

AN ORDINANCE AUTHORIZING THE EXECUTION OF A LICENSE AGREEMENT WITH PLEASANT VALLEY PRODUCTIONS, INC. FOR USE AND OPERATION OF THE OSKAR SCHINDLER PERFORMING ARTS CENTER

WHEREAS, the Township of West Orange owns certain facilities known as the Oskar Schindler Performing Arts Center (“OSPAC”) on Boland Drive within the Township of West Orange (the “Premises”); and

WHEREAS, the previous license agreements have expired and not been renewed; and

WHEREAS, in or about 2011, a local group was formed called Pleasant Valley Productions, Inc., (“Pleasant Valley”); and

WHEREAS, Pleasant Valley is a New Jersey not-for-profit organization in good standing under the laws of the State of New Jersey; and

WHEREAS, Pleasant Valley is a not-for-profit community theater based in West Orange whose artistic director Camille DiLorenzo is a lifelong resident of the Township; and

WHEREAS, Pleasant Valley has a mission focused on fostering interest in young artists and has mentored its students through its internship programs with hands-on training and stage management, audio assistance and lighting design; and

WHEREAS, Pleasant Valley has been recognized by the New Jersey Association of Community Theaters with awards and nominations in all categories of theater production. Pleasant Valley has volunteer Board of Trustees whose members have gone on to professional careers in theater as stage managers, production managers and performance artists; and

WHEREAS, on May 14, 2019, the Township Council adopted Ordinance 2570-19 which authorized the execution of a License Agreement allowing Pleasant Valley to operate the OSPAC for a term of three (3) years followed by a month-by-month operation; and

WHEREAS, Pleasant Valley and the Township seek to renew the license agreement, as annexed hereto as Exhibit “**A**,” for a new three (3) year term during which time, Pleasant Valley will continue to operate OSPAC and provide programming to include musical theater productions, concerts for all audiences, children’s theater programs and Township events which constitutes a public purpose consistent with the requirements of N.J.S.A. 40A:12-14(c); and

WHEREAS, Pleasant Valley has advised that its goal in licensing OSPAC is to provide programming to include musical theater productions, concerts for all audiences, children’s theater programs and Township events which constitutes a public purpose consistent with the requirements of N.J.S.A. 40A:12-14(c); and

WHEREAS, Pleasant Valley has agreed to the terms of a License Agreement (the “License Agreement”) wherein Pleasant Valley has agreed to pay to the Township an annual nominal fee of one-dollar (\$1) for use and operation of the OSPAC for a period of three (3) years; and

WHEREAS, Pleasant Valley’s use and operation of the OSPAC will benefit the entire population of the Township which includes at least 48,000 residents.

BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST ORANGE, in the County of Essex, State of New Jersey, that the Mayor shall be authorized to negotiate, enter into, execute and deliver the License Agreement, in the form or substantially in the same form with such additions, deletions, and omissions as may be required by Township Counsel, as that attached hereto as Exhibit “**A**,” and as further described in the above recitals which are fully incorporated by reference, and the Municipal Clerk shall be authorized to executed the same documents attesting to the Mayor’s signature; and

BE IT FURTHER ORDAINED the Township Business Administrator shall be designated the Township's official responsible for enforcement of the conditions of the License Agreement; and

BE IT FURTHER ORDAINED, that in accordance with N.J.S.A. 40A:12-14(c) and paragraph 27 of the License Agreement, Pleasant Valley shall submit a report to the Township Business Administrator containing the following information:

- (i) Description of the Licensee's use of the Premise for the preceding year;
- (ii) The activities undertaken in furtherance of the public purpose for which the Licensee shall operate on the Premises;
- (iii) The approximate value or cost, if any, of such activities in furtherance of such purpose; and
- (iv) An Affirmation of Pleasant Valley's continued tax-exempt status pursuant to both State and Federal law

and;

BE IT FURTHER ORDAINED, that if any part of this Ordinance is determined to be invalid, such part shall be severed and its invalidity shall not affect its remaining parts, any and all parts of ordinances which are inconsistent with any of the terms and provisions of this Ordinance shall be and the same are hereby repealed as to and to the extent of such inconsistency, and this Ordinance shall take effect upon final passage and publication as required by law; and

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon final passage and publication in accordance with the law.

Robert D. Parisi, Mayor

Susan McCartney, Council President

**Karen J. Carnevale, R.M.C.
Municipal Clerk**

Introduced: October 25, 2022

Adopted: November 22, 2022

Legislative History

This Ordinance is adopted pursuant to the requirements of N.J.S.A. 40A:12-14(c) of the Local Lands and Buildings Law which governs the lease of public real property to nonprofit corporation(s) for a public purpose. This Ordinance authorizes the Township to enter into a License Agreement with Pleasant Valley Productions, Inc. (“PVP”), a nonprofit corporation with a mission focused on fostering interest in young artists to allow PVP to use and operate the Oskar Schindler Performing Arts Center (“OSPAC”) at Boland Avenue within the Township for the public purpose of providing programming which shall include musical theater productions, concerts for all audiences, children’s theater programs and Township events. The Ordinance provides that the License Agreement is for a term of three (3) years during which time PVP shall pay an annual nominal fee of one-dollar (\$1) and requires PVP to provide annual reporting to the Township consistent with the requirements of N.J.S.A. 40A:12-14(c).