

Business Meeting
August 8, 2011

A Business Meeting of the Mayor and Council of the Borough of Wanaque was held on Monday, August 8, 2011, at 7:00 P.M. in the Wanaque Municipal Building.

The Mayor called the meeting to order.

On roll call, the following Council Members responded: Balunis, Cortellessa, Leonard, Pasquariello, and Theoharous. Councilman Pettet was absent. The Mayor declared a quorum. The Borough Attorney and Borough Engineer were present.

The Mayor read the following Sunshine Statement: Adequate notice of this meeting has been provided by the Mayor and Council by emailing notice of this Business meeting to the Suburban Trends and the Herald News newspapers on December 29, 2010 stating therein that this meeting would be held on Monday, August 8, 2011 at the time of 7:00 P.M. in the Wanaque Municipal Building, 579 Ringwood Avenue, Wanaque, New Jersey and a copy of this notice was posted on the bulletin board in the Wanaque Municipal Building on December 29, 2010 and a copy is on file in the office of the Municipal Clerk.

MINUTES:

Minutes of July 11, 2011.

On entertainment of the Mayor, Councilmen Pasquariello and Balunis moved a motion to approve the aforementioned Minutes.

On roll call, all voted yes, and the Mayor declared the motion carried.

Pastor DeGroat of the Wanaque Reformed Church spoke about the 9-11 Memorial Service on September 10, 2011 beginning at 8:00 PM.

PRESENTATION:

The Mayor presented a proclamation to William Trusewicz as Borough Historian.

WHEREAS, William Trusewicz has been a resident and active member of the Wanaque Community for over 60 years volunteering his time and efforts in various areas for the betterment of our community; and

WHEREAS, William Trusewicz unselfishly served our country through his enlistment in the United States Army for four years from September 1941 through the end of the World War I; and

WHEREAS, William Trusewicz served as a historian for the Borough of Wanaque for over 30 years accumulating a large collection of pictures, postcards, slides and news clippings which help document the history of the Borough of Wanaque; and

WHEREAS, William Trusewicz has also served on several other historical committees in northern Passaic County, including those serving Ringwood Manor and the Long Pond Iron Works; and

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WHEREAS, William Trusewicz has for the past twenty years, in his capacity as a historian, has shared his vast knowledge of the history of our community each year to our citizens at the annual Wanaque Town Picnic through his annual historical exhibit which included a slide presentation and pictures from his collection;

NOW, THEREFORE, I, DANIEL MAHLER, MAYOR OF THE BOROUGH OF WANAQUE, do hereby issue and proclaim in honor of William Trusewicz to memorialize his contributions to the Borough of Wanaque; and

BE IT FURTHER directed that this proclamation be spread in the official minutes of this meeting to forever memorialize the contributions of William Trusewicz to the Borough of Wanaque.

ORDINANCES:

Public Hearing of Ord. #16-0-11:

Re: Title 39 Regulations – Wanaque Reserve Roadways

On entertainment of the Mayor, Councilmen Theoharous and Leonard moved that Ordinance #16-0-11 be taken from the table and read by the Clerk, by title only, for consideration of final reading with the minor amendment that vehicles can enter or exit the Clubhouse parking lot through the southerly driveway and only enter the parking lot through the northerly driveway.

On roll call, all voted yes and the Mayor declared the motion carried.

The Clerk took from the table and read by title only as follows: AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF WANAQUE, CHAPTER 108, VEHICLES AND TRAFFIC, TO AMEND ARTICLE XI-A, TRAFFIC REGULATIONS ON PRIVATE PROPERTY.

This Ordinance has been duly advertised in accordance with the statutes; a copy was posted on the bulletin board in the Municipal Building, a copy was available for the public to read in the Clerk's office; and copies are available for the public present here this evening.

The Mayor opened the Public Hearing

No one came forward.

The Mayor closed the Public Hearing.

On entertainment of the Mayor, Councilmen Balunis and Leonard moved that,

BE IT RESOLVED THAT an Ordinance entitled: AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF WANAQUE, CHAPTER 108, VEHICLES AND TRAFFIC, TO AMEND ARTICLE XI-A, TRAFFIC REGULATIONS ON PRIVATE PROPERTY pass final reading, and that said Ordinance be adopted as an Ordinance of the Borough of Wanaque; and

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BE IT FURTHER RESOLVED that the Borough Clerk be and she is hereby directed to cause said Ordinance to be published in the manner prescribed by law.

On roll call, all voted yes, except Councilman Cortellessa who abstained, and the Mayor declared the motion carried.

Introduction of Ord. #17-0-11:

Re: Amend Chapter 47 – Alcoholic Beverages

On entertainment of the Mayor, Councilmen Balunis and Leonard moved that Ordinance #17-0-11 be taken from the table and read by the Clerk, by title only, for consideration of first reading.

On roll call, all voted yes and the Mayor declared the motion carried.

The Clerk took from the table and read by title only as follows: AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF WANAQUE, TITLED “ALCOHOLIC BEVERAGES”.

On entertainment of the Mayor, Councilmen Pasquariello and Leonard moved that,

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF WANAQUE, TITLED “ALCOHOLIC BEVERAGES” pass first reading, and that said Ordinance be further considered for final passage and adoption at a meeting of the Borough Council to be held on the 12th day of September 2011, at the Municipal Building in the Borough of Wanaque at 8:00 P.M., and that at such time and place all persons interested be given an opportunity to be heard concerning said Ordinance; and

BE IT FURTHER RESOLVED that the Borough Clerk be instructed to publish in the manner provided by law a copy of said Ordinance, together with introduction thereof and notice when same will be considered for final passage and adoption.

On roll call, all voted yes, and the Mayor declared the motion carried.

COMMITTEE REPORTS:

Councilman Balunis:

Councilman Balunis reported the Wanaque First Aid Squad 911 Memorial Ceremony will be held on September 10th at 10:00 A.M. For July they had one hundred fourteen calls and the total for the year so far is six hundred seventy two calls.

Councilman Cortellessa:

Councilman Cortellessa reported the Road Department is doing ongoing summer activities and the garbage truck has been ordered. The Water Department ordered a new truck as well. We topped the water usage at thirty eight million gallons and almost set a record.

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Councilman Leonard:

Councilman Leonard reported the Board of Education had a member resign and they have two candidates they are looking into.

Councilman Pasquariello:

Councilman Pasquariello reported on the police department.

Councilman Pettet:

Absent.

Councilman Theoharous:

Councilman Theoharous said I have no report.

The Mayor said regarding the 9-11 Welcome Park there will be a ceremony probably late September or early October and they will pick up the steel tomorrow. The Fire Department needs to get a Club liquor license and the one truck is rusted and they are looking at trucks and into buying a truck to replace it.

PUBLIC DISCUSSION:

The Mayor opened the Public Discussion.

Ken Ambruster, 6 Gardella Place, Haskell said we are almost at maximum for water and are not buying it from the reservoir.

Councilman Cortellessa said that is correct.

Ken Ambruster said what is the status of Mountain Lakes Estates.

The Mayor said that is between the Department of Environmental Protection and the Developer. The Department of Environmental Protection is re-appealing this to the Supreme Court. The developer claims that units were done. We expressed our interest in the Department of Environmental Protection not to give up and the Highlands Council, a division of the Department of Environmental Protection also expressed concerns and they have forty five days to appeal it to the Supreme Court.

Ken Ambruster said how many homes are there.

The Mayor said one hundred twenty eight homes and townhouses originally. There are thirteen homes and twenty eight townhouses.

Councilman Leonard said are there other lawsuits.

The Borough Attorney said there is regarding the sewers.

The Borough Administrator said they will know if they appeal through the Department of Environmental Protection what permits have to be filed. The Department of Environmental Protection has to tell us what the determination is going to be and the

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Department of Environmental Protection position if they will appeal. We have not heard from the developer and will look at the developers agreement.

Ken Ambruster said the area in a preservation zone.

The Borough Administrator said the permits received was for the entire plan.

The Borough Attorney said the costs for the bonds has gone up also.

The Mayor closed the Public Discussion.

CONSENT AGENDA:

Resolution #112-0-11:

Re: Redemption of Tax Sale Certificate #09-00004 for Block 240, Lot 29 in the amount of \$15,409.46 for the certificate and \$6,100.00 for the premium.

WHEREAS, a Tax Sale was held for 2009 delinquent Municipal charges on October 6, 2010, and

WHEREAS, CCTS Capital LLC was the successful bidder for Block 240 Lot 29 for which Tax Sale Certificate #09-00004 was assigned, and

WHEREAS, Gregory Lake, Esq. has redeemed said certificate of which funds have been deposited into the Current Account.

NOW, THEREFORE, BE IT RESOLVED that the Treasurer shall refund to the lien holder the amount of \$15,409.46 for the certificate and \$6,100.00 for the premium as per the certification of the Tax Collector.

Resolution #113-0-11:

Sale of Surplus Property.

WHEREAS, the Borough of Wanaque has determined that the property described on Schedule A attached hereto and incorporated herein is no longer needed for public use; and

WHEREAS, the Local Unit Technology Pilot Program and Study Act (P.L. 2001, c. 30) authorizes the sale of surplus personal property no longer needed for public use through the use of an online auction service; and

WHEREAS, the Borough of Wanaque intends to utilize the online auction services of GovDeals located at Govdeals.com; and

WHEREAS, the sales are being conducted pursuant to the Division of Local Government Services' Local Finance Notice 2008-9;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Wanaque in the County of Passaic, State of New Jersey, that the Borough Administrator is hereby authorized to sell the surplus personal property as indicated on Schedule A on an online auction website entitled govdeals.com; and

BE IT FURTHER RESOLVED, that the terms and conditions of the agreement entered into between Govdeals and the Borough of Wanaque are available at Govdeals.com and in the Borough Clerk's office.

Resolution #114-0-11:

Award Bid – 2011 Road Program.

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WHEREAS, on July 20, 2011 the Borough advertised for bids for the 2011 Road Program; and

WHEREAS, bids were received from the following:

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| 1. | AJM Contractors
300 Kuller Road
Clifton, NJ 07011-2861 | \$340,126.10 |
| 2. | Mike Fitzpatrick & Son
18 Cozy Lake Road
P.O. Box 430
Oak Ridge, NJ 07438 | \$346,235.30 |
| 3. | Schifano Construction
1 Smalley Avenue
P.O. Box 288
Middlesex, NJ 08846 | \$359,661.25 |
| 4. | Smith-Sondy Asphalt
150 Anderson Avenue
Wallington, NJ 07057 | \$377,618.88 |
| 5. | Tilcon New York
625 Mount Hope Road
Wharton, NJ 07885 | \$392,000.00 |
| 6. | Inter-County Paving
859 Willow Grove Street
Hackettstown, NJ 07840 | \$453,253.55 |

and;

WHEREAS, upon review by the Borough Engineer and the Borough Administrator, it has been found that the bid submitted by AJM Contractors is the lowest responsive and responsible bid;

NOW, THEREFORE, BE IT RESOLVED that a contract for the 2011 Road Program be awarded to AJM Contractors, 300 Kuller Road, Clifton, New Jersey 07011-2861, at the low bid price of \$340,126.10;

BE IT FURTHER RESOLVED that the Chief Financial Officer has certified that funds are available in budget account X-GC-03-369-201: and

Resolution #115-0-11:

Award Bid – Improvements to Wanaque Avenue and Butler Place.

WHEREAS, on July 20, 2011 the Borough advertised for bids for the Wanaque Avenue and Butler Place; and

WHEREAS, bids were received from the following:

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| 1. | Mike Fitzpatrick & Son
18 Cozy Lake Road
P.O. Box 430
Oak Ridge, NJ 07438 | \$363,889.30 |
| 2. | AJM Contractors
300 Kuller Road
Clifton, NJ 07011-2861 | \$365,653.50 |
| 3. | John Garcia Construction
183 Friar Lane
Clifton, NJ 07013-3226 | \$382,135.00 |
| 4. | Schenley Construction
731 Warwick Turnpike
Hewitt, NJ 07421-2143 | \$392,814.50 |
| 5. | Caro Corporation
70-76 Passaic Avenue
Florham Park, NJ 07932 | \$426,641.80 |
| 6. | Montana Construction
80 Constant Avenue
Lodi, NJ 07644 | \$745,173.53 |

and;

WHEREAS, upon review by the Borough Engineer and the Borough Administrator, it has been found that the bid submitted by Mike Fitzpatrick and Son is the lowest responsive and responsible bid;

NOW, THEREFORE, BE IT RESOLVED that a contract for the Wanaque Avenue and Butler Place Improvements be awarded to Mike Fitzpatrick and Son, 18 Cozy Lake Road, P.O. Box 430, Oak Ridget, New Jersey 07438, at the low bid price of \$363,889.30;

BE IT FURTHER RESOLVED that the Chief Financial Officer has certified that funds are available in budget account Y-WC-04-122-201; and

Resolution #116-0-11:
Alaimo Associates – Update Tax Maps.

WHEREAS, Alaimo Engineering was appointed as the Municipal Engineers for the Borough of Wanaque on January 3, 2011 through a fair and open process; and

WHEREAS, Alaimo Engineering has provided a proposal for the updating of the official tax maps of the Borough dated June 6, 2011;

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NOW, THEREFORE, BE IT RESOLVED that the proposal of Alaimo Engineering dated June 6, 2011 for the updating of the official tax maps of the Borough of Wanaque, in an amount not to exceed \$55,000 be and is hereby approved; and

BE IT FURTHER RESOLVED that the Chief Financial Officer has certified that funds are available in budget account X-GC-03-367-203.

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Resolution #117-0-11:

Extend 2008 Community Development Block Grant.

BE IT RESOLVED that the Borough Council of the Borough of Wanaque requests an extension of the Community Development Block Grant for 2008 – Façade Improvements – from the Passaic County Board of Chosen Freeholders to December 31, 2011.

Resolution #118-0-11:

Sale of Refunding Bonds

EXTRACT from the minutes of a business meeting of the Borough of Wanaque, in the County of Passaic, New Jersey, held on August 8, 2011, at 7:00 P.M., at the Municipal Building, 579 Ringwood Avenue, Wanaque, New Jersey.

PRESENT: Councilman Balunis, Councilman Cortellessa, Councilman Leonard, Councilman Pasquariello, Councilman Theoharous

ABSENT: Councilman Pettet

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Councilman Pasquariello introduced the following resolution and moved its adoption, and Councilman Cortellessa seconded the motion:

RESOLUTION DETERMINING THE FORM OF SEWER REFUNDING BONDS OF 2011 OF THE BOROUGH OF WANAQUE, IN THE COUNTY OF PASSAIC, NEW JERSEY, AND DETERMINING CERTAIN DETAILS IN CONNECTION THEREWITH.

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

Section 1. Maximum Amount and Title of the Bonds. The Borough of Wanaque, New Jersey (the “Borough”) is hereby authorized to issue refunding bonds pursuant to a refunding bond ordinance, entitled: “Refunding bond ordinance authorizing the issuance of \$3,500,000 Refunding Bonds of the Borough of Wanaque, in the County of Passaic, New Jersey”, finally adopted on March 14, 2011, in a principal amount not in excess of \$3,500,000 and entitled “Sewer Refunding Bonds of 2011” (the “Bonds”). The Chief Financial Officer of the Borough (the “Chief Financial Officer”), pursuant to N.J.S.A. 40A:2-53 and other applicable law, is hereby delegated the power to determine the final principal amounts of the Bonds; provided, however, that the maximum principal amount of the Bonds shall not exceed \$3,500,000.

Section 2. Maturities and Interest Rates. The Bonds shall mature (or have mandatory sinking fund installments) annually on such dates and in such principal amounts and shall bear interest at such rates, all as shall be determined by the Chief Financial Officer; provided, however, that (i) the year of final maturity of the Bonds shall be no later than 2017 and (ii) the effective rate of interest on the Bonds will allow the Borough to realize a net (i.e., after payment of the costs of issuance of the Bonds) present value debt service savings of at least 3% of the aggregate principal amount of the Refunded Bonds (as defined in Section 16 of this resolution).

Section 3. Denominations, Dates, Interest Payment Dates and Manner of Payment. The Bonds are issuable in fully registered form without coupons and payable to a named person or registered assigns, and each in the denomination of \$5,000 or any whole multiple of \$1,000 in excess thereof. On original issuance the Bonds shall be dated as of, and shall bear interest from, such date as shall be determined by the Chief Financial Officer. Interest on the Bonds shall be payable semi-annually in each year until maturity or earlier redemption, on such dates as shall be determined by the Chief Financial Officer, by check or bank draft mailed (unless other arrangements have been made with any securities depository) to the registered owners thereof whose names appear on the registration books of the Borough held by the Chief Financial Officer in the capacity as paying agent (the "Paying Agent") as of the record dates, such record dates to be determined by the Chief Financial Officer. Principal or redemption price, if any, of the Bonds shall be payable upon presentation and surrender (unless other arrangements have been made with any securities depository) of the Bonds at the office of the Chief Financial Officer. Principal or redemption price, if any, of and interest on the Bonds shall be payable in lawful money of the United States of America.

Section 4. Book-Entry-Only Bonds. The Bonds shall be issued by means of a book entry system with no physical distribution of bond certificates made to the public. The Bonds shall be issued in registered form and bond certificates for each maturity will be issued to The Depository Trust Company, New York, New York ("DTC"), registered in the name of its nominee Cede & Co., and immobilized in its custody. A book entry system will be employed, evidencing ownership of the Bonds in principal amounts of \$5,000 or any \$1,000 increment in excess thereof, with transfers of

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ownership affected on the records of DTC and its participants pursuant to rules and procedures adopted by DTC and its participants. The Purchaser (as defined in Section 7 of this resolution), as a condition to the delivery of the Bonds, will be required to deposit the bond certificates with DTC, registered in the name of Cede & Co. So long as Cede & Co. is the registered owner of the Bonds, principal or redemption price, if any, of and interest on the Bonds will be payable by the Borough or its agent to DTC or its nominee as registered owner of the Bonds.

Section 5. Form of the Bonds. The Bonds shall be in substantially the form attached hereto as Exhibit A and by this reference incorporated as if set forth in full herein, with such changes, insertions and omissions as may be approved by the Chief Financial Officer, including a change, if necessary, to the title of the Bonds to reflect the issuance thereof in a different year. The Bonds shall be executed in the name of the Borough by the manual or facsimile signatures of the Mayor of the Borough (the “Mayor”) and the Chief Financial Officer, under the seal of the Borough affixed, imprinted or otherwise reproduced thereon and attested by the manual signature of the Borough Clerk (the “Clerk”). The execution of the Bonds by the Chief Financial Officer shall be conclusive evidence of any approval required by this Section.

Section 6. Redemption. (A) Optional and Mandatory Redemption. The Bonds shall be subject to redemption at the option of the Borough and mandatory sinking fund redemption at such times, on such dates and in such amounts as may be determined by the Chief Financial Officer; provided, however, that there shall be no premium associated with any such redemption.

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(B) Notice of Redemption. Notice of redemption shall be given by first-class mail, postage prepaid, to the registered owners of the Bonds or portions thereof to be redeemed, not less than thirty (30) days nor more than sixty (60) days prior to the redemption date, but such mailing shall not be a condition precedent to such redemption and failure so to mail any such notice shall not affect the validity of any proceedings for the redemption of Bonds. If notice of redemption shall have been given as aforesaid, the Bonds or portions thereof specified in said notice shall become due and payable at the redemption price on the redemption date therein designated and if, on the redemption date, moneys for payment of the redemption price of all the Bonds to be redeemed, together with interest to the redemption date, shall be available for such payment on said date, then from and after the redemption date interest on such Bonds shall cease to accrue and become payable. Less than all of a Bond in a denomination in excess of \$5,000 may be so redeemed, and in such case, upon the surrender of such Bond (unless other arrangements have been made with any securities depository), there shall be issued to the registered owner thereof, without charge therefor, for the unredeemed balance of the principal amount of such Bond, Bonds of like series, designation, maturity and interest rate in any of the authorized denominations.

Section 7. Sale of the Bonds. Subject to the terms of and the limitations set forth in this resolution, the Chief Financial Officer is hereby authorized to award and sell the Bonds to RBC Dain Rauscher, Florham Park, New Jersey (the "Purchaser"); provided, however, that the underwriter's discount does not exceed \$6.00 per \$1,000 of Bonds sold.

Section 8. Purchase Contract. The Chief Financial Officer is hereby authorized and directed to execute and deliver a contract for the sale of the Bonds with the Purchaser, in a form approved by bond counsel to the Borough.

Section 9. Delivery of the Bonds. The Bonds, in registered form, shall be numbered and lettered for identification purposes, in such manner as shall be determined by the Chief Financial Officer, and shall, as soon as practicable, be prepared, executed and delivered in definitive form to or upon the order of the Purchaser at the expense of the Borough upon payment in full of the purchase price for the Bonds.

Section 10. Additional Matters Contained in the Bonds. The Borough Clerk is hereby authorized and, if necessary or advisable in the opinion of Hawkins Delafield & Wood LLP, directed to cause the applicable CUSIP numbers (if any) assigned for each of the Bonds by the CUSIP Service Bureau of Standard & Poor's Corporation of New York, New York, to be printed on the Bonds.

Section 11. Delivery of Related Documents. Upon the date of issue of the Bonds, being the date of delivery of the Bonds to the Purchaser and the payment of the purchase price thereof in accordance with the contract of sale, the Chief Financial Officer is hereby authorized and directed, as of the date of issue, to deliver to the Purchaser (a) an arbitrage and use of proceeds certificate with respect to the Bonds in such form as shall be satisfactory to Hawkins Delafield & Wood LLP under and for the purposes of Section 148 of the Internal Revenue Code of 1986, as amended to said date of issue (the "Code"), (b) an undertaking to provide continuing disclosure in order to assist the Purchaser in complying with Rule 15c2-12 of the Securities and Exchange Commission ("Rule 15c2-12") in a form satisfactory to Hawkins Delafield & Wood LLP

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and (c) such other documents as may be useful, necessary, convenient or desirable in connection with the issuance of the Bonds.

Section 12. Delegation of Power to Award the Bonds. Pursuant to N.J.S.A. 40A:2-53 and other applicable law, the Borough Council of the Borough does by this resolution delegate to the Chief Financial Officer the power to sell and award the Bonds to the Purchaser in accordance with the terms of and the limitations set forth in this resolution. The Chief Financial Officer shall report in writing to this governing body at its next meeting thereafter as to the details of the Bonds, including the principal amounts, interest rates, maturities, interest payment dates, record dates, redemption features and purchase price.

Section 13. Preliminary Official Statement. The Chief Financial Officer is hereby authorized to deliver a Preliminary Official Statement with respect to the Bonds to the Purchaser for use in connection with the sale, resale and distribution of the Bonds. The Chief Financial Officer is hereby authorized and directed to deem said Preliminary Official Statement final as of its date for purposes and within the meaning of Rule 15c2-12.

Section 14. Final Official Statement. The execution, delivery and dissemination of a final Official Statement in substantially the same form as said Preliminary Official Statement with such changes, insertions and omissions as may be approved by the Chief Financial Officer with respect to the issuance of the Bonds by and on behalf of the Borough is hereby authorized, and the Chief Financial Officer and the Mayor are hereby authorized to execute the same in the name and on behalf of the Borough and to deliver said final Official Statement in executed form for its use in

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connection with the sale, resale and distribution of the Bonds. The execution of said final Official Statement by the Chief Financial Officer or the Mayor shall be conclusive evidence of any approval required by this Section.

Section 15. Appointment of Escrow Agent. The Borough does hereby appoint The Bank of New York Mellon, of Woodland Park, New Jersey, or such other bank or trust company as may be determined by the Chief Financial Officer, as escrow agent (the "Escrow Agent") with respect to a portion of the proceeds of the Bonds that will be held for payment of the Refunded Bonds (as defined in Section 16 of this resolution).

Section 16. Election to Redeem. The Borough hereby irrevocably elects to redeem on December 1, 2011, \$3,255,000 aggregate principal amount of Sewer Revenue Refunding Bonds (Series 2001) initially issued by the Wanaque Borough Sewerage Authority and assumed by the Borough in January 2010, being those bonds maturing on and after December 1, 2013 (the "Refunded Bonds"). The Refunded Bonds shall be redeemed at a redemption price equal to 100% of the principal amount thereof, plus interest accrued to the date fixed for redemption (i.e., December 1, 2011). The election set forth in this Section shall be effective upon the issuance of the Bonds. The Chief Financial officer is hereby authorized to refund less than all the Refunded Bonds or additional bonds of said Sewer Revenue Refunding Bonds (Series 2001) as may be desirable to accomplish the savings referred to in Section 2 of this resolution.

Section 17. Notice of Redemption. The Escrow Agent is hereby authorized and directed to give notice of redemption of the Refunded Bonds in substantially the form attached to the Escrow Deposit Agreement (as defined in Section

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20 of this resolution) with such changes, insertions and omissions as are acceptable to the Borough and the Escrow Agent. Unless some other method of delivery and time is acceptable to the recipient, such notice of redemption shall be given not less than thirty (30) days prior to the date fixed for redemption by first class mail, postage prepaid, to (a) the registered owners of the Refunded Bonds (i.e., The Depository Trust Company) and (b) the Municipal Securities Rulemaking Board. Any failure to mail, to publish or to receive such notice, or any defect therein, shall not affect the validity of the proceedings for redemption.

Section 18. Notice of Refunding. The Escrow Agent or the Chief Financial Officer is hereby authorized and directed to give notice of refunding of the Refunded Bonds in substantially the form attached to the Escrow Deposit Agreement with such changes, insertions and omissions as are acceptable to the Borough and the Escrow Agent. Such notice shall be given as soon as practicable after the date of delivery of the Bonds to the registered owners of the Refunded Bonds and to the Municipal Securities Rulemaking Board.

Section 19. Application of Proceeds of the Bonds. The proceeds of sale of the Bonds shall be applied by the Borough to the payment of the principal or redemption price, if any, of and interest on the Refunded Bonds through and including the date of redemption thereof and to the costs of issuance of the Bonds. The proceeds of the Bonds to be applied to the principal or redemption price, if any, of and interest on the Refunded Bonds, together with any other moneys of the Borough to be used therefor, shall be held, in accordance with the provisions of the Escrow Deposit Agreement, in trust by the Escrow Agent on behalf of the Borough pending application thereof to the

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payment of the principal or redemption price, if any, of and interest on the Refunded Bonds. Simultaneously with the issuance of the Bonds, the Chief Financial Officer is hereby authorized and directed, after consultation with and upon the advice of bond counsel to the Borough, the Borough's financial advisor (if any) and the Borough Auditor, to deposit in the escrow account established by the Escrow Deposit Agreement (a) all or a portion of the moneys budgeted or anticipated to be budgeted by the Borough in the fiscal year in which the Bonds are issued to pay principal and interest due on the Refunded Bonds and (b) a portion of the debt service reserve fund applicable to the Refunded Bonds and approximately equal to the amount of the reduction of the debt service reserve fund requirement applicable to bonds initially issued by the Wanaque Borough Sewerage Authority.

Section 20. Escrow Deposit Agreement. The substance and form of the escrow deposit agreement attached hereto as Exhibit B and by this reference incorporated as if set forth in full herein (the "Escrow Deposit Agreement") to be dated the date of delivery of and payment for the Bonds, by and between the Borough and the Escrow Agent are hereby approved, adopted and agreed to by the Borough with such modifications, additions or deletions as may hereafter be approved by the Chief Financial Officer upon advice from bond counsel to the Borough, the Borough's financial advisor and the Borough Auditor. The Chief Financial Officer is hereby authorized and directed to execute and deliver the Escrow Deposit Agreement and to carry out the transactions contemplated thereby and the Clerk is hereby authorized and directed to affix the seal of the Borough on the Escrow Deposit Agreement and attest same. The execution of the

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Escrow Deposit Agreement by the Chief Financial Officer shall be conclusive evidence of any approval required by this Section.

Section 21. Purchase of Escrow Securities. The Mayor and Chief Financial Officer each is hereby authorized and directed, if necessary, to execute an initial and final Subscription for Purchase and Issue of United States Treasury Securities - State and Local Government Series - Time Deposit Securities (“SLGS”), and any related certification, each in form and substance satisfactory to bond counsel to the Borough. The Purchaser or the financial advisor to the Borough each is hereby authorized to execute said initial SLGS subscription letter on behalf of the Borough. The Purchaser, the Escrow Agent or the financial advisor to the Borough each is hereby authorized to execute said final SLGS subscription on behalf of the Borough. In addition, the Chief Financial Officer is hereby authorized and directed, if necessary, to execute and deliver any agreement, document or instrument relating to the purchase of securities for deposit in the escrow account established by the Escrow Deposit Agreement.

Section 22. Appointment of Verification Agent. The Borough does hereby appoint Ferraioli, Wielcotz, Cerullo & Cuva, P.A., Pompton Lakes, New Jersey, as verification agent with respect to the Bonds. The verification agent shall, among other things, deliver a report verifying (a) the yield on the Bonds for arbitrage purposes and (b) the sufficiency of the escrow deposit to accomplish the refunding of the Refunded Bonds.

Section 23. Appointment of Financial Advisor. The Borough does hereby appoint Phoenix Advisors, LLC, Bordentown, New Jersey, as financial advisor to assist with the structuring and sale of the Bonds.

Section 24. Bank-Qualified Designation. The Bonds are hereby designated as “qualified tax-exempt obligations” pursuant to and for the purposes of Section 265(b)(3) of the Code, or to the extent the Bonds currently refund other obligations of the Borough, the Bonds are “qualified tax-exempt obligations” pursuant to Section 265(b)(3)(D)(iii) of the Code. Not more than \$10,000,000 of obligations, including the Bonds, of the Borough and all subordinate entities thereof issued from January 1, 2011 to and including the date hereof have been designated by the Borough for purposes of Section 265(b)(3) of the Code. As of the date hereof, the reasonably anticipated amount of tax-exempt obligations (other than private activity bonds, as referred to and defined in Section 141 of the Code and current refundings of other obligations of the Borough), which will be issued by the Borough and all subordinate entities thereof during the calendar year commencing January 1, 2011 does not exceed \$10,000,000.

Section 25. Actions to be Taken on Behalf of the Borough. The Mayor, Chief Financial Officer and Borough Clerk are hereby authorized and directed to execute the Bonds on behalf of the Borough and to do all matters necessary, useful, convenient or desirable to accomplish the sale, issuance and delivery of the Bonds and the refunding and redemption of the Refunded Bonds all in accordance with the provisions of this resolution including without limitation (a) the submission of materials to one or more rating agencies for purposes of receiving a credit rating on the Bonds, (b) the selection of a financial printer and website for purposes of disseminating the Preliminary Official Statement and the final Official Statement and (c) the appointment

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of a redemption agent for purposes of administering any mandatory sinking fund redemptions.

Section 26. Prior Action. All action taken to date by Borough officials, employees and professionals with respect to the authorization, sale and issuance of the Bonds, including the preparation of a Preliminary Official Statement with respect thereto, be and the same hereby are ratified, approved, confirmed and adopted in all respects.

Section 27. Effective Date. This resolution shall take effect immediately and, if necessary, when there is endorsed upon a certified copy hereof the consent referred to in N.J.S.A. 40A:2-55.

AYES: Councilman Balunis, Councilman Cortellessa, Councilman Leonard, Councilman Pasquariello and Councilman Theoharous

NOES: NONE

Payment to County of Passaic re:
3rd Quarter Taxes for the Year 2011 in the amount of \$1,987,552.77.

Payment to County of Passaic re:
Open Space Taxes for the 3rd Quarter Year 2011 in the amount of \$32,908.59.

Application for Raffle License re:
Lakeland Chorale – RA:779

Application for Soil Removal Permit re:
Carlos Quispe, 81 Townsend Road, Wanaque.

On entertainment of the Mayor Councilman Pasquariello and Cortellessa moved a motion to approve the aforementioned consent agenda.

On roll call, all voted yes, and the Mayor declared the motion carried.

REGULAR REPORTS - PROFESSIONAL REPORTS:

1. Clerk's Receipts for July 2011

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2. Police Department Report for July 2011
3. Tax Collector's Report for July 2011 -
4. Municipal Court Report for July 2011 -

On entertainment of the Mayor, Councilmen Theoharous and Cortellessa moved that reports be received and filed; and that all monies be turned over to the Treasurer.

On roll call all voted yes and the Mayor declared the motion carried.

REPORTS:

The Borough Engineer reported that the resolution needs to say subject to Department of Transportation approval. The Soil Removal Permit has been checked and is okay to approve. The Tax Maps are eighty percent complete and we completed what was needed to be done. The Wanaque Avenue and Butler Place road program is beginning in September.

The Borough Administrator said the Doty Road parking lot is being worked on and the paver is working with Sal Falciglia. The rental is asking to eliminate parking there. There is drainage work at Haskell Firehouse. The tennis courts at Back Beach are being prepared and there is an Open Space meeting on August 17th.

Councilman Cortellessa said what is the status of Hagstrom field.

The Borough Administrator said we are still waiting for information.

Councilman Pettet arrived at 7:40 P.M.

The Borough Attorney said regarding Mountain Lakes the mediator is on the next agenda and the Tax Appeals are continuing.

COMMUNICATIONS: None.

NEW BUSINESS:

Best Practices Checklist.

The Borough Administrator discussed the Best Practices Checklist and reported we have forty two answers with yes on the checklist and we qualify for one hundred percent of State aid. The no answers were the Pay to Play Ordinance, five years of Budgets in plan, no light duty for Worker's Compensation, no employee liability, no accredited, no formal energy audit and no joint meeting with the school boards.

FOP Proposal – Dog Park.

Captain Ken Fackina presented a proposal for a dog park and permission was granted to go forward with the proposal.

Closed Session:

Business Meeting
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Re: Litigation/Negotiation/Personnel

Held to the end of the meeting.

UNFINISHED BUSINESS:

Resolution #95-0-11:

Re: Contract – Local 108 and Wanaque Borough Employees Association

Held.

Resolution #108-0-11:

Re: Chapter 159 – Municipal Alliance on Alcoholism and Drug Drug Abuse Grant - \$50,326.00.

On entertainment of the Mayor, Councilmen Pasquariello and Theoharous moved that,

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any Special Item of Revenue in the Budget of any County of Municipality when such item shall have been made available by law and the amount thereof was not determined at the time of adoption of the Budget; and

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount;

NOW, THEREFORE, BE IT RESOLVED that the Borough of Wanaque, in the County of Passaic, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an Item of Revenue in the Budget for the year 2011 in the amount of \$50,326.00

BE IT FURTHER RESOLVED, that a sum of \$50,326.00 is hereby appropriated under the caption of:

MUNICIPAL ALLIANCE ON ALCOHOLISM & DRUG ABUSE GRANT....\$50,326.00

BE IT FURTHER RESOLVED, that the Borough Clerk forward two certified copies of this Resolution to the Director of the Division of Local Government Services.

On roll call all voted yes, and the Mayor declared the motion carried.

Resolution #110-0-11:

Re: Final Estimate and Change Order – Melrose Avenue and Furnace Avenue – John Garcia Construction Co., Inc.

On entertainment of the Mayor Councilmen Pasquariello and Pettet moved that,

BE IT RESOLVED that Final Estimate and Change Order for Melrose Avenue and Furnace Avenue be approved to John Garcia Construction Co., Inc.

On roll call all voted yes, and the Mayor declared the motion carried.

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RESOLUTIONS: None.

FINANCE REPORT: Vouchers – Payrolls:

Councilman Pettet said your Finance Committee respectfully reports that they have examined and approved the following and recommend that warrants be issued for their payment when the funds of the Borough of Wanaque are sufficient to meet them.

On entertainment of the Mayor, Councilmen Pettet and Theoharous moved a resolution approving the following:

FINANCE REPORT

Mayor and Council Meeting August 8, 2011

The Finance Committee has examined and approved the following and recommends warrants be issued for their payment when funds of the Borough of Wanaque are sufficient to meet them.

VOUCHERS:

Current Operating Prepaid 2011	\$	2,169.53
Current Operating 2011	\$	192,471.24
Water Operating Prepaid	\$	387.51
Water Operating 2011	\$	27,715.94
Sewer Operating 2011	\$	330.04
Escrow	\$	1,242.85
General Capital	\$	3,780.96
Water Capital	\$	22,000.00
Recreation Trust	\$	9,075.92
Animal Trust	\$	90.60

Voucher Total: \$ 259,264.59

Payroll:

PR # 14	7/15/11	\$ 189,272.88
PR # 15	7/29/11	\$ 189,839.20

Payroll Total: \$ 379,112.08

Grand Total: \$ 638,376.67

NEW BUSINESS:

Business Meeting
August 8, 2011

Closed Session:

Re: Litigation/Negotiation/Personnel

On entertainment of the Mayor, Councilmen Cortellessa and Leonard moved that,

WHEREAS, Section 8 of the Open Public Meetings Act, Chapter 231, P.L. 1975, (N.J.S.A. 10:4-1) permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, This public Body is of the opinion that such circumstances presently exist;

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

1. The public shall be excluded from discussion of action upon the hereinafter specified subject matter.

2. The general nature of the subject matter to be discussed is as follows:

1) Personnel.

3. The Mayor and Council shall release and disclose to the general public the discussion and actions taken on the subject matter of the above mentioned closed session when the reasons for discussing and acting on the matter in closed session no longer exist, but no later than one month of the Mayor and Council arriving at a final decision on the specified subject matter.

On roll call, all voted yes, and the Mayor declared the motion carried.

RECONVENEMENT:

On entertainment of the Mayor, Councilmen Pettet and Pasquariello moved a motion to reconvene.

On roll call, all were present.

UNFINISHED BUSINESS:

Resolution #95-0-11:

Re: Contract – Local 108 and Wanaque Borough Employees Association.

On entertainment of the Mayor, Councilmen Theoharous and Pasquariello moved that,

BE IT RESOLVED that a contract between the employees covered by Local 108 and the Borough of Wanaque, as outlined in the Memorandum of Understanding dated June 23, 2011, be and is hereby approved.

On roll call all voted yes except Councilman Leonard, and the Mayor declared the motion carried.

ADJOURNMENT:

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On entertainment of the Mayor, Councilmen Pasquariello and Balunis moved a motion to adjourn the meeting.

On roll call, all voted yes, and the Mayor declared the motion carried; meeting adjourned at 8:40 P.M.

Katherine J. Falone, RMC, CMC
Municipal Clerk