

TOWNSHIP SPECIAL COMMITTEE MEETING

AUGUST 31, 2006

A special meeting of the Township Committee of the Township of Cranbury was held at 5:00 p.m. in the Town Hall Meeting Room. Answering present to the roll call was: Township Committee members: Pari Stave, Wayne Wittman and Mayor Thomas F. Panconi, Jr. Messrs. Stannard and Stout were absent. Also present was: Kathleen R. Cunningham, Clerk. Mayor Panconi led in the salute to the flag and Ms. Cunningham gave the following Open Public Meetings Act statement:

In accordance with Section 5 of the Open Public Meetings Act, it is hereby announced and shall be entered into the minutes of this meeting that adequate notice of this meeting has been provided:

- (1) Posted on August 29, 2006 on the Bulletin Board of the Municipal Office at 23-A North Main Street, Cranbury, New Jersey and remains posted at that location.
- (2) Communicated to the Cranbury Press, Home News Tribune and Trenton Times on August 29, 2006.
- (3) Was filed on August 29, 2006 with a Deputy Municipal Clerk at the Cranbury Municipal Office, 23-A North Main Street, Cranbury, New Jersey and remains on file for public inspection, and
- (4) Sent to those individuals who have requested personal notice.

Agenda Additions/Changes

There were no changes.

Ordinances

First Reading

Cranbury Township Ordinance # 08-06-22

An Ordinance entitled, "Cranbury Township Ordinance # 08-06-22, AN ORDINANCE OF THE TOWNSHIP OF CRANBURY, IN MIDDLESEX COUNTY, NEW JERSEY, AUTHORIZING THE TOWNSHIP TO ENTER INTO A NON-EXCLUSIVE USE AND OCCUPANCY AGREEMENT WITH THE CRANBURY LIONS CLUB AND THE CRANBURY HISTORICAL AND PRESERVATION SOCIETY FOR THE BARNS LOCATED ON BARN PARK (CRANBURY NECK ROAD/BLOCK 21, LOT 4.11)", was introduced for first reading. On motion Ms. Stave, seconded by Mr. Wittman, the Ordinance was passed on first reading by vote:

Ayes: (Panconi
(Stave
(Wittman

Abstain: (None
Absent: (Stannard & Stout

Nays: (None

Public Hearing: September 11, 2006

WHEREAS, the Township of Cranbury is a municipal corporation of the State of New Jersey, having its principal offices located at 23A North Main Street, Cranbury, New Jersey 08512 ("Township"); and

WHEREAS, the Township is the owner of a.978± - acre parcel located on Cranbury Neck Road and designated as Block 21, Lot 4.11 on the Cranbury Township Tax Map ("Barn Park" or "Property"); and

WHEREAS, there are three historic agricultural buildings presently existing on the Property referred to as the wagon house, the corncrib, and the potato barn (collectively, "the barns"); and

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WHEREAS, all three barns are in various states of disrepair and are in need of dismantling, preservation and/or repair; and

WHEREAS, the Lions Club is a non-profit organization with tax-exempt status pursuant to State and federal law that comprises members who volunteer their efforts to perform various charitable community services in Cranbury Township; and

WHEREAS, approximately 70% of the charitable contributions that the Lions Club raises is distributed in Cranbury Township to such organizations as the Cranbury Arts Council, Cranbury Boy Scouts and Cub Scouts, Cranbury Educational Foundation, Cranbury Fire Company, Cranbury First Aid Company, Cranbury Girl Scouts, Cranbury Historical Society, Cranbury Little League, Cranbury Public Schools Quest Program, Cranbury Recreation Committee, Disaster Relief Fund, Friends of the Library and Golden Age Neighbors of Cranbury; and

WHEREAS, CHPS is a non-profit organization with tax-exempt status pursuant to State and Federal law that comprises members who volunteer their efforts to further interest in and knowledge of the history of Cranbury, promote, support and encourage the beautification of the lands and buildings located in Cranbury, and participate in restoring and preserving Cranbury's historic buildings and sites; and

WHEREAS, the Lions Club and CHPS have each expressed a desire to help the Township preserve the wagon house and corncrib and dismantle the potato barn to salvage parts for future use by the Township, and to that end have volunteered their services, including the provision of labor and materials needed to preserve and restore the barns; and

WHEREAS, Lions Club and CHPS further wish to use the barns for storage and other purposes; and

WHEREAS, N.J.S.A. 40A:12-14 permits a municipal corporation to lease to a non-profit organization for a public purpose real property that is owned, but not then needed, by said municipal corporation; and

WHEREAS, one such public purpose is the promotion of the health, safety, morals and general welfare of the community; and

WHEREAS, the Township Committee finds that the activities the Lions Club and CHPS engage in, and for which they will be using the barns, promote the health, safety, morals and general welfare of the community; and

WHEREAS, the Township Committee also finds that the proposed repair of the barns will benefit the public; and

WHEREAS, at this time, the Township does not have a municipal need for the barns;

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Cranbury, Middlesex County, New Jersey, as follows:

1. The factual recitals contained in the foregoing "Whereas" clauses are incorporated herein as if fully restated.

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2. Pursuant to N.J.S.A. 40A:12-14(c), the Township Committee of the Township of Cranbury, Middlesex County, New Jersey, does hereby authorize the Township of Cranbury ("Township") to enter into an agreement with the Cranbury Lions Club ("Lions Club") and the Cranbury Historical and Preservation Society ("CHPS") (collectively, "Licensees") for the non-exclusive use and occupancy of the barns located on Township-owned property known as "Barn Park," situated on Cranbury Neck Road and designated on the Cranbury Township Tax Map as Block 21, Lot 4.11, for the purpose of dismantling, preserving, and/or restoring same, then using them for storage and other purposes. Said agreement shall be subject to the following essential terms:

- a. Pursuant to N.J.A.C. 7:36-25.13(b)(4) and (5), the initial term of the Agreement shall be twenty-four years and eleven months, and unless terminated or renegotiated by the Township or Licensees prior to the expiration thereof, shall be automatically renewed under the same terms, covenants, conditions and provisions for additional five-year terms, not to exceed a total term of fifty years;
- b. The consideration due to the Township for the Agreement will be One Dollar (\$1.00);
- c. The Agreement will be non-exclusive;
- d. Pursuant to N.J.S.A. 40:12-14(c), the Lions Club and CHPS will each submit to the Township Administrator, no later than December 31st of each calendar year during which the Agreement is in effect, a written report setting forth: (1) the uses to which the leasehold was put during that year; (2) the activities the Lions Club and CHPS undertook in furtherance of the public purposes purpose for which the leasehold was granted; (3) the approximate value or cost, if any, of such activities; and (4) an affirmation of their continued tax-exempt status pursuant to both State and Federal law; and
- e. The Agreement will be subject to and comply in all respects with the requirement of the New Jersey Department of Environmental Protection, Green Acres Program, as set forth at N.J.A.C. 7:36-25.13.

3. Pursuant to the requirements of N.J.S.A. 40A:12-14(c), the Township Administrator is hereby designated as the authorized representative of the Township, responsible for enforcing the terms and conditions of the Agreement.

4. The Mayor and Clerk are hereby authorized and directed to sign the Agreement attached hereto as Exhibit A, or such other substantially similar agreement, the terms and form of which have been reviewed and approved by the Township Attorney in consultation with the Mayor and Township Administrator.

5. The Mayor, Clerk, Administrator and other appropriate staff and officials are hereby authorized and directed to undertake any and all other acts proper and necessary to effectuate the terms hereof.

6. This Ordinance will take effect upon final adoption and publication, as provided for by law.

Public Comment

The Mayor opened the meeting to public questions and comments on those items not on the agenda. There being no comments, the Mayor closed the public part of the meeting.

On motion by Mr. Wittman, seconded by Ms. Stave and unanimously carried, the meeting adjourned at 5:08 p.m.

Kathleen R. Cunningham, Clerk