

**TOWNSHIP OF LONG HILL  
ORDINANCE # 406 -17**

**AN ORDINANCE AUTHORIZING THE LEASING OF THE PROPERTY WHICH  
FORMERLY HOUSED LONG HILL TOWNSHIP AMERICAN LEGION MEMORIAL  
POST 484 TO THE NEW JERSEY STATE ELKS ASSOCIATION FOR A “VETERANS  
PANTRY” AND OTHER VETERANS’ SERVICES**

**WHEREAS**, the Township of Long Hill (the “Township”) is the owner of property located on Union Street and known as Lot 17 in Block 11510 on the Township Tax Maps (the “Property”) that formerly housed Long Hill Township American Legion Memorial Post 484; and

**WHEREAS**, the Local Lands and Buildings Law provides in relevant part that:

“Any county or municipality may lease any real property, capital improvement or personal property not needed for public use as set forth in the resolution or ordinance authorizing the lease, other than county or municipal real property otherwise dedicated or restricted pursuant to law, and except as otherwise provided by law, all such leases shall be made in the manner provided by this section.

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In the case of a lease to a nonprofit corporation or association for a public purpose, the lease shall be authorized by . . . ordinance, in the case of a municipality, and may be for nominal or other consideration. Said authorization shall include the nominal or other consideration for the lease; the name of the corporation or corporations who shall be the lessees; the public purpose served by the lessee; the number of persons benefiting from the public purpose served by the lessee, whether within or without the municipality in which the leasehold is located; the term of the lease, and the officer, employee or agency responsible for enforcement of the conditions of the lease. Said ordinance or resolution shall also require any nonprofit corporation holding a lease for a public purpose pursuant to this section, to annually submit a report to the officer, employee or agency designated by the governing body, 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.” (N.J. Stat. § 40A:12-14); and **WHEREAS**, the Local Lands and Buildings Law further provides that:

“A leasehold for a term not in excess of 50 years may be made pursuant to this act and extended for an additional 25 years by ordinance or resolution thereafter for any county or municipal public purpose, including, but not limited to:

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c. The housing, recreation, education or health care of veterans of any war of the United

States by any nonprofit corporation or association.” (N.J. Stat. § 40A:12-15);

**NOW THEREFORE, BE IT ORDAINED** by the Township Committee of the Township of Long Hill in the County of Morris, State of New Jersey, as follows:

**Section 1.** The leasing of the Property to the New Jersey State Elks Association (the “Elks”) for a nominal consideration of One (\$1.00) Dollar per year is hereby authorized.

**Section 2.** The Mayor and Township Clerk are hereby authorized to sign a lease with the Elks in form acceptable to the Township Attorney

**Section 3.** The Elks may use the building for the following purposes:

- “Veterans Pantry” – A program in which the Elks store nonperishable food, toiletries, paper products, houseware items and clothing which are available to any veteran in need
- Storage of furniture to be donated to veterans who are homeless and living in transitional housing and who are now moving into their own apartments
- “Welcome Kits”, which include dishes, pots and pans, cleaning supplies and similar new items which are provided to veterans who are moving into apartments
  - Other similar activities and services to aid veterans in need.

**Section 4.** It has been determined that veterans who reside both within and without the Township will benefit from these activities by the Elks. The exact number is impossible to estimate.

**Section 4.** The term of the lease shall be five (5) years with options to renew for additional five (5) year terms, which in the aggregate shall not exceed seventy-five (75) years.

**Section 5.** The Township Administrator shall be responsible for enforcement of the conditions of the lease.

**Section 6.** The Elks shall annually submit a report to the Township Administrator

setting out the use to which the leasehold was put during each year, the activities that the lessee had undertaken in furtherance of the public services 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 non-profit corporation pursuant to both state and federal law.

**Section 7.** Any and all other ordinances or parts thereof in conflict or inconsistent with any of the terms hereof are hereby repealed to such extent as they are so in conflict or inconsistent.

**Section 8.** In case any article, section or provision of this ordinance shall be held invalid in any court of competent jurisdiction, the same shall not affect any other article, section or provision of this ordinance except insofar as the article, section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

**Section 9.** This ordinance shall take effect immediately upon final passage and publication as required by law.

## NOTICE

The foregoing ordinance having been introduced and passed on first reading by the Township Committee of the Township of Long Hill, in the County of Morris on Wednesday, November 29, 2017 will be considered for final passage and adoption at a public hearing held at a meeting beginning at 8:00 a.m. on Wednesday, December 29, 2017 at the Municipal Building, 915 Valley Road, Gillette, New Jersey, when and where or at such time and place to which said meeting may be adjourned, all persons interested will be given an opportunity to be heard concerning said ordinance.

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Deborah Brooks, RMC, CMR, Clerk

*First Reading and Introduction:* 11/28/2017

*1<sup>st</sup> Publication:* 12/7/2017

*Second Reading and Adoption:* 12/29/2017

*2<sup>nd</sup> Publication* 1/4/2018