



Outlook

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## Legality of Lease Agreement

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Hi Everyone,

I'm reaching out as part of our ongoing reporting on the turf field project at Lower Columbia.

As you likely know, under N.J.S.A. 40A:12-5, municipalities are required to approve leases of property through an ordinance, not a resolution. From what we can tell, the Township approved the lease with the Board of Education by resolution only (No. 2025-I-31, adopted March 4), with no ordinance introduced or adopted to authorize it.

Likewise, the amended lease was approved by resolution at the special meeting on March 25.

This isn't just a technical issue. Ordinances require proper public notice, public hearings, and multiple readings. Resolutions don't.

That means a long-term lease involving public land and taxpayer dollars appears to have been approved without the public visibility, comment, or procedural safeguards that the law is designed to ensure.

It also raises a few practical concerns:

If the lease wasn't properly authorized, it could be challenged or invalidated.  
Any public money already spent could be called into question.

It may create legal or financial risk going forward—especially if additional funding or insurance depends on having a valid lease in place.

Can someone please confirm:

Whether an ordinance was ever introduced or adopted to approve the lease?

If not, does the Township intend to address the issue?

**We're preparing coverage on this and would appreciate a response by Tuesday, June 17 so we can include your input.**

Thanks,  
Laura Kapuscinski  
Editor

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