

CITY COUNCIL**The City of Orange Township, New Jersey**DATE November 14, 2022NUMBER 443-2022**TITLE:**

A RESOLUTION ACCEPTING A GRANT FROM THE HAZARDOUS DISCHARGE SITE REMEDIATION FUND PUBLIC PROGRAM THROUGH THE NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY AND THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION.

WHEREAS, The City of Orange Township has applied for and has been awarded a grant in the amount of up to 20,772.00 from the Hazardous Discharge Site Remediation Fund Municipal Grant Program through the New Jersey Department of Environmental Protection and the New Jersey Economic Development Authority for Remedial Investigation of the 540 Mitchell Street Mastro Craft Woodworking property;

NOW THEREFORE BE IT RESOLVED by the governing body of the City of Orange Township that the above referenced grant is hereby accepted and the (Mayor Dwayne D. Warren) is hereby authorized to execute grant documents as an untheorized representative thereunder, as the representative for the City of Orange Township;

BE IT FUTHER RESOLVED that a comprehensive plan exists specifically for the development or redevelopment of contaminated or potentially contaminated real property in the host municipality or that a realistic opportunity exist that the Project Site will developed or redeveloped within a three-year period from the completion of the remediation;

BE IT FUTHER RESOLVED by the Municipal Council of the City of Orange Township, in the County of Essex, and State of New Jersey as follows;

NOW THEREFORE BE IT RESOLVED that a certified copy of this Resolution has forwarded to the New Jersey Economic Development Authority;

Adopted:

Joyce L. Lanier
City Clerk

Tency A. Eason
Council President



June 14, 2022

VIA EMAIL

mmayes@orange.nj.us

Marty Mayes, Director, Planning & Econ. Development
City of Orange Township
29 North Day Street
Orange, NJ 07050

Re: HDSRF, NOTICE OF APPROVAL LETTER
HDSRF, Public Entity Grant Program
Application Prod-00301077
Applicant: City of Orange Township
Project Site: Mastro Craft Woodworking
Grant Award: Up to \$20,772

Dear Mr. Mayes:

I am pleased to inform you that the New Jersey Economic Development Authority (the "Authority") approved the application of the City of Orange Township for an up to \$20,772.00 Hazardous Discharge Site Remediation Fund (the "Fund") Grant ("Grant") from the New Jersey Department of Environmental Protection (the "Department") for the Remedial Investigation, along with report preparation, at the Mastro Craft Woodworking site (the "Project"), as stated in your request for Grant assistance.

The Authority has approved the Grant upon the terms and conditions set forth in this notice of approval letter. No act or omission by or on behalf of the Authority shall be deemed as a waiver to any of the terms and conditions contained in this letter. Such a waiver may be made only by an instrument in writing duly executed by an authorized representative of the Authority.

NAME OF GRANTEE:	City of Orange Township
PROJECT SITE:	Mastro Craft Woodworking 540 Mitchell Street Orange, NJ 07050 Block 4005, Lot(s) 2 Essex County
GRANT:	Up to \$20,772 from the Fund

CONDITIONS:

The Grantee shall complete the Project substantially as set forth in its request for Grant assistance. It is specifically understood and agreed that grant funds awarded for preliminary assessment or site investigation of suspected or confirmed discharge of a hazardous substance or hazardous waste, must be expended within two (2) years after the date of the award; and grant funds awarded for remedial investigation of suspected or confirmed discharge of a hazardous substance or hazardous waste, must be expended within five (5) years after the date of the award, unless such time is extended by the Authority in consultation with the Department. Failure to expend an award of financial assistance or grant from the remediation fund within the time limits set forth herein shall result in cancellation of the award, recoupment of unexpended funds, if funds are provided prior to incurring costs, and no further disbursement of unexpended funds.

It is specifically understood and agreed that the Grantee is required to complete and submit to the Authority the attached schedules (Exhibit "A"), in accordance with the terms of the grant agreement. Failure to provide said schedules in accordance with the terms of the grant agreement shall be an event of default under the Grant.

The Authority requires a valid Tax Clearance Certificate no more than 180 days old on file with the Authority at the time of closing or the Grant shall not close. Tax Clearance Certificates are issued by the Division of Taxation. To apply to receive a Tax Clearance Certificate, a Grantee must complete and submit the Application for Business Assistance Tax Clearance to the Division of Taxation.

It is specifically understood and agreed that this Grant is cross-defaulted with any other agreement entered into by the Authority and the Grantee or any other agreement entered into by the Department and the Grantee with respect to this Grant.

The interests of the Grantee and the Authority are or may be different and may conflict. The Authority's attorney represents only the Authority and does not represent the Grantee in the Grant transaction. The Grantee, therefore, is advised to employ an attorney licensed to practice in the State of New Jersey, of the Grantee's own choice, to represent the Grantee's interest in the Grant transaction.

The credit of the Grantee and all other features of the transaction shall be as represented to the Authority without material adverse change. The Grantee shall not be involved in any bankruptcy, reorganization or insolvency proceeding.

Counsel to the Authority must be satisfied with respect to the legality, validity, binding effect, and enforceability of all instruments, agreements, and documents used to effect and consummate the transactions contemplated herein.

Each unsatisfied covenant, term and condition of this notice of approval which is not expressly waived in writing by the Authority shall survive any closing hereunder. In case of any conflict between any unwaived and unsatisfied covenant, term or condition of this notice of approval and the provisions of the Grant documents delivered at or pursuant to any closing regarding this Grant, the unwaived and/or unsatisfied covenant, term or condition of this notice of approval shall control.

This notice of approval is subject to acceptance by the Grantee of the terms and conditions contained herein. This notice of approval letter must be signed and returned to the undersigned.

The Authority's commitment shall terminate and the Authority shall have no further obligation in connection with your application if this notice of approval is not signed and returned to the Authority by October 12, 2022. This Approval Letter may be executed and delivered by telecopier, email, PDF or other facsimile transmission of all with the same force and effect as if the same were a fully executed and delivered original manual counterpart.

In addition, in the event that the Grant is not closed on or before 90 days from the acceptance date of the notice of approval, the Authority's obligation to provide Grant shall terminate and you will be required to submit a new application.

We are pleased to be of service to your Grant needs. If you have any questions regarding this Approval Letter, please contact Kathy Junghans, Finance Officer at (609) 858-6732 or kjunghans@njeda.com.

If you have any questions regarding the closing requirements for this Grant contact Autumn Maybury at 609-960-3228 or Amaybury@njeda.com

Electronic signature on this Approval Letter shall be deemed to be valid execution and delivery as though an original ink. The parties explicitly consent to the electronic delivery of the terms of the transaction evidenced by this Approval Letter and affirm that their electronic signatures indicate a present intent to be bound by the electronic signatures and the terms of the Approval Letter. The electronic signature can be done either by ADOBE Acrobat or any other similar signature software that can be used for electronic signatures or by printing, manually signing, and scanning.

This fully executed Approval Letter in its entirety should be returned to Jo Ann Walls, Program Associate at jwalls@njeda.com.

Sincerely,



Michael Deely
DEP Manager, Underwriting

ALM

cc: Rachel Stopper, NJDEP

ACCEPTED AND AGREED
THIS 22nd DAY OF
September, 2022 BY:

GRANTEE: City of Orange Township

By: Dwayne D. Warren
Dwayne D. Warren, Mayor