

10604. RESOLUTION 12-50 - APPROVING OF A MEMORANDUM OF AGREEMENT BETWEEN THE COUNTY OF CAPE MAY; THE DELAWARE RIVER AND BAY AUTHORITY; THE UNITED STATES DEPARTMENT OF TRANSPORTATION, FEDERAL AVIATION ADMINISTRATION; THE STATE OF NEW JERSEY, DEPARTMENTMENT OF ENVIRONMENTAL PROTECTION, DIVISION OF PARKS AND FORESTRY, HISTORIC PRESERVATION OFFICE; NASW FOUNDATION; JOAN BERKEY; THE TOWNSHIP OF LOWER; AND THE LOWER TOWNSHIP MUNICIPAL UTILITIES AUTHORITY, REGARDING AN HISTORIC DISTRICT WITHIN THE CAPE MAY COUNTY AIRPORT

WHEREAS, the Cape May County Airport (hereinafter "Airport"), located in the Township of Lower (hereinafter "Township"), County of Cape May, and State of New Jersey, is owned by the County of Cape May (hereinafter "County"); and

WHEREAS, pursuant to a certain Acquisition Agreement, dated as of December 15, 1998, by and between The Delaware River and Bay Authority (hereinafter "Authority") and the County, the Authority agreed to assume operation and control of certain parcels of land and improvements at the Airport and further agreed to operate and manage the Airport and related facilities and to administer various leases relating to tenants at the Airport; and

WHEREAS, the County and Authority entered into that certain Ground Lease dated as of June 8, 1999, a memorandum of which was recorded on June 9, 1999 in the Office of the Clerk of Cape May County in Book 2809, Page 0584, pursuant to which the County leased to the Authority and the Authority leased from the County certain parcels of land and improvements legally described therein as the "Demised Premises" which are located at the Airport; and

WHEREAS, on or about June 2, 2010, Joan Berkey (hereinafter "Berkey") submitted a Registration Form to the State of New Jersey, Department of Environmental Protection, Division of Parks and Forestry, Historic Preservation Office (hereinafter "SHPO") seeking nomination, as a historic place, of a proposed Naval Air Station Wildwood Historic District consisting of approximately one third of the entire Airport and included property owned by the Township as well as leased by the Lower Township Municipal Utilities Authority (hereinafter "LTMUA") ("Original Nominated District"); and

WHEREAS, the nomination sought registration of the Original Nominated District on the New Jersey Register of Historic Places and eventually registration on the National Register of Historic Places (hereinafter collectively "Registers"); and

WHEREAS, in February and July 2011, the County and Authority each submitted written objections to the nomination of the Original Nominated District based on various procedural and substantive grounds; and

WHEREAS, subsequent to the submission of such objections, the involved parties engaged in settlement negotiations in an attempt to resolve this issue; and

WHEREAS, in an attempt to resolve this issue, the parties have discussed the submission to SHPO of a revised nomination for registration of a proposed historic district limited to Hangar Number 1, Hangar Number 2 and the Terminal Building located at the Airport as well as a “buffer zone” contiguous thereto (hereinafter “Historic District”), which is a reduced footprint of the Original Nominated District sought by Berkey and have agreed to enter into a Memorandum of Agreement to outline the parties’ agreement on this issue; and

WHEREAS, this reduced footprint of the Historic District will also limit, as a result of the Memorandum of Agreement, the reach of regulations (applicable to properties placed on the Registers or surrounding areas) to other areas of the Airport that are useful for economic development as well as the property owned and/or leased by the Township and LTMUA; and

WHEREAS, the County and the Authority wish to advance all the purposes outlined in the Memorandum of Agreement as depicted in the drawing prepared by the County of Cape May titled Proposed Naval Air Station Wildwood Historic District dated 9/20/2012 cooperatively and in harmony with each other party thereto recognizing the objectives of the other and wish to avoid the time, expense, uncertainty and aggravation of continuing to dispute this issue; and

WHEREAS, the parties to the Memorandum of Agreement, excluding the County and Authority, have yet to review it and provide comments to same; and

WHEREAS, in an effort to streamline the eventual execution of the Memorandum of Agreement, the County and the Authority desire to have the form of Memorandum of Agreement approved by their respective governing bodies subject to such minor changes as may be deemed necessary.

NOW, THEREFORE, BE IT RESOLVED, that the form and provisions of the Memorandum of Agreement are hereby approved and that the Chairperson, Vice Chairperson and Executive Director are hereby authorized to execute and deliver the Memorandum of Agreement in substantially the form as depicted in the proposed Naval Air Station Wildwood Historic District drawing prepared by the County of Cape May on September 20, 2012 with such changes therein as Counsel may advise and they may approve, such approval to be conclusively evidenced by the execution and delivery of the Memorandum of Agreement.

A motion to approve Resolution 12-50 was made by Commissioner Downes, seconded by Commissioner Van Sant, and approved by a roll call vote of 12-0.

Resolution 12-50 Executive Summary Sheet

Resolution: Authorizing the Executive Director to approve a Memorandum of Agreement between the County of Cape May, the Delaware River and Bay Authority, the United States Department of Transportation, Federal Aviation Administration, the State of New Jersey Department of Environmental Protection, Division of Parks and Forestry, Historic Preservation Office, NASW Foundation, Joan Berkey, The Township of Lower and the Lower Township Municipal Utilities Authority regarding a Historic District within the Cape May County Airport

Committee: Economic Development

Board Date: December 18, 2012

Purpose and Background for Resolution:

In June of 2010 a private citizen, Joan Berkey, submitted a form to NJSHPO seeking nomination of approximately one third of the entire airport as a historic place. The nomination comprised both airfield and industrial park property to include property also owned by the Township of Lower and the Lower Township Municipal Utilities Authority (LTMUA).

The County of Cape May, the Township of Lower, the LTMUA and the Authority all objected strenuously to the request. All parties believed that the requested district was too large and that it would be detrimental to the future growth and development of the airport and adjacent industrial park. In 2011, the Authority and the County of Cape May submitted official objections to the request to NJSHPO. Since the objections were submitted all parties have been attempting to resolve the matter. All parties believe that submitting a revised request for a district reduced in size will resolve the issue. A drawing of a reduced district has been prepared. (see attached)