



WEST WINDSOR TOWNSHIP

P323-03

June 14, 2023

TO: Sam Surtees, Land Use Manager

FROM: Brian Aronson, Facilities & Maintenance Manager

BA

SUBJECT: Arts Council Application

As per the Resolution 2022-R064 (attached hereto) which was approved by the Township Council of West Windsor on February 14, 2022 West Windsor Township hereby gives their consent for the West Windsor Arts Council who leases the Township property located at 952 Alexander Road, Princeton Junction to apply for a Preliminary/Final; Minor Site Plan, and Variance Request before the Planning Board of West Windsor Township.

TOWNSHIP OF WEST WINDSOR
MERCER COUNTY, NEW JERSEY

A RESOLUTION AUTHORIZING AN AMENDMENT TO THE LEASE AGREEMENT BETWEEN
THE WEST WINDSOR ARTS COUNCIL AND THE TOWNSHIP OF WEST WINDSOR FOR
THE LANDS COMMONLY KNOWN AS 952 ALEXANDER ROAD, BLOCK 75, LOT 6 (A.K.A. ARTS
CENTER OR THE OLD PJ VOLUNTEER FIRE STATION), WEST WINDSOR, NEW JERSEY

- WHEREAS, the Township Council of West Windsor originally authorized the execution of a ten (10) year Lease Agreement (“Lease: or “Agreement”) with the West Windsor Arts Council, a not-for-profit 501(c) (3) organization, on August 2, 2010, via Resolution No. 2010-R166A; and
- WHEREAS, the Township Council of West Windsor adopted Amendment No. 1 on July 13, 2020 via Resolution 2020-R141 which extended the existing Lease Agreement for five (5) months and terminated on December 31, 2020; and
- WHEREAS, the Township Council of West Windsor adopted Amendment No. 2 on November 30, 2020 via Resolution 2020-R240 which extended the existing Lease Agreement for twelve (12) months beginning on January 1, 2021 and terminating on December 31, 2021; and
- WHEREAS, the Township Council of West Windsor adopted Amendment No. 3 on November 22, 2021 via Resolution 2021-R200 which extended the existing Lease Agreement for twelve (12) months beginning on January 1, 2022 and terminating on December 31, 2022; and
- WHEREAS, the Property (“Property”) owned by the Township and leased under the Agreement is located at Block 75, Lot 6 on the official Tax Map of West Windsor Township, and is commonly known as 952 Alexander Road (a.k.a. Arts Center or Old PJ Volunteer Fire Station); and
- WHEREAS, the West Windsor Arts Council will be applying for a grant through the New Jersey State Council on the Arts and one of the requirements is that their existing lease run through the grant period which ends on December 31, 2023; and
- WHEREAS, the New Jersey State Council on the Arts grant application submission being made by the West Windsor Arts Council will include, but is not limited to, renovations to the existing building, installation of an ADA accessible pavilion or gazebo, installation of new electric kilns being housed in a separate outside structure, fencing and exterior lighting; and
- WHEREAS, any and all proposed improvements outlined in the grant submission shall not create a nuisance to the adjacent property owners, cause detrimental impacts to the neighborhood, and/or add additional parking requirements to the current site; and
- WHEREAS, it will be the responsibility of the West Windsor Arts Council to obtain all necessary Land Use Board approvals as well as securing all required State, County or Municipal permits for any and all improvements that grant funding may be received for; and
- WHEREAS, any and all improvements being undertaken by the West Windsor Arts Council as part of any grant funding received will be required to be publicly bid and any potential contractor will be required to provide a Public Works Contractors Registration, provide a Payment and Performance Bond, pay current prevailing wage rates specific to Mercer County and/or the state of New Jersey, and submit copies of all certified payrolls to West Windsor Township; and

WHEREAS, it would be in the best interest of both parties to execute a one (1) year extension of the existing Lease Agreement whereas all existing terms and conditions remain unchanged except as noted above, so that a new long-term Lease Agreement can be thoroughly negotiated; and

WHEREAS, the Township is empowered to lease municipally-owned property, to the West Windsor Arts Council pursuant to N.J.S.A. 40:60-25.51, so long as the governing body determines same to be "desirable for the public convenience and welfare."

NOW, THEREFORE, BE IT RESOLVED the Township Council of the Township of West Windsor, does hereby approve Amendment No. 4 to the existing Lease Agreement with the West Windsor Arts Council for a one (1) year extension, beginning January 1, 2023 and terminating on December 31, 2023, in exchange for the monthly rental rate of \$845.00.

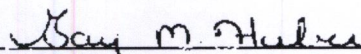
BE IT FURTHERED RESOLVED, that the Mayor and Township Clerk are hereby authorized to execute this amendment to the initial Lease Agreement.

BE IT FURTHERED RESOLVED, that, upon final execution, the amendment to the initial Lease Agreement shall be incorporated by reference into this Resolution and shall be attached hereto as Amendment No.4.

BE IT FINALLY RESOLVED that, if said New Jersey State Council on the Arts grant is denied for any reason, this current Lease Amendment No. 4 is Null/Void and West Windsor Township reserves the right to negotiate a long-term Lease Agreement with a term beginning January 1, 2023.

Adopted: February 14, 2022

I hereby certify that the above Resolution was adopted by the West Windsor Township Council at their meeting held on the 14th day of February 2022.



Gay M. Huber
Township Clerk,
West Windsor Township

**AMENDMENT No. 4 TO LEASE AGREEMENT BETWEEN THE TOWNSHIP OF WEST WINDSOR
AND THE WEST WINDSOR ARTS COUNCIL**

- WHEREAS, the Township of West Windsor entered into a Lease Agreement with the West Windsor Arts Council, a not-for-profit 501(c) (3) organization on August 2, 2010 for utilization of a Township owned facility via Resolution No. 2010-R166A; and
- WHEREAS, the Township Council of West Windsor adopted Amendment No. 1 on July 13, 2020 via Resolution 2020-R141 which extended the existing Lease Agreement for five (5) months and terminated on December 31, 2020; and
- WHEREAS, the Township Council of West Windsor adopted Amendment No. 2 on November 30, 2020 via Resolution 2020-R240 which extended the existing Lease Agreement for twelve (12) months beginning on January 1, 2021 and terminating on December 31, 2021; and
- WHEREAS, the Township Council of West Windsor adopted Amendment No. 3 on November 22, 2021 via Resolution 2021-R200 which extended the existing Lease Agreement for twelve (12) months beginning on January 1, 2022 and terminating on December 31, 2022; and
- WHEREAS, the Property (“Property”) owned by the Township and leased under the Agreement is located at Block 75, Lot 6 on the official Tax Map of West Windsor Township, and is commonly known as 952 Alexander Road (a.k.a. Arts Center or Old PJ Volunteer Fire Station); and
- WHEREAS, the West Windsor Arts Council will be applying for a grant through the New Jersey State Council on the Arts and one of the requirements is that their existing lease run through the grant period which ends on December 31, 2023; and
- WHEREAS, the New Jersey State Council on the Arts grant application submission being made by the West Windsor Arts Council will include, but is not limited to, renovations to the existing building, installation of an ADA accessible pavilion or gazebo, installation of new electric kilns being housed in a separate outside structure, fencing and exterior lighting; and
- WHEREAS, any and all proposed improvements outlined in the grant submission shall not create a nuisance to the adjacent property owners, cause detrimental impacts to the neighborhood, and/or add additional parking requirements to the current site; and
- WHEREAS, it will be the responsibility of the West Windsor Arts Council to obtain all necessary Land Use Board approvals as well as securing all required State, County or Municipal permits for any and all improvements that grant funding may be received for; and
- WHEREAS, any and all improvements being undertaken by the West Windsor Arts Council as part of any grant funding received will be required to be publicly bid and any potential contractor will be required to provide a Public Works Contractors Registration, provide a Payment and Performance Bond, pay current prevailing wage rates specific to Mercer County and/or the state of New Jersey, and submit copies of all certified payrolls to West Windsor Township; and
- WHEREAS, it would be in the best interest of both parties to execute a one (1) year extension of the existing Lease Agreement whereas all existing terms and conditions remain unchanged except as noted above, so that a new long-term Lease Agreement can be thoroughly negotiated; and
- WHEREAS, the Township is empowered to lease municipally-owned property, to the West Windsor Arts Council pursuant to N.J.S.A. 40:60-25.51, so long as the governing body determines same to be “desirable for the public convenience and welfare.”
- WHEREAS, the Township and the West Windsor Arts Council wish to amend the initial Lease Agreement.

BE IT RESOLVED that, if said New Jersey State Council on the Arts grant is denied for any reason, this current Lease Amendment No. 4 is Null/Void and West Windsor Township reserves the right to negotiate a long-term Lease Agreement with a term beginning January 1, 2023.

NOW, THEREFORE, IT IS HEREBY AGREED AS FOLLOWS:

Paragraph 2. TERM is hereby amended to extend the period for one (1) additional year beginning January 1, 2023 and terminating on December 31, 2023.

Paragraph 2. RENT is hereby amended to specify the monthly rental rate for the period beginning January 1, 2023 through December 31, 2023 at \$845.00 per month.

Paragraph 8. RENOVATIONS AND IMPROVEMENTS TO THE PROPERTY is hereby amended to stipulate that any and all improvements proposed under the New Jersey State Council on the Arts grant submission shall not create a nuisance to the adjacent property owners, cause detrimental impacts to the neighborhood, and/or add additional parking to the current site. Additionally, it will be the responsibility of the West Windsor Arts Council to obtain all necessary Land Use Board approvals as well as securing all required State, County or Municipal permits for any and all improvements. Finally, the West Windsor Arts Council will be required to be publicly bid said improvements and any potential contractor will be required to provide a Public Works Contractors Registration, provide a Payment and Performance Bond, pay current prevailing wage rates specific to the Mercer County region and/or the state of New Jersey, and submit copies of all certified payrolls to West Windsor Township

IN WITNESS HEREOF, the parties have set their hands and seals this 14th day of

February, 2022.

ATTEST:

Gay M. Huber
Gay M. Huber, Township Clerk

ATTEST:

TOWNSHIP OF WEST WINDSOR

Hemant Marathe
Hemant Marathe, Mayor

West Windsor Arts Council

Aylin Green
Executive Director