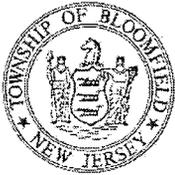


11-3



Township Council
1 Municipal Plaza
Bloomfield, NJ 07003

Louise M. Palagano
Municipal Clerk

<http://www.bloomfieldwpnj.com>

Meeting: 11/21/11 07:30 PM

2011 RESOLUTION LEASE/PURCHASE AGREEMENTS

FOLEY FIELD - CHANGES TO LEASE AGREEMENT

WHEREAS, the Mayor and Council passed a resolution with the Board of Education to enter into a lease agreement regarding Foley Field; and

Whereas, Cathy Elliott-Shaw, Supervisor of Urban Acquisition and Statewide Park Development Team, with the Department Environmental Protection has requested certain changes within the agreement; and

WHEREAS, in accordance with the Department Environmental Protection's instructions the Township has made the required changes which are reflected in the attached lease agreement.

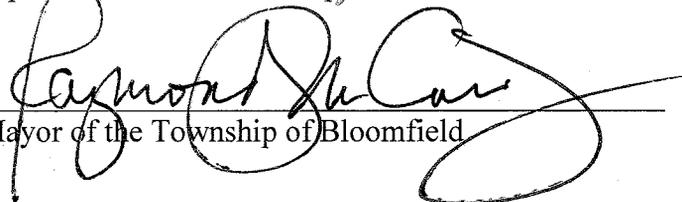
NOW, THEREFORE, BE IT RESOLVED, that the Council of the Township of Bloomfield, County of Essex, State of New Jersey hereby authorizes the Mayor to execute the attached Lease Agreement between the Township of Bloomfield and the Bloomfield Board of Education.

......*...*

I hereby certify that the above resolution was duly adopted by the Mayor and Council of the Township of Bloomfield at a meeting of said Township Council held on November 21, 2011.

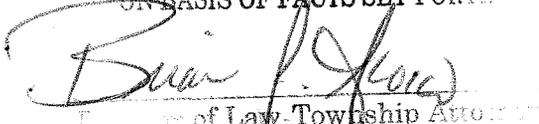


Municipal Clerk of the Township of Bloomfield



Mayor of the Township of Bloomfield

ED AS TO FORM AND PROCEDURE
ON BASIS OF FACTS SET FORTH



Attorney at Law - Township Attorney

✓ Vote Record - Resolution 1255					
		Yes/Aye	No/Nay	Abstain	Absent
<input type="checkbox"/> Adopted		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/> Adopted as Amended	Janice Litterio	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/> Defeated	Nicholas Joanow	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Withdrawn	Robert Ruane	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Tabled	Michael Venezia	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Approved	Peggy O'Boyle Dumigan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Approved by Consensus	Bernard Hamilton	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Not Discussed	Raymond McCarthy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Tabled with No Vote					

LEASE AGREEMENT

THIS LEASE AGREEMENT made this 1 day of January, 2011, between the Bloomfield Board of Education with offices located at 155 Broad Street, Bloomfield, New Jersey, and the Township of Bloomfield, a Municipal Corporation of the State of New Jersey (hereinafter BLOOMFIELD TOWNSHIP), with offices located at 1Municipal Plaza, Bloomfield, New Jersey.

WHEREAS, the parties recognize the need for and benefit of recreation/conservation facilities within BLOOMFIELD TOWNSHIP, and desire to provide recreational opportunities to the citizens of BLOOMFIELD TOWNSHIP and the general public; and

WHEREAS, BLOOMFIELD TOWNSHIP has available to it low interest loan funding from the State of New Jersey, Green Acres Program ("Green Acres Program"); and

WHEREAS, the parties have determined that through their joint efforts various recreation/conservation improvements and facilities may be constructed at a facility to be known as the Foley Field Complex (hereinafter Foley Field).

NOW THEREFORE, in order to provide for these recreation/conservation improvements, to provide for the orderly and efficient use of the proposed facilities and to regulate the use of same upon completion, the parties, for and in consideration of the mutual terms, covenants and conditions contained herein, agree as follows:

1. **LEASE OF PROPERTY:**

The Bloomfield Board of Education hereby leases to BLOOMFIELD TOWNSHIP certain lands owned by it situated in BLOOMFIELD TOWNSHIP designated as: Foley Field.

2. **TERM OF LEASE:**

This LEASE AGREEMENT shall be effective as of January, 2011 and shall continue for a term of twenty-five (25) years from said date, at the annual rate of One Dollar (\$1.00).

3. **CONDITION OF PROPERTY:**

BLOOMFIELD TOWNSHIP agrees to accept the PROPERTY in its "AS IS" condition.

4. **IMPROVEMENT TO PROPERTY:**

All improvements shall be constructed on the PROPERTY in accordance with the plans and specifications referenced herein (as Exhibit A) or as later approved in writing by the parties, and shall be subject to the regulations and policies of the Green Acres Program, and the terms of this LEASE AGREEMENT. No other structures, fixtures, and/or improvements shall be installed, constructed or erected on the PROPERTY nor alterations made thereto, nor signs erected or displayed (except as authorized for Green Acres funding) without prior written approval of both parties.

5. **MAINTENANCE:**

The parties agree that all facilities on the PROPERTY shall be properly maintained solely by the Bloomfield Board of Education as agreed. All such maintenance activities shall be in compliance with and subject to the regulations and policies of the Green Acres Program. The parties agree that maintenance shall include, but not be limited to: electricity, maintenance, and liability insurance. Maintenance shall conform in all respects to all applicable codes and laws.

6. **INDEMNIFICATION:**

The Bloomfield Board of Education agrees to pay, indemnify and save Bloomfield Township and NJDEP harmless from any and all damages, losses or liability occurring by reason of any injury to any person or property occasioned by an act or omission, neglect, or wrongdoing of the Bloomfield Board of Education or any of its officers, agents, representatives, guests, employees, invitees, or persons contracting with the Bloomfield Board of Education and/or BLOOMFIELD TOWNSHIP and/or NJDEP, and the Bloomfield Board of Education will, at its own cost and expense, defend and protect Bloomfield Township and the NJDEP against any and all such claims or demands which may be claimed to have arisen as a result of or in connection with the occupancy or use of Foley Field by BLOOMFIELD TOWNSHIP or any person. The Bloomfield Board of Education shall maintain comprehensive general liability insurance coverage with a limit of not less than One Million Dollars (\$1,000,000) combined single limit, a certificate for which insurance naming Bloomfield

Township and the NJDEP as an additional insured must be attached to and made a part of this LEASE AGREEMENT (Exhibit B).

7. **UTILITIES:**

The Bloomfield Board of Education agrees to furnish all water, electricity and other utilities for the use of the "Foley Field".

8. **PUBLIC USAGE:**

The parties acknowledge that "Foley Field" is to be available for use by the general public, regardless of place of residence, at all times of the year and during all reasonable hours of the day, consistent with the type of recreational activity occurring and/or the facility being used. The parties acknowledge that such use is in the public interest.

9. **USE SCHEDULE:**

Subsequent to this LEASE AGREEMENT having been executed by both parties, and approved by the Green Acres Program, a Use Schedule shall be prominently posted at the "Recreation Department" and at Foley Field. This schedule will advise the general public of specific use arrangements, the availability of the facilities to the general public (hours), and contain a contact telephone number and name of individual that can be contacted regarding specific use arrangements.

10. **SIGNS:**

BLOOMFIELD TOWNSHIP will obtain from the Green Acres Program and erect a permanent sign at "Foley Field" which acknowledges the use of Green Acres funds at the site.

11. **NON-DISCRIMINATION:**

The parties agree that in the use of the "Foley Field" there shall be no discrimination on the basis of race, creed, color, national origin, nationality, ancestry, age, sex, marital status, atypical cellular or blood trait, or physical disability, subject only to conditions and limitations applicable alike to all persons, nor on the basis of residence.

12. **APPROVAL BY PARTIES:**

This LEASE AGREEMENT is conditioned upon the final adoption by BLOOMFIELD TOWNSHIP and the Bloomfield Board of Education of resolutions authorizing the same.

ENTIRE AGREEMENT:

This LEASE AGREEMENT represents the entire agreement between the parties; all negotiations, oral agreements and understandings are merged herein, and any change to the terms hereof must be made in writing, signed by the parties hereto and reviewed and approved by the Green Acres Program.

13. ASSIGNMENT/DELEGATION OF DUTIES:

BLOOMFIELD TOWNSHIP shall not assign this LEASE AGREEMENT or sublet all or any part of the PROPERTY without prior written consent of the Green Acres Program.

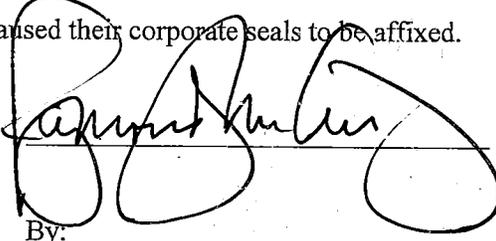
14. CONTINGENCY:

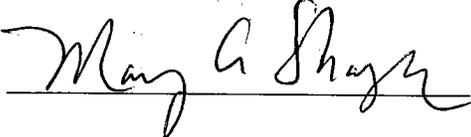
In the event that the Green Acres Program funding shall not be forthcoming as anticipated, then this LEASE AGREEMENT shall become null and void at the discretion of BLOOMFIELD TOWNSHIP and/or the Bloomfield Board of Education.

IN WITNESS WHEREOF, the parties hereto have caused this LEASE AGREEMENT to be duly executed by their property officials and have caused their corporate seals to be affixed.

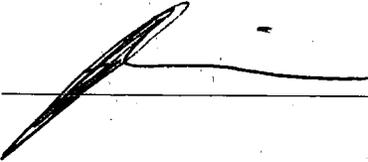
ATTEST:

 (SEAL)

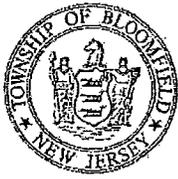

By: _____


By: _____

By: MART SULLIVAN - Board President

 (SEAL)

1-3



Township Council
1 Municipal Plaza
Bloomfield, NJ 07003

Louise M. Palagano
Municipal Clerk

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Meeting: 11/21/11 07:30 PM

2011 RESOLUTION LEASE/PURCHASE AGREEMENTS

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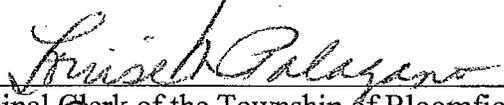
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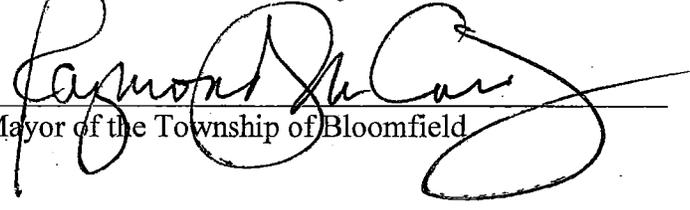
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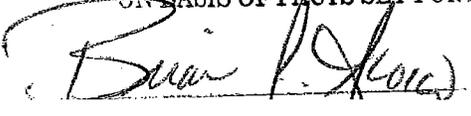


Municipal Clerk of the Township of Bloomfield



Mayor of the Township of Bloomfield

ED AS TO FORM AND PROCEDURE
ON BASIS OF FACTS SET FORTH



✓ Vote Record - Resolution 1255					
		Yes/Aye	No/Nay	Abstain	Absent
<input type="checkbox"/> Adopted	Janice Litterio	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/> Adopted as Amended	Nicholas Joanow	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Defeated	Robert Ruane	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Withdrawn	Michael Venezia	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Tabled	Peggy O'Boyle Dunigan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Approved	Bernard Hamilton	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Approved by Consensus	Raymond McCarthy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Not Discussed					
<input type="checkbox"/> Tabled with No Vote					

BOARD OF EDUCATION
155 Broad Street
Bloomfield, NJ 07003

The following is an extract from the minutes of the Regular Meeting of the Bloomfield Board of Education held on Tuesday, December 13, 2011.

Board Members Present: Mr. Shane Berger, Ms. Catherine Bumpus, Ms. Dianna Fuller,
Mr. Joseph Lopez, Ms. Maribel Perez, Ms. Mary Shaughnessy,
Ms. Emily Smith, and Dr. Paula Zaccone

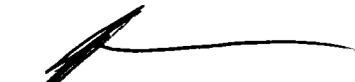
Board Members Absent: Mr. Robert DeMarino

Upon the motion of Ms. Smith, seconded by Ms. Perez, the following resolution was introduced:

“RESOLVED that the Bloomfield Board of Education, upon the recommendation of the Superintendent of Schools, approves the attached revised Foley Field Lease Agreement.”

Carried unanimously (8-0)

I, MICHAEL DERDERIAN, Secretary to the Board Education of the Township of Bloomfield, Essex County, New Jersey, do hereby certify that this is a true copy of a resolution adopted at the Regular Meeting of the Board of Education of the Township of Bloomfield, NJ held on Tuesday, December 13, 2011.



Michael Derderian