

## Borough of Roselle Park Meeting of October 17, 2013

| Attendee Name   | Organization            | Title        | Status | Arrived |
|-----------------|-------------------------|--------------|--------|---------|
| Michael Yakubov | Borough of Roselle Park | Councilman   | P      | 7:00 PM |
| Modesto Miranda | Borough of Roselle Park | Councilman   | P      | 7:00 PM |
| Carl Hokanson   | Borough of Roselle Park | Councilman   | P      | 7:00 PM |
| Tanya Torres    | Borough of Roselle Park | Councilwoman | P      | 7:00 PM |
| Andrew Casais   | Borough of Roselle Park | Councilman   | P      | 7:00 PM |
| Charlene Storey | Borough of Roselle Park | Councilwoman | P      | 7:00 PM |
| Joseph Accardi  | Borough of Roselle Park | Mayor        | A      | -       |

Acting Mayor Miranda called the meeting to order at 7:03 p.m. and said it is being held in accordance with the Open Public Meetings Act and adequate notice of this meeting has been provided as required by law.

All contracts awarded by Mayor and Council must comply with the affirmative action requirements of P.L. 1975, C.172. (NJAC 17:27).

As required by the Fire Prevention Code, he indicated the fire exits and the procedure to be followed in case of fire.

Borough Clerk Cali read a short prayer followed by the Pledge of Allegiance.

### COMMUNICATIONS

Councilman Yakubov moved the following communication; seconded by Councilman Casais, all members present voting Aye, said motion was adopted.

- Request from the Community United Methodist Church to allow cars to be parked in the Gazebo Parking lot on October 31, 2013 from 8:30 a.m. to 1:30 p.m. for their Conference Training Session.

### REPORTS OF STANDING COMMITTEES AND OTHER MAYOR AND COUNCIL COMMITTEES

#### Acting Mayor Miranda

- Attended a Municipal Services Meeting on October 9<sup>th</sup>.

#### Councilman Yakubov

- The Community Watch Meeting will be on October 21<sup>st</sup> at 6:30 p.m. in Borough Hall.
- DPW is putting up Community Watch signs around the Borough.
- The Historical Society sign has been removed, so that the back wall can be painted.
- After that is done, the sign will be replaced.

### Councilman Hokanson

- Attended the Book Signing Event at the Library on October 15<sup>th</sup>.
- Flu shots will be given at the Roselle Park High School on October 23<sup>rd</sup>.
- Trunk or Treat will take place at the Church of the Assumption on October 27<sup>th</sup>.
- Operation Chill is still going on for the collection of supplies for homeless veterans.
- Still working with the Borough Attorney on the TNR Ordinance.

### Councilman Casais

- There is a Bond Sale for consideration on the agenda this evening.
- There is a nearly 4% decrease in the current Joint Meeting draft budget.
- Attended a Public Safety Meeting.
- The Borough does not sponsor any Halloween events.
- All public safety measures will be in place to make sure all are safe on that day.

### Councilwoman Storey

- The Book Signing at the Library was a great event.
- Has been contacted by Alexander Balaban with the serious problem of what appears to be someone poisoning cats in the Bender Avenue area.
- Urged pet owners to keep pets indoors, especially in that area.
- Mr. Balaban is offering a \$3,000 award for information leading to the arrest and conviction.
- Received a proposal for Roselle Park to declare itself the “Doughboy” Borough in commemoration of the 100<sup>th</sup> Anniversary of WWI.
- It will be a nationwide initiative; the kickoff will be next Memorial Day.

### Councilwoman Torres

- On October 23<sup>rd</sup>, there will be a Night of Magic for children at the Casano Center.
- Basketball signups will be on November 6<sup>th</sup>.
- Congratulated the Roselle Park High School Football Team on a good season.

### Karen Intile – Administrative Assistant

- Spoke about upcoming Casano Center events.
- Spoke about the Local Artist Gallery.
- Spoke about the trip for seniors.
- Wellness Program for Medicare at the Center on November 4th.
- Spoke about assistance for survivors of Hurricane Sandy.
- Spoke about the HEART Grant Music Event on November 16<sup>th</sup>.
- Will need donations for the food baskets they are distributing for Thanksgiving.
- Thanked all who helped with the 9/11 Program.
- Veterans Day is November 11<sup>th</sup>.

- Casano Center's 32<sup>nd</sup> Birthday Celebration will be on the first Thursday in November.

### REPORTS OF DEPARTMENTS

Councilman Yakubov moved to approve the following reports; seconded by Councilwoman Storey, all members present voting Aye, said motion was adopted.

- Administrative Assistant Report for September 11, 2013 through October 10, 2013
- Treasurer Reports for September 30, 2013

### PUBLIC COMMENT

Councilman Yakubov moved at 7:24 p.m. to open the public comment portion of the meeting; seconded by Councilman Casais and adopted.

#### Jacob Magiera, 612 Sheridan Avenue

- Thanked Donato Florist for donating yellow ribbons to be hung in the Borough.
- Asked why two years to amend the Loitering Ordinance.
- Update on the Leberco property.
- Cost of electricity at Acker Park.
- Asked for an update on Closed Session items that have been resolved.
- Neighbor was having a birthday party and water company came to do work.
- Residents should be notified when work will be done.
- Asked about property revaluation update.

Mr. Huxford said he always lets the public know when an item has been resolved in Closed Session.

Mr. Blum said regarding the revaluation, they are waiting for final approval from the State before they can discuss it further. Regarding Acker Park electricity, it is \$30.00 to \$60.00 depending on the time of the year.

Councilman Miranda said he has no information on Leberco properties at this time.

Mr. Huxford said no applications have been forwarded to the Municipal Land Use Board. He said there is a change in the ordinance regarding "sleeping or habitation" for introduction this evening.

Councilman Casais said there has been a lot of work done in the Borough by the water company and other utilities, and it is very frustrating. He has communicated with them and explained it is very disruptive. He explained we just want to know when the work will be done. He apologized, but it is out of his control when they come in.

Councilman Hokanson suggested maybe they could put together a committee and someone could go to the Board of Public Utilities Meeting. If we had documentation and someone went to the Board Meeting, we could tell them what is happening.

Councilman Casais said he agrees; if the residents know in advance, they can prepare for it.

Ms. Cali said they could amend the ordinance that prior to doing the work, they provide a letter to residents five days prior to doing the work and provide a copy to the Clerk’s Office prior to getting a permit. Residents have to be aware they must call the Police and have the DPW come out to tell them it is unacceptable.

There being no one else wishing to speak, Councilman Yakubov moved at 7:38 p.m. to close the public portion; seconded by Councilman Casais and adopted.

MINUTES TO BE APPROVED, PENDING ANY CORRECTIONS

Councilman Yakubov moved to approve the following minutes; seconded by Councilman Casais.

- Regular Meeting of October 3, 2013

| Vote Record – Minute Acceptance of October 3, 2013 |                    |                                     |                          |                          |                          |
|--|--------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|
|  |                    | Yes/Aye                             | No/Nay                   | Abstain                  | Absent                   |
| <input checked="" type="checkbox"/>                | Adopted            | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/>                           | Adopted as Amended | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/>                           | Defeated           | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/>                           | Tabled             | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/>                           | Withdrawn          | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|  | Yakubov            | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|  | Miranda            | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|  | Hokanson           | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|  | Torres             | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|  | Casais             | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|  | Storey             | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|  | Accardi            | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

MOTION BILLS & PAYROLLS BE NOT READ

MOTION BILLS & PAYROLLS BE PASSED FOR PAYMENT

Councilman Yakubov moved that bills and payrolls be not read and passed for payment; seconded by Councilman Casais, all members present voting Aye, said motion was adopted.

PASSAGE OF ORDINANCES

INTRODUCION

ORDINANCE NO. 2394

AN ORDINANCE AMENDING CHAPTER III, SECTION 3-10  
OF THE CODE OF THE BOROUGH OF ROSELLE PARK  
ENTITLED “SLEEPING OR HABITATION”

BE IT ORDAINED by the Mayor and Council of the Borough of Roselle Park, County of Union, and State of New Jersey as follows:

SECTION 1:  
SLEEPING OR HABITATION.

3-10.1 Definitions.

As used in this section:

*Sleeping or Habitation* shall mean remaining in essentially one (1) location, and includes the concepts of spending time sleeping or habitation.

*Public place* shall mean any place to which the public has access, including but not limited to any street, sidewalk, curb, alley, highway, bridge, park, school, place of worship, public building, public grounds, parking lot, transportation facility, open or vacant private property not owned by or under the control of a person charged with violating this section, in the case of a minor, not owned by or under the control of his parent or guardian, or the doorways or entrance way to any building which fronts on any of the aforesaid places, the front or the neighborhood of any store, shop, restaurant, tavern or other place of business, or a bench, chair, or seating area in or on any of the aforesaid places.

3-10.2 Prohibited Acts/ Certain types of Sleeping or Habitation prohibited.

No person shall loiter or use a public place for sleeping or habitation in such manner as to:

- a. Create or cause to be created a danger of a breach of the peace.
- b. Create or cause to be created any disturbances or annoyance to the comfort and repose of any person.
- c. Obstruct the free passage of pedestrians or vehicles.
- d. Obstruct, molest or interfere with any person lawfully in any public place as defined in subsection 3-10.1. This paragraph shall include the making of unsolicited remarks of an offensive, disgusting or insulting nature or which are calculated to annoy or disturb the person to whom or in whose hearing they are made.
- e. Nor shall any person use any motor vehicle or trailer for sleeping or habitation purposes in any public place.

3-10.3 Order of Police Officer; Refusal to Obey.

Whenever any Police Officer shall, in the exercise of reasonable judgment, decide that the presence of any person in any public place is causing or is likely to cause any of the conditions enumerated in subsection 3-10.2 he shall, if he deems it necessary for the preservation of the public peace and safety, order that person to leave that place. Any person who shall refuse to leave after being ordered to do so by a Police Officer shall be guilty of a violation of this section.

3-10.4 Violations and Penalties.

Any person violating any of the provisions of this section shall, upon conviction thereof, be liable to the penalty stated in Chapter I, Section 1-5.

SECTION 2: If any section or portion of a section of this Code shall be invalid for any reason, such invalidity shall not affect the validity of the remaining sections or portions of this Ordinance.

SECTION 3: All ordinances or parts of ordinances, to the extent that they are inconsistent herewith, are hereby repealed.

SECTION 4: This amendment to the Code of the Borough of Roselle Park shall become effective upon publication and in accordance with law.

Councilman Yakubov moved that Ordinance No. 2394 be adopted on first reading and advertised as prescribed by law for second reading and public hearing on November 7, 2013, seconded by Councilwoman Torres.

| Vote Record – Ordinance #2394       |                    | Yes/Aye                             | No/Nay                   | Abstain                  | Absent                   |
|-------------------------------------|--------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|
| <input checked="" type="checkbox"/> | Adopted            | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/>            | Adopted as Amended | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/>            | Defeated           | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/>            | Tabled             | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/>            | Withdrawn          | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|                                     | Yakubov            | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|                                     | Miranda            | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|                                     | Hokanson           | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|                                     | Torres             | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|                                     | Casais             | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|                                     | Storey             | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|                                     | Accardi            | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

ORDINANCE NO. 2395

AN ORDINANCE REQUIRING PUBLIC CONTRACTING REFORM, AMENDING ARTICLE I, “MAYOR AND BOROUGH COUNCIL,” OF CHAPTER II , “ADMINISTRATION,” OF THE “REVISED GENERAL ORDINANCES OF THE BOROUGH OF ROSELLE PARK, NEW JERSEY,” IN ORDER TO CREATE A NEW SECTION THEREOF TO BE KNOWN AS SECTION 2-4, ENTITLED, “AWARDING OF PUBLIC PROFESSIONAL SERVICE CONTRACTS”

WHEREAS, professional service contracts are exempt from public bidding requirements under the New Jersey Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq.; and

WHEREAS, it has become common for professional service providers to make substantial political contributions, whether directly or through intermediaries, including but not limited to Union County Party Committees, to the election campaigns of the local government elected officers who are ultimately responsible for awarding professional service contracts or other contracts or agreements which are not subject to public bidding; and

WHEREAS, local political contributions from professionals receiving discretionary contracts from the elected officials who receive such contributions may raise reasonable concerns on the part of taxpayers as to their trust in the process of local government, if not the quality or cost of services received; and

WHEREAS, pursuant to N.J.S.A. 40A:11-5 and N.J.S.A. 40:48-2, municipalities have the right to establish rules and procedures for contracting with professional business entities; and

WHEREAS, nothing contained herein shall be interpreted to impair in any way the right of a professional service provider secured by the First Amendment of the Constitution of the United States of America and further secured by Article 1, Paragraph 6 of the Constitution of the State of New Jersey to exercise its right to freedom of speech and its right to speak, write and publish its sentiments on all subjects.

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED, by the Borough Council of the Borough of Roselle Park, in the County of Union and State of New Jersey, that the policy of the Borough of Roselle Park will be to create such a regulation which states that a professional service provider which makes political contributions in excess of \$200.00 to elected officials who are responsible for awarding professional service contracts shall be ineligible to receive a public professional service contract from the Borough of Roselle Park.

BE IT FURTHER RESOLVED, that Section 2-4 (Article I), entitled “Mayor and Borough Council,” of Chapter II , “Administration,” of the “Revised General Ordinances of the

Borough of Roselle Park, New Jersey,” is hereby amended and supplemented in order to create a new section thereof to be known as section 2-4 , entitled, “Awarding of Public Professional Service Contracts” in order to establish a Borough policy for the awarding of public professional services contracts, to be located within a new section thereof to be known as Section 2-4 as follows:

**SECTION 2-4 AWARDING OF PUBLIC PROFESSIONAL SERVICE CONTRACTS.**

**Subsection 2-4.1 Prohibition on Awarding Public Contracts to Certain Contributors.**

- (a) Any other provision of law to the contrary notwithstanding, the Borough or any of its purchasing agents or agencies or those of its independent authorities, as the case may be, shall not enter into an agreement or otherwise contract to procure services, including banking services/relationships or insurance coverage services, from any professional service provider, if that provider has solicited or made any contribution of money, or pledge of a contribution, including in-kind contributions in excess of \$200.00 to a campaign committee of any Borough of Roselle Park candidate or holder of the public office having ultimate responsibility for the award of the contract, or to any Borough of Roselle Park or Union County Party Committee, or to any political action committee (PAC) that is organized for the primary purpose of promoting or supporting Borough of Roselle Park municipal candidates or municipal officeholders, within one (1) calendar year immediately preceding the date of the contract or agreement.
- (b) No professional service provider which enters into negotiations for, or agrees to, any contract or agreement with the Borough or any department or agency thereof or of its independent authorities for the rendition of professional, banking or insurance coverage services or any other no-bid consultants shall knowingly solicit or make any contribution of money, or pledge of a contribution, including in-kind contributions in excess of \$200.00, to any Borough of Roselle Park candidate or holder of the public office within the Borough having ultimate responsibility for the award of the contract, or to any Borough of Roselle Park or Union County Party Committee, or to any PAC that is organized for the primary purpose of promoting or supporting Borough of Roselle Park municipal candidates or municipal officeholders between the time of first communications between that service provider and the Borough regarding a specific professional services agreement and the later of the termination of negotiations or the completion of the contract or agreement.
- (c) For purposes of this section, a “professional service provider” seeking a public contract means: an individual, including the individual’s spouse, if any, and any child living at home; person; firm; corporation; professional corporation; partnership; organization; or association. The definition of a service provider includes all principals who own one percent (1%) or more of the equity in the corporation or business trust, partners, and officers in the aggregate employed by the provider as well as any subsidiaries directly controlled by the service provider.
- (d) For purposes of this section, the office that is considered to have ultimate responsibility for the award of the contract shall be:
  - 1. The Borough of Roselle Park Council, if the contract requires approval or appropriation from the Council or a public officer who is responsible for the award of a contract if that public officer is appointed by Council; or

2. The Mayor of the Borough of Roselle Park, if the contract requires the approval of the Mayor or a public officer who is responsible for the award of a contract if that public officer is appointed by the Mayor; or
3. Both number one and two.

Subsection 2-4.2 Contributions Made Prior to the Effective Date.

No contribution of money or any other thing of value, including in-kind contributions in excess of \$200.00, made by a professional service provider to any Borough of Roselle Park candidate for Mayor or Council, or municipal or county party committee or PAC referenced in this Ordinance shall be deemed a violation of this section, nor shall an agreement for property, goods, or services, of any kind whatsoever in excess of \$200.00, be disqualified thereby, if that contribution or agreement was made by the professional service provider prior to the effective date of this section.

Subsection 2-4.3 Contribution Statement By Professional Service Provider.

- (a) Prior to awarding any contract or agreement to procure services, including banking or insurance coverage services, with any professional service provider, the Borough or any of its purchasing agents or agencies, as the case may be, shall receive a sworn statement from the professional service provider made under penalty of perjury that the bidder or offeror has not made a contribution in excess of \$200.00 in violation of Subsection 2-4 hereof;
- (b) The professional service provider shall have a continuing duty to report any violations of this section that may occur during the negotiation or duration of a contract. The certification required under this subsection shall be made prior to entry into the contract or agreement with the Borough and shall be in addition to any other certifications that may be required by any other provisions of law.

Subsection 2-4.4 Violations and Penalties.

- (a) All Borough of Roselle Park professional service agreements shall provide that it shall be a breach of the terms of the government contract for a professional service provider, as defined in Subsection 2-4, to violate Subsection 2-4 or to knowingly conceal or misrepresent contributions given or received, or to make or solicit contributions through intermediaries or any Union County Party Committee for the purpose of concealing or misrepresenting the source of the contribution.
- (b) Any professional service provider, as defined in Subsection 2-4, who knowingly fails to reveal a contribution made in violation of this section, or who knowingly makes or solicits contributions through an intermediary, including but not limited to a Union County Party Committee, for the purpose of concealing or misrepresenting the source of the contribution, shall be disqualified from eligibility for future Borough of Roselle Park contracts for a period of four (4) calendar years from the date of the violation.

Violations and Penalties.

Any person violating any of the provisions of this section shall, upon conviction thereof, be liable to the penalty stated in Chapter I, Section 1-5.

**SECTION 2:** If any section or portion of a section of this Code shall be invalid for any reason, such invalidity shall not affect the validity of the remaining sections or portions of this Ordinance.



**SECTION 3:** All ordinances or parts of ordinances, to the extent that they are inconsistent herewith, are hereby repealed.

**SECTION 4:** This amendment to the Code of the Borough of Roselle Park shall become effective upon publication and in accordance with law.

Councilman Yakubov moved that Ordinance No. 2395 be adopted on first reading and advertised as prescribed by law for second reading and public hearing on November 7, 2013; seconded by Councilman Casais.

| Vote Record – Ordinance #2395       |                    |                                     |                          |                          |                          |
|-------------------------------------|--------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|
|                                     |                    | Yes/Aye                             | No/Nay                   | Abstain                  | Absent                   |
| <input checked="" type="checkbox"/> | Adopted            | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/>            | Adopted as Amended | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/>            | Defeated           | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/>            | Tabled             | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/>            | Withdrawn          | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|                                     | Yakubov            | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|                                     | Miranda            | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|                                     | Hokanson           | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|                                     | Torres             | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|                                     | Casais             | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|                                     | Storey             | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|                                     | Accardi            | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

**RESOLUTIONS**

The following resolutions listed on consent agenda, were offered by Councilman Yakubov; seconded by Councilman Casais.

**RESOLUTION NO. 207-13**

BE IT RESOLVED by the Mayor and Council of the Borough of Roselle Park that the Tax Collector is hereby authorized per the Tax Court of New Jersey a Judgment to reduce the assessment which will result in a reduction/refund for the year 2012/2013 on the following property Block 212/Lot 2.01 (otherwise known as 600-610 W. Westfield Ave., Roselle Park, N.J.) and assessed in the name of Skye Elizabeth, LLC. Appeal follows prior settlement per Freeze Act for the years 2010 and 2011. Property at that time was assessed to Kenneth C. Duda.

|                  |             | Original          | New               |                  |               |                  |
|------------------|-------------|-------------------|-------------------|------------------|---------------|------------------|
| <u>Block/Lot</u> | <u>Year</u> | <u>Assessment</u> | <u>Assessment</u> | <u>Reduction</u> | <u>Rate =</u> | <u>Reduction</u> |
| 212/2.01         | 2012        | 494,900.          | 475,000.          | 19,900.          | 12.184        | \$2,424.62       |

**RESOLUTION NO. 208-13**

WHEREAS, the following applicant has complied with the provisions of the Act of the Legislature entitled, “An Act Concerning Alcoholic Beverages”, being Chapter 436 of the Laws of 1933, its supplements and amendments, and with the Rules and Regulations issued or to be promulgated by the State Commissioner of Alcoholic Beverage Control applicable, thereto, now therefore

BE IT RESOLVED, that the Borough Clerk be and is hereby authorized to renew Inactive Plenary Retail Consumption license number 2015-33-006-011, Limericks LLC, 230 West Westfield Avenue, Roselle Park, pursuant to N.J.S.A. 33:1-12.39, Special Ruling to permit renewal of inactive license for the 2013-2014 License Term.

RESOLUTION NO. 209-13

WHEREAS, the Borough of Roselle Park employs Gregory Powers as an Equipment Operator; and

WHEREAS, Mr. Powers provided the Borough with a doctor's note dated September 24, 2013 indicating that he was unable to work due to a medical condition; and

WHEREAS, based upon the September 24, 2013 doctor's note, the Borough provided Mr. Powers with a Certification of Health Care Provider to determine if Mr. Powers is eligible for leave pursuant to the Family and Medical Leave Act ("FMLA"); and

WHEREAS, the Borough is in receipt of a Certification of Health Care Provider from Mr. Powers, dated October 4, 2013; and

WHEREAS, based upon the medical information contained in the Certification of Health Care Provider the Borough has determined that Mr. Powers is eligible for leave pursuant to the FMLA; and

WHEREAS, the Certification of Health Care Provider indicates that Mr. Powers is anticipated to be absent from work because of his medical condition through December 6, 2013; and

WHEREAS, the Borough has requested that Mr. Powers provide the Borough with a fitness-for-duty certificate from his healthcare provider in order for him to return to work; and

WHEREAS, Mr. Powers has expressed a desire and has, in fact, been using his available sick, vacation and personal days prior to his FMLA leave; and

WHEREAS, Mr. Powers will exhaust his available sick, vacation and personal days on October 14, 2013; and

WHEREAS, the Borough wishes to permit Mr. Powers to use his available, sick, vacation and personal days prior to his FMLA leave, which will be exhausted on October 14, 2013.

NOW, THEREFORE BE IT RESOLVED that the Governing Body of the Borough of Roselle Park hereby confirms Gregory Powers' FMLA leave and further confirms that Gregory Powers was designated for FMLA leave beginning on October 14, 2013 and it is anticipated that he will not return to work until December 6, 2013; and

BE IT FURTHER RESOLVED that Mr. Powers will supply the Borough with a fitness-for-duty certificate from his healthcare provider in order for him to return to work; and

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk are hereby authorized and directed to take such ministerial actions as are necessary to effectuate the provisions of this resolution.

RESOLUTION NO. 210-13

BE IT RESOLVED by the Mayor and Council of the Borough of Roselle Park that the Tax Collector hereby authorizes the Treasurer to issue a check in the amount of \$20,865.10 payable to Ashford Properties LLC for a duplicate payment of taxes for 3<sup>rd</sup> quarter 2013 on Block 314/Lot 3 (otherwise known as 310 W. Westfield Ave., Roselle Park, N.J.) and assessed in the name of Ashford Properties, LLC.

RESOLUTION NO. 211-13

BE IT RESOLVED by the Mayor and Council of the Borough of Roselle Park that the Tax Collector hereby authorizes the Treasurer to issue a check in the amount of \$2,275.48 payable to Patrick Infantolino for a duplicate payment of 3<sup>rd</sup> quarter taxes paid on Block 809/Lot 17 (otherwise known as 316 Walnut St., Roselle Park, N.J.) and assessed in the name of Patrick Infantolino.

RESOLUTION NO. 214-13

BE IT RESOLVED by the Mayor and Council of the Borough of Roselle Park that Lisa Williams, 542 Tillman Street, Hillside, New Jersey, be and is hereby appointed to the position of Probationary Police Dispatcher, effective November 4, 2013, at the annual salary of \$32,976.01 for a one year probationary period.

RESOLUTION NO. 215-13

WHEREAS, the Borough of Roselle Park no longer has use for the attached automobiles therefore, be it

RESOLVED, by the Mayor and Council of the Borough of Roselle Park that the Borough Clerk be and is hereby authorized to sell the attached items, as is, at public sale at a date within 60 calendar days. The auction will be advertised in the following media, Union Leader and Star Ledger and Borough of Roselle Park Web Site.

1. Said sale shall be conducted by the Borough Clerk or by any person so designated by her.
2. Said property is being sold "as is".
3. All prospective purchasers are put on notice to personally inspect the property.
4. At the Time of said sale, the purchaser shall deposit the entire purchase price with the Borough Clerk in cash or certified check made payable to the Borough of Roselle Park.
5. If the purchaser fails to take title and possession with ten (10) days of the date of purchase, the Governing Body of the Borough of Roselle Park may declare the contract of sale to be terminated and may retain all monies paid there under as liquidated damages, and the Borough may resell said property or pursue such other and further legal and equitable remedies as it may have. If the purchaser fails to take title or possession within said ten (10) days, purchaser will be liable for reasonable storage fees.
6. If the title to this property shall prove to be unmarketable, the liability of the Borough shall be limited to the repayment of the amount of any sums paid by said purchaser to the Borough without any further costs, expense, damage, claim against or liability upon the Borough.
7. The Borough of Roselle Park reserves the right to reject all bids and shall not be obligated to accept any bids
8. All prospective purchasers are put on notice that no employee, agent, officer, body or subordinate body has any authority to waive, modify or amend any of the within conditions of sale.

| <u>Year</u> | <u>Make</u> | <u>Identification Number</u> | <u>Minimum Bid</u> |
|-------------|-------------|------------------------------|--------------------|
| 2002        | Mazda       | 1YVGF22D725287667            | \$500.00           |

RESOLUTION NO. 216-13

BE IT RESOLVED by the Mayor and Council of the Borough of Roselle Park that Lynn Vinegra, 425 Hazel Ave, Garwood, NJ 07027-1426 be and is hereby appointed to the part time position of Zoning Officer at the annual salary of \$10,000 effective October 15, 2013.

RESOLUTION NO. 217-13

WHEREAS, N.J.S.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 or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget, and

WHEREAS, the Director may also approve the insertion of any item of appropriation for equal amount, and

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Roselle Park, County of Union, State of 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 of the year 2013 in the sum of \$750.00 which item is now available as a revenue from the Union County HEART Grant pursuant to the provisions of statute, and

BE IT FURTHER RESOLVED, that the like sum of \$750.00 is hereby appropriated under the caption of the Union County HEART Grant, and

BE IT FURTHER RESOLVED, that the sum of \$250.00 representing the amount required for the municipality's share of the aforementioned undertaking from a private donation from the Roselle Park Community Center Association, and

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

RESOLUTION NO. 218-13

BE IT RESOLVED, that the Mayor and Council of the Borough of Roselle Park hereby accepts the resignation of Dina Pereira from the position of Clerk for the Municipal Land Use Board effective immediately.

RESOLUTION NO. 219-13

WHEREAS, N.J.S.A. 40A:12-13.2, Sales of real property: right of first refusal of contiguous owners, states, Notwithstanding any provision of law to the contrary, whenever any municipality intends to sell real property which is less than the minimum size required for development under the municipal zoning ordinance and is without any capital improvements thereon, it shall accord the owner or owners of any real property contiguous to such real property the right to prior refusal to purchase such land;

NOW, THEREFORE, BE IT RESOLVED that the Borough Clerk and Town Attorney be and hereby authorized to negotiate offer to purchase, or the right to refusal of a portion of

Borough right-of-way located on Pine Street, adjacent to corner property of Block 402 Lot 1, West Roselle Avenue in the Borough of Roselle Park to contiguous owners in the amount of \$3,500.

RESOLUTION NO. 220-13

RESOLVED that Diane Lescota, 1183 Edgewood Parkway, Union be and is hereby appointed as a full time School Crossing Guard, effective immediately, at the rate of \$61.07 per day.

RESOLUTION NO. 221-13

Approval to submit a grant application and execute a grant contract with the New Jersey Department of Transportation for the Colfax Avenue Improvements - Phase I project  
*(b/t Laurel Avenue +/- & Pine Street).*

NOW, THEREFORE, BE IT RESOLVED that Council of Borough of Roselle Park formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor/Council and Clerk are hereby authorized to submit an electronic grant application identified as MA-2014-Roselle Park Borough-00637 to the New Jersey Department of Transportation on behalf of Borough of Roselle Park.

BE IT FURTHER RESOLVED that the Mayor/Council and Clerk are hereby authorized to sign the grant agreement on behalf of Borough of Roselle Park and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

RESOLUTION NO. 222-13

BE IT RESOLVED by the Mayor and Council of the Borough of Roselle Park that the Tax Collector hereby authorizes the Treasurer to issue a check in the amount of \$72.00 payable to Foundation Title, Inc. for an overpayment of 2013 Sewer Utility Tax on Block 1111/Lot 24 (otherwise known as 497 Markthaler Place, Roselle Park, N.J.) and assessed in the name of the prior owners Anthony & Jessisco Priolo.

RESOLUTION NO. 223-13

WHEREAS, the Borough of Roselle Park Fire Department wishes to purchase a 2014 Ford F250, 4WD Pickup Truck from an authorized vendor under the State of New Jersey Cooperative Purchasing 1-NJCP; and

WHEREAS, the purchase of goods and services by local contracting units is authorized by the Local Public Contracts Law, N.J.S.A. 40A11-12; and

WHEREAS, DFFLM, LLC t/a Ditschman/Flemington Ford, 215 Routes 202 & 31, Flemington, New Jersey 08822 has been awarded New Jersey State Contract Number A83577 T2100; and

WHEREAS, the actual cost for a 2014 Ford F250, 4WD Pickup Truck is expected not to exceed \$24,928.00; now therefore

BE IT RESOLVED by the Mayor and Council of the Borough of Roselle Park that DFFLM, LLC t/a Ditschman/Flemington Ford from Flemington, New Jersey be awarded a contract for a 2014 Ford F250, 4WD Pickup Truck.

| Vote Record – Resolutions #207-13 to #211-13 and #214-13 to # 223-13 |                    |                                     |                          |                          |                          |
|--|--------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|
|  |                    | Yes/Aye                             | No/Nay                   | Abstain                  | Absent                   |
| <input checked="" type="checkbox"/>                                  | Adopted            | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/>   | Adopted as Amended | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/>   | Defeated           | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/>   | Tabled             | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/>   | Withdrawn          | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|  | Yakubov            | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|  | Miranda            | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|  | Hokanson           | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|  | Torres             | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|  | Casais             | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|  | Storey             | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|  | Accardi            | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

The following resolution was offered by Councilman Yakubov; seconded by Councilman Casais.

**RESOLUTION NO. 212-13**

WHEREAS, As part of its reform efforts to improve transparency and strengthen accountability at all government levels in New Jersey, the Christie Administration introduced the Best Practices Checklist. The goal with Best Practices is to provide standards by which towns can assess their effectiveness in budgeting, management and cost control. The Inventory is a constructive way to encourage municipalities to consider and embrace a range of best practices that will help improve financial accountability and transparency and develop good government guidelines; and

WHEREAS, Credit is provided to municipalities that are acting in good faith to prospectively implement practices within the next year

WHEREAS, This requirement may be satisfied through in-house education provided by a professional, vendor or staff member provided they have significant expertise in their profession and routinely prepare public presentations,

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Roselle Park that it hereby adopts the following Elected Officials Training policy:

**ELECTED OFFICIALS TRAINING**

The Borough of Roselle Park desires to improve its practices and adopt a policy requiring elected officials to attend on an annual basis at least one instructional course, approved for continuing education credit by DLGS, Division of Local Government Services, covering the responsibilities and obligations of elected officials (for example: ethics, municipal finance, labor relations, risk management, shared services, purchasing, land use administration, personnel or information technology).

Councilman Casais thanked the CFO and Borough Clerk for putting this together.

| Vote Record – Resolution #212-13    |                    |          |                                     |                          |                          |                          |
|-------------------------------------|--------------------|----------|-------------------------------------|--------------------------|--------------------------|--------------------------|
|                                     |                    | Yes/Aye  | No/Nay                              | Abstain                  | Absent                   |                          |
| <input checked="" type="checkbox"/> | Adopted            | Yakubov  | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/>            | Adopted as Amended | Miranda  | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/>            | Defeated           | Hokanson | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/>            | Tabled             | Torres   | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/>            | Withdrawn          | Casais   | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|                                     |                    | Storey   | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|                                     |                    | Accardi  | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

The following resolution was offered by Councilman Yakubov; seconded by Councilman Casais.

**RESOLUTION NO. 213-13**

RESOLUTION COMBINING BONDS AGGREGATING THE PRINCIPAL SUM OF \$3,644,000 AUTHORIZED BY THREE BOND ORDINANCES HERETOFORE ADOPTED TO FINANCE PART OF THE COST OF VARIOUS GENERAL IMPROVEMENTS IN THE BOROUGH OF ROSELLE PARK, COUNTY OF UNION, NEW JERSEY INTO ONE CONSOLIDATED ISSUE OF BONDS AND PROVIDING FOR THE FORM, MATURITIES AND OTHER DETAILS OF SAID CONSOLIDATED ISSUE

WHEREAS, the Borough Council of the Borough of Roselle Park, in the County of Union, New Jersey (the “Borough”), has heretofore adopted three ordinances authorizing bonds to finance part of the cost of various general improvements in said Borough; and

WHEREAS, it is necessary to issue bonds pursuant to said ordinances in an aggregate principal amount of \$3,644,000 and it is deemed advisable and in the best interests of the Borough, for the purpose of the orderly marketing of said bonds and for other financial reasons, to combine the bonds authorized under said three ordinances into one consolidated issue in the aggregate principal amount of \$3,644,000 pursuant to the Local Bond Law, constituting Chapter 2 of Title 40A of the Revised Statutes of New Jersey; now, therefore

BE IT RESOLVED by the Borough Council of the Borough of Roselle Park in the County of Union, New Jersey that:

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

A. \$700,000 bonds, being all of the bonds authorized by an ordinance entitled: (Ord. No. 2337)

“BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$1,991,343.12 FOR VARIOUS CAPITAL IMPROVEMENTS BY AND FOR THE BOROUGH OF ROSELLE PARK IN THE COUNTY OF UNION, NEW JERSEY AND AUTHORIZING THE ISSUANCE OF \$700,000 IN BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF THE APPROPRIATION.”

heretofore finally adopted. The average period of usefulness stated in said ordinance is 30.14 years.

B. \$1,020,000 bonds, being all of the bonds authorized by an ordinance entitled: (Ord. No. 2367)

“BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$1,405,240 FOR VARIOUS CAPITAL IMPROVEMENTS BY AND FOR THE BOROUGH OF ROSELLE PARK IN THE COUNTY OF UNION, NEW JERSEY AND AUTHORIZING THE ISSUANCE OF \$1,020,000 IN BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF THE APPROPRIATION.”

heretofore finally adopted. The average period of usefulness stated in said ordinance is 14.05 years.

C. \$1,924,000 bonds, being all of the bonds authorized by an ordinance entitled: (Ord. No. 2386)

“BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$2,305,200 FOR VARIOUS CAPITAL IMPROVEMENTS BY AND FOR THE BOROUGH OF ROSELLE PARK IN THE COUNTY OF UNION, NEW JERSEY AND AUTHORIZING THE ISSUANCE OF \$1,924,000 IN BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF THE APPROPRIATION.”

heretofore finally adopted. The average period of usefulness stated in said ordinance is 19.61 years.

Section 2. The bonds referred to in Section 1 hereof are hereby combined into one consolidated issue of bonds in the aggregate principal amount of \$3,644,000 and are sometimes hereinafter collectively referred to as the “Bonds.” The bonds referred to in subsections A through C of Section 1 shall each be designated “General Improvement Bonds, Series 2013” and shall be numbered with the prefix G from one consecutively upward. The bonds of said consolidated issue shall be dated the date of delivery and will be issued in fully registered form. When issued, the Bonds will be registered in the name of and held by Cede & Co., as the owner thereof and nominee for The Depository Trust Company, New York, New York (“DTC”), an automated depository for securities and clearinghouse for securities transactions.

Upon issuance, the Bonds will be delivered to DTC in single denominations for each maturity of the General Improvement Bonds, Series 2013. Individual purchases of beneficial interests in the Bonds will be made in book-entry form (without certificates) in the denomination of \$1,000 each or any integral multiple thereof (with a minimum purchase of \$5,000).

Principal of the Bonds will be paid annually, subject to prior optional redemption, on the fifteenth day of November in the following years and in the following aggregate amounts:

| <u>Year</u> | <u>Principal Amount</u> | <u>Year</u> | <u>Principal Amount</u> |
|-------------|-------------------------|-------------|-------------------------|
| 2014        | \$150,000               | 2022        | \$250,000               |
| 2015        | 150,000                 | 2023        | 250,000                 |
| 2016        | 200,000                 | 2024        | 300,000                 |
| 2017        | 200,000                 | 2025        | 300,000                 |
| 2018        | 200,000                 | 2026        | 300,000                 |



| <u>Year</u> | <u>Principal Amount</u> | <u>Year</u> | <u>Principal Amount</u> |
|-------------|-------------------------|-------------|-------------------------|
| 2019        | 250,000                 | 2027        | 300,000                 |
| 2020        | 250,000                 | 2028        | 294,000                 |
| 2021        | 250,000                 |             |                         |

The Bonds maturing on or prior to November 15, 2023 shall not be subject to redemption prior to their respective maturity dates. The Bonds maturing on or after November 15, 2024 shall be subject to redemption prior to their respective maturity dates, on or after November 15, 2023 at the option of the Borough, either in whole or in part at any time in any order of maturity at one hundred percent (100%) of the principal amount of the Bonds being redeemed (the "Redemption Price"), plus in each case accrued interest thereon to the date fixed for redemption.

Notice of Redemption shall be given by mailing by first class mail in a sealed envelope with postage prepaid to the registered owners of such Bonds at their respective addresses as they last appear on the registration books kept for that purpose by the Borough, at least thirty (30) but not more than sixty (60) days before the date fixed for redemption. However, so long as DTC (or any successor thereto) acts as Securities Depository for the Bonds, Notices of Redemption shall be sent to such depository and shall not be sent to the beneficial owners of the Bonds, and will be done in accordance with DTC procedures. Any failure of such depository to advise any of its participants or any failure of any participant to notify any beneficial owner of any Notice of Redemption shall not affect the validity of the redemption proceedings. If the Borough determines to redeem a portion of the Bonds of a maturity, such Bonds shall be selected by the Borough by lot. If Notice of Redemption has been given as described herein, the Bonds, or the portion thereof called for redemption, shall be due and payable on the date fixed for redemption at the Redemption Price, together with accrued interest to the date fixed for redemption. Payment shall be made upon surrender of the Bonds redeemed.

Section 3. It is hereby found, determined and declared that the average period of usefulness of the improvements or purposes for which the said General Improvement Bonds, Series 2013 are to be issued, taking into consideration the amount of such General Improvement Bonds, Series 2013 to be issued for said improvements or purposes, is 20.07 years.

Section 4. The Bonds shall bear interest from their date based on their outstanding principal amount at a rate to be determined as hereinafter set forth in Section 6 of this Resolution, shall be payable as to principal in lawful money of the United States of America at the administration office of the Borough in Roselle Park, New Jersey, payable semi-annually on the fifteenth day of May and November in each year until maturity or prior optional redemption, commencing on May 15, 2014, by check or draft mailed on such interest payment date to the owners thereof registered as such as of each next preceding May 1 and November 1. Interest on the Bonds shall be calculated on the basis of a 360-day year of twelve 30-day calendar months.

Notwithstanding any other provision herein to the contrary, so long as DTC or its nominee, Cede & Co., is the registered owner of the Bonds, payments of the principal of and interest on the Bonds will be made directly to Cede & Co., as nominee of DTC in accordance with the provisions of the DTC Letter of Representations to be executed by the Borough and DTC. Disbursal of such payments to the DTC participants is the responsibility of DTC, and disbursal of such payments to the beneficial owners of the bonds is the responsibility of the DTC participants.

Section 5. The Bonds shall be signed by the Mayor and the Borough Chief Financial Officer, by their manual or facsimile signatures, and the corporate seal of the Borough shall be affixed thereto, or imprinted or reproduced thereon and shall be attested by the manual or facsimile signature of the Clerk or Deputy Clerk of the Borough.

Section 6. The Borough Chief Financial Officer is hereby authorized and directed to take all actions necessary to offer the Bonds for public sale upon the submission of electronic proposals in accordance with all applicable statutes and to determine in his discretion the date for receipt for such proposals, all in accordance with the terms set forth in the Notice of Sale. The Borough Chief Financial Officer is further hereby authorized and delegated the authority to sell and award the Bonds in accordance with the terms of the Notice of Sale and directed to report in writing to the Borough Council at the next meeting succeeding the date when any sale or delivery of the Bonds pursuant to this resolution is made, such report to include the principal amount, description, interest rate and maturities of the Bonds sold, the price obtained and the name of the purchaser. The "Notice of Sale" shall comply in all respects with the applicable statutes relating thereto and shall be substantially in the form attached hereto as Exhibit A, with such additions, modifications or deletions as determined by the Borough Chief Financial Officer. The Notice of Sale shall be published in a newspaper published and circulated in the Borough as the Borough Chief Financial Officer may select and a summary of the Notice of Sale shall be published in The Bond Buyer at least once at least seven (7) days prior to the date of public sale. The Borough Chief Financial Officer is authorized and delegated the authority to postpone a public sale without readvertisement in accordance with all applicable statutes relating thereto.

Section 7. The Bonds and the registration provisions endorsed thereon shall be in substantially the following form:

No. 2013 G-\_\_

UNITED STATES OF AMERICA  
STATE OF NEW JERSEY

BOROUGH OF ROSELLE PARK,  
IN THE COUNTY OF UNION

GENERAL IMPROVEMENT BOND, SERIES 2013

Date of Bond: November 26, 2013

Principal Amount: \$

Date of Maturity: November 15, 20

CUSIP:

The BOROUGH OF ROSELLE PARK, a municipal corporation of the State of New Jersey, (the "Borough") hereby acknowledges itself indebted and for value received promises to pay to Cede & Co. or registered assigns, the sum specified above as the Principal Amount on the date specified above as the Date of Maturity, upon presentation and surrender of this Bond, and to pay to the registered owner hereof interest on such sum, from the Date of Bond specified above until the Date of Maturity specified above, at the rate of \_\_\_\_ and \_\_\_\_ Hundredths per centum (\_\_\_\_%) per annum payable on May 15, 2014 and thereafter semi-annually on the fifteenth day of November and May and in each year. Principal of this Bond will be paid in lawful money of the United States of America, at the administration office of the Borough in Roselle Park, New Jersey. Interest on this Bond will be payable in lawful money of the United States of America by check or draft mailed on such interest payment date to the registered owner hereof as shown on the books of the Borough kept for such purpose by the Chief Financial Officer of the Borough (the "Bond Registrar") as of the first day of the month in which the payment of interest is to be made.

All of the bonds, of which this Bond is one, shall be initially issued as one fully registered bond for each maturity in the name of Cede & Co., as registered owner and nominee for The Depository Trust Company ("DTC"). Notwithstanding any other provision herein to the contrary, so long as DTC or its nominee, Cede & Co., is the registered owner of the Bonds, payments of the principal of and interest on the Bonds will be made directly to Cede & Co., as nominee of DTC in accordance with the provisions of the DTC Letter of Representations executed by the Borough and DTC relating to the Bonds. Disbursal of such payments to the DTC participants is the responsibility of DTC, and disbursal of such payments to the beneficial owners of the Bonds is the responsibility of the DTC participants.

The Bonds maturing on or prior to November 15, 2023 shall not be subject to redemption prior to their respective maturity dates. The Bonds maturing on or after November 15, 2024 shall be subject to redemption prior to their respective maturity dates, on or after November 15, 2023 at the option of the Borough, either in whole or in part at any time in any order of maturity at one hundred percent (100%) of the principal amount of the Bonds being redeemed (the "Redemption Price"), plus in each case accrued interest thereon to the date fixed for redemption.

Notice of Redemption shall be given by mailing by first class mail in a sealed envelope with postage prepaid to the registered owners of such Bonds at their respective addresses as they last appear on the registration books kept for that purpose by the Borough, at least thirty (30) but not more than sixty (60) days before the date fixed for redemption. However, so long as DTC

(or any successor thereto) acts as Securities Depository for the Bonds, Notices of Redemption shall be sent to such depository and shall not be sent to the beneficial owners of the Bonds, and will be done in accordance with DTC procedures. Any failure of such depository to advise any of its participants or any failure of any participant to notify any beneficial owner of any Notice of Redemption shall not affect the validity of the redemption proceedings. If the Borough determines to redeem a portion of the Bonds of a maturity, such Bonds shall be selected by the Borough by lot. If Notice of Redemption has been given as described herein, the Bonds, or the portion thereof called for redemption, shall be due and payable on the date fixed for redemption at the Redemption Price, together with accrued interest to the date fixed for redemption. Payment shall be made upon surrender of the Bonds redeemed.

This Bond is transferable only upon the books of the Bond Registrar, by the registered owner hereof in person or by his attorney duly authorized in writing, upon surrender hereof together with a written instrument of transfer satisfactory to the Borough duly executed by the registered owner or such duly authorized attorney, and thereupon the Borough shall issue in the name of the transferee a new bond or bonds of the same aggregate principal amount, series, designation, maturity and interest rate as the surrendered bond. The Borough and any paying agent of the Borough may treat and consider the person in whose name this Bond is registered as the holder and absolute owner hereof for the purpose of receiving payment of, or on account of, the principal and interest due hereon and for all other purposes whatsoever.

This Bond is one of an authorized issue of bonds of the Borough and is issued pursuant to the Local Bond Law, constituting Chapter 2 of Title 40A of the Revised Statutes of the State of New Jersey, a resolution of the governing body of the Borough entitled: "Resolution Combining Bonds Aggregating the Principal Sum of \$3,644,000 Authorized by Three Bond Ordinances Heretofore Adopted to Finance Part of the Cost of Various General Improvements in the Borough of Roselle Park, County of Union, New Jersey Into One Consolidated Issue of Bonds and Providing for the Form, Maturities and Other Details of Said Consolidated Issue," adopted October 17, 2013 and by virtue of certain bond ordinances referred to therein.

The full faith and credit of the Borough are hereby irrevocably pledged for the punctual payment of the principal of and interest on this Bond according to its terms. This Bond shall not be or be deemed to be a debt or liability of the State of New Jersey or a pledge of the faith and credit of the State of New Jersey.

It is hereby certified and recited that all conditions, acts and things required by the Constitution or statutes of the State of New Jersey to exist, to have happened or to have been performed precedent to or in the issuance of this Bond exist, have happened and have been performed, and that the issue of bonds of which this is one does not exceed any limitation imposed thereon by said Constitution or statutes.

In the event the Borough determines that the beneficial owners of the Bonds (the actual purchasers of the Bonds) shall be able to obtain certificated bonds, the Borough shall notify DTC of the availability of bond certificates. In such event, the Borough will appoint a paying agent and the Borough will issue, transfer and exchange bond certificates in appropriate amounts as required by DTC and others. DTC may determine to discontinue providing its services with respect to the bonds at any time by giving a reasonable amount of notice in writing to the Borough. In the event of such determination, if the Borough fails to identify another qualified securities depository as successor to DTC, the Borough will appoint a paying agent and the Borough will issue and deliver replacement bonds in the form of fully registered certificates. Whenever DTC requests the Borough to do so, the Borough will cooperate with DTC in taking

appropriate action (a) to make available one or more separate certificates evidencing the bonds to any DTC participant (participants of DTC) having bonds credited to its DTC account or (b) to arrange for another securities depository to maintain custody of certificates evidencing the bonds.

IN WITNESS WHEREOF, THE BOROUGH OF ROSELLE PARK has caused this Bond to be executed in its name by the manual or facsimile signatures of its Mayor and its Borough Chief Financial Officer, and its corporate seal (or facsimile thereof) to be affixed, imprinted or reproduced hereon, and this Bond and said seal to be attested by the manual or facsimile signature of the Borough Clerk, and this Bond to be dated the 26<sup>th</sup> day of November, 2013.

ATTEST:

\_\_\_\_\_  
Doreen Cali  
Borough Clerk

\_\_\_\_\_  
Joseph Accardi  
Mayor

\_\_\_\_\_  
Ken Blum  
Chief Financial Officer

The following abbreviations, when used in the inscription on this bond, shall be construed as though they were written out in full according to applicable laws or regulations (additional abbreviations may also be used though not in the following list):

TEN COM as tenants in common  
TEN ENT as tenants by the  
entireties  
JT TEN as joint tenants with  
right of survivorship  
and not as tenants  
in common

UNIF GIFT MIN ACT  
\_\_\_\_Custodian\_\_\_\_  
(Cust) (Minor)  
under Uniform Gifts  
to Minors Act  
(State)

ASSIGNMENT

FOR VALUE RECEIVED the undersigned hereby sells, assigns and transfers unto

PLEASE INSERT SOCIAL SECURITY OR OTHER IDENTIFYING NUMBER OF  
ASSIGNEE (FOR COMPUTER RECORD ONLY)

---

(Please Print or Typewrite Name and Address of Transferee)

---

the within bond, and all rights thereunder, and hereby irrevocably constitutes and appoints

---

Attorney, to transfer the within bond on the books kept for the registration thereof, with full power of substitution in the premises.

Dated:

NOTICE: The signature to this assignment must correspond with the name as it appears upon the first page of the within bond in every particular, without alteration or enlargement or any change whatever.

CERTIFICATE AS TO LEGAL OPINION

The undersigned Clerk of the Borough of Roselle Park, New Jersey hereby certifies that a true and correct copy of the original legal opinion of the law firm of Gibbons P.C., Newark, New Jersey as to the validity of the issue of Bonds of which the within bond is one is available for inspection at the Office of the Clerk of the Borough of Roselle Park, New Jersey and a copy thereof may be obtained by the registered or beneficial owner hereof upon request.

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Borough Clerk

Section 8. The Borough Chief Financial Officer is hereby authorized and directed (a) to cause a copy of the written opinion with respect to the Bonds which is to be rendered by the firm of Gibbons P.C. (complete except for omission of its date) to be printed or referred to on the Bonds, and at the time of the original delivery of payment for the Bonds and when such written opinion is rendered, to cause the Borough Clerk to certify to the truth and correctness of such copy of opinion by executing on each of said Bonds, by manual or facsimile signature, a certificate subjoined to each such copy, and to file a signed duplicate of such written opinion in such Clerk's office and at each place at which the Bonds are payable, (b) to cause the applicable CUSIP number (if any) assigned for each of said Bonds by the CUSIP Service Bureau of Standard & Poor's Ratings Service of New York, New York, to be printed on each of the Bonds, and (c) to cause, in the event that the Bonds shall qualify for issuance of any policy of municipal bond insurance at the option of the purchaser thereof, such legend or reference (if any) of such insurance to be printed (at the expense of such purchaser) on the Bonds.

Section 9. Upon the date of issue of the Bonds, being the date of delivery of the Bonds to DTC on behalf of the successful bidder and the payment of the purchase price thereof in accordance with the Notice of Sale, the Borough Chief Financial Officer is hereby authorized and directed as of said date of issue, to execute and deliver to said successful bidder (a) an arbitrage certification with respect to the Bonds under and for the purpose of Section 148 of the Internal Revenue Code of 1986, as amended (the "Code"), and (b) an accompanying opinion of Gibbons P.C. as of said date of issue with respect to said arbitrage certification for the purposes of said Section 148.

Section 10. The proceeds of the Bonds shall be applied in the amounts and for the purpose provided in Section 1 hereof, and to pay and fund any bond anticipation notes theretofore issued for such purpose and then outstanding.

Section 11. The Mayor and Borough Chief Financial Officer are hereby authorized and directed to approve the Preliminary Official Statement of the Borough issued in connection with the Bonds, the Official Statement of the Borough issued in connection with the Bonds, the Notice of Sale and the DTC Letter of Representation and their use in connection with the sale of the Bonds and are further authorized, as is the Borough Clerk, to execute all documents, including, but not limited to, the Continuing Disclosure Certificate, the Preliminary Official Statement, the Official Statement, the Notice of Sale and the DTC Letter of Representation, necessary for the sale and delivery of said Bonds.

Section 12. An amount of the Bonds equal to \$3,644,000 are hereby designated as "Qualified Tax-Exempt Obligations" for purposes of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended (the "Code") (relating to an exception to the disallowance of the deduction of interest expense of certain financial institutions allocable to tax-exempt interest). The Borough Chief Financial Officer is hereby authorized and directed to satisfy any reporting requirements made necessary by any Federal rules and regulations with respect to such designation of the Bonds. In calendar year 2013, there are no entities that will be subject to substantial control by the Borough. Accordingly, there are no entities "subordinate" to the Borough (within the meaning of Section 265(b) of the Code) in calendar year 2013. There are no entities which issue obligations "on behalf of" the Borough. No entities have been or will be "formed or availed of" (within the meaning of Section 265(b)(3)(E)(iii) of the Code) in calendar year 2013 for the purpose of issuing tax-exempt obligations to avoid the aggregation rules of Section 265(b)(3) of the Code.



The aggregate amount of tax-exempt obligations issued by the Borough during calendar year 2013 prior to the date of issuance of the Bonds, together with the aggregate amount of the Bonds, will not exceed \$3,644,000. The Borough reasonably anticipates that the aggregate amount of new money tax-exempt obligations issued and to be issued in calendar year 2013 by the Borough, all entities subordinate to the Borough, and all entities which issue Bonds on behalf of the Borough will not exceed \$10,000,000.

For purposes of calculating the amount of tax-exempt obligations issued or to be issued by the Borough during the 2013 calendar year, the Borough shall take into account all tax-exempt obligations issued by the Borough, all tax-exempt obligations issued by any issuers which issue obligations "on behalf of" the Borough and all tax-exempt obligations issued by any entities "subordinate" to the Borough except the following: (i) private activity bonds, other than qualified 501(c)(3) bonds (within the meaning of Sections 141 and 145 of the Code); (ii) obligations issued to refund (other than to advance refund within the meaning of Section 149(d) of the Code) obligations, to the extent that the amount of the refunding obligations do not exceed the outstanding amount of the refunded obligations, provided that (A) the average maturity of the issue of which the original qualified tax-exempt obligation was a part (and the issue of which the obligation to be refunded is a part) is three years or less, and (B) the refunding obligations have a final maturity date no more than thirty (30) years after the date the original tax-exempt obligation was issued; and (iii) in the case of an issue of tax-exempt obligations with respect to which more than one governmental unit receives benefits, if all of the governmental entities receiving benefits from such issue irrevocably agree (before the date of issuance of such issue) on an allocation of the amount of such issue which bears a reasonable relationship to the benefits received by such entities, only the amount of such issue allocated to the Borough need be taken into account. For purposes of this Section, the term "tax-exempt obligations" includes financing leases and any other debt arrangements, however labeled, constituting tax-exempt obligations under Section 265(b)(3) of the Code.

Section 13. This resolution shall take effect immediately.

AYES:

NAYS:

ABSTAIN:

ABSENT:

EXHIBIT A  
BOROUGH OF ROSELLE PARK,  
IN THE COUNTY OF UNION,  
NEW JERSEY

NOTICE OF SALE OF  
\$3,644,000  
GENERAL IMPROVEMENT BONDS, SERIES 2013  
(BOOK-ENTRY BONDS) (CALLABLE)  
(BANK-QUALIFIED)

ELECTRONIC PROPOSALS (the "Proposals"), via BiDCOMP/PARITY Competitive Bidding System ("PARITY") only, will be received by the Chief Financial Officer of the Borough of Roselle Park in the County of Union, New Jersey (the "Borough"), on November 14, 2013 until 11:00 a.m., New York City time, at which time they will be announced, for the purchase of all, but not less than all, of the Borough's General Improvement Bonds, Series 2013 (the "Bonds"). Bidders are required to submit their Proposal for the purchase of the Bonds in accordance with the terms of the Notice of Sale.

Principal Amortization

Principal of the Bonds will be paid annually, subject to prior optional redemption, on the fifteenth day of November in the following years and in the following aggregate amounts:

| <u>Year</u> | <u>Principal Amount</u> | <u>Year</u> | <u>Principal Amount</u> |
|-------------|-------------------------|-------------|-------------------------|
| 2014        | \$150,000               | 2022        | \$250,000               |
| 2015        | 150,000                 | 2023        | 250,000                 |
| 2016        | 200,000                 | 2024        | 300,000                 |
| 2017        | 200,000                 | 2025        | 300,000                 |
| 2018        | 200,000                 | 2026        | 300,000                 |
| 2019        | 250,000                 | 2027        | 300,000                 |
| 2020        | 250,000                 | 2028        | 294,000                 |
| 2021        | 250,000                 |             |                         |

Interest Payment Dates

The Bonds will be dated the date of delivery (which is expected to be November 26, 2013) and will bear interest at the rate per annum specified by the successful bidder therefor in accordance herewith, payable on May 15, 2014 and semi-annually thereafter on the fifteenth day of November and May in each year until maturity or prior optional redemption.

### Optional Redemption Provisions

The Bonds maturing on or prior to November 15, 2023 shall not be subject to redemption prior to their respective maturity dates. The Bonds maturing on or after November 15, 2024 shall be subject to redemption prior to their respective maturity dates, on or after November 15, 2023 at the option of the Borough, either in whole or in part at any time in any order of maturity at one hundred percent (100%) of the principal amount of the Bonds being redeemed (the "Redemption Price"), plus in each case accrued interest thereon to the date fixed for redemption.

Notice of Redemption shall be given by mailing by first class mail in a sealed envelope with postage prepaid to the registered owners of such Bonds at their respective addresses as they last appear on the registration books kept for that purpose by the Borough, at least thirty (30) but not more than sixty (60) days before the date fixed for redemption. However, so long as DTC (or any successor thereto) acts as Securities Depository for the Bonds, Notices of Redemption shall be sent to such depository and shall not be sent to the beneficial owners of the Bonds, and will be done in accordance with DTC procedures. Any failure of such depository to advise any of its participants or any failure of any participant to notify any beneficial owner of any Notice of Redemption shall not affect the validity of the redemption proceedings. If the Borough determines to redeem a portion of the Bonds of a maturity, such Bonds shall be selected by the Borough by lot. If Notice of Redemption has been given as described herein, the Bonds, or the portion thereof called for redemption, shall be due and payable on the date fixed for redemption at the Redemption Price, together with accrued interest to the date fixed for redemption. Payment shall be made upon surrender of the Bonds redeemed.

### Book-Entry-Only System

As long as DTC or its nominee, Cede & Co., is the registered owner of the Bonds, payments of the principal of and interest on the Bonds will be made directly to Cede & Co., as nominee of DTC, which will credit payments of principal of and interest on the Bonds to the DTC participants as listed in the records of DTC as of each next preceding May 1 and November 1, respectively (the "Record Dates" for payment of interest on the Bonds), which participants will in turn credit such payments to the beneficial owners of the Bonds.

All bidders of the Bonds must be participants of The Depository Trust Company, New York, New York ("DTC") or affiliated with its participants. The Bonds will be issued in fully registered form, and when issued will be registered in the name of and held by Cede & Co., as the registered owner thereof and nominee for DTC, an automated depository for securities and clearinghouse for securities transactions.

Individual purchases of beneficial ownership interests in the Bonds will be made in book-entry form (without certificates) in the denomination of \$1,000 each or any integral multiple thereof (with a minimum purchase of \$5,000). It shall be the obligation of the successful bidder to furnish to DTC an underwriter's questionnaire and the denomination of the Bonds not less than seventy-two (72) hours prior to the delivery of the Bonds.

In the event that either DTC determines not to continue to act as securities depository for the Bonds or the Borough determines that the beneficial owners of the Bonds be able to obtain bond certificates, the Borough will appoint a paying agent and will issue and deliver replacement Bonds in the form of fully registered certificates.

### Electronic Bidding Procedures

Bids may be submitted electronically via PARITY in accordance with this Notice of Sale, until 11:00 a.m., New York City time, on November 14, 2013, but no bid will be received after the time for receiving bids specified above. To the extent any instructions or directions set forth

in PARITY conflict with this Notice of Sale, the terms of this Notice of Sale shall control. For further information about PARITY, potential bidders may contact PARITY at (212) 849-5021. In the event that a bid for the Bonds is submitted via PARITY, the bidder further agrees that:

1. The Borough may regard the electronic transmission of the bid through PARITY (including information about the purchase price of the Bonds, the interest rate or rates to be borne by the various maturities of the Bonds, the initial public offering price of each maturity and any other information included in such transmission) as though the same information were submitted directly to the Borough and executed by a duly authorized signatory of the bidder. If a bid submitted electronically by PARITY is accepted by the Borough, the terms of the Proposal for Bonds and this Notice of Sale and the information that is electronically transmitted through PARITY shall form a contract, and the successful bidder shall be bound by the terms of such contract.

2. PARITY is not an agent of the Borough, and the Borough shall have no liability whatsoever based on any bidder's use of PARITY, including but not limited to any failure by PARITY to correctly or timely transmit information provided by the Borough or information provided by the bidder.

3. The Borough may choose to discontinue use of electronic bidding via PARITY by issuing a notification to such effect via TM3 News Services, or by other available means, no later than 3:00 p.m. (New York City Time) on the last business date prior to the bid date set forth above.

4. Once the bids are communicated electronically via PARITY to the Borough as described above, each bid will constitute a Proposal for Bonds and shall be deemed to be an irrevocable offer to purchase the Bonds on the terms provided in this Notice of Sale. For purposes of submitting all Proposal for Bonds, whether by hand delivery or electronically via Parity, the time as maintained on PARITY shall constitute the official time.

5. Each bidder choosing to bid electronically shall be solely responsible to make necessary arrangements to access PARITY for purposes of submitting its bid in a timely manner and in compliance with the requirements of this Notice of Sale. Neither the Borough nor Parity shall have any duty or obligation to undertake such registration to bid for any prospective bidder or to provide or assure access to any qualified prospective bidder, and neither the Borough nor Parity shall be responsible for the proper operation of, or have any liability for any delays or interruptions of, or any damages caused by PARITY. The Borough is using PARITY as a communication mechanism, and not as the Borough's agent, to conduct the electronic bidding for the Bonds. By using PARITY, each bidder agrees to hold the Borough harmless for any harm or damages caused to such bidder in connection with its use of PARITY for bidding on the Bonds.

#### Bid Specifications

Each Proposal submitted must name the rate or rates of interest per annum to be borne by the Bonds bid for and the rate or rates named must be multiples of one-eighth or one-twentieth of one per centum. Not more than one rate may be named for Bonds of the same maturity. There is no limitation on the rates that may be named. The difference between the highest and lowest rates of interest named in the Proposal shall not exceed three percent (3%). Each Proposal submitted must be for all of the Bonds and the purchase price specified in the proposal must be not less than 100% of the aggregate par value of the Bonds or for more than 102% of the aggregate par value of the Bonds.

### Award, Delivery and Payment

The Bonds will be awarded to the bidder on whose bid the total loan may be made at the lowest true interest cost. Such true interest cost shall be computed, as to each bid, by doubling the semiannual interest rate (compounded semiannually) necessary to discount the debt service payments from the payment dates to the date of the Bonds and the price bid, excluding accrued interest to the delivery date. No Proposal shall be considered that offers to pay an amount less than the principal amount of Bonds offered for sale or under which the total loan is made at an interest cost higher than the lowest true interest cost to the Borough under any legally acceptable proposal. If two or more such bidders offer to pay the lowest true interest cost, then the Bonds will be sold to one of such bidders selected by lot from among all such bidders. The bidder to which the Bonds are awarded (in the manner specified above) is herein referred to as the "Successful Bidder."

It is expected that delivery of the Bonds to DTC and payment for the Bonds will take place on or about, November 26, 2013 at the offices of Gibbons P.C., bond counsel to the Borough ("Bond Counsel"), in Newark, New Jersey or at such other place as may be agreed upon with the Successful Bidder. The Bonds will be delivered to DTC in single denominations for each maturity of each type of bond. PAYMENT FOR THE BONDS AT THE TIME OF ORIGINAL ISSUANCE AND DELIVERY SHALL BE IN IMMEDIATELY AVAILABLE FUNDS.

### Change of Bid Date and Closing Date

The Borough reserves the right to postpone, from time to time, the date established for the receipt of bids and will undertake to notify registered prospective bidders via notification published on Thomson Municipal Market Monitor ("TM3") ([www.tm3.com](http://www.tm3.com)). Prospective bidders may request notification by facsimile transmission of any such changes in the date or time for the receipt of bids by so advising, and furnishing their telecopier numbers to the Chief Financial Officer of the Borough at (908) 245-0819 by 12:00 Noon, New York City time, on the day prior to the announced date for receipt of bids. In addition, the Borough reserves the right to make changes to this Notice of Sale. Such changes will be announced on the TM3.

A postponement of the bid date will be announced via TM3 not later than 11:00 a.m., New York City time, on the last business day prior to any announced date for receipt of bids, and an alternative sale date and time will be announced via TM3 by Noon, New York City time, not less than forty-eight (48) hours prior to such alternative date for receipt of bids.

On any such alternative date and time for receipt of bids, the Borough will accept electronic bids for the purchase of the Bonds, such bids to conform in all respects to the provisions of this Notice of Sale, except for the changes in the date and time for receipt of bids and any other changes announced via TM3 at the time the date and time for receipt of bids are announced.

### Right To Reject Bids; Waive Irregularities

The right is reserved to reject all bids, and any bid not complying with the terms of this Notice of Sale will be rejected. The Borough reserves the right to reject any or all Proposals and so far as permitted by law, to waive any irregularity or informality in any or all Proposals.

### Good Faith Deposit

A good faith deposit (the "Deposit"), in the form of either (i) a financial surety bond (the "Financial Surety Bond"), or (ii) an electronic transfer of immediately available federal funds in accordance with the wiring instructions contained in the immediately succeeding paragraph, in the amount of \$72,880 is required for each bid for the Bonds to be considered. The Financial

Surety Bond must be from an insurance company licensed to issue such a bond in the State of New Jersey and approved by the Director of the Division of Local Government Services of New Jersey (the "Director"). At present, the Director has approved the use of Sure-Bid, a division of Financial Security Assurance Inc. Use of any other Financial Surety Bond must be approved by the Director prior to the bid and will not be accepted by the Borough unless evidence of such approval is provided prior to the bid. The Financial Surety Bond must be submitted to the Borough prior to 10:30 a.m. New York City time on the date for receipt of bids, and must be in the form and substance acceptable to the Borough. A Financial Surety Bond must identify the bidder whose Deposit is guaranteed by such Financial Surety Bond. The Successful Bidder for the Bonds who utilized a Financial Surety Bond is required to submit its Deposit to the Borough in the form of a wire transfer not later than 1:00 p.m. New York City time on the next business day following the award. If such Deposits are not received by that time, the Financial Surety Bond may be drawn by the Borough to satisfy the Deposit requirement.

A bidder providing the Deposit via electronic transfer of funds shall transmit such funds to the following:

Bank of America, N.A.  
ABA No.: 021200339  
Account No.: 008100256585  
Account Name: Borough of Roselle Park General Capital Account  
Contact: Ken Blum, Chief Financial Officer  
Phone: (908) 245-0819

If an electronic transfer of funds is used, such funds must be received in the account identified immediately above no later than 10:30 a.m. New York City time on the date for receipt of bids, and must be accompanied by detailed wiring instructions for the return thereof in the event that such bidder is not the Successful Bidder. Please note that the contact information provided immediately above should be used by bidders for the purposes of confirming receipt of electronic transfer of funds and the transmittal of instructions for the return of such electronic transfers of funds in the event such bidder is not the Successful Bidder. Electronic transfers of funds of unsuccessful bidders for the Bonds will be returned upon award of the Bonds. It is the intent of the Borough that electronic transfers of funds will be returned via wire transfer to the unsuccessful bidders not later than 5:00 p.m. on the date for receipt of bids, provided that wiring instructions have been provided by such unsuccessful bidder at the time of transmission of the Deposit to the Borough. The Borough shall not bear any liability for any delay that may occur in the return of an electronic transfer of the Deposit to an unsuccessful bidder. Interest earned on the Deposit will be credited to the Borough and will not be available to the Successful Bidder for the Bonds.

The Deposit of the Successful Bidder will be collected and the proceeds thereof retained by the Borough to be applied in partial payment for the Bonds and no interest will be allowed or paid upon the amount thereof, but in the event the Successful Bidder shall fail to comply with the terms of its respective bid, the proceeds thereof will be retained as and for full liquidated damages. Award of the Bonds to the Successful Bidder or rejection of all bids is expected to be made within five hours after opening of the bids, but such Successful Bidder may not withdraw its Proposal for Bonds until after 5:00 p.m. of the day of such bid-opening and then only if such award has not been made prior to the withdrawal.

### Bond Insurance

If the Bonds qualify for issuance of any policy of municipal bond insurance, any purchase of such policy shall be at the sole option and expense of the Successful Bidder. If the Bonds are to be insured, the Successful Bidder shall pay the premium therefor prior to the delivery of the Bonds. Any failure of the Bonds to be so insured or of any such policy of insurance to be issued shall not in any way relieve the Successful Bidder of its contractual obligations arising from the acceptance of its Proposal for Bonds for the purchase of the Bonds.

### CUSIP Numbers

It is anticipated that CUSIP identification numbers will be printed on the Bonds, but neither the failure to print such number on any Bond nor any error with respect thereto shall constitute cause for the failure or refusal of the Successful Bidder to accept delivery of and pay for the Bonds. The CUSIP Service Bureau charges for the assignment of CUSIP numbers on the Bonds shall be the responsibility of and shall be paid for by the Successful Bidder.

### Undertakings of the Successful Bidder

THE SUCCESSFUL BIDDER SHALL MAKE A BONA FIDE PUBLIC OFFERING OF THE BONDS AT THEIR RESPECTIVE INITIAL REOFFERING PRICES AND SHALL PROVIDE THE RELATED CERTIFICATION DESCRIBED BELOW.

The successful bidder shall within thirty (30) minutes after being notified of the award of the Bonds, advise the Borough in writing (via facsimile transmission) of the initial reoffering prices to the public of each maturity of the Bonds (the "Initial Reoffering Prices"). The successful bidder must, by facsimile transmission or delivery received by the Borough within twenty-four (24) hours after notification of the award, furnish the following information to the Borough to complete the Official Statement in final form, as described below:

- A. Selling compensation (aggregate total anticipated compensation to the underwriters expressed in dollars, based on the expectation that all the Bonds are sold at the prices or yields at which the successful bidder advised the Borough that the Bonds were initially offered to the public).
- B. The identity of the underwriters if the successful bidder is part of a group or syndicate.
- C. Any other material information that the Borough determines is necessary to complete the Official Statement in final form.

After the award of the bonds, the Borough will prepare copies of the final Official Statement and will include therein such additional information concerning the reoffering of the bonds as the successful bidder may reasonably request. The successful bidder will be responsible to the Borough in all aspects for the accuracy and completeness of information provided by such successful bidder with respect to such reoffering.

SIMULTANEOUSLY WITH OR BEFORE DELIVERY OF THE BONDS, THE SUCCESSFUL BIDDER SHALL FURNISH TO THE BOROUGH A CERTIFICATE ACCEPTABLE TO BOND COUNSEL (A COPY OF THE FORM OF SUCH CERTIFICATION IS AVAILABLE UPON REQUEST FROM BOND COUNSEL AT TELEPHONE NO. (973) 596-4777) TO THE EFFECT THAT (I) THE SUCCESSFUL BIDDER HAS MADE A BONA FIDE PUBLIC OFFERING OF THE BONDS AT THE INITIAL REOFFERING PRICES, (II) AS OF THE DATE OF THE SALE OF THE BONDS THE SUCCESSFUL BIDDER REASONABLY EXPECTED TO SELL A SUBSTANTIAL AMOUNT OF THE BONDS TO THE PUBLIC (EXCLUDING BOND HOUSES, BROKERS AND OTHER INTERMEDIARIES) AT THEIR RESPECTIVE INITIAL REOFFERING PRICES, AND (III) SUBSTANTIAL AMOUNTS OF THE BONDS WERE SOLD TO THE

PUBLIC (EXCLUDING BOND HOUSES, BROKERS AND OTHER INTERMEDIARIES) AT THEIR RESPECTIVE INITIAL REOFFERING PRICES. Bond counsel advises that (i) such certificate must be made on the best knowledge, information and belief of the successful bidder, (ii) the sale to the public of 10% or more in par amount of the bonds of each maturity at the initial reoffering prices would be sufficient to certify as to the sale of a substantial amount of the bonds, and (iii) reliance on other facts as a basis for such certification would require evaluation by bond counsel to assure compliance with the statutory requirement to avoid the establishment of an artificial price for the Bonds.

#### Legal Opinions

The obligations hereunder to pay for and to accept delivery of the Bonds shall be conditioned on the availability and the delivery at the time of delivery of the Bonds of the approving opinion of the law firm of Gibbons P.C., Newark, New Jersey, bond counsel to the Borough, which will be furnished without cost to the Successful Bidder, substantially in the form set forth in the Official Statement distributed in preliminary form in connection with the sale of the Bonds. Such opinion shall state to the effect that the Bonds are valid and legally binding obligations of the Borough, and that all the taxable property therein will be subject to the levy of ad valorem taxes, without limitation as to rate or amount, to pay the principal of the Bonds and the interest thereon; and will also state that under existing law, interest on the Bonds is excluded from gross income for purposes of Federal income taxation. The obligations hereunder to pay for and to accept delivery of the Bonds shall be further conditioned on the availability and delivery to the Successful Bidder, at the time of delivery of the Bonds, of (i) certificates from the Borough Chief Financial Officer in form satisfactory to Bond Counsel evidencing the proper execution and delivery of the Bonds, the receipt of payment therefor and the fact the Bonds will not be arbitrage obligations within the meaning of the Code; (ii) a certificate from the Borough Attorney, in form and tenor satisfactory to Bond Counsel and dated as of the date of such delivery, to the effect that there is no litigation pending or (to the knowledge of the signer or signers thereof) threatened affecting the validity of the Bonds; and (iii) a certificate from the Borough Chief Financial Officer, in form and tenor satisfactory to Bond Counsel and dated as of the date of such delivery, to the effect that to the best of his knowledge of such and belief, and after reasonable investigation: (1) neither the Official Statement relating to the Bonds nor any amendment, or supplement thereto contains any untrue statement of a material fact or omits to state any material fact necessary to make the statements therein, in the light of the circumstances in which they were made, not misleading; (2) since the date of the Official Statement (or the date of the most recent amendment or supplement thereto) no event has occurred which would make the statements therein untrue or, in the light of the circumstances in which they were made, misleading, and (3) there has not been any material adverse change in the operation or financial affairs of the Borough since the date of such Official Statement.

#### Bank Qualified

The Bonds will be designated as “qualified tax-exempt obligations” for purposes of Section 265(b)(3) of the Code.

#### Concerning The Preliminary Official Statement

The Borough has issued an Official Statement with respect to the sale of the Bonds in preliminary form (the “Preliminary Official Statement”) which the Borough has deemed final as of its date for purposes of paragraph (b)(1) of Rule 15c2-12 under the Securities Exchange Act of 1934 (“Rule 15c2-12”), except for certain omissions permitted thereunder and except for changes permitted by other applicable law.



The Preliminary Official Statement may be accessed via the Internet at [www.i-dealprospectus.com](http://www.i-dealprospectus.com). A printed version is also available upon request made to the Chief Financial Officer of the Borough at the Borough Hall, 110 East Westfield Avenue, Roselle Park, New Jersey 07204 (telephone (908) 245-0819).

Official Statement

The Borough agrees to provide the successful bidder with up to fifty (50) copies of the final Official Statement adopted by the Borough in relation to the sale by the Borough of the Bonds within the period of time allowed under Rule 15c2-12, at the sole cost and expense of the Borough, with any additional copies which the successful bidder shall reasonably request to be provided at the sole cost and expense of the successful bidder.

Continuing Disclosure

In order to assist the successful bidder in complying with Rule 15c2-12, the Borough agrees to deliver on the Closing Date a Continuing Disclosure Certificate to be dated as of the Closing Date pursuant to which the Borough shall agree to provide at the times and to the information repositories and other persons described in Rule 15c2-12 the financial or operating data required to be disclosed on a continuing basis pursuant to Rule 15c2-12.

Ken Blum  
Chief Financial Officer

Dated: October 31, 2013

SUMMARY NOTICE OF BOND SALE

BOROUGH OF ROSELLE PARK  
IN THE COUNTY OF UNION  
NEW JERSEY

\$3,644,000  
GENERAL IMPROVEMENT BONDS, SERIES 2013

(BOOK-ENTRY BONDS) (CALLABLE)  
(BANK-QUALIFIED)

ELECTRONIC PROPOSALS (the "Proposals"), via BiDCOMP/PARITY Competitive Bidding System ("PARITY") only, will be received by the Chief Financial Officer of the Borough of Roselle Park, New Jersey (the "Borough"), on

**November 14, 2013**

until 11:00 a.m., New York City time, at which time they will be announced, for the purchase of all, but not less than all, of the Borough's \$3,644,000 General Improvement Bonds, Series 2013, dated the date of delivery (the "Bonds").

Principal of the Bonds will be paid annually, subject to prior optional redemption, on the fifteenth day of November in the following years and in the following aggregate amounts:

| <u>Year</u> | <u>Principal Amount</u> | <u>Year</u> | <u>Principal Amount</u> |
|-------------|-------------------------|-------------|-------------------------|
| 2014        | \$150,000               | 2022        | \$250,000               |
| 2015        | 150,000                 | 2023        | 250,000                 |
| 2016        | 200,000                 | 2024        | 300,000                 |
| 2017        | 200,000                 | 2025        | 300,000                 |
| 2018        | 200,000                 | 2026        | 300,000                 |
| 2019        | 250,000                 | 2027        | 300,000                 |
| 2020        | 250,000                 | 2028        | 294,000                 |
| 2021        | 250,000                 |             |                         |

Individual purchases of beneficial ownership interests in the Bonds will be made in book-entry form (without certificates) in the denomination of \$1,000 each or any integral multiple thereof (with a minimum purchase of \$5,000). The Bonds will bear interest at a rate or rates of interest in a multiple of 1/8th or 1/20th of 1% per annum specified by the successful bidder payable on May 15, 2014 and semi-annually thereafter on the fifteenth day of November and May in each year until maturity or prior optional redemption. The Bonds are subject to redemption at the option of the Borough in accordance with the Notice of Sale dated October 31,

2013 (the “Notice of Sale”). The Bonds will be awarded to the bidder on whose bid the total loan may be made at the lowest true interest cost in accordance with the terms of the Notice of Sale.

For further information relating to the Bonds, reference is made to the Preliminary Official Statement, including the Notice of Sale as an appendix and the form of legal opinion of Gibbons P.C., Newark, New Jersey, bond counsel to the Borough, which can be accessed via the Internet at [www.i-dealprospectus.com](http://www.i-dealprospectus.com). Copies of the Preliminary Official Statement, the Notice of Sale and the form of the legal opinion may be obtained from the Chief Financial Officer of the Borough at the Borough Hall, 110 East Westfield Avenue, Roselle Park, New Jersey 07204 (telephone (908) 245-0819).

Dated: November 5, 2013

Ken Blum  
Chief Financial Officer

Mr. Blum said this is to authorize a Bond Sale for Ordinances No. 2337, 2367 and 2386 totaling \$3,644,000. He said the most they could have gone out for bonds is twenty years. Looking at the schedules, they are looking at a 3.25 interest rate. This is just an estimate and will be out for public bidding; and we are hoping that it comes in for less. This is the best timing for this, so are presenting this 15 years schedule to fund projects.

Councilman Casais said he fully supports this resolution.

| Vote Record – Resolution #213-13    |                    | Yes/Aye                             | No/Nay                   | Abstain                  | Absent                   |
|-------------------------------------|--------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|
| <input checked="" type="checkbox"/> | Adopted            | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/>            | Adopted as Amended | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/>            | Defeated           | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/>            | Tabled             | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/>            | Withdrawn          | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|                                     | Yakubov            | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|                                     | Miranda            | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|                                     | Hokanson           | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|                                     | Torres             | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|                                     | Casais             | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|                                     | Storey             | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|                                     | Accardi            | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

INTERRUPT THE REGULAR ORDER OF BUSINESS

Councilman Yakubov moved at 7:55 p.m. to interrupt the regular order of business for a Closed Session Meeting; seconded by Councilman Casais and adopted.

Acting Mayor Miranda read the Closed Session resolution and said Council would be discussing the following matters:

- Personnel – Municipal Land Use Board
- Litigation – Martino vs. D’Agostino
- Litigation – D’Agostino vs. Roselle Park
- Litigation – Equipment Rental vs. Roselle Park
- Potential Litigation – Sunrise Village vs. Roselle Park
- Litigation – DEP vs. Occidental
- Litigation – Red Light Camera
- Litigation – Stender vs. Roselle Park

- Potential Litigation – Mruk vs. Roselle Park
- Contract Negotiation/Potential Litigation – Ashbritt
- Personnel – DPW
- Contract Negotiations – PA Contracting

#### RESUME REGULAR ORDER OF BUSINESS

Councilman Yakubov moved at 8:57 p.m. to resume the regular order of business; seconded by Councilwoman Storey and adopted.

Acting Mayor Miranda said that during Closed Session, Council discussed the following matters:

- Personnel – Municipal Land Use Board
- Litigation – Martino vs. D’Agostino
- Litigation – D’Agostino vs. Roselle Park
- Litigation – Equipment Rental vs. Roselle Park
- Potential Litigation – Sunrise Village vs. Roselle Park
- Litigation – DEP vs. Occidental
- Litigation – Red Light Camera
- Litigation – Stender vs. Roselle Park
- Potential Litigation – Mruk vs. Roselle Park
- Contract Negotiation/Potential Litigation – Ashbritt
- Personnel – DPW
- Contract Negotiations – PA Contracting

There being no further business to come before the meeting, Councilman Yakubov moved at 8:59 p.m. to adjourn; seconded by Councilman Casais and adopted.

Attest:

Borough Clerk