

Mayor Nolan offered the following Resolution and moved on its adoption:

R-11-35

**RESOLUTION CONFIRMING THE SALE OF \$890,000
GENERAL OBLIGATION BONDS, SERIES 2011 OF THE
BOROUGH OF HIGHLANDS, IN THE COUNTY OF
MONMOUTH, NEW JERSEY TO THE MONMOUTH
COUNTY IMPROVEMENT AUTHORITY**

WHEREAS, pursuant to the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A of the New Jersey Statutes, the Borough adopted a resolution on January 10, 2011 (the "Authorization Resolution"), providing for the issuance and sale of bonds to The Monmouth County Improvement Authority (the "Authority") in an aggregate amount not to exceed \$938,000 to be issued as two series designated as General Improvement Bonds, Series 2011 and Sewer Utility Bonds, Series 2011; and

WHEREAS, pursuant to the Authorization Resolution, the terms of the bonds shall be confirmed by the provisions set forth herein (the "Confirming Resolution").

NOW, THEREFORE, BE IT RESOLVED BY THE BOROUGH OF HIGHLANDS, IN THE COUNTY OF MONMOUTH, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) that:

SECTION 1. There shall be issued bonds of the Borough in the following principal amounts pursuant to the following bond ordinances:

A. \$130,000 bonds, being a portion of the bonds authorized by an ordinance entitled: (Ord. No. 0-06-06):

BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$650,000 FOR REHABILITATION OF SANITARY SEWER FOR AND BY THE BOROUGH OF HIGHLANDS IN THE COUNTY OF MONMOUTH, NEW JERSEY AND, AUTHORIZING THE ISSUANCE OF \$400,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF THE APPROPRIATION.

which such ordinance has been heretofore amended by an ordinance entitled: (#0-07-15)

BOND ORDINANCE AMENDING BOND ORDINANCE NUMBER 06-06 FINALLY ADOPTED BY THE BOROUGH COUNCIL OF THE BOROUGH OF HIGHLANDS, NEW JERSEY ON JUNE 7, 2006.

heretofore finally adopted. The period of usefulness stated in said ordinance is 40 years.

B. \$265,952.68 bonds, being a portion of the bonds authorized by an ordinance entitled: (Ord. No. 0-08-02):

BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$515,000 FOR VARIOUS IMPROVEMENTS AT CERTAIN PUMP STATIONS AND COMMUNITY CENTER FOR AND BY THE BOROUGH OF HIGHLANDS IN THE COUNTY OF MONMOUTH, NEW JERSEY AND, AUTHORIZING THE ISSUANCE OF \$313,300 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF THE APPROPRIATION.

heretofore finally adopted. The period of usefulness stated in said ordinance is 15 years.

C. \$45,429.64 bonds, being a portion of the bonds authorized by an ordinance entitled: (Ord. No. 0-08-05):

BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$480,000 FOR IMPROVEMENTS TO SHORE DRIVE FOR AND BY THE BOROUGH OF HIGHLANDS IN THE COUNTY OF MONMOUTH, NEW JERSEY AND, AUTHORIZING THE ISSUANCE OF \$256,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF THE APPROPRIATION.

heretofore finally adopted. The period of usefulness stated in said ordinance is 20 years.

D. \$134,396.01 bonds, being a portion of the bonds authorized by an ordinance entitled: (Ord. No. 0-08-11):

BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$280,000 FOR VARIOUS ROAD IMPROVEMENTS FOR AND BY THE BOROUGH OF HIGHLANDS IN THE COUNTY OF MONMOUTH, NEW JERSEY AND, AUTHORIZING THE ISSUANCE OF \$256,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF THE APPROPRIATION.

heretofore finally adopted. The period of usefulness stated in said ordinance is 10 years.

E. \$30,286.43 bonds, being a portion of the bonds authorized by an ordinance entitled: (Ord. No. 0-09-03):

BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$86,500 FOR REHABILITATION OF STORM SEWER ON VALLEY AVENUE FOR AND BY THE BOROUGH OF

HIGHLANDS IN THE COUNTY OF MONMOUTH, NEW JERSEY AND, AUTHORIZING THE ISSUANCE OF \$82,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF THE APPROPRIATION.”

As amended by ordinance no. 0-09-19 finally adopted on September 16, 2009

“BOND ORDINANCE AMENDING BOND ORDINANCE NUMBER 09-03 FINALLY ADOPTED BY THE BOROUGH COUNCIL OF THE BOROUGH OF HIGHLANDS, NEW JERSEY ON MARCH 18, 2009.

heretofore finally adopted. The period of usefulness stated in said ordinance is 15 years.

F. \$189,290.16 bonds, being a portion of the bonds authorized by an ordinance entitled: (Ord. No. 0-09-05):

BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$235,000 FOR DEMOLITION OF THE WASTEWATER TREATMENT PLANT FOR AND BY THE BOROUGH OF HIGHLANDS IN THE COUNTY OF MONMOUTH, NEW JERSEY AND, AUTHORIZING THE ISSUANCE OF \$223,250 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF THE APPROPRIATION.

heretofore finally adopted. The period of usefulness stated in said ordinance is 15 years.

G. \$94,645 bonds, being a portion of the bonds authorized by an ordinance entitled: (Ord. No. 09-27):

BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$300,000 FOR IMPROVEMENTS TO WATERWITCH AVENUE FOR AND BY THE BOROUGH OF HIGHLANDS IN THE COUNTY OF MONMOUTH, NEW JERSEY AND, AUTHORIZING THE ISSUANCE OF \$102,500 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF THE APPROPRIATION.

heretofore finally adopted. The period of usefulness stated in said ordinance is 10 years.

SECTION 2. Amount of Bonds. The bonds in the principal amount of \$890,000 are hereby issued and sold in accordance with the provisions of the Authorization Resolution and the provisions of this Confirming Resolution. The bonds shall constitute a single issue and shall be designated “General Improvement Bonds, Series 2011” in the amount of \$760,000 and “Sewer Utility Bonds, Series 2011” in the amount of \$130,000 (collectively, the “Bonds”).

SECTION 3. Description of the Bonds.

(a) Terms of the Bonds. The Bonds shall be dated and shall bear interest from January 24, 2011 at the rates, and shall mature, subject to prepayment as herein provided, on January 15 in the year and in the principal amount set opposite such year in the following table:

General Obligation Bonds, Series 2011

<u>Year</u>	<u>General Improvement Bonds</u>	<u>Sewer Utility Bonds</u>	<u>Interest Rate</u>
2012	\$65,000	\$10,000	2.00%
2013	65,000	10,000	3.00
2014	70,000	10,000	3.00
2015	70,000	10,000	2.50
2016	70,000	15,000	2.75
2017	75,000	15,000	5.00
2018	80,000	15,000	5.00
2019	85,000	15,000	5.00
2020	90,000	15,000	5.00
2021	90,000	15,000	5.00

(b) Payment of Principal of the Bonds. The Bonds 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 Bank of New York Mellon, the Authority's trustee (the "Trustee").

(c) Interest Rate Per Annum and Interest Payment Date. The Bonds shall bear interest at the respective interest rates per annum which are set forth in the table above and such interest shall be payable at the corporate trust office of the Trustee on the January 1 and July 1 prior to each January 15 and July 15 until maturity or earlier prepayment, commencing on July 15, 2011.

(d) Form of the Bonds. The Bonds shall be in substantially the form set forth in the Authorization Resolution, which form is by this reference incorporated in full as if set forth herein, with such omissions, insertions and variations as are properly required and which are not contrary to any of the provisions of the Authorization Resolution or any of the provisions of this Confirming Resolution.

SECTION 4. Prepayment of the Bonds.

(a) Redemption of the Bonds. The Bonds shall be subject to prepayment prior to their stated maturities on the terms and in the manner set forth in the Authorizing Resolution.

(b) Notice of Prepayment. Notice of prepayment shall be given as set forth in the Authorizing Resolution.

SECTION 5. Award of the Bonds. The Bonds are authorized to be sold and awarded to The Monmouth County Improvement Authority (the "Authority") at a purchase price of \$970,035.35 for the General Obligation Bonds, Series 2011. The terms and conditions of such offer are set forth in a bond purchase agreement, dated January 13, 2011 (the "Bond Purchase Agreement"), a copy of which is attached hereto as Exhibit A and which by this reference is made a part hereof as if set forth in full herein. Settlement for the Bonds were made in immediately available funds on January 24, 2011.

SECTION 6. Additional Acts. On behalf of the Borough, the appropriate representatives of the Borough are authorized and directed to take all steps which are necessary or convenient to effectuate the terms of the Authorization Resolution and the terms of this Confirming Resolution with respect to the issuance, sale and delivery of the Bonds.

SECTION 7. Effective Date. This Confirming Resolution shall take effect upon adoption hereof.

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

ROLL CALL:

AYES: Mr. Connelly, Mr. O'Neil, Mr. Francy, Ms. Kane, Mayor Nolan
NAYES: None
ABSENT: None
ABSTAIN: None

DATE: January 19, 2011

Carolyn Cummins, Borough Clerk

I hereby certify this to be a true copy of Resolution R-11-35 adopted by the Governing Body of the Borough of Highlands on January 19, 2011.

Borough Clerk/Deputy Clerk