

CHAPTER 6A

**AID FOR URBAN ENVIRONMENTAL CONCERNS
MATCHING GRANTS PROGRAM FOR
ENVIRONMENTAL AGENCIES**

Authority

N.J.S.A. 13:1H-1 et seq. and 13:1H-8 et seq.

Source and Effective Date

R.2006 d.215, effective May 15, 2006.
See: 37 N.J.R. 4717(a), 38 N.J.R. 2687(b).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1b, Chapter 6A, Aid for Urban Environmental Concerns Matching Grants Program for Environmental Agencies, expires on May 15, 2013. See: 43 N.J.R. 1203(a).

Chapter Historical Note

Chapter 6A, Aid for Urban Environmental Concerns Matching Grants Program for Environmental Agencies, was adopted as R.2000 d.498, effective December 18, 2000. See: 32 N.J.R. 3520(a), 32 N.J.R. 4446(a).

Chapter 6A, Aid for Urban Environmental Concerns Matching Grants Program for Environmental Agencies, was readopted as R.2006 d.215, effective May 15, 2006. See: Source and Effective Date.

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SUBCHAPTER 1. GENERAL INFORMATION

7:6A-1.1 Scope and authority

This chapter constitutes the rules of the Environmental Services Program (ESP) in the Department of Environmental Protection for the Aid for Urban Environmental Concerns

(AUEC) Matching Grants Program for Environmental Agencies, providing for the award of grants to such agencies in accordance with the Aid for Urban Environmental Concerns Act (Act), N.J.S.A. 13:1H-8 et seq.

7:6A-1.2 Construction

This chapter shall be liberally construed to allow the Department to fully effectuate the purposes of the Act.

7:6A-1.3 Definitions

The following words and terms, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise.

“Act” means the Aid for Urban Environmental Concerns Act (AUECA), P.L. 1972, c.49 as amended by P.L. 1975, c.334, N.J.S.A. 13:1H-8 et seq.

“Applicant” means the environmental agency that submits an application for a matching grant in accordance with this chapter.

“AUEC Matching Grants” means grants awarded by the Department to environmental agencies in accordance with the Act.

“Department” means the Department of Environmental Protection.

“Eligible municipality” means a municipality eligible for aid pursuant to P.L. 1978, c.14 (N.J.S.A. 52:27D-178 et seq.) or pursuant to the “Depressed Rural Centers Aid Act,” P.L. 1977, c.260 (N.J.S.A. 52:27D-162 et seq.)

“Environmental agency” means either a municipal parks or recreation department or commission; a municipal planning department or board; a municipal environmental commission; a county parks department or commission; or a county environmental commission.

“ESP” means the Environmental Services Program within the Department.

“Governing body” means the elected board, council, or committee of a county or municipality to which an environmental agency is accountable and by which any appropriation is given to the environmental agency.

“Grant recipient” means the environmental agency applicant named in a project agreement whose application has been approved for funding under the AUEC.

“In-kind services” means goods or services rendered at the cost of the grant recipient that will be used as part of the recipient’s match. Examples of such may include, but are not limited to, materials purchased, or time spent to complete the project.

“Local government unit” means a county or a municipality.

“Matching Grant” means a grant awarded for an approved project for which the Department shall agree to pay 80 percent, and the grant recipient shall pay the remaining 20 percent. The maximum grant award will be \$10,000.

“Program” means the AUEC Matching Grants Program.

“Project agreement” means a document executed by the Department and the grant recipient which provides grant assistance for a project approved by the Department.

“Project” may include, but is not limited to, artwork in public places, street scaping, flower gardens, flowering trees, neighborhood sitting places, recreation areas, urban environmental planning for redevelopment, urban environmental inventories (UEIs), urban environmental indicators, resource protection strategies, and pollution prevention projects.

“Statewide Development and Redevelopment Plan” means the Plan adopted pursuant to the State Planning Act, N.J.S.A. 52:18A-196, et seq. The plan in effect as of January 5, 1998 was adopted on June 12, 1992.

7:6A-1.4 Severability

If any subchapter, section, subsection, clause or portion of this chapter, or the application thereof to any person, is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall be confined in its operation to the subchapter section, subsection, provision, clause portion or application directly involved in the controversy in which such judgment shall have been rendered and it shall not affect or impair the remainder of this chapter or the application thereof to other persons.

SUBCHAPTER 2. APPLICANT AND PROJECT ELIGIBILITY

7:6A-2.1 Eligible applicants

Environmental agencies are eligible to submit applications for AUEC Matching Grants.

7:6A-2.2 Eligible projects and costs

(a) The following projects qualify for AUEC Matching Grants through the Program:

1. Urban environmental inventories (UEIs) or portions thereof to develop a baseline of data with which to make informed decisions about environmental aspects of planning and redevelopment, and to measure environmental quality on the local level;

2. New and updated planning and redevelopment studies and reports that include strategies for the sustain-

able use of the community's natural, environmental and economic resources, initiate the redevelopment of distressed or under-utilized areas, or establish sustainable economic partnerships with business and the community;

3. Projects designed to disseminate information to the public concerning environmental resources including, but not limited to, education and outreach, stewardship programs, natural history tours and partnerships in environmental leadership;

4. Beautification and enhancement projects such as street scaping, artwork in public places, neighborhood sitting places and recreation areas that promote safe and healthy communities;

5. Determining urban environmental indicators that would assist the Department in tracking the quality of life in urban areas;

6. Resource protection and pollution prevention strategies; and

7. Projects that implement the use of safe, efficient and/or renewable energy alternatives, including strategies that enable the conservation of existing energy resources.

(b) The following items are eligible for funding by the Program, when incurred in implementing qualifying projects listed in (a) above:

1. Costs of materials and supplies, and production costs for developing baseline data publications, reports, studies, policy recommendations, draft ordinances, maps, diagrams and other similar documents;

2. Fees and direct expenses for the following, including, but not limited to, architects, attorneys, cartographers, computer data base managers, engineers, environmental resource consultants, historic preservationists, landscape architects and planners. Such fees may not exceed 25 percent of the total project costs unless otherwise determined to be eligible expenses by the Department; and

3. Materials and supplies which are determined by the Department to be eligible expenses that support the goals of the project.

(c) None of the following items and costs are eligible for funding by the Program, nor shall they be considered matching funding on the part of an environmental agency:

1. Charges for time spent by volunteers;
2. Fringe benefits and stipends;
3. Costs of acquisition of real property;
4. Real estate appraisals;
5. Bonus payments of any kind;

6. Charges for contingency reserves;
7. Charges for deficits or overdrafts;
8. Interest expenses;
9. Costs of services, materials or equipment obtained under any other State grant or loan program;
10. Contract cost overruns, not approved by the Department, that exceed the allowable amount as per the contract specifications;
11. Costs of fundraising;
12. Costs of lobbying;
13. Costs of all work which is performed outside the approved work period or which is not included in the scope of work set forth in the project agreement, unless otherwise approved in writing by the Department as such; and
14. Work performed on behalf of a county or municipal government which has not been awarded in compliance with the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.

SUBCHAPTER 3. ALLOCATION OF AUEC GRANT FUNDING

7:6A-3.1 Funding availability

The availability of AUEC Matching Grant funds is subject to legislative appropriation. The Department shall notify the applicant of its intent to fund a project through a letter of award. Funding is guaranteed only after a project agreement has been executed by the Department and funds are subsequently obligated by the Department to the environmental agency for a particular project.

7:6A-3.2 Ranking of grant applications

(a) Each year, available AUEC Matching Grant funds shall be allocated in accordance with a ranking of applications received by the Department, based upon the criteria listed in (b) below.

(b) All applications for AUEC Matching Grants in a given year shall, for the purpose of determining priority for funding, be ranked on the basis of the degree to which the proposed project:

1. Has the broad support of other local or county agencies, civic groups, etc. Letters of endorsement may be submitted to the Department as evidence of such support;
2. Is responsive to regional as well as local needs;
3. Helps to further planning and regulatory goals of the Department into the local and regional planning processes;

4. Will document and protect environmental resources that are of particular importance to local governments in implementing the Statewide Development and Redevelopment Plan;

5. Is designed to produce a definitive strategy to protect a resource area, particularly projects which integrate preservation of environmentally sensitive areas with local, regional and Statewide open space and recreation planning;

6. Will incorporate pollution prevention strategies for point and non-point source pollution; and

7. Will raise awareness of the public's responsibility to actively participate in protecting the environment.

7:6A-3.3 Grant amount

The maximum grant shall be \$10,000 to any environmental agency. The contribution by the Department shall not exceed 80 percent of the cost of the project which qualifies for assistance under the Act and this chapter. A 20 percent match is required by the environmental agency.

7:6A-3.4 Disbursement of grant funds

(a) The Department may provide for advanced payments to grant recipients on a case-by-case basis. Advanced payments shall not exceed 50 percent of the total grant amount.

(b) Progress payments may be requested by an applicant provided that proper documentation of the expenditures and a certification has been submitted to the Department.

(c) The sum of advanced payments and progress payments shall not exceed 75 percent of the total project costs.

(d) Final payment for the project shall be made following receipt and acceptance by the Department of all agreed upon work product(s) of a project, and upon compliance with all terms of the project agreement required under N.J.A.C. 7:6A-4.3(a).

7:6A-3.5 Matching funds

An environmental agency's share of the 20 percent match shall be in the form of funding dedicated to the agency for the project or in-kind services. The source of matching funds may be outside a local government unit budget provided the matching funds are transferred to the local government unit and dedicated specifically for the environmental agency's project. The availability of the matching funds must be certified by the governing body of the local government unit as required under N.J.A.C. 7:6A-4.3(c) prior to the execution of the project agreement.

SUBCHAPTER 4. APPLICATION PROCEDURES

7:6A-4.1 Announcement of funding availability

Announcement of funding availability and the opening and closing dates for submission of AUEC Matching Grants

applications shall be published by the Department in the New Jersey Register as required by and in accordance with N.J.S.A. 52:14-34.4.

7:6A-4.2 Application and review sequence

(a) Environmental agencies shall submit the following items to the Department:

1. A completed application form, which may include:
 - i. The name and address of the local environmental agency;
 - ii. The primary contact person and telephone number;
 - iii. The title of the project;
 - iv. The amount of money requested;
 - v. The name of the chief financial officer (CFO); and
 - vi. The grantee's Federal tax identification (that is, vendor I.D.);

2. In the case of a municipal environmental commission, a certified true copy of the ordinance creating the environmental agency, which ordinance shall indicate that such agency has the power to conduct projects such as the proposed project and was established pursuant to the State enabling legislation, N.J.S.A. 40:56A-1 et seq. In the case of a county environmental commission, a certified true copy of a resolution creating the environmental agency, describing its powers and duties, and indicating that it has the power to conduct projects such as the proposed project;

3. A letter of intent from the chief financial officer or chief elected official of the local government unit expressing support for the project and the expectation that matching funds and/or in-kind services will be made available if the application is approved and funded; and

4. Letters of endorsement for the proposed project, if any, from interested parties directly or indirectly affected by the proposed project.

(b) A notice of receipt of the application shall be sent by the Department to each applicant.

(c) The Department shall notify each applicant of its determination to approve, conditionally approve or deny the application.

1. The Department shall send a letter of award to each grant recipient whose application has been approved for funding.

2. Final approval shall be contingent upon such other conditions as Department shall include in a notification of conditional approval to the applicant.

3. The Department shall promptly notify the applicant in writing of any denial of an application and provide reasons for such denial. A denial of an application shall not preclude its reconsideration during a subsequent application period if revised and resubmitted by the applicant.

(d) Application materials become the property of the Department and shall not be returned to the applicant.

7:6A-4.3 Development and execution of project agreement

(a) If the Department approves the application submitted pursuant to N.J.A.C. 7:5-4.2, the grant amount shall be determined as specified at N.J.A.C. 7:5-3.4 and in accordance with an executed project agreement between the Department and the applicant. The project agreement shall specify, among other things, the following:

1. The amount of the grant;
2. The project scope;
3. The work period, not to exceed one year;
4. The itemized budget; and
5. The work products to be submitted to the Department.

(b) During the period between transmittal of the letter of award pursuant to N.J.A.C. 7:6A-4.2(c) and the execution of the project agreement pursuant to (d) below, the Department and/or the applicant may revise the project proposal as necessary to meet the requirements for a project agreement set forth at (a) above. Any such modifications shall be mutually agreed upon in writing by the Department and the applicant.

(c) The environmental agency shall submit the following resolutions to the Department, where applicable, before execution of the project agreement by the Department and start of the project by the applicant:

1. A resolution adopted by the environmental agency authorizing, by title, an official to execute the project agreement on behalf of the environmental agency. In the case of a municipal or county environmental commission, the official so authorized may be an officer of the environmental agency, a member of the governing body of the local government unit or an appropriate local government employee; and

2. A resolution adopted by the governing body of the local government unit authorizing the environmental agency to enter into the project agreement and certifying that the matching funds will be provided for the project where applicable.

(d) The Department shall provide samples of the resolutions required under (c) above with the letter of award sent to the environmental agency pursuant to N.J.A.C. 7:6A-4.2(c).

(e) The Department shall prepare and transmit duplicate copies of the project agreement to the grant recipient for execution. The grant recipient shall execute such duplicate copies of the project agreement and return them by the date specified in the Department transmittal letter.

(f) After execution of the project agreement, the Department shall transmit a copy with original signatures to the grant recipient.

(g) The grant award shall become effective upon execution of the project agreement by the Department and the grant recipient, and shall constitute an obligation in the amount and for the purposes stated in the project agreement.

(h) The terms and conditions, scope of services, budget, and schedule of the project agreement may be amended or modified in accordance with procedures established in the project agreement if mutually agreed upon, in writing, by the Department and the environmental agency.