

*Introduced 08-14-17  
Adopted 09-11-17*

**TOWNSHIP OF FAIRFIELD  
ORDINANCE #2017-15**

**AN ORDINANCE OF THE TOWNSHIP OF FAIRFIELD, COUNTY OF ESSEX,  
STATE OF NEW JERSEY, AUTHORIZING THE ACQUISITION OF BLOCK  
4701, LOT 6.01, BY GIFT FROM KAYPARK HOMES, INC.**

**WHEREAS**, Kaypark Homes, Inc., a New Jersey Corporation, is the assessed owner of property identified as Block 4701, Lot 6.01, on the official Tax Map of the Township of Fairfield; and

**WHEREAS**, Kaypark Homes, Inc., wishes to donate said property to the Township of Fairfield; and

**WHEREAS**, Kaypark Homes, Inc., obtained a Preliminary Assessment environmental impact study dated November 17, 2016, and subsequently a Pesticide Sampling Letter Report dated January 19, 2017; and

**WHEREAS**, after completion of the Pesticide Sampling, the investigative agency concluded that no further investigation or remediation is warranted; and

**WHEREAS**, the Township obtained a Title Report dated February 13, 2017, which established a clear title history; and

**WHEREAS**, while the Title Report disclosed that the Property is subject to a Conservation Restriction/Easement held by the New Jersey Department of Environmental Protection, and a Declaration of Covenants concerning a Condo Association, Kaypark certified that it has complied with the terms of the Restriction, that it will indemnify, defend, and hold harmless the Township from any actions brought under the Restriction, and that the Declaration is not applicable to the Township; and

**WHEREAS**, N.J.S.A. 40A:12-5(a)(1) authorizes a municipality to accept property as a gift by the adoption of an ordinance authorizing the acquisition of the same.

**NOW, THEREFORE, BE IT ORDAINED**, by the governing body of the Township of Fairfield, County of Essex, State of New Jersey, as follows:

**SECTION 1.** The governing body does hereby authorize the acquisition of Block 4701, Lot 6.01, by gift from Kaypark Homes, Inc.

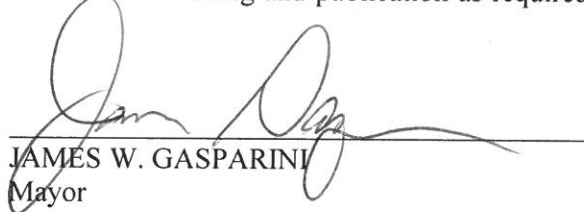
**SECTION 2.** That the Mayor and Municipal Clerk are hereby authorized to execute any and all documents necessary for the acquisition of the subject property from Kaypark Homes, Inc.

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**SECTION 3.** All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

**SECTION 4.** If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

**SECTION 5.** This ordinance shall take effect after second reading and publication as required by law.

  
\_\_\_\_\_  
JAMES W. GASPARINI  
Mayor

ATTEST:

  
\_\_\_\_\_  
DENISE D. CAFONE  
Municipal Clerk

#### NOTICE

**Notice** is hereby given that the foregoing Ordinance was submitted in writing at a meeting of the Mayor and Council of the Township of Fairfield, County of Essex, State of New Jersey, held on August 14, 2017, introduced and read by title and passed first reading, and that said Governing Body will further consider the same for second reading and final passage thereof at a meeting to be held on September 11, 2017 at 7:00 p.m. at the Municipal Building, 230 Fairfield Road, Fairfield, New Jersey, at which time and place a public hearing will be held thereon by the Governing Body and all persons and citizens of interest shall have an opportunity to be heard concerning same.

  
\_\_\_\_\_  
DENISE D. CAFONE  
Municipal Clerk

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**INTRODUCTION OF ORDINANCE – August 14, 2017**

**ORDINANCE #2017-15, “AN ORDINANCE OF THE TOWNSHIP OF FAIRFIELD, COUNTY OF ESSEX, STATE OF NEW JERSEY, AUTHORIZING THE ACQUISITION OF BLOCK 4701, LOT 6.01, BY GIFT FROM KAYPARK HOMES, INC.”**

**INTRODUCED BY:** Councilman Cifelli  
**SECONDED BY:** Councilman LaForgia  
**PUBLISHED:** August 17, 2017

**ROLL CALL VOTE**

GOVERNING BODY	AYES	NAYS	ABSTAIN	ABSENT	NOT VOTING
COUNCILPRESIDENT MICHAEL B. MCGLYNN				X	
COUNCILMAN JOSEPH CIFELLI	X				
COUNCILMAN JOHN LAFORGIA	X				
COUNCILMAN THOMAS J. MORGAN				X	
MAYOR JAMES GASPARINI	X				

**2<sup>ND</sup> READING AND PUBLIC HEARING - September 11, 2017**

**INTRODUCED BY:** Council President McGlynn  
**SECONDED BY:** Councilman Cifelli  
**PUBLISHED:** September 14, 2017

**ROLL CALL VOTE**

GOVERNING BODY	AYES	NAYS	ABSTAIN	ABSENT	NOT VOTING
COUNCILPRESIDENT MICHAEL B. MCGLYNN	X				
COUNCILMAN JOSEPH CIFELLI	X				
COUNCILMAN JOHN LAFORGIA	X				
COUNCILMAN THOMAS J. MORGAN	X				
MAYOR JAMES GASPARINI	X				