

ORDINANCE NO. 06-2022

**BOROUGH OF ROSELAND
COUNTY OF ESSEX, STATE OF NEW JERSEY**

**AN ORDINANCE AUTHORIZING THE LEASE OF CERTAIN SPACE
WITHIN BOROUGH HALL LOCATED AT 19 HARRISON AVENUE,
ROSELAND TO THE ARC OF ESSEX COUNTY, INC.**

WHEREAS, the Borough of Roseland owns real property located at 19 Harrison Avenue, Roseland, County of Essex, State of New Jersey, which is commonly referred to as Roseland Borough Hall (the "Property"); and

WHEREAS, a portion of the first (1st) and second (2nd) floors of the Property consisting of approximately 10,416.25 square feet is no longer needed for use by the Borough of Roseland (the "Space"); and

WHEREAS, the ARC of Essex County, Inc. desires to lease the Space for the purposes of operating a school, early intervention programs, parent groups and other ARC programs, and general office and administrative operations; and

WHEREAS, the Local Land and Building Law, N.J.S.A. 40A:12-1 et seq. authorizes municipalities to lease property to non-profit organizations; and

WHEREAS, the ARC of Essex County, Inc. is a non-profit organization created exclusively for charitable and education purposes within the meaning of Section 501(c)(3) of the Internal Revenue Code, as amended, and specifically for the purpose of promoting and improving supports and services for people with intellectual and developmental disabilities in Essex County and the surrounding communities; and

WHEREAS, the ARC of Essex County, Inc. has requested to lease the Space for a two (2) year period commencing on May 1, 2021 and expiring on April 30, 2023 with an option to extend the lease for one additional two (2) year term commencing on May 1, 2023 and expiring on April 30, 2025; and

WHEREAS, the ARC of Essex County, Inc. agrees to pay a monthly rent amount of Ten Thousand One Hundred and Nine Dollars and Eighty-Nine Cents (\$10,109.89) on the first of every month for the term of the lease; and

WHEREAS, the ARC of Essex County, Inc. agrees to pay a proportionate share of gas and electric utility charges each month of the lease term, which shall be calculated as thirty-

three and six tenths (33.6) of the total gas and electric bill of the entire building known as 19 Harrison Avenue, Borough of Roseland, County of Essex, State of New Jersey; and

WHEREAS, the Borough Council of the Borough of Roseland finds that it would be in the best interests of both parties to authorize the lease with the Arc of Essex County, Inc.; and

WHEREAS, N.J.S.A. 40A:12-1 et seq. requires any nonprofit corporation leasing space to annually submit a report setting out the use to which the leasehold was put during each year, the activities of the lessee undertaken in furtherance of the public purpose for which the leasehold was granted; the approximate value or cost, if any, of such activities in furtherance of such purpose; and an affirmation of the continued tax-exempt status of the nonprofit corporation pursuant to both State and Federal law; and

WHEREAS, the Business Administrator shall be responsible for ensuring compliance with the conditions of this lease;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Roseland that it hereby authorizes and approves a Lease between the Borough of Roseland and the Arc of Essex County, Inc. for the rental of certain office space within Borough Hall, 19 Harrison Avenue, Roseland, New Jersey, for a term of two (2) years, beginning May 1, 2021 and ending April 30, 2023, with an option to extend for an additional two (2) year term, with a monthly rent amount of Ten Thousand One Hundred and Nine Dollars and Eighty-Nine Cents (\$10,109.89) and a proportionate share of gas and electric utility charges each month of the lease term, which shall be calculated as thirty-three and six tenths (33.6) of the total gas and electric bill of the entire building known as 19 Harrison Avenue, Borough of Roseland, County of Essex, State of New Jersey; and

BE IT FURTHER RESOLVED, that the Mayor and Borough Clerk be and are hereby authorized and directed to execute a lease in a form agreed to by the parties; and

BE IT FURTHER RESOLVED, 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 provision so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective; and

BE IT FURTHER RESOLVED, any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict; and

BE IT FURTHER RESOLVED, this Ordinance shall take effect upon passage and publication in accordance with applicable law.

DATE OF INTRODUCTION: April 26, 2022

Motion to Introduce by: Councilwoman Fishman

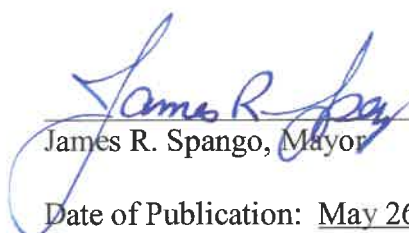
Motion Seconded by: Councilwoman Perrotti

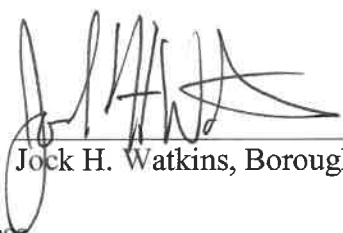
Introduction Approved: 5-0 Voice Vote (Freda absent)

DATE OF ADOPTION: May 17, 2022

COUNCIL	MOTION	SECOND	AYE	NAY	ABSTAIN	RECUSE	ABSENT
Councilman Bardi			X				
Councilwoman Fishman	X		X				
Councilman Freda							X
Council President Perrotti			X				
Councilwoman Tolli			X				
Councilman Trillo		X	X				
Mayor Spango (In case of tie)							
VOTE:			5	0			

I hereby certify that the above Ordinance was duly adopted by the Mayor and Council of the Borough of Roseland at a meeting of Borough Council held on the 17th day of May, 2022.


James R. Spango, Mayor


Jock H. Watkins, Borough Clerk

Date of Publication: May 26, 2022, The Progress

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