

Mayor Nolan offered the following Ordinance pass third and final reading and moved on its adoption and authorized its publication according to law:

**O-11-14**

**AN ORDINANCE CREATING NEW SECTION 2-33  
TO THE REVISED GENERAL ORDINANCE OF THE BOROUGH OF HIGHLANDS  
ENTITLED “ HIGHLANDS DEPURATION COMMISSION”**

**NEW SECTION**

**2-33 HIGHLANDS DEPURATION COMMISSION.**

**2-33.1 Establishment/Membership.**

a. There is hereby created a Highlands Depuration Commission. The commission shall consist of nine (9) members - three to be appointed by the mayor without advice and consent of council; two to be appointed by the mayor with advice and consent of council; and four to be appointed by council. Membership on the commission shall not be limited to residents of the Borough of Highlands, any language to the contrary notwithstanding;

b. Members shall serve for three years each. Thereafter the successor of each member shall be appointed for full three year terms until the appointment and qualification of his or her successor;

c. One of the members shall be a member of council;

d. The mayor shall appoint for the first year one of the members as the chairperson who shall preside at all meetings of the body. Thereafter the chairperson shall be elected by the commission from within its membership;

e. The mayor and borough administrator shall be ex officio members of the commission with full voting rights;

f. A vacancy occurring otherwise than by an expiration of a term shall be filled for the unexpired term only; and

g. The mayor or borough council may remove any member of the commission for cause, on written charges served upon the member and after a hearing thereon at which the member shall be entitled to be heard in person or by counsel.

**2-33.2 Duties.**

The Highlands Depuration Commission shall:

a. Meet with the professionals and representatives of the Departments of Health and Environmental Protection to see that the design and operational layout of any modifications or renovations to the plant, and that said modifications or renovations meet or exceed State mandates;

- b. Oversee the bidding and construction of any modifications, renovations or improvements to the depuration facility;
- c. Recommend to the governing body terms and conditions to be included in any renewal or extension of any leases as it feels are advantageous to the borough for the operation of the depuration facility and to enter into leases for the property;
- d. Act as a liaison between the governing body and the operator/tenant;
- e. Communicate with and act as a liaison with the Department of Health, Department of Environmental Protection, Department of Agriculture and any other agencies of the Federal, State, county or local level, the government having jurisdiction over or otherwise dealing with depuration and to advise council of same;
- f. Recommend to council and our legislative representatives at all levels of government, legislation it feels is appropriate to further the shellfish industry;
- g. Act as a clearinghouse for said information;
- h. Investigate comparable uses for the property and to assist in the coordination of same with the tenant/operator, State and other appropriate agencies; and
- i. Perform such other functions as it feels are relevant to the duties and purposes expressed in this section.
- j. The commission's responsibilities and duties as set forth herein are of a purely advisory nature to the mayor and council. The commission may offer whatever advice, consultation and/or assistance the governing body might require or request in continuing to develop the property as a marine terminal/clam depuration facility, however, the commission is not, nor shall it be authorized to acquire any interests in real property and otherwise make decisions or take action which would be binding upon the borough.

### **2-33.3 Compensation and Expenses.**

The members of the Highlands Depuration Commission shall serve without pay.

### **2-33.4 Borough Facilities.**

The borough administrator may make available to the Highlands Depuration Commission office space and clerical services.

### **2-33.5 Expending Funds.**

No borough funds shall be spent by the Highlands Depuration Commission unless specifically authorized by the governing body.

Seconded by Mr. Connelly and adopted on the following roll call vote:

**ROLL CALL:**

**AYES:** Mr. Connelly, Ms. Kane, Mayor Nolan

**NAYES:** None

**ABSENT:** Mr. Francy, Mr. O'Neil

**ABSTAIN:** None

**DATE:** May 18, 2011

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**CAROLYN CUMMINS, BOROUGH CLERK**

Introduction: May 4, 2011

Publication: May 8, 2011, Asbury Park Press

P.H./Adoption: May 18, 2011

Publication: May 27, 2011, Two River Times

I hereby certify this to be a true copy of Ordinance O-11-14 as adopted by the Governing Body of the Borough of Highlands on May 18, 2011.

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**BOROUGH CLERK/DEPUTY CLERK**