

**MAYOR & COUNCIL
REGULAR MEETING
MAY 26, 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 7:31 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 May 26, 2011. Council President Burnside announced the location of the fire exits.

Councilmembers Present

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

Councilmembers Absent

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

Everyone present participated in the salute to the flag.

2011 MUNICIPAL BUDGET

Council President Burnside recognized Borough Auditor Tom Ferry and CFO/Treasurer John J. Doherty were in the audience.

Adoption of Amendments to 2011 Municipal Budget

RESOLUTION 58-11: AUTHORIZE THE ADOPTION OF AMENDMENTS TO 2011 MUNICIPAL BUDGET

WHEREAS, the Local Municipal Budget for the year 2011 was approved on the 24th day of March, 2011; and

WHEREAS, the public hearing on said Budget was held as advertised on April 28, 2011; and

WHEREAS, it is desired to amend said approved Budget.

NOW THEREFORE, BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Rockaway, County of Morris, that the following amendments to the approved budget of 2011 be made:

CURRENT FUND - ANTICIPATED REVENUES:	<u>From</u>	<u>To</u>
3. Miscellaneous Revenues - Section D: Special Items of General Revenue Anticipated With Prior Written Consent of the Director of Local Government Services - Interlocal Municipal Service Agreements Offset with Appropriations: School Resource Officer	\$ 0	\$ 72,450.00
Total Section D: Interlocal Municipal Service Agreements Offset with Appropriations	<u>\$ 0</u>	<u>\$ 72,450.00</u>
3. Miscellaneous Revenues - Section G: Special Items of General Revenue Anticipated With Prior Written Consent of the Director of Local Government Services - Other Special Items: School Resource Officer	\$ 72,450.00	\$ 0
Total Section G: Special Items of General Revenue Anticipated with Prior Written Consent of Director of Local Government Services - Other Special Items	<u>\$ 171,781.00</u>	<u>\$ 99,331.00</u>

Summary of Revenues

Total Section D: Special Items of General Revenue			
Anticipated with Prior Written Consent of Director of			
Local Government Services - Interlocal Municipal			
Services Agreements	\$ 0		\$ 72,450.00
Total Section G: Special Items of General Revenue			
Anticipated with Prior Written Consent of Director of			
Local Government Services - Other Special Items			
	\$ 171,781.00		\$ 99,331.00
6. Amount to be Raised by Taxes for Support of			
Municipal Budget:			
a) Local Tax for Municipal Purposes			
Including Reserve for Uncollected Taxes			
	\$ 4,925,511.93		\$ 4,619,748.93
c) Minimum Library Tax			
	\$ 0		\$ 305,763.00
10. Dedicated Revenues from Water Utility			
Water Capital Fund Balance			
	\$ 20,143.00		\$ 15,346.00
Total Water Utility Revenues			
	\$ 1,340,481.00		\$ 1,335,684.00
11. Appropriations for Water Utility			
Operating: Other Expenses			
	\$ 644,000.00		\$ 639,203.00
Total Water Utility Appropriations			
	\$ 1,340,481.00		\$ 1,335,684.00

BE IT FURTHER RESOLVED, that three certified copies of this resolution be filed forthwith in the Office of the Director of Local Government Services for his certification of the Local Municipal Budget so amended.

Recorded Vote	(Donofrio	(Abstain	(
	(Kanigel	((
Ayes	(Mulligan	Nays	(
	(Vicente	(
	(Willer	(Absent	(
	(Burnside	((

DATE: May 26, 2011 BOROUGH OF ROCKAWAY

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

IT IS HEREBY CERTIFIED that this is a true copy of a resolution amending the 2011 Budget, adopted by the Governing Body of the Borough of Rockaway, on the 26th day of May, 2011.

Certified by me this 26th day of May, 2011. _____
Sheila Seifert, Borough Clerk

The aforesaid resolution was moved by Councilman Vicente, seconded by Councilman Mulligan, and unanimously carried as follows upon call of the roll:

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

RESOLUTION 59-11: READ 2011 MUNICIPAL BUDGET BY TITLE

WHEREAS, Chapter 259 of the Public Laws of 1995 amends the "Local Budget Law," N.J.S.A. 40A:4 et seq., to provide that the local budget may be read by its title only on the date of the public hearing, under the following conditions:

1. At least one week prior to the date of the hearing, a complete copy of the approved budget:
 - a. shall be made available for public inspection in the free public library of the municipality and in the free county library located in the county in which the municipality is located, and the public officer delegated the responsibility for delivering copies of the approved budget to such libraries shall forward to the governing body an attestation that each such delivery was made; and
 - b. is made available to each person requesting the same, during said week and during the public hearing; and

2. The governing body shall, by resolution passed by not less than a majority of the full membership, determine that the conditions set forth in subsection 1.a. and 1.b. of this section have been made; and

WHEREAS, the certification by the Borough Clerk attesting to compliance with item 1.a. above is attached hereto and made a part hereof, and the Budget Summary as allowed by law was published in *The Citizen* issue of April 13, 2011.

NOW, THEREFORE, BE IT RESOLVED by Mayor and Council of the Borough of Rockaway, County of Morris, State of New Jersey, (not less than a majority of the full membership thereof affirmatively concurring) that the said 2011 Local Municipal Budget of the Borough of Rockaway shall be read by title only, all of the aforementioned conditions of P.L. 1995, c. 259 having been met.

DATE: May 26, 2011

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

**BOROUGH OF ROCKAWAY
CERTIFICATION OF BOROUGH CLERK**

In compliance with P.L. 1995, C. 259, I hereby certify that a complete Summary of the 2011 Local Municipal Budget of the Borough of Rockaway as introduced at a regular meeting of the Mayor and Council on Thursday, March 24, 2011, was published in *The Citizen* issue of April 13, 2011; and

I further certify that on March 29, 2011, one full copy of the 2011 Local Municipal Budget was forwarded to the Borough of Rockaway Free Public Library, 82 East Main Street, Rockaway, New Jersey, for public inspection, and one full copy of said Budget was forwarded to the Morris County Public Library, 30 East Hanover Avenue, Whippany, New Jersey, for public inspection, and that copies of the full Budget have been made available at the Office of the Borough Clerk of Rockaway for all those requesting same.

Dated: May 26, 2011

Sheila Seifert
Borough Clerk

The aforesaid resolution was moved by Councilman Vicente, seconded by Councilman Donofrio, and unanimously carried as follows upon call of the roll:

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

Adoption of the Amended 2011 Municipal Budget

RESOLUTION 60-11: AUTHORIZE THE ADOPTION OF AMENDED 2011 MUNICIPAL BUDGET

SEE PAGES 41 AND 42 OF BUDGET

DATE: May 26, 2011

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

The aforesaid resolution was moved by Councilman Vicente seconded by Councilman Mulligan, and adopted unanimously as follows upon call of the roll to hereby adopt the Budget for the year 2011:

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

COUNCIL COMMENTS

Personnel Committee - Councilwoman Kanigel

The Historical Committee received a grant for a laptop and a projector.

Public Works/Public Utilities Committee - Councilman Donofrio

The EPA well project is progressing slowly.

Ordinance Committee - Councilman Mulligan

Department of Public Works

Within two weeks, a meeting will be held with the Teamsters representatives and municipal representatives to discuss the contract with the Department of Public Works employees.

Ordinances

Councilman Mulligan and the Zoning Officer met with representatives of the Business Owners Association regarding Ordinance 03-11, Amending Chapter 172, Zoning, specifically for signs and banners, which was introduced on May 12. The ordinance will be amended to reduce the fees and revise the restrictions on the sidewalks.

(Councilman Willer left at 7:44 p.m)

Finance and Licensing Committee - Councilman Vicente

No comments.

Public Safety Committee - Council President Burnside

The Borough received a plaque received from the Morris County League of Municipalities meeting.

ATTORNEY'S REPORT

RVRSA/Jersey City Litigation

Jersey City litigation is continuing. The case has been sent to arbitration; the judge set an ambitious schedule to finish depositions in September and hopefully it will conclude by the end of March 2012. If not, a trial could begin in April/May 2012.

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

CLERK'S REPORT

The next meeting of the Mayor and Council will be held on Monday, June 6.

CAPE, the contractor doing work for EPA, will begin to work on Saturdays.

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

CONSENT AGENDA ITEMS

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

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

RESOLUTION 61-11: AWARD PROFESSIONAL SERVICES (WATER UTILITY SERVICES)

WHEREAS, there exists a need for certain water utility services to the Borough of Rockaway's Water Utility; and

WHEREAS, said need is for certain specified services to be performed by R. Wayne Snure, Precision Flow, 7644 Rainbow Drive, Tobyhanna, PA 18466; (201-390-2769) and

WHEREAS, funds are available for this purpose; and

WHEREAS, the Local Public Contracts Law (NJSA 40A:11-1 et seq) requires that a resolution authorizing the payment of such professional fees, without competitive bidding must be publicly advertised;

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 with R. Wayne Snure, Precision Flow, for certain water utility services in connection with the Borough's Water Utility as per proposal for calendar year 2011:

\$80.00 per hour, subject to a four (4) hour minimum, based on a normal workday - 8:00 a.m. to 4:30 p.m., Monday through Friday

Work beyond the normal workday will be billed as follows:

\$130.00 per hour for Monday - Friday (after 4:30 p.m.)

\$130.00 per hour for Saturday (portal to portal)

\$170.00 per hour for Sunday and Holidays (portal to portal)

2. These contracts are awarded without competitive bidding as "Extraordinary Unspecifiable Services" in accordance with the Local Public Contracts Law because the services required cannot be reasonably described by written specifications to assure that the qualitative and quantitative assessment of the problem involved, which require expertise, extensive training and proven reputation in the field of endeavor are obtained.
3. That a notice in accordance with this resolution and the Local Public Contracts Law of New Jersey, shall be published in the official newspaper or newspapers of the Borough of Rockaway as required by law.

DATE: May 26, 2011

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

RESOLUTION 62-11: RENEW AGREEMENT FOR ANIMAL CONTROL SERVICES

BE IT RESOLVED by the Mayor and Council of the Borough of Rockaway, County of Morris, New Jersey that proper Borough officials are authorized and directed to execute an Agreement between the Township of Randolph and the Borough of Rockaway for Animal Control Services for the year 2011 in the amount of \$10,078.00.

BE IT FURTHER RESOLVED that funds are available in the 2011 Board of Health Budget.

DATE: May 26, 2011

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

RESOLUTION 63-11: RENEW AGREEMENT FOR PUBLIC HEALTH SERVICES

BE IT RESOLVED by the Mayor and Council of the Borough of Rockaway, County of Morris, New Jersey that proper Borough officials are authorized and directed to execute an Agreement between the Board of Health of the Township of Randolph and the Board of Health of the Borough of Rockaway for Public Health Services for the year 2011 in the amount of \$141,000.00.

DATE: May 26, 2011

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

RESOLUTION 64-11: AWARD PROFESSIONAL SERVICES (ELECTRICAL CONTRACTOR FOR WATER UTILITY)

WHEREAS, there exists a need for certain electrical services to the Borough of Rockaway's Water Utility; and

WHEREAS, said need is for certain specified services to be performed by Robert O'Malley, Electrical Contractor, Inc., 292 South Main Street, Wharton, New Jersey 07885; (973-361-1963) and

WHEREAS, funds are available for this purpose; and

WHEREAS, the Local Public Contracts Law (NJSA 40A:11-1 et seq) requires that a resolution authorizing the payment of such professional fees, without competitive bidding must be publicly advertised;

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 \$15,000.00 with Robert O'Malley Electrical Contractor Inc. for certain electrical services in connection with the Borough's Water Utility for calendar year 2011 as per proposal on file with the Borough Clerk.
2. These contracts are awarded without competitive bidding as "Extraordinary, Unspecifiable Services" in accordance with the Local Public Contracts Law because the services required cannot be reasonably described by written specifications to assure that the qualitative and quantitative assessment of the problem involved, which require expertise, extensive training and proven reputation in the field of endeavor are obtained.

DATE: May 26, 2011

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

RESOLUTION 65-11: AWARD PROFESSIONAL SERVICES CONTRACT (BOND COUNSEL)

WHEREAS, N.J.S.A. 40A:2-38.1 provides for the compensation of an attorney for services rendered in connection with the issuance of bonds; and

WHEREAS, there exists a need for specialized legal services in connection with the authorization and the issuance of bonds and other obligations by the Borough of Rockaway, County of Morris, State of New Jersey (herein the "Municipality"); and

WHEREAS, such specialized legal services can be provided only by a recognized Bond Counsel firm, and the Law Office of John G. Hudak, Esq., LLC, 812 North Wood Avenue, Suite 304, Linden, NJ 07036, (908-925-0784) is so recognized by the financial community; and

WHEREAS, funds are or will be available for this purpose; and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a)(i) requires that notice with respect to contracts for professional services, awarded without competitive bids, must be publicly advertised; and

WHEREAS, the services to be performed are "Professional Services" as defined in N.J.S.A. 40A:11-5(1)(a)(i) and therefore excepted from the Local Public Contracts Law requirements for competitive bidding.

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

1. That the Mayor and Council hereby award the Contract, for calendar year 2011, to the Law Office of John G. Hudak, Esq., LLC, 812 North Wood Avenue, Suite 304, Linden, NJ 07036, in accordance with N.J.S.A. 40A:2-38.1 and N.J.S.A. 40A:11-1, et seq.
2. That the Mayor of the Borough of Rockaway, on its behalf, is hereby authorized and directed to execute the Contract hereby awarded to the Law Office of John G. Hudak, Esq., LLC, and the Borough Clerk of the Borough of Rockaway to attest to said Contract for professional services in connection with the issuance and authorization of all bonds, bond anticipation notes and tax anticipation notes or lease purchase certificates of participation or similar obligations and related matters of capital and debt financing by the Municipality.

3. That no appropriation of funds is required at this time, payment coming from the proceeds of the sale of bonds and bond anticipation notes and tax anticipation notes or similar obligations (such as lease purchase certificates of participation) or other authorizations in accordance with the Contract.
4. That this Contract is awarded without competitive bidding as a professional services contract under the provisions of the Local Public Contracts Law (N.J.S.A. 40A:11-1, et seq.) because legal services are a recognized profession licensed and regulated by law.
5. That the Mayor and Council of the Borough of Rockaway, New Jersey hereby authorize and direct the execution of the aforesaid contract for the period commencing on the date set forth therein.
6. That a notice in accordance with this resolution and the Local Public Contracts Law of New Jersey, shall be published in the official newspaper or newspapers of the Borough of Rockaway as required by law.
7. That an executed copy of the Contract between the Borough of Rockaway and Law Office of John G. Hudak, Esq., LLC, 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.
8. That this resolution shall take effect immediately.

DATE: May 26, 2011

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

RESOLUTION 66-11: AWARD PROFESSIONAL SERVICES CONTRACTS (PLANNER AND MUNICIPAL AUDITOR)

WHEREAS, there exists needs for certain specified professional services to the Borough of Rockaway; and

WHEREAS, said needs or certain specified professional services are to be rendered or performed by a person or persons authorized by law to practice a recognized profession whose practice is regulated by law within the meaning of N.J.S.A. 40A:11-2, et seq. as amended; and

WHEREAS, the performance of said professional services requires knowledge of an advanced type in a field of learning acquired by a prolonged formal base of specialized training and study; as distinguished from general academic instruction or apprenticeship and training; and

WHEREAS, said professional services cannot reasonably be described by written specifications; and

WHEREAS, the budget duly composed and approved by the Mayor and Council provides generally for funds for the services of such professional and/or certain escrow accounts paid by applicants for development provide for the payment for such services; and

WHEREAS, Thomas Ferry, C.P.A., R.M.A., Ferraioli, Wielkotz, Cerullo & Cuvo, P.A. having completed and submitted a Business Entity Disclosure Certification which certifies that Thomas Ferry, C.P.A., R.M.A., Ferraioli, Wielkotz, Cerullo & Cuvo, P.A. has not made any reportable contributions to a political candidate committee in the Borough of Rockaway in the previous year, and that the contract will prohibit Thomas Ferry, C.P.A., R.M.A., Ferraioli, Wielkotz, Cerullo & Cuvo, P.A. from making any reportable contributions through the term of the contract, and

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

WHEREAS, the services to be performed are "Professional Services" as defined in N.J.S.A. 40A:11-5(1)(a)(i) and therefore excepted from the Local Public Contracts Law requirements for competitive bidding.

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 Borough of Rockaway, in accordance with the Local Public Contracts Law, hereby authorizes and approves the award of professional services contracts for the period of performance as noted on the attached schedule, contract copies are on file in the Office of the Clerk and are incorporated herein by reference and their terms and conditions stated on the attached schedule. Said contracts are hereby ratified and confirmed, and upon passage of this Resolution, the Mayor and Borough Clerk be and the same are hereby authorized to enter into said contracts.

2. That these Contracts are awarded without competitive bidding as professional services contracts under the provisions of the Local Public Contracts Law (N.J.S.A. 40A:11-1, et seq.) because such services are a recognized profession licensed and regulated by law.
3. That the Mayor and Council of the Borough of Rockaway, New Jersey hereby authorize and direct the execution of the aforesaid contracts for the period commencing on the date set forth therein.
4. That a notice in accordance with this resolution and the Local Public Contracts Law of New Jersey, shall be published in the official newspaper or newspapers of the Borough of Rockaway as required by law.
5. That an executed copy of the Contracts 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.
6. That this resolution shall take effect immediately.

DATE: May 26, 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:

Planner and Auditor

Funds are Chargeable to Budget Year: 2011 Current and Water

DATE: May 26, 2011

BY: John J. Doherty, Treasurer

PROFESSIONAL SERVICES SCHEDULE

PLANNER: Adrian Humbert
Adrian Humbert Associates
8 Rickland Drive, Randolph, NJ 07869
(973) 989-8200

Review plans for development, forwarded for review by the Borough, will prepare written reports of all findings and recommendations, and will attend such meetings as requested by the Borough effective January 1, 2011 through June 30, 2011.

The Borough agrees to a consideration for the herein outlined services at the rate as follows:

1. Contractor	\$125.00 per hour
2. Associate(s)	\$ 90.00 per hour
3. Technician(s)	\$ 50.00 per hour
4. Secretarial Personnel	\$ 30.00 per hour
5. Copies	\$.25 per page

Contractor's attendance at regular and special Board meetings shall be compensated at \$125.00 per hour with a minimum fee of \$350.00.

Other services at the request of the Borough or the Administrative Office will be compensated at the aforesaid rates.

AUDITOR: Thomas Ferry, C.P.A., R.M.A.
Ferraioli, Wielkotz, Cerullo & Cuvo, P.A.
100B Main Street, Newton, NJ 07860
(973) 579-3212

Annual Audit including assistance with the 2011 Budget, and with preparation of the unaudited Financial Statement and Annual Debt Statement at \$23,000.00 effective January 1, 2011 through December 31, 2011.

If additional services are needed, fees will be charged at the regular government hourly rates as follows:

1. Partner	\$175.00 per hour
2. Manager	\$100.00 per hour
3. Senior Accountant	\$ 85.00 per hour
4. Staff Accountant	\$ 60.00 per hour
5. Administrative	\$ 55.00 per hour

Prepare official statements for:

- | | |
|--|-------------|
| 1. Bond Sales | \$15,000.00 |
| 2. Note Sales | \$ 7,500.00 |
| 3. Secondary Market Disclosure Documents | \$ 2,200.00 |

RESOLUTION 67-11: AWARD PROFESSIONAL SERVICES CONTRACTS (LEGAL SERVICES)

WHEREAS, there exists needs for certain specified professional services to the Borough of Rockaway; and

WHEREAS, said needs or certain specified professional services are to be rendered or performed by a person or persons authorized by law to practice a recognized profession whose practice is regulated by law within the meaning of N.J.S.A. 40A:11-2, et seq. as amended; and

WHEREAS, the performance of said professional services requires knowledge of an advanced type in a field of learning acquired by a prolonged formal base of specialized training and study; as distinguished from general academic instruction or apprenticeship and training; and

WHEREAS, said professional services cannot reasonably be described by written specifications; and

WHEREAS, the budget duly composed and approved by the Mayor and Council provides generally for funds for the services of such professional and/or certain escrow accounts paid by applicants for development provide for the payment for such services; and

WHEREAS, Edward Wacks, Wacks & Hartmann, LLC, has completed and submitted a Business Entity Disclosure Certification which certifies that Edward Wacks, Wacks & Hartmann, LLC, has not made any reportable contributions to a political candidate committee in the Borough of Rockaway in the previous year, and that the contract will prohibit Edward Wacks, Wacks & Hartmann, LLC, from making any reportable contributions through the term of the contract, and

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

WHEREAS, the services to be performed are "Professional Services" as defined in N.J.S.A. 40A:11-5(1)(a)(i) and therefore excepted from the Local Public Contracts Law requirements for competitive bidding.

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 Borough of Rockaway, in accordance with the Local Public Contracts Law, hereby authorizes and approves the award of professional services contracts for calendar year 2011 as noted on the attached schedule, contract copies are on file in the Office of the Clerk and are incorporated herein by reference and their terms and conditions stated on the attached schedule. Said contracts are hereby ratified and confirmed, and upon passage of this Resolution, the Mayor and Borough Clerk be and the same are hereby authorized to enter into said contracts.
2. That these Contracts are awarded without competitive bidding as professional services contracts under the provisions of the Local Public Contracts Law (N.J.S.A. 40A:11-1, et seq.) because such services are a recognized profession licensed and regulated by law.
3. That the Mayor and Council of the Borough of Rockaway, New Jersey hereby authorize and direct the execution of the aforesaid contracts for the period commencing on the date set forth therein.
4. That a notice in accordance with this resolution and the Local Public Contracts Law of New Jersey, shall be published in the official newspaper or newspapers of the Borough of Rockaway as required by law.
5. That an executed copy of the Contracts 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.
6. That this resolution shall take effect immediately.

DATE: May 26, 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:

Legal Services

Funds are Chargeable to Budget Year: 2011 Current and Water

DATE: May 26, 2011

BY: John J. Doherty, Treasurer

PROFESSIONAL SERVICES SCHEDULE

MUNICIPAL ATTORNEY:

Edward Wacks
Wacks & Hartmann, LLC
55 Madison Avenue
Suite 320A
Morristown, NJ 07960
(973) 644-0770

If additional services are needed, fees will be charged at the regular government hourly rates as follows:

1. Retainer (Municipal/Water Utility)	\$46,800.00
2. Non-Retainer Litigation	13,200.00
3. Tax Appeal Matters	4,000.00
4. Tax Foreclosures of Properties	3,500.00
5. Miscellaneous Charges	2,500.00
6. Superior Court Litigation	750.00 per day 225.00 per hour
7. Appellate Court Litigation	1,000.00 per day 275.00 per hour
8. Municipal Court Appearances	350.00 minimum 175.00 per hour
9. Additional Meetings	350.00 minimum 175.00 per hour
10. General Work	175.00 per hour

BOARD OF ADJUSTMENT ATTORNEY:

John M. Mills, III
Mills & Mills, Counselors At Law
One Western Avenue, Morristown, NJ 07960
(973) 538-0950

\$150.00 per hour

PLANNING BOARD ATTORNEY:

David Burton Brady
Brady & Correale, L.L.P.
50 South Street, 3rd Floor
Morristown, NJ 07960
(973) 267-3500

\$150.00 per hour

LABOR ATTORNEYS:

Fredric M. Knapp
Knapp, Trimboli & Prusinowski, L.L.C.
210 Park Avenue
Florham Park, NJ 07866
(973) 660-1095

1. Attorney	\$150.00 per hour
2. Paralegal	\$ 75.00 per hour

Matthew J. Giacobbe
Cleary Giacobbe Alfieri Jacobs, LLC
7 James Street
Florham Park, NJ 07832
(973) 845-6700

1. All Partners and Counsel	\$145.00 per hour
2. All Associates	\$130.00 per hour
3. Law Clerks and Paralegals	\$ 75.00 per hour

RESOLUTION 77-11: URGING THE SWIFT PASSAGE OF A-3430, A-3431, AND A-3432

WHEREAS, injuries that occur on sidewalks that abut commercial property are the responsibility of the commercial property owner; and

WHEREAS, courts have ruled that injuries that occur on sidewalks that abut residential property are not the responsibility of the homeowner even when the homeowner is responsible for the maintenance and repair of the sidewalk by municipal ordinance; and

WHEREAS, courts have ruled that the municipality, not the homeowner, is liable for accidents on defective sidewalks notwithstanding the municipal ordinance; and

WHEREAS, under the provisions of Title 59, public entities are immune from injury "caused solely by weather" on streets and sidewalks; and

WHEREAS, despite this language, in many cases municipalities and other public entities still have been forced to pay large amounts of money in damages when courts ruled that because other factors contributed to the accident, the Title 59 immunity didn't apply because the accident was not "solely" caused by weather; and

WHEREAS, municipalities and other public entities have also been forced to pay large amounts of money in damages for accidents occurring on other public property that were substantially caused by weather; and

WHEREAS, also under the provisions of Title 59, public entities are immune from injury "caused by a condition of any unimproved public property, including but not limited to any natural condition of any beach;" and

WHEREAS, despite this language, in many cases municipalities still have been forced to pay large amounts of money in damages for claims by swimmers injured in the ocean; and

WHEREAS, public entities have also incurred large costs in defending lawsuits by persons injured while walking on municipal boardwalks; and

WHEREAS, a public entity should be immune from such a suit if it can demonstrate that it was operating under an ongoing maintenance plan calling for periodically reviewing and repairing the boardwalk; and

WHEREAS, Assemblyman Burzichelli has introduced a package of legislation, A-3430, A-3431 and A-3432 to strengthen immunity from tort claims involving weather, sidewalks, beaches, boardwalks and similar public properties.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Rockaway, County of Morris, State of New Jersey, that the Legislature is urged to pass A-3430, A-3431, and A-3432 to strength municipalities' immunity from tort claims.

BE IT FURTHER RESOLVED, that copies of this Resolution be forwarded to New Jersey Governor Chris Christie, to Senate President Stephen Sweeney, to Assembly Speaker Sheila Oliver, to our State Senator, to our two Representatives in the General Assembly, and to the New Jersey League of Municipalities.

DATE: May 26, 2011

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

RESOLUTION 78-11: AUTHORIZE THE ADVERTISEMENT OF BIDS FOR SIDEWALK AND MASONRY WORK

BE IT RESOLVED, by the Mayor and Council of the Borough of Rockaway in the County of Morris, that the Borough Clerk be and is hereby authorized and directed to advertise, as required by law, in the *Daily Record* and *The Citizen*, officially designated newspapers circulated in said Borough, an Invitation to Bidders for sealed proposals to be received by the Borough Clerk of the Borough of Rockaway in the County of Morris, New Jersey, for:

SIDEWALK AND MASONRY WORK

Sealed proposals will be opened and read in public at Borough Hall, 1 East Main Street, Rockaway, New Jersey at a date to be determined by the Borough Engineer.

DATE: May 26, 2011

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

RESOLUTION 79-11: AWARD CONTRACT (OFFICE SUPPLIES)

WHEREAS, there exists a need to obtain office supplies for the various departments of the Borough of Rockaway; and

WHEREAS, a Morris County Co-Op Contract No. 16 exists for the purchase of office supplies from the following companies:

W.B. Mason Company
59 Centre Street
Brockton, MA 02303

Staples Advantage
Dept NY
PO Box 415256
Boston, MA 02241-5256

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, that it does hereby authorize the purchase of office supplies for use by the various departments of the Borough of Rockaway from the aforesaid vendors, under Morris County Co-Op Contract No. 16, not to exceed the amount of \$37,400.00.

DATE: May 26, 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:

Office Supplies not to exceed the amount of \$37,400.00
Funds are Chargeable to Budget Year: 2011 Current Budget
Budget Line Item#: Various Departments

DATE: May 26, 2011

BY: John J. Doherty, Treasurer

RESOLUTION 80-11: AUTHORIZATION TO AWARD CONTRACT (ICE CONTROL)

WHEREAS, there exists a need to obtain ice control materials for the Department of Public Works; and

WHEREAS, a Morris County Co-Op Contract No. 3 exists for the purchase of rock salt and calcium chloride from the following companies:

Atlantic Salt
134 Middle Street, Suite #210
Lowell, MA 10852

Peckham Materials Corporation
Union Street
Athens, NY 12015

Reed System, Ltd.
P.O. Box 209
Ellenville, NY 12428-0209

WHEREAS, a Morris County Co-Op Contract No. 4 exists for the purchase of snow grits from the following company:

North Church Gravel, Inc.
P.O. Box 235t
Oak Ridge, NJ 7438-0235

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, that it does hereby authorize the purchase of ice control materials for use by the Department of Public Works from the aforesaid vendors, under Morris County Co-Op Contract No. 3 and Morris County Co-Op Contract No. 4, not to exceed the amount of \$76,500.00.

DATE: May 26, 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:

Ice Control not to exceed the amount of \$76,500.00
Funds are Chargeable to Budget Year: 2011
Budget Line Item#: Roads O.E.

DATE: May 26, 2011

BY: John J. Doherty, Treasurer

RESOLUTION 81-11: AWARD CONTRACT (DENTAL INSURANCE FOR FULL-TIME EMPLOYEES)

WHEREAS, the Local Public Contracts Law (NJSA 40A:11-1 et seq) provides that any contract the amount of which exceeds the bid threshold, may be negotiated and awarded by the governing body without public advertising for bids and bidding therefor and shall be awarded by resolution of the governing body if the subject matter thereof consists of insurance, including the purchase of insurance coverage and consultant services, which exception shall be in accordance with the requirements for extraordinary unspecifiable services; and

WHEREAS, the Borough of Rockaway provides dental insurance coverage for its full-time employees; and

WHEREAS, Principal Financial Group, 300 Interpace Parkway, Building C, Parsippany, NJ 07054, provides such insurance coverage;

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 (NJSA 40A:11-1 et seq) requires that a resolution authorizing the payment of such fees without competitive bidding must be publicly advertised.

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 \$47,000.00 with Principal Financial Group, 300 Interpace Parkway, Building C, Parsippany, NJ 07054 for dental insurance for its full-time employees, for the period June 1, 2011 through May 31, 2012.
2. This contract is awarded without competitive bidding as "Extraordinary, Unspecifiable Services" in accordance with the Local Public Contracts Law because the services required cannot be reasonably described by written specifications to assure that the qualitative and quantitative assessment of the problem involved, which require expertise, extensive training and proven reputation in the field of endeavor are obtained.
3. That a notice in accordance with this resolution and the Local Public Contracts Law of New Jersey, shall be published in the official newspaper or newspapers of the Borough of Rockaway as required by law.

DATE: May 26, 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:

Dental Insurance, Principal Group not to exceed the amount of \$37,400.00
Funds are Chargeable to Budget Year: 2011
Budget Line Item#: Group Insurance

DATE: May 26, 2011

BY: John J. Doherty, Treasurer

RESOLUTION 82-11: URGE THE SWIFT PASSAGE OF S-2762/A-4084 TO PERMIT MUNICIPALITIES TO PAY 2010 AND 2011 COMMERCIAL AND INDUSTRIAL PROPERTY TAX REFUNDS OVER SUBSEQUENT THREE LOCAL BUDGET YEARS

WHEREAS, Senator Buono and Assemblyman Coutinho have introduced S-2762 and A-4084, respectively, which permits a municipality to pay commercial and industrial property tax refunds for tax year 2010 and 2011 over subsequent three local budget years; and

WHEREAS, municipalities do rely and encourage business development in their community for economic growth; and

WHEREAS, unlike a residential tax appeals, commercial and industrial property owners must submit an income statement when filing their appeal as net income generated by property has a direct bearing on the ability to market the property and therefore it is value; and

WHEREAS, successful tax appeals shift the burden of the appeal to the rest of the taxpayers within the community; and

WHEREAS, S-2762 and A-4084 will provide municipalities with a temporary tool to assist in planning and controlling their financial budgets during this influx of appeals; and

WHEREAS, the governing body of the Borough of Rockaway supports the need for the legislation to address property tax refunds for commercial and industrial properties and firmly believes that by allowing phased refunds on successful commercial and industrial property appeals, these bills will provide substantial relief for many residential taxpayers; and

WHEREAS, the League of Municipalities recently conducted a survey that measured the extent to which property owners filed and won tax appeals in 2010, in which 150 municipalities, representing a cross section of the state, participated; and

WHEREAS, those participating in the survey reported property value declines of more than \$87,900,000, which resulted from 19,788 tax appeals filed in 2010; and

WHEREAS, those responding to the survey indicated that 13,760 appeals were filed in 2009, compared to 19,788 in 2010, representing an increase of 43.7%; and

WHEREAS, while a municipality will often experience an increase in tax appeals because they have conducted a revaluation, only 5 of the 150 municipalities, which participated in the survey, indicated that their 2010 appeals resulted from revaluations compared to the 23 of the participating municipalities conducted revaluations in 2009, when fewer tax appeals were presented to the County Tax Boards; and

WHEREAS, the 2010 spike in appeals should be attributed to the economic down-turn, which lowered property values and placed increased stress on the income of property owners, all around our Garden State; and

WHEREAS, although the survey was a snapshot picture in time, it can be used to project what might follow in 2011 and beyond, since the reductions, which were granted by the County Tax Boards will have a multiplier effect; and

WHEREAS, while New Jersey and this nation struggle to recover from one of the worst economic crisis since the Great Depression, municipalities must be given the tools to prevent increasing property taxes on already strained tax payers; and

WHEREAS, successful tax appeals impact fund balances and place additional pressures on the local budget;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Rockaway, County of Morris, State of New Jersey, that the Legislature is urged to pass of S-2762 and A-4084 to provide municipalities with an additional tool to prevent increasing property taxes on already strained taxpayers.

BE IT FURTHER RESOLVED, that copies of this Resolution be forwarded to New Jersey Governor Chris Christie, to Senate President Stephen Sweeney, to Assembly Speaker Sheila Oliver, to our State Senator, to our two Representatives in the General Assembly, and to the New Jersey League of Municipalities.

DATE: May 26, 2011

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

RESOLUTION 83-11: RESOLUTION OF THE BOROUGH OF ROCKAWAY AS A PARTICIPANT IN THE MORRIS COUNTY IMPROVEMENT AUTHORITY'S SERIES 2011 COUNTY OF MORRIS GUARANTEED POOLED PROGRAM, AND AUTHORIZING SUCH AUTHORITY TO APPLY TO THE LOCAL FINANCE BOARD FOR THE NECESSARY CONSENTS AND APPROVALS ON BEHALF OF THE BOROUGH OF ROCKAWAY, ALL IN CONNECTION WITH THE AUTHORITY'S COUNTY OF MORRIS GUARANTEED POOLED PROGRAM BONDS, SERIES 2011 IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$30,000,000

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;

WHEREAS, the Authority is authorized by law, to purchase, lease or otherwise acquire public facilities for the benefit of certain local governmental units located within and including the County;

WHEREAS, the Authority is authorized by law to finance public facilities through the acquisition of debt, including without limitation (i) the general obligation bonds in an aggregate principal amount of approximately \$6,000,000 (the "Borough of Rockaway Bond") of the Borough of Rockaway, in the County of Morris, New Jersey (the "Borough of Rockaway" and together with the County, the "Local Units") and (ii) bonds of the Authority;

WHEREAS, pursuant to the terms hereof and of the Act, the Authority intends to finance the acquisition and installation of certain capital equipment and the acquisition, construction, renovation and installation of certain property and infrastructure improvements (collectively, the "County Project") as set forth on Exhibit A to the Property and Infrastructure Lease Purchase Agreement (including a Ground Lease if necessary) to be entered into between the Authority and the County as a Local Unit in connection herewith (collectively, the "Lease Agreement"), through the issuance of the Authority's "Lease Revenue Bonds, Series 2011A" (the "Initial Lease Revenue Bonds"), the Authority's "Lease Revenue Notes, Series 2011A" (the "Initial Lease Revenue Notes") the Authority's "Lease Revenue Bonds, Series 2012" (the "Series 2012 Lease Revenue Bonds") and any additional bonds or notes in an amount which together with the Initial Lease Revenue Bonds, Initial Lease Revenue Notes and the Series 2012 Lease Revenue Bonds does not exceed \$30,000,000 (the "Additional Lease Revenue Bonds" and together with the Initial Lease Revenue Bonds, the Initial Lease Revenue Notes, and the Series 2012 Lease Revenue Bonds, the "Authority Lease Revenue Bonds");

WHEREAS, the Authority Lease Revenue Bonds and the Borough of Rockaway Bonds shall be collectively referred to as the "Privately Placed Bonds";

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

WHEREAS, the Authority Lease Revenue Bonds will be issued pursuant to the terms of the Authority's bond resolution entitled "RESOLUTION AUTHORIZING THE ISSUANCE OF LEASE REVENUE BONDS OF THE MORRIS COUNTY IMPROVEMENT AUTHORITY" (the "Lease Revenue Bond Resolution"), the Act and other applicable law;

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

WHEREAS, pursuant to the terms of the Lease Agreement, the Authority contemplates taking nominal title to the County Project for the term set forth therein, then leasing the County Project to the County for the term set forth therein, at which time the Authority will convey all of its right, title and interest in and to the County Project to the County for nominal consideration;

WHEREAS, the principal of, and interest on the Authority Lease Revenue Bonds shall be paid from certain rental payments made by the County in accordance with the terms of the Lease Agreement and as otherwise set forth herein;

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

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

WHEREAS, the Authority shall deposit the proceeds of the Authority Lease Revenue Bonds issued under the Lease Revenue Bond Resolution with a trustee to be designated under the Lease Revenue Bond Resolution (the "Lease Revenue Trustee") to pay the cost of: (i) the acquisition, construction, renovation or installation of the County Project; (ii) certain accrued interest to the extent set forth in the Lease Revenue Bond Resolution; (iii) certain costs of issuance to be identified in the Lease Revenue Bond Resolution; (iv) capitalized interest on the Authority Lease Revenue Bonds, if any and (v) such other items as shall be set forth in the Lease Revenue Bond Resolution;

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

WHEREAS, (i) the Initial Lease Revenue Bonds and the Borough of Rockaway 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 "Bond Resolutions");

WHEREAS, the Pooled Program Bonds and the Authority Lease Revenue Bonds shall be collectively referred to as, the "Bonds";

WHEREAS, any notes issued as Series 2011 Bonds may be refunded through the issuance of one or more series of notes or bonds, so long as (i) the principal amount of such notes or bonds, each issued and Outstanding in the aggregate at any one time under and as defined in the hereinafter defined Bond Resolution, does not exceed \$30,000,000 and (ii) the interest rates thereon do not exceed the maximum interest rates set forth in the Local Finance Board Application;

WHEREAS, the issuance of the Pooled Program Bonds for the purpose of acquiring the Privately Placed Bonds to finance the Projects shall collectively be referred to as the "Project");

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 Borough of Rockaway Bond, the payment on which shall be made by the Borough of Rockaway 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 of Rockaway, without limitation as to rate or amount, and which Borough of Rockaway 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;

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;

WHEREAS, in accordance with the terms of the Lease Revenue Bond Resolution, the Pooled Program Bond Resolution, the County Guaranty, the Lease Agreement and the Loan Agreement, the Trustee shall not notify the County of the possible need for payments from the County under the County Guaranty to pay all of a portion of the principal of and interest on the Pooled Program Bonds when due until the respective payment dates for the Local Units under their Privately Placed Bonds, Lease Agreement and Loan Agreement shall have passed and the Local Units shall have failed to make their required payments there under in full;

WHEREAS, pursuant to the terms of the Lease Agreement and the Loan Agreement, those Local Units constituting "materially obligated persons" within the meaning and for the purposes set forth in Rule 15c2-12 ("Rule 15c2-12") promulgated by the Securities and Exchange Commission (the "SEC") pursuant to the Securities and Exchange Act of 1934, as amended, will be required to enter into those certain "Local Unit Continuing Disclosure Agreements" to be dated as of the first day of the month of issuance of the Privately Placed Bonds (as the same may be amended and supplemented from time to time in accordance with their respective terms, the "Local Unit Continuing Disclosure Agreements") with the Authority and the Trustee, as dissemination agent (the "Dissemination Agent") in order to satisfy the secondary market disclosure requirements of Rule 15c2-12;

WHEREAS, pursuant to the terms of the Pooled Program Bond Resolution, as a "materially obligated person" within the meaning and for the purposes set forth in Rule 15c2-12, the County will be required to enter into that certain "County Continuing Disclosure Agreement" to be dated as of the first day of the month of issuance of the Series 2011 Bonds (as the same may be amended and supplemented from time to time in accordance with its terms, the "County Continuing Disclosure Agreement") with the Dissemination Agent in order to satisfy the secondary market disclosure requirements of Rule 15c2-12;

WHEREAS, pursuant to the terms of the Pooled Program Bond Resolution, the Authority (i) shall not be considered a "materially obligated person" within the meaning and for the purposes set forth in Rule 15c2-12 and (ii) shall be required to provide certain material events notices in accordance with Rule 15c2-12, and accordingly, the Authority (a) may be required to enter into a separate continuing disclosure agreement, or alternatively, may need to execute the Local Unit Continuing Disclosure Agreements and/or the County Continuing Disclosure Agreement, and (b) shall be required to provide such material events notices under the terms of the Local Unit Continuing Disclosure Agreements and the County Continuing Disclosure Agreement, all in order to satisfy the secondary market disclosure requirements of Rule 15c2-12 (the "Authority Continuing Disclosure Agreement" and together with the Local Unit Continuing Disclosure Agreements and the County Continuing Disclosure Agreement, the "Continuing Disclosure Agreements");

WHEREAS, in order to market and sell the Bonds in one or more series, the Authority will have to (i) make an application (the "Local Finance Board Application") to, and seek, obtain, and officially recognize the findings from the Local Finance Board (the "Local Finance Board") in the Department of Local Government Services of the State Department of Community Affairs, all in accordance with N.J.S.A. 40A:5A-6, 7 and 8 of the Local Authorities Fiscal Control Law and in connection with the Authority Lease Revenue Bonds and the Pooled Program Bonds, which Local Finance Board Application, hearing and process shall to the extent permitted by applicable law, incorporate the requests for approval by the Local Finance Board of certain matters related to the Borough of Rockaway Bonds, (ii) authorize the distribution of a preliminary official statement "deemed final" within the meaning and for the purposes of Rule 15c2-12 describing the terms of the Pooled Program Bonds, the Project and the other transactions contemplated hereby (the "Preliminary Official Statement"), (iii) enter into one or more bond purchase agreements with one or more underwriters (the "Underwriter") selected by the Authority in accordance with its policy for the selection of underwriters as established by Authority Resolution No. 02-10 adopted July 24, 2002 and entitled "RESOLUTION ADOPTING A POLICY FOR THE SELECTION OF UNDERWRITERS AND OTHER ANCILLARY SERVICE PROVIDERS IN

CONNECTION WITH THE SALE OF SECURITIES" (the "Underwriter Selection Policy") and a fair and open process for the sale of all of the Pooled Program Bonds (the "Bond Purchase Agreement"), (iv) execute and deliver a final Official Statement incorporating the terms of the sale of the Pooled Program Bonds and certain other information into the Preliminary Official Statement (the "Official Statement"), (v) obtain the required resolutions and ordinances of the Local Units necessary in order to authorize the Projects and the financing of the Projects through the Project (the "Local Unit Official Action"), (vi) cause the Local Units to make certain representations, warranties and covenants concerning the Projects, the Privately Placed Bonds and the other transactions contemplated hereby prior to their respective execution and delivery of the Lease Agreement and Loan Agreement, but no later than the execution and delivery of the Bond Purchase Agreement (the "Local Unit Letter of Representations") and (vii) cause the Local Units to make certain representations, warranties and covenants concerning the applicable Projects and Privately Placed Bonds, the use of the funds attributable to the Projects and the transactions contemplated hereby prior to their respective execution and delivery of the Lease Agreement and Loan Agreement, but no later than the execution and delivery of the Bond Purchase Agreement, all in connection with preserving the exclusion of the interest of the Bonds from the gross income of the holders thereof for federal income tax purposes (the "Local Unit Tax Letter of Representations" and together with the Preliminary Official Statement, the Bond Purchase Agreement, the Official Statement and the Local Unit Letter of Representations, the "Sale Documents");

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;

WHEREAS, to the extent that the Authority determines it is in the best interest of the Authority and the Borough of Rockaway 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 Borough of Rockaway 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 of Rockaway 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"); and

WHEREAS, the Local Unit believes: (i) it is in the public interest to accomplish such purposes as set forth in the preambles hereof, including the financing of the Borough of Rockaway; (ii) said purpose is for the health, wealth, convenience or betterment of the inhabitants of the Local Unit; (iii) the amounts to be expended for said purpose are not unreasonable or exorbitant; and (iv) the proposal is an efficient and feasible means of providing services for the needs of the inhabitants of the Local Unit and will not create an undue financial burden to be placed upon the Local Unit.

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

Section 1. The Borough of Rockaway believes: (a) it is in the public interest to accomplish such purposes as set forth in the preambles hereof, including the financing of the Borough of Rockaway Project; (b) said purpose is for the health, wealth, convenience or betterment of the inhabitants of the Borough of Rockaway; (c) the amounts to be expended for said purpose are not unreasonable or exorbitant; and (d) the proposal is an efficient and feasible means of providing services for the needs of the inhabitants of the Borough of Rockaway and will not create an undue financial burden to be placed upon the Borough of Rockaway.

Section 2. The Mayor, Administrator, and the Chief Financial Officer of the Borough of Rockaway (including their designees in writing, each an "Authorized Officer") are each hereby severally authorized to assist the Authority with the preparation and submission of the Local Finance Board Application for the purpose of financing the Borough of Rockaway Project through the issuance of the Initial Pooled Program Bonds, and to take all action necessary, desirable, or convenient in connection therewith. Accordingly, the Authorized Officers, and any consultants of their choosing, shall, if necessary, represent the Borough of Rockaway at any public hearing held by the Local Finance Board in connection with the Local Finance Board Application.

Section 3. The Authorized Officer shall direct the Borough of Rockaway official in charge of the officially adopted resolutions of the governing body of the Borough of Rockaway to (a) prepare an official, certified copy of this resolution, as adopted, and (b) deliver such certified copy in accordance with Section 8 below. Further, the Borough of Rockaway hereby consents to such certified copy of the resolution, and any further information regarding the Borough of Rockaway and/or the Borough of Rockaway Project, as the Authorized Officer shall determine to be necessary, desirable or convenient in connection with the Local Finance Board Application, to be submitted as part of, or pursuant to the Local Finance Board Application.

Section 4. The Authorized Officers are hereby severally authorized to take such other actions, and execute such other certificates, documents, and instruments, as such Authorized Officers shall deem to be necessary, desirable, or convenient to assist the Authority in undertaking the Borough of Rockaway and issuing the Initial Pooled Program Bonds or any other action related to the implementation of the Borough of Rockaway Project for the Borough of Rockaway.

Section 5. The Local Finance Board is hereby respectfully requested to consider the Local Finance Board Application as the means to finance the Borough of Rockaway and record its findings and recommendations as provided by N.J.S.A. 40A:5A-7 of the Local Authorities Fiscal Control Law.

Section 6. To the extent the Series 2011 Bonds are issued in any year other than 2011, references herein to "2011" may without any further action be changed to the year of issuance of such Series 2011 Bonds.

Section 7. All actions of the Authorized Officers or the Consultants taken prior to the date of adoption hereof in connection with the Series 2011 Bonds, the Borough of Rockaway or any of the foregoing transactions contemplated by this resolution, are hereby ratified and approved.

Section 8. Upon the adoption hereof, a certified copy of this resolution shall be forwarded to John Bonanni, County Administrator and Chairman of the Authority, Daniel O'Mullan, County Counsel and Authority Counsel, Stephen B. Pearlman, Esq.

Section 9. This resolution shall take effect immediately.

DATE: May 26, 2011 BOROUGH OF ROCKAWAY
ATTEST: Sheila Seifert, Borough Clerk BY: Russell Greuter, Mayor

RESOLUTION 84-11: REFUND YEAR 2011 TAX OVERPAYMENT (BLOCK 45, LOT 18)

BE IT RESOLVED, by the Mayor and Council of the Borough of Rockaway to refund the Year 2011 tax overpayment in the amount of \$233.62 to Ruch Services, P.O. Box 165, Hibernia, NJ 07842.

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PUBLIC PORTION

Council President Burnside opened the meeting to the public.

Mrs. Bonnie Hook, 23 Jackson Ave., asked for a brief explanation of the Jersey City/RVRSAs lawsuit and the schedule of the street closures, specifically Maple Ave., from the EPA work.

Mr. Rob Grow, Lakeside Dr., voiced his opposition of fees for the sign ordinance and suggested that the Borough Center zone be expanded.

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

ADJOURNMENT

The meeting adjourned at 8:05 p.m.

Approved: Sheila Seifert, Borough Clerk

Date: