

**MAYOR & COUNCIL
REGULAR MEETING
MAY 12, 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 Mayor Russell Greuter presiding. Mayor Greuter called the meeting to order at 7:30 p.m.

Mayor Greuter 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 May 12, 2011. Mayor Greuter announced the location of the fire exits.

Councilmembers Present

Joyce Kanigel
Thomas Mulligan
John Willer
Melissa Burnside - Council President

Councilmembers Absent

Thomas Donofrio
Joseph Vicente

Borough Attorney Ed Wacks was also present.

Everyone present participated in the salute to the flag.

2011 MUNICIPAL BUDGET

Mayor Greuter recognized Borough Auditor Tom Ferry in the audience. Mr. Ferry explained that the Borough is still waiting for the State Division of Local Government Services to approve the amendments to the 2011 Municipal Budget and the budget. Therefore, adoption of the amendments and the amended budget must be delayed until State approval is received.

RESOLUTION 58-11
AMENDMENTS TO 2011 MUNICIPAL BUDGET

Public Hearing on Resolution 58-11, Amendments to 2011 Municipal Budget

Borough Auditor Thomas Ferry explained that, on March 21, 2011, Governor Chris Christie enacted P.L. 2011, c. 38 (S-2068), the new Municipal Library Tax Levy Law, changing the way the minimum library appropriation is displayed by reducing the municipal tax levy and rate, and creating a new line item on the tax bill for library purposes. Therefore, it is necessary to amend the Borough's budget that was introduced on March 24, 2011 to move \$305,763.00 appropriated for the library to a new line item.

In addition to the library appropriation, the State Division of Local Government Services required additional changes, including moving the revenue for the school resource officer (SRO) position and a change to the water budget.

The amendment cannot be approved until the Borough receives State approval.

Mayor Greuter opened the public hearing on Resolution 58-11, Amendments to 2011 Municipal Budget. There being no comments, the public hearing was closed.

APPROVAL OF MINUTES

Upon motion by Council President Burnside, seconded by Councilman Mulligan, and carried unanimously upon voice vote, the minutes of the Regular Meetings held on April 14, 2011 and April 28, 2011 were accepted as submitted.

CORRESPONDENCE

Mayor Greuter read a letter from the Rockaway, Marcella and Denville Memorial Association requesting permission to hold its Memorial Day parade on Monday, May 30, at 10:30 a.m., with the Morris Hills High School Band. It will begin at the corner of Beach and Main Streets, proceed up Wall Street and onto Church Street, and end at the Presbyterian Church Cemetery.

On motion by Council Mulligan, seconded by Councilman Willer, and unanimously carried by voice vote to accept the correspondence, approve the request, and notify the Public Works, Police and Fire Departments of same.

COUNCIL REPORTS

Personnel Committee - Councilwoman Kanigel

No report.

Ordinance Committee - Councilman Mulligan

No report.

Fire Committee - Councilman Willer

Fire Department

The Fire Department called drills on May 18 and 25 and dropped Manoj Patel from the Junior Department on his actions.

Reported on the activities of the Fire Marshal, including an incident at Morris Hills High School.

Upon motion by Councilman Willer, seconded by Councilman Mulligan, and carried unanimously upon voice vote, to approve the actions of the Fire Department.

Payment of Bills

Upon motion by Councilman Willer, seconded by Council President Burnside, and carried unanimously upon voice vote, that the bills presented to the Borough of Rockaway for payment by the Borough, as evidenced by proper vouchers, be referred to the Committee or unit contracting for same, and, when endorsed by them and approved by appropriate action of Council, that they are to be paid.

Community Development

The Cooperation Agreement between the County of Morris and the Borough for the establishment of a cooperative means of conducting certain Community Development activities will expire at the end of 2011 and renew for 2012, 2013, and 2014. The Borough's participation in the Morris County program enables it to apply for Community Development Block Grants.

Upon motion by Councilman Willer, seconded by Council President Burnside, and carried unanimously upon voice vote, to continue the Cooperation Agreement between the County of Morris and the Borough for 2012, 2013, and 2014 for the establishment of a cooperative means of conducting certain Community Development activities.

Upon motion by Council President Burnside, seconded by Councilman Mulligan, and carried unanimously upon voice vote, to accept the Fire Committee report.

Public Safety Committee - Council President Burnside

Water Rescue Equipment

Chief Scheer recommended the purchase of water rescue equipment to supply two locations at Park Lake and four cars for a cost of approximately \$1,200.

Upon motion by Councilman Mulligan, seconded by Councilman Willer, and carried unanimously upon voice vote, to concur with the purchase of water rescue equipment at a cost of approximately \$1,200.

Board of Health

The Health Department will telephone the residents who have not yet relicensed their cats and dogs,

Upon motion by Councilman Willer, seconded by Councilman Mulligan, and carried unanimously upon voice vote, to accept the Public Safety Committee report.

MAYOR'S REPORT

Mayor's Appointments

Mayor Greuter announced his intention to appoint Kathryn Marmara to the part-time position of Police Matron.

Mr. Douglas Weidanz has volunteered to fill the vacant position of Alternate No. 1 on the Board of Adjustment. Mayor Greuter appointed Douglas Weidanz to fill the position of Alternate No. 1 on the Board of Adjustment, term to expire December 31, 2012.

Upon motion by Councilman Willer, seconded by Councilman Mulligan, and carried unanimously via voice vote to approve the Mayor's appointments as submitted.

Resignation

Mrs. Judith Sedivec submitted her resignation as a member of the Library Board of Trustees effective immediately.

Upon motion by Council President Burnside, seconded by Councilman Mulligan, and carried unanimously via voice vote to accept the resignation of Mrs. Judith Sedivec from the Library Board of Trustees.

FEMA

Chief Scheer will distribute 200 packets regarding emergencies from FEMA.

Upon motion by Councilman Willer, seconded by Council President Burnside, and carried unanimously upon voice vote, to accept the Mayor's report.

ATTORNEY'S REPORT

Water Customer

A water customer wrote a letter to Senator Lautenberg complaining about the Borough's threat to shut off her water. Senator Lautenberg forwarded the complaint to the BPU. The attorneys have advised the BPU of the circumstances. This year, Morris County Welfare paid the bill.

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

CLERK'S REPORT

Clean Communities

Received a letter from Lisa Spencer, Sacred Heart Preschool, thanking the Borough for providing Clean Communities funding to pay for a program presented by Dove Environmental Education entitled, "Whales, Sharks, The Ocean and Litter" to a class of three- and four-year olds.

Requested a closed session to discuss contract negotiations for dental insurance and potential litigation for Donatoni Community Park and a liquor license issue.

Upon motion by Councilman Mulligan seconded by Council President Burnside, and carried unanimously upon voice vote, to accept the Clerk's report.

CONSENT AGENDA ITEMS

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

RESOLUTION 68-11: AWARD CONTRACT (HVAC EQUIPMENT - POLICE STATION AND FIREHOUSE)

WHEREAS, there exists a need to repair an air conditioning unit at the Police Station at 33 Maple Avenue and to replace a heat exchanger at the Firehouse at 1 East Main Street; and

WHEREAS, a diligent attempt to obtain several quotes was made by the Superintendent, Department of Public Works, with the lowest response being received from Centralpack Service Corporation, 359 Greenpond Road, P.O. Box 359, Hibernia, NJ 07862 (973-625-9230); and

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

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11) states that a contract that is below the bid threshold may be awarded without public bidding.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Rockaway, County of Morris and State of New Jersey that, based upon the recommendation of the Superintendent, Department of Public Works, the Borough enter into a contract in an amount not to exceed \$7,736.00 with Centralpack Service Corporation, 359 Greenpond Road, P.O. Box 359, Hibernia, NJ 07862 (973-625-9230), to repair an air conditioning unit at the Police Station at 33 Maple Avenue and to replace a heat exchanger at the Firehouse at 1 East Main Street as specified by their proposal dated April 19, 2011.

DATE: May 12, 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:

Centralpack Service Corporation, 359 Greenpond Road, P.O. Box 359, Hibernia, NJ 07862 at a cost not to exceed \$7,736.00
Ordinance#: 9-03-03, \$2,357.16 and 15-10-02, \$ 5,378.84

DATE: May 12, 2011 BY: John J. Doherty, Treasurer

RESOLUTION 69-11: AWARD CONTRACT (REPAIR AND REPLACE CONDENSING UNIT - POLICE STATION)

WHEREAS, there exists a need to replace a compressor at the Police Station at 33 Maple Avenue; and

WHEREAS, a diligent attempt to obtain several quotes was made by the Superintendent, Department of Public Works, with the lowest response being received from Centralpack Service Corporation, 359 Greenpond Road, P.O. Box 359, Hibernia, NJ 07862 (973-625-9230); and

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

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11) states that a contract that is below the bid threshold may be awarded without public bidding.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Rockaway, County of Morris and State of New Jersey that, based upon the recommendation of the Superintendent, Department of Public Works, the Borough enter into a contract in an amount not to exceed \$3,830.00 with Centralpack Service Corporation, 359 Greenpond Road, P.O. Box 359, Hibernia, NJ 07862 (973-625-9230), to replace a compressor at the Police Station at 33 Maple Avenue as specified by their proposal dated April 27, 2011.

DATE: May 12, 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:

Centralpack Service Corporation, 359 Greenpond Road, P.O. Box 359, Hibernia, NJ 07862 at a cost not to exceed \$3,830.00
Ordinance#: 15-10-02

DATE: May 12, 2011 BY: John J. Doherty, Treasurer

RESOLUTION 70-11: AUTHORIZE ISSUANCE OF SPECIAL PERMIT FOR SOCIAL AFFAIR (ROCKAWAY BOROUGH FIRE DEPARTMENT)

WHEREAS, the following named applicant filed an application for a license known as a Special Permit for Social Affair for August 6, 2011 (Rain date August 7, 2011), Clam Bake, 11:00 a.m. to 7:00 p.m.

Rockaway Borough Fire Department
1 East Main Street
Rockaway, NJ 07866

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Rockaway, County of Morris, State of New Jersey that a license under a Special Permit for Social Affair License be granted to the above named applicant.

DATE: May 12, 2011 BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk BY: Russell Greuter, Mayor

RESOLUTION 71-11: AUTHORIZE ISSUANCE OF SPECIAL PERMIT FOR SOCIAL AFFAIR (ROCKAWAY BOROUGH FIRE DEPARTMENT)

WHEREAS, the following named applicant filed an application for a license known as a Special Permit for Social Affair for the Family Festival on July 8, 2011 from 4:00 p.m. to 11:00 p.m. and July 9, 2011 (Rain date July 10, 2011), from 4:00 p.m. to 11:00 p.m..

Rockaway Borough Fire Department
1 East Main Street
Rockaway, NJ 07866

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Rockaway, County of Morris, State of New Jersey that a license under a Special Permit for Social Affair License be granted to the above named applicant.

DATE: May 12, 2011 BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk BY: Russell Greuter, Mayor

RESOLUTION 72-11: AWARD CONTRACT (ACQUISITION OF CHLORINATOR)

WHEREAS, there exists a need to acquire a 220 volt single-phase PPG Accu Tab Panel to control the distribution of chlorine in the potable water purification system; and

WHEREAS, a diligent attempt to obtain several quotes was made by the Water Foreman, with the lowest response being received from George S. Coyne Chemical Co., Inc., 3015 State Road, Croydon, PA 1902-6997 (800-523-1230); and

WHEREAS, the Superintendent, Department of Public Works, concurred with the recommendation of the Water Foreman; and

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

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11) states that a contract that is below the bid threshold may be awarded without public bidding.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Rockaway, County of Morris and State of New Jersey that, based upon the recommendation of the Department of Public Works, the Borough enter into a contract in an amount not to exceed \$3,545.00 with George S. Coyne Chemical Co., Inc., 3015 State Road, Croydon, PA 19021-6997 (800-523-1230), to acquire a 220 volt single-phase PPG Accu Tab Panel to control the distribution of chlorine in the potable water purification system as specified by their proposal dated April 2, 2011.

DATE: May 12, 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:

George S. Coyne Chemical Co., Inc., 3015 State Road, Croydon, PA 1902-6997 (800-523-1230) at a cost not to exceed \$3,545.00
Ordinance#: 16-10

DATE: May 12, 2011

BY: John J. Doherty, Treasurer

RESOLUTION 73-11: AUTHORIZE THE COMBINATION OF SEVERAL BOND ORDINANCES FOR VARIOUS GENERAL IMPROVEMENTS AND WATER/SEWER UTILITY PURPOSES AND AUTHORIZING THE COMBINED SALE AND ISSUANCE OF BOND ANTICIPATION NOTES, IN AN AGGREGATE AMOUNT NOT TO EXCEED \$2,720,890.00 BOND ANTICIPATION NOTES OF THE BOROUGH OF ROCKAWAY, IN THE COUNTY OF MORRIS, NEW JERSEY.

WHEREAS the Borough of Rockaway (the "Borough"), County of Morris, New Jersey adopted Bond Ordinance No.13-00 on September 14, 2000 pursuant to which Bond Anticipation Notes were issued on December 27, 2006, which were refunded by Bond Anticipation Notes dated December 26, 2007 which matured December 24, 2008, which were refunded by Bond Anticipation Notes dated December 23, 2008, which matured December 22, 2009, which were refunded by Bond Anticipation Notes issued December 22, 2009, which matured December 21, 2010, which were refunded by Bond Anticipation Notes issued December 21, 2010 which mature June 1, 2011 (the "Prior Note"); and

WHEREAS, the Borough adopted Bond Ordinance No. 14-00 on September 14, 2000 pursuant to which Bond Anticipation Notes were issued on December 27, 2006, which were refunded by Bond Anticipation Notes dated December 26, 2007 which matured December 24, 2008, which were refunded by Bond Anticipation Notes dated December 23, 2008, which matured December 22, 2009, which were refunded by Bond Anticipation Notes issued December 22, 2009, which matured December 21, 2010, which were refunded by Bond Anticipation Notes issued December 21, 2010 which mature June 1, 2011 (the "Prior Note"); and

WHEREAS, the Borough adopted Bond Ordinance No. 9-03 on September 25, 2003 pursuant to which Bond Anticipation Notes were issued on December 27, 2006, which were refunded by Bond Anticipation Notes dated December 26, 2007 which matured December 24, 2008, which were refunded by Bond Anticipation Notes dated December 23, 2008, which matured December 22, 2009, which were refunded by Bond Anticipation Notes issued December 22, 2009, which matured December 21, 2010, which were refunded by Bond Anticipation Notes issued December 21, 2010 which mature June 1, 2011 (the "Prior Note"); and

WHEREAS, the Borough adopted Bond Ordinance No. 10-03 on October 23, 2003 pursuant to which Bond Anticipation Notes were issued on December 27, 2006, which were refunded by Bond Anticipation Notes dated December 26, 2007 which matured December 24, 2008, which were refunded by Bond Anticipation Notes dated December 23, 2008, which matured December 22, 2009, which were refunded by Bond Anticipation Notes issued December 22, 2009, which matured December 21, 2010, which were refunded by Bond Anticipation Notes issued December 21, 2010 which mature June 1, 2011 (the "Prior Note"); and

WHEREAS, the Borough adopted Bond Ordinance No. 11-04 on October 14, 2004 pursuant to which Bond Anticipation Notes were issued on December 27, 2006, which were refunded by Bond Anticipation Notes dated December 26, 2007 which matured December 24, 2008, which were refunded by Bond Anticipation Notes dated December 23, 2008, which matured December 22, 2009, which were refunded by Bond Anticipation Notes issued December 22, 2009, which matured December 21, 2010, which were refunded by Bond Anticipation Notes issued December 21, 2010 which mature June 1, 2011 (the "Prior Note"); and

WHEREAS, the Borough adopted Bond Ordinance No. 05-05 on May 12, 2005 pursuant to which Bond Anticipation Notes were issued on December 27, 2006, which were refunded by Bond Anticipation Notes dated December 26, 2007 which matured December 24, 2008, which were refunded by Bond Anticipation Notes dated December 23, 2008, which matured December 22, 2009, which were refunded by Bond Anticipation Notes issued December 22, 2009, which matured December 21, 2010, which were refunded by Bond Anticipation Notes issued December 21, 2010 which mature June 1, 2011 (the "Prior Note"); and

WHEREAS, the Borough adopted Bond Ordinance No. 13-06 on August 24, 2006 pursuant to which Bond Anticipation Notes were issued on December 27, 2006, which were refunded by Bond Anticipation Notes dated December 26, 2007 which matured December 24, 2008, which were refunded by Bond Anticipation Notes dated December 23, 2008, which matured December 22, 2009, which were refunded by Bond Anticipation Notes issued December 22, 2009, which matured December 21, 2010, which were refunded by Bond Anticipation Notes issued December 21, 2010 which mature June 1, 2011 (the "Prior Note"); and

WHEREAS, the Borough adopted Bond Ordinance No. 08-07 on May 10, 2007 pursuant to which Bond Anticipation Notes were issued on December 26, 2007, which were refunded by Bond Anticipation Note dated December 23, 2008, which matured December 22, 2009, which was refunded by Bond Anticipation Notes issued December 22, 2009, which matured December 21, 2010, which were refunded by Bond Anticipation Notes issued December 21, 2010 which mature June 1, 2011 (the "Prior Note"); and

WHEREAS, the Borough adopted Bond Ordinance No. 19-08 on August 14, 2008 pursuant to which Bond Anticipation Notes were issued December 22, 2009, which matured December 21, 2010, which were refunded by Bond Anticipation Notes issued December 21, 2010 which mature June 1, 2011 (the "Prior Note"); and

WHEREAS, the Borough adopted Bond Ordinance No. 20-08 on August 14, 2008 pursuant to which Bond Anticipation Notes were issued December 22, 2009, which matured December 21, 2010, which were refunded by Bond Anticipation Notes issued December 21, 2010 which mature June 1, 2011 (the "Prior Note"); and

WHEREAS, the Borough adopted Bond Ordinance No. 07-09 on June 25, 2009 pursuant to which Bond Anticipation Notes were issued December 21, 2010 which mature June 1, 2011 (the "Prior Note"); and

WHEREAS, the Borough adopted Bond Ordinance No. 08-09 on June 25, 2009 pursuant to which Bond Anticipation Notes were issued December 21, 2010 which mature June 1, 2011 (the "Prior Note"); and

WHEREAS, the Borough Council (the "Council") has determined by passage of several Bond Ordinances to issue Bond Anticipation Notes of the Borough to redeem the Prior Note, to fund the projects authorized by the above captioned ordinances, and to pay the cost of issuance related thereto.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Rockaway, in the County of Morris, New Jersey, as Follows:

Section 1. (a) Pursuant to N.J.S.A. 40A:2-8, the following amounts of general improvement bond anticipation notes ("General Improvement Notes") equaling \$2,055,890.00 in the aggregate amount shall be issued at such date as determined by the Chief Financial Officer in accordance with this resolution:

- a. Pursuant to Bond Ordinance No. 13-00, Notes in the principal amount of not to exceed \$11,631.79 shall be issued to redeem the Prior Note and for the purposes stated therein.
- b. Pursuant to Bond Ordinance No. 14-00, Notes in the principal amount of not to exceed \$5,368.05 shall be issued to redeem the Prior Note and for the purposes stated therein.
- c. Pursuant to Bond Ordinance No. 9-03, Notes in the principal amount of not to exceed \$825.66 shall be issued to redeem the Prior Note and for the purposes stated therein.
- d. Pursuant to Bond Ordinance No. 10-03, Notes in the principal amount of not to exceed \$25,500.00 shall be issued to redeem the Prior Note and for the purposes stated therein.
- e. Pursuant to Bond Ordinance No. 11-04, Notes in the principal amount of not to exceed \$325,599.52 shall be issued to redeem the Prior Note and for the purposes stated therein.
- f. Pursuant to Bond Ordinance No. 05-05, Notes in the principal amount of not to exceed \$511,926.34 shall be issued to redeem the Prior Note and for the purposes stated therein.
- g. Pursuant to Bond Ordinance No. 13-06, Notes in the principal amount of not to exceed \$375,463.66 shall be issued to redeem the Prior Note and for the purposes stated therein.
- h. Pursuant to Bond Ordinance No. 08-07, Notes in the principal amount of not to exceed \$254,164.00 shall be issued to redeem the Prior Note and for the purposes stated therein.
- I. Pursuant to Bond Ordinance No. 19-08, Notes in the principal amount of not to exceed \$375,250.00 shall be issued to redeem the Prior Note and for the purposes stated therein.
- J. Pursuant to Bond Ordinance No. 07-09, Notes in the principal amount of not to exceed \$170,200.00 shall be issued for the purposes stated therein.

(b) Pursuant to N.J.S.A. 40A:2-8 the following amounts of Water/Sewer utility bond anticipation notes (the "Water/Sewer Utility Notes" and together with the General Improvement Notes, the "Notes") equaling \$665,000.00 in the aggregate amount shall be issued at such date as determined by the Chief Financial Officer in accordance with this resolution:

- a. Pursuant to Bond Ordinance No. 20-08, in the principal amount of \$380,000.00 shall be issued to redeem the Prior Note and for the purposes stated therein.

- b. Pursuant to Bond Ordinance No. 08-09, in the principal amount of \$285,000.00 shall be issued for the purposes stated therein

Section 2. Pursuant to the provisions of Section 40A:2-26 of the Local Bond Law of New Jersey, particularly paragraph (f) thereof, and in lieu of the sale of more than two (2) issues of notes as provided for in said Local Bond Law, the issues of bonds and notes of the Borough authorized pursuant to the Bond Ordinances of the Borough hereinabove set forth shall be combined into two (2) concurrent issues of Bond Anticipation Notes in the aggregate principal amount of not to exceed \$2,720,890.00.

Section 3. The following matters in connection with said Notes are hereby determined:

(a) All notes issued hereunder and any renewal thereof, shall mature at such times as may be determined by the Chief Financial Officer and/or acting Chief Financial Officer of the Borough, provided that any note issued pursuant hereto shall be issued for a period not to exceed one (1) year, but all such notes, including renewals, shall mature and be paid in accordance with the Local Bond Law.

(b) All notes issued hereunder shall bear interest at such rate or rates as may be determined by the Chief Financial Officer and/or acting Chief Financial Officer of the Borough.

(c) The notes shall be in a form as permitted by law and approved by Bond Counsel, and issued pursuant to the Local Bond Law, and any such notes or any renewal thereof, may be signed or sealed by officers of the Borough in any manner permitted by Section 40A:2-25 of said Law notwithstanding what is otherwise set forth herein.

Section 4. The Chief Financial Officer and/or acting Chief Financial Officer of the Borough is hereby authorized and directed to determine all matters in connection with said Notes or any renewal thereof, not determined by this or a subsequent resolution and his/her signature upon said Notes shall be conclusive as to such determinations.

Section 5. The Chief Financial Officer and/or Chief Financial Officer of the Borough is hereby authorized to sell said Notes or any renewal thereof, from time to time at public or private sale in such amounts as he/she may determine at not less than par value and to deliver the same from time to time to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from the dated date of the Notes to the date of delivery thereof and payment therefor.

Section 6. Any instrument issued pursuant to this Resolution shall be a general obligation of the Borough, and the Borough's faith and credit are hereby pledged to the punctual payment of the principal of and interest on said obligation and, unless otherwise paid or payment provided for, an amount sufficient for such payment shall be inserted in the budget and a tax sufficient to provide for the payment thereof shall be levied and collected.

Section 7. The Governing Body of the Borough hereby covenants on behalf of the Borough to take any action necessary or refrain from taking any action in order to preserve the tax exempt status of the debt obligations authorized hereunder, and issued as tax exempt obligations, as is required under the Internal Revenue Code of 1986, as amended, including compliance with said Code with regard to the use, expenditure, investment, timely reporting and rebate of investment earnings as may be required thereunder.

Section 8. This Resolution shall take effect immediately.

DATE: May 12, 2011

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

**RESOLUTION 74-11: EXECUTE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION
FLOOD HAZARD AREA PERMIT APPLICATION (MCWILLIAMS FORGE)**

WHEREAS, GZA GeoEnvironmental, Inc. ("GZA"), 55 Lane Rd., Suite 407, Fairfield, NJ 07004, represents Wyman-Gordon Company, 224 Worcester Street, P.O. Box 8001, North Grafton, Massachusetts 01536, owner of McWilliams Forge, 387 Franklin Ave., Rockaway, New Jersey; and

WHEREAS, the property located at 387 Franklin Ave., Rockaway, New Jersey, is currently the subject of an ongoing environmental investigation under the supervision of the New Jersey Department of Environmental Protection (NJ DEP) pursuant to Case #NJD002183630; and

WHEREAS, the NJ DEP regulations require Wyman-Gordon to conduct a groundwater investigation (i.e., the installation and sampling of monitoring wells) on the property identified as Block 84, Lot 20, owned by the Borough of Rockaway; said investigation requiring a Freshwater Wetlands General Permit 14 which was submitted to the NJ DEP; and

WHEREAS, the NJ DEP has also requested that a Flood Hazard Area Permit Application be submitted before the groundwater investigation is conducted; and

WHEREAS, GZA has submitted a NJ DEP Flood Hazard Area Permit Application for signature by a duly authorized representative from the Borough of Rockaway; and

WHEREAS, the Borough Engineer has reviewed the Flood Hazard Area Permit Application as prepared by GZA on behalf of Wyman-Gordon Company; and

WHEREAS, the Borough Engineer has recommended that said Flood Hazard Area Permit Application be executed by the Borough of Rockaway, with any fees to be paid by Wyman-Gordon Company.

NOW THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Rockaway, County of Morris, State of New Jersey, to authorize the Mayor to execute the Flood Hazard Area Permit Application for Block 84, Lot 20, owned by the Borough of Rockaway, and to return same to GZA Geo-Environmental, Inc., 55 Lane Rd., Suite 407, Fairfield, NJ 07004 for submittal to the New Jersey Department of Environmental Protection, along with the permit fee which is to be paid by Wyman-Gordon Company.

DATE: May 12, 2011

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

RESOLUTION 75-11: AMEND TEMPORARY APPROPRIATIONS FOR OPERATING PURPOSES

WHEREAS, 40A:4-19 Local Budget Act provides that (where any contracts, commitments or payments are to be made prior to the final adoption of the 2011 budget) temporary appropriations be made for the purposes and amounts required in the manner and time therein provided; and

WHEREAS, the total appropriations in the 2010 Budget, less appropriations made for capital improvement fund, debt service and relief of the poor (public assistance) are as follows:

General \$6,030,000.00

Water Utility \$1,383,500.00

WHEREAS, the Mayor and Council duly adopted Resolution 13-11, 2011 Temporary Appropriations for Operating Purposes, on January 6, 2011, which set forth 26.25% of the total appropriations in the 2010 Budget less appropriations for capital improvement fund, debt service and relief of the poor (public assistance) in the said 2011 Budget as follows:

General \$1,582,000.00

Water Utility \$ 363,000.00

WHEREAS, the Borough of Rockaway introduced its 2011 Budget on March 24, 2011 and held the public hearing on April 28, 2011; and

WHEREAS, the State of New Jersey Division of Local Government Services has not yet authorized the Borough of Rockaway to adopt its 2011 Budget.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Rockaway, County of Morris, New Jersey, that the temporary appropriations be increased by 1/12 and that a certified copy of this resolution be transmitted to the Chief Financial Officer for his records.

DATE: May 12, 2011

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

ORDINANCE NO. 03-11, Introduction & First Reading

**ORDINANCE OF THE BOROUGH OF ROCKAWAY
MAYOR AND COUNCIL
AMENDING CHAPTER 172, ZONING,
OF THE CODE OF THE BOROUGH OF ROCKAWAY**

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 June 23, 2011.

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

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

ORDINANCE NO. 06-11, Introduction & First Reading

**ORDINANCE OF THE BOROUGH OF ROCKAWAY
MAYOR AND COUNCIL
AMENDING CHAPTER A263, FEES,
OF THE CODE OF THE BOROUGH OF ROCKAWAY**

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 June 6, 2011.

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

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

ORDINANCE NO. 04-11, Public Hearing & Adoption

**BOND ORDINANCE PROVIDING FOR VARIOUS IMPROVEMENTS
IN THE BOROUGH OF ROCKAWAY, COUNTY OF MORRIS
AND STATE OF NEW JERSEY,
APPROPRIATING THE AGGREGATE OF \$1,713,175 THEREFOR AND
AUTHORIZING THE ISSUANCE OF \$1,627,515 BONDS
OR NOTES OF THE BOROUGH TO FINANCE THE COST
OF AND FOR MAKING THE DOWN PAYMENT
FOR SAID IMPROVEMENTS HEREIN AUTHORIZED**

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

Section 1. The improvements and purposes described in Section 3 of this Bond Ordinance are hereby authorized as general improvements to be made or acquired by the Borough of Rockaway, County of Morris, New Jersey (hereinafter referred to as the "Borough"). For the said improvements or purposes stated in Section 3 of this Bond Ordinance, there is hereby appropriated \$1,713,175, including the aggregate sum of \$85,660 as the down payment for the improvements or purposes, as required by the Local Bond Law, N.J.S.A. 40A:2-1 *et seq.*, (hereinafter the "Law"). The down payment has been made available by virtue of provisions for down payments or capital improvements purposes in the current budget or in one or more previously adopted budgets.

Section 2. For the financing of said improvements or purposes and to meet the part of said \$1,713,175 appropriation not otherwise provided for hereunder, negotiable Bonds of the Borough are hereby authorized to be issued in a principal amount not to exceed \$1,627,515 pursuant to the Law. In anticipation of the issuance of said Bonds, negotiable bond anticipation notes of the Borough in a principal amount not exceeding \$1,627,515 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Law. In the event that Bonds are issued pursuant to this Ordinance, the aggregate amount of notes hereby authorized to be issued shall be reduced by an amount equal to the principal amount of the Bonds so issued. If the aggregate amount of outstanding Bonds and notes issued pursuant to this Ordinance shall at any time exceed \$1,627,515, the moneys raised by the issuance of said Bonds shall, to not less than the amount of such excess, be applied to the payment of such notes then outstanding, at maturity. Each Bond anticipation note issued pursuant to this Ordinance shall be dated on or about the date of its issuance and shall be payable not more than one year from its date, shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law and

may be renewed from time to time pursuant to and within the limitations prescribed by the Law. Each of said notes shall be signed and shall be under the seal of said Borough and attested as permitted by law. The appropriate Borough officers are hereby authorized to execute said notes and to issue said notes in such form as they may adopt in conformity with law. The power to determine all matters in connection with this Ordinance and also the power to sell said notes, is hereby delegated to the Chief Financial Officer of the Borough (the "Financial Officer"), who is hereby authorized to sell said notes either at one time or from time to time in the manner provided by law and the Financial Officer's signature upon the notes shall be conclusive evidence as to all such determinations. The Financial Officer is authorized and directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of notes pursuant to this Ordinance is made, such report to include the principal amount, description, interest rate and maturity of the notes sold, the price obtained and the name of the purchaser.

Section 3. The improvements hereby authorized and the purposes for the financing of which said obligations are to be issued is are as follows:

Improvement/Acquisition	Estimated Cost	Down Payment (Capital Improvement Fund)	Estimated Amount of Bonds & Notes	Period of Usefulness (Years)
1. AFIS child ID System, to include all improvements, equipment, costs and appurtenances related thereto and/or necessary therefore.	\$21,000	\$1,050	\$19,950	5
2. Rescue Pumper for Fire Department, to include all improvements, equipment, costs and appurtenances related thereto and/or necessary therefore.	\$560,000	\$28,000	\$532,000	10
3. Acquisition of Fire Department equipment including turnout gear and air bottles, to include all improvements, equipment, costs and appurtenances related thereto and/or necessary therefore.	\$30,175	\$1,510	\$28,665	5
4. Road Resurfacing and sidewalk repair programs, to include all improvements, equipment, costs and appurtenances related thereto and/or necessary therefore.	\$225,000	\$11,250	\$213,750	10
5. Acquisition of Street Sweeper, to include all improvements, equipment, costs and appurtenances related thereto and/or necessary therefore.	\$170,000	\$8,500	\$161,500	5
6. Acquisition of pickup truck and Sewer Vac Truck, to include all improvements, equipment, costs and appurtenances related thereto and/or necessary therefore	\$80,000	\$4,000	\$76,000	5
7. Acquisition and/or installation of truck wash, hydraulic lift system, and portable vehicle lifts, to include all improvements, equipment, costs and appurtenances related thereto and/or necessary therefore	\$107,000	\$5,350	\$101,650	15
8. Fox Lake Dam repairs, to include all improvements, equipment, costs and appurtenances related thereto and/or necessary therefore	\$320,000	\$16,000	\$304,000	15

9. Repairs and improvements to Police Station Bridge, to include all improvements, equipment, costs and appurtenances related thereto and/or necessary therefore	\$35,000	\$1,570	\$33,250	15
10. Donatoni Park Improvements, to include all improvements, equipment, costs and appurtenances related thereto and/or necessary therefore	\$50,000	\$2,500	\$47,500	15
11. Siding of Community Center, to include all improvements, equipment, costs and appurtenances related thereto and/or necessary therefore	\$15,000	\$750	\$14,250	10
12. Park Lake Dredging, to include all improvements, equipment, costs and appurtenances related thereto and/or necessary therefore	\$50,000	\$2,500	\$47,500	15
13. Energy upgrades Borough wide including HVAC and lighting upgrade or replacement, and to include all improvements, equipment, costs and appurtenances related thereto and/or necessary therefore	\$50,000	\$2,500	\$47,500	5
TOTAL	\$1,713,175	\$85,660	\$1,627,515	

Section 4. The following additional matters are hereby determined, declared, recited and stated:

(a) The purposes described in Section 3 of this Bond Ordinance are not current expenses and is property or improvements which the Borough may lawfully acquire or make as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of all said purposes is within the limitations of the Law taking into consideration the amount of the obligations authorized for each such purpose, according to the reasonable life thereof, computed from the date of the Bonds authorized by this Bond Ordinance, the average period of usefulness is 10.9 years.

(c) The Supplemental Debt Statement required by the Law has been duly made and filed in the office of the 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 Department of Community Affairs of the State of New Jersey, and such Statement shows that the gross debt of the Borough determined as provided in said Law is increased by this Bond Ordinance by \$1,627,515 and obligations authorized hereunder will be within all debt limitations prescribed by said Law.

(d) Amounts not exceeding \$350,000 in the aggregate for interest on said obligations, costs of issuing said obligations, engineering costs, legal fees and other items of expense listed and permitted under N.J.S.A. 40A:2-20 of the Law may be included as part of the costs of said improvement and are included in the foregoing estimates thereof.

Section 5. Any grant or other moneys received for the purposes described in Section 3 hereof in addition to the funds expressly appropriated in Section 3 hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligation issued pursuant to this Ordinance and the amount of the obligations authorized herein for such purpose shall be reduced accordingly.

Section 6. The governing body of the Borough hereby covenants on behalf of the Borough to take any action necessary or to refrain from taking action in order to preserve the tax exempt status of the debt obligations authorized hereunder as is required under the Internal Revenue Code of 1986, as amended, including compliance with said code with regard to the use, expenditure, investment, timely reporting and the rebate of investment earnings as may be required thereunder.

Section 7. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and interest on the said obligations authorized by this Bond Ordinance. Said obligations shall be direct, unlimited obligations of the Borough, and, unless paid from other revenues of the Borough, the Borough shall be obligated to levy *ad valorem* taxes upon all the taxable property within the Borough for the payment of said obligations and interest thereon without limitation as to rate or amount.

Section 8. The Capital Budget of the Borough is hereby amended to conform with the provisions of this Ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board of the New Jersey Department of Community Affairs showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services, is on file with the Borough Clerk and is available there for public inspection.

Section 9. The Borough reasonably expects to reimburse any expenditures towards the costs of the improvements or purposes described in Section 3 of this ordinance and paid prior to the issuance of any bonds or notes authorized by this ordinance with the proceeds of such bonds or notes. No funds from sources other than the bonds or notes authorized herein has been or is reasonably expected to be reserved, allocated on a long-term basis or otherwise set aside by the Borough, or any member of the same "control group" as the Borough, within the meaning of Treasury Regulations Section 1.150-1, pursuant to their budget or financial policies with respect to any expenditures to be reimbursed. This Section is intended to be and hereby is a declaration of the Borough's official intent to reimburse any expenditures towards the costs of the improvement or purpose described in Section 3 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulations Section 1.150-2, and no action (or inaction) will be an artifice or device in accordance with Treasury regulation 1.148-10 to avoid, in whole or in part, arbitrage yield restrictions or arbitrage rebate requirements.

Section 10. The provision of this bond ordinance are severable. To the extent any clause, phrase, sentence, paragraph or provision of this ordinance shall be declared invalid, illegal, or unconstitutional, the remaining provisions shall continue in full force and effect.

Section 11. To the extent that any previous Ordinance or resolution is inconsistent with or contradictory hereto, said Ordinance or resolution is hereby repealed or amended to the extent necessary to make it consistent herewith.

Section 12. This Bond Ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by said Law.

DATE: May 12, 2011

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

Mayor Greuter opened the meeting to the public.

Mrs. Bonnie Hook, 23 Jackson Ave., and Mr. Rob Grow, 110 Lakeside Dr., asked for clarification about certain items to be funded through the bond ordinance, including Donatoni Park improvements, street sweeper, and the Police Station bridge.

There being no further comments, Mayor Greuter closed the public hearing.

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

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

ORDINANCE NO. 05-11, Public Hearing & Adoption

**BOND ORDINANCE PROVIDING FOR VARIOUS WATER/SEWER UTILITY IMPROVEMENTS
IN THE BOROUGH OF ROCKAWAY, COUNTY OF MORRIS
AND STATE OF NEW JERSEY,
APPROPRIATING THE AGGREGATE OF \$701,000 THEREFOR AND
AUTHORIZING THE ISSUANCE OF \$665,950 BONDS
OR NOTES OF THE BOROUGH FOR FINANCING PART OF THE COST
AND DOWN PAYMENT THEREOF**

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

Section 1. The improvements and purposes described in Section 3 of this Bond Ordinance are hereby authorized as general improvements to be made or acquired by the Borough of Rockaway, County of Morris, New Jersey (hereinafter referred to as the "Borough"). For the said improvements or purposes stated in Section 3 of this Bond Ordinance, there is hereby appropriated \$701,000. No down payment is required pursuant to N.J.S.A. 40A:2-11(c) as this Bond Ordinance authorized obligations for a purpose which is self-liquidating and deductible from the gross debt of the Borough as set forth in N.J.S.A. 40A:2-7(h) of the Local Bond Law of New Jersey, N.J.S.A. 40A:2-1, et seq. (the "Local Bond Law"),

notwithstanding the forgoing, a down payment of \$35,050 is herein appropriated from the Water/Sewer Capital Improvement Fund for the improvements and purposes set forth herein.

Section 2. For the financing of said improvements or purposes and to meet the part of said \$701,000 appropriation not otherwise provided for hereunder, negotiable Bonds of the Borough are hereby authorized to be issued in a principal amount not to exceed \$665,950 pursuant to the Law. In anticipation of the issuance of said Bonds, negotiable bond anticipation notes of the Borough in a principal amount not exceeding \$665,950 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Law. In the event that Bonds are issued pursuant to this Ordinance, the aggregate amount of notes hereby authorized to be issued shall be reduced by an amount equal to the principal amount of the Bonds so issued. If the aggregate amount of outstanding Bonds and notes issued pursuant to this Ordinance shall at any time exceed \$665,950, the moneys raised by the issuance of said Bonds shall, to not less than the amount of such excess, be applied to the payment of such notes then outstanding, at maturity. Each Bond anticipation note issued pursuant to this Ordinance shall be dated on or about the date of its issuance and shall be payable not more than one year from its date, shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law and may be renewed from time to time pursuant to and within the limitations prescribed by the Law. Each of said notes shall be signed and shall be under the seal of said Borough and attested as permitted by law. The appropriate Borough officers are hereby authorized to execute said notes and to issue said notes in such form as they may adopt in conformity with law. The power to determine all matters in connection with this Ordinance and also the power to sell said notes, is hereby delegated to the Chief Financial Officer of the Borough (the "Financial Officer"), who is hereby authorized to sell said notes either at one time or from time to time in the manner provided by law and the Financial Officer's signature upon the notes shall be conclusive evidence as to all such determinations. The Financial Officer is authorized and directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of notes pursuant to this Ordinance is made, such report to include the principal amount, description, interest rate and maturity of the notes sold, the price obtained and the name of the purchaser.

Section 3. The improvements hereby authorized and the purposes for the financing of which said obligations are to be issued is are as follows:

Improvement/Acquisition	Estimated Cost	Down Payment (Water/Sewer Capital Improvement Fund)	Estimated Amount of Bonds & Notes	Period of Usefulness (Years)
1. Repair, replace and install Water Mains and Hydrants, to include all improvements, equipment, costs and appurtenances related thereto and/or necessary therefore.	\$180,000	\$9,000	\$171,000	40
2. Repair, replace and install Storm Sewers, to include all improvements, equipment, costs and appurtenances related thereto and/or necessary therefore.	\$60,000	\$3,000	\$57,000	10
3. Repair, replace and install Sanitary Sewers, to include all improvements, equipment, costs and appurtenances related thereto and/or necessary therefore.	\$240,000	\$12,000	\$228,000	40
4. Acquisition of and installation of Air Stripper bypass, to include all improvements, equipment, costs and appurtenances related thereto and/or necessary therefore.	\$50,000	\$2,500	\$47,500	40
5. Acquisition of Sewer Vac Truck and Pick Up Truck, to include all improvements, equipment, costs and appurtenances related thereto and/or necessary therefore.	\$80,000	\$4,000	\$76,000	5

6. Radio read out equipment to read meters, to include all improvements, equipment, costs and appurtenances related thereto and/or necessary therefore.	\$75,000	\$3,750	\$71,250	7
7. Acquisition and installation of Meters, to include all improvements, equipment, costs and appurtenances related thereto and/or necessary therefore.	\$16,000	\$800	\$15,200	7
TOTAL	\$701,000	\$35,050	\$665,950	

Section 4. The following additional matters are hereby determined, declared, recited and stated:

(a) The purposes described in Section 3 of this Bond Ordinance are not current expenses and is property or improvements which the Borough may lawfully acquire or make as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of all said purposes is within the limitations of the Law taking into consideration the amount of the obligations authorized for each such purpose, according to the reasonable life thereof, computed from the date of the Bonds authorized by this Bond Ordinance, the average period of usefulness is 29.16 years.

(c) The Supplemental Debt Statement required by the Law has been duly made and filed in the office of the 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 Department of Community Affairs of the State of New Jersey, and such Statement shows that the gross debt of the Borough determined as provided in said Law is increased by this Bond Ordinance by \$665,950 and obligations authorized hereunder will be within all debt limitations prescribed by said Law.

(d) This bond ordinance authorizes obligations of the Borough solely for a purpose described in paragraph (h) of Section 40A:2-7 of the Local Bond Law, and the obligations authorized by this bond ordinance are to be issued for a purpose which is self-liquidating within the meaning and limitation of Section 40A:2-45 of said Law and are deductible pursuant to paragraph (c) of Section 40A:2-44 et seq. of said Law from the gross debt of the Borough.

(e) Amounts not exceeding \$145,000 in the aggregate for interest on said obligations, costs of issuing said obligations, engineering costs, legal fees and other items of expense listed and permitted under N.J.S.A. 40A:2-20 of the Law may be included as part of the costs of said improvement and are included in the foregoing estimates thereof.

Section 5. Any grant or other moneys received for the purposes described in Section 3 hereof in addition to the funds expressly appropriated in Section 3 hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligation issued pursuant to this Ordinance and the amount of the obligations authorized herein for such purpose shall be reduced accordingly.

Section 6. The governing body of the Borough hereby covenants on behalf of the Borough to take any action necessary or to refrain from taking action in order to preserve the tax exempt status of the debt obligations authorized hereunder as is required under the Internal Revenue Code of 1986, as amended, including compliance with said code with regard to the use, expenditure, investment, timely reporting and the rebate of investment earnings as may be required thereunder.

Section 7. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and interest on the said obligations authorized by this Bond Ordinance. Said obligations shall be direct, unlimited obligations of the Borough, and, unless paid from other revenues of the Borough, the Borough shall be obligated to levy *ad valorem* taxes upon all the taxable property within the Borough for the payment of said obligations and interest thereon without limitation as to rate or amount.

Section 8. The Capital Budget of the Borough is hereby amended to conform with the provisions of this Ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board of the New Jersey Department of Community Affairs showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services, is on file with the Borough Clerk and is available there for public inspection.

Section 9. The Borough reasonably expects to reimburse any expenditures towards the costs of the improvements or purposes described in Section 3 of this ordinance and paid prior to the issuance of any bonds or notes authorized by this ordinance with the proceeds of such bonds or notes. No funds from sources other than the bonds or notes authorized herein has been or is reasonably expected to be reserved, allocated on a long-term basis or otherwise set aside by the Borough, or any member of the same "control group" as the Borough, within the meaning of Treasury Regulations Section 1.150-1, pursuant to their budget or financial policies with respect to any expenditures to be reimbursed. This Section is intended to be and hereby is a declaration of the Borough's official intent to reimburse any expenditures towards the costs of the improvement or purpose described in Section 3 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulations Section 1.150-2, and no action (or inaction) will be an artifice or device in accordance with Treasury regulation 1.148-10 to avoid, in whole or in part, arbitrage yield restrictions or arbitrage rebate requirements.

Section 10. The provisions of this bond ordinance are severable. To the extent any clause, phrase, sentence, paragraph or provision of this ordinance shall be declared invalid, illegal, or unconstitutional, the remaining provisions shall continue in full force and effect.

Section 11. To the extent that any previous Ordinance or resolution is inconsistent with or contradictory hereto, said Ordinance or resolution is hereby repealed or amended to the extent necessary to make it consistent herewith.

Section 12. This Bond Ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by said Law.

DATE: May 12, 2011

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

Mayor Greuter opened the meeting to the public. There being no comments, Mayor Greuter closed the public hearing.

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

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

PUBLIC PORTION

Mayor Greuter opened the meeting to the public.

Mrs. Hook and Ms. Kathy Haake, 74 Rockaway Ave., asked about the payments from Thiokol for the water utility and water testing. Mr. Wacks explained that Thiokol is responsible for paying to clean the carbon and for electricity.

Mrs. Hook complained about Quik Check not emptying garbage cans in a timely manner. Councilman Mulligan will call the owner; if no response, the Board of Health will be informed.

Mrs. Hook commented on Ordinance 03-11. Councilman Mulligan and the Zoning Officer will meet with her to discuss it.

There being no further comments, Mayor Greuter closed the meeting to the public.

CLOSED SESSION

Upon motion by Council President Burnside seconded by Councilman Mulligan, and adopted unanimously upon call of the roll, the following resolution was adopted:

RESOLUTION 76-11: CLOSE MEETING TO THE PUBLIC

WHEREAS, Section 8 of the Open Public Meetings Act, Chapter 231, P.L. 1975, permits the exclusion of the Public from a meeting under certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances do exist;

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

1. The public shall be excluded from discussion of and action upon the hereinafter specified subject matters.
2. The general nature of the subject matter to be discussed is as follows: Potential Litigation (Donatoni Community Park and Liquor License), Contract Negotiations (Dental Insurance).
3. The minutes of the discussion shall be made public as soon as the matters under discussion are no longer of a confidential or sensitive nature.
4. This resolution shall take effect immediately.

DATE: May 12, 2011

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

Mayor and Council went into closed session at 8:40 p.m. and resumed the public meeting at 9:00 p.m.

ADJOURNMENT

The meeting adjourned at 9:00 p.m.

Approved: As Submitted

Sheila Seifert, Borough Clerk

Date: June 6, 2011