

ORDINANCE NO. 4971

AN ORDINANCE AUTHORIZING THE CITY OF ELIZABETH TO ENTER INTO A SITE ACCESS AGREEMENT WITH PIVOTAL UTILITY HOLDINGS, INC., D/B/A ELIZABETH TOWN GAS, WITH ITS PRINCIPAL PLACE OF BUSINESS AT 520 GREEN LANE, UNION, NJ 07201 FOR REMEDIAL INVESTIGATION OF FORMER SOUTH STREET MANUFACTURED GAS PLANT, 418-426 SOUTH STREET (TAX ACCT # 9-1151.A).

WHEREAS, Pivotal Utility Holdings, Inc., has requested site access to 418-426 South Street (Tax Acct # 9-1151.A), in connection with the remedial investigation/action for the former Elizabethtown Gas South Street Manufactured Gas Plant located at 400-410 South Street to perform a pre-design investigation to address ground water impacts resulting from historic site operations; and

WHEREAS, the Department of Public Works requests City Council adopt an Ordinance authorizing the proper City Officials to enter into an Access Agreement with Pivotal Utility Holdings, Inc. d/b/a Elizabethtown Gas proposes to install two (2) permanent and two (2) temporary groundwater monitoring wells at 418-426 South Street (Tax Acct # 9-1151.A) to monitor the extent of contamination from the former Elizabethtown Gas South Street Manufactured Gas Plant which is required by the New Jersey Department of Environmental Protection (NJDEP) to advance site remediation. The extent of time required to complete the ground water investigation and remediation is currently unknown. It is requested that the Agreement be authorized for a term of five (5) years. The agreement will include provisions that require the City to be provided copies of results obtained from investigation; now, therefore, be it

BE IT ORDAINED BY CITY COUNCIL OF THE CITY OF ELIZABETH:

SECTION 1. - That the Mayor and proper City Officials are hereby authorized to enter into an Access Agreement with Pivotal Utility Holdings, Inc. d/b/a Elizabethtown Gas to complete the ground water investigation at 418-426 South Street (Tax Acct # 9-1151.A) to monitor the extent of contamination from the former Elizabethtown Gas South Street Manufactured Gas Plant which is required by the New Jersey Department of Environmental Protection (NJDEP) to advance site remediation. The agreement will be for a term of 5 years and will include provisions that require the City to be provided copies of results obtained from investigation.

SECTION 2. - All ordinances or parts of ordinances inconsistent with the provisions of this ordinance be and the same are hereby repealed.

SECTION 3. - If any portion or clause of this ordinance is declared invalid for any reason whatsoever, same shall not affect the validity or constitutionality of any other part or portion of this ordinance.

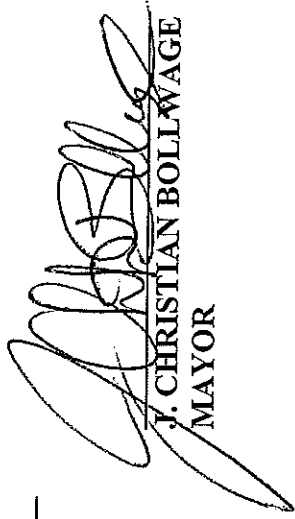
SECTION 4. - The effective date of this ordinance shall be twenty (20) days after its final passage by City Council and approval by the Mayor at the time and in the manner provided by law.

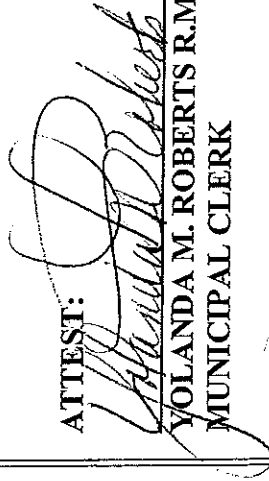
PRESENTED TO THE MAYOR FOR
APPROVAL OR DISAPPROVAL ON
FEB 14 2018
CITY CLERK

PASSED: 2/13/18


MANNY GROVA, JR.
PRESIDENT OF CITY COUNCIL

APPROVED: 2/14/18


J. CHRISTIAN BOLLWAGE
MAYOR

ATTEST: 
YOLANDA M. ROBERTS R.M.C.
MUNICIPAL CLERK