



Kearny Town Council
402 Kearny Avenue
Kearny, NJ 07032
ADOPTED
RESOLUTION 2016-68

DOC ID: 8206

Resolution Setting Forth the Town of Kearny's Opposition to the Proposal by New Jersey Transit Corporation to Locate its Micro Grid Project in the Town on the Koppers Peninsula which Would Deprive the Town of Valuable Tax Revenue and Would Have Other Significant Adverse Environmental, Economic and Social Impacts.

WHEREAS, the Federal Transit Administration ("FTA") and New Jersey Transit Corporation ("NJ Transit") have issued a Notice in the Federal Register (the "FTA Notice") of its intent to prepare an environmental impact statement relating to the proposed micro grid project (designated as the NJ TRANSITGRID) to be located on the "Koppers Peninsula" (the "Peninsula");

WHEREAS, the Koppers Peninsula consists of a series of tracts of land located in the Town of Kearny comprising approximately 227 acres of potentially taxable property;

WHEREAS, one of the Peninsula tracts is the former Standard Chlorine site now owned by the Town through tax foreclosure;

WHEREAS, the FTA and NJ Transit are requesting public comments regarding the impact of the NJ TRANSITGRID project;

WHEREAS, by this Resolution the Town is setting forth its comments in opposition to the NJ TRANSITGRID project because of its adverse environmental, economic and social impacts, including those outlined in the following "Whereas" clauses;

WHEREAS, the Town has a vital economic interest in the quickest development of all of the tracts making up the Peninsula, not only the one it owns, because development will immediately produce construction and permanent jobs and eventually will create much-needed tax ratables;

WHEREAS, since the Peninsula tracts are all located in the New Jersey Meadowlands District their development will also economically benefit all 16 municipalities in the District through the inclusion of added tax revenue to the tax sharing formula;

WHEREAS, about seven years ago NJ Transit had expressed an interest in acquiring part of the Koppers Peninsula to utilize as part of the Arc Tunnel project later aborted by Governor Christie;

WHEREAS, after inducing the Hudson County Improvement Authority to incur substantial costs and expenses in assisting it to conduct extensive due diligence at the site, NJ Transit simply walked away from its efforts to acquire any portion of the Peninsula thereby delaying the private development of the Peninsula while leaving the Authority in the lurch for its costs and expenses;

WHEREAS, thereafter the Town, the County of Hudson and Tierra Solutions, Inc., sought to again promote the private development of the Koppers Peninsula and launched an extensive and expensive campaign, both jointly and separately, to determine the best economic uses for the Peninsula property and to select a developer(s) with the financial capability and expertise to develop the Peninsula, and each party continues to make substantial progress in that respect;

WHEREAS, while this process continues, New Jersey Transit, as part of an unrelated undertaking has been planning to create and construct an allegedly first of its kind “micro grid” to provide electrical power in the event of a power failure;

WHEREAS, the Federal Transit Administration previously released a notice of funding availability for projects related to the Sandy Recovery Program and apparently has caused New Jersey Transit to seek to make application for that funding by fitting its “micro grid” project within the four corners of that funding profile;

WHEREAS, by Resolution adopted on February 25, 2014, the Town stated its opposition to the NJ TRANSITGRID project and urged the North Jersey Transportation and Planning Authority to modify its support of the project by excluding the Kopper Peninsula as a possible location;

WHEREAS, nevertheless, NJ Transit has continued with its effort in acquiring all or a portion of the Peninsula for the NJ TRANSITGRID project;

WHEREAS, this effort has and will continue to have a chilling effect on prospective developers currently participating in the process to develop the Peninsula and is impeding the Town’s ability to facilitate economically productive uses on the site;

WHEREAS, the NJ TRANSITGRID project will also have an adverse negative impact on air quality and increase particulate emission in an area already affected by air emissions from nearby heavy industry, major highways and landfills;

WHEREAS, the NJ TRANSITGRID project will also have a disproportional impact on low income populations because the median per capita income of Kearny residents (\$25,936) and their median household income (\$61,782), are significantly lower than the median state per capita income (\$36,027) and median state household income (\$71,929), thereby raising significant environmental justice concerns;

WHEREAS, for all of these reasons the Town continues to oppose the location of the NJ TRANSITGRID project within the Town; now, therefore, be it


RESOLVED by the Mayor and Council of the Town of Kearny, Hudson County, New Jersey that:

1. The aforesaid recitals are incorporated herein as though fully set forth at length.
2. The Town of Kearny strongly opposes any attempt by New Jersey Transit to locate a "micro grid" power generation facility within the Town which already hosts one major generation plant and is nearby another.
3. The Town opposes any action by NJ Transit that interferes or may interfere with the process to develop the Peninsula and impedes the development of economically productive uses of the Peninsula tracts.
4. The FTA and New Jersey Transit are hereby petitioned to consider these significant environmental, economic and social justice impacts of the proposed NJ TRANSITGRID if it were to be located within the Town on the Koppers Peninsula.
5. This Resolution shall be submitted to the FTA and NJ Transit as formal comments in response to the FTA Notice.

Gregory Castano Sr.

ADOPTED: January 26, 2016

I hereby certify that the foregoing resolution was adopted by the Council on **January 26, 2016**.


PATRICIA CARPENTER
 TOWN CLERK

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Carol Jean Doyle, Council Member |
| SECONDER: | Alberto G. Santos, Mayor |
| AYES: | Doyle, Landy, McCurrie, Eckel, Cardoso, Konopka, Giordano, DeCastro, Santos |

F.M.
JAN 28 2016
G. Castano Esq.