

REGULAR AGENDA MEETING
Mayor and Council
Borough of Harrington Park, New Jersey
June 10, 2019

(PAH) Call Meeting to Order

Time: 7:05pm

Mayor's Announcement:

In compliance with Chapter 231, Public Law 1975, adequate notice of the meeting was made. It is included in the Annual Meetings posted on the bulletin board in the Municipal Center. Copies have been emailed to the BERGEN RECORD, SUBURBANITE and THE NORTHERN VALLEY PRESS. A copy has been filed with the Borough Clerk, and copies have been provided to individuals requesting the same.

(ALB) Roll Call:

	PRESENT	ABSENT
NAPOLITANO(AN)	x	
EVANELLA (GE)	x	
WALKER (DW)	x	
BROCKMAN (JB)	x	
PEDERSEN (JP)		x
CHUNG (JC)	x	

Also present:

Ms. Ann H. Bistriz, Borough Clerk (ALB)

Mr. Kunjesh Trivedi, CFO, CTC (KJT)

(PAH) Suspend the Regular Order of Business

Motion GE

Second AN

AIF

(PAH) Motion to Open to the Public-General Discussion GE

Second AN

Vote AIF

Tom Clark, Hackensack Avenue-HPVFD

Requested that lines be painted and signage be placed in the vicinity of the Fire House. He almost had a serious accident last week when he was pulling a truck into the firehouse garage. He noted that it is a JIF component and would certainly remind drivers that emergency vehicles leave the building. Most of the surrounding communities have striping in front of their firehouses. A sign on Glen Avenue E. similar to that on Harriot Avenue would be helpful, as well.

Council was in agreement. PAH suggested that Mr. Clark speak with AN and work out the details and refer back to ALB. PAH noted there is no need to prolong anything and an ordinance would not be necessary to provide this signage on Borough property.

GE followed with discussion about the safety of parking along Kline Street and making the turn for the fire truck. He felt that even a regular vehicle has a tight turn from where Hackensack Avenue meets Kline Street. GE may want Council to consider parking on one side of the street only in that area. Mr. Clark agreed that in his opinion, it may be safer.

(PAH) Motion to Close to the Public GE

Second AN

Vote AIF

(PAH) Return to the Regular Order of Business

Motion GE

Second AN

AIF

(PAH) Consent Agenda-Resolutions-

All matters listed under this section are considered to be routine by the Borough Council and will be enacted by one motion as listed below. There will not be separate discussion of these items. Should discussion be desired, that item will be removed from the Consent Agenda and will be considered separately under New or Old Business on the Agenda.

Consent Approval Items: (A-)

- A 2019-87 Overpayment of Property Taxes**
- B 2019-88 Homestead Rebate Credit**
- C 2019-89 Club License Harrington Park Fire Company #1**
- D 2019-90 Plenary Retail Distribution License-The Store in Harrington Park**
- E 2019-91 Plenary Retail Consumption License-II Calcio, Inc.**
- F 2019-92 Street Closing for Neighborhood Party**
- G 2019-93 A Resolution Authorizing Appointment of Municipal Representatives to the Bergen County Community Development Regional Committee**
- H 2019-94 Hackensack Air Med 1 Helicopter**
- I 2019-95 Road Closure Our Lady of Victories**
- J 2019-96 Resolution Approving Appointment of Plumbing Subcode Official**

Motion GE

Second DW

KJT noted that he will be supplying ALB additional wording regarding the Salary Ordinance for 2019 for Addendum J

Roll Call Vote AIF

Individual Committee Reports

(PAH) Mayor Hoelscher

Congratulations for AN coming in Third Place in the Mayors Kayak Race on the Reservoir. Thank you for representing the Borough.

AN noted how competitive it was; but a lot of fun.

- (AN) Planning Bd., Bd. of Adjustment, Construction, Fire, Ambulance**
- (GE) Police, Municipal Court, Personnel**
- (DW) DPW, Building & Grounds, Sanitation/Recycling**
- (JB) Board of Health, Environmental Commission**
- (JP) Finance, Admin. & Exec., Grants**
- (JC) Recreation Commission, Liaison to Board of Education, Public Information**
- (ALB) Borough Clerk/Administrator**

Old Business

GE noted that the Rodgers Group Accreditation program for the Police Department has been placed on hold for now, until it can be appropriately funded. KJT informed Council that it is not a bondable item and has not been budgeted for 2019. \$25,000 of the cost would be reimbursed by JIF. If there is a possible fund transfer in November it may be considered then.

New Business

- (GE) Resolution to Transfer Liquor License from Il Calcio LLC to Donatella's Restaurant, Inc.
Addendum K 2019-97**

ALB noted that Dino's has sold. New owners have several restaurants in the area.

Motion GE

Second AN

No discussion

Roll Call Vote AIF

- (JC) Discussion of Creating Position of Recreation Director.**

Other towns have directors to keep the sports programs organized. Now that HP has taken over softball and baseball, additional support is needed. There is a renewed sense of energy and participation. Funds will be used for paying for this position as well as for field equipment and repairs. Recreation Commission is planning on adding on soccer, this coming fall, and possibly basketball in the future.

Motion to Advertise Position JC

Second by DW

AN had concerns about the advertising a position without an actual salary. ALB noted that the advertisement is general for the position and salary would depend on experience and amount of hours offered by the applicant. Regardless of anything, the CFO has to approve whatever is instructed to post on the website.

JC requested that ALB reach out to other towns and see what their parameters are for this type of position, prior to posting any employment notice on website.

Roll Call Vote-AIF

Fishing Derby is June 16th at Pondsides Park-Noon to 2pm. Scouts are helping sell water and hotdogs. Lots of prizes through Lucas Bogosian, a professional angler. It should be a great event.

ALB requested meeting for Town Day.

JC inquired if contract for speed soccer was received-ALB noted it has not been.

Ordinances

Second Reading and Adoption of Bond Ordinance #731 Addendum L

Motion JC

Second GE

Roll Call Vote (after public hearing) AIF

Meeting Open to the Public for Discussion of Ordinance #731

Motion GE

Second AN

Vote AIF

No public present

Meeting Closed to the Public

Motion GE

Second AN

Vote AIF

~~(PAH) Motion for Closed Session Time:~~

~~Second~~

~~Vote~~

RESOLUTION

~~WHEREAS, N.J.S.A. 10:4-12 permits a public body to conduct business in Closed Session during a public meeting; and~~

~~WHEREAS, the Mayor and Council deem it necessary to discuss certain matters in Closed Session as permitted by the aforesaid statute.~~

~~BE IT FURTHER RESOLVED that discussion of the aforementioned subjects may be made public at such time as disclosure of the discussion will not detrimentally affect the interest and Borough as to said discussion.~~

Return to Open Session

GE noted the ceiling in the Council Chamber’s needs to be cleaned near the air vent as well as repair to sensor. KJT/ALB will reach out to DPW.

Adjournment-Time: 8:46pm

Motion: GE

Second: AN

AIF

**Addendum A
RESOLUTION
2019-87**

Refund of Overpayment of Property Taxes

Refunds due to overpayment of Property Taxes due to double payment by wire transfer from CORELOGIC and previous payment from BAC Title 365

Block	Lot	Property Owner	Address	Amount	Period
1310	4.01	PARSI	114 THE PARKWAY	\$6420.14	2 nd QTR 2019

WHEREAS, Corelogic is entitled to a refund of property taxes due to an overpayment of \$6,420.14

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Harrington Park that the Chief Financial Officer shall issue refunds in the total amount of \$6,420.14 for overpayment of the 2019 property taxes

**Addendum B
RESOLUTION
2019-88**

Homestead Rebate Credit

Refunds due to overpayment of Property Taxes due to a HOMESTEAD REBATE CREDIT not taken

BLOCK	LOT	HOMEOWNER	ADDRESS	AMOUNT
110	14	Maureen Farley	85 Lohs Place	\$500.00
606	7	John/Patricia O’Dea	22 Carlton Lane	\$500.00
607	23	Estelle Marafino	41 Van Orden Road	\$254.22
710	18	Marilyn Hering	131 Spring Street	\$850.55
718	13	Mary Warner	54 Spring Street	\$500.00
908	23	Esther Ross	3 William Street	\$500.00

WHEREAS, all homeowners are entitled to a refund of property tax due to an overpayment from a HOMESTEAD REBATE CREDIT

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Harrington Park that the Chief Financial Officer shall issue refunds in the total amount of \$3401.77 for overpayment of the 2019 property taxes

**Addendum C
RESOLUTION
2019-89**

Club License HARRINGTON PARK FIRE COMPANY #1

BE IT RESOLVED by the Mayor and Council of the Borough of Harrington Park that application for renewal of Club license made on behalf of the Harrington Park Fire Co. # 1, Inc., 13 Kline Street, Harrington Park, NJ for the year 2019-20 be approved and that the Borough Clerk be authorized to Issue and Execute the same subject to a filing receipt issued from the Division of Alcoholic Beverage Control, or receipt of a check from the applicant to cover the cost of filing. (Lic. #0224-31-004-001)

**Addendum D
RESOLUTION
2019-90**

Plenary Retail Distribution License THE STORE IN HARRINGTON PARK

BE IT RESOLVED by the Mayor and Council of the Borough of Harrington Park that application for renewal of the Plenary Retail Distribution License for the year 2018-19 by THE STORE IN HARRINGTON PARK, INC., located at 102 LaRoche Ave., Harrington Park, NJ be approved and that the Borough Clerk be authorized to issue and execute the same accordingly, subject to a filing receipt issued by the Division of Alcoholic Beverage Control, or receipt of a check from the applicant to cover the cost of filing. (License #0224-44-003-002)

**Addendum E
Resolution
2019-91**

Plenary Retail Consumption License IL CALCIO, INC.

WHEREAS, by Resolutions dated June 22, 1964, and August 20, 1973, the Borough of Harrington Park did approve the renewal of Plenary Retail Consumption License #0224-33-002-012 for the licensing premises at 12 Tappan Road, Harrington Park, and that same licenses were issued with special terms and conditions and were revised and adopted by Resolution on May 4, 1992; and

WHEREAS, Il Calcio, Inc. t/a Dino's Restaurant, 12 Tappan Road, Harrington Park, NJ, had filed application for renewal of Plenary Retail Consumption License #0224-33-002-012, and;

WHEREAS, in the opinion of the Public Safety Commission the following conditions of this license adopted and approved by Resolution dated May 4, 1992 are incorporated to control the activities and usage of the building at the address herein before mentioned;

THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Harrington Park that pursuant to the approval of the Department of Law and Public Safety, Division of Alcoholic Beverage Control, in renewing Plenary Retail Consumption License #0224-33-002-012, hereby set the following terms and conditions to be incorporated and become part of the 2019-2020 renewal of said license

1. Live music may be played on the licensed premises only in accordance with the following:
 - a) All music shall be a variety to complement the restaurant activity of the premises and not to be an entertainment show. It is intended that the music provided shall enhance the dining options of the patrons. In no event will the live music consist of more than four musical instruments. Recorded music is permitted, but only to the extent that it mirrors the provisions of live music.
 - b) Dancing shall be permitted whenever live music is permitted. Music shall be permitted from 7:30 p.m. to 10:30 p.m. Sunday through Thursday. and from 7:30 p.m. to midnight Fridays and Saturdays. Live music shall not be permitted at any other time except as provided for "private family parties."
 - c) Live music shall be permitted for private family parties such as weddings, christenings, bar mitzvahs, confirmations, graduations, engagements and the like. In no event shall the live music under this provision be permitted before 1:00 p.m.
 - d) At all times there shall be adequate lighting for the driveway and parking lots, and such lighting shall be shielded and arranged so as not to affect nearby homes.
 - e) All signs, advertisements or other advertising devices shall be subject to the prior approval of the Mayor and Council and in no event shall the premises be marketed or advertised as an after-dinner dancing establishment.
 - f) There shall be no sale or consumption of food, beverage and no other restaurant activities permitted on the property of the licensed premises outside the confines of the existing structure.
 - g) Business and commercial activity shall be confined to the first floor and basement level of the structure.

BE IT FURTHER RESOLVED that all other paragraphs and sub-sections of the original license shall remain in full force.

BE IT FURTHER RESOLVED that application for Plenary Retail Consumption License C-1 for the year 2019-2020 in the name of Il Calcio, Inc. t/a Dino's Restaurant, License #0224-33-002-012 of 12 Tappan Road, Harrington Park, NJ be approved with the herein before-mentioned conditions, and that the Borough Clerk be authorized to issue and execute the same accordingly,

subject to a filing receipt issued from the Division of Alcoholic Beverage Control or a check from the applicant and the fee required to be paid to the Borough of Harrington Park (License #0224-33-002-012

Addendum F
Resolution 2019-92

Street Closing for Neighborhood Party

Therefore Be it Resolved, The Mayor and Council of the Borough of Harrington Park approve the street closure of a small section of Russell Place to Dora Street on Saturday, June 29, 2019 between 4:30pm and 10pm pm for purposes of a neighborhood party, hosted by the Scherer Family, 53 Russell Place. Request shall be coordinated with the Chief of Police and DPW Superintendent.

Addendum G
Resolution 2019-93

A RESOLUTION AUTHORIZING APPOINTMENT OF MUNICIPAL REPRESENTATIVES TO THE BERGEN COUNTY COMMUNITY DEVELOPMENT REGIONAL COMMITTEE

WHEREAS, the Municipality of Harrington Park has entered into a three year Cooperative Agreement with the County of Bergen as provided under the Interlocal Services Act N.J.S.A. 40A:8a-1 et seq. and Title 1 of the Housing and Community Development Act of 1974; and

WHEREAS, said Agreement requires that the Municipal Council to appoint a representative and alternate and that the Mayor appoint a representative and alternate for the FY 2019-2020 term starting July 1, 2019 and ending on June 30, 2020.

NOW, THEREFORE, BE IT RESOLVED that the Municipal Council hereby appoints Councilwoman Joon Chung as its representative and Councilman Allan Napolitano as its alternate and that the Mayor hereby appoints Councilman Jordan Pedersen as his/her alternate to serve on the Community Development Regional Committee for FY 2019-2020; and

BE IT FURTHER RESOLVED that an original copy of this resolution be forwarded to Robert G. Esposito, Director; Bergen County Division of Community Development; One Bergen County Plaza, Fourth Floor; Hackensack, New Jersey 07601 for receipt no later than Monday, July 15, 2019.

Addendum H

Resolution 2019-94

Hackensack Air Med 1 Helicopter

BE IT RESOLVED that the Mayor and Council of the Borough of Harrington Park grant permission for Chief Joseph Solda to land Hackensack Air Med 1 Helicopter on upper Highland Field as part of the National Night Out Program sponsored by the Harrington Park Police Department on August 6, 2019 from 6pm to 10pm.

Addendum I

Resolution 2019-95

Road Closure

There for Be it Resolved, On behalf of Our Lady of Victories Church permission has been granted to close sections of Carman Road, The Parkway and Lynn Street during 5:45pm and 7pm, June 22, 2019 for the purpose of a Eucharistic Procession for the Feast of Corpus Christi. Councilman Evanella will coordinate the activity with the Chief of Police and DPW Superintendent.

Addendum J

Resolution 2019-96

RESOLUTION APPROVING APPOINTMENT OF PLUMBING SUBCODE OFFICIAL

Whereas the Borough of Harrington Park is required by law to provide for a licensed sub code official, including plumbing sub code official for the administration of plumbing work performed within the Borough;

Whereas the current plumbing sub code official, Giuseppe LaMastra has tendered his resignation effective June 21, 2019;

Whereas the Borough has vetted applications for replacement of the plumbing subcode official and has determined that Scott Wickersheim should be appointed to the position of Plumbing Sub code Official, License # 011507, the appointment is a statutory four-year appointment per NJSA 52:27D-126. to take effect June 24, 2019 with hours up to 7 hours per week with an annual salary of \$ 12,000.00 .

NOW THEREFORE BE IT RESOLVED that Scott Wickersheim is hereby appointed plumbing sub code official for the statutory four-year term at an annual salary of \$12,000.00 per year with hours up to 7 hours per week.

BE IT FURTHER RESOLVED that the salary for the position of plumbing inspector will reflect the Salary Ordinance of 2019

Addendum K

Resolution 2019-97

Approve the Person to Person Transfer of Liquor License #0224-33-002-012 Il Calcio Inc. to Donatella's Restaurant, Inc.

WHEREAS, an application has been filed for a Person to Person Transfer of Plenary Retail Consumption License #0224-33-002-012, heretofore issue to Il Calcio Inc. for premises located at 12 Tappan Road, Harrington Park, Bergen County, New Jersey 07640, and

WHEREAS, the submitted form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term; and

WHEREAS, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33; and

WHEREAS, the applicant, Donatella’s Restaurant, Inc., has disclosed and the issuing authority reviewed the source of all funds used in the purchase and the licensed business and all additional financing obtained in connection with the business;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Harrington Park does hereby approve, effective June 10, 2019 the transfer of the aforesaid Plenary Retail Consumption License to Donatella’s Restaurant, Inc., and does hereby direct the Borough Clerk to endorse the license certificate to the new ownership as follows; “This license, subject to all its terms and conditions, is hereby transferred to Donatella’s Restaurant, Inc., effective June 10, 2019.

**Addendum L
Bond Ordinance #731**

BOND ORDINANCE PROVIDING FOR VARIOUS 2019 CAPITAL IMPROVEMENTS, BY AND IN THE BOROUGH OF HARRINGTON PARK, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY; APPROPRIATING \$930,030.20 THEREFOR (INCLUDING GRANTS AND OTHER AMOUNTS TOTALING \$460,850.00) AND AUTHORIZING THE ISSUANCE OF \$648,838.00 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF

BE IT ORDAINED AND ENACTED BY THE BOROUGH COUNCIL OF THE BOROUGH OF HARRINGTON PARK, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) **AS FOLLOWS:**

SECTION 1. The improvements or purposes described in Section 3 of this bond ordinance are hereby authorized as general improvements or purposes to be undertaken by the Borough of Harrington Park, in the County of Bergen, State of New Jersey (the “Borough”). For the said improvements or purposes stated in Section 3, there is hereby appropriated the sum of \$930,030.20, said sum being inclusive of (i) a grant expected to be received in the amount of \$202,000.00 from the New Jersey Department of Transportation (the “NJDOT Grant”), (ii) the sum of \$101,925.00, which sum is now available in the Borough’s Open Space Trust Fund (the “Borough Funds”), together with a dollar-for-dollar matching grant expected to be received in the amount of

\$101,925.00 from the Bergen County Open Space Trust Fund (the “Bergen County Grant”), (iii) the sum of \$55,000.00 expected to be received from Rockland Electric Company (“RECO”) pursuant to the terms of an agreement between RECO and the Borough (the “RECO Contribution”), and (iv) a down payment in the amount of \$22,342.20 now available for a portion of said improvements or purposes required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq., as amended and supplemented (the “Local Bond Law”), and now available therefor by virtue of a provision or provisions in a previously adopted budget or budgets of the Borough for down payment or for capital improvement purposes. Pursuant to N.J.S.A. 40A:2-11(c) of the Local Bond Law, no down payment is required for a portion of the improvements or purposes set forth in Section 3 hereof, as a \$202,000.00 portion of the costs of such improvements or purposes is expected to be permanently funded by the NJDOT Grant.

SECTION 2. For the financing of said improvements or purposes described in Section 3 hereof and to meet the part of said \$930,030.20 appropriation not provided for by the Borough Funds, the Bergen County Grant, the RECO Contribution or said down payment referred to in Section 1 hereof, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$648,838.00 pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Borough in a principal amount not exceeding \$648,838.00 are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law. Notwithstanding anything herein to the contrary, if the Borough receives all or a portion of the NJDOT Grant prior to the issuance of any bonds or notes authorized by this Section 2 to temporarily fund all or a portion of the \$202,000.00 of costs which are expected to be permanently funded by the NJDOT Grant, the amount of the bonds and notes authorized by this Section 2 shall be reduced by the amount of the NJDOT Grant received in accordance with Section 4 hereof.

SECTION 3. (a) The improvements hereby authorized and purposes for the financing of which said bonds or notes are to be issued is the 2019 Capital Improvement Program, which includes, but is not limited to, (i) various roadway repairs and improvements to Hackensack Avenue within the Borough, as part of NJDOT’s Fiscal Year 2019 Municipal Aid Program for the Hackensack Avenue Improvements Project (as noted in Section 1 hereof, the Borough expects to receive the NJDOT Grant to permanently fund a \$202,000.00 portion of the anticipated costs of such repairs and improvements as described above); (ii) repairs and improvements to various roadways within the Borough, as part of the 2019 Riverside Cooperative Road Improvement Project, which roadways include, but are not limited to, Lohs Place, First Street (Lohs Place to Norwood Municipal Boundary), Semmens Road (LaRoche Avenue to South Avenue), South Avenue (Semmens Road to End) and Dimas Court (a \$55,000.00 portion of such repairs and improvements being funded by the RECO Contribution); and (iii) improvements to Highland Field Park, as part of the County of Bergen’s 2018 Municipal Park Improvement Program, which includes, but is not limited to, the construction of a pavilion and drainage and electrical repairs and improvements (a \$101,925.00 portion of such repairs and improvements being funded by the Borough Funds, together with an additional \$101,925.00 portion of such repairs and improvements being funded by the Bergen County Grant). Such improvements or purposes shall also include, as applicable, all engineering and design work, surveying, construction management services, preparation of plans and specifications, permits, bid documents, contract administration, and all work, materials, equipment, labor and appurtenances necessary therefor or incidental thereto, all in accordance with the plans therefor on file in the office of the Borough Clerk and available for public inspection and hereby approved.

(b) The estimated maximum amount of bonds or notes to be issued for said improvements or purposes is \$648,838.00. Notwithstanding anything herein to the contrary, if the Borough receives all or a portion of the NJDOT Grant prior to the issuance of any bonds or notes authorized by Section 2 hereof to temporarily fund all or a portion of the \$202,000.00 of costs which are expected to be permanently funded by the NJDOT Grant, the estimated maximum amount of the bonds and notes set forth in the preceding sentence shall be reduced by the amount of the NJDOT Grant received in accordance with Section 4 hereof.

(c) The estimated cost of said improvements or purposes is \$930,030.20, the excess thereof over the said estimated maximum amount of bonds or notes to be issued therefore being the amount of \$281,192.20, which is comprised of the following amounts not permanently funded by the NJDOT Grant: (i) the down payment available for said improvements or purposes in the amount of \$22,342.20; (ii) the Borough Funds in the amount of \$101,925.00; (iii) the Bergen County Grant in the amount of \$101,925.00; and (iv) the RECO Contribution in the amount of \$55,000.00.

SECTION 4. In the event the Borough receives all or a portion of the NJDOT Grant prior to the issuance of any bonds or notes authorized by Section 2 hereof to temporarily fund all or a portion of the costs which are expected to be permanently funded by the NJDOT Grant, or in the event the United States of America, the State of New Jersey, and/or the County of Bergen make any other contribution or grant in aid to the Borough for the improvements and purposes authorized hereby which is in addition to the NJDOT Grant and the same shall be received by the Borough prior to the issuance of the bonds or notes authorized in Section 2 hereof, then the amount of such bonds or notes to be issued shall be reduced by the amount of the NJDOT Grant or such other amounts so received from the United States of America, the State of New Jersey and/or the County of Bergen. In the event, however, that the Borough receives all or a portion of the NJDOT Grant or such other amounts to be contributed or granted by the United States of America, the State of New Jersey and/or the County of Bergen after the issuance of the bonds or notes authorized in Section 2 hereof, then such amounts so received shall be applied to the payment of the bonds or notes so issued and shall be used for no other purpose.

SECTION 5. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer of the Borough, provided that no note shall mature later than one (1) year from its date or as otherwise authorized by the Local Bond Law. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the signature of the Chief Financial Officer upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time in accordance with the provisions of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, the description, the interest rate, the maturity schedule of the notes so sold, the price obtained and the name of the purchaser.

SECTION 6. The Capital Budget of the Borough is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency, a resolution in the form promulgated by the Local Finance Board showing full

detail of the amended Capital Budget and capital programs as approved by the Director of the Division of Local Government Services, New Jersey Department of Community Affairs will be on file in the office of the Clerk and will be available for public inspection.

SECTION 7. The following additional matters are hereby determined, declared, recited and stated:

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

(b) The average period of usefulness of said improvements or purposes within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 10.23 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the Borough and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, and such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds or notes provided for in this bond ordinance by \$648,838.00 and the said bonds or notes authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding \$10,000 for items of expense listed in and permitted under Section 20 of the Local Bond Law is included in the estimated cost indicated herein for the improvements or purposes hereinbefore described.

SECTION 8. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the bonds or notes authorized by this bond ordinance. The bonds or notes shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Borough for the payment of the bonds or notes and the interest thereon without limitation as to rate or amount.

SECTION 9. The Borough reasonably expects to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 of this bond ordinance and paid prior to the issuance of any bonds or notes authorized by this bond ordinance with the proceeds of such bonds or notes. No funds from sources other than the bonds or notes authorized herein have been or are reasonably expected to be reserved, allocated on a long-term basis or otherwise set aside by the Borough, or any member of the same "Controlled Group" as the Borough, within the meaning of Treasury Regulation Section 1.150-1(e), pursuant to its budget or financial policies with respect to any expenditures to be reimbursed. This Section 9 is intended to be and hereby is a declaration of the Borough's official intent to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulation Section 1.150-2, and no further action (or inaction) will be an abusive arbitrage device in accordance with Treasury Regulation Section 1.148-10 to avoid the arbitrage yield restrictions or arbitrage rebate requirements under Section 148 of the Internal Revenue Code of 1986, as amended (the "Code"). The proceeds of any bonds or notes authorized herein used to reimburse the Borough for any expenditures toward the costs of the improvements or purposes described in Section 3 hereof will not be used directly or indirectly (i) to "refund" an issue of governmental obligations within the meaning of Treasury Regulation Section 1.150-1(d), (ii) to create, within one year, following the reimbursement of any expenditures of bond proceeds "replacement proceeds" within the meaning of Treasury Regulation Section 1.148-1 of the

bonds or any other bond issue, or (iii) to reimburse the Borough for any expenditure or payment that was originally paid with the proceeds of any obligation of the Borough (other than borrowing by the Borough from one of its own funds or the funds of a member of the same "Controlled Group" within the meaning of Treasury Regulation Section 1.150-1(e)). The bonds or notes authorized herein to reimburse the Borough for any expenditures toward the costs of the improvements or purposes described in Section 3 hereof will be issued in an amount not to exceed \$648,838.00. The costs to be reimbursed with the proceeds of the bonds or notes authorized herein will be "capital expenditures" in accordance with the meaning of Section 150 of the Code and Treasury Regulation Section 1.150-1. This provision will take effect immediately, but will be of no effect with regard to expenditures for costs paid outside the permitted reimbursement period set forth in Treasury Regulation Section 1.150-2(d)(2).

SECTION 10. The Borough covenants to maintain the exclusion from gross income under Section 103(a) of the Code of the interest on all bonds and notes issued under this ordinance.

SECTION 11. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law.