color Card Facility, located at 1001 Newark Avenue, Elizabeth, New Jersey.
2. The Access Agreement shall be in effect until such time as the groundwater monitoring within the Property is no longer required as determined by the NJDEP and/or the LSRP.
3. No expenditure of City funds is required with the execution of the Access Agreement.

4. The Mayor and/or his designee, the Deputy Mayor/Director of the Department of Economic and Housing Development, shall file a copy of the executed Access Agreement along with this Resolution with the Office of the City Clerk.

5. This Resolution shall take effect immediately.

### **STATEMENT**

This Resolution authorizes the Mayor and/or his designee, the Deputy Mayor/Director of the Department of Economic and Housing Development, to execute an Access Agreement with Woodard & Curran, LSRP to Invensys, LLC, in the form substantially as attached hereto, to allow Invensys to complete groundwater monitoring work within the real property identified as Block 3773, Lot 53 on the official tax maps of the City of Newark, with an address of 980-990 Frelinghuysen Avenue Rear, Newark, New Jersey, including the adjacent Virginia Street right-of-way Virginia Street right-of-way, which is required in connection with Invensys' environmental remediation of the former Economy Color Card Facility, located at 1001 Newark Avenue, Elizabeth, New Jersey.