

**MAYOR & COUNCIL
REGULAR MEETING
JULY 28, 2011
7:30 p.m.**

The Regular Meeting of the Mayor and Council of the Borough of Rockaway, in the County of Morris, New Jersey, was held in the Community Center, 21-25 Union Street, Rockaway, N.J. with Council President Melissa Burnside presiding; Mayor Russell Greuter was absent. Council President Burnside called the meeting to order at 7:35 p.m.

Council President Burnside read the following statement: In accordance with Section 5 of the Open Public Meetings Act, Chapter 231, Public Laws, 1975, be advised that notice of this meeting was made by posting on the Bulletin Board, Town Hall, and sending to the officially designated newspapers, a list of meeting dates annually, indicating that the meeting would take place at the Community Center at 7:30 p.m. on July 28, 2011. Council President Burnside announced the location of the fire exits.

Councilmembers Present

Joyce Kanigel
Thomas Mulligan
Joseph Vicente
John Willer
Melissa Burnside - Council President

Councilmembers Absent

Thomas Donofrio

Richard Beilin, Esq., representing Borough Attorney Ed Wacks, was also present.

Everyone present participated in the salute to the flag.

PRESENTATION

Council President Burnside read a Certificate of Appreciation thanking Moretrench American Corporation for its generous donations to the residents of the Borough of Rockaway. Moretrench donated a new sign for the Community Center and five picnic tables with attached benches that were installed at Park Lake. Mr. Arthur Corwin, President and CEO of Moretrench American Corporation, 100 Stickle Ave., and Ms. JoAnn Avery, Assistant to the President and CEO, were present to accept the Certificate.

APPROVAL OF MINUTES

Upon motion by Councilman Vicente, seconded by Councilman Mulligan, and carried unanimously upon voice vote, the minutes of the July 14, 2011 Regular Meeting were accepted as submitted.

CORRESPONDENCE

Council President Burnside read the July 21, 2011 letter from Jim McCarthy and Eloise Brown, 54 Marshall Ave., asking if the Borough would consider vacating a small portion of the unimproved Cedar Lane that borders their property. They are interested in fencing off their property and would benefit from having that additional section incorporated into the project.

Council President Burnside reported that the Superintendent, Department of Public Works, has no objection to such vacation. The Borough has established a policy and procedure to be followed in connection with the vacation of any Borough roadway, including submittal of a survey a non-refundable application fee of \$500.00, and payment of \$1,200 escrow fees. The Borough could vacate it or sell it.

On motion by Councilman Willer, seconded by Councilman Mulligan, and unanimously carried by roll call vote to accept the correspondence and authorize the Borough Clerk to provide Mr. McCarthy and Ms. Brown with the street vacation application process and form.

COUNCIL COMMENTS

Personnel Committee - Councilwoman Kanigel

Historical Committee

The Historical Committee will apply for a grant to acquire an historical marker for the West Main St. garden near Lakeside Dr. (the Stone Arch/Isabel Burnside Park).

Ordinance Committee - Councilman Mulligan

EPA Superfund Project

The work on the brick well house is completed. Leak testing will be done next week, followed by paving on August 3. The pump should be turned on by September 1.

Finance and Licensing Committee - Councilman Vicente

As the result of recent incidents on Mt. Pleasant Ave. involving trucks taking out electrical poles and homes losing service for extended periods, Councilman Vicente recommended the Council consider restricting large trucks from using Borough roads as a cut-through. Council President Burnside and Councilman Vicente will meet with the Police Chief.

Fire Committee - Councilman Willer

No comments.

Public Safety Committee - Council President Burnside

Tax bills were mailed today.

ATTORNEY'S REPORT

Agreements with Lereta and Other Banks

The attorneys reviewed an agreement from Lereta, a financial firm, for access to the Borough's tax records for payment purposes and found that it does not have the necessary protections for the Borough. Mr. Beilin recommended, and the Council agreed, to add Resolution 106-11 to the agenda tonight for the Mayor to execute an agreement approved by the Borough Attorney with Lereta and other banks for similar purposes.

RVRSA Litigation

Discovery is ongoing for the RVRSA/Jersey City litigation, and depositions should begin within a few months. Jersey City had said it would not pay for capital projects since beginning the litigation; however, they are not paying to RVRSA everything else as they had originally represented.

Upon motion by Councilman Willer, seconded by Councilman Vicente, and carried unanimously upon voice vote, to accept the Borough Attorney's report.

CLERK'S REPORT

Beach Street Roadway Reconstruction

The Beach Street roadway reconstruction project is scheduled to begin on Monday, August 8.

Upon motion by Councilman Willer, seconded by Councilman Vicente, and carried unanimously upon voice vote, to accept the Clerk's report.

CONSENT AGENDA ITEMS

Upon motion by Councilman Willer, seconded by Councilman Mulligan, and carried unanimously upon call of the roll, the following resolutions were adopted:

RESOLUTION 102-11: RESOLUTION DETERMINING THE FORM AND OTHER DETAILS OF NOT TO EXCEED \$6,000,000 PRINCIPAL AMOUNT OF GENERAL OBLIGATION BONDS, CONSISTING OF GENERAL IMPROVEMENT BONDS AND WATER/SEWER UTILITY BONDS OF THE BOROUGH OF ROCKAWAY, COUNTY OF MORRIS, STATE OF NEW JERSEY, AUTHORIZING THE EXECUTION AND DELIVERY OF A BOND PURCHASE AGREEMENT, AUTHORIZING THE SALE AND DELIVERY OF SUCH GENERAL OBLIGATION BONDS TO THE MORRIS COUNTY IMPROVEMENT AUTHORITY AND AUTHORIZING CERTAIN OFFICERS OF THE BOROUGH TO MAKE DISBURSEMENTS FOR COSTS OF ISSUANCE INCURRED BY THE BOROUGH RELATING TO THE SALE AND DELIVERY OF SAID BONDS

WHEREAS, the Borough of Rockaway (the "Borough"), County of Morris, New Jersey has determined by passage of several Bond Ordinances to issue Bonds of the Borough to redeem the outstanding bond anticipation notes and to fund additional projects authorized by the ordinances set forth herein, and to pay the cost of issuance related thereto; and

WHEREAS, The Morris County Improvement Authority (including any successors and assigns, the "Authority") has been duly created by resolution no. 42 entitled "Resolution of the Board of Chosen Freeholders of Morris County, New Jersey creating the Morris County Improvement Authority" duly adopted by the Board of Chosen Freeholders (the "Board of Freeholders") of the County of Morris (the "County") in the State of New Jersey (the "State") on April 10, 2002 as a public body corporate and politic of the State pursuant to and in accordance with the county improvement authorities law, constituting Chapter 183 of the Pamphlet Laws of 1960 of the State, and the acts amendatory thereof and supplemental thereto (the "Act") and other applicable law; and

WHEREAS, the Authority is authorized by law to finance public facilities through the acquisition of debt, including without limitation the general obligation bonds in an aggregate principal amount of approximately \$6,000,000 (the "Bond") of the Borough (the Borough together with the County and other municipal entities is hereinafter referred to as the "Local Units"); and

WHEREAS, the Borough has (i) heretofore issued bond anticipation notes for various projects as set forth in the several bond ordinances (the "Prior Notes") and now desires to refund the Prior Notes and (ii) finally adopted two new bond ordinances for additional projects (collectively the "Project") all as set forth on Exhibit A to an agreement (the "Loan Agreement") by and between the Borough and the Authority; and

WHEREAS, the Borough Bonds will be issued pursuant to the several bond ordinances hereinafter set forth and this Bond Resolution of the Borough (the "Bond Resolution") and other applicable law; and

WHEREAS, pursuant to the terms of the Loan Agreement, the Borough acquires or retains, as the case may be, all right, title and interest to the Project, and the Authority acquires no interest therein except as may be expressly set forth in the Loan Agreement; and

WHEREAS, the principal of, and interest on the Bonds shall be paid from general obligation payments of the Borough; and

WHEREAS, simultaneously with the issuance of the Authority Lease Revenue Bonds, the Authority shall deposit a portion of the proceeds of the Bonds issued under the Bond Resolution with the Trustee, as an equity contribution, to pay the cost of: (i) certain accrued interest attributable to the Bonds to the extent set forth in the Lease Revenue Bond Resolution; (ii) certain costs of issuance attributable to the Bonds to be identified in the Lease Revenue Bond Resolution; (iii) capitalized interest on the Bonds, if any and (iv) such other items as shall be set forth in the Lease Revenue Bond Resolution; and

WHEREAS, (i) the Initial Lease Revenue Bonds and the Bonds will be purchased with the proceeds from the Authority's "County of Morris Guaranteed Pooled Program Bonds, Series 2011" (the "Initial Pooled Program Bonds"), (ii) the Initial Lease Revenue Notes will be purchased with the proceeds from the Authority's "County of Morris Guaranteed Pooled Program Notes, Series 2011" (the "Initial Pooled Program Notes") and (iii) the Series 2012 Lease Revenue Bonds will be purchased with the proceeds from the Authority's "County of Morris Guaranteed Pooled Program Bonds, Series 2012" (the "Series 2012 Pooled Program Bonds" and together with the Initial Pooled Program Bonds and the Initial Pooled Program Notes, the "Pooled Program Bonds") to be issued under the Authority bond resolution entitled "RESOLUTION AUTHORIZING THE ISSUANCE OF COUNTY OF MORRIS GUARANTEED POOLED PROGRAM BONDS, SERIES 2011 OF THE MORRIS COUNTY IMPROVEMENT AUTHORITY" (the "Pooled Program Bond Resolution" and together with the Lease Revenue Bond Resolution, the "Authority Bond Resolutions");

WHEREAS, the principal of, redemption premium, if any, and interest on the Pooled Program Bonds shall be secured by the pledge of the Trust Estate as defined in the Pooled Program Bond Resolution by the Authority to the Trustee named therein (the "Pooled Trustee" and together with the Lease Revenue Trustee, the "Trustees"), which Trust Estate shall include, among other things, the Lease Agreement, the Loan Agreement, the principal of, redemption premium, if any, and interest on the Bond, the payment on which shall be made by the Borough in accordance with the Local Bond Law or other law as applicable, and which shall be made from the levy of *ad valorem* taxes upon all the taxable property within the jurisdiction of the Borough, without limitation as to rate or amount, and which Bond shall be assigned by the Authority to the Pooled Trustee as further security for the payment of the Initial Pooled Program Bonds in accordance with the terms of the Pooled Program Bond Resolution and the Loan Agreement and the principal of, redemption premium, if any, and interest on the Authority Lease Revenue Bonds and which Authority Lease Revenue Bonds shall be assigned by the Authority to the Pooled Trustee as further

security for the payment of the Initial Pooled Program Bonds, the Initial Pooled Program Notes and the Series 2012 Pooled Program Bonds in accordance with the terms of the Pooled Program Bond Resolution and the Lease Agreement, which payments under the Lease Agreement shall be made from the levy of *ad valorem* taxes upon all the taxable property within the jurisdiction of the County, without limitation as to rate or amount; and

WHEREAS, payment of the principal of (including mandatory sinking fund installments, if any) and interest on the Pooled Program Bonds, to be issued in one or more series as bond and notes (including the Initial Pooled Program Bonds, the Initial Pooled Program Notes and the Series 2012 Pooled Program Bonds), shall be fully, unconditionally and irrevocably guaranteed in an aggregate principal amount not to exceed \$30,000,000 in accordance with (i) the terms of a guaranty ordinance of the County to be finally adopted by the Board of Freeholders, (ii) by a guaranty certificate to be executed by an authorized officer of the County on the face of each Pooled Program Bond and (iii) as may be required by any rating agency, underwriter, Pooled Program Bond purchaser or other entity that will allow the Authority to sell the Pooled Program Bonds at the lowest possible cost to the Local Units, an agreement setting forth the County's obligation to make any such guaranty payments in accordance with and within the parameters set forth in this ordinance (collectively, the "County Guaranty"), all pursuant to Section 37 ("Section 37") of the Act (N.J.S.A. 40:37A-80) and other applicable law, which payments shall also be included as part of the Trust Estate applicable to the Pooled Program Bonds pledged by the Authority to the Trustees under the Bond Resolutions; and

WHEREAS, the Authority shall have no obligation with respect to the Project other than the financing thereof; accordingly, the payment of the Privately Placed Bonds shall remain the sole responsibility of the respective Local Units; and

WHEREAS, to the extent that the Authority determines it is in the best interest of the Authority and the Borough and in order to achieve the greatest economies of scale, the Authority is hereby authorized to issue the Bonds in one or more series to accommodate separate purchases of the Authority Lease Revenue Bonds and the Bonds at different times and in so doing make such changes, including all documentation in connection therewith, all as deemed necessary, convenient or desirable by any such Authorized Officer, in consultation with the Consultants including such modifications thereto as counsel and financial advisor to the Authority and the Borough may advise, such Authorized Officer's execution and delivery thereof of all financing documents in connection with the combined or separate issuance shall be dispositive of any such changes thereto; and

WHEREAS, in accordance with Section 13 ("Section 13") of the Act (N.J.S.A. 40:37A-56), prior to the issuance of the Bonds, the Authority will have made a detailed report of the Project to the Board of Freeholders, which report will include, without limitation, descriptions of the Pooled Program Bond Resolution, the Lease Revenue Bond Resolution, the Bonds, the form of the Lease Agreement, the form of the Ground Lease Agreement, the form of the Loan Agreement, the master forms of the Continuing Disclosure Agreements, and if necessary, desirable or convenient as determined by the Authority and the County, such other applicable agreements that may include one or more of the Local Finance Board Application or any Sale Documents (collectively, the "Financing Documents").

BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE BOROUGH OF ROCKAWAY, IN THE COUNTY OF MORRIS, NEW JERSEY (not less than two-thirds of the members thereof affirmatively concurring) **AS FOLLOWS:**

Section 1. Authorization for the Bonds. Pursuant to the provisions of the Local Bond Law, N.J.S.A. 40A:2-1, et seq. (the "Local Bond Law"), and in particular N.J.S.A. 40A:2-26(f) thereof, and in lieu of the sale of more than two (2) issues of bonds as provided for in said Local Bond Law, the General Obligation General Improvement Bonds (the "General Improvement Bonds") and Water/Sewer Utility Bonds ("Utility Bonds" and with the General Improvement Bonds, the "Bonds") in the principal amount not to exceed \$6,000,000 authorized by the Bond Ordinances (the "Bond Ordinance") set forth in Section 2 hereof shall in lieu of the issuance of multiple issues of bonds, be combined into two (2) concurrent issues of Bonds as hereinafter set forth.

Section 2. Projects to be funded. (i) The General Improvement Bonds are authorized to be issued pursuant to the Bond Ordinance and for the following purposes:

<u>Ordinance No. and Date of Adoption</u>	<u>Authorized Amount</u>	<u>Bonds to be Issued</u>	<u>Purpose</u>
Bond Ordinance No.13-00 adopted on September 14, 2000	\$ 27,000.00	\$ 11,631.75	Improvements to Centennial Park

Bond Ordinance No. 14-00 adopted on September 14, 2000	\$ 50,000.00	\$ 5,368.20	Senior Citizens Van
Bond Ordinance No. 9-03 adopted on September 25, 2003	\$1,306,250.00	\$ 825.65	Various Capital Improvements
Bond Ordinance No. 10-03 adopted on October 23, 2003	\$ 28,500.00	\$ 25,500.00	Road Reconstruction
Bond Ordinance No. 11-04 adopted on October 14, 2004	\$ 351,500.00	\$ 325,559.50	Various Capital Improvements
Bond Ordinance No. 05-05 adopted on May 12, 2005	\$ 548,625.00	\$ 511,926.30	Various Capital Improvements
Bond Ordinance No. 13-06 adopted on August 24, 2006	\$ 396,150.00	\$ 375,463.65	Various Capital Improvements
Bond Ordinance No. 08-07 adopted on May 10, 2007	\$ 261,250.00	\$ 254,164.95	Various Capital Improvements
Bond Ordinance No. 19-08 adopted on August 14, 2008	\$ 375,250.00	\$ 375,250.00	Various Capital Improvements
Bond Ordinance No. 07-09 adopted on June 25, 2009	\$ 194,940.00	\$ 194,940.00	Various Capital Improvements
Bond Ordinance No. 15-10 adopted August 12, 2010	\$ 196,650.00	\$ 196,650.00	Various Capital Improvements
Bond Ordinance No. 04-11 adopted on May 12, 2011	\$1,627,515.00	\$1,627,515.00	Various Capital Improvements

**TOTAL GENERAL IMPROVEMENT
 BONDS TO BE ISSUED:** **\$3,904,795.00**

(ii) The Water/Sewer Utility Bonds are authorized to be issued pursuant to the Bond Ordinance and for the following purposes:

Bond Ordinance No. 14-06 adopted on August 24, 2006	\$ 215,000.00	\$ 215,000.00	Various Water/Sewer Utility Improvements
Bond Ordinance No. 20-08 adopted on August 14, 2008	\$ 380,000.00	\$ 380,000.00	Various Water/Sewer Utility Improvements
Bond Ordinance No. 08-09 adopted on June 25, 2009	\$ 453,150.00	\$ 453,150.00	Various Water/Sewer Utility Improvements
Bond Ordinance No.16-10 adopted on August 12, 2010	\$ 95,000.00	\$ 95,000.00	Various Water/Sewer Utility Improvements
Bond Ordinance No. 05-11 adopted on May 12, 2011	\$ 665,950.00	\$ 665,950.00	Various Water/Sewer Utility Improvements

**TOTAL WATER/SEWER UTILITY
BONDS TO BE ISSUED:**

\$1,809,100.00

Section 3. The Bonds are hereby authorized to be sold to the Morris County Improvement Authority ("MCIA") by private sale in accordance with N.J.S.A.40A:2-27(2), in accordance with a Bond Purchase Agreement (the "Purchase Contract") at the purchase price stated therein, which shall not exceed \$6,000,000 plus accrued interest, and at an interest rate not to exceed 6.00%, which is hereby approved and which the Chief Financial Officer of the Borough (the "Chief Financial Officer" is hereby authorized to execute on the behalf of the Borough.

Section 4. The Chief Financial Officer is hereby authorized to determine, in accordance with the Local Bond Law and pursuant to the terms and conditions established by the MCIA under the Purchase Contract and the terms and conditions hereof, the following items with respect to the Bond:

- (a) The aggregate principal amounts of the Bond to be issued, which shall not exceed \$6,000,000;
- (b) The maturity and annual principal installments of the Borough, which maturity shall not exceed ten (10) years for the General Improvement Bonds and twenty nine (29) years for the Water/Sewer Utility Bonds;
- (c) The interest rates of the Bonds which shall not to exceed 6.00% per year;
- (d) The date of the Bonds;
- (e) The purchase price for the Bonds;
- (f) The terms and conditions under which the Bonds shall be subject to redemption prior to their stated maturities;
- (g) The Bonds shall mature annually, on such dates and in such amounts as provided in the maturity schedule established by the MCIA, subject to such modification as necessary on the day of sale, provided the total amount of bonds do not exceeds \$6,000,000 and bear interest at the preliminary rates established by the MCIA in accordance with the Purchase Contract and this resolution.

Section 5. The Bonds, as to principal when due, shall be payable at the office of the Chief Financial Officer, who is hereby appointed Paying Agent and Registrar for the Bonds (the "Bond Registrar"). The Bonds shall be issued in the amount of \$1,000 or any whole multiple thereof. All the Bonds shall be issued in fully registered form and shall be payable as to principal and interest in lawful money of the United States of America. The Bonds shall be executed by the manual or facsimile signatures of the Mayor and Chief Financial Officer under the official seal or facsimile thereof affixed, printed, engraved or reproduced thereon and attested by the manual or facsimile signatures of the Clerk to the Borough. The Bonds Shall be authenticated by the manual signature of an authorized employee of the Bond Registrar. The Bond Registrar shall act as agent for the Borough for the transfer and the reissuance of any of the Bonds.

Section 6. The Bonds will be substantially in the following form, subject to such modifications as necessary for the Water/Sewer Utility Bond, and the Borough hereby adopts all the terms of the Bonds set forth herein and not previously described.

R- _____ \$ _____

UNITED STATES OF AMERICA
STATE OF NEW JERSEY
COUNTY OF MORRIS
BOROUGH OF ROCKAWAY

GENERAL OBLIGATION GENERAL IMPROVEMENT BONDS, SERIES 2011

<u>DATE OF ORIGINAL ISSUE</u>	<u>INTEREST RATE</u>	<u>MATURITY DATE</u>	<u>CUSIP</u>
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REGISTERED OWNER: MORRIS COUNTY IMPROVEMENT AUTHORITY

PRINCIPAL AMOUNT:

The Borough of Rockaway, County of Morris (hereinafter referred to as the "Borough), a municipal corporation of the State of New Jersey, hereby acknowledges itself indebted and for value received promises to pay to the registered owner indicated above of its registered assigns, on the Maturity Date specified, upon presentation and surrender of this bond, the Principal Amount shown payable at the principal office of the Chief Financial Officer of the Borough, which shall act as Bond Registrar and Paying Agent.

This bond is fully registered as to principal and interest by the owner in his or her name on the books of the Borough maintained by the Bond Registrar, and such registration shall be noted hereon, after which no valid transfer hereof shall be made except on said books.

No transfer of this bond shall be valid unless made on the registration books of the Borough kept for that purpose at the corporate trust office of the Bond Registrar and by surrender of this bond (together with a written instrument of transfer satisfactory to the Bond Registrar duly executed by the registered owner or by his or her duly authorized attorney) and the issuance of a new bond or bonds in the same form and tenor as the original bond except for the differences in the name of its registered owner the Principal Amount and the Date of Authentication. The owner of any bond or bonds may surrender same (together with a written instrument of transfer satisfactory to the Bond Registrar duly executed by the registered owner or by his or her duly authorized attorney), in exchange for an equal aggregate principal amount of bonds of any authorized denominations. The Bond Registrar shall not be required to transfer or to exchange any Bond after notice calling such bond for redemption has been mailed nor during the period of fifteen (15) days next preceding mailing of a Notice of Redemption of any Bonds.

The person in whose name this bond shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes, and payment of the principal or the redemption price of or the interest on the bond shall be made only to or upon the order of such registered owner or his legal representative. Any such payments shall be valid and effectual to satisfy and to discharge the liability upon this bond to the extent of the sum or sums to be paid.

This bond is one of an issue of bonds of like date and tenor, except as to number, rate of interest, denomination and maturity issued pursuant to the Local Bond Law (Chapter 2 of Title 40A of the New Jersey Statutes, as amended) and pursuant to a resolution adopted by the Municipal Council of the Borough on July__, 2011 and the bond ordinances adopted by the Municipal Council of the Borough set forth therein.

THIS BOND SHALL NOT BE VALID UNLESS THE CERTIFICATE OF AUTHENTICATION HEREIN HAS BEEN DULY EXECUTED BY THE MANUAL SIGNATURE OF THE BOND REGISTRAR.

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

The faith and credit of the Borough are hereby pledged to the punctual payment of the principal of an interest on this bond in accordance with its terms.

IN WITNESS WHEREOF, the Borough has caused this bond to be signed by the facsimile signature of its Mayor and by the facsimile signature of its Chief Financial Officer and caused a facsimile of the seal of the Borough to be imprinted, impressed or reproduced hereon, and this bond and said seal to be attested by the facsimile signature of its Clerk and this bond to be dated the Date of Original Issue as specified above.

(Facsimile signature)

Mayor

Chief Financial Officer

ATTEST:
(Facsimile signature)

Borough Clerk

ASSIGNMENT

FOR VALUE RECEIVED _____ hereby assigns to

(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 Borough of Rockaway, with full power of substitution and revocation.

NOTICE: The signature of this assignment must correspond with the name of the registered owner as it appears on the face of the within bond in every particular.

Dated:
Signature Guarantee:

This signature guarantee must be made by a member organization of the New York Stock Exchange, member of another stock exchange having signatures on file with the Bond Registrar or by a commercial bank or trust company having its principal office or a correspondent in New York, New York or Newark, New Jersey.

Section 7. The Bonds, if required by the MCIA, may have printed thereon a copy of the written opinion with respect to the Bonds that is to be rendered by the law firm of Law Office of John G. Hudak, Esq., LLC, Bond Counsel, complete except for the omission of its date. The Clerk of the Borough is hereby authorized and directed to certify the truth and the correctness of the copy of such opinion by executing one each of the Bonds by facsimile signature in form satisfactory to that law firm and to file a signed duplicate of such written opinion in the Clerk's office.

Section 8. The form of the Preliminary Official Statement prepared in connection with the Bonds by the MCIA, in as much as it relates to the Borough of Rockaway, is hereby approved.

Section 9. The proper officers and agents of the Borough are hereby authorized and directed to do any and all acts, and to make, execute and deliver any and all certificates, documents and instruments, deemed necessary or useful and convenient by the, subject to the advice of Borough Attorney and/or Bond Counsel to the Borough, in furtherance of the issuance of the Bonds and the uses of the proceeds thereof and other related transactions.

Section 10. Pursuant to N.J.S.A. 40A:2-53(c) the Mayor or Chief Financial Officer, are hereby authorized to make any determinations necessary in connection with the sale of the delivery of the Bonds not otherwise determined or not substantially inconsistent with this resolution, including modifications to documents, the forms of bonds or agreements or other terms or conditions of the sale of the bonds as in the best interests of the Borough. As used in this resolution, the titles of any officers of the Borough shall be deemed to include any persons acting in such capacities from time to time.

Section 11. The Full Faith and Credit of the Borough are hereby irrevocably pledged for the payment of principal of and interest on the Bonds, and the Bonds shall be legal, and valid and binding general obligation of the Borough, payable as to principal and interest from *ad valorem* taxes to be levied upon all taxable property in the Borough without limitations as to rate or amount.

Section 12. The Borough covenants and agrees, to the extent the Borough is determined to be an "Obligated Person" under Rule 15C2-12 of the Securities and Exchange Commission, that it will comply with and carry out the provisions of a Continuing Disclosure Certificate to be provided at the closing of the sale of the Bonds to assist the MCIA in their compliance with Rule 15C2-12 of the Securities and Exchange Commission. The appropriate Borough officials are hereby authorized to execute the Continuing Disclosure Certificate.

Notwithstanding any other provisions of this Resolution, failure of the Borough to comply with the Continuing Disclosure Certificate shall not be considered an event of default, however, any Bondholder may, at the Bondholder's own cost and expense, take such action as may be necessary and appropriate, including seeking mandate or specific performance by Court Order, to cause the Borough to comply with its obligations under this Section.

"Continuing Disclosure Certificate" shall mean that certain Continuing Disclosure Certificate executed by an authorized official of the Borough, and dated the date of issuance and delivery of the Bonds, as originally executed and as it may be amended from time to time in accordance with the terms thereunder.

Nothing herein shall be deemed to create an obligation or duty upon any member of the governing body or any official of the Borough, individually, and failure of the Borough to comply with the covenant herein shall not result in any liability to any such person under this Resolution. In addition, the Borough's failure to comply with this covenant shall not give rise to any claim for damages under this Resolution, and any Bondholders sole and exclusive remedy shall be to seek specific performance of this provision.

Section 13. To the extent that any previous resolution is inconsistent with or contradictory hereto, said resolution is hereby repealed or amended to the extent necessary to make it consistent herewith.

Section 14. This resolution shall take effect immediately.

DATE: July 28, 2011 BOROUGH OF ROCKAWAY
ATTEST: Sheila Seifert, Borough Clerk BY: Russell Greuter, Mayor

RESOLUTION 103-11: EXTEND GRACE PERIOD FOR PAYMENT OF TAXES

BE IT RESOLVED, by the Mayor and Council of the Borough of Rockaway, County of Morris, State of New Jersey, to extend the grace period for the 2011 Year Third Quarter Property Taxes to August 24, 2011.

DATE: July 28, 2011 BOROUGH OF ROCKAWAY
ATTEST: Sheila Seifert, Borough Clerk BY: Russell Greuter, Mayor

RESOLUTION 104-11: AWARD CONTRACT (SIDEWALK AND MASONRY WORK)

WHEREAS, on July 19, 2011, the Borough Engineer received four Bid Proposals for sidewalk and masonry improvements for Wall Street and Maple Avenue as follows:

Midwest Construction, Inc. 23 Dead River Road Warren, New Jersey 07059 Total Bid: \$29,760.00	P.A. Contractors, Inc. 105 Davis Avenue Kearny, New Jersey 07032 Total Bid: \$58,550.00
D.P. Construction Corp. 294 Maple Street Ramsey, New Jersey 07446 Total Bid: \$62,900.00	A & A Curbing, Inc. P.O. Box 447 South River, New Jersey 08882 Total Bid: \$65,240.00

WHEREAS, the apparent low responsive bid submitted by Midwest Construction, Inc., 23 Dead River Road, Warren, New Jersey 07059 (973-445-1638) in the amount of \$29,760.00 complied with the bid specifications, and the Borough Engineer has recommended that a contract be awarded to the low responsive bidder, Midwest Construction, Inc.; and

WHEREAS, the contract is being awarded through a fair and open process, pursuant to N.J.S.A. 19:44A-20.4 et seq.; and

WHEREAS, a Certificate of Availability of Funds has been filed by the Borough of Rockaway Chief Financial Officer;

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Rockaway, County of Morris, State of New Jersey, as follows:

1. The Mayor and Borough Clerk are hereby authorized and directed to execute an agreement in an amount not to exceed \$29,760.00 with Midwest Construction, Inc., 23 Dead River Road, Warren, New Jersey 07059 (973-445-1638), for sidewalk and masonry improvements for Wall Street and Maple Avenue.
2. A copy of this resolution, and of the subject agreement, shall be made available for inspection in the office of the Borough Clerk.

DATE: July 28, 2011 BOROUGH OF ROCKAWAY
ATTEST: Sheila Seifert, Borough Clerk BY: Russell Greuter, Mayor

CERTIFICATION FOR AVAILABILITY OF FUNDS

I, JOHN J. DOHERTY, Borough Treasurer, of the Borough of Rockaway, in the County of Morris, Jersey, do hereby certify that funds in the amount as stated in their contracts are currently available for the purpose of awarding a contract for the furnishing of goods or services to the following entity:

Midwest Construction, Inc., 23 Dead River Road, Warren, New Jersey 07059 \$29,760.00
Ordinance#: 8-07-01 \$ 3,516.32
13-08-01 \$26,243.68

DATE: July 28, 2011

BY: John J. Doherty, Treasurer

RESOLUTION 105-11: EXECUTE AGREEMENT PROVIDING FOR COPYRIGHTED MUSIC TO BE PERFORMED IN PUBLIC SETTINGS

WHEREAS, to publicly perform copyrighted music legally, permission must be obtained from the copyright owners or their representatives, such as the American Society of Composers, Authors and Publishers ("ASCAP") and Broadcast Music, Inc. ("BMI"); and

WHEREAS, the International Municipal Lawyers Association has negotiated blanket license agreements with ASCAP and BMI for the use of music in public settings sponsored by local governments for a population-based fee of \$309 each; and

WHEREAS, the Borough Attorney of the Borough of Rockaway has reviewed the blanket license agreements and recommended that the Borough enter into such agreements; and

WHEREAS, a Certificate of Availability of Funds has been filed by the Borough of Rockaway Chief Financial Officer.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Rockaway, County of Morris, State of New Jersey as follows:

1. That the Mayor is authorized to execute blanket license agreements with the American Society of Composers, Authors and Publishers ("ASCAP"), 2 Music Square West, Nashville, TN 37203, and with Broadcast Music, Inc. ("BMI"), 7 World Trade Center, 250 Greenwich Street, New York, NY 10007-0030 for a period beginning August 1, 2011 and continuing until July 31, 2012, at a cost of \$309.00 each.
2. That an executed copy of the Agreements and a copy of this resolution shall be filed in the Office of the Borough Clerk and be available there for inspection in accordance with law.
3. That this resolution shall take effect immediately.

DATE: July 28, 2011

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

CERTIFICATION FOR AVAILABILITY OF FUNDS

I, JOHN J. DOHERTY, Borough Treasurer, of the Borough of Rockaway, in the County of Morris, Jersey, do hereby certify that funds in the amount as stated in their contracts are currently available for the purpose of awarding a contract for the furnishing of goods or services to the following entity:

Midwest Construction, Inc., 23 Dead River Road, Warren, New Jersey 07 American Society of Composers, Authors and Publishers ("ASCAP"), 2 Music Square West, Nashville, TN 37203, and with Broadcast Music, Inc. ("BMI"), 7 World Trade Center, 250 Greenwich Street, New York, NY 10007-0030 at a cost of \$309.00 each.

Budget Line Item#: Recreation Trust Fund, \$618.00

DATE: July 28, 2011

BY: John J. Doherty, Treasurer

RESOLUTION 106-11: APPROVE EXECUTION OF READ ONLY ACCESS AGREEMENTS (FINANCIAL INSTITUTIONS)

WHEREAS, several financial institutions have requested "read only" access to the Borough of Rockaway Tax Collector's records, for the sole purpose of providing quarterly tax billing amounts and/or delinquent tax information to its customers; and

WHEREAS, the rights and obligations of the Borough of Rockaway and the financial institutions are set forth in a certain Agreement to Authorize Read Only Access between the parties; and

WHEREAS, it is in the best interest of the Borough of Rockaway and its residents to enter into this Agreement, as it specifies the limitations on its use.

NOW, THEREFORE, BE IT RESOLVED that the Agreement to Authorize Read Only Access between the Borough of Rockaway and the following financial institutions, is hereby approved, and the Mayor and Clerk are authorized to execute the Agreements; and

BAC Tax Services Corp.
2375 N. Glenview Dr.
Richardson, TX 75082

Corelogic
1 Corelogic Dr.
West Lake, TX 76262-5310

Lereta Corp.
1123 Park View Dr.
Covina, CA 91724

Wells Fargo Home Mortgage
1 Home Campus
MAC X2302-04D
Des Moines, IA 50328-0001

BE IT FURTHER RESOLVED that a copy of the said Agreements shall be kept on file with the Borough Clerk.

DATE: July 28, 2011

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

ORDINANCE NO. 11-11, Introduction & First Reading

**ORDINANCE OF THE BOROUGH OF ROCKAWAY
MAYOR AND COUNCIL
AMENDING CHAPTER 55, OFFICERS AND EMPLOYEES,
TO CREATE THE POSITION OF
PURCHASING AGENT**

Councilman Mulligan requested that this ordinance be withdrawn from introduction tonight for clarity. Mr. Beilin explained the local public contracts law and the benefits of the position.

Councilman Mulligan moved that this ordinance be taken up and passed on first reading and that the Borough Clerk be authorized to have the ordinance published in accordance with the law in *The Citizen* and the *Daily Record* for hearing and final passage on August 25, 2011.

Said motion was seconded by Councilman Willer and passed as follows upon call of the roll:

Roll Call: Ayes: Kanigel, Mulligan, Vicente, Willer, Burnside
Nays: None

ORDINANCE NO. 08-11, Public Hearing & Adoption

Councilman Mulligan offered the following ordinance as read by title on second reading:

**ORDINANCE OF THE BOROUGH OF ROCKAWAY
MAYOR AND COUNCIL
AMENDING CHAPTER 139, FIRE PREVENTION AND PROTECTION,
AND CHAPTER A263, FEES,
OF THE CODE OF THE BOROUGH OF ROCKAWAY**

WHEREAS, the Uniform Fire Safety Act, (P.L. 1983, c.383) was enacted for the purpose of establishing a system for the enforcement of minimum fire safety standards throughout the State of New Jersey; and

WHEREAS, the New Jersey Department of Community Affairs has promulgated minimum fire safety standards which have been made part of the Uniform Fire Code (N.J.A.C. 5:70.1 et seq.); and

WHEREAS, the Uniform Fire Safety Act authorizes municipalities to provide for local enforcement of these standards and to establish local enforcement agencies for that purpose; and

WHEREAS, currently under the provisions set forth under N.J.A.C. 5:70.1 et seq., a building that is utilized for prayer and worship is not considered to be a "Life Hazard Use" that requires annual inspections, unless the church or hall is rented out to other persons for any purposes; and

WHEREAS, fire inspections always reveal any potential risks of fire and routine inspections will prevent fire from happening; and

WHEREAS, the New Jersey Division of Fire Safety recommends that routine inspections of buildings that are utilized for prayer and worship in municipalities throughout New Jersey be conducted for the purpose of preventing fires and saving lives.

NOW, THEREFORE BE IT ORDAINED by the Mayor and Council of the Borough of Rockaway, County of Morris, State of New Jersey, as follows:

Section I

1. Chapter 139, Fire Prevention and Protection, § 139-22, Non-life hazard uses, is hereby modified as follows:

"§ 139-22. Non-life hazard uses.

- A. In addition to the registrations required by the Uniform Fire Code, the following non-life hazard uses shall register with the Bureau of Fire Prevention. These uses shall be inspected once per year and shall pay an annual fee to the Borough of Rockaway based upon the square footage of the space from which such use is conducted or upon the number of garages or storage areas within multiple family dwelling units as set forth in Chapter A263:

- (6) Religious Institutions:

R-1 Religious uses"

Section II

BE IT FURTHER ORDAINED by the Mayor and Council of the Borough of Rockaway, County of Morris, State of New Jersey, as follows:

1. Chapter A263, Fees, Section A263-1, Fees established, Subsection E, Chapter 139, Fire Prevention and Protection, Subsection 2, Non-life hazard uses, is hereby modified to read as follows:

"E. Chapter 139, Fire Prevention and Protection.

- (2) Non-life hazard uses:

- (f) Religious Institutions.

R-1 Religious uses \$100.00"

Section III

1. This Ordinance may be renumbered for codification purposes.
2. All Ordinances of the Borough of Rockaway which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.
3. 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.
4. This Ordinance shall take effect as provided by law.

DATE: July 28, 2011

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

Council President Burnside opened the meeting to the public. There being no comments, Council President Burnside closed the public hearing.

On motion by Councilman Vicente, and seconded by Councilman Willer, the above mentioned ordinance was adopted by the following roll call:

Roll Call: Ayes: Kanigel, Mulligan, Vicente, Willer, Burnside
Nays: None

PUBLIC PORTION

Council President Burnside opened the meeting to the public.

Mrs. Judi Klein, The Occasion, complained that garbage cans in front of the Post Office, Book Stop, and The Occasion are overflowing. The matter will be referred to Public Works.

Mrs. Klein voiced her opinion about the suspicious-looking gold shop on the corner of Maple Ave. and West Main St. Council President Burnside will speak with Chief Scheer.

Mrs. Klein has observed people opening up the trains that are parked on Franklin Ave. and was advised to call the Police Department.

Mrs. Klein reported that a sofa has been placed on the front porch of the former Rockaway Pharmacy. The matter has been referred to Police and Zoning.

Mrs. Klein asked the Council to dedicate the month of November as pancreatic cancer month and for permission to put purple ribbons up. We will refer the matter to the Mayor for a proclamation.

There being no further comments, Council President Burnside closed the meeting to the public.

ADJOURNMENT

The meeting adjourned at 8:33 p.m.

Approved:

Sheila Seifert, Borough Clerk

Date: