



Legislation Details (With Text)

**File #:** 23-1437      **Version:** 1      **Name:** Amendment of Apply and Accept 2022 NJDEP Volkswagen Mitigation Grant Project  
**Type:** Resolution      **Status:** Adopted  
**File created:** 8/28/2023      **In control:** Public Works  
**On agenda:** 9/20/2023      **Final action:** 9/20/2023

**Title:** Dept/ Agency: Public Works  
Action: (X) Ratifying (X) Authorizing (X) Amending  
Type of Service: Amendment of Application and Agreements  
Purpose: To amend the 2022 NJDEP Volkswagen Mitigation Grant Project, Equipment Modernization Program award application and allocation amounts.  
Entity Name: State of New Jersey, Department of Environmental Protection (NJDEP)  
Entity Address: 1035 Parkway Avenue, Trenton, New Jersey 08625  
Total Grant Amount: \$4,851,375.22  
Funding Source: State of New Jersey Department of Environmental Protection (NJDEP), Volkswagen Mitigation Grant Project, Equipment Modernization Program  
City Contribution: \$537,854.66  
Grant Period: June 13, 2022 through June 13, 2025  
Contract Basis: ( ) Bid ( ) State Vendor ( ) Prof. Ser. ( ) EUS  
( ) Fair & Open ( ) No Reportable Contributions ( ) RFP ( ) RFQ  
( ) Private Sale (X) Grant ( ) Sub-recipient ( ) n/a  
Additional Information:  
Original Resolution 7R10-a adopted on August 3, 2022.  
This Resolution will amend the 2022 NJDEP Volkswagen Mitigation Grant Project, Equipment Modernization Program award allocation amount to read \$4,851,375.22 from \$1,065,108.00, and increasing the number of electric chassis refuse trucks to be funded from two (2) to a total of eight (8), with a City contribution of \$537,854.66 for the Project.

**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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**WHEREAS**, the State of New Jersey, Department of Environmental Protection (“NJDEP”), Volkswagen Mitigation Grant Project, managed by the Equipment Modernization Program, provides grant funding for electrification projects, including the replacement of heavy-duty vehicles/engines such as buses, trucks, and non-road equipment in urban areas disproportionately impacted by diesel emissions, as well as electric vehicle charging/fueling infrastructure installation in strategic locations across the state; and

**WHEREAS**, the City of Newark (the “City”) has been disproportionately impacted by environmental air pollution, due to its proximity to Newark Liberty International Airport and various mass major roadways and industrial facilities, which emit pollutants and impact climate change, resulting in environmental challenges and air pollution throughout the City; and

**WHEREAS**, Pursuant to Resolution 7R10-a adopted August 3, 2022, Municipal Council of the City of Newark authorized the Mayor and/or his designee, the Assistant Business Administrator, to submit a grant application and accept grant funding, and further authorizes the Mayor of the City of Newark and/or his designee, the Business Administrator, and/or the Acting Director of the Department of Public Works, to enter into and execute a grant agreement to accept the funds in the amount of \$1,065,108.00, from the NJDEP’s Volkswagen Mitigation Grant Project, managed by the Equipment Modernization Program, to purchase two (2) electric chassis refuse trucks, for the benefit of the Department of Public Works (a copy of said Resolution is attached hereto and made a part hereof); and

**WHEREAS**, the City submitted three (3) additional grant applications (attached hereto) to NJDEP for the same Volkswagen Mitigation Grant Project, Equipment Modernization Program, the award amount for the grant agreement has increased from the original \$1,065,108.00, with no city contribution, to \$4,851,375.22, with the city contributing a match of \$537,854.66 to the project; and

**WHEREAS**, this increase will fund the purchase of an additional six (6) Electronic Vehicle (“EV”) trucks, for a total purchase of eight (8) EV trucks, funded as follows: \$4,851,375.22 from the Volkswagen Mitigation Grant Project, Equipment Modernization Program grant funds and \$537,854.66 match by the City, for the total purchase of all eight (8) EV trucks; and

**WHEREAS**, the City desires to further the public interest of addressing these negative environmental impacts, by obtaining funding from the NJDEP to replace eight (8) diesel class 8 refuse trucks with eight (8) electric chassis refuse trucks, to reduce fuel emission, for the benefit of the City of Newark; and

**WHEREAS**, as a result of these four (4) applications, the City has been awarded a grant in the amount of Four Million Eight Hundred and Fifty-One Thousand Three Hundred Seventy-Five Dollars and Twenty-Two Cents (\$4,851,375.22) from the NJDEP Volkswagen Mitigation Grant Project, managed by the Equipment Modernization Program, to purchase eight (8) electric chassis refuse

trucks; and

**WHEREAS**, the City must execute a grant agreement (attached hereto) with NJDEP in order to obtain the our Million Eight Hundred and Fifty-One Thousand Three Hundred Seventy-Five Dollars and Twenty-Two Cents (\$4,851,375.22) grant award, with the city contributing \$537,854.66 to the project.

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

1. The Mayor of the City of Newark and/or his designee, the Business Administrator and/or the Director of the Department of Public Works, are hereby authorized to submit amending grant applications on behalf of the City of Newark to the New Jersey Department of Environmental Protection (NJDEP), requesting grant funding in the amount of Four Million Eight Hundred and Fifty-One Thousand Three Hundred Seventy-Five Dollars and Twenty-Two Cents (\$4,851,375.22) from the NJDEP Volkswagen Mitigation Grant Project, managed by the Equipment Modernization Program to fund eight (8) electric chassis refuse trucks (a copy of the application is attached hereto and made a part hereof).
2. The Municipal Council hereby ratifies its authorization of this application from the date of application submission to the date of adoption of this authorizing Resolution.
3. The amended grant award in the amount of Four Million Eight Hundred and Fifty-One Thousand Three Hundred Seventy-Five Dollars and Twenty-Two Cents (\$4,851,375.22), is hereby accepted (a copy of the Award Notification is attached hereto and made a part hereof).
4. A City match of \$537,854.66 is required for receipt or acceptance of this grant award.
5. In accordance with N.J.A.C. 5:30-5.5, the City's \$537,854.66 match is subject to the availability and appropriation of sufficient funds. The Department of Public Works shall use its best efforts and proceed with due diligence to obtain the required funds necessary for acceptance of the full grant award.
6. The Municipal Council amends acceptance of this award from June 13, 2022 to the date of this authorizing resolution.
7. The Mayor of the City of Newark and/or his designee, the Business Administrator, and/or the Director of the Department of Public Works, are hereby authorized to enter into and execute grant documents with the NJDEP to receive and expend the Four Million Eight Hundred and Fifty-One Thousand Three Hundred Seventy-Five Dollars and Twenty-Two Cents (\$4,851,375.22) grant award from the NJDEP Volkswagen Mitigation Grant Project, managed by the Equipment Modernization Program.
8. Upon notification of the receipt of the grant award in connection with this application, the Acting Director of the Department of Public Works shall submit a complete copy of the grant agreement and any associated documents to the Acting City Clerk, Corporation Counsel and the Business Administrator for review, approval, and signature.

9. The Director of the Department of Public Works shall file a fully executed copy of the grant application, grant award letter, and grant agreement in the Office of the City Clerk.

### **STATEMENT**

This resolution amends Resolution 7R10-a adopted August 3, 2022, which authorized the Mayor of the City of Newark and/or his designee, the Business Administrator, and/or the Director of the Department of Public Works, to submit a grant application and accept grant funding, and further ratifies and authorizes the Mayor of the City of Newark and/or his designee, the Business Administrator, and/or the Director of the Department of Public Works, to amend the grant application and to enter into and execute a subsequent grant agreement to accept, at an increased grant award in the amount of \$4,851,375.22, from the NJDEP's Volkswagen Mitigation Grant Project, managed by the Equipment Modernization Program, to purchase eight (8) electric chassis refuse trucks, for the benefit of the City of the Newark. In order to accept the award, the City will contribute a match of \$537,854.66 toward the total purchase of the eight (8) electronic vehicles.