

MINUTES OF REGULAR MEETING HELD JUNE 28, 2022

Pursuant to rules of Council of the Town of Westfield, the members thereof convened in regular session Tuesday, June 28, 2022 at 8:00 p.m.

Mayor Brindle made the following announcements:

“The adequate notice of this meeting, as required by the Open Public Meetings Act, was provided by the posting, mailing and filing of the annual notice of regularly scheduled meetings of the Town Council on December 8, 2021. The notice was, on that date, posted on the bulletin board in the Municipal Building, mailed to THE WESTFIELD LEADER, and THE STAR LEDGER, and filed with the Clerk of the Town of Westfield.”

PRESENT: Mayor Brindle, Council Members, Parmelee, Mackey, Dardia, Root

ABSENT: Councilmembers Habgood, LoGrippe, Katz, Contract

Invocation was given by Councilwoman Root

Salute to the flag.

APPOINTMENTS

PRESENTATIONS

OPENING REMARKS

Town Administrator Update

The Town Administrator provided an update on paving throughout the town and stated there is a resolution on the agenda for approval tonight to award a contract for 2022 Various Road Improvements. This resolution would be awarded to authorize the Town's paving program through the Capital Improvement Budget of 2022. The Town Administrator explained that if the contract is approved the paving will likely start during the summer and go throughout October. Discussed the various utility work that is being done in the town by Elizabethtown Gas & New Jersey American Water Company. Elizabethtown Gas has six open projects in various road grids while New Jersey American Water Company has one project being conducting in town by Rahway Avenue. The Town Administrator explained the conversations with the utility companies and partnership to coordinate schedules to avoid duplication of efforts. The Town is promoting on the website future years of paving by listing the streets that will be paved in 2022 with constant updates that reflect both the Town's goals and the utility companies' needs so some roads may be moved to accommodate coordination. The Town Administrator also discussed a bid that will be out in the upcoming weeks to update the Town's Road assessments which was done in 2019. Many roads have been paved since then it is a great time to update the assessments.

The Town Administrator reminded everyone that in 2019 the Council passed an ordinance that requires full restoration paving of roads that utilities cut into for more than 50 feet. Explained that

any roads that are being cut into for gas mains grids, or water grids are going to have to pave those roads. The Town Administrator stated although there is a lot of utility work going on currently it will result in newly paved roads. Milling and paving will start next week which was a result of utility work that was done last year starting with sections of Dorian Road, Stoneleigh Park, Shackamaxon Drive, Westfield Avenue, Washington Street, Everson Place and Beachwood Place in Ward 3. In Ward 2, sections of Kimball Avenue, Canterbury Road, Canterbury Lane, parts of Winyah, Jefferson, Linden and Baker are also in que to be paved shortly. The result is new infrastructure by the utility companies and newly paved roads which is at the utility companies' expense.

The Town Administrator stated the Town is on track for over 20 miles of roads to be paved in 2022. The Town can have almost 70% of the roads paved within the next year or two over the course of the past five years which is an amazing opportunity for the Town. The Town Administrator advised residents stay informed through the website, Westfield Connect, Nixle, and Facebook.

The Town Administrator stated the estimated tax bills will be going out to residents this week and reminded residents the tax rate is not certified yet by the County which is done later in July. In the meantime, the estimates are sent to residents as taxes are due August 1st, with a ten (10) day grace period. Explained that once the final rate is certified in September the final tax bills will be sent out.

The Town Administrator also mentioned two resolutions on the agenda that would authorize a Bond Sale. Stated for many years the Town has had a very strategic debt management process which is to stay in short term notes over the three to five year period based upon the market conditions and how much debt is authorized. This allows the Town to pay interest only, managing the budget impact each year and then the debt is pulled together for several years to a critical mass and then the Town goes to the bond market to lock in an interest rate for that debt service for anywhere between 10 or 12 years. Discussed the Town has pulled together debt from late 2017 through 2021. \$9.9 million dollars is significant because anything under \$10 million dollars creates a bank qualified bond sale which attracts a higher interest in the marketplace. The Town Administrator stated if the resolutions are approved the Town is authorizing a bond sale to be conducted in late July. Discussed that since the market rates are changing dramatically and interest rates are going up the Town wants to lock in the best interest rate before any additional changes happen. Explained this was anticipated in the budget this year so the debt service next year can be controlled and have the ability to take on new debt service if needed for other projects.

The Town Administrator provided an update on work that is going on in Mindowaskin Park starting now and continuing into the fall. Stated the Town received permits from the Department of Environmental Protection for the stream cleaning process along the tributary from North Euclid into the Mindowaskin Pond. Mid-to-late summer the work will begin for the tributary. In addition, the Town also received a permit from the Department of Environmental Protection for a stream cleaning in Fairview Cemetery which the Town is responsible for. Currently, there is a lot of work being done on the hill in Mindowaskin Park, known as Daffodil Hill. Work is being done to create a canvas before the 100th anniversary of the Garden Club & partnership with the Friends of

Mindowaskin Park. The Town Administrator invited audience members up to speak at the microphone.

Nicole Ortuzan, member of the Garden Club thanked the Mayor and Council for the opportunity to speak about the Wildflower Meadow Project and the support and encouragement with this project. Mrs. Ortuzan stated the Garden Club is approaching its 100th anniversary in October and the club has sought ways to leave a lasting project for future generations. She stated Mindowaskin is a shared space for any resident or visitor to celebrate, play, relax, and absorb nature. The Friends of Mindowaskin Park were a natural and supportive partner for this and the Garden Club thanks them for their past work and continued commitment to beautifying and preserving the community. The Wildflower Meadow Project will focus on establishing an area of native plants and wildflowers along the Mountain Avenue slope. The goal is to support and encourage the local ecosystem and biodiversity and to enjoy a colorful field while keeping it as low maintenance as possible. To do this successfully and sustainably the Garden Club anticipates a three-year process or in gardening terms “sleep, creep, and leap”. With the use of native plants, it will create a colorful vibrant canvas. These native plants require less maintenance and fertilization given the natural climate and soil. Mrs. Ortuzan discussed the work that has already begun by the Department of Public Works clearing out the invasive weeds and trees that had overtaken the hill. Explained the next step is to solarize the hillside which would effectively eradicate any tenacious roots and invasives left in the earth. Stated in the Fall planting will begin which will provide year-round interest from pedestrians, children in the park, residents, and friends in nature enjoy the value of the Wildflower Meadow.

Robert Bennachio, President of the Friends of Mindowaskin Park thanked the Mayor & Council for their time and efforts with this project. He also thanked past Friends of Mindowaskin Park President, Debbie Burslem for her years of stewardship of the organization. He explained the Friends of Mindowaskin Park is a 501(c)(3) which is designed for support and advocacy for the park and is one of the longest standing public/private partnerships in Westfield. The Friends have worked on numerous projects in the park with partnerships from the Town through cost splitting and with donations from citizens. For example, most of the park benches and memorial walk pavers leading to the bandstand. Mr. Bennachio stated many projects have been put on pause due to the pandemic but the Friends of Mindowaskin Park are looking forward to starting these projects again not only with the Town but with organizations such as the Garden Club, and Historic Society. Stated the Wildflower Meadow project is going to beautify and add to the sustainability of the park. He further stated the Friends of Mindowaskin Park are starting a long-standing maintenance program for the benches in the park which will help revive the benches for many years to come. Stated there are many more stones to be engraved along the memorial walk to the bandstand as well. Mentioned once the stream clearing is completed the Friends look to partner with the Town to make improvements to the playground and park area in both safety and beautification. Stated if residents would like to get involved with the Friends of Mindowaskin, information is available on their website

The Town Administrator thanked Nicole & Rob along with the Garden Club, Friends of Mindowaskin Park, Jennifer Gilman & Monica Bergin from the Recreation Commission, and Department of Public Works Director Greg O’Neil for their efforts on this project. Explained in the Fall there will be many opportunities for volunteers to assist.

Mayor's Update

Good evening, everyone, and thanks to all who are joining us both here in the Council Chambers and online tonight. As a reminder, public comment will be accepted in person only, and we are live streaming for viewing only via Facebook. As always, the replay will also be available afterwards on Facebook, YouTube, and TV 36.

UPCOMING EVENTS

- With the summer upon us, I'd like to remind everyone about some great seasonal events.
- The Westfield Farmers Market is back for another great season! The market has added a number of new vendors and is open every Saturday from 8:30 AM - 1:00 PM at the North Avenue train station lot.
- Registration is open for the DWC's 20th Annual Pizza Run, which will take place on Monday, July 18! Registration is open for this favorite downtown summer tradition on the DWC's website.
- The Westfield Community Concert Band is back this summer for its 110th season! Join them for free performances in Mindowaskin Park on June 30, July 7, and July 14 at 7:30 PM.
- The Fire Department will host an Open House for the public on July 14, from 7:00 - 9:00 PM, where residents can view equipment demonstrations, see the firehouse and operations, explore the fire trucks, and talk with our first responders. Thank you to Chief Duels and his team for organizing what will be a great community event.
- Save the dates for the 25th Annual Sweet Sounds Downtown Music Festival – every Tuesday night in July and August, from 7:00 - 9:00 PM. This favorite summer activity draws residents and visitors alike to Downtown Westfield for dining, shopping and, of course, the fabulous musical entertainment. Thanks to the DWC for scheduling another great line-up of performers!

THROUGH THE LENS EXHIBIT

The Public Arts Commission has unveiled its Second Annual Through the Lens Photography Exhibit, which showcases the photos of area residents and artists reflecting this year's theme of Resilience & Strength. This arts program is made possible in part by a 2022 HEART (History, Education, Arts Reaching Thousands) Grant from the Union County Board of County Commissioners.

The exhibit runs along the sidewalk adjacent to The Rialto on Central Avenue and will be up through the summer. The prints are also available for sale, the proceeds of which will be applied towards future public art initiatives. Special thanks to Councilwoman Mackey and the entire Public Arts Commission for their work to bring this exhibit to life. For more information, visit westfieldnj.gov/973/Through-the-Lens-2022.

COVID VACCINATIONS

Following the recent approval by the CDC to offer COVID vaccinations to children age six months and above, the Westfield Regional Health Department will be offering its first vaccination for ages six months through four years on Thursday, June 30, from 2:00 - 6:00 PM. An online appointment is required, and can be made at westfieldnj.gov/vaccine-appointments as availability permits.

These appointments will offer the Pfizer vaccine, which, for this age group, requires three doses for full vaccination. The second two doses will be scheduled upon completion of the first. Additional clinics will be offered in the coming weeks and months.

TONIGHT'S AGENDA

In terms of tonight's agenda, I'd like to provide a brief overview of some of the key items we're voting on tonight.

We have two ordinances on second reading tonight. One is from the Public Safety, Transportation & Parking Committee that amends the loading zone ordinance to permit a temporary loading zone on Elm Street in front of Kilwin's while the parklets are in place. The other, from the Code Review & Town Property Committee, authorizes the sale of the property at 619 Stirling Place to an abutting property owner.

Finance Policy Committee (remarks by Vice Chair, Councilman Parmelee):

The Finance Policy Committee will vote on a number of resolutions authorizing various standard actions, although I do want to highlight two that are more notable. We will vote on a resolution authorizing Notice of Sale of Bonds, which, as Jim Gildea mentioned earlier, is an ongoing action the Town takes every few years as part of its successful debt management program to fund its capital projects. We will also vote on a resolution to provide the mayor with authorization to execute a collective bargaining agreement between the Town and the FMBA bargaining unit. I'd like to thank Ryan Dullea of the FMBA and his negotiating committee, as well as Chief Duelks, Jim Gildea, and our labor attorney for a swift and productive negotiation that resulted in a fair settlement agreement for both parties.

Public Works Committee (remarks by Vice Chair, Councilwoman Mackey):

From the Public Works Committee, we'll vote to award a contract for 2022 road improvements that were included in the 2022 capital budget authorization, following a competitive public bidding process. This Town-driven paving is in addition to the work being performed by the utility companies at no expense to taxpayers. As we're all currently seeing as we drive through Town, the utility companies are very busy upgrading their infrastructure, which will include full paving of the roads where they are working. I hope you'll agree that the long-term benefits of our unprecedented, multi-year paving program will be worth the short-term disruption and inconvenience.

With that, let's get to work. Thank you.

ADVERTISED HEARINGS

GENERAL ORDINANCE NO. 2022-15

AN ORDINANCE TO AMEND THE CODE OF THE TOWN OF WESTFIELD, CHAPTER 13, MOTOR VEHICLES & TRAFFIC

Advertised returnable this evening.

Hearing no comments, Mayor Brindle declared the hearing closed.

SPECIAL ORDINANCE NO. 2022-02

A SPECIAL ORDINANCE AUTHORIZING THE SALE OF THE TOWN PROPERTY KNOWN AS 619 STIRLING PLACE IN THE TOWN OF WESTFIELD

Advertised returnable this evening.

Hearing no comments, Mayor Brindle declared the hearing closed.

PENDING BUSINESS

An ordinance entitled, "GENERAL ORDINANCE NO. 2022-15 – AN ORDINANCE TO AMEND THE CODE OF THE TOWN OF WESTFIELD, CHAPTER 13, MOTOR VEHICLES & TRAFFIC" by Councilman Dardia seconded by Councilwoman Mackey was taken up, read and passed by the following vote of all present upon roll call as follows:

| | | |
|----------------|------------|-----------------|
| Yeas: Parmelee | Nays: None | Absent: Habgood |
| Mackey | | LoGrippo |
| Dardia | | Katz |
| Root | | Contract |
| Mayor Brindle | | |

An ordinance entitled, "SPECIAL ORDINANCE NO. 2022-02 – A SPECIAL ORDINANCE AUTHORIZING THE SALE OF THE TOWN PROPERTY KNOWN AS 619 STIRLING PLACE IN THE TOWN OF WESTFIELD" by Councilman Parmelee seconded by Councilman Dardia was taken up, read and passed by the following vote of all present upon roll call as follows:

| | | |
|----------------|------------|-----------------|
| Yeas: Parmelee | Nays: None | Absent: Habgood |
| Mackey | | LoGrippo |
| Dardia | | Katz |
| Root | | Contract |
| Mayor Brindle | | |

BIDS

**TOWN OF WESTFIELD
INVITATION TO BID
WEDNESDAY, JUNE 21, 2022
2022 VARIOUS ROAD IMPROVEMENTS**

Bidder

Amount of Bid

| | |
|-------------------------------|-----------------------|
| | |
| P & A Construction | \$1,489,501.00 |
| PO Box 28 | |

| | |
|--|-----------------------|
| Colonia, NJ 07067 | |
| | |
| | |
| Topline Construction | \$1,659,781.89 |
| 22 Fifth Street | |
| Somerville, NJ 08876 | |
| | |
| | |
| Riverview Paving | \$1,484,939.00 |
| 859 Willow Grove Street | |
| Hackettstown, NJ 07840 | |
| | |
| | |
| Schifano Construction Corp. | \$1,504,851.80 |
| One Smalley Avenue | |
| P.O. Box 288 | |
| Middlesex, NJ 08846 | |
| | |
| | |
| Reivax | \$1,794,090.90 |
| 165 River Road | |
| Flemington, NJ 08822 | |
| | |
| | |
| Z Brothers Concrete Contractors, Inc. | \$1,698,358.80 |
| 304 Jernee Mill Rd. | |
| Sayreville, NJ 08872 | |
| | |
| | |
| D.L.S. Contracting | |
| 36 Montesano Road | \$1,648,008.20 |
| Fairfield, NJ 07004 | |
| | |
| | |
| Fischer Contracting Inc. | \$1,731,720.70 |
| 10 Short Hills Lane | |
| Scotch Plains, NJ 07076 | |
| | |
| | |
| Capital Paving & Contracting LLC | \$1,932,900.50 |
| Stratford Building | |
| 67 Beaver Ave. Suite 25 | |
| Annandale, NJ 08801 | |
| | |
| | |
| Black Rock Enterprises, LLC | \$1,680,757.20 |

| | |
|-----------------------------|--|
| 1316 Englishtown Rd. | |
| Old Bridge, NJ 08857 | |
| | |

MINUTES

On a motion by Councilwoman Mackey and seconded by Councilwoman Root Council approved the Minutes of the Town Council Conference Session, Executive Session and Regular Meeting held June 14, 2022.

PETITIONS AND COMMUNICATIONS

OPEN DISCUSSION BY CITIZENS

Mayor Brindle opened the public comments portion of the meeting and asked if there were any questions or comments.

Tim Eaton, 762 Knollwood Terrace, wanted to speak about the Edison School Field Project. He feels there are better alternative options to the current Edison School Field plan. He understands the Town is waiting on the results of a study conducted of natural grass versus artificial turf but feels there is enough necessary information regarding unbiased independent health and environmental studies. He strongly feels there can be an increase in field capacity, keep the students and athletes safe, and preserve the neighborhoods with natural grass and no tower lights. Mr. Eaton feels the natural grass option can provide extended hours of use if the fields are maintained by professional field managers. He expressed the need to keep the kids and surrounding neighborhoods safe from carcinogens, pollutants, and other toxins included in artificial turf. Stated artificial turf will create more injuries, medical and safety issues. He stated toxins will migrate into drinking water and soil, while tower lights will translate to more noise at night, parking & traffic issues. He feels increasing field capacity and preserving the neighborhood should not be mutually exclusive. Mr. Eaton asked the Mayor and Council to vote for natural grass and no tower lights for Edison School.

John Blake, 809 Carleton Road, stated he frequently takes walks through Tamaques Park and has seen the destruction of the vegetation and increase of the deer in the populated area. He stated the deer are no longer appearing at dusk but rather all throughout the day. He came home recently to three deer on his lawn eating his flowers. He feels the animals have more protections than people. He stated the basic reason for people to live in communities is protection but feels nothing is being done about the deer. He expressed his concern when he contacted the Town about this and was told the administration is doing everything possible but needs the support from other municipalities and the County. Mr. Blake said he was told the hunt in the reservation lessened the total number of deer in the area however that did not satisfy him. Mr. Blake stated he is not concerned about what is happening in other municipalities with deer, but instead is concerned with what is happening in Westfield. He feels the Town is not doing anything about the deer issue

and contacted the County to find out two areas in Westfield were authorized for a hunt, both in fenced in locations on different ends of Town. Stated the deer have become invasive guests, carry disease and destroy property.

Robert Benacchio, 528 Forest Avenue wanted to thank the Westfield Police Department for their efforts in acting swiftly to stop a gathering that was rumored to take place in Mindowaskin Park. He feels in the summer months the park will be used much more heavily by residents and wanted to remind residents that while utilizing the parks, benches, playgrounds it is a public place intended for people to share. He stated that while having groups of children playing outdoors is encouraged, the playground is new and was constructed for accessibility. He explained that if equipment is broken such as swings and slides it may be the only ones for accessibility.

Hearing no further comments Mayor Brindle closed the public portion of the meeting.

Mayor Brindle addressed comments made from the public starting with Mr. Benacchio and also thanking the efforts made by the Westfield Police Department. Mayor Brindle stated the gathering in the park had potential to be very large and with the savviness of the department in conjunction with the help of the Public Information Officer to proactively put information out to social media that the Town was aware of these plans really averted the situation. Mayor Brindle addressed Mr. Blake's comments about the deer and stated this has been an ongoing issue and agrees it is unsafe for people due to the car accidents. Mayor explained the migration pattern of deer and stated that just because the deer are gone in one place does not mean they will go away since there is a pattern of travel. She further explained that the issue he addressed about coordinating with other municipalities such as Cranford and Clark by the park is not very large and there are concerns about safety with the use of bows & arrows, but Westfield is continuing to work with surrounding municipalities and the County. Lastly, Mayor Brindle thanked Mr. Eaton for his comments regarding Edison School Fields and wanted to state that CME which is the firm the Town has retained to conduct an independent assessment and feels comfortable they are going to assess and elevate many assumptions that have been made. The Mayor further stated the Council has learned a lot about artificial turf and new products that are recyclable that do not use rubber infill and asked for patience and to keep an open mind about all of the options that are available.

BILLS AND CLAIMS

On motion by Councilman Parmelee, seconded by Councilman Dardia, bills and claims were adopted unanimously:

RESOLVED that the bills and claims in the amount of \$333,447.55 per the list submitted to the members of this Council by the Chief Financial Officer, and approved for payment by the Town Administrator be, and the same are hereby, approved and that payroll warrants previously issued by the Chief Financial Officer be ratified.

REPORTS OF STANDING COMMITTEES:

Finance Policy Committee

The following resolutions, introduced by Councilman Parmelee seconded by Councilwoman Mackey, were unanimously adopted.

Resolution No. 158

RESOLVED that the Chief Financial Officer be authorized to draw a warrant in the amount of \$52.20 to the order of New Jersey Department of Health, P.O. Box 369, Trenton, New Jersey for Dog Licenses issued by the Town Clerk for the month of May 2022.

Resolution No. 159

RESOLVED, that the Town Treasurer be authorized to refund the following fees to the following individual via checks:

| Name | Account | Class | Fee |
|--|--------------------------------------|--|------------|
| Amanda Curley 923 Boynton Ave Westfield, NJ 07090 | Playground T-05-600-068 | Refund Playground / Summer 2022 Eloise McQueeney / Franklin | \$346.75 |
| Peter Kapsalis 718 Austin St Westfield, NJ 07090 | Pool/Swim Lessons 2-03-55-920-203 | Refund Swim Lessons / Summer 2022 Diana Kapsalis / Intermediate-Session 1 / 8:30 am (\$74.00) Steven Kapsalis / Intermediate- Session 1 / 8:30 am (\$74.00) | \$148.00 |
| Kevin Karol 713 Coolidge St Westfield, NJ 07090 | Pool/Swim Lessons 2-03-55-920-203 | Refund Swim Lessons / Summer 2022 Klaire Karol / Swimmer – Session 1 / 11:10 am (\$74.00) Klaire Karol / Swimmer – Session 2 / 11:10 am (\$74.00) | \$148.00 |
| Matt Gwillim 423 Lenox Ave Westfield, NJ 07090 am | Pool/Swim Lessons 2-03-55-920-203 | Refund Swim Lesson / Summer 2022 Anna Gwillim / Intermediate – Session 2 / 9:50 am | \$74.00 |

BE IT FURTHER RESOLVED, that the Town Treasurer be authorized to refund the following fees to the following individual via credit card:

| Name | Reason | Program | Fee |
|-----------------|---------------|----------------------|-------------------------|
| Susan Sheehan | Withdrew | Playground | \$375.25 Credit Card |
| Nikita Desai | Withdrew | Camp/Mad Science | \$209.00 Credit Card |
| Nikita Desai | Withdrew | Camp/Chemistry | \$209.00 Credit Card |
| Lindsay Cuffaro | Withdrew | Volleyball/Session 2 | \$189.05 Credit Card |

| | | | |
|---------------------|------------------|-------------------------|-------------------------|
| Melissa Bernstein | Withdrew | Brightwood Class 6/16 | \$5.00 Credit Card |
| Kaitlin Barbour | Class Canceled | Brightwood Class 6/16 | \$10.00 Credit Card |
| Kevin McGovern | Withdrew | Swim Lessons | \$74.00 Credit Card |
| Thao Tran | Withdrew | Diving Clinic (Zain) | \$45.00 |
| | Withdrew | Diving Clinic (Raza) | \$45.00 |
| | Withdrew | Swim Lessons (Raza) | \$74.00 |
| | Withdrew | Swim Lessons (Raza) | \$74.00 |
| | | | Credit Card |
| Melissa Mohan | Withdrew | Swim Lessons | \$74.00 Credit Card |
| Jeffrey Cohen | Withdrew | Youth Pickleball/Summer | \$142.50 Credit Card |
| Clarissa Dobek | Withdrew | Diving Clinic | \$45.00 Credit Card |
| Diana Aldecoa | Program Canceled | Chemistry Camp | \$220.00 Credit Card |
| Nicholas Forrestal | Withdrew | Swim Team | \$104.50 Credit Card |
| Shidong Li | Withdrew | Swim Team | \$104.50 Credit Card |
| Peter Pantelic | Withdrew | Swim Team | \$104.50 Credit Card |
| Ashar Choudhry | DNMT | Swim Team | \$110.00 Credit Card |
| Nicholas Forrestal | DNMT | Swim Team | \$110.00 Credit Card |
| Daniel Betancourt | DNMT | Swim Team | \$110.00 Credit Card |
| Jarett Kamins | DNMT | Swim Team | \$110.00 Credit Card |
| Christopher Edwards | DNMT | Swim Team | \$110.00 Credit Card |
| Erika Simon | DNMT | Swim Team | \$110.00 |

| | | | |
|----------------------|----------|------------------------|-------------------------|
| | | | Credit Card |
| Jim Tierney | DNMT | Swim Team | \$110.00 Credit Card |
| Chip Parks | DNMT | Swim Team | \$110.00 Credit Card |
| Lacey Archer | DNMT | Swim Team | \$110.00 Credit Card |
| Kevin Salmon | DNMT | Swim Team | \$110.00 Credit Card |
| Sha Liu | DNMT | Swim Team | \$110.00 Credit Card |
| Chunrui Sun | DNMT | Swim Team | \$110.00 Credit Card |
| Kristin Gibbs | DNMT | Swim Team | \$110.00 Credit Card |
| Mia Meng | DNMT | Swim Team | \$110.00 Credit Card |
| Joseph Jablonski | DNMT | Swim Team | \$110.00 Credit Card |
| Sandra Anderson | Withdrew | Lifeguard Cert Classes | \$209.00 Credit Card |
| Mark Louis Mokrzycki | Withdrew | Lifeguard Cert Classes | \$160.00 Credit Card |
| Terrence Rindler | Withdraw | Swim Lessons | \$74.00 Credit Card |
| Yailin Ramirez | Withdraw | Swim Lessons | \$74.00 Credit Card |
| Yailin Ramirez | Withdraw | Swim Lessons | \$74.00 Credit Card |
| Yailin Ramirez | Withdraw | Swim Lessons | \$74.00 Credit Card |
| Yilin Ramirez | Withdraw | Swim Lessons | \$74.00 Credit Card |
| Alaina Camuto | Refund | Pool Membership | \$171.00 Credit Card |

| | | |
|------------------------|-------------------|-----------------------|
| MOORE, Thomas | | \$1,981.85 |
| | | 2 nd /2022 |
| | | <u>\$1,981.85</u> |
| | | \$3,963.70 |
| 3010/1/C0002 | 515 Trinity Place | 2 nd /2022 |
| CoreLogic Refunds Dept | | \$2,184.63 |
| 3001 Hackberry Road | | |
| Irving, TX 75063 | | |
| 4103/43 | 721 Carleton Road | 4 th /2021 |
| DOHERTY, Mary | | \$4,182.07 |
| 109 Park Street | | |
| Westfield, NJ 07090 | | |

Resolution No. 162

WHEREAS, Michael Hennessey placed the required cash bond of \$1500.00 to cover the Road Opening Permit #21-118 for 402 North Euclid Avenue; and

WHEREAS, Michael Hennessey is entitled to have this amount to be returned, and

WHEREAS the Town Engineer has inspected the roadway excavation and has found the excavation to have been properly repaired.

NOW THEREFORE BE IT RESOLVED that the Treasurer be authorized to draw a warrant in the name of Michael Hennessey for \$1,500.00 and forward to 444 Mountain Avenue, Westfield, New Jersey 07090.

Resolution No. 163

RESOLVED, that the Town Treasurer be authorized to refund the following fees to the following individuals:

| <u>Name</u> | <u>Reason</u> | <u>Fee</u> |
|------------------|------------------------------------|-------------|
| G Lab Aesthetics | Duplicate payment | \$50.00 |
| | Paid by check and with credit card | Credit Card |

Resolution No. 164

WHEREAS, Chief Anthony Tiller was custodian of the Petty Cash Fund for the Fire Department Offices, and

WHEREAS, following the retirement of Chief Tiller and in accordance with N.J.S.A. 40A:5-21, the Town of Westfield is changing custodians to Chief Michael Duelks; and

WHEREAS, Chief Duelks is bonded in the amount of \$1,000,000 by virtue of an Employee Dishonesty Blanket Coverage bond through the Municipal Excess Liability Joint Insurance Fund.

NOW, THEREFORE BE IT RESOLVED that that Council of the Town of Westfield hereby authorizes such action and that two copies of this resolution be filed with the Division of Local Government Services, New Jersey Department of Community Affairs for approval.

Resolution No. 165

WHEREAS, Public Works Supervisor, Rich Eubanks has been certified as a Recycling Coordinator for the Town of Westfield; and

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Westfield that Rich Eubanks shall be paid \$2,956.52 for additional duties performed as Recycling Coordinator for calendar year 2022.

Resolution No. 166

BE IT RESOLVED by the Town Council of the Town of Westfield that the Mayor is authorized to sign the collective bargaining agreement between the Town of Westfield and the FMBA Local #30 for the years 2022-2025._____

The following resolution, introduced by Councilman Parmelee seconded by Councilwoman Mackey was adopted by the following roll call vote:

Resolution No. 167

RESOLUTION COMBINING SEVERAL AUTHORIZATIONS OF
BONDS INTO A SINGLE ISSUE AND PRESCRIBING
THE DETAILS AND BOND FORM THEREOF FOR
\$9,900,000 GENERAL IMPROVEMENT BONDS
DATED AUGUST 1, 2022

WHEREAS, the bond ordinances hereinafter described have been duly adopted and it is necessary to provide for the issuance of the bonds authorized by such bond ordinances; NOW, THEREFORE,

BE IT RESOLVED by the Town Council of the Town of Westfield, in the County of Union, New Jersey (the "Town"), as follows:

Section 1. There shall be issued at this time \$875,000 of the bonds authorized pursuant to Bond Ordinance No. 2208

adopted by the Town Council of said Town on May 2, 2017. The bonds are issued to finance the resurfacing or reconstruction of various roads or sections thereof (including curb installation or replacement and drainage improvements, where necessary); the undertaking of crosswalk and stop bar striping on a Town-wide basis; and the replacement of the Tamaques Way Sanitary Sewer

Pumping Station, all in, by and for the Town. The average period of usefulness of the several purposes to be financed by such bond ordinance is a period of 12.12 years computed from the date of such bonds.

Section 2. There shall be issued at this time \$365,000 of the bonds authorized pursuant to Bond Ordinance No. 2211 adopted by the Town Council of said Town on December 11, 2017. The bonds are issued to finance the replacement of the playground at Mindowaskin Park with a handicapped-accessible playground with a safety surface and various amenities in, by and for the Town. The period of usefulness of the purpose to be financed by such bond ordinance is a period of 15 years computed from the date of such bonds.

Section 3. There shall be issued at this time \$2,324,000 of the bonds authorized pursuant to Bond Ordinance No. 2212 adopted by the Town Council of said Town on May 8, 2018. The bonds are issued to finance the undertaking of the following road and pedestrian safety improvements: (i) resurfacing of Grove Street from Rahway Avenue to Central Avenue (including curb installation or replacement and drainage improvements, where necessary), (ii) installation of flashing pedestrian beacons at various locations and (iii) resurfacing or reconstruction of various roads or sections thereof (including curb installation or replacement and

drainage improvements, where necessary); the undertaking of crosswalk and stop bar striping on a Town-wide basis; and the undertaking of an engineering study of Town roads for future road improvements, all in, by and for the Town. The average period of usefulness of the several purposes to be financed by such bond ordinance is a period of 10 years computed from the date of such bonds.

Section 4. There shall be issued at this time \$3,478,000 of the bonds authorized pursuant to Bond Ordinance No. 2216 adopted by the Town Council of said Town on May 21, 2019. The bonds are issued to finance the undertaking of the following road and pedestrian safety improvements: (i) installation of flashing pedestrian beacons at various locations and (ii) resurfacing or reconstruction of various roads or sections thereof (including drainage improvements, where necessary, and installation of handicapped access ramps); the resurfacing of Rahway Avenue from Willow Grove Road to the Clark border (including drainage improvements, where necessary, and installation of handicapped access ramps); the acquisition of a pickup truck for the use of the Police Department and a senior transportation bus and a van for the use of the Recreation Department; and the undertaking of the following public improvements: (i) renovation of the coffee kiosk at the South Side Train Station, (ii) improvements to the Quimby

Street pedestrian alleyway and (iii) improvements to the Town Council Chambers and various conference rooms in the Municipal Building, all in, by and for the Town. The average period of usefulness of the several purposes to be financed by such bond ordinance is a period of 10 years computed from the date of such bonds.

Section 5. There shall be issued at this time \$633,000 of the bonds authorized pursuant to Bond Ordinance No. 2218 adopted by the Town Council of said Town on September 24, 2019. The bonds are issued to finance the acquisition of a new pumper fire engine in, by and for the Town. The period of usefulness of the purpose to be financed by such bond ordinance is a period of 10 years computed from the date of such bonds.

Section 6. There shall be issued at this time \$2,225,000 of the bonds authorized pursuant to Bond Ordinance No. 2221 adopted by the Town Council of said Town on April 6, 2021. The bonds are issued to finance the resurfacing or reconstruction of various roads (including curb installation or replacement and drainage improvements, where necessary); the acquisition of in-vehicle computer equipment, radar units and traffic safety devices for the use of the Police Department; the acquisition of an air compressor for self-contained breathing apparatus for the use of the Fire Department; the acquisition of a front end loader for the use of

the Department of Public Works; the installation of fencing, benches, tables and other amenities at various parks; and the undertaking of the following improvements to public buildings and property: (i) improvements to the Town Council Chambers and various conference rooms in the Municipal Building, (ii) installation of lighting at various locations, (iii) replacement of steps at the South Avenue train station and (iv) energy efficiency improvements at various public buildings, including replacement of HVAC units and lighting upgrades, all in, by and for the Town. The average period of usefulness of the several purposes to be financed by such bond ordinance is a period of 11.30 years computed from the date of such bonds.

Section 7. The bonds authorized by said six bond ordinances described in Sections 1 to 6, inclusive, of this resolution shall be issued as a single issue of bonds, aggregating \$9,900,000 consisting of an issue of bonds of the denomination of \$5,000 each or any integral multiple thereof, numbered in the order of their maturity. In the event that the purchaser of the bonds elects to take bonds in the last maturity which are not in multiples of \$5,000, or, if there are any such bonds herein, such bonds shall be in the denomination of \$1,000 or any integral multiple thereof, numbered upwards from the last numbered \$5,000 bond. The average period of usefulness within which the bonds

authorized by said six bond ordinances mature, according to the respective reasonable lives of the purposes to be financed, as determined in said ordinances taking into consideration the respective amounts of bonds authorized for the purposes to be financed as set forth in each of the bond ordinances hereinbefore set forth, is a period of 10.66 years computed from the date of such bonds. Said issue shall be payable in annual installments on August 1 in each year and, subject to adjustment as authorized by Section 12 of this resolution, in the amounts as follows:

\$685,000 in the year 2023,
\$745,000 in the year 2024,
\$805,000 in the year 2025,
\$870,000 in the year 2026,
\$940,000 in the year 2027,
\$1,055,000 in the year 2028,
\$1,100,000 in the year 2029,
\$1,200,000 in the year 2030, and
\$1,250,000 in each of the years 2031 and 2032.

Said bonds shall be designated "General Improvement Bonds". A portion of the indebtedness evidenced by each such bond shall be deemed to have been incurred for the purpose described in each bond ordinance authorizing bonds of the same maturity, and such portion of such indebtedness shall be in the same proportion to the principal amount of such bonds as the total amount of bonds of like maturity to be issued pursuant to such bond ordinance bears to the aggregate amount of bonds of like maturity to be issued pursuant to such six bond ordinances.

Section 8. All of said bonds shall be dated August 1, 2022, and shall bear interest from their date until their respective maturities at the rates per annum named in the proposal accepted. Such rates of interest shall be determined at the time said bonds are sold. Such interest shall be payable on each February 1 and August 1, commencing February 1, 2023 (each, an "Interest Payment Date"), in each year until maturity or prior redemption.

Section 9. The bonds maturing on or before August 1, 2029 are not subject to redemption prior to their stated maturities. The bonds maturing on or after August 1, 2030 are subject to redemption at the option of the Town prior to maturity, in whole on any date or in part on any Interest Payment Date, on or after August 1, 2029, upon notice as hereinafter set forth at the redemption price of 100% of the principal amount being redeemed, plus accrued interest to the date fixed for redemption.

If the Town determines to optionally redeem a portion of the bonds prior to maturity, such bonds so redeemed shall be in such maturities as determined by the Town, and within any maturity, by lot; *provided, however,* that the portion of any bond to be redeemed shall be in the principal amount of \$5,000 or some multiple thereof and that, in selecting bonds for redemption, the Bond Registrar/Paying Agent (as hereinafter defined) shall treat

each bond as representing that number of bonds that is obtained by dividing the principal amount of such bond by \$5,000.

Section 10. Notice of redemption shall be given by first class mail in a sealed envelope with postage prepaid to the registered owners of the bonds at their respective addresses as they last appear on the registration books kept for that purpose by the Bond Registrar/Paying Agent at least thirty (30) but not more than sixty (60) days before the date fixed for redemption. Such mailing is not a condition precedent to redemption, and the failure to mail or to receive any redemption notice will not affect the validity of the redemption proceedings. If any bond subject to redemption is a part of a greater principal amount of the bonds not to be redeemed, such entire amount shall be surrendered to the Bond Registrar/Paying Agent and, for that portion of the bond not to be redeemed, a new bond shall be issued in the name of the registered owner in an amount equal to the principal amount of the bond surrendered less the amount to be redeemed.

Section 11. The bonds will be issued in fully registered form by means of a book-entry system with no physical distribution of bond certificates made to the public. One bond certificate for each maturity will be issued to The Depository Trust Company, New York, New York ("DTC"), and immobilized in its custody. The book-entry system will evidence ownership of the bonds in principal

amounts of \$5,000 or integral multiples thereof, with transfers of beneficial ownership effected on the records of DTC and its participants pursuant to rules and procedures established by DTC. Interest on the bonds will be payable at the times stated in Section 8 of this resolution, and principal of the bonds will be paid annually on August 1, as set forth in the maturity schedule hereinbefore stated, in immediately available funds to DTC or its nominee as registered owner of the bonds. Transfer of principal and interest payments to participants of DTC will be the responsibility of such participants and other nominees of beneficial owners. Interest will be payable to owners of bonds shown on the records of DTC as of the fifteenth day of the month preceding the month in which such interest payment date occurs. The Town will not be responsible or liable for maintaining, supervising or reviewing the records maintained by DTC, its participants or persons acting through such participants.

In the event that (a) DTC determines not to continue to act as securities depository for the bonds, or (b) the Town determines that continuation of the book-entry system of evidence and transfer of ownership of the bonds would adversely affect the interests of the beneficial owners of the bonds, the Town will discontinue the book-entry system with DTC. If the Town fails to identify another qualified securities depository to replace DTC,

the Town will authenticate and deliver replacement bonds in the form of fully registered certificates.

The principal of and the interest on the bonds shall be payable in any coin or currency of the United States of America which is legal tender for the payment of public and private debts on the respective dates of payment thereof.

Section 12. The Chief Financial Officer, pursuant to N.J.S.A. 40A:2-34, is hereby authorized to sell and award the bonds in accordance with the terms of the notice of sale (the "Notice of Sale"), such terms to be determined by a resolution of the Town Council to be hereafter adopted. The Chief Financial Officer shall report in writing to the Town Council at the next meeting after the sale of the bonds as to the principal amount, interest rates and maturities of the bonds sold, the price obtained and the name of the purchaser. In accordance with N.J.S.A. 40A:2-26(g), there is hereby delegated to the Chief Financial Officer the authority to adjust the aggregate amount of and the maturity schedule for the bonds at the times and in the amounts as provided in the Notice of Sale. There is hereby further delegated to the Chief Financial Officer the authority to postpone the public sale of the bonds without re-advertisement in accordance with the provisions of the Notice of Sale. The public sale of the bonds may not be postponed more than sixty (60) days without re-advertisement.

Section 13. All of said bonds shall be signed by the Mayor by manual or facsimile signature and by the Chief Financial Officer by manual or facsimile signature and the corporate seal of said Town shall be imprinted, affixed or reproduced thereon and such seal shall be attested by the Town Clerk by manual signature. The bonds will be authenticated by the manual signature of the Bond Registrar/Paying Agent.

Section 14. Each of said bonds shall be issued in substantially the following form:

[Form of Bond]

Unless this certificate is presented by an authorized representative of The Depository Trust Company, a New York corporation ("DTC"), to the issuer or its agent for registration of transfer, exchange or payment, and any certificate issued is registered in the name of Cede & Co. or such other name as requested by an authorized representative of DTC (and any payment is made to Cede & Co. or to such other entity as is requested by an authorized representative of DTC), ANY TRANSFER, PLEDGE OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL inasmuch as the registered owner hereof, Cede & Co., has an interest herein.

No. R-__

\$

UNITED STATES OF AMERICA
STATE OF NEW JERSEY
COUNTY OF UNION
TOWN OF WESTFIELD
GENERAL IMPROVEMENT BOND

INTEREST
RATE PER
ANNUM

MATURITY DATE

DATED DATE

CUSIP

%

AUGUST 1, 20__

AUGUST 1, 2022

960113

REGISTERED OWNER: CEDE & CO.

PRINCIPAL SUM: ----- DOLLARS

The Town of Westfield, a municipal corporation of the State of New Jersey, located in the County of Union (hereinafter referred to as the "Town"), for value received hereby acknowledges itself indebted and promises to pay to the REGISTERED OWNER named above, on the MATURITY DATE specified above, upon surrender hereof, the PRINCIPAL SUM stated above and to pay to the REGISTERED OWNER hereof interest thereon from the DATED DATE of this Bond until it

shall mature at the INTEREST RATE PER ANNUM specified above, payable on each February 1 and August 1, commencing February 1, 2023 (each, an "Interest Payment Date"), of each year until maturity or prior redemption. The principal hereof is payable at the office of the Chief Financial Officer, Municipal Building, 425 East Broad Street, Westfield, New Jersey 07090 (the "Bond Registrar/Paying Agent"). The interest so payable on any such Interest Payment Date will be paid to the person in whose name this Bond is registered on the record date for such interest, which shall be the fifteenth day of the month preceding the month in which such Interest Payment Date occurs. Both the principal of and the interest on this Bond shall be paid in any coin or currency of the United States of America that is legal tender for the payment of public and private debts on the respective dates of payment thereof.

This Bond is one of an issue of Bonds of like date and tenor, except as to number, denomination, interest rate and maturity, issued pursuant to the Local Bond Law (Chapter 2 of Title 40A of the New Jersey Statutes, as amended) and pursuant to six bond ordinances adopted by the Town Council of the Town on May 2, 2017 (Ord. No. 2208), December 11, 2017 (Ord. No. 2211), May 8, 2018 (Ord. No. 2212), May 21, 2019 (Ord. No. 2216), September 24, 2019 (Ord. No. 2218) and April 6, 2021 (Ord. No. 2221) and

resolutions adopted by the Town Council of the Town on June 28, 2022.

The Bonds maturing on or before August 1, 2029 are not subject to redemption prior to their stated maturities. The Bonds maturing on or after August 1, 2030 are subject to redemption at the option of the Town prior to maturity, in whole on any date or in part on any Interest Payment Date, on or after August 1, 2029, upon notice as hereinafter set forth at the redemption price of 100% of the principal amount being redeemed, plus accrued interest to the date fixed for redemption.

If the Town determines to optionally redeem a portion of the Bonds prior to maturity, such Bonds so redeemed shall be in such maturities as determined by the Town, and within any maturity, by lot; *provided, however,* that the portion of any Bond to be redeemed shall be in the principal amount of \$5,000 or some multiple thereof and that, in selecting Bonds for redemption, the Bond Registrar/Paying Agent shall treat each Bond as representing that number of Bonds that is obtained by dividing the principal amount of such Bond by \$5,000.

Notice of redemption shall be given by first class mail in a sealed envelope with postage prepaid to the registered owners of the Bonds at their respective addresses as they last appear on the registration books kept for that purpose by the Bond

Registrar/Paying Agent at least thirty (30) but not more than sixty (60) days before the date fixed for redemption. Such mailing is not a condition precedent to redemption, and the failure to mail or to receive any redemption notice will not affect the validity of the redemption proceedings. If any Bond subject to redemption is a part of a greater principal amount of the Bonds not to be redeemed, such entire amount shall be surrendered to the Bond Registrar/Paying Agent and, for that portion of the Bond not to be redeemed, a new Bond shall be issued in the name of the registered owner in an amount equal to the principal amount of the Bond surrendered less the amount to be redeemed.

The Bond Registrar/Paying Agent shall keep at its office the books of the Town for the registration of transfer of Bonds. The transfer of this Bond may be registered only upon such books and as otherwise provided in the resolution upon the surrender hereof to the Bond Registrar/Paying Agent together with an assignment duly executed by the registered owner hereof or his attorney or legal representative in such form as shall be satisfactory to the Bond Registrar/Paying Agent. Upon any such registration of transfer, the Bond Registrar/Paying Agent shall deliver in exchange for this Bond a new bond or bonds, registered in the name of the transferee, of authorized denomination, in an aggregate principal amount equal to the unredeemed principal amount

of this Bond, of the same maturity and bearing interest at the same rate.

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, be performed or happen precedent to or in the issuance of this Bond exist, have been performed and have happened, and that this Bond together with all other indebtedness of the Town, is within every debt and other limit prescribed by the Constitution or statutes of said State.

The full faith and credit of the Town are hereby pledged irrevocably to the punctual payment of the principal of and interest on this Bond in accordance with its terms.

This Bond shall not be valid or become obligatory for any purpose until the Certification of Authentication hereon shall have been signed by the Bond Registrar/Paying Agent.

IN WITNESS WHEREOF, the Town has caused this Bond to be signed by its Mayor by manual or facsimile signature and by its Chief Financial Officer by manual or facsimile signature, and its seal to be impressed, affixed or reproduced hereon, and said seal to be attested by its Town Clerk by manual signature and this Bond to be dated August 1, 2022.

[SEAL]

(manual or facsimile signature)
Mayor

ATTEST:

(manual signature)
Town Clerk

(manual or facsimile signature)
Chief Financial Officer

AUTHENTICATION DATE: AUGUST 1, 2022

CERTIFICATION OF AUTHENTICATION

This Bond is one of the Bonds described in the within-mentioned resolutions and is one of the General Improvement Bonds dated August 1, 2022 of the Town of Westfield, in the County of Union, State of New Jersey.

Chief Financial Officer,
as Bond Registrar/Paying Agent

ASSIGNMENT

FOR VALUE RECEIVED the undersigned hereby sells, assigns and transfers unto _____, the within Bond and irrevocably appoints _____ attorney-in-fact, to transfer the within Bond on the books kept for 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 face of the within Bond in every particular, without any alteration whatsoever.

Signature Guaranteed:

[End of Form of Bond]

Section 15. Bonds may, upon surrender thereof at the office of the Bond Registrar/Paying Agent together with an assignment duly executed by the registered owner or his attorney or legal representative in such form as shall be satisfactory to the Bond Registrar/Paying Agent and, at the option of the registered owner thereof, be exchanged for an equal aggregate principal amount of bonds of the same maturity, of any denomination or denominations authorized by this resolution and bearing interest at the same rate.

The transfer of any bond may be registered only upon the registration books of the Town upon the surrender thereof to the Bond Registrar/Paying Agent together with an assignment duly executed by the registered owner or his attorney or legal representative in such form as shall be satisfactory to the Bond Registrar/Paying Agent. Upon any such registration of transfer, the Bond Registrar/Paying Agent shall authenticate and deliver in exchange for such bond a new bond or bonds, registered in the name of the transferee, of any denomination or denominations authorized by this resolution, in an aggregate principal amount equal to the unredeemed principal amount of such bond so surrendered, of the same maturity and bearing interest at the same rate.

In all cases in which bonds shall be exchanged or the transfer of bonds shall be registered hereunder, the Bond

Registrar/Paying Agent shall authenticate and deliver at the earliest practicable time bonds in accordance with the provisions of this resolution. All bonds surrendered in any such exchange or registration of transfer shall forthwith be canceled by the Bond Registrar/Paying Agent. The Town or the Bond Registrar/Paying Agent may make a charge for shipping and out-of-pocket costs for every such exchange or registration of transfer of bonds sufficient to reimburse it for any tax or other governmental charge required to be paid with respect to such exchange or registration of transfer, but no other charge shall be made for exchanging or registering the transfer of bonds under this resolution.

As to any bond, the person in whose name the same shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes, and payment of or on account of the principal of any such bond and the interest on any such bond shall be made only to or upon the order of the registered owner thereof or his legal representative. All such payments shall be valid and effectual to satisfy and discharge the liability upon such bond, including interest thereon, to the extent of the sum or sums so paid.

The Town shall appoint such registrars, transfer agents, depositories or other agents and make such other arrangements as may be necessary for the registration, registration of transfer and

exchange of bonds within a reasonable time according to the then commercial standards and for the timely payment of principal and interest with respect to the bonds. The Chief Financial Officer is hereby appointed registrar and paying agent for the Bonds (the "Bond Registrar/Paying Agent") subject to the right of the Town Council to appoint another Bond Registrar/Paying Agent, and, as such, shall keep at the Municipal Building, 425 East Broad Street, Westfield, New Jersey 07090, the books of the Town for the registration, registration of transfer, exchange and payment of the bonds.

Section 16. The Mayor, the Chief Financial Officer and the Town Clerk are hereby authorized and directed to cause said bonds to be prepared and to execute and deliver said bonds upon payment of the purchase price therefor.

Section 17. This resolution shall take effect immediately upon its adoption

| | | |
|----------------|------------|-----------------|
| Yeas: Parmelee | Nays: None | Absent: Habgood |
| Mackey | | LoGrippo |
| Dardia | | Katz |
| Root | | Contract |
| Mayor Brindle | | |

The following resolution was introduced by Councilman Parmelee, seconded by Councilwoman Mackey by the following roll call vote:

Resolution No. 168

WHEREAS, the Town Council of the Town of Westfield, in the County of Union, New Jersey (the "Town"), desires to make further provision for the issuance of \$9,900,000 General Improvement Bonds (the "Bonds"), which are to be issued pursuant

to bond ordinances heretofore adopted by the Town Council; NOW,
THEREFORE,

BE IT RESOLVED by the Town Council of the Town of
Westfield, in the County of Union, as follows:

Section 1. A Notice of Sale (the "Full Notice of Sale") shall be published and printed and posted with the Preliminary Official Statement (as hereinafter defined) for distribution in substantially the following form:

NOTICE OF SALE

TOWN OF WESTFIELD,
IN THE COUNTY OF UNION, NEW JERSEY

\$9,900,000* GENERAL IMPROVEMENT BONDS
(Book-Entry Only) (Bank-Qualified)
(Callable) (Parity Bid)

dated
August 1, 2022

The Town of Westfield, in the County of Union, a municipal corporation of the State of New Jersey (the "Town"), hereby invites ELECTRONIC BIDS VIA PARITY AND SEALED PROPOSALS for the purchase of its \$9,900,000* General Improvement Bonds, dated August 1, 2022 (the "Bonds").

ELECTRONIC BIDS VIA PARITY AND SEALED PROPOSALS will be received and publicly opened and announced by the Chief Financial Officer in the Municipal Building, 425 East Broad Street, Westfield, New Jersey 07090, on July 20, 2022 at 11:00 o'clock A.M. (local time).

The Bonds comprise an issue of bonds payable on August 1 in each year and, subject to adjustment as provided herein, in the amounts as follows:

\$685,000 in the year 2023,
\$745,000 in the year 2024,
\$805,000 in the year 2025,
\$870,000 in the year 2026,
\$940,000 in the year 2027,
\$1,055,000 in the year 2028,
\$1,100,000 in the year 2029,
\$1,200,000 in the year 2030, and
\$1,250,000 in each of the years 2031 and 2032.

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 Ipreo at 1359 Broadway, 2nd Floor, New York, NY 10018, telephone (212) 849-5021.

*Preliminary, subject to change as described herein.

The Bonds shall be issued in registered form by means of a book-entry system with no physical distribution of bond certificates made to the public. One bond certificate for each maturity will be issued to The Depository Trust Company, New York, New York ("DTC") and immobilized in its custody. The book-entry system will evidence ownership of the Bonds in the principal amount of \$5,000 or any integral multiple thereof, with transfers of ownership effected on the records of DTC and its participants pursuant to rules and procedures established by DTC and its participants. The successful bidder, as a condition to delivery of the Bonds, shall be required to deposit the bond certificates with DTC, registered in the name of Cede & Co., its nominee. Interest on the Bonds will be payable on each February 1 and August 1, commencing February 1, 2023 (each, an "Interest Payment Date"), in each year until maturity or prior redemption, and principal of the Bonds will be payable, at maturity, by payment of immediately available funds by the Bond Registrar/Paying Agent to DTC or its nominee as registered owner of the Bonds. Transfer of principal and interest to participants of DTC will be the responsibility of DTC. Transfer of principal and interest to beneficial owners will be the responsibility of the DTC participants and other nominees of the beneficial owners. The Town will not be responsible or liable for such transfers of payments or for maintaining, supervising or reviewing the records maintained by DTC, its participants or persons acting through such participants.

In the event (a) DTC determines not to continue to act as securities depository for the Bonds or (b) the Town determines that continuation of the book-entry system of evidence and transfer of ownership of the Bonds would adversely affect the interests of the beneficial owners of the Bonds, the Town will discontinue the book-entry system with DTC. If the Town fails to identify another qualified securities depository to replace DTC, the Town will deliver replacement bonds in the form of fully registered certificates.

The Bonds maturing on or before August 1, 2029 are not subject to redemption prior to their stated maturities. The Bonds maturing on or after August 1, 2030 are subject to redemption at the option of the Town prior to maturity, in whole on any date or in part on any Interest Payment Date, on or after August 1, 2029, upon notice as hereinafter set forth at the redemption price of 100% of the principal amount being redeemed, plus accrued interest to the date fixed for redemption.

If the Town determines to optionally redeem a portion of the Bonds prior to maturity, such Bonds so redeemed shall be in

such maturities as determined by the Town, and within any maturity, by lot; *provided, however,* that the portion of any Bond to be redeemed shall be in the principal amount of \$5,000 or some multiple thereof and that, in selecting Bonds for redemption, the Bond Registrar/Paying Agent shall treat each Bond as representing that number of Bonds that is obtained by dividing the principal amount of such Bond by \$5,000.

Notice of redemption shall be given by first class mail in a sealed envelope with postage prepaid to the registered owners of the Bonds at their respective addresses as they last appear on the registration books kept for that purpose by the Bond Registrar/Paying Agent at least thirty (30) but not more than sixty (60) days before the date fixed for redemption. Such mailing is not a condition precedent to redemption, and the failure to mail or to receive any redemption notice will not affect the validity of the redemption proceedings. If any Bond subject to redemption is a part of a greater principal amount of the Bonds not to be redeemed, such entire amount shall be surrendered to the Bond Registrar/Paying Agent and, for that portion of the Bond not to be redeemed, a new Bond shall be issued in the name of the registered owner in an amount equal to the principal amount of the Bond surrendered less the amount to be redeemed.

Bidders may not elect to structure any maturities of the Bonds as term bonds.

The Bonds are general obligations of the Town and are secured by a pledge of the full faith and credit of the Town for the payment of the principal thereof and the interest thereon. The Bonds are payable, if not paid from other sources, from ad valorem taxes to be levied upon all the real property taxable within the Town without limitation as to rate or amount.

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 a multiple of 1/8th or 1/20th of one percentum (1%). The interest payable with respect to each Bond on any one date will be evidenced by a single rate of interest. Not more than one rate may be named for Bonds of the same maturity. There is no limitation on the number of rates that may be named. The difference between the lowest and the highest rates named in the proposal shall not exceed two percentum (2%). The Town reserves its right to reject all bids, and any bid not complying with the material terms of this notice will be rejected. The Town reserves the right to waive defects it deems non-material, in its sole discretion.

The Bonds will be awarded to the bidder on whose bid the total loan may be made at the lowest true interest cost ("TIC"). Such TIC cost shall be computed by determining the interest rate, compounded semi-annually, necessary to discount the debt service payments to the date of the Bonds and to the price bid, excluding interest accrued to the delivery date. Each proposal submitted must be for all the Bonds and the purchase price specified in the proposal must not be less than \$9,900,000 nor more than \$10,395,000 (105% of the aggregate principal amount of the Bonds). No proposal shall be considered that offers to pay an amount less than the principal amount of the Bonds offered for sale or under which the total loan is made at a TIC higher than the lowest TIC to the Town under any legally acceptable proposal, and if two or more bidders offer to pay the lowest TIC, then the Bonds will be sold to one of such bidders selected by lot from among all such bidders.

It is requested that each proposal be accompanied by a computation of the TIC to the Town under the terms of the proposal in accordance with the method of calculation described in the preceding paragraph (computed to six decimal places), but such computation is not to be considered as part of the proposal for Bonds. Determinations of TIC by the Town shall be final.

The Town may after the receipt and opening of bids, adjust the maturity schedule of the Bonds, provided however, that (1) no maturity schedule adjustment shall exceed 10% upward or downward of the principal for any maturity as specified herein, and (ii) the aggregate adjustment to the maturity schedule shall not exceed 10% upward or downward of the aggregate principal amount of Bonds as specified herein and the aggregate principal amount of Bonds as adjusted will not exceed \$9,900,000. The dollar amount bid by the successful bidder shall be adjusted to reflect any adjustments in the aggregate principal amount of the Bonds to be issued. Immediately upon being notified that it is the successful bidder, the successful bidder shall provide to the Town's municipal advisor and bond counsel the initial offering prices of the Bonds to the public. Upon receipt of the initial offering prices of the Bonds to the public from the successful bidder, the bid price will be adjusted to reflect changes in the dollar amount of the underwriter's discount and the original issue premium, but will not change the per bond underwriter's discount as calculated from the bid and the initial offering prices of the Bonds to the public. The Town shall notify the successful bidder of the final maturity schedule and the resulting adjusted purchase price no later than 5:00 p.m., local time, on the day of the sale and award the

Bonds. The interest rate or rates specified by the successful bidder for each maturity will not be altered.

The successful bidder must pay accrued interest from the date of the Bonds to the date of delivery. No interest will be paid upon the deposit made by the successful bidder. The Bonds will be authenticated by the Chief Financial Officer, acting as Bond Registrar/Paying Agent for the Bonds.

Sealed proposals should be addressed to the undersigned Chief Financial Officer, and enclosed in a sealed envelope marked on the outside "Proposal for Bonds". A good faith deposit (the "Deposit") in the form of a cash wire or a certified, treasurer's or cashier's check drawn upon a bank or trust company in the amount of \$198,000, payable to the order of the TOWN OF WESTFIELD, is required for each bid to be considered. If a cash wire is used, the wire must be received by the Town no later than 11:00 A.M. on July 20, 2022. If a cash wire is utilized, each bidder must notify the Town of its intent to use such cash wire prior to 11:00 A.M. on July 20, 2022, and must provide proof of electronic transfer of such cash wire prior to 11:00 A.M. on July 20, 2022 (with return wiring instructions). Wire instructions for the Town can be obtained by contacting the Town's Bond Counsel (Steven Rogut or Peter Calhoun (908) 931-1150) or its municipal advisor (Sherry Tracey stracey@muniadvisors.com or (609) 291-0130) at Phoenix Advisors, LLC, Bordentown, New Jersey (the Municipal Advisor"). If a check is used, it must accompany the bid or be received by the undersigned Chief Financial Officer prior to the opening of bids. Each bidder accepts responsibility for delivering such cash wire or check on time and the Town is not responsible for any cash wire or check that is not received on time. Checks or wires of unsuccessful bidders will be returned upon the award of the Bonds. No interest on the Deposit will accrue to the successful bidder. The Deposit will be applied in part payment for the Bonds or to partially secure the Town from any loss resulting from the failure of the successful bidder to comply with the terms of its bid.

Award of the Bonds to the successful bidder or rejection of all bids is expected to be made promptly after opening of the bids, but such successful bidder may not withdraw its proposal until after 5:30 p.m. (local time) of the day of such bid-opening and then only if such award has not been made prior to the withdrawal.

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 a failure or refusal by the successful bidder thereof to accept delivery of and pay for the Bonds in accordance with its contractual obligations arising from the acceptance of its proposal for the purchase of the Bonds. All expenses in relation to the printing of CUSIP numbers on the Bonds shall be paid for by the Town; provided, however, that the request for the assignment of CUSIP identification numbers shall be the responsibility of the Municipal Advisor and the CUSIP Service Bureau charge for the assignment of said numbers shall be the responsibility of and shall be paid for by the successful bidder. CUSIP numbers must be communicated to Bond Counsel within 24 hours of the award of the Bonds in order to have the CUSIP numbers printed on the Bonds.

The Bonds shall be delivered on or about August 1, 2022 at the office of Rogut McCarthy LLC, Cranford, New Jersey ("Bond Counsel"), or at such other place as may be determined by the successful bidder and the Town. PAYMENT FOR THE BONDS AT THE TIME OF ORIGINAL ISSUANCE AND DELIVERY SHALL BE IN IMMEDIATELY AVAILABLE FUNDS.

A preliminary Official Statement has been prepared and is available at www.i-DealProspectus.com or may be obtained from the Municipal Advisor stracey@muniadvisors.com or the undersigned, Chief Financial Officer, Municipal Building, 425 East Broad Street, Westfield, New Jersey 07090, Telephone No. (908) 789-4097, ext. 4. The preliminary Official Statement is deemed to be a "final official statement", as of its date, within the meaning of Rule 15c2-12 of the Securities and Exchange Commission ("Rule 15c2-12"), but is subject to (a) completion with certain pricing and other information to be made available by the successful bidder for the Bonds and (b) amendment. The preliminary Official Statement, as so revised, will constitute the "final official statement". By the submission of a bid for the Bonds, the successful bidder contracts for the receipt of a reasonable number of copies of the final Official Statement within seven business days of the award of the Bonds. In order to complete the final Official Statement, the successful bidder must furnish on behalf of the underwriters of the Bonds the following information to Bond Counsel and the Town by facsimile transmission or overnight delivery received by Bond Counsel and the Town within 24 hours after the award of the Bonds: (a) initial offering prices or yields (expressed as percentages), (b) selling compensation (aggregate total anticipated compensation to the underwriters expressed in dollars), (c) the identity of the underwriters if the successful bidder is part of a group or syndicate and (d)

any other material information necessary for the final Official Statement, but not known to the Town (such as the bidder's purchase of credit enhancement). It shall also be the obligation of the successful bidder to furnish to DTC an underwriter's questionnaire and the denominations of the Bonds not less than seventy-two (72) hours prior to the delivery of the Bonds.

Concurrently with the delivery of the Bonds, the officials of the Town who will have executed the final Official Statement will deliver to the purchaser of the Bonds a certificate stating that, to the best of their knowledge, the preliminary Official Statement did not as of its date and as of the sale date, and the final Official Statement did not as of its date and does not as of the date of delivery of the Bonds, contain an untrue statement of a material fact or omit to state a material fact required to be included therein for the purpose for which the preliminary Official Statement or the final Official Statement is to be used or necessary to make the statements therein, in light of the circumstances under which they were made, not misleading, provided such certificate shall not include consideration of information supplied by, or which should have been supplied by, the successful bidder for the Bonds.

The Town has agreed in its bond resolution adopted on June 28, 2022 to provide or cause to be provided, in accordance with the requirements of Rule 15c2-12, (i) not later than seven months after the end of the Town's fiscal year (presently December 31) certain annual financial information and operating data, including audited financial statements for the preceding fiscal year (commencing with the fiscal year ending December 31, 2022), (ii) timely notice of the occurrence of certain material events with respect to the Bonds and financial obligations of the Town and (iii) timely notice of a failure by the Town to provide the required annual financial information on or before the date specified in (i) above.

The successful bidder's obligation to purchase the Bonds shall be conditioned upon its receiving, at or prior to the delivery of the Bonds, in form and substance reasonably satisfactory to the successful bidder, evidence that the Town has made the continuing disclosure undertaking set forth above in a written agreement or contract for the benefit of the Bondholders and the beneficial owners of the Bonds.

The approving legal opinion of Bond Counsel will be furnished without cost to the purchaser. The preliminary Official Statement contains a discussion of the provisions of

the Internal Revenue Code of 1986, as amended (the "Code"), with respect to the exclusion from gross income for Federal income tax purposes of the interest on the Bonds and a description of the opinion of Bond Counsel with respect thereto. The Town has covenanted, to the extent permitted by the Constitution and laws of the State of New Jersey, to comply with the provisions of the Code required to preserve the exclusion from gross income of interest on the Bonds for Federal income tax purposes. There will also be furnished the usual closing papers.

The Town has designated the Bonds "qualified tax-exempt obligations" within the meaning of Section 265(b)(3) of the Code and will represent that it reasonably expects that neither it nor its subordinate entities will issue more than \$10,000,000 of new money tax-exempt obligations in the current calendar year.

If the Bonds qualify for issuance of any policy of municipal bond insurance or commitment therefor at the option of a bidder, any purchase of such insurance or commitment therefor shall be at the sole option and expense of the bidder and any increased costs of issuance of the Bonds resulting by reason of such insurance, unless otherwise paid, shall also be paid by such bidder. 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 purchaser of its contractual obligations arising from the acceptance of its proposal for the purchase of the Bonds.

The Town reserves the right to postpone, from time to time, the date and time established for the receipt of bids. Any such postponement shall be published on TM3 News Service, or by other available means, not less than twenty-four (24) hours prior to the sale. If any date fixed for receipt of bids and the sale of the Bonds is postponed, an alternative sale date will be announced via TM3 News Service, or by other available means, at least forty-eight (48) hours prior to such alternative date.

ISSUE PRICE DETERMINATION UNDER INTERNAL REVENUE CODE

If the "competitive sale requirements" are not satisfied, the winning bidder shall have the option to designate whether the "10% test" or the "hold-the-offering-price rule" shall apply to all the Bonds.

The following paragraphs contain the terms for the determination of issue price.

(a) The winning bidder shall assist the Town in establishing the issue price of the Bonds and shall execute and deliver to the Town at closing an "issue price" or similar certificate setting forth the reasonably expected initial offering price to the public or the sales price or prices of the Bonds, together with the supporting pricing wires or equivalent communications. A form of issue price certificate is available upon request to Steven L. Rogut, Bond Counsel, (908) 931-1150 or slr@rogutmccarthy.com.

(b) The Town intends that the provisions of Treasury Regulation Section 1.148-1(f)(3)(i) (defining "competitive sale" for purposes of establishing the issue price of the Bonds) will apply to the initial sale of the Bonds (the "competitive sale requirements") because:

- (1) the Town shall disseminate this Notice of Sale to potential underwriters in a manner that is reasonably designed to reach potential underwriters;
- (2) all bidders shall have an equal opportunity to bid;
- (3) the Town may receive bids from at least three underwriters of municipal bonds who have established industry reputations for underwriting new issuances of municipal bonds; and
- (4) the Town anticipates awarding the sale of the Bonds to the bidder who submits a firm offer to purchase the Bonds at the highest price (or lowest interest cost), as set forth in this Notice of Sale.

Any bid submitted pursuant to this Notice of Sale shall be considered a firm offer for the purchase of the Bonds, as specified in the bid. Bids will not be subject to cancellation in the event that the competitive sale requirements are not satisfied. Unless the bidder intends to hold the Bonds for its own account with no intention to offer the Bonds to the public, the bidder, by submitting a bid, represents to the Town that the bidder has an established industry reputation for underwriting new issuances of municipal bonds.

(c) In the event that the competitive sale requirements are not satisfied, the Town shall so advise the winning bidder. In that case, the winning bidder shall have the option to designate (by 5:30 P.M. Prevailing Time on the sale date)

whether the issue price will be calculated upon either (a) the first price at which 10% of each maturity of the Bonds (the "10% test") is sold to the public as the issue price of that maturity, applied on a maturity-by-maturity basis, or (b) a commitment to neither offer nor sell any of the Bonds of any maturity to any person at a price that is higher than the initial offering price to the public as of the sale date (the "initial offering price") during the holding period (as defined herein).

(d) If the 10% test is selected, the winning bidder shall advise the Town if any maturity of the Bonds satisfies the 10% test as of the date and time of the award of the Bonds, and bidders should prepare their bids on the assumption that all of the maturities of the Bonds will be subject to the 10% test in order to establish the issue price of the Bonds. If the competitive sale requirements are not satisfied and the 10% test is selected, then until the 10% test has been satisfied as to each maturity of the Bonds, the winning bidder agrees to promptly report to the Town the prices at which the unsold Bonds of that maturity have been sold to the public. That reporting obligation shall continue, whether or not the Closing Date has occurred, until either (i) all Bonds of that maturity have been sold or (ii) the 10% test has been satisfied as to the Bonds of that maturity, provided that, the winning bidder's reporting obligation after the Closing Date may be at reasonable periodic intervals or otherwise upon request of the Town or Bond Counsel.

(e) In the event the "hold-the-offering-price" method is selected, for each maturity of the Bonds the winning bidder shall (a) neither offer nor sell any of the Bonds of such maturity to any person at a price that is higher than the initial offering price for such maturity during the holding period for such maturity (the "hold-the-offering-price rule"), and (b) verify that any selling group agreement shall contain the agreement of each dealer who is a member of the selling group, and any third-party distribution agreement shall contain the agreement of each broker-dealer who is a party to the third-party distribution agreement, to comply with the hold-the-offering-price rule. Pursuant to such agreement, no underwriter (as defined below) shall offer or sell any maturity of the Bonds at a price that is higher than the respective initial offering price for that maturity of the Bonds during the holding period.

(f) By submitting a bid, each bidder confirms that: (i) any agreement among underwriters, any selling group agreement and each third-party distribution agreement (to which the bidder is a party) relating to the initial sale of the Bonds to the public, together with the related pricing wires, contains or

will contain language obligating each underwriter, each dealer who is a member of the selling group, and each broker-dealer that is a party to such third-party distribution agreement, as applicable, to (A) either comply with the hold-the-offering-price limitations stated herein or to report the prices at which it sells to the public the unsold Bonds of each maturity allocated to it, whether or not the Closing Date has occurred, until either all Bonds of that maturity allocated to it have been sold or it is notified by the winning bidder that the 10% test has been satisfied as to the Bonds of that maturity, provided that, the reporting obligation after the Closing Date may be at reasonable periodic intervals or otherwise upon request of the winning bidder, depending upon whether the hold-the-offering-price method or the 10% test is selected by the winning bidder, (B) to promptly notify the winning bidder of any sales of Bonds that, to its knowledge, are made to a purchaser who is a related party to an underwriter participating in the initial sale of the Bonds to the public (each such term being used as defined below), and (C) to acknowledge that, unless otherwise advised by the underwriter, dealer or broker-dealer, the winning bidder shall assume that each order submitted by the underwriter, dealer or broker-dealer is a sale to the public, and (ii) any agreement among underwriters or selling group agreement relating to the initial sale of the Bonds to the public, together with the related pricing wires, contains or will contain language obligating each underwriter or dealer that is a party to a third-party distribution agreement to be employed in connection with the initial sale of the Bonds to the public to require each broker-dealer that is a party to such third-party distribution agreement to either comply with the hold-the-offering-price limitations stated herein or to report the prices at which it sells to the public the unsold Bonds of each maturity allocated to it, whether or not the Closing Date has occurred, until either all Bonds of that maturity allocated to it have been sold or it is notified by the winning bidder or such underwriter that the 10% test has been satisfied as to the Bonds of that maturity, provided that, the reporting obligation after the Closing Date may be at reasonable periodic intervals or otherwise upon request of the winning bidder or such underwriter, depending upon whether the hold-the-offering-price method or the 10% test is selected by the winning bidder.

(g) Sales of any Bonds to any person that is a related party to an underwriter participating in the initial sale of the Bonds to the public (each such term being used as defined below) shall not constitute sales to the public for purposes of this Notice of Sale. Further, for purposes of this Notice of Sale:

- (i) "public" means any person other than an underwriter or a related party,
- (ii) "underwriter" means (A) any person that agrees pursuant to a written contract or otherwise with the Town (or with the lead underwriter to form an underwriting syndicate) to participate in the initial sale of the Bonds to the public and (B) any person that agrees pursuant to a written contract directly or indirectly with a person described in clause (A) to participate in the initial sale of the Bonds to the public (including a member of a selling group or a party to a third-party distribution agreement participating in the initial sale of the Bonds to the public),
- (iii) a purchaser of any of the Bonds is a "related party" to an underwriter if the underwriter and the purchaser are subject, directly or indirectly, to (A) more than 50% common ownership of the voting power or the total value of their stock, if both entities are corporations (including direct ownership by one corporation of another), (B) more than 50% common ownership of their capital interests or profits interests, if both entities are partnerships (including direct ownership by one partnership of another), or (C) more than 50% common ownership of the value of the outstanding stock of the corporation or the capital interests or profits interests of the partnership, as applicable, if one entity is a corporation and the other entity is a partnership (including direct ownership of the applicable stock or interests by one entity of the other),
- (iv) "sale date" means the date that the Bonds are awarded by the Town to the winning bidder,
- (v) "holding period" means, for each maturity of the Bonds, the period starting on the sale date and ending on the earlier of (i) the close of the fifth business day after the sale date, or (ii) the date on which the Underwriter has sold at least 10% of each maturity to the Public at

prices that are no higher than the Initial Offering Price for such maturity, and

- (vi) "maturity" means Bonds with the same credit and payment terms. Bonds with different maturity dates, or Bonds with the same maturity date but different stated interest rates, are treated as separate maturities.

By order of the Town Council of the Town of Westfield, in the County of Union, New Jersey.

Dated: July 1, 2022

/s/ Scott H. Olsen
Chief Financial Officer
Town of Westfield
County of Union, New Jersey

Section 2. A Summary Notice of Sale ("Summary Notice of Sale") shall be published in substantially the following form:

SUMMARY NOTICE OF SALE

TOWN OF WESTFIELD,
IN THE COUNTY OF UNION, NEW JERSEY

\$9,900,000* GENERAL IMPROVEMENT BONDS
(Book-Entry Only) (Bank-Qualified)
(Callable) (Parity Bid)

dated
August 1, 2022

ELECTRONIC BIDS VIA PARITY AND SEALED PROPOSALS will be received by the Chief Financial Officer of the Town of Westfield, in the County of Union, New Jersey (the "Town"), in the Municipal Building, 425 East Broad Street, Westfield, New Jersey 07090, on

July 20, 2022

at 11:00 o'clock A.M. (local time) at which time they will be publicly opened and announced, for the purchase of the Town's \$9,900,000* General Improvement Bonds, dated August 1, 2022 (the "Bonds") and payable on August 1 in each year and, subject to adjustment as provided in the Notice of Sale, in the amounts as follows:

\$685,000 in the year 2023,
\$745,000 in the year 2024,
\$805,000 in the year 2025,
\$870,000 in the year 2026,
\$940,000 in the year 2027,
\$1,055,000 in the year 2028,
\$1,100,000 in the year 2029,
\$1,200,000 in the year 2030, and
\$1,250,000 in each of the years 2031 and 2032.

The Bonds shall be issued in book-entry only form through the book-entry system operated by The Depository Trust Company, New York, New York. The Bonds are subject to redemption prior to maturity at the option of the Town in accordance with the terms set forth in the Notice of Sale to be made available to interested persons (the "Notice of Sale"). The Notice of Sale and Proposal for Bonds should be reviewed by potential bidders for additional terms and conditions of the sale of the Bonds prior to bidding on the Bonds. To the extent any instructions

*Preliminary, subject to change.

or directions set forth in PARITY conflict with the Notice of Sale, the terms of the Notice of Sale shall control. For further information about PARITY, potential bidders may contact Ipreo at 1359 Broadway, 2nd Floor, New York, NY 10018, telephone (212) 849-5021.

The Bonds will bear interest from their date at a rate or rates of interest in multiples of 1/8th or 1/20th of 1% per annum specified by the successful bidder payable on each February 1 and August 1, commencing February 1, 2023, in each year until maturity or prior redemption. The Bonds will be in the denomination of \$5,000 or any integral multiple thereof. The purchase price specified must not be less than \$9,900,000 nor more than \$10,395,000 (par plus a maximum 5% premium). The difference between the lowest and the highest rates named in the proposal shall not exceed two per centum (2%). Each proposal must be for all the Bonds offered. As further described in the Notice of Sale, bidders must, at the time of making their bids, make a wire transfer or deposit a certified, cashier's or treasurer's check drawn upon a bank or trust company in the amount of \$198,000 to the order of the Town. The Bonds will be sold to the bidder specifying the lowest true interest cost in accordance with the terms set forth in the Notice of Sale. The Town will furnish the Bonds and the approving legal opinion of Rogut McCarthy LLC, Cranford, New Jersey, Bond Counsel.

The Bonds will be designated as "qualified tax-exempt obligations" for purposes of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended.

Copies of the Preliminary Official Statement, the Notice of Sale and the Proposal for Bonds are available at www.i-DealProspectus.com or by contacting the Municipal Advisor (Sherry Tracey of Phoenix Advisors, LLC at stracey@muniadvisors.com) or the undersigned Chief Financial Officer at the Municipal Building, 425 East Broad Street, Westfield, New Jersey 07090, Telephone No. (908) 789-4097, ext. 4.

By order of the Town Council of the Town of Westfield, in the County of Union, New Jersey.

Dated: July 11, 2022

/s/ Scott H. Olsen
Chief Financial Officer
Town of Westfield
County of Union, New Jersey

Section 3. The Town Clerk is hereby authorized and directed to publish (A) the Summary Notice of Sale in THE BOND BUYER, which is a publication carrying municipal bond notices and devoted primarily to the subject of State and municipal bonds, and is published in New York City, and (B) the Full Notice of Sale in The Westfield Leader, a newspaper of general circulation published in the County of Union and circulating in the Town. Said Summary Notice of Sale and Full Notice of Sale shall be published in each publication not later than one week before the date of the sale of said Bonds.

Section 4. The preparation of and distribution to potential bidders for the Bonds of a Preliminary Official Statement to be dated on or about July 11, 2022 is hereby approved. Such Preliminary Official Statement is hereby deemed to be a "final official statement", as of its date, within the meaning of Rule 15c2-12 of the Securities and Exchange Commission ("Rule 15c2-12").

Section 5. The preparation of an Official Statement in connection with the sale of the Bonds to be dated on or about July 20, 2022 is hereby approved. Such Official Statement is hereby deemed to be a "final official statement", as of its date, within the meaning of Rule 15c2-12.

Section 6. The execution of the Official Statement by the Chief Financial Officer and the Town Clerk on behalf of the Town, the distribution of same to the successful bidder and the successful bidder's subsequent distribution of the Official Statement to purchasers or prospective purchasers of the Bonds are hereby authorized.

Section 7. The Town hereby agrees to undertake for the benefit of the Bondholders and the beneficial owners of the Bonds to provide certain secondary market disclosure information pursuant to Rule 15c2-12 to the Municipal Securities Rulemaking Board (the "MSRB") in an electronic format, as prescribed by the MSRB. Specifically, the Town will do the following for the benefit of the holders of the Bonds and the beneficial owners thereof:

(A) Not later than seven months after the end of the Town's fiscal year (presently December 31), commencing with the report for the fiscal year ending December 31, 2022, provide or cause to be provided annual financial information with respect to the Town consisting of (i) audited financial statements (or unaudited financial statements if audited financial statements are not then available by the date of filing, which audited financial statements will be delivered when and if available) of the Town and (ii) certain financial information and operating data consisting of information concerning the Town's debt,

overlapping indebtedness, tax rate, levy and collection data, property valuation, budget and fund balance of the type contained in Appendix A of the Official Statement. The audited financial statements will be prepared in accordance with mandated State statutory accounting principles, as in effect from time to time. Audited financial statements if not available by the filing date will be submitted separately when available.

(B) Provide or cause to be provided in a timely manner not in excess of ten business days after the occurrence of the event, notice of the occurrence of any of the following events with respect to the Bonds or financial obligations of the Town:

- (1) Principal or interest payment delinquencies;
- (2) Non-payment related default, if material;
- (3) Unscheduled draws on debt service reserves reflecting financial difficulties;
- (4) Unscheduled draws on credit enhancements reflecting financial difficulties;
- (5) Substitution of credit or liquidity providers, or their failure to perform;
- (6) Adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax status of the Bonds, or other material events affecting the tax status of the Bonds;

- (7) Modifications to the rights of Bondholders, if material;
- (8) Bond calls, if material, and tender offers;
- (9) Defeasances;
- (10) Release, substitution or sale of property which secures the repayment of the Bonds, if material;
- (11) Rating changes;
- (12) Bankruptcy, insolvency, receivership or similar event of the Town (the event is considered to occur when any of the following occur: the appointment of a receiver, fiscal agent or similar officer for the Town in a proceeding under the U.S. Bankruptcy Code or in any other proceeding under state or federal law in which a court or governmental authority has assumed jurisdiction over substantially all of the assets or business of the Town, or if such jurisdiction has been assumed by leaving the existing governing body and officials or officers in possession but subject to the supervision and orders of a court or governmental authority, or the entry of an order confirming a plan of reorganization, arrangement or liquidation by a court or governmental authority having supervision or jurisdiction over substantially all of the assets or business of the Town);
- (13) The consummation of a merger, consolidation, or acquisition involving the Town or the sale of all or substantially all of the assets of the Town, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material;
- (14) Appointment of a successor or additional trustee or the change of name of a trustee, if material;

- (15) Incurrence of a financial obligation of the Town, if material, or agreement to covenants, events of default, remedies, priority rights, or other similar terms of a financial obligation of the Town, any of which affect Bondholders, if material; and
- (16) Default, event of acceleration, termination event, modification of terms, or other similar events under the terms of a financial obligation of the Town, any of which reflect financial difficulties.

The Town intends the words used in paragraphs (15) and (16) and the definition of "financial obligation" to have the meanings ascribed to them in SEC Release No. 34-83885 (August 20, 2018).

(C) Provide or cause to be provided, in a timely manner, notice of a failure of the Town to provide required annual financial information on or before the date specified above.

Section 8. All documents provided to the MSRB shall be accompanied by identifying information as prescribed by the MSRB.

Section 9. If the Town fails to comply with the undertaking described above, any Bondholder or beneficial owner of the Bonds may pursue an action for specific performance to enforce the rights of all Bondholders and beneficial owners with respect to such undertaking; provided, however, that failure to comply with such undertaking shall not be an event of default and shall not result in any acceleration of payment of the Bonds

or any liability by the Town for monetary damages. All actions shall be instituted, had and maintained in the manner provided in this paragraph for the benefit of all Bondholders and beneficial owners of the Bonds.

Section 10. The Town reserves the right to terminate its obligation to provide annual financial information and notice of material events, as set forth above, if and when the Town no longer remains an "obligated person" with respect to the Bonds within the meaning of Rule 15c2-12.

Section 11. The undertaking may be amended by the Town from time to time, without the consent of the Bondholders or the beneficial owners of the Bonds, in order to make modifications required in connection with a change in legal requirements or change in law, or change in the identity, nature, type of operation, or status of the Town, which in the opinion of nationally recognized bond counsel complies with Rule 15c2-12 and does not, in such bond counsel's opinion, materially impair the interest of the Bondholders and the beneficial owners of the Bonds.

Section 12. The Town hereby covenants, to the extent permitted by the Constitution and the laws of the State of New Jersey, to do and perform all acts and things permitted by law and necessary to assure that interest paid on the Bonds be and remain excluded from gross income of the owners thereof for

Federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code").

Section 13. The Town hereby designates the Bonds as "qualified tax-exempt obligations" for the purpose of Section 265(b)(3) of the Code. It is hereby determined and stated that (1) the Bonds are not "private activity bonds" as defined in the Code and (2) the Town and its subordinate entities, if any, do not reasonably anticipate issuing in excess of \$10 million of new money tax-exempt obligations (other than private activity bonds) during the calendar year 2022. The Town will, to the best of its ability, attempt to comply with respect to the limitations on issuance of tax-exempt obligations pursuant to Section 265(b)(3) of the Code; however, the Town does not covenant to do so, and expressly states that a covenant is not made hereby.

Section 14. The Mayor, the Chief Financial Officer and the Town Clerk are hereby authorized and directed to execute and deliver such other documents and to take such other action as they determine to be necessary or appropriate in order to effectuate the issuance and sale of the Bonds including, without limitation, the execution and delivery of all closing documents and certificates.

Section 15. The Chief Financial Officer, the Town Clerk, the Bond Counsel, the Auditor, the Municipal Advisor and

other Town officials and representatives are hereby authorized to take all necessary actions to allow for (A) the submission of electronic bids for the bonds, (B) the electronic posting of the Preliminary Official Statement, the full Notice of Sale and the bid form and (C) the submission by bidders of a wire transfer in lieu of a good faith check.

Section 16. This resolution shall take effect immediately upon its adoption.

| | | |
|----------------|------------|-----------------|
| Yeas: Parmelee | Nays: None | Absent: Habgood |
| Mackey | | LoGrippto |
| Dardia | | Katz |
| Root | | Contract |
| Mayor Brindle | | |

Public Safety, Transportation and Parking Committee

Code Review & Town Property Committee

The following resolutions, introduced by Councilman Parmelee and seconded by Councilwoman Mackey, were unanimously adopted.

Resolution No. 169

BE IT RESOLVED that application for the following liquor license renewals for the 2021-2022 licensing term be and hereby are granted, subject to full compliance with Alcoholic Beverage Law R.S. 33:1.1 et. seq.:

PLENARY RETAIL DISTRIBUTION LICENSE

Trader Joe's East, Inc. 155 Elm Street
t/a. Trader Joe's
2020-44-008-007

Elicia Corporation 127 Central Avenue
t/a Nos Vinos
2020-44-010-010

Sunrise Shoprite Liquors, Inc. 333 South Avenue East
t/a/ ShopRite Liquors of Westfield
2020-44-011-007

Thakorji Corp. 1120 South Avenue West
t/a Peterson's Wines Unlimited
2020-44-012-004

Parikhs Corporation 781 Central Avenue
t/a Central Avenue Wines & Liquors
2020-44-018-010

AASHIV Inc. 115 Quimby Street
t/a House of Wine & Liquor
2020-44-013-009

Riddhi Ganesh Siddhi LLC Inactive
t/a Bianchi Wine & Liquors
2020-44-017-012

PLENARY RETAIL CONSUMPTION LICENSE

Echo Lake Country Club
2020-33-027-002

515 Springfield Avenue

Prospect Associates, LLC
t/a 16 Prospect Wine Bar and Bistro
2020-33-015-010

16 Prospect Street

BB Westfield LLC
t/a Bareburger
2020-33-009-010

126 Central Avenue

HBC US Propco Holdings, LLC
2020-33-001-009

inactive

RESTAURANT CONDITIONAL LICENSES

Ferraro's Restaurant Group, LLC
t/a Ferraro's
2020-33-025-009

8-14 Elm Street

341 Westfield Corp.
t/a Fujiyama Mama
2020-33-004-015

341 South Avenue E.

UT Westfield LLC
t/a Addams Tavern
2020-33-028-005

115 Elm Street

DU International, LLC
t/a Akai Lounge
2020-33-005-007

102 East Broad Street

Sweet Waters, Inc.
t/a Sweet Waters Steak House
2020-33-022-005

43 Elm Street

HOTEL CONDITIONAL LICENSE

Chez Catherine Inc.
t/a Chez Catherine
2020-33-024-007

431 North Avenue West

CLUB LICENSE

Italian American Club
2020-31-021-001

505 Central Avenue

Centennial Lodge #400 IBPOE
2020-31-020-001

444 West Broad Street

American Legion Incorporated
Martin Wallberg Post 3
2020-31-019-002

1003 North Avenue West

Resolution No. 170

WHEREAS, certain Federal funds are potentially available to the County of Union under Title I of the Housing and Community Development Block Grant Act of 1974, as amended, commonly known as the Community Development Block Grant Program; and

WHEREAS, certain Federal funds are potentially available to the County of Union under Title II of the National Affordable Housing Act of 1990, commonly known as the HOME Investment Partnership program; and

WHEREAS, substantial Federal funds provided through subtitle B of Title IV of the McKinney-Vento Homeless Assistance Act commonly known as the Emergency Solutions Grants program

(ESG) are allocated to prevent homelessness and to enable homeless individuals and families to move toward independent living; and

WHEREAS, it is necessary to amend an existing Cooperative Agreement for the County of Union and its people to benefit from this program; and

WHEREAS, it is in the best interest of the Municipality of Town of Westfield and the County of Union in cooperation with each other to enter into a modification of the existing Cooperative Agreement pursuant to N.J.S.A. 40A:65-1 et seq;

NOW THEREFORE, BE IT RESOLVED by the Mayor and Governing Body of the Municipality of Town of Westfield that the agreement entitled "COOPERATIVE AGREEMENT BETWEEN THE COUNTY OF UNION AND CERTAIN MUNICIPALITIES FOR CONDUCTING CERTAIN COMMUNITY DEVELOPMENT ACTIVITIES," dated June 2014, as amended July 9, 2019 for the Purpose of Inserting a Description of Activities for Fiscal Year 2022-2023 of the Union County Community Development Block Grant program, the HOME Investment Partnership program, and the Emergency Shelter Grant program (ESG), a copy of which is attached hereto; be executed by the Mayor and Municipal Clerk in accordance with the provisions of law;

BE IT FURTHER RESOLVED that this resolution shall take effect immediately upon its adoption.

PUBLIC WORKS COMMITTEE

The following resolutions, introduced by Councilwoman Mackey and seconded by Councilwoman Root, were unanimously adopted.

Resolution No. 171

WHEREAS, sealed bids were received by the Town Clerk on June 21, 2022 for the 2022 Various Road Improvements project in Westfield, New Jersey as authorized by Special Ordinance (S.O.) 2022-01, and

WHEREAS, the low bid, in the amount of \$1,484,939.00, submitted by Riverview Paving, Inc., 895 Willow Grove Road Street, Hackettstown, NJ 07840 has been analyzed and found to be in conformance with the appropriate plans and specifications, and

WHEREAS, Certificate of the Town Treasurer, certifying the availability of adequate funds for this Contract, prepared in accordance with N.J.A.C. 5:30 1.10 has been furnished to the Town Clerk. Expenditure of funds pursuant to this Contract to be charged to S.O. 2022-01, account number C-07-22-001-1A1, under Purchase Order # 22-02143.

NOW THEREFORE BE IT RESOLVED, that a Unit Price Contract in the amount of \$1,484,939.00 be awarded to Riverview Paving, Inc., and

BE IT FURTHER RESOLVED, that the proper Town Officials be, and they are hereby, authorized to take whatever actions are appropriate in the execution of discharge of this Contract, and

BE IT FURTHER RESOLVED, that the Town Clerk shall notify the Contractor by letter requesting submittal of appropriate Performance Bond and Certificate of Insurance, so as to further execute the Contract documents.

COMMITTEE REPORTS

ADJOURNMENT

A motion to adjourn, made by Councilwoman Mackey and seconded by Councilwoman Root at 8:41 p.m. was unanimously carried.

Respectfully submitted,

Maureen Lawshe, RMC
Town Clerk

