## Chapter 2.76

## LAKE TOPANEMUS COMMISSION

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### 2.76.010 Findings.

The borough is the owner of a certain parcel of land known as Lake Topanemus, which is located within the township of Freehold. It is the opinion of the governing bodies of the borough of Freehold and of the township of Freehold that it would be in the best interest of the residents of each respective municipality that certain arrangements be made as hereinafter embodied with respect to the use of such property and its facilities as a recreation area to be used by the residents of the township and the residents of the borough. (Prior code § 2-32.1)

### 2.76.020 Established.

There is established a commission to be known as the Lake Topanemus commission. (Prior code § 2-32.2)

### 2.76.030 Composition and term.

A. Composition. The commission shall consist of eight members; four resident voters from the borough of Freehold and four resident voters from the township of Freehold. A chairperson shall not vote except in the case of a tie. In January of each year, the chairperson shall be selected by the members of the commission for a period of one year.

B. Term. The chairperson shall be appointed for a period of one year. Such appointment shall alternate annually between members from the respective municipalities. The terms of office of the members of the commission from each respective municipality first appointed shall be one, two and three years. Thereafter the term of each member shall be three years.

C. Appointment. All members of the commission shall be appointed by the governing body of their respective municipality according to law. Such appointment shall commence March 1st and continue thereafter for the proper tenure. There shall be no prohibition against any member of either governing body serving as a commissioner.

D. Compensation. All members of the commission shall serve without compensation.

E. Removal. Each commissioner may be removed or suspended from office as provided by ordinance of the municipality from which he or she shall be appointed. (Ord. 2006/25 § 1: prior code § 2-32.3)

### 2.76.040 Powers.

The commission shall have the power to sue and be sued, claim or defend in any court, use a common seal and have such other corporate powers as may be necessary to carry into effect the provisions of this section, except as specifically modified. The commission shall have control and shall maintain Lake Topanemus as a park area and recreational site for the benefit of the residents of the township of Freehold and of the borough. The commission is authorized to prepare rules and regulations for the use and maintenance of the property, which rules and regulations shall be

available upon request by any resident of either municipality, and further pertinent excerpts of such rules and regulations shall be posted conspicuously at the entrances to the park. (Prior code § 2-32.4)

**2.76.050 Secretary—Treasurer.**

After appointment, the commission shall organize as soon as practicable and shall appoint a secretary and treasurer who need not be members of the commission. The secretary shall keep correct minutes of the meetings and transactions of the commission and shall perform such other duties as may be required. The treasurer shall give bond for the faithful performance of his or her duties in such amount as the commission shall prescribe. The offices of secretary and treasurer may be held by the same person. (Prior code § 2-32.5)

**2.76.060 Joint auditor.**

The respective governing bodies of the two municipalities shall, by resolution, appoint a joint municipal auditor who shall determine the allocation of costs and revenues between the two municipalities and shall certify those costs and revenues to the two municipalities. (Prior code § 2-32.6)

**2.76.070 Employees of the commission.**

The commission shall have the power and authority to hire and fire and fix the salaries of any employees. The commission may appoint such other agents and employees as may be deemed necessary to carry into effect the provisions of this section. No action of the commission shall be binding unless taken at a public meeting at which at least two of the members, including the chairperson, from each municipality are present. (Prior code § 2-32.7)

**2.76.080 Finances.**

The commission shall have no authority or power to borrow any moneys either permanent or temporary and it shall be limited in its expenditures in an amount not to exceed by five percent the preceding annual budget, without prior written approval of the two municipalities. The township and the borough obligate themselves to appropriate equal contributions of five thousand dollars ($5,000.00) as initial contributions to meet all expenditures of the commission during its first year of operation. After initial contributions by the two municipalities, the commission shall operate on a self-sustaining basis. At no time, however, shall the commission exceed a profit margin of twenty-five (25) percent. The commission shall pay to each municipality, from time to time as it deems proper and able out of its revenues, a sum equal to the amount actually advanced, without interest, to the commission hereunder as initial contributions or any other advance. The amounts so advanced by each municipality shall constitute a debt of the commission until so paid, but shall not constitute a lien on any revenues of the commission. (Prior code § 2-32.8)

**2.76.090 Advisory panel.**

After the appointment of the commission, a four-member advisory panel shall be appointed. Freehold Township shall appoint the park and recreation superintendent as well as the chairperson of the recreation commission. Freehold Borough shall appoint the recreation director and the chairperson of the recreation committee. The function of this advisory panel shall be to assist and collaborate with the commission in its duties. Such person or persons shall not have the power to vote or take other action required or delegated to the commission. (Prior code § 2-32.9)

**2.76.100 Dissolution of the commission.**

The commission created in this chapter may be dissolved by parallel ordinances duly adopted by each municipality within any single year on condition that:

A. The commission by resolution consents to such dissolution;

B. The commission has no debts or obligations outstanding. (Prior code § 2-32.10)