

BOROUGH OF HIGHLANDS, N. J.

INCORPORATED 1900

171 BAY AVENUE
07732
COUNTY OF MONMOUTH
PHONE: 732-872-1224
FAX: 732-872-0670
WWW.HIGHLANDSNJ.US



HISTORIC "TWIN LIGHTS"

FRANK L. NOLAN
MAYOR
BRIAN J. GEOGHEGAN
ADMINISTRATOR
CAROLYN M. CUMMINS
BOROUGH CLERK

MAYOR AND COUNCIL REGULAR MEETING WEDNESDAY AUGUST 17, 2016 7:00 P.M.

Community Center, 22 Snug Harbor Avenue, Highlands

As per requirement of Public Law 1975, Chapter 231, notice is hereby given that this is a Regular Meeting of the Borough of Highlands Mayor and Council and all requirements have been met. Notice has been transmitted to the Asbury Park Press and the Two River Times. Notice has been posted on the public bulletin board. Formal Action will be taken.

Call to Order
Meeting Statement
Roll Call
Executive Session Resolution

EXECUTIVE SESSION: 7:00PM
Personnel- Borough Hall Staffing
Litigation- Baymen's Litigation
Contract Negotiation- Streetscape Phase 2
Attorney-Client Communications- Social Media

Call to Order
Pledge of Allegiance
Roll Call

REGULAR MEETING: 8:00PM

Public Portion- Resolutions

Consent Agenda:

Payment of Bills- Complete Copy available for public to view at Borough Clerks Office and or on the website www.highlandsnj.us
R-16-162- Authorizing disposal of surplus equipment through GovDeals Auction
R-16-164- Bond Reduction, Pulte Homes
R-16-165- Authorizing 1 year extension to M&S Waste Contract
R-16-167- Authorizing agreement with Twin Lights Condo Assoc.
R-16-168- Awarding contract- COAH Counsel, Gluck Walrath, LLP.
R-16-169- Appointing part-time Crossing Guard
R-16-170- Authorizing the promotion of a Police Officer
R-16-174- Awarding contract for website hosting and maintenance

- R-16-175- Appointing full-time Cashier
- R-16-176- Appointing temporary Administrative Secretary
- R-16-178- Grand Tour- Right of Way
- R-16-179- Raffle Application
- R-16-180- Renewal Monmouth Joint Insurance Fund

Other Resolutions:

- R-16-163- Authorizing application to Open Space Trust Fund
- R-16-166- Approving payment of unused sick leave- Tim Hill
- R-16-171- Award Phase 2- Bay Avenue Streetscape Project
- R-16-172- Authorizing Planning Board to investigate whether Block 105.107, Lot 1.1, qualifies for designation as area in need of redevelopment
- R-16-173- Delegating Authority of (nte) \$572,000 Refunding Bond and Sale to MCIA
- R-16-177- Emergency Temporary Budget

Ordinances: Introduction

- O-16-16- Snow Removal
- O-16-17- South Bay Ave. Pump Station- No Parking

Ordinances: 2nd Reading, Public Hearing & Adoption

- O-16-13- Bond Refunding Ordinance (nte) \$572,000.
- O-16-15- Amend Streetscape Bond Ordinance

Other Business:

Public Portion:

Adjourn:

8/16/16 4:15pm

NOTE: Formal Action May Be Taken on Any and All Agenda Items

R-16-180

**RESOLUTION FOR RENEWAL OF MEMBERSHIP
IN THE
MONMOUTH MUNICIPAL JOINT INSURANCE FUND**

WHEREAS, The Borough of Highlands is a member of the Monmouth Municipal Joint Insurance Fund; and

WHEREAS, said renewed membership terminates as of December 31, 2016 unless earlier renewed by agreement between the Municipality and the Fund; and

WHEREAS, the Municipality desires to renew said membership;

NOW THEREFORE, be is resolved as follows:

1. The Borough of Highlands agrees to renew its membership in the Monmouth Municipal Joint Insurance Fund and to be the subject of the Bylaws, Rules and Regulations, coverages, and operating procedures thereof as presently existing or as modified from time to time by lawful act of the fund.
2. The Mayor and Clerk shall be and hereby authorized to execute the agreement to renew membership annexed hereto and made a part hereof and to deliver same to the the Monmouth Municipal Joint Insurance Fund evidencing the Municipality's intention to renew it membership

This resolution agreed to this 17th day of August, 2016 by a vote of:

_____ Affirmative

_____ Negative

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

DATE: August 17, 2016

Dwayne M. Harris, Acting Borough Clerk

I hereby certify this to be a true copy of Resolution R-16-180 adopted by the Governing Body of the Borough of Highlands at its meeting held on August 17, 2016.

BOROUGH CLERK/DEPUTY CLERK

**R-16-179
RESOLUTION
APPROVING RAFFLE LICENSE**

WHEREAS, the Hi-Mar Striper Club, Inc, has submitted a Raffle License Application No. RA 1317-16-17; and

WHEREAS, all paperwork appears to be in order.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Highlands does hereby approve Raffle License Application RA#1317-16-17 and the Borough Clerk is authorized to sign off on licenses.

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

DATE: August 17, 2016

I hereby certify this to be a true copy of the Resolution adopted by the Mayor and Council of the Borough of Highlands on August 17, 2016.

Dwayne M. Harris, Acting Borough Clerk

R-16-178

RESOLUTION AUTHORIZING EXISTING ENCROACHMENTS ONTO THE MUNICIPAL RIGHT OF WAY TO CONTINUE FOR BLOCK 19, LOTS 28 & 29, 53-55 GRAND TOUR, HIGHLANDS, NEW JERSEY, IN ACCORDANCE WITH MINOR SUBDIVISION AND VARIANCE APPLICATION APPROVED BY THE BOROUGH OF HIGHLANDS PLANNING BOARD CONTINGENT UPON CERTAIN CONDITIONS BEING MET

WHEREAS, by way of Resolution of the Borough of Highlands Planning Board adopted on August 11, 2016, the Minor Subdivision and Variance Application of Mary Schneider, the owner of Block 19, Lots 28 and 29, 53-55 Grand Tour, Highlands, New Jersey (“the applicant”) was approved contingent upon certain conditions being met, including, but not limited to, compliance with all of the outstanding recommendations and conditions, if any, set forth in the letter of the Board Engineer dated June 2, 2016; and

WHEREAS, in accordance with the said Minor Subdivision and Variance Application, the applicant proposed to subdivide the above captioned lots into two (2) new lots, wherein proposed lot 29.01 would contain an existing single family residence and proposed lot 28.01 would contain an existing carriage house accessory structure; and

WHEREAS, as set forth in the Resolution of the Borough of Highlands Planning Board adopted on August 11, 2016, with respect to the aforementioned property, there is an existing encroachment by the front stairs of six (6) feet into the Municipal Right of Way on proposed lot 29.01, and there is an existing front setback encroachment by the stairs of four (4) feet into the Municipal Right of Way on proposed lot 28.01; and

WHEREAS, as set forth in the aforesaid Resolution of the Borough of Highlands Planning Board adopted on August 11, 2016, the reciprocal easements between the subject lots and/or encroachments into any Rights of Way must be set forth in writing (Deeds and/or easement agreements) and be recorded with the subdivision map or Deed(s); and

WHEREAS, as set forth in the aforesaid Resolution of the Borough of Highlands Planning Board adopted on August 11, 2016, the applicant must submit the subdivision map or Deeds and easement agreements to the Board Engineer and Attorney for their review and approval before they are recorded; and

WHEREAS, the governing body has no objection to allowing the aforementioned existing encroachments by the stairs into the Municipal Right of Way at each of the proposed lots, 28.01 and 29.01 to continue, subject to the conditions set forth in the Planning Board Resolution adopted on August 11, 2016 being met.

NOW, THEREFORE, BE IT RESOLVED, by the governing body of the Borough of Highlands, that the Borough of Highlands has no objection to allowing the existing encroachments by the front stairs of six (6) feet into the Municipal Right of Way on proposed lot 29.01, and front setback encroachment of (4) feet by the stairs into the Municipal Right of Way

on proposed lot 28.01 to continue, subject to the applicant meeting all of the conditions set forth in the Planning Board Resolution adopted on August 11, 2016, which approved the minor subdivision and variance application of Mary Schneider, Block 19, Lots 28 and 29, 53-55 Grand Tour, Highlands, New Jersey.

BE IT FURTHER RESOLVED, that a copy of this Resolution shall be transmitted to the Planning Board Chairman, Planning Board Secretary, Planning Board Attorney and Planning Board Engineer.

	INTRODUCED	SECONDED	AYE	NAY		ABSTAIN	ABSENT
BROULLON							
CARD							
D'ARRIGO							
WELLS							
NOLAN							
ON CONSENT AGENDA <input type="checkbox"/> YES <input type="checkbox"/> NO							

DATE: August 17, 2016

Dwayne M. Harris, Acting Borough Clerk

I hereby certify this to be a true copy of Resolution R-16-178 adopted by the Governing Body of the Borough of Highlands at its meeting held on August 17, 2016.

BOROUGH CLERK/DEPUTY CLERK

**AUTHORIZING AMENDMENT TO THE
2016 TEMPORARY BUDGET**

WHEREAS, The Revised Statutes of New Jersey 40A:4-20 provides for the adoption of emergency temporary appropriations in addition to temporary appropriations necessary for the period between the beginning of the current fiscal year and the date of the adoption of the Local Budget for the Year 2016;

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED by the Mayor and Council of the Borough of Highlands, that the following amendments to the temporary appropriations be made in the amounts and for the purposes herein set forth for the period between January 1st, 2016 and the adoption of the Local Budget for the Borough of Highlands, County of Monmouth and State of New Jersey for the fiscal Year 2016:

<u>A/C #</u>	<u>CURRENT FUND</u>	<u>Salaries</u>	<u>Other Expenses</u>
20-100	Administration	\$ 25,000.00	\$ 500.00
20-110	Mayor and Council	0.00	15,000.00
20-120	Municipal Clerk	15,000.00	2,000.00
20-130	Finance	30,000.00	3,000.00
20-135	Annual Audit		0.00
20-145	Tax Collection	12,000.00	1,000.00
20-150	Assessment of Taxes	5,000.00	5,000.00
20-152	Central Services	8,000.00	2,000.00
20-155	Legal Services and Costs		0.00
20-165	Engineering Services & Costs		0.00
21-180	Planning Board	0.00	2,000.00
21-185	Zoning Board of Adjustment	0.00	2,000.00
21-190	Affordable Housing	0.00	0.00
22-195	Construction Official	5,000.00	0.00
22-200	Code Enforcement	15,000.00	1,000.00
22-201	Code Substandard Housing		8,000.00
23-210	Insurance-Other		0.00
23-215	Workers Compensation Insurance		0.00
23-220	Medical-Surgical Insurance		0.00
23-230	Unemployment Compensation		0.00
25-240	Police	300,000.00	25,000.00
25-250	Police Dispatch	40,000.00	0.00

25-251	911 Telecommunications		3,000.00
25-252	Emergency Management	1,000.00	2,000.00
25-260	First Aid Contribution		3,000.00
25-262	PEOSHA		0.00
25-263	Fire Department		10,000.00
25-265	Uniform Fire Safety	5,000.00	1,000.00
25-275	Municipal Prosecutor	3,000.00	
26-290	Streets & Roads	50,000.00	10,000.00
26-292	Snow Removal	0.00	0.00
26-294	Stormwater Management		0.00
26-300	Mechanical Garage		1,000.00
26-305	Sanitation	1,000.00	10,000.00
26-306	Sanitation-Contractual		50,000.00
26-308	Recycling Tax		0.00
26-309	Monmouth County Reclamation		50,000.00
26-310	Public Building & Grounds	2,000.00	20,000.00
26-312	Shade Tree Commission		0.00
26-325	Condo Services Act		5,000.00
27-335	Environmental Health		0.00
27-337	Monmouth County Regional Health		0.00
27-340	Dog Control		0.00
27-350	Substance Abuse		0.00
28-360	Community Center	25,000.00	3,000.00
28-375	Parks & Playgrounds		2,000.00
28-376	Beachfront Maintenance	0.00	0.00
28-385	Public Events		0.00
30-415	Accumulated Time	0.00	
30-420	LOSAP		0.00
31-430	Utilities-Electric		10,000.00
31-435	Street Lighting		5,000.00
31-440	Telephone		5,000.00
31-445	Utilities-Water		3,000.00
31-446	Utilities-Natural Gas		3,000.00
31-450	Telecommunications		5,000.00
31-460	Utilities-Fuel		2,000.00
31-463	Utilities-Fire Hydrants		15,000.00
36-471	Public Employees Retirement System		0.00
36-472	Social Security System		20,000.00
36-475	Police & Fire Retirement		0.00
36-477	DCRP		0.00
41-708	Grants Budgeted		0.00
42-490	Shared Agreement-Court		0.00
42-717	Interlocal-A.H.-Garage		0.00
43-490	Municipal Court	2,000.00	1,000.00
43-495	Public Defender	0.00	

44-901 Capital Improvement	0.00
45-910 Debt Service	0.00
	0.00
TOTALS	<u>\$544,000.00</u> <u>\$305,500.00</u>

SEWER UTILITY

<u>A/C #</u>	<u>CURRENT FUND</u>	<u>Salaries</u>	<u>Other Expenses</u>
55-501	Operating	\$ 22,000.00	\$ 25,000.00
55-502	Shared Service-Operator		0.00
55-502	Insurances		6,000.00
55-502	Social Security		2,000.00
55-502	PERS		0.00
	TOTALS	<u>\$ 22,000.00</u>	<u>\$ 33,000.00</u>

	INTRODUCED	SECONDED	AYE	NAY		ABSTAIN	ABSENT
BROULLON							
CARD							
D'ARRIGO							
WELLS							
NOLAN							
ON CONSENT AGENDA <u> </u> YES <u> </u> NO							

DATE: August 17, 2016

Dwayne M. Harris, Acting Borough Clerk

I hereby certify this to be a true copy of Resolution R-16-177 adopted by the Governing Body of the Borough of Highlands at its meeting held on August 17, 2016.

BOROUGH CLERK/DEPUTY CLERK

R-16-175

RESOLUTION APPOINTING FULL-TIME CASHIER

WHEREAS, there exists a need within the Borough Operations, Tax Collection Department to appoint a full-time cashier to cover open shifts and assist with other duties in Borough Hall; and

WHEREAS, Donna Conrad has been employed with the Borough of Highlands since 2011 in the capacity of a part-time capacity as a Cashier.

WHEREAS, it is the recommendation of the Borough Administrator that Donna Conrad be appointed as a full-time Cashier.

NOW, THEREFORE, BE IT RESOLVED, that the governing body of the Borough of Highlands hereby appoints Donna Conrad as a full-time Cashier effective immediately.

BE IT FURTHER RESOLVED, that said appointment be compensated at an hourly rate of \$17.06 per hour.

	INTRODUCED	SECONDED	AYE	NAY		ABSTAIN	ABSENT
BROULLON							
CARD							
D'ARRIGO							
WELLS							
NOLAN							
ON CONSENT AGENDA <input type="checkbox"/> YES <input type="checkbox"/> NO							

DATE: August 17, 2016

Dwayne M. Harris, Acting Borough Clerk

I hereby certify this to be a true copy of Resolution R-16-175 adopted by the Governing Body of the Borough of Highlands at its meeting held on August 17, 2016.

BOROUGH CLERK/DEPUTY CLERK

R-16-174

RESOLUTION AWARDING CONTRACT FOR WEBSITE DESIGN AND HOSTING SERVICES

WHEREAS, a Request for Proposals was advertised and received on Friday, July 15, 2016, in conjunction with Website Design and Hosting Services for the Borough of Highlands; and

WHEREAS, the Borough received four (4) proposals in response to the Request for Proposals; and

WHEREAS, the Borough reviewed the proposals in order to determine, among other items, qualifications, feasibility, understanding of the work to be completed, anticipated value and price; and

WHEREAS, after consideration of the submissions, the governing body has determined that Zumu Software (hereinafter "Zumu"), with a principal place of business located at 120 E. Washington Avenue, Atlantic Highlands, New Jersey, satisfies the requirements contained in the Request for Proposals for Website Design and Hosing Services; and

WHEREAS, Zumu has furnished a cost for services in the amount of \$4,400.00 for a one-year period, beginning October 1, 2016 and ending September 30, 2017, consisting of a fee for web hosting in the amount of \$2,000.00 and a fee for webmaster services in the amount of \$2,400.00, totaling \$4,400.00 for the aforementioned one-year period; and

WHEREAS, Certification of availability of funds is hereby provided by the Chief Financial Officer of the Borough of Highlands.

I hereby certify funds are available as follows:

Patrick DeBlasio, Chief Financial Officer

NOW, THEREFORE, BE IT RESOLVED, by the governing body of the Borough of Highlands, that Zumu Software is hereby awarded the contract for Website Design and Hosting Services, for a one (1) year period as set forth above, in the amount of \$4,400.00.

BE IT FURTHER RESOLVED, that the Borough Administrator is hereby authorized to execute the said contract with Zumu Software.

BE IT FURTHER RESOLVED, that a copy of this Resolution as well as the contract/proposal shall be placed on file with the Clerk of the Borough of Highlands and the Borough Clerk is hereby directed to publish a public notice of this award as required by law.

	INTRODUCED	SECONDED	AYE	NAY		ABSTAIN	ABSENT
BROULLON							
CARD							
D'ARRIGO							
WELLS							
NOLAN							
ON CONSENT AGENDA <input type="checkbox"/> YES <input type="checkbox"/> NO							

DATE: August 17, 2016

Dwayne M. Harris, Acting Borough Clerk

I hereby certify this to be a true copy of Resolution R-16- adopted by the Governing Body of the Borough of Highlands at its meeting held on August 17, 2016.

BOROUGH CLERK/DEPUTY CLERK

**BOROUGH OF HIGHLANDS
RESOLUTION NUMBER R-16-173**

**RESOLUTION DELEGATING AUTHORITY TO DETERMINE
THE FORM AND OTHER DETAILS OF NOT TO EXCEED
\$572,000 AGGREGATE PRINCIPAL AMOUNT OF
GENERAL OBLIGATION REFUNDING BONDS, SERIES
2016 OF THE BOROUGH OF HIGHLANDS, IN THE
COUNTY OF MONMOUTH, STATE OF NEW JERSEY AND
PROVIDING FOR THE SALE OF SUCH BONDS TO THE
MONMOUTH COUNTY IMPROVEMENT AUTHORITY
PURSUANT TO THE 2016 GOVERNMENTAL LOAN
REFUNDING PROGRAM**

WHEREAS, pursuant to the Local Bond Law, N.J.S.A. 40A:2-1 *et seq.*, as amended and supplemented (the “Local Bond Law”), the Atlantic Highlands/Highlands Sewerage Authority (the “AHHSA”), had previously issued \$7,905,000 aggregate principal amount of General Obligation Bonds, dated January 24, 2011 (the “2011 Bonds”) to the Monmouth County Improvement Authority (the “MCIA”) in connection with the MCIA’s 2011 Pooled Governmental Loan Program; and

WHEREAS, the Borough of Highlands (the “Borough”) and the Borough of Atlantic Highlands (“Atlantic Highlands”) have dissolved the AHHSA and the Borough and Atlantic Highlands are each responsible for a portion of the debt service on the 2011 Bonds; and

WHEREAS, \$800,000 of such 2011 Bonds maturing in the years 2022 through and including 2031 (the “Refunded Bonds”) are currently outstanding and can be defeased or are subject to redemption prior to their stated maturity, as applicable; and

WHEREAS, the Borough has been informed by the MCIA that the outstanding 2011 Bonds are eligible for refunding through the MCIA and that such a refunding will achieve debt service savings on the Borough’s portion of the 2011 Bonds; and

WHEREAS, the MCIA, Atlantic Highlands, and the Borough have determined that refunding bonds can be issued to refund the Refunded Bonds, which, under current market conditions, can generate debt service savings on the Borough’s portion of the 2011 Bonds to the Borough due to the low long-term interest rate environment; and

WHEREAS, the Borough has determined that it is in the best interests of the Borough to refund its portion of the Refunded Bonds; and

WHEREAS, the Borough has determined to provide for the refunding of the Refunded Bonds through its issuance of General Obligation Refunding Bonds in the aggregate principal amount of not to exceed \$572,000 to the MCIA (the "Refunding"), as provided in the refunding bond ordinance of the Borough entitled, "REFUNDING BOND ORDINANCE AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$572,000 AGGREGATE PRINCIPAL AMOUNT OF GENERAL OBLIGATION REFUNDING BONDS BY THE BOROUGH OF HIGHLANDS, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY, TO THE MONMOUTH COUNTY IMPROVEMENT AUTHORITY (THE "MCIA") FOR THE PURPOSE OF REFUNDING CERTAIN BONDS HERETOFORE ISSUED BY THE ATLANTIC HIGHLANDS/HIGHLANDS SEWERAGE AUTHORITY TO THE MCIA" and finally adopted by the Borough Council on August 17, 2016 (the "Ordinance"); and

WHEREAS, to accomplish the Refunding, the MCIA requires the Borough to authorize, execute, attest and deliver the Borough's not to exceed \$572,000 General Obligation Refunding Bonds, Series 2016 (the "Bonds"), in accordance with the provisions hereof and pursuant to the terms of the Local Bond Law and other applicable law; and

WHEREAS, such Bonds shall be comprised of one or more series, and any portion of such Bonds attributable to any self liquidating utility shall, if applicable, in accordance with the Local Bond Law, be deductible from gross debt when such utility is self-liquidating; and

WHEREAS, section 27(a)(2) and section 59 of the Local Bond Law allow for the sale of the Bonds to the MCIA without any public offering, all under the terms and conditions set forth herein and in a Bond Purchase Agreement by and between the Borough and the MCIA.

NOW THEREFORE, BE IT RESOLVED BY A TWO-THIRDS VOTE OF THE FULL MEMBERSHIP OF THE BOROUGH COUNCIL OF THE BOROUGH OF HIGHLANDS, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY, as follows:

Section 1. The Borough Council hereby delegates to the Chief Financial Officer of the Borough, in accordance with the provisions of N.J.S.A. 40A:2-27(a)(2) and N.J.S.A. 40A:2-59, the power to sell and award the Borough's not to exceed \$572,000 General Obligation Refunding Bonds, Series 2016 (collectively, the "Bonds") to the MCIA in accordance with the provisions hereof and in accordance with the terms of a Bond Purchase Agreement by and between the Borough and the MCIA (the "Bond Purchase Agreement"). The Mayor of the Borough (the "Mayor") or Chief Financial Officer of the Borough (the "Chief Financial Officer") are each hereby authorized and directed on behalf of the Borough, in consultation with Bond Counsel (as hereinafter defined), to negotiate the terms of such Bond Purchase Agreement, to be dated the date of sale of the Bonds, to approve the terms of aforesaid Bond Purchase Agreement and to execute and deliver said Bond Purchase Agreement to the MCIA. The Bonds have been referred to and described in the Ordinance finally adopted at a duly called and held meeting of the Borough Council and published as required by law. The Bonds

are being issued for the purpose of (i) refunding the principal amount of the Refunded Bonds, including the payment of interest accrued thereon to the date fixed for redemption or prepayment, if applicable, and the redemption or prepayment price thereof, if applicable, and (ii) paying the costs of issuance relating to the Bonds, including printing, advertising, accounting, financial and legal services, rating agency fees, underwriter's discount, and MCIA costs of issuance, which may include any of the foregoing.

Section 2. The Chief Financial Officer of the Borough (the "Chief Financial Officer") is hereby authorized and directed to determine, in accordance with the Local Bond Law and pursuant to the terms and conditions established by the MCIA and the terms and conditions hereof and set forth in the Bond Purchase Agreement, the following items with respect to the Bonds, except those terms and conditions which are set forth in the Bond Purchase Agreement:

- (a) The aggregate principal amount of the Bonds to be issued, provided that the total amount of Bonds issued shall not exceed the aggregate principal amount of \$572,000;
- (b) The name and designation of the Bonds;
- (c) The maturity and principal installments of the Bonds;
- (d) The date of the Bonds;
- (e) The interest rates of the Bonds;
- (f) The purchase price of the Bonds;
- (g) The direction for the application and investment of the proceeds of the Bonds, if applicable; and
- (h) The terms and conditions under which the Bonds shall be subject to redemption prior to their stated maturities.

Section 3. Any determination made by the Chief Financial Officer pursuant to the terms hereof shall be conclusively evidenced by the execution and attestation of the Bonds by the parties authorized under Section 4(c) hereof.

Section 4. The Borough Council hereby determines that certain terms of the Bonds shall be as follows:

- (a) The Bonds shall be issued in a single denomination and shall be numbered GOR-1 (which may be issued in one or more separate series aggregating said amount and to memorialize the applicable obligations of the general or utility fund purposes of the Borough);

- (b) The Bonds shall be issued in fully registered form and shall be payable to the registered owners thereof as to both principal and interest in lawful money of the United States of America; and
- (c) The Bonds shall be executed by the manual or facsimile signatures of the Mayor of the Borough (the "Mayor") and the Chief Financial Officer under official seal or facsimile thereof affixed, printed, engraved or reproduced thereon and attested by the manual signature of the Acting Clerk of the Borough (the "Borough Clerk").

Section 5. The Bonds shall be substantially in the form set forth in Exhibit A attached hereto with such additions, deletions and omissions as may be necessary for the Borough to comply with the requirements of the MCIA's 2016 Governmental Loan Refunding Program (the "Program"), upon the advice of Bond Counsel to the Borough (as defined herein);

Section 6. The law firm of Archer & Greiner P.C., Red Bank, New Jersey, Bond Counsel to the Borough ("Bond Counsel"), the Borough Attorney and the Borough Auditor are each hereby authorized and directed to perform all actions necessary to consummate the issuance of the Bonds and the Refunding for which the Bonds are issued including, but not limited to, drafting and arranging for the printing and execution of the Bonds and all applicable documentation necessary to memorialize and consummate the issuance of the Bonds and the undertaking of the Refunding, preparing all necessary financial information and conducting all necessary studies, searches and analysis in connection with the issuance of the Bonds and the undertaking of the Refunding. The Mayor, the Chief Financial Officer and the Borough Clerk are each hereby authorized and directed to execute and deliver any certificates necessary or desirable in connection with the financial and other information.

Section 7. The Mayor, the Chief Financial Officer, the Borough Clerk and any other Borough representative, are each hereby authorized and directed to (i) execute any certificates or documents necessary or desirable in connection with the sale of the Bonds, including the Bond Purchase Agreement, or the undertaking of the Refunding and each is hereby further authorized and directed to deliver same to the MCIA upon delivery of the Bonds and the receipt of payment therefor or in accordance with the Program and (ii) perform such other actions as they deem necessary, desirable or convenient, in consultation with Bond Counsel to the Borough, in relation to the execution and delivery thereof.

Section 8. Upon the adoption hereof, the Borough Clerk shall forward certified copies of this resolution: (a) via facsimile, to (i) Marion Masnick of the MCIA at facsimile number 732-409-4821, and (ii) John M. Cantalupo, Esq., of Archer & Greiner P.C., Red Bank, New Jersey, Bond Counsel to the Borough, at facsimile number 732-345-8420; and (b) via certified first class mail, to (i) Marion Masnick of the MCIA at The Monmouth County Improvement Authority, Hall of Records, Main Street, Freehold, New

Jersey 07728, and (ii) John M. Cantalupo, Esq., of Archer & Greiner P.C., Bond Counsel to the Borough at 10 Route 35, Red Bank, New Jersey 07701.

Section 9. This resolution shall take effect upon the effective date of the Ordinance.

ADOPTED: August 17, 2016

	INTRODUCED	SECONDED	AYE	NAY		ABSTAIN	ABSENT
BROULLON							
CARD							
D'ARRIGO							
WELLS							
NOLAN							
ON CONSENT AGENDA <input type="checkbox"/> YES <input type="checkbox"/> NO							

DATE: August 17, 2016

Dwayne M. Harris, Acting Borough Clerk

I hereby certify this to be a true copy of Resolution R-16-164 adopted by the Governing Body of the Borough of Highlands at its meeting held on August 17, 2016.

BOROUGH CLERK/DEPUTY CLERK

EXHIBIT A

**UNITED STATES OF AMERICA
BOROUGH OF HIGHLANDS
IN THE COUNTY OF MONMOUTH
STATE OF NEW JERSEY**

GENERAL OBLIGATION REFUNDING BOND, SERIES 2016

NUMBER GOR-1

DATE OF ORIGINAL ISSUE: _____, 2016

REGISTERED OWNER: The Monmouth County Improvement Authority

PRINCIPAL SUM: _____ Dollars
(\$ _____)

THE BOROUGH OF HIGHLANDS, IN THE COUNTY OF MONMOUTH, a body politic and corporate of the State of New Jersey (the "Borough"), hereby acknowledges itself indebted and for value received promises to pay to the order of The Monmouth County Improvement Authority (the "Authority"), c/o _____ (the "Trustee"), Account Number _____, the Principal Sum specified above payable in the amounts and on the dates specified and set forth on Schedule A attached hereto and by this reference made a part hereof, and to pay interest on such sum from the Date of Original Issue of this Bond until payment in full at the interest rates per annum and in the amounts and dates specified and set forth on Schedule A attached hereto and by this reference made a part hereof. Interest is payable to the Authority at the corporate trust office of the Trustee on the _____ and _____ prior to each _____ and _____, commencing _____, 201_, in an amount equal to the interest accruing to each such _____ and _____. This Bond as to principal will be payable on the first day of the month immediately preceding the due date therefor at the corporate trust office of the Trustee. Upon the occurrence of an event of default by the Authority under the bond resolution adopted by the Authority on _____, 201_ (as the same may be supplemented and amended, the "Resolution") which event of default is directly attributable to a default hereunder or to a default by the Borough under its Bond Purchase Agreement with the Authority relating to the Authority's purchase of this Bond, or in the event of default in any payments of principal of or interest on this Bond, the Trustee may by notice to the Chief Financial Officer of the Borough at Borough Municipal Offices, 42 Shore Drive, Highlands, New Jersey 07732, accelerate the principal amount of this Bond all as provided in the Resolution. Amounts not paid when due hereunder shall bear interest at the Late Payment Rate (as defined herein) until paid. This Bond shall be prepayable as set forth in Section 1303 of the Resolution.

Both principal of and interest on this Bond are payable in lawful money of the United States of America and in immediately available funds.

As used herein, "Business Day" shall mean any day that is not a Saturday, a Sunday or a legal holiday in the State of New Jersey or the State of New York or a day on which the Trustee is legally authorized to close. "Late Payment Rate" shall mean a rate per annum equal to the lower of (i) three percent above the interest rate that JPMorgan Chase announces from time to time as its prime lending rate, such interest rate to change on the effective date of each announced change in such rate, and (ii) the maximum interest rate allowed by law.

This Bond is one of an authorized issue of bonds and is issued pursuant to the Local Bond Law, N.J.S.A. 40A:2-1 et seq., as amended and supplemented (the "Local Bond Law"), and is one of the General Obligation Refunding Bonds referred to in and issued pursuant to an ordinance duly adopted by the Borough Council on August 17, 2016, such ordinance duly approved and published as required by law, entitled, "REFUNDING BOND ORDINANCE AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$572,000 AGGREGATE PRINCIPAL AMOUNT OF GENERAL OBLIGATION REFUNDING BONDS BY THE BOROUGH OF HIGHLANDS, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY, TO THE MONMOUTH COUNTY IMPROVEMENT AUTHORITY (THE "MCIA") FOR THE PURPOSE OF REFUNDING CERTAIN BONDS HERETOFORE ISSUED BY THE ATLANTIC HIGHLANDS/HIGHLANDS SEWERAGE AUTHORITY TO THE MCIA", and a resolution duly adopted by the Borough Council on August 17, 2016 entitled, "RESOLUTION DELEGATING AUTHORITY TO DETERMINE THE FORM AND OTHER DETAILS OF NOT TO EXCEED \$572,000 AGGREGATE PRINCIPAL AMOUNT OF GENERAL OBLIGATION REFUNDING BONDS, SERIES 2016 OF THE BOROUGH OF HIGHLANDS, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY AND PROVIDING FOR THE SALE OF SUCH BONDS TO THE MONMOUTH COUNTY IMPROVEMENT AUTHORITY PURSUANT TO THE 2016 GOVERNMENTAL LOAN REFUNDING PROGRAM".

The full faith and credit of the Borough are hereby irrevocably pledged for the punctual payment of the principal of and the interest on, and all other amounts due under, this Bond according to its terms.

It is hereby certified and recited that all conditions, acts and things required by the Constitution or the statutes of the State of New Jersey to exist, to have happened or to have been performed precedent to or in the issuance of this Bond exist, have happened and have been performed and that this Bond, together with all other indebtedness of the Borough, is within every debt and other limit prescribed by such Constitution or statutes.

The Borough agrees to pay all costs and expenses, including legal fees, in connection with the administration and enforcement of this Bond.

IN WITNESS WHEREOF, the Borough of Highlands, in the County of Monmouth, State of New Jersey has caused this Bond to be executed in its name by the manual or facsimile signatures of its Mayor and its Chief Financial Officer, its corporate seal to be hereunto imprinted or affixed, this Bond and the seal to be attested to by the manual signature of the its Acting Clerk, and this Bond to be dated the Date of Original Issue as specified above.

BOROUGH OF HIGHLANDS,
IN THE COUNTY OF MONMOUTH,
STATE OF NEW JERSEY

ATTEST:

(SEAL)

FRANK NOLAN,
Mayor

DWAYNE M. HARRIS,
Acting Borough Clerk

PATRICK DEBLASIO,
Chief Financial Officer

ASSIGNMENT

FOR VALUE RECEIVED _____ hereby sells, assigns and transfers unto _____ (Please Print or Type Name and Address of Assignee) the within Bond and irrevocably appoints _____ as Attorney to transfer this Bond on the registration books of the _____ with full power of substitution and revocation.

NOTICE

The signature of this assignment must correspond with the name as it appears on the face of the within Bond in every particular.

Dated:

Signature of Guarantee:

SCHEDULE A

BOROUGH OF HIGHLANDS
IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY

GENERAL OBLIGATION REFUNDING BOND, SERIES 2016

See Attached Schedule of Principal and Interest Payments

CERTIFICATION

I, DWAYNE M. HARRIS, Acting Clerk of the Borough of Highlands, in the County of Monmouth, State of New Jersey (the "Borough"), DO HEREBY CERTIFY that the annexed resolution entitled, "RESOLUTION DELEGATING AUTHORITY TO DETERMINE THE FORM AND OTHER DETAILS OF NOT TO EXCEED \$572,000 AGGREGATE PRINCIPAL AMOUNT OF GENERAL OBLIGATION REFUNDING BONDS, SERIES 2016 OF THE BOROUGH OF HIGHLANDS, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY AND PROVIDING FOR THE SALE OF SUCH BONDS TO THE MONMOUTH COUNTY IMPROVEMENT AUTHORITY PURSUANT TO THE 2016 GOVERNMENTAL LOAN REFUNDING PROGRAM", is a copy of a resolution which was duly adopted by the Borough Council at a special meeting duly called and held on August 17, 2016 in full compliance with the Open Public Meetings Act, N.J.S.A. 10:4-6 et seq., at which meeting a quorum was present and acting throughout and which resolution has been compared by me with the original thereof as contained in the minutes as officially recorded in my office in the Minute Book of such governing body and is a true, complete and correct copy thereof and of the whole of the original minutes so far as they relate to the subject matters referred to within and aforesaid resolution has not been repealed, amended or rescinded but remains in full force and effect on and as of the date hereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Borough as of this _____ day of _____, 2016.

(SEAL)

DWAYNE M. HARRIS,
Acting Clerk of the Borough of Highlands

R-16-172

RESOLUTION AUTHORIZING THE PLANNING BOARD TO UNDERTAKE A PRELIMINARY INVESTIGATION TO DETERMINE WHETHER BLOCK 105.107, LOT 1.1, QUALIFIES FOR DESIGNATION AS AN AREA IN NEED OF REDEVELOPMENT PURSUANT TO N.J.S.A. 40A:12A-1 ET. SEQ.

WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (“LRHL”) authorizes municipalities to determine whether certain parcels of land located therein constitute areas in need of redevelopment; and

WHEREAS, the governing body of the Borough of Highlands desires to explore whether the real property located at Block 105.107, Lot 1.1, commonly referred to as the Shadow Lawn Mobile Home Park site (the “Study Area”), may be an appropriate area for consideration for the program of redevelopment; and

WHEREAS, the governing body of the Borough of Highlands considers it to be in the best interest of the Borough to have the Planning Board conduct such an investigation for the property located at Block 105.107, Lot. 1.1, commonly referred to as the Shadow Lawn Mobile Home Park site; and

WHEREAS, the governing body of the Borough of Highlands believes the subject parcel is potentially valuable for contributing to, serving, and protecting the public health, safety and welfare and for the promotion of smart growth within the Borough; and

WHEREAS, the Local Redevelopment and Housing Law sets forth a specific procedure for establishing an area in need of redevelopment; and

WHEREAS, pursuant to N.J.S.A. 49A:12A-6, prior to the governing body of the Borough of Highlands making a determination as to whether the Study Area qualifies as an area in need of redevelopment, the governing body must authorize the Planning Board, by resolution, to undertake a preliminary investigation to determine whether the Study Area meets the criteria for designation as an area in need of redevelopment as set forth in N.J.S.A. 40A:12A-5; and

WHEREAS, the governing body of the Borough of Highlands wishes to direct the Planning Board to undertake such preliminary investigation to determine whether the Study Area meets the criteria for designation as an area in need of redevelopment pursuant to N.J.S.A. 40A:12A-5 and in accordance with the investigation and hearing process set forth in N.J.S.A. 40A:12A-1 et. seq.; and

NOW, THEREFORE, BE IT RESOLVED, that the governing body of the Borough of Highlands hereby directs the Borough of Highlands Planning Board to conduct the necessary investigation and to hold a public hearing to determine whether the Study area defined hereinabove qualifies for designation as an area in need of redevelopment under the criteria and pursuant to the public hearing process set forth in N.J.S.A. 40A:12A-1, et. seq.; and

BE IT FURTHER RESOLVED, that the redevelopment area determination shall further authorize the municipality to use all those powers provided by the New Jersey Legislature for use in a redevelopment area, other than the use of eminent domain (hereinafter referred to as a “Non-Condensation Redevelopment Area”).

BE IT FURTHER RESOLVED, that the Planning Board shall submit its findings and recommendations to the governing body of the Borough of Highlands in the form of a Resolution with supportive documentation.

BE IT FURTHER RESOLVED, that a certified copy of this Resolution be forwarded to the Acting Borough Clerk, Chief Financial Officer and Borough Planning Board and Planning Board Secretary.

	INTRODUCED	SECONDED	AYE	NAY		ABSTAIN	ABSENT
BROULLON							
CARD							
D'ARRIGO							
WELLS							
NOLAN							
ON CONSENT AGENDA <input type="checkbox"/> YES <input type="checkbox"/> NO							

DATE: August 17, 2016

Dwayne M. Harris, Acting Borough Clerk

I hereby certify this to be a true copy of Resolution R-16-172 adopted by the Governing Body of the Borough of Highlands at its meeting held on August 17, 2016.

BOROUGH CLERK/DEPUTY CLERK

R-16-171

RESOLUTION AWARDING A FAIR AND OPEN CONTRACT FOR THE BAY AVENUE STREETScape PROJECT – PHASE 2

WHEREAS, the Borough of Highlands has advertised for bids for the Bay Avenue Streetscape Project – Phase 2, in accordance with the Local Public Contracts Law; and

WHEREAS, the governing body of the Borough of Highlands has made the determination that it is in the best interest of the Borough to award the contract for the Bay Avenue Streetscape Project – Phase 2 consisting of, but not limited to, paving, reconstruction and/or resurfacing of the roadway, excavation, milling, sealing of pavement cracks, repairing and/or installation of curbs, sidewalks and driveway aprons, installation of curb ramps, resetting of utility castings and poles, drainage work, roadway painting, tree removal, signage, and other improvements as set forth with specificity in the bid proposals; and

WHEREAS, the following seven (7) bids were received for the Base Bid and several Alternates and reviewed by the Borough Engineer and Borough Attorney:

Company	Base Bid	Alt. 1	Alt. 2	Alt. 3	Alt. 4	Alt. 5
S. Batata Construction	\$473,922.00	\$147,400.00	\$15,000.00	\$15,000.00	\$6,000.00	\$3,000.00
Tony & Son, Inc.	\$482,649.00	\$125,865.00	\$15,960.00	\$15,960.00	\$2,600.00	\$4,500.00
Jads Construction, Inc.	\$497,328.50	\$142,000.00	\$21,000.00	\$21,000.00	\$3,000.00	\$3,000.00
J.C. Contracting, Inc.	\$521,925.00	\$117,200.00	\$14,400.00	\$13,200.00	\$2,800.00	\$2,100.00
Black Rock Enterprises, LLC	\$542,590.00	\$157,090.00	\$15,000.00	\$12,000.00	\$3,000.00	\$4,800.00
Mixalia Enterprises, LLC	\$586,000.00	\$170,000.00	\$9,000.00	\$12,900.00	\$5,100.00	\$3,000.00
V & K Construction	\$633,000.00	\$170,400.00	\$21,000.00	\$17,400.00	\$2,200.00	\$1,560.00

; and

WHEREAS, Alternate 1 consists generally of Pedestrian Street Lights, Alternate 2 consists generally of Trash and Recyclable Containers, Alternate 3 consists generally of Benches, Alternate 4 consists generally of bicycle racks, Alternate 5 consists generally of Street Trees; and

WHEREAS, _____ appears to be the lowest responsible bid for the aforesaid _____; and

WHEREAS, certification of funds is hereby made by the Chief Financial Officer that funds are available in the municipal bond ordinance adopted for said purpose:

I hereby certify funds are available as follows:

Patrick DeBlasio, Chief Financial Officer

NOW, THEREFORE, BE IT RESOLVED, by the governing body of the Borough of Highlands that the contract for the Bay Avenue Streetscape Project – Phase 2 is hereby awarded to _____ for the aforesaid _____ as set forth in the bid proposal, in the sum of \$ _____.

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

DATE: August 17, 2016

Dwayne M. Harris, Acting Borough Clerk

I hereby certify this to be a true copy of Resolution R-16-171 adopted by the Governing Body of the Borough of Highlands at its meeting held on August 17, 2016.

BOROUGH CLERK/DEPUTY CLERK

R-16-170

RESOLUTION AUTHORIZING THE PROMOTION OF A POLICE OFFICER

WHEREAS, there exists a need within the Police Department to make certain promotions; and

WHEREAS, based on the results of the current Civil Service promotional examination, Chief Blewett hereby recommends the promotion of Police Officer William Siegle to the position of Police Sergeant.

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Borough of Highlands that Police Officer William Siegle is hereby promoted to Sergeant William Siegle.

BE IT FURTHER RESOLVED, that as per PBA Local 48 Collective Bargaining Agreement with the Borough of Highlands, said promotion will be compensated at a rate of \$115,792.25 including longevity.

	INTRODUCED	SECONDED	AYE	NAY		ABSTAIN	ABSENT
BROULLON							
CARD							
D'ARRIGO							
WELLS							
NOLAN							
ON CONSENT AGENDA <input type="checkbox"/> YES <input type="checkbox"/> NO							

DATE: August 17, 2016

Dwayne M. Harris, Acting Borough Clerk

I hereby certify this to be a true copy of Resolution R-16-170 adopted by the Governing Body of the Borough of Highlands at its meeting held on August 17, 2016.

BOROUGH CLERK/DEPUTY CLERK

R-16-169

RESOLUTION APPOINTING SCHOOL CROSSING GUARD

WHEREAS, there exists a need within the Police Department to appoint a part-time Crossing Guard to cover open shifts; and

WHEREAS, it is the recommendation of the Chief of Police that Krisida Burton be appointed.

NOW, THEREFORE, BE IT RESOLVED, that the governing body of the Borough of Highlands hereby appoints Antoinette Chirichella as a part-time Crossing Guard effective immediately.

BE IT FURTHER RESOLVED, that said appointment be compensated at an hourly rate of \$9.50 per hour.

	INTRODUCED	SECONDED	AYE	NAY		ABSTAIN	ABSENT
BROULLON							
CARD							
D'ARRIGO							
WELLS							
NOLAN							
ON CONSENT AGENDA <input type="checkbox"/> YES <input type="checkbox"/> NO							

DATE: August 17, 2016

Dwayne M. Harris, Acting Borough Clerk

I hereby certify this to be a true copy of Resolution R-16-169 adopted by the Governing Body of the Borough of Highlands at its meeting held on August 17, 2016.

BOROUGH CLERK/DEPUTY CLERK

**RESOLUTION AWARDING PROFESSIONAL LEGAL SERVICES CONTRACT TO
THE LAW FIRM OF GLUCK WALRATH, LLP.**

WHEREAS, the Borough of Highlands is in need of professional legal services for the purpose of representing the Borough with regard to the Fair Housing Act and the Council of Affordable Housing (COAH) regulations; and

WHEREAS, such professional legal services can only be provided by licensed professionals and the firm of Gluck Walrath, LLP, 428 River View Plaza, Trenton, NJ 08611 is so recognized; and

WHEREAS, this contract is to be awarded for an amount not to exceed \$2,500 at an hourly rate of \$175 per hour as stated in the proposal dated August 4, 2016; and

WHEREAS, Gluck Walrath, LLP has completed and submitted a Business Entity Disclosure Certification which certifies that Gluck Walrath, LLP has not made any reportable contributions to a political or candidate committee in the Borough of Highlands in the previous one year and that the contract will prohibit Gluck Walrath, LLP from making any reportable contributions through the term of the contract; and

WHEREAS, Gluck Walrath, LLP has completed and submitted a Political Contribution Disclosure form in accordance with P.L. 2005, c 271; and

WHEREAS, the Local Public Contracts Law N.J.S.A. 40A:11-1 et. seq. requires that notice with respect to contracts for professional services awarded without competitive bids must be publicly advertised; and

WHEREAS, certification of availability of funds is hereby provided by the Chief Financial Officer of the Borough of Highlands.

I hereby certify funds are available as follows:

Patrick DeBlasio, Chief Financial Officer

NOW, THEREFORE, BE IT RESOLVED, by the governing body of the Borough of Highlands as follows:

1. Gluck Walrath, LLP is hereby retained to provide professional legal services as described above for an amount not to exceed \$2,500 plus reimbursable expenses.
2. The contract is awarded without competitive bidding as a "Professional Service" in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a) because it is for services performed by persons authorized by law to practice a recognized

profession. The Mayor and Borough Administrator are hereby authorized to sign said contract.

3. A copy of the Resolution as well as the contract shall be placed on file with the Borough Clerk of the Borough of Highlands.
4. The Borough Clerk is hereby directed to publish notice of this award as required by law.

	INTRODUCED	SECONDED	AYE	NAY		ABSTAIN	ABSENT
BROULLON							
CARD							
D'ARRIGO							
WELLS							
NOLAN							
ON CONSENT AGENDA <input type="checkbox"/> YES <input type="checkbox"/> NO							

DATE: August 17, 2016

Dwayne M. Harris, Acting Borough Clerk

I hereby certify this to be a true copy of Resolution R-16-168 adopted by the Governing Body of the Borough of Highlands at its meeting held on August 17, 2016.

BOROUGH CLERK/DEPUTY CLERK

R-16-167

RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT FOR SNOW REMOVAL AND STREET LIGHTING REIMBURSEMENT BETWEEN THE BOROUGH OF HIGHLANDS AND THE TWIN LIGHTS TERRACE CONDOMINIUM ASSOCIATION, INC.

WHEREAS, the Municipal Services Act, N.J.S.A. 40:67-23.2, et. seq. and amendments thereto, provides in pertinent part that a municipality, in lieu of providing certain municipal services to the private community, may opt to financially reimburse the qualified private communities for the cost of certain municipal services; and

WHEREAS, Twin Lights Terrace Condominium Association, Inc. is a qualified private community, as defined under the Act, and the Borough of Highlands is a municipality governed by the Act; and

WHEREAS, the Borough and Twin Lights Terrace Condominium Association have mutually agreed that the Association shall perform its own snow removal and pay the cost for street lighting, and that the Borough shall reimburse the Association for the cost of those services at a rate not to exceed the cost that would have been incurred by the Borough in providing those services directly; and

WHEREAS, N.J.S.A. 40:47-23.5 requires a written agreement to annually reimburse a qualified private community; and

WHEREAS, the Borough has prepared a written agreement to reimburse Twin Lights Terrace Condominium Association and wishes to enter into an Agreement, in the same or substantially the same form as the Agreement that has been prepared for, presented to, and approved by, the Governing Body; and

WHEREAS, Twin Lights Terrace Condominium Association, Inc. has reviewed the proposed Agreement and approved the same for execution in the same or substantially the same form as annexed hereto.

NOW, THEREFORE, BE IT RESOLVED, by the governing body of the Borough of Highlands, that the appropriate Municipal officials, including the Mayor and Borough Administrator, are hereby authorized to execute the Agreement for Reimbursement for Municipal Services, in the same or substantially the same form as annexed hereto.

BE IT FURTHER RESOLVED, that the Agreement for Reimbursement for Municipal Services shall become effective upon being fully executed, for the dates contained therein through December 31, 2018.

R-16-166

RESOLUTION APPROVING PAYMENT OF ACCUMULATED UNUSED SICK LEAVE TO TIM HILL AND EXECUTION OF AN AGREEMENT AND RELEASE

WHEREAS, Tim Hill served the Borough for over thirty (30) years as Recreation Director and Borough Administrator; and

WHEREAS, Tim Hill became the full-time Borough Administrator on December 7, 2011; and

WHEREAS, Tim Hill retired from the position of Borough Administrator, effective June 1, 2016; and

WHEREAS, Tim Hill accumulated unused sick leave from his service as Recreation Director, for which he is entitled to supplemental compensation upon retirement; and

WHEREAS, Tim Hill did not accumulate sick leave in the position of Administrator and is not entitled to compensation for any sick leave from this position; and

WHEREAS, the Borough and Tim Hill wish to enter into an Agreement and Release in order to resolve any and all issues related to Tim Hill's supplemental sick leave compensation upon his retirement, as well as any and all other issues related to Tim Hill's employment and retirement therefrom.

NOW, THEREFORE, BE IT RESOLVED, that the governing body of the Borough of Highlands hereby approves the Agreement and Release between the Borough and Tim Hill, which is incorporated herein by reference and authorizes the Mayor to sign the Agreement on behalf of the Borough.

BE IT FURTHER RESOLVED, that the Borough of Highlands authorizes payment to Tim Hill in the amount of \$97,731.53 as supplemental sick leave compensation upon his retirement, in exchange for a fully executed Agreement and Release and in accordance with the terms of the said Agreement and Release.

	INTRODUCED	SECONDED	AYE	NAY		ABSTAIN	ABSENT		

R-16-165

**RESOLUTION AUTHORIZING THE BOROUGH OF HIGHLANDS TO EXERCISE
ITS OPTION TO EXTEND THE CONTRACT WITH M & S WASTE SERVICES, INC.
FOR A PERIOD OF ONE (1) YEAR**

WHEREAS, by way of Resolution No. 2014-60, the Borough of Highlands awarded a Contract for solid waste and recyclable materials collection services to M & S Waste Services, Inc.; and

WHEREAS, the said Contract for solid waste and recyclable materials collection services with M & S Waste Services, Inc. was for a term of three (3) years commencing on March 1, 2014 and terminating on February 28, 2017; and

WHEREAS, the said Contract for solid waste and recyclable materials collection services with M & S Waste Services, Inc. contained an option, to be exercised in the sole discretion of the Borough, for one 2-year extension or two 1-year extensions; and

WHEREAS, the governing body of the Borough of Highlands has made a determination that it is in the best interest of the Borough to exercise a one (1) year extension; and

WHEREAS, M & S Waste Services, Inc. will continue to provide solid waste and recyclable materials collection services as described in its bid on options 5 and 6 of the Bid Specifications, for the sum of \$219,905.00 consisting of \$212,289.00 for solid waste and recyclable materials and \$7,616.00 for bulk waste for the one (1) year extension period; and

WHEREAS, M & S Waste Services, Inc. will continue to direct solid waste to the Monmouth County Reclamation Center to be disposed of at a rate of \$73.85 per ton and will continue to direct bulk waste to the Montecalvo Transfer Station to be disposed of at a rate of \$81.00 per ton for the one (1) year extension period; and

WHEREAS, in accordance with the Contract for Solid Waste and Recyclable Materials Collection Service entered into by and between the Borough of Highlands and M & S Waste Services, Inc. on February 28, 2014, the terms of the said Agreement will continue for the one (1) year extension option period through February 28, 2018; and

WHEREAS, certification of availability of funds for future years will be provided for in 2017 and 2018 contingent upon the Governing Body appropriating the necessary funding.

Patrick DeBlasio, Chief Financial Officer

NOW, THEREFORE, BE IT RESOLVED, by the governing body of the Borough of Highlands, that the Borough will exercise a one (1) year extension of the Contract with M & S Waste Services, Inc., to provide services at the rates described herein through February 28, 2018.

BE IT FURTHER RESOLVED, that the governing body hereby authorizes its employees and officials, including, but not limited to, the Borough Administrator, to exercise the Borough's option to renew the aforesaid Contract with M & S Waste Services, Inc. for a one (1) year extension, and to notify the said entity and take all necessary actions associated with the same.

	INTRODUCED	SECONDED	AYE	NAY		ABSTAIN	ABSENT
BROULLON							
CARD							
D'ARRIGO							
WELLS							
NOLAN							
ON CONSENT AGENDA <input type="checkbox"/> YES <input type="checkbox"/> NO							

DATE: August 17, 2016

Dwayne M. Harris, Acting Borough Clerk

I hereby certify this to be a true copy of Resolution R-16-165 adopted by the Governing Body of the Borough of Highlands at its meeting held on August 17, 2016.

BOROUGH CLERK/DEPUTY CLERK

R-16-164

RESOLUTION AUTHORIZING A SECOND REDUCTION TO THE PERFORMANCE GUARANTEES FOR HARBORSIDE AT HUDSON'S FERRY, PULTE HOMES, BLOCK 101, LOT 27.2

WHEREAS, by way of Resolution R-16-63, adopted on February 3, 2016, Performance Guarantees for Pulte Homes, Block 101, Lot 27.02 were reduced, wherein the Chief Financial Officer, Borough Clerk and Borough Administrator were authorized to execute the reduction of Performance Bond Number 764626S to \$1,015,659.00 and the cash portion of the Performance Guarantee was reduced to \$112,851.00, totaling \$1,128,510.00 in Performance Guarantees; and

WHEREAS, the applicant has requested a second reduction to the Performance Guarantees for the subject property, which currently contains Performance Guarantees in the amount of \$1,015,659.00 (90% Performance Bond Amount posted in the form of a Surety Bond) and \$112,851.00 (10% Performance Bond Amount posted in the form of Cash) for Block 101, Lot 27.02, totaling \$1,128,510.00; and

WHEREAS, this request was forwarded to the Borough Engineer and an inspection was performed by T & M Associates, wherein a report dated August 2, 2016 was provided by the Borough Engineer and he has recommended the reduction of said Performance Guarantees as follows:

Original Guarantee:	\$1,928,490.00
Cash Portion:	\$ 192,849.00
Bonded Amount (Bond#764626S):	\$1,735,641.00
Bond Reduction #1:	\$1,128,510.00
Cash Portion:	\$ 112,851.00
Bonded Amount (Bond#764626S):	\$1,015,659.00
Proposed Bond Reduction #2:	\$ 881,324.00
Cash Portion:	\$ 88,132.00
Bonded Amount (Bond#764626S):	\$ 793,192.00

NOW, THEREFORE, BE IT RESOLVED, by the governing body of the Borough of Highlands that the Performance Guarantees for Pulte Homes, Block 101, Lot 27.02, is hereby reduced for a second time to an amount totaling \$881,324.00, wherein \$793,192.00 will be posted in the form of a Surety Bond and \$88,132.00 will be posted in the form of cash.

BE IT FURTHER RESOLVED, by the governing body of the Borough of Highlands that Performance Bond Number 764626S for Pulte Homes, Block 101, Lot 27.02, is hereby reduced for a second time and the Chief Financial Officer, Borough Clerk and Borough Administrator are hereby authorized to execute the reduction of said bond to \$793,192.00.

Borough of Highlands

R-16-163

Resolution authorizing application for Open Space Trust Fund

WHEREAS, the Monmouth County Board of Chosen Freeholders has approved an Open Space Trust Fund and established a Municipal Open Space Program to provide Program Grant funds in connection with municipal acquisition of lands for County park, recreation, conservation and farmland preservation purposes, as well as for County recreation and conservation development and maintenance purposes; and

WHEREAS, the Governing Body of the Borough of Highlands desires to obtain County Open Space Trust Funds in the amount of \$150,000 to fund Highlands Beach and Park Revitalization - Phase 1, in order to develop the following parks: Veteran's Memorial Park and Snug Harbor (located at Block 8, Lot 39 and Block 17, Lot 98, respectively, of the Official Tax Map of the Borough of Highlands); and

WHEREAS, the total cost of the project including all matching funds is \$300,000; and

WHEREAS, the Borough of Highlands is the owner of and controls the project site.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE BOROUGH OF HIGHLANDS THAT:

1. **Brian Geoghegan, Borough Administrator**, or his successor is authorized to (a) make an application to the County of Monmouth for Open Space Trust Funds, (b) provide additional application information and furnish such documents as may be required for the Municipal Open Space Grants Program and (c) act as the municipal contact person and correspondent of the above named municipality; and
2. **The Borough of Highlands** is committed to this project and will provide the balance of funding necessary to complete the project as described in the grant application in the form of non-county matching funds as required in the Policy and Procedures Manual for the Program; and
3. If the County of Monmouth determines that the application is complete and in conformance with the Monmouth County Municipal Open Space Program and the Policy and Procedures Manual for the Municipal Grants Program adopted thereto, the municipality is willing to use the approved Open Space Trust Funds in accordance with such policies and procedures, and applicable federal, state, and local government rules, regulations and statutes thereto; and
4. **Brian Geoghegan, Borough Administrator**, or his successor is hereby authorized to sign and execute any required documents, agreements, and amendments thereto with the County of Monmouth for the approved Open Space Trust Funds; and
5. This resolution shall take effect immediately.

CERTIFICATION

I, **Brian Geoghegan, Borough Administrator**, do hereby certify that the foregoing is a true copy of a resolution adopted by the Governing Body of Borough of Highlands at a meeting held on the 17th day of August, 2016.

In Witness Where of I, **Brian Geoghegan, Borough Administrator**, have hereunder set my hand and official seal of the municipality this 17th day of August, 2016.

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

DATE: August 17, 2016

Dwayne M. Harris, Acting Borough Clerk

I hereby certify this to be a true copy of Resolution R-16-163 adopted by the Governing Body of the Borough of Highlands at its meeting held on August 17, 2016.

BOROUGH CLERK/DEPUTY CLERK

Borough of Highlands

R-16-162

Resolution Authorizing Disposal of Surplus Property Of Highlands Borough

WHEREAS, the Highlands Borough is the owner of certain surplus property which it no longer needs for public use: and

WHEREAS, the Highlands Borough is desirous of selling said surplus property in an “as is” condition without express or implied warranties.

NOW THEREFORE BE IT RESOLVED by the Highlands Borough as follows:

- (1) The sale of the surplus property shall be conducted through GovDeals pursuant to State Contract A-83453/T2581 in accordance with the terms and conditions of the State Contract. The terms and conditions of the agreement entered into with GovDeals is available online at govdeals.com and also available from the Highlands Borough.
- (2) The sale will be conducted online and the address of the auction site is www.govdeals.com
- (3) The sale is being conducted pursuant to Resolution 2016-
- (4) A list of the surplus property to be sold is as follows:
 - a- Mechanic Lift
 - b- Two (2) storage tanks (oil, hydraulic oil)
- (5) The surplus property shall be sold in an “as is” condition without express or implied warranties with the successful bidder required to execute a Hold Harmless and Indemnification Agreement concerning use of said surplus property.
- (6) The Highlands Borough reserves the right to accept or reject any bid submitted.

	INTRODUCED	SECONDED	AYE	NAY		ABSTAIN	ABSENT
BROULLON							
CARD							
D'ARRIGO							
WELLS							
NOLAN							
ON CONSENT AGENDA <input type="checkbox"/> YES <input type="checkbox"/> NO							

DATE: August 17, 2016

Dwayne M. Harris, Acting Borough Clerk

I hereby certify this to be a true copy of Resolution R-16-162 adopted by the Governing Body of the Borough of Highlands at its meeting held on August 17, 2016.

BOROUGH CLERK/DEPUTY CLERK

**BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH
ORDINANCE O-2016-17**

**AN ORDINANCE AMENDING CHAPTER VII, "TRAFFIC",
OF THE CODE OF THE BOROUGH OF HIGHLANDS
RELATED TO AN AREA OF NO PARKING ON SOUTH
BAY AVENUE LOCATED IN THE BOROUGH**

WHEREAS, the Borough has made a determination to regulate traffic and parking within the jurisdiction of the Borough; and

WHEREAS, the Chief of Police has analyzed and evaluated the Borough Code and has recommended a change with respect to an area of no parking located on South Bay Avenue; and

WHEREAS, the governing body finds that this recommendation should be adopted for the general safety, health and welfare of the Borough.

NOW, THEREFORE, BE IT ORDAINED by the governing body of the Borough of Highlands as follows:

SECTION I. The following section of Schedule I, "No Parking," of Chapter VII, "Traffic," of the Code of the Borough of Highlands shall be amended and supplemented as follows: (underscores represent additions):

SCHEDULE I NO PARKING

<i>Name of Street</i>	<i>Sides</i>	<i>Location</i>
<u>South Bay Avenue</u>	<u>East</u>	<u>Along entire frontage (48 feet) of the South Bay Avenue Pump Station (Block 8, Lot 1)</u>

Any sections or roadways not referenced in this Section shall remain as stated in the Borough Code.

SECTION II. SEVERABILITY. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance, which shall otherwise remain in full force and effect.

SECTION III. REPEALER. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION IV. EFFECTIVE DATE. This Ordinance shall take effect after final passage as provided by law.

ROLL CALL:

AYE:

NAY:

ABSENT:

ABSTAIN:

DATE: August 17, 2016

Dwayne M. Harris, Acting Borough Clerk

_____ offered the following Ordinance and moved on its introduction, setting of a public hearing date of September 7, 2016 at 8:00 P.M.

**BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH**

ORDINANCE NO. O-16-16

**AN ORDINANCE OF THE BOROUGH OF HIGHLANDS IN THE
COUNTY OF MONMOUTH AND STATE OF NEW JERSEY
SUPPLEMENTING CHAPTER EIGHT OF THE CODE OF THE BOROUGH OF
HIGHLANDS TO REGULATE SNOW AND ICE REMOVAL ON SIDEWALKS**

WHEREAS, the Borough of Highlands (“the Borough”) has enacted ordinances to provide for the health, safety, and welfare of its citizens, which is codified in the Code of the Borough of Highlands (“the Code”); and

WHEREAS, the Borough wishes to supplement Chapter 8 of the Code to include section 8:5, “Snow and Ice Removal,” which would require property owners and/or tenants to remove snow and ice from sidewalks that abut their land.

WHEREAS, the Borough wishes also to include Section 8:5-1, “Treatment of Ice,” which would require property owners and/or tenants to treat sidewalks that abut their property with ashes, sand, cinders, sawdust or other material designed to prevent pedestrians from slipping and falling.

WHEREAS, the Borough wishes to further include Section 8:5-2, “Violations and Penalties,” which will enforce a penalty if this chapter is violated.

NOW THEREFORE BE IT ORDAINED, by the Governing Body of the Borough of Highlands, the County of Monmouth, in the State of New Jersey, as follows:

SECTION ONE. Section 8:5 shall be added to read as follows:

Section 8:5 Snow and Ice Removal.

The owner or tenant of land abutting upon the sidewalk of any street or avenue shall remove all snow and ice from the sidewalk within 12 daylight hours after same shall have formed or fallen thereon.

Section 8:5-1 Treatment of Ice.

The owner or tenant of land abutting or bounding upon the sidewalks of any street or avenue shall, when such sidewalks may become icy or otherwise slippery, place thereon ashes, sand, cinders, sawdust or other material designed

to prevent pedestrians from slipping and falling and shall at all times keep such sidewalks in a safe and passable condition.

Section 8:5-2 Certain Persons Exempt from Requirements

Any owner or tenant of land abutting upon the sidewalk of any street or avenue who is unable to remove snow and ice and/or provide for the treatment of ice due to a physical or medical disability or due to age or infirmness, shall contact the Code Enforcement Officer and/or his designee, within 12 daylight hours after snow and ice has formed or fallen. Such owner or tenant with a physical or medical disability or inability to remove and/or treat snow and ice due to age or infirmness, will not be subject to the violations and penalties delineated in Section 8:5-3, subject to the discretion of the Code Enforcement Officer.

Section 8:5-3 Violations and Penalties.

Violations are punishable by fine, imprisonment, or community service in the discretion of the Judge in accordance with N.J.S.A. 40:49-5.

SECTION TWO. SEVERABILITY. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance, which shall otherwise remain in full force and effect.

SECTION THREE. REPEALER. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION FOUR. EFFECTIVE DATE. This Ordinance shall take effect after final passage and publication as provided by law.

Seconded by _____ and introduced on the following roll call vote:

ROLL CALL:

AYE:

NAY:

ABSENT:

ABSTAIN:

DATE: August 17, 2016

Dwayne M. Harris, Acting Borough Clerk

**BOROUGH OF HIGHLANDS
ORDINANCE NUMBER O-16-15**

BOND ORDINANCE AMENDING BOND ORDINANCE NUMBER O-13-26 (WHICH PROVIDES FOR THE HIGHLANDS FLOOD MITIGATION PROJECT) HERETOFORE FINALLY ADOPTED BY THE BOROUGH COUNCIL OF THE BOROUGH OF HIGHLANDS, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY, ON OCTOBER 3, 2013, TO AMEND THE DESCRIPTION SET FORTH THEREIN TO CHANGE THE PROJECT TO PROVIDE FOR VARIOUS STREET AND STREETScape IMPROVEMENTS (PHASE II)

BE IT ORDAINED AND ENACTED BY THE BOROUGH COUNCIL OF THE BOROUGH OF HIGHLANDS, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring), AS FOLLOWS:

SECTION 1. The bond ordinance of the Borough of Highlands, in the County of Monmouth, State of New Jersey (the "Borough"), heretofore finally adopted by the Borough Council on October 3, 2013, numbered O-13-26 and entitled, "BOND ORDINANCE PROVIDING FOR THE HIGHLANDS FLOOD MITIGATION PROJECT IN AND BY THE BOROUGH OF HIGHLANDS, IN THE COUNTY OF MONMOUTH, NEW JERSEY, APPROPRIATING \$800,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$760,000 BOND OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF" (the "Original Ordinance"), which Original Ordinance is hereby amended such that Section 3(a) thereof is hereby amended to read as follows:

- **"SECTION 3.** (a) The improvement hereby authorized and the purpose for the financing of which said bonds or notes are to be issued is Various Street and Streetscape Improvements (Phase II), including but not limited to, paving and resurfacing of the roadway, which improvements shall include, as applicable, excavation, milling, paving, reconstruction and boxing out and resurfacing or full depth pavement, the sealing of pavement cracks, the repairing and/or installation of curbs, sidewalks and driveway aprons, installation of curb ramps, resetting utility castings and poles, drainage work, roadway painting, landscaping, lighting, signage, benches and other aesthetic improvements, and also including all engineering and design work, surveying, construction planning, preparation of plans and specifications, permits, bid documents, construction inspection and contract administration, and all work, materials, equipment, labor and appurtenances necessary therefor or incidental thereto."

SECTION 2. Section 6(b) of the Original Ordinance is hereby amended to read as follows:

- **"SECTION 6.** (b) The average period of usefulness of said improvement or purpose within the imitations of said Local Bond Law, according to the reasonable

life thereof computed from the date of the said bonds authorized by this bond ordinance, is 15 years.”

SECTION 3. The Capital Budget of the Borough is hereby amended, as necessary, to conform with the provisions of this amendatory bond ordinance and to the extent of any inconsistency herewith, a resolution in the form promulgated by the Local Finance Board showing full detail of the amended Capital Budget and Capital Program as approved by the Director of the Division of Local Government Services, New Jersey Department of Community Affairs (the “Director of the Division of Local Government Services”), will be on file in the office of the Clerk and will be available for public inspection.

SECTION 4. Except as expressly amended hereby, the Original Ordinance shall remain in full force and effect.

SECTION 5. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption and approval by the Mayor, as provided by the Local Bond Law.

ADOPTED ON FIRST READING
DATED: July 20, 2016

DWAYNE M. HARRIS,
Acting Borough Clerk

ADOPTED ON SECOND READING
DATED: August 17, 2016

DWAYNE M. HARRIS,
Acting Borough Clerk

APPROVAL BY THE MAYOR ON THIS ____ DAY OF _____, 2016.

FRANK NOLAN,
Mayor

**BOROUGH OF HIGHLANDS
PUBLIC NOTICE
NOTICE OF PENDING BOND ORDINANCE AND SUMMARY PUBLICATION**

The bond ordinance, the summary terms of which are included herein, was introduced and passed upon first reading at a meeting of the governing body of the Borough of Highlands, in the County of Monmouth, State of New Jersey, on July 20, 2016. It will be further considered for final passage, after public hearing thereon, at a meeting of the governing body to be held at the Highlands Community Center, 22 Snug Harbor Avenue, Highlands, in said County on Wednesday, August 17, 2016 at 8:00 p.m. During the week prior to and up to and including the date of such meeting copies of the full ordinance will be available at no cost and during regular business hours, at the Clerk's office for the members of the general public who shall request the same. The summary of the terms of such bond ordinance follows:

Title: BOND ORDINANCE AMENDING BOND ORDINANCE NUMBER O-13-26 (WHICH PROVIDES FOR THE HIGHLANDS FLOOD MITIGATION PROJECT) HERETOFORE FINALLY ADOPTED BY THE BOROUGH COUNCIL OF THE BOROUGH OF HIGHLANDS, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY, ON OCTOBER 3, 2013, TO AMEND THE DESCRIPTION SET FORTH THEREIN TO CHANGE THE PROJECT TO PROVIDE FOR VARIOUS STREET AND STREETScape IMPROVEMENTS (PHASE II)

Purpose(s): To Amend The Description To Cancel The Highlands Flood Mitigation Project And To Change Said Project To Various Street And Streetscape Improvements (Phase II), Including But Not Limited To, Paving And Resurfacing Of The Roadway, Which Improvements Shall Include, As Applicable, Excavation, Milling, Paving, Reconstruction And Boxing Out And Resurfacing Or Full Depth Pavement, The Sealing Of Pavement Cracks, The Repairing And/Or Installation Of Curbs, Sidewalks And Driveway Aprons, Installation Of Curb Ramps, Resetting Utility Castings And Poles, Drainage Work, Roadway Painting, Landscaping, Lighting, Signage, Benches And Other Aesthetic Improvements

Appropriation: No Additional Appropriation (\$800,000 Original Bond Ordinance)

Bonds/Notes

Authorized: No Additional Authorization (\$760,000 Original Bond Ordinance)

Grants

Appropriated: None

Section 20 Costs: No Additional Section 20 Costs (\$225,000 Original Bond Ordinance)

Useful Life: 15 years (Decreased from 40 years in Original Bond Ordinance)

DWAYNE M. HARRIS
Clerk of the Borough of Highlands

**BOROUGH OF HIGHLANDS
PUBLIC NOTICE
BOND ORDINANCE STATEMENT AND SUMMARY**

The bond ordinance, the summary terms of which are included herein, has been finally adopted by the governing body of the Borough of Highlands, in the County of Monmouth, State of New Jersey on Tuesday, August 17, 2016, and the twenty (20) day period of limitation within which a suit, action or proceeding questioning the validity of such ordinance can be commenced, as provided in the Local Bond Law, has begun to run from the date of the first publication of this statement. Copies of the full ordinance are available at no cost and during regular business hours, at the Clerk's office for members of the general public who request the same. The summary of the terms of such bond ordinance follows:

- Title:** BOND ORDINANCE AMENDING BOND ORDINANCE NUMBER O-13-26 (WHICH PROVIDES FOR THE HIGHLANDS FLOOD MITIGATION PROJECT) HERETOFORE FINALLY ADOPTED BY THE BOROUGH COUNCIL OF THE BOROUGH OF HIGHLANDS, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY, ON OCTOBER 3, 2013, TO AMEND THE DESCRIPTION SET FORTH THEREIN TO CHANGE THE PROJECT TO PROVIDE FOR VARIOUS STREET AND STREETScape IMPROVEMENTS (PHASE II)
- Purpose(s):** To Amend The Description To Cancel The Highlands Flood Mitigation Project And To Change Said Project To Various Street And Streetscape Improvements (Phase II), Including But Not Limited To, Paving And Resurfacing Of The Roadway, Which Improvements Shall Include, As Applicable, Excavation, Milling, Paving, Reconstruction And Boxing Out And Resurfacing Or Full Depth Pavement, The Sealing Of Pavement Cracks, The Repairing And/Or Installation Of Curbs, Sidewalks And Driveway Aprons, Installation Of Curb Ramps, Resetting Utility Castings And Poles, Drainage Work, Roadway Painting, Landscaping, Lighting, Signage, Benches And Other Aesthetic Improvements
- Appropriation:** No Additional Appropriation (\$800,000 Original Bond Ordinance)
- Bonds/Notes Authorized:** No Additional Authorization (\$760,000 Original Bond Ordinance)
- Grants Appropriated:** None
- Section 20 Costs:** No Additional Section 20 Costs (\$225,000 Original Bond Ordinance)
- Useful Life:** 15 years (Decreased from 40 years in Original Bond Ordinance)

DWAYNE M. HARRIS
Clerk of the Borough of Highlands

CERTIFICATE OF INTRODUCTION

I, the undersigned Clerk of the Borough of Highlands, in the County of Monmouth, State of New Jersey, DO HEREBY CERTIFY that the foregoing is an extract from the Minutes of a meeting of the governing body of the Borough duly called and held on July 20, 2016 at 8:00 p.m. at the Highlands Community Center, 22 Snug Harbor Avenue, Highlands, in said County, and that the following was the roll call:

Present:

Absent:

I FURTHER CERTIFY that the foregoing extract has been compared by me with the original minutes as officially recorded in my office in the Minute Book of the governing body of the Borough and is a true, complete and correct copy thereof and of the whole of the original minutes so far as they relate to the subject matters referred to in the extract.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the Borough this ____ day of _____, 2016.

(SEAL)

DWAYNE M. HARRIS,
Clerk of the Borough of Highlands

CERTIFICATE OF FINAL ADOPTION

I, the undersigned Clerk of the Borough of Highlands, in the County of Monmouth, State of New Jersey, DO HEREBY CERTIFY that the foregoing is an extract from the Minutes of a meeting of the governing body of the Borough duly called and held on August 17, 2016 at 8:00 p.m. at the Highlands Community Center, 22 Snug Harbor Avenue, Highlands, in said County, and that the following was the roll call:

Present:

Absent:

I DO FURTHER CERTIFY that the foregoing extract has been compared by me with the original minutes as officially recorded in my office in the Minute Book of the governing body of the Borough and is a true, complete and correct copy thereof and of the whole of the original minutes so far as they relate to the subject matters referred to in the extract.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the Borough this ____ day of _____, 2016.

(SEAL)

DWAYNE M. HARRIS,
Clerk of the Borough of Highlands

CLERK'S CERTIFICATE

I, DWAYNE M. HARRIS, DO HEREBY CERTIFY that I am the Clerk of the Borough of Highlands, in the County of Monmouth (the "Borough"), State of New Jersey, and that as such I am duly authorized to execute and deliver this certificate on behalf of the Borough. In such capacity, I have the responsibility to maintain the minutes of the meetings of the governing body of the Borough and the records relative to all resolutions and ordinances of the Borough. The representations made herein are based upon the records of the Borough. I DO HEREBY FURTHER CERTIFY THAT:

1. Attached hereto is the bond ordinance introduced on July 20, 2016 and finally adopted on August 17, 2016 and approved by the Mayor, as applicable, on _____, 2016.

2. After introduction, the bond ordinance was published as required by applicable law on _____, 2016 in the _____ (name of newspaper).

3. Following the passage of the bond ordinance on first reading, and at least seven (7) days prior to the final adoption thereof, I caused to be posted in the principal municipal building of the Borough at the place where public notices are customarily posted, a copy of said bond ordinance or a summary thereof and a notice that copies of the bond ordinance would be made available to the members of the general public of the Borough who requested copies, up to and including the time of further consideration of the bond ordinance by the governing body of the Borough. Copies of the bond ordinance were made available to all who requested same.

4. After final adoption, the bond ordinance was duly approved by the Mayor of the Borough (if applicable) and duly published as required by law on _____, 2016 in the _____ (name of newspaper). No protest signed by any person against making any improvement or incurring the indebtedness authorized therein, nor any petition requesting that a referendum vote be taken on the action proposed in the bond ordinance has been presented to the governing body of the Borough or to me or filed in my office within twenty (20) days after said publication or at any other time after the final adoption thereof.

5. The bond ordinance has not been amended, added to, altered or

repealed and said bond ordinance is now in full force and effect.

6. A certified copy of the bond ordinance and a copy of the amended capital budget form has been filed with the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, as applicable.

7. The official seal of the Borough is the seal, an impression of which is affixed opposite my signature on this Certificate.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the Borough this ____ day of _____, 2016.

(SEAL)

DWAYNE M. HARRIS,
Clerk of the Borough of Highlands

O-16-13

**REFUNDING BOND ORDINANCE AUTHORIZING THE
ISSUANCE OF NOT TO EXCEED \$572,000 AGGREGATE
PRINCIPAL AMOUNT OF GENERAL OBLIGATION
REFUNDING BONDS BY THE BOROUGH OF HIGHLANDS,
IN THE COUNTY OF MONMOUTH, STATE OF NEW
JERSEY, TO THE MONMOUTH COUNTY IMPROVEMENT
AUTHORITY (THE "MCIA") FOR THE PURPOSE OF
REFUNDING CERTAIN BONDS HERETOFORE ISSUED BY
THE ATLANTIC HIGHLANDS/HIGHLANDS SEWERAGE
AUTHORITY TO THE MCIA**

WHEREAS, on January 24, 2011, the Atlantic Highlands/Highlands Sewerage Authority (the "AHHSA"), had previously issued \$7,905,000 aggregate principal amount of General Obligation Bonds (the "2011 Bonds") to the Monmouth County Improvement Authority (the "MCIA") in connection with the MCIA's 2011 Pooled Governmental Loan Program; and

WHEREAS, the Borough of Highlands (the "Borough") and the Borough of Atlantic Highlands ("Atlantic Highlands") have dissolved the AHHSA and the Borough and Atlantic Highlands are each responsible for a portion of the debt service on the 2011 Bonds; and

WHEREAS, \$800,000 of such 2011 Bonds maturing in the years 2022 through and including 2031 (the "Refunded Bonds") are currently outstanding and can be defeased or are subject to redemption prior to their stated maturity, as applicable; and

WHEREAS, the Borough, the MCIA and Atlantic Highlands have determined that refunding bonds can be issued to defease or refund, in whole or in part, such Refunded Bonds which, under current market conditions, can generate a debt service savings to the Borough and Atlantic Highlands for their respective portions of the debt service on the 2011 Bonds; and

WHEREAS, the Borough has determined to provide for the defeasance or refunding of the Borough's portion of the Refunded Bonds through its issuance of General Obligation Refunding Bonds in an aggregate principal amount not to exceed \$572,000 to the MCIA, as provided in this refunding bond ordinance.

**NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE
BOROUGH COUNCIL OF THE BOROUGH OF HIGHLANDS, IN THE COUNTY OF
MONMOUTH, STATE OF NEW JERSEY (not less than two-thirds of all members
thereof affirmatively concurring), AS FOLLOWS:**

Section 1. In order to finance the purposes described in Section 2 hereof, negotiable refunding bonds of the Borough hereby designated as General Obligation Refunding Bonds (the "Refunding Bonds") are hereby authorized to be issued to the MCIA in an aggregate principal amount not to exceed \$572,000. The proceeds of the Refunding Bonds are hereby appropriated to the purposes described in Section 2 hereof.

Section 2. (a) The purposes for which the Refunding Bonds are to be issued are (i) defeasing or refunding the Borough's portion of the principal amount of Refunded Bonds, including the payment of interest accrued thereon to the date fixed for redemption or defeasance, as applicable, and the redemption price thereof, if applicable, and (ii) paying the cost of the issuance relating to the Refunding Bonds, including printing, advertising, accounting, financial and legal expenses, rating agency fees, underwriter's discount, bond insurance premium of credit enhancement fees, if any, and MCIA costs of issuance, which may include any of the foregoing set forth in this Section 2(a)(ii).

(b) The aggregate cost of issuing the Refunding Bonds, as provided by N.J.S.A. 40A:2-51(b) (which amount includes all items described in Section 2(a)(ii) hereof) will not exceed \$40,000. Such amount is included in the maximum authorized principal amount set forth in Section 1 hereof.

(c) The Borough's portion of the Refunded Bonds shall be defeased or called for redemption, as applicable, prior to maturity thereof as provided in the Refunded Bond certificates. A portion of the proceeds from the sale of the Refunding Bonds shall be deposited in trust by the MCIA to provide for the payment and retirement of the Borough's portion of the Refunded Bonds. Any moneys held in trust by the MCIA may be invested in accordance with law.

Section 3. Any further provisions as to terms of sale, deposit, securing, regulation, investment, reinvestment, disposition or application of the proceeds of the Refunding Bonds, and matters in connection therewith, shall be determined by resolution of the Borough adopted prior to the issuance of the Refunding Bonds.

Section 4. The Borough Council hereby delegates to the Chief Financial Officer of the Borough the power to sell the Refunding Bonds at private sale to the MCIA, to determine the terms of the Refunding Bonds and to perform such other actions and make such other determinations.

Section 5. The Borough Council hereby authorizes and delegates to the Chief Financial Officer, in consultation with Archer & Greiner P.C., Red Bank, New Jersey ("Bond Counsel") and Robert W. Allison, CPA, of Holman Frenia Allison P.C., Freehold, New Jersey (the "Borough Auditor"), the authority to negotiate and execute on behalf of the Borough any document for the purchase and sale of the Refunding Bonds to the MCIA.

Section 6. All other matters relating to the Refunding Bonds shall be performed or determined pursuant to a resolution of the Borough, or the performance or determination thereof shall be delegated by resolution of the Borough to an official or officer of the Borough, Bond Counsel or the Borough Auditor.

Section 7. A certified copy of this refunding bond ordinance, as introduced and adopted upon first reading, shall be filed with (i) the Director of the Division of Local Government Services in the New Jersey Department of Community Affairs prior to final adoption hereof, together with the statement signed by the Chief Financial Officer of the Borough required by N.J.S.A. 40A:2-55, and (ii) the MCIA.

Section 8. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the Refunding Bonds authorized by this refunding bond ordinance. The Refunding Bonds shall be direct, unlimited obligations of the Borough, and, unless paid from other sources, the Borough shall be obligated to levy *ad valorem* taxes upon all the taxable property within the Borough for the payment of the Refunding Bonds and the interest thereon without limitation as to rate or amount.

Section 9. After passage upon first reading of this refunding bond ordinance, the Acting Borough Clerk is hereby authorized and directed to publish a summary of this refunding bond ordinance, together with a Notice of Pending Bond Ordinance, at least once in a newspaper qualified under N.J.S.A. 40A:2-19, at least seven (7) days prior to the date set for public hearing and further consideration for final passage (which date shall be at least ten (10) days after introduction and first reading). The Acting Borough Clerk is further directed to comply with all provisions of N.J.S.A. 40A:2-17(b) regarding postings, publications, and the provision of copies of this refunding bond ordinance.

Section 10. After final adoption of this refunding bond ordinance by the Borough Council, the Acting Borough Clerk is hereby directed to publish a summary of this refunding bond ordinance, as finally adopted, together with a Bond Ordinance Statement (with appropriate completions, insertions and corrections), at least once in a newspaper qualified under N.J.S.A. 40A:2-19.

Section 11. The Borough Council hereby covenants on behalf of the Borough to take any action necessary or refrain from taking such action in order to preserve the tax-exempt status of the Refunding Bonds authorized hereunder as is or may be required under the Internal Revenue Code of 1986, as amended, and the regulations promulgated thereunder (the "Code"), including compliance with the Code with regard to the use, expenditure, investment, timely reporting and rebate of investment earnings as may be required thereunder.

Section 12. The purpose of the issuance of the Refunding Bonds is to effect a debt service savings to the Borough.

Section 13. The supplemental debt statement required by the Local Bond Law has been duly made and filed in the Office of the Acting Borough Clerk and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services, in the New Jersey Department of Community Affairs, and such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided for in this bond ordinance and the said bonds and notes authorized by this bond ordinance will be within all debt limitations prescribed by the Local Bond Law.

Section 14. The Chief Financial Officer of the Borough is hereby authorized and directed to determine all matters and terms in connection with the Refunding Bonds, all in consultation with the Borough Bond Counsel and the Auditor, and the manual or facsimile signature of the Chief Financial Officer of the Borough upon any documents shall be conclusive as to all such determinations. The Mayor, the Chief Financial Officer of the Borough, the Acting Borough Clerk and any other Borough official, officer or professional, including but not limited to, Bond Counsel and the Auditor, are each hereby authorized and directed to execute and deliver such documents as are necessary to consummate the sale and closing of the Refunding Bonds, including, if applicable, the refunding report required to be filed pursuant to N.J.A.C 5:30-2.5, and to take such actions or refrain from such actions as are necessary for the issuance of the Refunding Bonds, in consultation with Bond Counsel and the Auditor, and any and all actions taken heretofore with respect to the sale and issuance of the Refunding Bonds are hereby ratified and confirmed.

Section 15. This bond ordinance shall take effect twenty (20) days after the first publication hereof after final adoption, as provided herein and the Local Bond Law.

ADOPTED ON FIRST READING
DATED: July 20, 2016

DWAYNE M. HARRIS,
Acting Borough Clerk

ADOPTED ON SECOND READING
DATED: August 17, 2016

DWAYNE M. HARRIS,
Acting Borough Clerk

APPROVAL BY THE MAYOR ON THIS _____ DAY OF _____, 2016.

FRANK NOLAN,
Mayor

HIGHLANDS.NJ.US

**BOROUGH OF HIGHLANDS
PUBLIC NOTICE
NOTICE OF PENDING BOND ORDINANCE AND SUMMARY PUBLICATION**

The bond ordinance, the summary terms of which are included herein, was introduced and passed upon first reading at a meeting of the governing body of the Borough of Highlands, in the County of Monmouth, State of New Jersey, on July 20, 2016. It will be further considered for final passage, after public hearing thereon, at a meeting of the governing body to be held at the Highlands Community Center, 22 Snug Harbor Avenue, Highlands, in said County on Wednesday, August 17, 2016 at 8:00 p.m. During the week prior to and up to and including the date of such meeting copies of the full ordinance will be available at no cost and during regular business hours, at the Clerk's office for the members of the general public who shall request the same. The summary of the terms of such bond ordinance follows:

Title: REFUNDING BOND ORDINANCE AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$572,000 AGGREGATE PRINCIPAL AMOUNT OF GENERAL OBLIGATION REFUNDING BONDS BY THE BOROUGH OF HIGHLANDS, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY, TO THE MONMOUTH COUNTY IMPROVEMENT AUTHORITY (THE "MCIA") FOR THE PURPOSE OF REFUNDING CERTAIN BONDS HERETOFORE ISSUED BY THE BOROUGH TO THE MCIA

Purpose(s): To Generate Debt Service Savings To The Borough

Appropriation: Not To Exceed \$572,000

Bonds/Notes Authorized: Not To Exceed \$572,000

Grants Appropriated: None

Section 20 Costs/Costs of Issuance: \$40,000

Useful Life: N/A

DWAYNE M. HARRIS
Clerk of the Borough of Highlands

**BOROUGH OF HIGHLANDS
PUBLIC NOTICE
BOND ORDINANCE STATEMENT AND SUMMARY**

The bond ordinance, the summary terms of which are included herein, has been finally adopted by the governing body of the Borough of Highlands, in the County of Monmouth, State of New Jersey on Tuesday, August 17, 2016, and the twenty (20) day period of limitation within which a suit, action or proceeding questioning the validity of such ordinance can be commenced, as provided in the Local Bond Law, has begun to run from the date of the first publication of this statement. Copies of the full ordinance are available at no cost and during regular business hours, at the Clerk's office for members of the general public who request the same. The summary of the terms of such bond ordinance follows:

Title: REFUNDING BOND ORDINANCE AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$572,000 AGGREGATE PRINCIPAL AMOUNT OF GENERAL OBLIGATION REFUNDING BONDS BY THE BOROUGH OF HIGHLANDS, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY, TO THE MONMOUTH COUNTY IMPROVEMENT AUTHORITY (THE "MCIA") FOR THE PURPOSE OF REFUNDING CERTAIN BONDS HERETOFORE ISSUED BY THE BOROUGH TO THE MCIA

Purpose(s): To Generate Debt Service Savings To The Borough

Appropriation: Not To Exceed \$572,000

Bonds/Notes Authorized: Not To Exceed \$572,000

Grants Appropriated: None

Section 20 Costs/Costs of Issuance: \$40,000

Useful Life: N/A

**DWAYNE M. HARRIS
Clerk of the Borough of Highlands**

CERTIFICATE OF INTRODUCTION

I, the undersigned Clerk of the Borough of Highlands, in the County of Monmouth, State of New Jersey, DO HEREBY CERTIFY that the foregoing is an extract from the Minutes of a meeting of the governing body of the Borough duly called and held on July 20, 2016 at 8:00 p.m. at the Highlands Community Center, 22 Snug Harbor Avenue, Highlands, in said County, and that the following was the roll call:

Present:

Absent:

I FURTHER CERTIFY that the foregoing extract has been compared by me with the original minutes as officially recorded in my office in the Minute Book of the governing body of the Borough and is a true, complete and correct copy thereof and of the whole of the original minutes so far as they relate to the subject matters referred to in the extract.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the Borough this ____ day of _____, 2016.

(SEAL)

DWAYNE M. HARRIS,
Clerk of the Borough of Highlands

CERTIFICATE OF FINAL ADOPTION

I, the undersigned Clerk of the Borough of Highlands, in the County of Monmouth, State of New Jersey, DO HEREBY CERTIFY that the foregoing is an extract from the Minutes of a meeting of the governing body of the Borough duly called and held on August 17, 2016 at 8:00 p.m. at the Highlands Community Center, 22 Snug Harbor Avenue, Highlands, in said County, and that the following was the roll call:

Present:

Absent:

I DO FURTHER CERTIFY that the foregoing extract has been compared by me with the original minutes as officially recorded in my office in the Minute Book of the governing body of the Borough and is a true, complete and correct copy thereof and of the whole of the original minutes so far as they relate to the subject matters referred to in the extract.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the Borough this ____ day of _____, 2016.

(SEAL)

DWAYNE M. HARRIS,
Clerk of the Borough of Highlands

CLERK'S CERTIFICATE

I, DWAYNE M. HARRIS, DO HEREBY CERTIFY that I am the Clerk of the Borough of Highlands, in the County of Monmouth (the "Borough"), State of New Jersey, and that as such I am duly authorized to execute and deliver this certificate on behalf of the Borough. In such capacity, I have the responsibility to maintain the minutes of the meetings of the governing body of the Borough and the records relative to all resolutions and ordinances of the Borough. The representations made herein are based upon the records of the Borough. I DO HEREBY FURTHER CERTIFY THAT:

1. Attached hereto is the bond ordinance introduced on July 20, 2016 and finally adopted on August 17, 2016 and approved by the Mayor, as applicable, on _____, 2016.

2. After introduction, the bond ordinance was published as required by applicable law on _____, 2016 in the _____
(name of newspaper).

3. Following the passage of the bond ordinance on first reading, and at least seven (7) days prior to the final adoption thereof, I caused to be posted in the principal municipal building of the Borough at the place where public notices are customarily posted, a copy of said bond ordinance or a summary thereof and a notice that copies of the bond ordinance would be made available to the members of the general public of the Borough who requested copies, up to and including the time of further consideration of the bond ordinance by the governing body of the Borough. Copies of the bond ordinance were made available to all who requested same.

4. After final adoption, the bond ordinance was duly approved by the Mayor of the Borough (if applicable) and duly published as required by law on _____, 2016 in the _____ (name of newspaper). No protest signed by any person against making any improvement or incurring the indebtedness authorized therein, nor any petition requesting that a referendum vote be taken on the action proposed in the bond ordinance has been presented to the governing body of the Borough or to me or filed in my office within twenty (20) days after said publication or at any other time after the final adoption thereof.

5. The bond ordinance has not been amended, added to, altered or repealed and said bond ordinance is now in full force and effect.

6. A certified copy of the bond ordinance and a copy of the amended capital budget form has been filed with the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, as applicable.

7. The official seal of the Borough is the seal, an impression of which is affixed opposite my signature on this Certificate.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the Borough this ____ day of _____, 2016.

(SEAL)

DWAYNE M. HARRIS,
Clerk of the Borough of Highlands

CERTIFICATE OF SUPPLEMENTAL DEBT STATEMENT

I, the undersigned, Clerk of the Borough of Highlands, in the County of Monmouth, State of New Jersey, DO HEREBY CERTIFY, that the attached Supplemental Debt Statement was prepared, executed and sworn to by Patrick DeBlasio, the Chief Financial Officer as of July 20, 2016, that such Supplemental Debt Statement was filed in my office on July 20, 2016 and with the Director of the Division of Local Government Services, New Jersey Department of Community Affairs on _____, 2016.

DWAYNE M. HARRIS,
Clerk of the Borough of Highlands