

**TOWNSHIP OF HAMILTON
COUNTY OF MERCER, NEW JERSEY**

ORDINANCE

No. **22-054**

1ST READING Dec. 6, 2022
2ND READING & PUBLIC HEARING Dec. 20, 2022
WITHDRAWN _____ LOST _____

DATE TO MAYOR Dec. 21, 2022
DATE RESUBMITTED TO COUNCIL _____
DATE EFFECTIVE _____

APPROVED AS TO FORM AND LEGALITY

FACTUAL CONTENTS CERTIFIED TO BY

TOWNSHIP ATTORNEY

TITLE

ORDINANCE AUTHORIZING A LONG TERM LEASE FROM THE TOWNSHIP OF HAMILTON TO THE HAMILTON YMCA FOR A PORTION OF BLOCK 2730, Lot 14.01 AS RECREATIONAL FACILITIES

Whereas the Township of Hamilton remains dedicated in its efforts to preserve farms and open space located in the municipality; and

Whereas an approximate 51.35± acre parcel, known as the Hamilton YMCA summer camp land, located at 185 Sawmill Road and designated as Block 2730, Lot 14.01, was available for purchase; and

Whereas said property was developed into the Sawmill YMCA summer day camp in 2001, and is currently improved with a one-story main building, a separate maintenance garage, three (3) soccer fields, two (2) baseball fields, one (1) accessible baseball field, one (1) in-ground swimming pool and playgrounds, volleyball courts, various pavilions, on-site surface parking and restroom facilities; and

Whereas the Township, via Ordinance 2022-03, authorized the acquisition of the Sawmill Property, with the intent to acquire the property and to lease a portion of the property back to the Hamilton Area Young Men's Christian Association, Inc. (the "Hamilton YMCA") for continued use as a community recreational asset; and

Whereas, the Township acquired said property on June 30, 2022 utilizing monies made available from the State of New Jersey Green Acres Program and the Mercer County Open Space Grant Trust Fund; and

Whereas, at that time, the Township and the Hamilton YMCA entered into a use agreement to allow for the Hamilton YMCA to continue to use the property to deliver services to its members and the community; and

Whereas, the Township and the Hamilton YMCA have reached agreement on the terms of a long term lease of the facility from the Township to the Hamilton YMCA for use as a to continue to operate its community-based educational and recreational facility; and

Whereas, to effectuate these plans, the Township Council desires to approve the terms of the Lease Agreement, substantially in the form attached hereto as Exhibit A, together with such changes as may be necessary or requested by the Hamilton YMCA and acceptable to the Business Administrator and Township Attorney;

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Now, Therefore, Be It Ordained by the Council of the Township of Hamilton, in the County of Mercer, in the State of New Jersey as follows:

1. Recitals. The recitals are fully incorporated herein.
2. Approval of Lease Agreement. The Lease Agreement, in substantially the form attached hereto as Exhibit A, together with any non-material changes as may be agreed to by the Township through the office of the Business Administrator; is hereby approved.
3. Execution of the Lease Agreement. The proper officials of the Township be and hereby are directed and authorized, upon satisfaction of all the legal conditions precedent to the execution and delivery by the Township of the Lease Agreement, to execute the Lease Agreement in substantially the forms of the draft attached hereto and with such non-material changes, insertions and omissions thereto as the Business Administrator, after consultation with the Township Attorney, deems in the Business Administrator's sole discretion to be necessary or desirable for the execution thereof, which execution thereof shall conclusively evidence the Township's and the Business Administrator's consent to any such changes thereto.
4. Attestation and Sealing of the Lease Agreement. The Clerk of the Township is hereby authorized and directed, upon the execution of the Lease Agreement in accordance with the terms of Section 4 hereof, to attest to the signature of the proper officials upon such documents and is hereby further authorized and directed thereupon to affix the corporate seal of the Township upon such documents.
5. Implementation of the Lease Agreement. Upon the execution and attestation and placing of the seal on the Lease Agreement as contemplated by Sections 4 and 5 hereof, the Mayor and Business Administrator, together with the necessary staff and professionals of the Township, are hereby authorized and directed to (i) deliver the fully executed, attested and sealed document to the other parties thereto and (ii) perform such other actions as the Business Administrator deems necessary or desirable in relation to the execution and delivery of the Lease Agreement.
6. Severability. If any part of this Ordinance shall be deemed invalid, such parts shall be severed and the invalidity thereby shall not affect the remaining parts of this Ordinance.

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7. Availability of The Ordinance. A copy of this Ordinance and the Lease Agreement approved hereunder shall be available for public inspection at the offices of the Township.
8. Effective Date. This Ordinance shall take effect in accordance with law.

PRESIDENT

MUNICIPAL CLERK

RECORD OF VOTE

First Reading							Second Reading						
COUNCIL	AYE	NAY	NV	AB	ORD	SEC	COUNCIL	AYE	NAY	NV	AB	ORD	SEC
ANTHONY P. CARABELLI, JR.	✓						ANTHONY P. CARABELLI, JR.						
PASQUALE "PAT" PAPERIO, JR.	✓				✓		PASQUALE "PAT" PAPERIO, JR.						
RICHARD L. TIGHE, JR.	✓					✓	RICHARD L. TIGHE, JR.						
CHARLES F. WHALEN	✓						CHARLES F. WHALEN						
NANCY PHILLIPS	✓						NANCY PHILLIPS						

X - Indicates Vote A.B. - Absent N.V. - Not Voting ORD. - Moved SEC. - Seconded

REJECTED _____

JEFFREY S. MARTIN, MAYOR

DATE

APPROVED _____

RECONSIDERED BY COUNCIL _____

OVERRIDE VOTE

AYE _____

NAY _____