

**BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH**

RESOLUTION R-16-39

**A RESOLUTION AUTHORIZING THE PREPARATION AND ADVERTISING OF
BIDS FOR THE LEASE OF BOROUGH PROPERTY, TO WIT, THE J.T. WHITE
CLAM DEPURATION FACILITY**

WHEREAS, the Borough is the owner of block 66, lot 15 and block 67, lot 1, also known as 74-76 Fifth Street, Highlands, New Jersey, also known as the J.T. White Clam Depuration Plant (hereinafter referred to as "the Property"); and

WHEREAS, the current lease on the Property is expired; and

WHEREAS, the Local Lands and Buildings Law, N.J.S.A. 40A:12-14 requires public advertising and accepting bids for the lease of public property; and

WHEREAS, the Borough wishes to authorize and direct the Administrator and Clerk to have an appropriate notice for receipt of bids prepared and advertised in order to lease the Property so that it continues as a clam depuration plant.

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Borough of Highlands that the Administrator and Clerk are hereby directed and authorized to prepare and advertise a notice and solicitation of bids for the Property in accordance with N.J.S.A. 40A:12-14; and

BE IT FURTHER RESOLVED that the minimum rental for the Property shall be \$7,500.00 per month and that the Borough reserves the right to reject all bids where the highest bid is not accepted; and

BE IT FURTHER RESOLVED that upon the completion of the bidding, the highest bid may be accepted or all of the bids may be rejected; and

BE IT FURTHER RESOLVED that the successful bidder must possess all appropriate local, state and federal licenses and permits to immediately commence operating the Property upon being declared the successful bidder; and

BE IT FURTHER RESOLVED that the Property shall continue to be operated as a Clam Depuration Facility for use by local clam harvesters; and

BE IT FURTHER RESOLVED that the successful bidder shall also satisfy the following minimum conditions, restrictions and limitations:

Primary Qualifications of Lessee

1. A demonstrated ability based on company history to process (i.e., sort by size, clean and depurate, and package for shipping) at least 240 bushels of quahog clams per day
2. A willingness and demonstrated ability to expand the processing capacity of the depuration facility from a maximum of 240 bushels a day to a maximum of 480 bushels per day
3. A demonstrated desire and ability to process up to a maximum of 480 bushels of quahog clams per day, subject to the State of New Jersey's shellfisheries resource management rules and regulations for annual harvest of wild quahog clams, based on their fisheries biologists surveys conducted and reported periodically
4. A demonstrated ability to operate clam depuration systems and comply with State-mandated standards for sanitation, HACCP plans, and all other requirements set forth by the State of New Jersey's Department of Health
5. A demonstrated understanding of shellfisheries management of either wild quahogs or hatchery-sourced juveniles transplanted to coastal growing beds for maturation and growth to market size, and also a demonstrated understanding of depuration requirements and standards set forth by the New Jersey Department of Health.
6. A demonstrated willingness to utilize existing local clam fishermen (discussed further below), as participating suppliers of harvested wild-caught quahog clams to the depuration facility.
7. A demonstrated understanding of the clam markets in New Jersey (and the current deficit of clam supplies from within the state), the Northeast Corridor, the Atlantic Seaboard, and other regions of the United States; and readiness and ability to formally commit to a clam marketing effort to expand sales from the depuration facility to a level of a maximum of 480 bushels of clams per day.
8. A demonstrated willingness and capability to foster and promote the clamming history within the Borough of Highlands and develop community outreach programs promoting that history and the "Highlands Clam" brand.

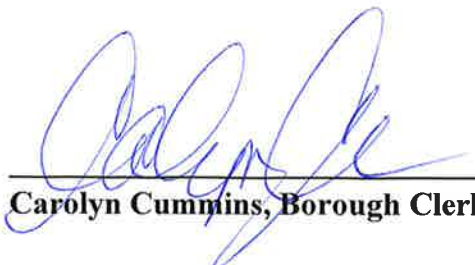
Specific Minimum Terms of Proposed Lease

1. 10-year Term
2. Rent: Minimum \$7,500.00 per month
3. Lessee to provide 10-year plan for upgrading equipment/expanding capacity of depuration

4. Use of high-efficiency refrigeration systems within three (3) years of lease term
5. Use of energy-efficient saltwater pumps upon increase of capacity
6. Must be open minimum of six (6) days per week; except in cases of weather or environmental issues
7. Plant must be willing to sell clams in all available markets, including locally
8. Borough insures building; lessee insures all equipment
9. Quarterly reports of usage including capital expenditures and improvements; number of men harvesting clams per quarter
10. Lessee shall provide monthly reports of clams harvested, depurated and sold; lessee shall provide total clams in and out
11. Borough may conduct site visits in its discretion
12. Harvesting baskets are available on a first come first served basis in the following order of preference: (1) Borough of Highlands; (2) County of Monmouth; (3) State of New Jersey; (4) all other. Lessee must develop system for fair distribution of baskets consistent with this paragraph,
13. Additional payment in lieu of taxes: \$1,200 per month
14. No automatic right to renew; renewal may be contingent on increasing capacity, and updating/upgrading equipment
15. Conduct at least one (1) community outreach program per year (as discussed above).

	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
BROULLON	X		X			
CARD			X			
D'ARRIGO		X	X			
WELLS			X			
NOLAN						X
ON CONSENT AGENDA			X	YES		NO

DATE: January 20, 2016



Carolyn Cummins, Borough Clerk

I hereby certify this to be a true copy of the Resolution adopted by the Governing Body of the Borough of Highlands on January 20, 2016.