



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

ORDINANCE 16-28

ORDINANCE AUTHORIZING A NEW LEASE AGREEMENT FOR THE LEASE OF BOROUGH OWNED PROPERTY TO THE BAYMEN'S PROTECTIVE ASSOCIATION, INC. FOR A PUBLIC PURPOSE

WHEREAS, by way of Ordinance O-95-18, the Borough was authorized to enter into a lease with the Baymen's Protective Association, Inc., a non-profit corporation which is tax-exempt under State and Federal law, in order to lease Borough owned property for a public purpose within the meaning of N.J.S.A. 40A:12-14 and 15; and

WHEREAS, the said lease was for Borough owned property located at 76 Fifth Street, Highlands, New Jersey, designated as Block 67, Lot 1 on the Borough of Highlands Tax Map, for the real property and improvements located thereon, including a facility known as the James T. White Clam Depuration Plant, with an initial term of September 1, 1995 through August 31, 2005, which was then renewed for a term through August 31, 2015 and thereafter extended by agreement; and

WHEREAS, the Governing Body has determined that it is in the best interests of the residents of the Borough to enter into a new lease agreement with the Baymen's Protective Association and wishes to continue to lease the aforesaid Borough owned property located at 76 Fifth Street, Highlands, New Jersey for a public purpose within the meaning of N.J.S.A. 40A:12-14 and 15.

NOW, THEREFORE, BE IT ORDAINED by the governing body of the Borough of Highlands, the County of Monmouth, in the State of New Jersey, that the Mayor and Borough Clerk are hereby authorized to enter into and execute a new lease agreement with the Baymen's Protective Association, Inc. for the aforesaid Borough owned property located at 76 Fifth Street, Highlands, New Jersey, which has been the subject of negotiations by and between the Borough officials and the Baymen's Protective Association, Inc., which lease will be on file at the office of the Borough Clerk and will include the following terms and conditions:

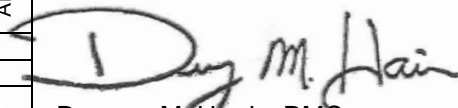
1. **Consideration:** \$7,500.00 fixed rent per month with adjustments after Lease Year 3 in accordance with the Consumer Price Index, along with \$.002 per clam sold (not landed) in excess of 20,000,000 clams sold in any one calendar year, along with payment in lieu of taxes at the rate of \$1,200.00 per month, along with various incentives provided to tenant by way of rent credits and offsets;
2. **Lessee:** Baymen's Protective Association, Inc;
3. **Public Purpose:** Within the meaning of N.J.S.A. 40A:12-15(i), the promotion of the health and general welfare of the community through the depuration of clams which will result in a wholesome and safe product native to eastern Monmouth County, which will promote and allow for a marketable and safe product which will benefit the public by providing and enhancing employment opportunities for local fisherman as well as affording employment in the clam depuration facility, which will enhance the general economic base of the Borough and local community at large;
4. **Number of persons benefiting from the Public Purpose:** Approximately 60-80 directly, approximately 200-300 indirectly and the consumers who will benefit from the continued supply to market of an indigenous wholesome product;
5. **Term of Lease:** Initial Term of Ten (10) Years with options to renew for three (3) additional terms of five (5) years each. Maximum term of Lease is for a period of twenty-five (25) years should all of the options to extend the term of the Lease be exercised by Tenant and accepted by Landlord;
6. **Officer, Employee or Agency Responsible for Enforcement of the Conditions of the Lease:** Borough Administrator.

BE IT FURTHER ORDAINED that the Baymen's Protective Association, Inc. shall annually submit a report to the Borough Administrator of the Borough of Highlands which sets forth the following: the use to which the leasehold was put during each year; the activities of the lessee undertaken in furtherance of the public purpose for which the leasehold was granted; the approximate value or cost, if any, of such activities in furtherance of such purpose; and an affirmation of the continued tax-exempt status of the non-profit corporation pursuant to both State and Federal law.

This Ordinance shall take effect after final passage as provided by law.

Introduction O-16-28	MOVED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
BROULLON			X			
CARD	X		X			
D'ARRIGO			X			
WELLS			X			
NOLAN		X	X			

I, Dwayne M, Harris, Acting Municipal Clerk of the Borough of Highlands, in the County of Monmouth, State of New Jersey, hereby certify this to be a true copy of the action of the Governing Body, at its Regular Meeting, held December 07, 2016. WITNESS my hand this 8th day of December 2016.

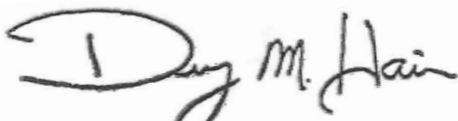


Dwayne M. Harris, RMC
Municipal Clerk

Public Hearing and possible adoption will be on December 21, 2016.

Adoption O-16-28	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
BROULLON		X	X			
CARD						X
D'ARRIGO			X			
WELLS			X			
NOLAN	X		X			

I, Dwayne M, Harris, Acting Municipal Clerk of the Borough of Highlands, in the County of Monmouth, State of New Jersey, hereby certify this to be a true copy of the action of the Governing Body, at its Regular Meeting, held December 21, 2016. WITNESS my hand this 23rd day of December, 2016.



Dwayne M. Harris, RMC
Acting Municipal Clerk

X

Frank Nolan
Mayor

December 27, 2016