

**RESOLUTION AUTHORIZING AN INCREASE IN THE PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF PLAINFIELD AND LANGAN ENGINEERING & ENVIRONMENTAL SERVICES FOR THE PREPARATION OF A NJDEP HARDSHIP WAIVER AND SUBMITTAL OF PERMIT REVIEW FEES ASSOCIATED WITH THE REQUIRED DOCUMENTS FOR THE FINAL PERMITTING FOR THE CONSTRUCTION OF THE GREEN BROOK MULTI-USE TRAIL**

**WHEREAS**, in 2005 the City of Plainfield retained the services of Langan Engineering & Environmental Services for the Design Plans, Construction Documents, and New Jersey Department of Environmental Protection (NJDEP) Permits required for the Green Brook Multi-Use Trail; and

**WHEREAS**, this work was funded by grants from both the New Jersey Department of Transportation (NJDOT) (\$300,000) and Union County Open Space, Recreation and Historic Preservation Trust Fund Grant (\$122,600) for a total of \$422,600; and

**WHEREAS**, in October 2007, Langan Engineering & Environmental Services on behalf of the City, made application to the NJDEP for the required Freshwater Wetland General Permit Number 17 and the Flood Hazard Area permits for the Green Brook Multi-Use Trail; and

**WHEREAS**, during the time the initial submission of the two permits was pending before the NJDEP, the NJDEP adopted new requirements as part of the permitting process including new Stormwater Management Regulations that affected the two proposed catch basins associated with the parking facilities located at both ends of the Green Brook Multi-Use Trail; and

**WHEREAS**, Langan Engineering & Environmental Services provided the additional required documentation as per NJDEP request for the Stormwater Management Regulations at no additional cost; and

**WHEREAS**, in April 2008, NJDEP again requested additional information specifically related to the Storm Management Plan and in August 2008 the City of Plainfield entered into a Professional Service Agreement with Langan Engineering & Environmental Services to address the NJDEP comments; and

**WHEREAS**, after the second NJDEP review the NJDEP again requested additional work, this time dealing with the impacts to the riparian zone and an in-depth alternative analysis for the entire length of the 7.5 Green Brook Multi-Use Trail that was not required at the point of the initial submission; and

**WHEREAS**, in an effort to move the project forward in the most cost efficient manor, the NJDEP suggested that the City of Plainfield apply for a Hardship Waiver that would eliminate the need for costly design alternatives analysis in the riparian zone and permit reapplication fees at the approximate cost of \$260,000 (\$250,000 alternatives analysis plus \$10,000 reapplication fees); and

**WHEREAS**, the total cost for the preparation of the Hardship Waiver and review fee is \$23,500 (\$19,500 Langan Engineering & Environmental Services, and \$4,000 NJDEP fees submitted through Langan Engineering & Environmental Services) as indicated in the August 22, 2008 proposal by Langan Engineering & Environmental Services (Exhibit 1); and

**WHEREAS**, the City has sufficient funds available in account G-02-41-876-204-432 entitled "*Green the Streets*" which was funded through the Union County Open Space, Recreation and Historic Preservation Trust Fund Grant and dedicated solely for the Green Brook Multi-Use Trail; and

**WHEREAS** the City has confirmed with the County of Union that the funds remain available for use to move the project forward (\$23,500) (Exhibit 2); and

**WHEREAS**, sufficient funding is available in account G-02-41-876-204-432 as evidenced by the annexed certification of the Assistant Comptroller/(Acting) Chief Financial Officer; now, therefore,

**RESOLVED**, that the City Council of the City of Plainfield hereby authorizes the Mayor and City Clerk to increase the cost cap of the Stormwater Management Professional Service Agreement with Langan Engineering & Environmental Services to include the \$23,500 required to prepare the Hardship Waiver and submit the NJDEP fee funds as described herein; and be it,


**FURTHER RESOLVED**, that this resolution be attached to the existing contract and be placed on file in the Office of the City Clerk.

Adopted by the City Council

November 16, 2009

\_\_\_\_\_  
Laddie Wyatt, City Clerk

Approved as to form

  
Daniel A. Winjamison  
Corporation Counsel