

TOWNSHIP OF PEMBERTON
ORDINANCE NO. 9-2018

AN ORDINANCE OF THE TOWNSHIP OF PEMBERTON AUTHORIZING THE LEASE OF THE NESBITT COMMUNITY CENTER TO THE BURLINGTON COUNTY COMMUNITY ACTION PROGRAM FOR A FIVE (5) YEAR TERM FOR A HEAD START PROGRAM, AN AFTER-SCHOOL PROGRAM, AND THE PROVISION SERVICES TO FAMILIES IN PEMBERTON TOWNSHIP

WHEREAS, the Township of Pemberton (the "Township") owns the Nesbitt Community Center (the "Building") located at 1 Anderson Road, Pemberton, NJ, and designated as Block 812, Lot 16.01 on the Township's official tax map; and

WHEREAS, N.J.S.A. 40A:12-14 (c) authorizes a municipality to lease Township owned real property, capital improvements or interests therein "to a nonprofit corporation or association for a public purpose", which lease may be for a nominal or other consideration; and

WHEREAS, N.J.S.A. 40A:12-14 (a) provides that said lease for a public purpose shall not be subject to public bidding at auction or by the submission of sealed bids; and

WHEREAS, N.J.S.A. 40A:12-15 (h) identifies "[s]ervices, education, training, care or treatment of poor or indigent persons or families by any nonprofit corporation or association" and N.J.S.A. 40A:12-15 (i) identifies "[a]ny activity for the promotion of the health, safety, morals and general welfare of the community of any nonprofit corporation or association" as constituting public purposes; and

WHEREAS, the services to be provided to the Pemberton Township community at subject location by the Burlington County Community Action Program ("BCCAP") will include a Head Start Program for pre-kindergarten income eligible children, an after-school enrichment program for school aged children, and the panoply of family services generally provided by BCCAP as more specifically set forth in the Lease and exhibits, which are incorporated herein by reference; and

WHEREAS, the Township shall retain the right to utilize the common space for Township programming and/or the authorized use by the public as permitted by the Township Code during evenings, weekends, and holidays when the community space is not in use by BCCAP; and

WHEREAS, during the term of the Lease BCCAP shall pay Basic Rent in the amount of \$13,000 per year, and Additional Rent equal to the costs incurred by the Township for utilities; and

WHEREAS, the Mayor and the Township Council find it to be in the best interests of the citizens of the Township to authorize the Lease of the Nesbitt Community Center to BCCAP for the public purposes described.

NOW, THEREFORE, IT IS ORDAINED by the Township Council of the Township of Pemberton, in the County of Burlington, and the State of New Jersey that the Mayor is hereby authorized to execute the Lease attached hereto with BCCAP authorizing a five (5) year

lease of the Nesbitt Community Center, and any other documents necessary to effectuate said Lease.

IT IS FURTHER ORDAINED that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provisions so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective; and

IT IS FURTHER ORDAINED that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict; and

IT IS FURTHER ORDAINED that this Ordinance shall take effect upon passage and publication in accordance with applicable law.

PEMBERTON TOWNSHIP COUNCIL

**TOWNSHIP OF PEMBERTON
NOTICE OF PUBLIC HEARING
ORDINANCE NO. 9-2018**

AN ORDINANCE OF THE TOWNSHIP OF PEMBERTON AUTHORIZING THE LEASE OF THE NESBITT COMMUNITY CENTER TO THE BURLINGTON COUNTY COMMUNITY ACTION PROGRAM FOR A FIVE (5) YEAR TERM FOR A HEAD START PROGRAM, AN AFTER-SCHOOL PROGRAM, AND THE PROVISION SERVICES TO FAMILIES IN PEMBERTON TOWNSHIP

The foregoing Ordinance was introduced and passed on first reading by the governing body of Pemberton Township at a meeting held on June 6, 2018 and will be considered for final passage after a public hearing at a meeting of the said governing body to be held on June 20, 2018 at the Pemberton Township Municipal Building, 500 Pemberton-Browns Mills Road, Pemberton, New Jersey, at 6:00 p.m. prevailing time, at which time any interested member of the public may comment on said Ordinance. During the week prior to and up to and including the date of such meeting or further consideration, copies of said Ordinance in its entirety may be obtained from the Township Clerk.

ATTEST:



AMY P. COSNOSKI, RMC, TOWNSHIP CLERK

**TOWNSHIP OF PEMBERTON
NOTICE OF FINAL PASSAGE
ORDINANCE NO. 9-2018**

AN ORDINANCE OF THE TOWNSHIP OF PEMBERTON AUTHORIZING THE LEASE OF THE NESBITT COMMUNITY CENTER TO THE BURLINGTON COUNTY COMMUNITY ACTION PROGRAM FOR A FIVE (5) YEAR TERM FOR A HEAD START PROGRAM, AN AFTER-SCHOOL PROGRAM, AND THE PROVISION SERVICES TO FAMILIES IN PEMBERTON TOWNSHIP

Notice is hereby given that Ordinance No. 9-2018 as entitled above has been finally adopted on final reading by the governing body of Pemberton Township after a public hearing, at a meeting held on June 20, 2018. Said Ordinance shall take effect in accordance with law.

ATTEST:



AMY P. COSNOSKI, RMC, TOWNSHIP CLERK

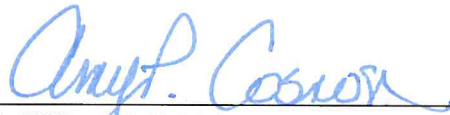
ACKNOWLEDGEMENT OF APPROVAL BY MAYOR



David A. Patriarca

DATE June 22, 2018

ATTEST:



AMY P. COSNOSKI, RMC, TOWNSHIP CLERK