

**RESOLUTION #2022-228**

**WHEREAS**, all bills submitted to the Borough of Sayreville covering services, work, labor and material furnished the Borough of Sayreville have been duly audited by the appropriate committee;

**NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED** that all bills properly verified according to law and properly audited by the appropriate committees be and the same are hereby ordered to be paid by the appropriate Borough officials.

\_\_\_\_\_  
Victoria Kilpatrick, Mayor

\_\_\_\_\_  
Vincent Conti, Councilman

\_\_\_\_\_  
Mary J. Novak, Councilwoman

\_\_\_\_\_  
Eunice Dwumfour, Councilwoman

\_\_\_\_\_  
Christian Onuoha, Councilman

\_\_\_\_\_  
Michele Maher, Councilwoman

\_\_\_\_\_  
Donna Roberts, Councilwoman

Reviewed by the Borough Attorney and is approved as to form and the Resolution satisfies all of the legal requirements for the Mayor's signature.

\_\_\_\_\_  
Michael R. DuPont, Borough Attorney

	Conti	Dwumfour	Maher	Novak	Onuoha	Roberts
Ayes						
Nays						
Abstain						
Absent						

**RESOLUTION #2022-229**

**WHEREAS**, an application has been filed for a Place-To-Place Transfer of Plenary Retail Consumption License Number 1219-33-052-008, issued to Jahanvi Mehta from pocket status to the located at 999 Route 9, Sayreville, PO Parlin, NJ 08859; and

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

**WHEREAS**, the applicant has duly advertised in the Home News Tribune on July 13, 2022 and July 20, 2022, as required by law, and has produced proof of publication as to such advertising; and

**WHEREAS**, no objections or protests have been received with regard to said transfer; and

**WHEREAS**, all other necessary requirements have been fulfilled; and

**NOW, THEREFORE BE IT RESOLVED** that the Licensing Authority has reviewed the applicants request for waiver of Ordinance #6-5.8 in order to locate within 2,000 feet of any other Plenary Retail Licensed Premise and the waiver is hereby approved.

**BE IT FURTHER RESOLVED** that the following Conditions remain part of the said license:

- a) The License is renewed subject to the following conditions, which are part of the Licensee's requirement as outlined in the Stipulation of Settlement agreement dated August 15, 2006 (to Flamingo Liquor, LLC) and remains part of said license that licensee agrees to operate the licensed premises as a Mexican Restaurant or other type of restaurant where the service of food is the primary use of the licensed premises.

**BE IT FURTHER RESOLVED** that the Governing Body of the Borough of Sayreville does hereby approve, effective September 13, 2022, the Place to Place transfer of the aforesaid Plenary Retail Consumption license premises, from its **pocket status** to its **new location at 999 Route 9, Sayreville**, P.O. Parlin, NJ 08859 and does hereby direct the Borough Clerk of the Borough of Sayreville to endorse the license certificate as required by law.

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Mary J. Novak, Councilwoman  
(Admin. & Finance Committee)

Reviewed by the Borough Attorney and is approved as to form and the Resolution satisfies all of the legal requirements for the Mayor's signature.

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Michael R. DuPont, Borough Attorney

**ATTEST:**

**BOROUGH OF SAYREVILLE**

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Jessica Morelos, RMC  
Municipal Clerk

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Victoria Kilpatrick  
Mayor

	<b>Conti</b>	<b>Dwumfour</b>	<b>Maher</b>	<b>Novak</b>	<b>Onuoha</b>	<b>Roberts</b>
<b>Ayes</b>						
<b>Nays</b>						
<b>Abstain</b>						
<b>Absent</b>						

**RESOLUTION #2022-230**

**WHEREAS**, property known as Lot(s) **24-26**, in Borough Block **525.03**, more commonly known as **326 Stevens Ave**, in **South Amboy, NJ** is owned by **Gina Sandwith**;

**AND, WHEREAS, Gina Sandwith**, who had qualified as a one hundred percent **Disabled Veteran** under the provision of the N.J.S.A 54; 4-3.30, causing her property to be exempt from taxation at the local level beginning with the fourth quarter of Calendar Year **2021** as verified by the Tax Assessor;

**AND, WHEREAS**, the Tax Bills for the four quarters of Calendar Year **2021 & 2022** were generated from the **2020 & 2021** Assessor's Tax Lists, as required under regulations promulgated by the New Jersey Division of Local Government Services in The Department of Community Affairs pursuant to N.J.S.A. 54:4-64, thus presenting this property owner with a tax bill for the calendar year **2021 & 2022**, while the property is correctly classified as being Tax Exempt commencing with fourth quarter of **2021**;

**NOW, THEREFORE, BE IT RESOLVED**, that the Tax Collector be, and he hereby is, authorized and directed to cancel **2021 & 2022** taxes billed in the amount of **\$11,463.64**, all subsequently billed taxes, and refund the amount paid for **2021 & 2022**, in the amount of **\$9,255.64** on the property known and designated as Lot(s) **24-26** in Borough Block **525.03**.

\_\_\_\_\_  
Mary J. Novak, Councilwoman  
(Admin. & Finance Committee)

Reviewed by the Borough Attorney and is approved as to form and the Resolution satisfies all of the legal requirements for the Mayor's signature.

\_\_\_\_\_  
Michael R. DuPont, Borough Attorney

**ATTEST:**

**BOROUGH OF SAYREVILLE**

\_\_\_\_\_  
Jessica Morelos, RMC  
Municipal Clerk

\_\_\_\_\_  
Victoria Kilpatrick  
Mayor

	Conti	Dwumfour	Maher	Novak	Onuoha	Roberts
Ayes						
Nays						
Abstain						
Absent						

**RESOLUTION #2022-231**

**A RESOLUTION OF THE MAYOR AND COUNCIL OF  
THE BOROUGH OF SAYREVILLE, COUNTY OF MIDDLESEX,  
STATE OF NEW JERSEY REAPPOINTING COMMUNITY GRANTS,  
PLANNING & HOUSING AS THE DESIGNATED ADMINISTRATIVE AGENT**

**WHEREAS**, under the authorization of the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301, et. seq., the Borough of Sayreville has implemented a program to provide affordable housing units to low-income and moderate-income households within the Borough; and

**WHEREAS**, the Borough has prepared an amendment to its Affordable Housing Ordinance in conformance with the requirements of N.J.A.C. 5:93-1, et. seq., as amended and supplemented, N.J.A.C. 5:80-26.1, et seq., as amended and supplemented, and the New Jersey Fair Housing Act of 1985; and

**WHEREAS**, the amended Affordable Housing Ordinance sets forth the duties of the administrative agent pursuant to N.J.A.C. 5:80-26.14 et seq. that requires the affordability controls of affordable housing units be administered by an administrative agent acting on behalf of a municipality; and

**WHEREAS**, the Borough of Sayreville under Resolution 2018-80 had selected Community Grants, Planning & Housing Corp. to be the Administrative Agent for purposes of providing affordability control services for all affordable housing within the Borough.

**NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED** by the Mayor and Council of the Borough of Sayreville, County of Middlesex, State of New Jersey, that the Borough of Sayreville reappoints Community Grants, Planning & Housing Corp. as its Designated Agent from January 1, 2022 through December 31, 2023.

\_\_\_\_\_  
Mary J. Novak, Councilwoman  
(Admin. & Finance Committee)

Reviewed by the Borough Attorney and is approved as to form and the Resolution satisfies all of the legal requirements for the Mayor's signature.

\_\_\_\_\_  
Michael R. DuPont, Borough Attorney

**ATTEST:**

**BOROUGH OF SAYREVILLE**

\_\_\_\_\_  
Jessica Morelos, RMC  
Municipal Clerk

\_\_\_\_\_  
Victoria Kilpatrick  
Mayor

	<b>Conti</b>	<b>Dwumfour</b>	<b>Maher</b>	<b>Novak</b>	<b>Onuoha</b>	<b>Roberts</b>
<b>Ayes</b>						
<b>Nays</b>						
<b>Abstain</b>						
<b>Absent</b>						

**RESOLUTION #2022-232**

**BE IT RESOLVED** that the following person is hereby reappointed to the following title and department as per NJ Civil Service Commission Procedures:

NAME OF APPOINTEE: Sean P. Nolan  
POSITION: Tax Collector  
DEPARTMENT: Collection of Taxes  
EFFECTIVE: March 1, 2022

BE IT FURTHER RESOLVED that the compensation to be paid such appointee shall be fixed and determined by the Salary Ordinance or appropriate resolution adopted thereunder fixing the compensation to be paid municipal employees and that this appointment be made subject to all the rules and regulations of the New Jersey Civil Service Commission.

\_\_\_\_\_  
Mary J. Novak, Councilwoman  
(Admin. & Finance Committee)

Reviewed by the Borough Attorney and is approved as to form and the Resolution satisfies all of the legal requirements for the Mayor's signature.

\_\_\_\_\_  
Michael R. DuPont, Borough Attorney

**ATTEST:**

**BOROUGH OF SAYREVILLE**

\_\_\_\_\_  
Jessica Morelos, RMC  
Municipal Clerk

\_\_\_\_\_  
Victoria Kilpatrick  
Mayor

	Conti	Dwumfour	Maher	Novak	Onuoha	Roberts
Ayes						
Nays						
Abstain						
Absent						

**RESOLUTION #2022-233**

**WHEREAS**, the Qualified Purchasing Agent has recommended that certain increases and decreases be included in the following described project as will more fully appear by Change Order No. 1:

- Project: Purchase of Body Worn Cameras
- Contractor: Axon Enterprise, Inc.  
17800 N. 85<sup>th</sup> Street  
Scottsdale, AZ 85255
- Net Increase: \$227,657.90
- Reason: Adjustment of original contract to reflect actual quantities installed and work performed.

**NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED:**

1. That the recommendation and approval of said Qualified Purchasing Agent referred to above and in said Change Order be and the same is hereby accepted and approved:

2. That the Governing Body determines that said charges are proper and essential and that same be paid upon the submission of properly approved borough voucher.

\_\_\_\_\_  
Eunice Dwumfour, Councilwoman  
(Public Safety Committee)

Reviewed by the Borough Attorney and is approved as to form and the Resolution satisfies all of the legal requirements for the Mayor's signature.

\_\_\_\_\_  
Michael R. DuPont, Borough Attorney

**ATTEST:**

**BOROUGH OF SAYREVILLE**

\_\_\_\_\_  
Jessica Morelos, RMC  
Municipal Clerk

\_\_\_\_\_  
Victoria Kilpatrick  
Mayor



	<b>Conti</b>	<b>Dwumfour</b>	<b>Maher</b>	<b>Novak</b>	<b>Onuoha</b>	<b>Roberts</b>
<b>Ayes</b>						
<b>Nays</b>						
<b>Abstain</b>						
<b>Absent</b>						

**RESOLUTION #2022-234**

**WHEREAS**, the following vehicle has been taken out of service as it is no longer needed and in very poor condition;

**NOW THEREFORE, BE IT AND IT IS HEREBY RESOLVED** that the vehicle listed below is no longer needed for public use and are hereby authorized to be scrapped:

2005 Dodge Durango – VIN #1D4HB48D45F5060

\_\_\_\_\_  
Vincent Conti, Councilman  
(Public Works Committee)

Reviewed by the Borough Attorney and is approved as to form and the Resolution satisfies all of the legal requirements for the Mayor’s signature.

\_\_\_\_\_  
Michael R. DuPont, Borough Attorney

**ATTEST:**

**BOROUGH OF SAYREVILLE**

\_\_\_\_\_  
Jessica Morelos, RMC  
Municipal Clerk

\_\_\_\_\_  
Victoria Kilpatrick  
Mayor

	Conti	Dwumfour	Maher	Novak	Onuoha	Roberts
<b>Ayes</b>						
<b>Nays</b>						
<b>Abstain</b>						
<b>Absent</b>						

**RESOLUTION #2022-235**

**BE IT AND IT IS HEREBY RESOLVED**, that the Qualified Purchasing Agent is hereby authorized and directed to advertise for the receipt of bids for the Melrose Firehouse Concrete Apron Upgrades.

\_\_\_\_\_  
Vincent Conti, Councilman  
(Public Works Committee)

Reviewed by the Borough Attorney and is approved as to form and the Resolution satisfies all of the legal requirements for the Mayor's signature.

\_\_\_\_\_  
Michael R. DuPont, Borough Attorney

**ATTEST:**

**BOROUGH OF SAYREVILLE**

\_\_\_\_\_  
Jessica Morelos, RMC  
Municipal Clerk

\_\_\_\_\_  
Victoria Kilpatrick  
Mayor

	Conti	Dwumfour	Maher	Novak	Onuoha	Roberts
Ayes						
Nays						
Abstain						
Absent						

**RESOLUTION #2022-236**

**A RESOLUTION OF THE BOROUGH OF SAYREVILLE IN THE  
COUNTY OF MIDDLESEX, STATE OF NEW JERSEY, AUTHORIZING  
THE PURCHASE OF ONE (1) PIERCE VELOCITY FIRE TRUCK**

**WHEREAS**, the Governing Body of the Borough of Sayreville is in need of a Pierce Velocity Fire Truck;

**WHEREAS**, the Governing Body of the Borough of Sayreville have determined that the Borough of Sayreville should purchase a new Pierce Velocity Fire Truck; and

**WHEREAS**, the Borough of Sayreville is a member of the Houston-Galveston Area Council (HGACBuy) and through the HGAC Buying co-op contract FS12-19 is able to purchase one (1) Pierce Velocity Fire Truck; and

**THEREFORE, BE IT AND IT IS HEREBY RESOLVED** that the proper Borough Officials are authorized and directed to purchase one (1) Pierce Velocity Fire Truck in the amount of \$1,863,975.94 for its Fire Department.

\_\_\_\_\_  
Eunice Dwumfour, Councilwoman  
(Public Safety Committee)

Reviewed by the Borough Attorney and is approved as to form and the Resolution satisfies all of the legal requirements for the Mayor's signature.

\_\_\_\_\_  
Michael R. DuPont, Borough Attorney

**ATTEST:**

**BOROUGH OF SAYREVILLE**

\_\_\_\_\_  
Jessica Morelos, RMC  
Municipal Clerk

\_\_\_\_\_  
Victoria Kilpatrick  
Mayor

	Conti	Dwumfour	Maher	Novak	Onuoha	Roberts
Ayes						
Nays						
Abstain						
Absent						

**RESOLUTION #2022-237**

**BE IT AND IT IS HEREBY RESOLVED** that the proper Borough Officials are hereby memorializing an emergency purchase of 95 Gallon Automated Garbage Cans from IPL North America, Inc. through HGAC Contract RC01-21 in an amount not to exceed \$46,258.05.

\_\_\_\_\_  
Vincent Conti, Councilman  
(Public Works Committee)

Reviewed by the Borough Attorney and is approved as to form and the Resolution satisfies all of the legal requirements for the Mayor's signature.

\_\_\_\_\_  
Michael R. DuPont, Borough Attorney

**ATTEST:**

**BOROUGH OF SAYREVILLE**

\_\_\_\_\_  
Jessica Morelos, RMC  
Municipal Clerk

\_\_\_\_\_  
Victoria Kilpatrick  
Mayor

	Conti	Dwumfour	Maher	Novak	Onuoha	Roberts
<b>Ayes</b>						
<b>Nays</b>						
<b>Abstain</b>						
<b>Absent</b>						

**RESOLUTION #2022-238**

**WHEREAS**, the Borough of Sayreville feels the need to amend certain fees associated with the recreational sports programs;

**BE IT AND IT IS HEREBY RESOLVED** that effective immediately the following rates for umpires and referees shall be as follows:

Single Senior Official	\$80.00 per game
Senior Official	\$55.00 per game
Intermediate Official	\$40.00 per game
Junior Official	\$30.00 per game

\_\_\_\_\_  
Michele Maher, Councilwoman  
(Recreation Committee)

Reviewed by the Borough Attorney and is approved as to form and the Resolution satisfies all of the legal requirements for the Mayor's signature.

\_\_\_\_\_  
Michael R. DuPont, Borough Attorney

**ATTEST:**

**BOROUGH OF SAYREVILLE**

\_\_\_\_\_  
Jessica Morelos, RMC  
Municipal Clerk

\_\_\_\_\_  
Victoria Kilpatrick  
Mayor

	Conti	Dwumfour	Maher	Novak	Onuoha	Roberts
<b>Ayes</b>						
<b>Nays</b>						
<b>Abstain</b>						
<b>Absent</b>						

## **RESOLUTION #2022-239**

### Corrective Action Plan for the 2021 Audit

**WHEREAS**, Local Finance Notice 97-16 requires the Chief Financial Officer, with assistance from other officials affected by the audit recommendations, to prepare and submit a Corrective Action Plan for approval by the governing body within 60 days from the date the audit is received by the governing body; and the 2021 audit was received June 30, 2022

**BE IT RESOLVED**, by the Borough Council of the Borough of Sayreville, County of Middlesex and State of New Jersey, that the following Corrective Action Plan, dated August 15, 2022 be approved, placed on file in the Clerk's Office, and submitted by the Clerk to the Division of Local Government Services, Copies of the Resolution will be forwarded to the Borough Auditor and Chief Financial Officer for their records.

As required by Local Finance Notice 97-15,  
Respectfully submitted by Denise Biancamano, Chief Financial Officer

#### 2021-001 Recreation Cash Receipts

Description: During our testing of cash receipts for the Recreation department, we noted that cash receipts were deposited approximately month after they were received, which is not considered timely (i.e., within 48 hours).

Corrective Action: The Borough has implemented a procedure where the Recreation department remits daily receipts to the Finance Office at the end of each day or the following morning to ensure that receipts are deposited timely.

Implementation: Immediately

#### 2021-002 Municipal Court Cash Receipts

Description: During our testing of municipal court receipts, we noted that cash receipts were deposited approximately one week after they were received, which is not considered timely (i.e., within 48 hours).

Corrective Action: The Municipal Court has implemented a procedure where receipts are deposited at the end of each day or the following morning to ensure that receipts are deposited timely.

Implementation: Immediately

#### 2021-003 Municipal Court Cash Disbursements

Description: During our testing we noted that the prior month's receipts (i.e., November 2021) were not remitted to the proper agencies by the 15<sup>th</sup> of the following month (i.e., December 2021) and were instead remitted in early January 2022.

Corrective Action: The Municipal Court has implemented procedures to ensure that all remittances are made by the required deadline.

Implementation: Immediately

2021-004 Municipal Court Bank Reconciliations

Description: During our testing, we noted that the bank reconciliations for several months has numerous outstanding checks that were over a year old still outstanding.

Corrective Action: The Municipal Court will review outstanding or reconciling items that are in excess of six months to determine whether they should be voided and reissued or written off.

Implementation: Immediately

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Mary J. Novak, Councilwoman  
(Admin. & Finance Committee)

Reviewed by the Borough Attorney and is approved as to form and the Resolution satisfies all of the legal requirements for the Mayor's signature.

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Michael R. DuPont, Borough Attorney

**ATTEST:**

**BOROUGH OF SAYREVILLE**

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Jessica Morelos, RMC  
Municipal Clerk

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Victoria Kilpatrick  
Mayor

	Conti	Dwumfour	Maher	Novak	Onuoha	Roberts
<b>Ayes</b>						
<b>Nays</b>						
<b>Abstain</b>						
<b>Absent</b>						



**RESOLUTION #2022-240**

**WHEREAS**, N.J.S.A. 40A:4-87 provides that the director of the Division of Local Finance may approve the insertion of any special item of revenue in the budget of any county or municipality when such items shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

**WHEREAS**, said Director may also approve the insertion of an item of appropriation of equal amount:

**SECTION 1.**

**NOW THEREFORE, BE IT RESOLVED** that the Mayor and Council of the Borough of Sayreville hereby requests the Director of the Division of Local Finance to approve the insertion of the following items of revenue in the budget of the year 2022 in the sums contained in **Section 2** which items are now available as a revenue from the following sources:

**SECTION 2.**

- Coronavirus State & Fiscal Recovery Grant \$2,973,956.50

**SECTION 3.**

**BE IT FURTHER RESOLVED** that this resolution shall take effect immediately.

\_\_\_\_\_  
Mary J. Novak, Councilwoman  
(Admin. & Finance Committee)

Reviewed by the Borough Attorney and is approved as to form and the Resolution satisfies all of the legal requirements for the Mayor's signature.

\_\_\_\_\_  
Michael R. DuPont, Borough Attorney

**ATTEST:**

**BOROUGH OF SAYREVILLE**

\_\_\_\_\_  
Jessica Morelos, RMC  
Municipal Clerk

\_\_\_\_\_  
Victoria Kilpatrick  
Mayor

	Conti	Dwumfour	Maher	Novak	Onuoha	Roberts
Ayes						
Nays						
Abstain						
Absent						

**RESOLUTION #2022-241**

**BE IT AND IT IS HEREBY RESOLVED** that the Borough Engineer is hereby authorized and directed to prepare plans and specifications for the 2022 Roadway Paving and Reconstruction Project at a fee not to exceed \$315,000.00 and upon approval of said plans and specifications the Borough Clerk is also authorized to advertise for the receipt of bids.

\_\_\_\_\_  
Vincent Conti, Councilman  
(Public Works Committee)

Reviewed by the Borough Attorney and is approved as to form and the Resolution satisfies all of the legal requirements for the Mayor's signature.

\_\_\_\_\_  
Michael R. DuPont, Borough Attorney

**ATTEST:**

**BOROUGH OF SAYREVILLE**

\_\_\_\_\_  
Jessica Morelos, RMC  
Municipal Clerk

\_\_\_\_\_  
Victoria Kilpatrick  
Mayor

	Conti	Dwumfour	Maher	Novak	Onuoha	Roberts
<b>Ayes</b>						
<b>Nays</b>						
<b>Abstain</b>						
<b>Absent</b>						

**RESOLUTION #2022-242**

**WHEREAS**, Middlesex County Department of Transportation has contracted with Najarian Associates, Inc. to provide engineering services to Middlesex County Office of Engineering regarding the Main Street (CR 670) Trolley Line Removal from Bright Street to Brookside Avenue; and

**WHEREAS**, in order for the project to be completed Najarian Associates, Inc. has proposed certain alternating traffic and detour plans called the Traffic Control Plans; and

**WHEREAS**, the Traffic Control Plans have been reviewed and approved by Sgt. Braile of the Sayreville Police Department; and

**BE IT FURTHER RESOLVED** that the Governing Body of the Borough of Sayreville accepts the Plans and Specifications as prepared by Najarian Associates, Inc. and the Borough Clerk shall forward a certified copy of this Resolution to the Middlesex County Office of Engineering.

\_\_\_\_\_  
Eunice Dwumfour, Councilwoman  
(Public Safety Committee)

Reviewed by the Borough Attorney and is approved as to form and the Resolution satisfies all of the legal requirements for the Mayor's signature.

\_\_\_\_\_  
Michael R. DuPont, Borough Attorney

**ATTEST:**

**BOROUGH OF SAYREVILLE**

\_\_\_\_\_  
Jessica Morelos, RMC  
Municipal Clerk

\_\_\_\_\_  
Victoria Kilpatrick  
Mayor

	Conti	Dwumfour	Maher	Novak	Onuoha	Roberts
<b>Ayes</b>						
<b>Nays</b>						
<b>Abstain</b>						
<b>Absent</b>						

**RESOLUTION #2022-243**

**A RESOLUTION OF THE BOROUGH OF SAYREVILLE IN THE COUNTY  
OF MIDDLESEX, STATE OF NEW JERSEY, OPPOSING THE  
CONSTRUCTION OF CPV KEASBEY POWER PLANT  
IN WOODBRIDGE, NEW JERSEY**

**WHEREAS**, Competitive Power Ventures has proposed to build a gas-fired power plant (“CPV Keasbey”) in the Keasbey section of Woodbridge, New Jersey, in a densely populated region within the most densely populated state; and

**WHEREAS**, Central New Jersey already suffers high levels of air pollution from fossil-fuel power plants, which are among the largest sources of such pollution in New Jersey; and

**WHEREAS**, CPV Keasbey’s application states that its proposal is for the facility to potentially emit 2,374,633 tons of GHG (greenhouse gases) annually and these emissions would be in direct opposition to the goals of the NJ Clean Energy Act, EO 28, EO 100, the 2019 Energy Master Plan and New Jersey’s Environmental Justice policies; and

**WHEREAS**, if approved and built, the power plant would combine with the neighboring CPV plant to form a massive facility that would be one of the state’s worst climate polluters, and CPV is seeking permits to potentially emit approximately 4.6 million tons of GHG from the site; and

**WHEREAS**, CPV Keasbey’s application also proposes for the facility to potentially emit nearly 50 tons of volatile organic compounds, nearly 40 tons of sulfur dioxide, more than 123 tons of particulate matter, more than 25 tons of sulfuric acid, more than 110 tons of carbon monoxide, more than 125 tons of ammonia, and large quantities of other harmful pollutants into the air; and

**WHEREAS**, Sayreville would be among the most adversely affected by this project; and

**WHEREAS**, the Borough of Sayreville is, and each of Sayreville’s public schools are, located within five miles of the proposed gas power plant; and

**WHEREAS**, according to *International Journal of Environmental Research and Public Health*, gas infrastructure facilities can annually emit hundreds of tons of pollutants including particulate matter, toxic chemicals such as sulfur dioxide, mercury, and known carcinogens such as benzene and formaldehyde, and are known to increase the severity of asthma and other respiratory diseases; and

**WHEREAS**, the American Lung Association *State of the Air 2021* report give Middlesex County the grade of “F” for ground-level ozone air pollution and are out of compliance with EPA limits on ozone, but this proposed plant will be allowed to increase the concentration of ozone precursors (volatile organic compounds and nitrogen oxides) resulting in increased ground-level ozone in this region through the purchase of “ozone credits;” and

**WHEREAS**, the American Lung Association *State of the Air 2021* report shows Central New Jersey already has significant populations with pediatric and adult asthma, chronic obstructive pulmonary disease (COPD), and other conditions such as cardiovascular disease, diabetes, cancer, nervous disorders, and mental disorders which will be exacerbated by additional volumes of air pollution, and studies have shown ground-level ozone causes premature death; and

**WHEREAS**, the long-term negative impact of polluted air and the poor health conditions it creates or aggravates contributed to the high death toll from COVID-19 in New Jersey and will continue to put these populations at higher-than-average risk, especially in our minority communities;

**WHEREAS**, the rapidly declining cost of solar energy and storage have already caused the cancellation of projects using gas to generate electricity and is forecasted to become significantly cheaper than gas in the coming years; and

**WHEREAS**, trade union works in our state deserve economic expansion and infrastructure projects that don't negatively impact our public health and environment, and which are forward-looking and will develop needed skills and expertise in renewable energy technologies; and

**WHEREAS**, all New Jersey municipalities will be forced to deal with the consequences of the climate crisis, especially our coastal communities that are at increased risk of flooding; and

**WHEREAS**, the communities that would be most negatively impacted by the construction of the proposed power plant in the Keasbey section of Woodbridge are all considered "overburdened" under New Jersey's landmark environmental justice legislation adopted into law in 2020; and

**WHEREAS**, some of these communities, including Edison and Highland Park, have formally called on Governor Phil Murphy and the Department of Environmental Protection to oppose all fossil fuel projects in overburdened environmental justice communities; and

**WHEREAS**, the Council of the Borough of Sayreville has a principal responsibility to protect the health and safety of its residents and businesses as well as to ensure the prudent spending of tax dollars paid by its citizens; and

**NOW, THEREFORE, BE IT RESOLVED** that the Governing Body of the Borough of Sayreville, County of Middlesex, State of New Jersey, in the interest of protecting its residents and businesses opposes construction of this gas-burning power plant proposed by CPV; and

**BE IT FURTHER RESOLVED** that we call on Governor Phil Murphy and the Department of Environmental Protection to oppose all fossil fuel projects in overburdened environmental justice communities, and impose a moratorium on same until rules are established pursuant to the state's environmental justice law; and

**BE IT FURTHER RESOLVED**, that the Clerk shall forward this Resolution to Governor Phil Murphy, Congressman Frank Pallone, Commissioner of the New Jersey Department of Environmental Protection Shawn LaTourette, State Senator Joseph Vitale, Assembly Speaker Craig Coughlin, Assemblywoman Yvonne Lopez and the Middlesex County Commissioners.

\_\_\_\_\_  
Eunice Dwumfour, Councilwoman  
(Sponsor)

Reviewed by the Borough Attorney and is approved as to form and the Resolution satisfies all of the legal requirements for the Mayor's signature.

\_\_\_\_\_  
Michael R. DuPont, Borough Attorney

**ATTEST:**

**BOROUGH OF SAYREVILLE**

\_\_\_\_\_  
Jessica Morelos, RMC  
Municipal Clerk

\_\_\_\_\_  
Victoria Kilpatrick  
Mayor

	<b>Conti</b>	<b>Dwumfour</b>	<b>Maher</b>	<b>Novak</b>	<b>Onuoha</b>	<b>Roberts</b>
<b>Ayes</b>						
<b>Nays</b>						
<b>Abstain</b>						
<b>Absent</b>						

**RESOLUTION #2022-244**

RESOLUTION COMBINING BONDS AGGREGATING THE PRINCIPAL SUM OF \$11,923,000 AUTHORIZED BY FOURTEEN BOND ORDINANCES HERETOFORE ADOPTED TO FINANCE PART OF THE COST OF VARIOUS CAPITAL IMPROVEMENTS IN, BY AND FOR THE BOROUGH OF SAYREVILLE, IN THE COUNTY OF MIDDLESEX, NEW JERSEY INTO ONE CONSOLIDATED ISSUE OF BONDS AND PROVIDING FOR THE FORM, MATURITIES AND OTHER DETAILS OF SAID CONSOLIDATED ISSUE

**WHEREAS**, the Borough Council of the Borough of Sayreville, in the County of Middlesex, New Jersey (the "Borough"), has heretofore adopted bond ordinances authorizing bonds to finance part of the cost of various capital improvements in the Borough; and

**WHEREAS**, it is necessary to issue bonds pursuant to said bond ordinances in an aggregate principal amount of \$11,923,000 and it is deemed advisable and in the best interests of the Borough, for the purposes of the orderly marketing of said bonds and for other financial reasons, to combine the bonds authorized under said fourteen bond ordinances into one consolidated issue in the aggregate principal amount of \$11,923,000 pursuant to the Local Bond Law, constituting Chapter 2 of Title 40A of the Revised Statutes of New Jersey (the "Local Bond Law");

**NOW, THEREFORE, BE IT RESOLVED BY THE BOROUGH COUNCIL OF THE BOROUGH OF SAYREVILLE, IN THE COUNTY OF MIDDLESEX, NEW JERSEY** that:

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

**A.** \$237,000 bonds, being a portion of the bonds authorized by an ordinance numbered 398-18 and entitled:

"BOND ORDINANCE PROVIDING FOR VARIOUS ROAD IMPROVEMENTS FOR THE BOROUGH OF SAYREVILLE, NEW JERSEY, APPROPRIATING \$3,000,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$2,850,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF SUCH APPROPRIATION"

heretofore finally adopted, as amended by an ordinance numbered 460-19 and entitled:

"BOND ORDINANCE AMENDING BOND ORDINANCE NUMBER 398-18 FINALLY ADOPTED BY THE BOROUGH COUNCIL OF THE BOROUGH OF SAYREVILLE, IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY ON FEBRUARY 26, 2018 AND ENTITLED "BOND ORDINANCE PROVIDING FOR VARIOUS ROAD IMPROVEMENTS FOR THE BOROUGH OF SAYREVILLE, NEW JERSEY, APPROPRIATING \$3,000,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$2,850,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF SUCH APPROPRIATION", TO INCREASE THE TOTAL APPROPRIATION THEREIN FROM \$3,000,000 TO \$3,575,000 DUE TO A GRANT IN THE AMOUNT OF \$575,000"

EXPECTED TO BE RECEIVED FROM THE NEW JERSEY DEPARTMENT OF TRANSPORTATION”

heretofore finally adopted, as further amended by an ordinance numbered 503-20 and entitled:

“BOND ORDINANCE FURTHER AMENDING A BOND ORDINANCE FINALLY ADOPTED IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY, IN ORDER TO PROVIDE FOR CHANGES THEREIN”

heretofore finally adopted. The average period of usefulness stated in said ordinance is 10 years.

**B.** \$734,000 bonds, being a portion of the bonds authorized by an ordinance numbered 419-18 and entitled:

“BOND ORDINANCE PROVIDING FOR IMPROVEMENTS TO VARIOUS PARKS IN THE BOROUGH OF SAYREVILLE, NEW JERSEY, APPROPRIATING \$1,417,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,346,150 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF SUCH APPROPRIATION”

heretofore finally adopted. The average period of usefulness stated in said ordinance is 15 years.

**C.** \$393,000 bonds, being a portion of the bonds authorized by an ordinance numbered 420-18 and entitled:

“BOND ORDINANCE PROVIDING FOR VARIOUS IMPROVEMENTS IN, BY AND FOR THE BOROUGH OF SAYREVILLE, NEW JERSEY, APPROPRIATING \$1,272,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,255,900 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF SUCH APPROPRIATION”

heretofore finally adopted. The average period of usefulness stated in said ordinance is 28.43 years.

**D.** \$398,000 bonds, being a portion of the bonds authorized by an ordinance numbered 453-19 and entitled:

“BOND ORDINANCE PROVIDING FOR VARIOUS 2019 ROADWAY PAVING AND RECONSTRUCTION PROJECTS, BY AND IN THE BOROUGH OF SAYREVILLE, IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY; APPROPRIATING \$3,800,000 THEREFOR (INCLUDING A GRANT RECEIVED OR EXPECTED TO BE RECEIVED FROM THE NEW JERSEY DEPARTMENT OF TRANSPORTATION IN THE AMOUNT OF \$401,305) AND AUTHORIZING THE ISSUANCE OF \$3,398,650 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREFOR”

heretofore finally adopted. The average period of usefulness stated in said ordinance is 15 years.

**E.** \$2,916,000 bonds, being a portion of the bonds authorized by an ordinance numbered 538-21 and entitled:

“BOND ORDINANCE PROVIDING FOR VARIOUS IMPROVEMENTS IN, BY AND FOR THE BOROUGH OF SAYREVILLE, NEW JERSEY,



APPROPRIATING \$3,070,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$2,916,500 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF SUCH APPROPRIATION”

heretofore finally adopted. The average period of usefulness stated in said ordinance is 19.31 years.

**F.** \$3,694,000 bonds, being a portion of the bonds authorized by an ordinance numbered 539-21 and entitled:

“BOND ORDINANCE PROVIDING FOR VARIOUS ROAD IMPROVEMENTS FOR THE BOROUGH OF SAYREVILLE, NEW JERSEY, APPROPRIATING \$4,170,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$3,694,425 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF SUCH APPROPRIATION”

heretofore finally adopted. The average period of usefulness stated in said ordinance is 10 years.

**G.** \$1,744,000 bonds, being a portion of the bonds authorized by an ordinance numbered 540-21 and entitled:

“BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF VEHICLES AND EQUIPMENT IN, BY AND FOR THE BOROUGH OF SAYREVILLE, NEW JERSEY, APPROPRIATING \$1,836,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,744,200 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF SUCH APPROPRIATION”

heretofore finally adopted. The average period of usefulness stated in said ordinance is 15.18 years.

**H.** \$235,000 bonds, being all of the bonds authorized by an ordinance numbered 545-21 and entitled:

“BOND ORDINANCE PROVIDING FOR THE REMEDIATION OF SOIL AND GROUNDWATER AT THE FORMER FIRST AID SQUAD SITE IN, BY AND FOR THE BOROUGH OF SAYREVILLE, NEW JERSEY, APPROPRIATING \$250,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$235,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF SUCH APPROPRIATION”

heretofore finally adopted. The average period of usefulness stated in said ordinance is 15 years.

**I.** \$110,000 bonds, being a portion of the bonds authorized by an ordinance numbered 423-18 and entitled:

“BOND ORDINANCE PROVIDING FOR HERCULES VILLAGE WATER IMPROVEMENTS IN, BY AND FOR THE BOROUGH OF SAYREVILLE, NEW JERSEY, APPROPRIATING \$675,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$675,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF SUCH APPROPRIATION”

heretofore finally adopted, as amended by an ordinance numbered 447-19 and entitled:

“BOND ORDINANCE AMENDING AND SUPPLEMENTING BOND ORDINANCE NUMBER 423-18 HERETOFORE FINALLY ADOPTED

ON JULY 23, 2018 ENTITLED, "BOND ORDINANCE PROVIDING FOR HERCULES HERCULES VILLAGE WATER IMPROVEMENTS IN, BY AND FOR THE BOROUGH OF SAYREVILLE, NEW JERSEY, APPROPRIATING \$675,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$675,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF SUCH APPROPRIATION", TO INCREASE THE APPROPRIATION THEREIN BY \$110,000 AND TO INCREASE THE AUTHORIZATION OF BONDS OR NOTES THEREIN BY AND TO INCREASE THE AUTHORIZATION OF BONDS OR NOTES THEREIN BY \$110,000 TO FINANCE THE ADDITIONAL COSTS THEREOF"

heretofore finally adopted. The average period of usefulness stated in said ordinance is 40 years.

**J.** \$700,000 bonds, being a portion of the bonds authorized by an ordinance numbered 466-19 and entitled:

"BOND ORDINANCE PROVIDING FOR THE REHABILITATION OF DUHERNAL WELL BY AND IN THE BOROUGH OF SAYREVILLE, IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY; APPROPRIATING THE ISSUANCE OF \$1,300,000 BONDS OR NOTES OF THE WATER UTILITY OF THE BOROUGH TO FINANCE THE COSTS THEREOF"

heretofore finally adopted. The average period of usefulness stated in said ordinance is 40 years.

**K.** \$762,000 bonds, being all of the bonds authorized by an ordinance numbered 541-21 and entitled:

"BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF WATER UTILITY EQUIPMENT IN THE BOROUGH OF SAYREVILLE, NEW JERSEY, APPROPRIATING \$762,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$762,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF SUCH APPROPRIATION"

heretofore finally adopted. The average period of usefulness stated in said ordinance is 18.069 years.

**Section 2.** The bonds referred to in Section 1 hereof are hereby combined into one consolidated issue of bonds in the aggregate principal amount of \$11,923,000 and are sometimes hereinafter collectively referred to as the "Bonds." The bonds referred to in subsections A through H, inclusive, of Section 1 hereof shall each be designated as "General Improvement Bonds of 2022" and shall be numbered with the prefix G from one consecutively upward or in such other manner as approved by the Chief Financial Officer of the Borough. The bonds referred to in subsection I through K, inclusive, of Section 1 hereof shall each be designated as "Water Improvement Bonds of 2022" and shall be numbered with the prefix W from one consecutively upward or in such other manner as approved by the Chief Financial Officer of the Borough.

**Section 3.** The Bonds shall be dated the date of issue or such other date as determined by the Chief Financial Officer, and will be issued in fully registered form. When issued, the Bonds will be registered in the name of and held by Cede & Co., as the

owner thereof and nominee for The Depository Trust Company (“DTC”), an automated depository for securities and clearinghouse for securities transactions.

Upon issuance, the Bonds will be delivered to DTC in single denominations for each maturity of each series of the Bonds. Purchases of the Bonds will be made in book-entry form (without certificates) in the denomination of \$5,000 each or any integral multiple of \$1,000 in excess thereof.

The Bonds shall mature serially in numerical order on November 1, or such other date as determined by the Chief Financial Officer. The Bonds shall mature in each of the following years and in the following principal amounts:

General Improvement Bonds of 2022

<u>Year</u>	<u>Principal Amount</u>	<u>Year</u>	<u>Principal Amount</u>
2023	\$451,000	2030	\$900,000
2024	450,000	2031	900,000
2025	450,000	2032	900,000
2026	450,000	2033	900,000
2027	450,000	2034	900,000
2028	900,000	2035	900,000
2029	900,000	2036	900,000

Water Improvement Bonds of 2022

<u>Year</u>	<u>Principal Amount</u>	<u>Year</u>	<u>Principal Amount</u>
2023	\$ 75,000	2030	\$130,000
2024	75,000	2031	130,000
2025	75,000	2032	130,000
2026	100,000	2033	142,000
2027	120,000	2034	130,000
2028	75,000	2035	130,000
2029	130,000	2036	130,000

The combined maturity schedule for all of the Bonds is as follows:

<u>Year</u>	<u>Principal Amount</u>	<u>Year</u>	<u>Principal Amount</u>
2023	\$ 526,000	2030	\$1,030,000
2024	525,000	2031	1,030,000
2025	525,000	2032	1,030,000
2026	550,000	2033	1,042,000
2027	570,000	2034	1,030,000
2028	975,000	2035	1,030,000
2029	1,030,000	2036	1,030,000

The Bonds are subject to redemption prior to maturity.

**Section 4.** It is hereby found, determined and declared that the average period of usefulness of the improvements or purposes for which the General Improvement Bonds of 2022 are to be issued, taking into consideration the amount of the General Improvement Bonds of 2022 to be issued for said improvements or purposes, is 14.85 years.

**Section 5.** It is hereby found, determined and declared that the average period of usefulness of the improvements or purposes for which the Water Improvement Bonds of 2022 are to be issued, taking into consideration the amount of the Water Improvement Bonds of 2022 to be issued for said improvements or purposes, is 29.36 years.

**Section 6.** The Bonds shall bear interest from their date based on their outstanding principal amount at a rate or rates to be determined as hereinafter set forth in Section 8 of this resolution, payable semi-annually on the 1<sup>st</sup> day of May and November in each year until maturity, commencing on May 1, 2023, or such other dates as determined by the Chief Financial Officer, by check mailed on such interest payment date to the owners thereof registered as such as of each next preceding April 15 and October 15 on the registration books maintained by the Borough. Interest on the Bonds shall be calculated on the basis of a 360-day year consisting of twelve 30-day calendar months. Both principal of and interest on the Bonds shall be payable in lawful money of the United States of America. The principal of the Bonds shall be payable upon presentation thereof at the office of the Chief Financial Officer of the Borough or a paying agent appointed by the Borough.

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

**Section 7.** The Bonds shall be signed by the Mayor and the Chief Financial Officer of the Borough, by their manual or facsimile signatures, and the corporate seal of the Borough shall be affixed thereto, or imprinted or reproduced thereon and shall be attested by the manual signature of the Clerk or Deputy Clerk of the Borough.

**Section 8.** The Chief Financial Officer of the Borough be and she hereby is authorized and directed to offer the Bonds for public sale through the submission of electronic proposals and to determine in her discretion the date for receipt for such proposals, all in accordance with the terms set forth in the Notice of Sale. The "Notice of Sale" shall comply in all respects with the applicable statutes relating thereto and shall be substantially in the form attached hereto as Exhibit A, with such additions, modifications or deletions as determined by the Chief Financial Officer of the Borough. The Notice of Sale or a summary thereof as permitted by applicable law shall be published in The Bond Buyer and such other newspaper published in the County of Middlesex, New Jersey and circulated in the Borough as the Chief Financial Officer of the Borough may select at least once at least seven (7) days prior to the date of public sale.

**Section 9.** The Bonds and the registration provisions endorsed thereon shall be in substantially the following form with such changes and modifications as may be required or necessary for the delivery thereof:

**(FORM OF BOND)**

No. G- or W-\_\_

**BOROUGH OF SAYREVILLE,  
in the County of Middlesex, New Jersey**

**GENERAL IMPROVEMENT BONDS OF 2022  
or  
WATER IMPROVEMENT BONDS OF 2022**

**Date of Bond:** November \_\_, 2022

**Principal Amount:** \_\_\_\_

**Date of Maturity:** November 1, 20\_\_

**CUSIP:** \_\_\_\_\_

The **BOROUGH OF SAYREVILLE**, in the County of Middlesex, New Jersey, a municipal corporation of the State of New Jersey, (the "Borough") hereby acknowledges itself indebted and for value received promises to pay to **CEDE & CO.** or registered assigns, the sum specified above as the Principal Amount on the date specified above as the Date of Maturity, upon presentation and surrender of this bond, and to pay to the registered owner hereof interest on such sum, from the Date of Bond specified above until the Date of Maturity specified above, at the rate of \_\_\_\_ per centum ( \_\_%) per annum payable on May 1, 2023 and thereafter semi-annually on the 1<sup>st</sup> day of November and May in each year. Principal of this bond will be paid in lawful money of the United States of America, upon surrender thereof at the office of the Chief Financial Officer of the Borough in Sayreville, New Jersey or any paying agent appointed by the Borough. Interest on this bond will be payable in lawful money of the United States of America by check mailed on such interest payment date to the registered owner hereof as shown on the books of the Borough on the fifteenth day of the month preceding the month in which interest is paid.

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

The bonds of this issue maturing prior to November 1, 2031 are not subject to redemption prior to maturity. The bonds of this issue maturing on or after November 1, 2031 are subject to redemption prior to maturity at the option of the Borough, in whole or in part at any time, and if in part, in inverse order of their maturity and by lot within a maturity if less than all of the bonds of such maturity are to be redeemed, on or after November 1, 2030, upon notice of redemption given by the Borough by first class mail, postage prepaid, to the registered owner of any bond to be redeemed at the address shown on the

registration books of the Borough not less than thirty (30) days nor more than sixty (60) days prior to the redemption date; provided, however, that failure to mail or to receive such notice, or any defect therein, shall not affect the validity of the proceedings for redemption. The bonds subject to redemption shall be redeemed at the redemption price of 100% of the principal amount thereof plus accrued interest to the date fixed for redemption.

If notice of redemption has been given by mail, the bonds or the portion thereof called for redemption shall be due and payable on the date fixed for redemption at the redemption price, together with accrued interest to the date fixed for redemption. Payment shall be made upon surrender of the bonds redeemed.

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

This bond is one of an authorized issue of bonds of the Borough and is issued pursuant to the Local Bond Law, constituting Chapter 2 of Title 40A of the Revised Statutes of the State of New Jersey, a resolution of the governing body of the Borough entitled: "Resolution combining bonds aggregating the principal sum of \$11,923,000 authorized by fourteen bond ordinances heretofore adopted to finance part of the cost of various capital improvements in, by and for the Borough of Sayreville, in the County of Middlesex, New Jersey into one consolidated issue of bonds and providing for the form, maturities and other details of said consolidated issue," adopted September 12, 2022 and the bond ordinances referred to therein.

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

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

In the event the Borough determines that it is in the best interests of the beneficial owners of the bonds (the actual purchasers of the bonds) that they be able to obtain certificated bonds, the Borough may notify DTC of the availability of bond certificates. In such event, the Borough will appoint a paying agent for the bonds and



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

\_\_\_\_\_  
(Please Print or Typewrite Name and Address of Transferee)

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

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

Dated: \_\_\_\_\_

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

#### CERTIFICATE AS TO LEGAL OPINION

The undersigned [Deputy] Clerk of the Borough of Sayreville, in the County of  
Middlesex, New Jersey **HEREBY CERTIFIES** that a true and correct copy of the original  
legal opinion of the law firm of McCarter & English, LLP, Newark, New Jersey as to the  
validity of the issue of bonds of which the within bond is one is available for inspection at  
the Office of the Borough Clerk and a copy thereof may be obtained by the registered or  
beneficial owner hereof upon request.

\_\_\_\_\_  
Borough Clerk

**Section 10.** The Chief Financial Officer of the Borough is hereby authorized and  
directed (a) to cause a copy of the written opinion with respect to the Bonds which is to  
be rendered by the firm of McCarter & English, LLP (complete except for omission of its  
date) to be printed or referred to on the Bonds, and at the time of the original delivery of  
payment for the Bonds and when such written opinion is rendered, to cause the Borough  
Clerk or Deputy Clerk to certify to the truth and correctness of such copy of opinion by  
executing on each of the Bonds, by manual or facsimile signature, a certificate subjoined  
to each such copy, and to file a signed duplicate of such written opinion in such Clerk's  
office and at each place at which the Bonds are payable, (b) to cause the applicable CUSIP  
number (if any) assigned for each of the Bonds by CUSIP Global Services, to be printed on  
each of the Bonds, and (c) to cause, in the event that the Bonds shall qualify for issuance  
of any policy of municipal bond insurance at the option of the purchaser thereof, such  
legend or reference (if any) of such insurance to be printed (at the expense of such  
purchaser) on the Bonds.



**Section 11.** Upon the date of issue of the Bonds, being the date of delivery of the Bonds to DTC on behalf of the Successful Bidder (as defined in the Notice of Sale) and the payment of the purchase price thereof in accordance with the Notice of Sale, the Chief Financial Officer of the Borough is hereby authorized and directed to execute and deliver a Tax Certificate with respect to the exclusion of interest on the Bonds from gross income of the holders thereof for Federal income tax purposes, including, inter alia, the status of the Bonds as other than “private activity bonds” within the meaning of section 141 of the Internal Revenue Code of 1986, as amended (the “Code”) and the status of the Bonds as other than “arbitrage bonds” within the meaning of section 148 of the Code.

**Section 12.** The proceeds of the Bonds shall be applied in the amounts and for the purpose provided in Section 1 hereof, and to pay and fund any bond anticipation notes theretofore issued for such purpose and then outstanding.

**Section 13.** The Chief Financial Officer of the Borough be and she is hereby authorized to distribute a Preliminary Official Statement (as defined in the Notice of Sale) which provides certain information in connection with the issuance of Bonds. The Chief Financial Officer of the Borough is hereby further authorized to disseminate the Preliminary Official Statement via electronic media, in addition to or in lieu of physical, printed media. The Chief Financial Officer of the Borough shall cause a final Official Statement, with such additions, modifications and deletions to such Preliminary Official Statement as the Chief Financial Officer may approve to be distributed.

**Section 14.** The Chief Financial Officer of the Borough be and she is hereby further authorized at her discretion to accept proposals and complete the award of the Bonds, pursuant to the terms and provisions of the Notice of Sale, by means of electronic media; provided that, with respect to the selection of the particular electronic media and the implementation of the procedures for the exercise thereof, the Chief Financial Officer of the Borough shall consult with counsel and other applicable professional advisors to the Borough with respect thereto.

**Section 15.** The Borough hereby authorizes the bidders on the Bonds to aggregate consecutive principal maturities for which such bidder bids the same interest rate into term bonds, provided that mandatory sinking fund payments for which redemptions in lieu of the principal maturities are provided.

**Section 16.** The Mayor and the Chief Financial Officer of the Borough are hereby authorized and directed, as applicable, to approve, “deem final” in accordance with Rule 15c2-12 of the Securities and Exchange Commission and execute the Preliminary Official Statement of the Borough issued in connection with the Bonds, the final Official Statement of the Borough issued in connection with the Bonds, the Notice of Sale, the Continuing Disclosure Certificate and the DTC Blanket Representation Letter and their use in connection with the sale of the Bonds and are further authorized, as is the Clerk and the Deputy Clerk of the Borough, to execute all documents, including the final Official Statement, the Continuing Disclosure Certificate and the DTC Blanket Representation Letter, necessary for the sale and delivery of the Bonds.

**Section 17.** The Borough Council hereby designates the Chief Financial Officer of the Borough to award the Bonds in accordance with the Notice of Sale and the provisions

of the Local Bond Law and the Chief Financial Officer of the Borough is hereby directed to report to the Borough Council at the meeting next succeeding the date when any award of the Bonds pursuant to this resolution is made.

**Section 18.** The Borough hereby covenants to comply with the provisions of the Code applicable to the Bonds and covenants not to take any action that would cause the interest on the Bonds to lose the exclusion from gross income for federal income tax purposes provided under Section 103 of the Code. Further, the Borough will take all actions within its power that are necessary to assure that interest on the Bonds does not lose the exclusion from gross income for federal income tax purposes provided under Section 103 of the Code.

**Section 19.** The Borough hereby authorizes the Chief Financial Officer, the Borough Clerk, Bond Counsel, the Borough's Municipal Advisor, the Auditor and any other professionals of the Borough to proceed with the sale of the Bonds, including the drafting of any documents necessary therefor.

**Section 20.** The Borough hereby delegates to the Chief Financial Officer the authority to postpone the public sale of the Bonds in accordance with the Notice of Sale and the provisions of the Local Bond Law.

**Section 21.** The Borough hereby ratifies in all respects all actions, if any, taken by the Chief Financial Officer, the Borough's Municipal Advisor, and bond counsel to the Borough prior to the date of adoption of this resolution in connection with the issuance of the Bonds.

**Section 22.** This resolution shall take effect immediately.

\_\_\_\_\_  
Mary J. Novak, Councilwoman  
(Admin. & Finance Committee)

Reviewed by the Borough Attorney and is approved as to form and the Resolution satisfies all of the legal requirements for the Mayor's signature.

\_\_\_\_\_  
Michael R. DuPont, Borough Attorney

**ATTEST:**

**BOROUGH OF SAYREVILLE**

\_\_\_\_\_  
Jessica Morelos, RMC  
Municipal Clerk

\_\_\_\_\_  
Victoria Kilpatrick  
Mayor

	Conti	Dwumfour	Maher	Novak	Onuoha	Roberts
Ayes						
Nays						
Abstain						
Absent						

**BOROUGH OF SAYREVILLE,  
in the County of Middlesex, New Jersey**

**NOTICE OF SALE OF  
\$11,923,000 GENERAL OBLIGATION BONDS OF 2022**

NOTICE IS HEREBY GIVEN that proposals (the “Proposal for Bonds”) will be received, electronically via the Parity Electronic Bid System (“PARITY®”) of i-Deal LLC (“i-Deal”) in the manner described below under the heading “Procedures Regarding Electronic Bidding” until 11:15 a.m., New Jersey time on Wednesday, October 20, 2022 (the “Bid Date”) and then and there publicly opened and considered by the Chief Financial Officer of the Borough of Sayreville, in the County of Middlesex, New Jersey (the “Borough”), for the purchase of the Borough’s \$11,923,000 aggregate principal amount of General Obligation Bonds of 2022 consisting of General Improvement Bonds of 2022 and Water Improvement Bonds of 2022 (collectively, the “Bonds”).

Principal Amortization; Payment of Principal

The Bonds will consist of serial bonds maturing on November 1 in the years 2023 through 2036, inclusive, except as otherwise may be determined if the “Term Bond Option” is selected, as set forth herein. The preliminary principal amounts (the “Preliminary Principal Amounts”) of each serial maturity shall be as set forth below, subject to the applicable limitations set forth herein under “Bid Specifications.” The aggregate Preliminary Principal Amount of the Bonds and the annual Preliminary Principal Amounts set forth below may be revised before the opening of sealed bids for the purchase of the Bonds. Any such revisions (the “Revised Principal Amounts”) will be announced on TM3 News Services (or any other news wire service widely recognized and relied upon by the municipal securities industry, “TM3”), or by any other available means, not later than 1:00 p.m. (New Jersey time) on the last business day prior to the Bid Date. In the event that no such revisions are made, the Preliminary Principal Amounts will constitute the Revised Principal Amounts. Bidders shall submit bids based on the Revised Principal Amounts.

The General Improvement Bonds of 2022 shall mature on November 1 as set forth in the following table:

<u>Year</u>	<u>Principal Amount</u>	<u>Year</u>	<u>Principal Amount</u>
2023	\$451,000	2030	\$900,000
2024	450,000	2031	900,000
2025	450,000	2032	900,000
2026	450,000	2033	900,000
2027	450,000	2034	900,000
2028	900,000	2035	900,000
2029	900,000	2036	900,000

The Water Improvement Bonds of 2022 shall mature on November 1 as set forth in the following table:

<u>Year</u>	<u>Principal Amount</u>	<u>Year</u>	<u>Principal Amount</u>
2023	\$ 75,000	2030	\$130,000
2024	75,000	2031	130,000
2025	75,000	2032	130,000
2026	100,000	2033	142,000
2027	120,000	2034	130,000
2028	75,000	2035	130,000
2029	130,000	2036	130,000

The combined maturity schedule for all of the Bonds shall be as set forth in the following table:

<u>Year</u>	<u>Principal Amount</u>	<u>Year</u>	<u>Principal Amount</u>
2023	\$ 526,000	2030	\$1,030,000
2024	525,000	2031	1,030,000
2025	525,000	2032	1,030,000
2026	550,000	2033	1,042,000
2027	570,000	2034	1,030,000
2028	975,000	2035	1,030,000
2029	1,030,000	2036	1,030,000

#### Redemption Provisions

The Bonds maturing prior to November 1, 2031 are not subject to redemption prior to their stated maturities. The Bonds maturing on or after November 1, 2031 are subject to redemption prior to maturity at the option of the Borough, in whole or in part at any time, and if in part, in inverse order of their maturity and by lot within a maturity if less than all of the Bonds of such maturity are to be redeemed, on or after November 1, 2030. The Bonds subject to redemption shall be redeemed at the redemption price of 100% of the principal amount thereof plus accrued interest to the date fixed for redemption.

In the event of any redemption, notice thereof shall be mailed by first class mail, postage prepaid, to the registered owner of any Bonds to be redeemed at the address shown on the registration books of the Borough not less than thirty (30) days nor more than sixty (60) days prior to the redemption date; provided, however, that failure to mail or receive such notice, or any defect therein, shall not affect the validity of the proceedings for redemption.

If notice of redemption has been given by mail, the Bonds or the portion thereof called for redemption shall be due and payable on the date fixed for redemption at the redemption price, together with accrued interest to the date fixed for redemption. Payment shall be made upon surrender of the Bonds redeemed.

#### Possibility of Mandatory Sinking Fund Installments

Bidders may elect to structure the issue to include term bonds (the “Term Bond Option”), which term bonds, if selected by the Bidder, will be subject to mandatory redemption prior to maturity, in the years and amounts shown above as serial maturities, upon payment of one hundred percent (100%) of the principal amount of the Bonds to be redeemed, together with accrued interest to the date fixed for such mandatory redemption. If the Bonds are awarded and no term bonds are designated in the Proposal for Bonds of the Successful Bidder (as defined herein), the Bonds will mature serially as shown in the preceding tables.

#### Interest Payment Dates; Payment of Interest

The Bonds will be dated the date of delivery thereof and will bear interest at the rate or rates per annum specified in the Proposal for Bonds of the Successful Bidder. Interest on the Bonds will accrue from the date of delivery thereof and will be payable semiannually on each May 1 and November 1, commencing on May 1, 2023 (each, an “Interest Payment Date”), in each year until maturity by check mailed on such Interest Payment Date to the owners thereof registered as such as of each next preceding April 15 and October 15 on the registration books maintained by the Borough. Interest on the Bonds shall be calculated on the basis of a 360-day year consisting of twelve 30-day months. The Bonds will be payable in lawful money of the United States of America.

#### Book-Entry-Only

The Bonds will be issued in fully registered form and when issued, will be registered in the name of and held by Cede & Co., as the registered owner thereof and nominee for DTC. The Bonds will be issued in the form of one certificate for the aggregate principal amount of each series of the Bonds maturing in each year.

Purchases of the Bonds will be made in book-entry-only form (without certificates) in the denomination of \$5,000 each or any integral multiple of \$1,000 in excess thereof.

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

#### Bid Specifications

To be considered, each Proposal for Bonds must be unconditional and must specify:

- a. a rate or rates of interest that the Bonds are to bear, in a multiple of 1/8 or 1/20 of 1%;

b. the principal amount of Bonds the bidder will accept, which shall be \$11,923,000, subject to adjustment as described in Adjustment of Bonds After the Opening of Bids” below; and

c. the price the bidder will pay for the Bonds, which shall be no less than \$11,923,000 and no greater than the principal amount of the Bonds offered with a premium not to exceed \$357,690 (3% of the combined par amount of the Bonds).

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. If more than one rate of interest is named, no interest rate named for any maturity may be less than the interest rate named for any prior maturity. The difference between the highest and lowest rates of interest named shall not exceed two percent (2%).

Bidders for the Bonds shall be deemed to have designated all Revised Principal Amounts with respect to the Bonds as serial bond maturities unless bidders designate the Term Bond Option. The respective Revised Principal Amounts may be designated as a term bond maturity(ies) with consecutive sinking fund installments, if so desired.

No bid will be considered that offers to pay an amount less than the total principal amount of the Bonds offered for sale or under which the total loan is made at an interest cost higher than the lowest true interest cost to the Borough under any legally acceptable bid. Please note the expectation of the Borough to adjust the principal amount of the Bonds to be the amount needed by the Borough as described in “Adjustment of Bonds After the Opening of Bids” below.

All bids which are submitted electronically via PARITY® pursuant to the procedures described below shall be deemed to constitute a “Proposal for Bonds” and shall be deemed to incorporate by reference all of the terms and conditions of this Notice of Sale. The submission of a bid electronically via PARITY® shall constitute and be deemed to be the bidder’s signature on the Proposal for Bonds.

#### Right to Reject Proposal for Bonds; Waive Irregularities

The Borough reserves the right to reject any and all Proposals for Bonds, and except as set forth in the next sentence, any Proposal for Bonds not complying with the terms of this Notice of Sale will be rejected. The Borough reserves the right to (i) reject any or all Proposals for Bonds, (ii) so far as permitted by law, waive any irregularity or informality in any or all Proposals for Bonds and (iii) generally take such action as it deems will best serve the public interest. The bidder, by submitting a bid, agrees to accept the determination of the Chief Financial Officer.

#### Bid Security and Method of Payment for Bonds

A Good Faith Deposit (“Deposit”) in the form of a certified, cashier’s or treasurer’s check or an electronic transfer of funds in the amount of \$238,460, payable to the order of the Borough, is required for each Proposal for Bonds to be considered. Wire instructions may be obtained by contacting the Chief Financial Officer of the Borough or

its Municipal Advisor by calling the phone numbers listed in the last paragraph of this Notice of Sale and such wire must be received and confirmed by the Borough prior to 10:45 a.m. on the Bid Date. Such wire must also be accompanied by detailed wiring instructions for the return thereof in the event that such bidder is not the Successful Bidder. If a check is used, it must be a certified, cashier's or treasurer's check and must be provided to the Borough by 10:45 a.m., New Jersey time, on the Bid Date at the Borough's office located at 167 Main Street, Sayreville, New Jersey 08872. Each bidder accepts responsibility for delivering such deposit on time and the Borough is not responsible for any deposit that is not received on time. No interest on the Deposit will accrue to the Successful Bidder. The Deposit will be applied to the purchase price of the Bonds. In the event the Borough shall fail to deliver the Bonds on the Closing Date (as hereinafter defined), or if the Borough shall be unable to satisfy the conditions to the obligations of the Successful Bidder to pay for and accept delivery of the Bonds or if such obligations shall be terminated for any of the reasons specified herein, the amount of the Deposit shall immediately be returned to the Successful Bidder in full release of any claim that the Successful Bidder might have against the Borough on account of its failure to deliver the Bonds. In the event the Successful Bidder fails to honor its accepted bid, the Deposit will be retained by the Borough. Award of the Bonds to the Successful Bidder or rejection of all Proposals for Bonds is expected to be made within two hours after opening of the Proposals for Bonds, but the Successful Bidder may not withdraw its Proposal for Bonds until after 3:30 p.m., New Jersey time, on the Bid Date and then only if such award has not been made prior to the withdrawal. The balance of the purchase price shall be paid in Federal Funds by wire transfer to the Borough on or about November 3, 2022 (the "Closing Date").

Upon notice to the Successful Bidder, the Successful Bidder will make available to the Borough, by no later than 1:00 p.m. on the date of award of the Bonds, the public offering prices and re-offered yields for each maturity of Bonds.

#### Procedures Regarding Electronic Bidding

Bids must be submitted electronically via PARITY® in accordance with this Notice of Sale, until 11:15 a.m., New Jersey time on the Bid Date, but no bid will be accepted after the time for receiving bids specified above. To the extent any instructions or directions set forth in PARITY® conflict with this Notice of Sale, the terms of this Notice of Sale shall control. For further information about PARITY®, potential bidders may contact the Borough's Municipal Advisor (using the telephone number set forth in the final paragraph of this Notice of Sale) or PARITY® at i-Deal at (212) 849-5021. The Borough may, but is not obligated to, acknowledge its acceptance in writing of any bid submitted electronically via PARITY®.

In the event that a bid for the Bonds is submitted via PARITY®, the bidder further agrees that:

1. The Borough may regard the electronic transmission of the bid through PARITY® (including information about the principal amount of the Bonds, the interest rate or rates to be borne by the various maturities of the Bonds, the premium bid for the Bonds and any other information included in such transmission) as though the same information were submitted on the "Proposal for Bonds" provided by the Borough

and executed by a duly authorized signatory of the bidder. If a bid submitted electronically via PARITY® is accepted by the Borough, the terms of the Proposal for Bonds and this Notice of Sale, as well as the information that is electronically transmitted through PARITY®, shall form a contract, and the Successful Bidder shall be bound by the terms of such contract.

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

3. The Borough may choose to discontinue use of electronic bidding via PARITY® by issuing a notification to such effect via TM3, or by other available means, no later than 3:00 p.m. (New Jersey time) on the last business day prior to the Bid Date.

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

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

#### Clarification Prior to the Opening of Bids

The Borough may, in its sole discretion and prior to the opening of bids, clarify any term hereof, including, without limitation, its decision to discontinue use of electronic bidding via PARITY®, by issuing a notification of the clarification via TM3, or any other available means, no later than 3:00 p.m. (New Jersey time) on the last business day prior to any announced date for the receipt of bids.

The Borough further reserves the right to postpone, from time to time, the Bid Date. Any such postponement will be announced by TM3, or any other available means, not later than 9:00 a.m., New Jersey time, on the Bid Date. Any such alternative Bid Date and the time at which bids are due will be announced via TM3, or any other available means, at least 48 hours before bids are due. On any such alternative Bid Date, bidders shall submit Proposals for Bonds in conformity with all of the requirements hereof, other than the date of submission and sale and any further or contrary provisions set forth in such announcement, which further or contrary provisions must be complied with by all bidders.



Establishment of Issue Price (Hold-The-Offering Price May Apply if Competitive Sale Requirements are Not Satisfied)

1. The Successful Bidder shall assist the Borough in establishing the issue price of the Bonds and shall execute and deliver to the Borough 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, as described below under “Documents to be Delivered at Closing.” All actions to be taken by the Borough under this Notice of Sale to establish the issue price of the Bonds may be taken on behalf of the Borough by the Borough’s Municipal Advisor identified herein and any notice or report to be provided to the Borough may be provided to the Borough’s Municipal Advisor.

2. The Borough 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:

- (a) the Borough shall disseminate this Notice of Sale to potential underwriters in a manner that is reasonably designed to reach potential underwriters;
- (b) all bidders shall have an equal opportunity to bid;
- (c) the Borough may receive bids from at least three underwriters of municipal bonds who have established industry reputations for underwriting new issuances of municipal bonds; and
- (d) the Borough anticipates awarding the sale of the Bonds to the bidder who submits a firm offer to purchase the Bonds at the 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. By submitting a bid, bidders are deemed to have certified that they have an established industry reputation as a regular purchaser or underwriter of tax-exempt obligations such as the Bonds.

3. In the event that the competitive sale requirements are not satisfied, the Borough shall so advise the Successful Bidder. The Borough may determine to treat (i) the first price at which 10% of a maturity of the Bonds (the “10% test”) is sold to the public as the issue price of that maturity of the Bonds and/or (ii) the initial offering price to the public as of the sale date of the Bonds as the issue price of the Bonds (the “hold-the-offering-price rule”). The Successful Bidder shall advise the Borough if any maturity of the Bonds satisfies the 10% test as of the date and time of the award of the Bonds. The Borough will promptly advise the Successful Bidder, at or before the time of award of the Bonds, whether the Bonds will be subject to the 10% test or shall be subject to the hold-the-offering-price rule. Bids will not be subject to cancellation in the event that the Borough determines to apply the hold-the-offering-price rule to the Bonds. Bidders

should prepare their bids on the assumption that the Bonds will be subject to the hold-the-offering-price rule in order to establish the issue price of the Bonds.

4. By submitting a bid, the Successful Bidder shall (i) confirm that the underwriters have offered or will offer the Bonds to the public on or before the date of award at the offering price or prices (the "initial offering price"), or at the corresponding yield or yields, set forth in the bid submitted by the Successful Bidder and (ii) agree, on behalf of the underwriters participating in the purchase of the Bonds, that the underwriters will neither offer nor sell unsold Bonds to which the hold-the-offering-price rule shall apply to any person at a price that is higher than the initial offering price to the public during the period starting on the sale date and ending on the earlier of the following:

- (a) the close of the fifth (5th) business day after the sale date; or
- (b) the date on which the underwriters have sold at least 10% of each maturity of the Bonds to the public at a price that is no higher than the initial offering price to the public.

The Successful Bidder shall promptly advise the Borough when the underwriters have sold 10% of each maturity of the Bonds to the public at a price that is no higher than the initial offering price to the public, if that occurs prior to the close of the fifth (5th) business day after the sale date.

5. By submitting a bid, each bidder confirms that: (a) any agreement among underwriters, any selling group agreement and each retail 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 retail distribution agreement, as applicable, to (i) report the prices at which it sells to the public the unsold Bonds allotted to it until it is notified by the successful bidder that either the 10% test has been satisfied as to the Bonds and (ii) comply with the hold-the-offering price rule, if applicable, in each case if and for so long as directed by the Successful Bidder and as set forth in the related pricing wires, and (b) any agreement among underwriters 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 that is a party to a retail 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 retail distribution agreement to (i) report the prices at which it sells to the public the unsold Bonds allotted to it until it is notified by the Successful Bidder or such underwriter that the either the 10% test has been satisfied as to the Bonds or all of the Bonds have been sold to the public and (ii) comply with the hold-the-offering-price rule, if applicable, in each case if and for so long as directed by the Successful Bidder or such underwriter and as set forth in the related pricing wires.

6. Sales of the Bonds to any person that is a related party to an underwriter shall not constitute sales to the public for purposes of this Notice of Sale. Further, for purposes of this Notice of Sale:

- party,
- (a) “public” means any person other than an underwriter or a related party,
  - (b) “underwriter” means (i) any person that agrees pursuant to a written contract with the Borough (or with the lead underwriter to form an underwriting syndicate) to participate in the initial sale of the Bonds to the public and (ii) any person that agrees pursuant to a written contract directly or indirectly with a person described in clause (i) to participate in the initial sale of the Bonds to the public (including a member of a selling group or a party to a retail distribution agreement participating in the initial sale of the Bonds to the public),
  - (c) a purchaser of the Bonds is a “related party” to an underwriter if the underwriter and the purchaser are subject, directly or indirectly, to (i) at least 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), (ii) 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 (iii) more than 50% common ownership of the value of the outstanding stock of the corporation or the capital interests or profit 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), and
  - (d) “sale date” means the date that the Bonds are awarded by the Borough to the successful bidder.

#### Adjustment of Bonds After the Opening of Bids

The Borough may, and expects to, in its sole discretion, after the receipt and opening of bids, adjust the Revised Principal Amounts (as adjusted, the “Final Principal Amounts”) provided (i) no maturity schedule adjustment shall exceed 10% upward or downward of the principal for any maturity as specified herein and (ii) that any change in the aggregate Final Principal Amount of Bonds shall not exceed 10% upward or downward of the aggregate Revised Principal Amounts thereof. The Successful Bidder may not withdraw its bid or change the interest rates bid as a result of any changes made to the Revised Principal Amounts within this limit. The dollar amount bid by the Successful Bidder will be adjusted to reflect any adjustments in the aggregate principal amount of the Bonds. Such adjusted bid price will reflect changes in the dollar amount of the underwriter’s discount and original issue discount/premium, if any, but will not change the selling compensation per \$1,000 of par amount of Bonds. The interest rate specified by the Successful Bidder for each maturity will not change. The Borough shall notify the Successful Bidder of the Final Principal Amounts and the resulting adjusted purchase price no later than 8:00 a.m. New Jersey time on the day following the sale and award of the Bonds.

### Basis of Award

Unless all Proposals for Bonds are rejected, the Bonds will be awarded to the bidder (herein referred to as the "Successful Bidder") offering such interest rate or rates which will produce the lowest true interest cost to the Borough over the life of the Bonds. True interest 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. The true interest cost shall be calculated from the dated date of the Bonds and shall be based upon the Revised Principal Amounts of each serial maturity and the bid price set forth in each Proposal for Bonds submitted in accordance with this Notice of Sale. In case of a tie, the Borough may select the Successful Bidder by lot. It is requested that each Proposal for Bonds be accompanied by a computation of such true interest cost to the Borough under the terms of the Proposal for Bonds, but such computation is not to be considered as part of the Proposal for Bonds.

### Delivery and Payment

It is expected that delivery of the Bonds in definitive form will take place at the offices of DTC and that payment for the Bonds will take place at the offices of McCarter & English, LLP, Bond Counsel to the Borough ("Bond Counsel"), in Newark, New Jersey on or about the Closing Date. The Successful Bidder must be prepared to take delivery of the Bonds on the Closing Date and simultaneously pay the remainder of the purchase price thereof (including accrued interest) IN IMMEDIATELY AVAILABLE FEDERAL FUNDS by 9:30 a.m. (New Jersey time) on the Closing Date.

### Documents to be Delivered at Closing

The Successful Bidder shall be obligated to furnish to the Borough within forty-eight (48) hours prior to the Closing Date a certificate (the "Issue Price Certificate"), substantially in the form attached hereto as Exhibit A, with such modifications as may be appropriate or necessary, in the reasonable judgment of the Successful Bidder, the Borough and Bond Counsel. In the event that the Bonds shall be held by the Successful Bidder for investment and not offered for resale to the public, the Successful Bidder shall specify on such Issue Price Certificate the purchase price being paid by the Successful Bidder to the Borough for each such maturity, which purchase price shall be at least equal to the fair market value price of such maturity or maturities.

The obligations hereunder to deliver and accept and pay for the Bonds will also be conditioned on the availability and the delivery on the Closing Date of the approving opinion of the law firm of McCarter & English, LLP, Newark, New Jersey, which will be furnished without cost to the Successful Bidder, substantially in the form set forth in the Official Statement distributed in preliminary form in connection with the sale of the Bonds. Such opinion shall state to the effect that the Bonds are valid and legally binding obligations of the Borough, and that all the taxable property within the jurisdiction of the Borough is subject to the levy of ad valorem taxes, without limitation as to rate or amount, to pay the Bonds and the interest thereon; and will also state that under existing law, interest on the Bonds is not includable in gross income for purposes of Federal income taxation. The obligations hereunder to deliver and accept the Bonds shall be further

conditioned on the availability and delivery on the Closing Date of (a) certificates in form satisfactory to Bond Counsel evidencing the proper execution and delivery of the Bonds and receipt of payment therefor and the setting forth the facts necessary to conclude that the interest on the Bonds will be excluded from gross income under Section 103 of the Code; (b) a certificate, in form and tenor satisfactory to Bond Counsel and dated as of the date of such delivery, to the effect that there is no litigation pending or (to the knowledge of the signer or signers thereof) threatened affecting the validity of the Bonds; (c) a certificate signed by the Borough relating to accuracy and completeness of the Preliminary Official Statement and the final Official Statement; and (d) a Continuing Disclosure Certificate satisfying the requirements of Rule 15c2-12 (as hereinafter defined) and the undertaking of the Borough with respect thereto.

### Insurance

If the Bonds qualify for the 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 cost of issuance of the Bonds resulting by reason of such insurance, unless otherwise paid, shall 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 Successful Bidder of its contractual obligations arising from the acceptance of its Proposal for Bonds. In the event such a policy of municipal bond insurance is obtained, the Successful Bidder shall, simultaneously with its delivery of the Issue Price Certificate, furnish to the Borough a certificate, in form and substance satisfactory to Bond Counsel, containing such information as shall be required, in the opinion of Bond Counsel, to establish that such municipal bond insurance policy constitutes a “qualified guarantee” (as defined in Section 1.148-4(f) of the Treasury Regulations), the premium for which may be taken into account in determining the yield on the Bonds for purposes of Section 148 of the Code.

### Preliminary and Final Official Statement

The Borough has issued an official statement with respect to the sale of the Bonds in preliminary form (the “Preliminary Official Statement”). The Borough, by accepting the Proposal for Bonds submitted by the Successful Bidder, (a) certifies to the Successful Bidder as of the date of acceptance of such Proposal for Bonds, that the Preliminary Official Statement furnished prior to the date of such acceptance has been “deemed final” as of its date by the Borough within the meaning of Rule 15c2-12 promulgated under the Securities Exchange Act of 1934 (“Rule 15c2-12”), except for certain omissions permitted thereunder and except for changes permitted by other applicable law and (b) agrees to provide to the Successful Bidder, in order to permit the Successful Bidder to comply with Rule 15c2-12, with up to seventy-five (75) copies of the final Official Statement within seven (7) business days after the date of the acceptance by the Borough of such Proposal for Bonds at the sole cost and expense of the Borough, with any additional copies that the Successful Bidder shall reasonably request to be provided at the sole cost and expense of the Successful Bidder. The Successful Bidder, by executing its Proposal for Bonds, agrees to provide the final Official Statement to the Electronic Municipal Market Access (“EMMA”) facility for municipal securities disclosure of the Municipal Securities Rulemaking Board (the “MSRB”) immediately upon receipt of the final Official Statement from the Borough and to comply with MSRB Rule G-32. The Successful Bidder shall notify

the Borough of (i) the date on which the final Official Statement is filed with EMMA and (ii) the date which is the “end of the underwriting period” for the Bonds within the meaning of Rule 15c2-12.

#### CUSIP Identification Numbers

It is anticipated that CUSIP Identification Numbers will be printed on the Bonds. NW Financial Group, LLC, Municipal Advisor to the Borough, will timely apply for CUSIP Identification Numbers with respect to the Bonds as required by MSRB Rule G-34. The CUSIP Service Bureau charge for the assignment of the numbers shall be the responsibility of and shall be paid for by the Successful Bidder. The Successful Bidder will be responsible for notifying CUSIP Global Services of any changes in structure and shall add or cancel CUSIP numbers as needed to the final structure. The Borough will assume no obligation for the assignment or printing of such numbers on the Bonds or for the correctness of such numbers, and neither the failure to print such numbers 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 make payment for the Bonds.

#### Additional Information

Copies of the Preliminary Official Statement and the Notice of Sale may be obtained by contacting the Chief Financial Officer at (732) 390-7035 or the Borough’s Municipal Advisor, Heather Litzebauer of NW Financial Group, LLC at (201) 656-0115.

The Borough of Sayreville, in  
the County of Middlesex, New Jersey

Dated: October 12, 2022

By: Denise Biancamano  
Chief Financial Officer

\$11,923,000  
BOROUGH OF SAYREVILLE  
GENERAL OBLIGATION BONDS OF 2022  
ISSUE PRICE CERTIFICATE

The undersigned, on behalf of [NAME OF UNDERWRITER/REPRESENTATIVE] ([“[SHORT NAME OF UNDERWRITER]”][the “Representative”]), on behalf of itself and [NAMES OF OTHER UNDERWRITERS] (together, the “Underwriting Group”), hereby certifies as set forth below with respect to the sale and issuance of the above-captioned obligations (the “Bonds”).

[Alternative 1 – Three bids received]

1. Reasonably Expected Initial Offering Price.

(a) As of the Sale Date, the reasonably expected initial offering prices of the Bonds to the Public by [SHORT NAME OF UNDERWRITER] are the prices listed in Schedule A (the “Expected Offering Prices”). The Expected Offering Prices are the price for the Maturities of the Bonds used by [SHORT NAME OF UNDERWRITER] in formulating its bid to purchase the Bonds. Attached as Schedule B is a true and correct copy of the bid provided by [SHORT NAME OF UNDERWRITER] to purchase the Bonds.

(b) [SHORT NAME OF UNDERWRITER] was not given the opportunity to review other bids prior to submitting its bid.

(c) The bid submitted by [SHORT NAME OF UNDERWRITER] constituted a firm offer to purchase the Bonds.

[Alternative 2 – 10% actual sales]

1. Sale of the Bonds. As of the date of this certificate, for each Maturity of the Bonds, the first price at which at least 10% of each Maturity of the Bonds was sold to the Public is the respective price listed in Schedule A.

[Alternative 3 – Hold the Price Rule]

1. Initial Offering Price of the Bonds.

(a) The [SHORT NAME OF UNDERWRITER] offered the Bonds to the Public for purchase at the initial offering prices listed in Schedule A (the “Initial Offering Prices”) on or before the Sale Date. A copy of the pricing wire or equivalent communication for the Bonds is attached to this certificate as Schedule B.

(b) As set forth in the Notice of Sale and bid award, [SHORT NAME OF UNDERWRITER] has agreed in writing that, (i) it would neither offer nor sell any of the Bonds to any person at a price that is higher than the Initial Offering Prices for the Bonds during the Holding Period (the “hold-the-offering-price rule”), and (ii) any selling group agreement shall contain the agreement of each dealer who is a member of the selling group, and any retail distribution agreement shall contain the agreement of each broker-dealer who is a party to the retail distribution agreement, to comply with the hold-the-

offering-price rule. Pursuant to such agreement, no Underwriter (as defined below) has offered or sold any of the Bonds at a price that is higher than the respective Initial Offering Price for the Bonds during the Holding Period.

2. Defined Terms.

[(a) Holding Period means 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 (October 27, 2022), or (ii) the date on which the [SHORT NAME OF UNDERWRITER] has sold at least 10% of each Maturity of the Bonds to the Public at prices that are no higher than the Initial Offering Price for the Bonds.]

[(b) Issuer means the Borough of Sayreville in the County of Middlesex.

[(c) 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.

[(d) Public means any person (including an individual, trust, estate, partnership, association, company, or corporation) other than an Underwriter or a related party to an Underwriter. The term "related party" for purposes of this certificate generally means any two or more persons who have greater than 50 percent common ownership, directly or indirectly.

[(e) Underwriter means (i) any person that agrees pursuant to a written contract with the Issuer (or with the lead underwriter to form an underwriting syndicate) to participate in the initial sale of the Bonds to the Public, and (ii) any person that agrees pursuant to a written contract directly or indirectly with a person described in clause (i) of this paragraph to participate in the initial sale of the Bonds to the Public (including a member of a selling group or a party to a retail distribution agreement participating in the initial sale of the Bonds to the Public).

The representations set forth in this certificate are limited to factual matters only. Nothing in this certificate represents [NAME OF UNDERWRITING FIRM][the Representative's] interpretation of any laws, including specifically Sections 103 and 148 of the Internal Revenue Code of 1986, as amended, and the Treasury Regulations thereunder. The undersigned understands that the foregoing information will be relied upon by the Issuer with respect to certain of the representations set forth in the Tax Certificate and with respect to compliance with the federal income tax rules affecting the Bonds, and by McCarter & English, LLP in connection with rendering its opinion that the interest on the Bonds is excluded from gross income for federal income tax purposes, the preparation of the Internal Revenue Service Form 8038-G, and other federal income tax advice that it may give to the Issuer from time to time relating to the Bonds.

[UNDERWRITER][REPRESENTATIVE]

By: \_\_\_\_\_

Name: \_\_\_\_\_

Dated:



SCHEDULE A  
EXPECTED OFFERING PRICE  
(Attached)

SCHEDULE B  
COPY OF UNDERWRITER'S BID  
(Attached)

**RESOLUTION #2022-245**

**WHEREAS, Fancy Corner Caterers**, is the holder of Plenary Retail Consumption License # 1219-44-003-007 issued by the Mayor and Council of the Borough of Sayreville as the Issuing Authority for premises located at 508-510 Raritan Street, Sayreville, NJ; and

**WHEREAS**, application has been made to the Mayor and Borough Council of the Borough of Sayreville for the renewal of Plenary Retail Distribution License No. **1219-44-003-007 Fancy Corner Caterers**; and

**WHEREAS**, said applicant has complied with the necessary requirements including payment of fees, etc.:

**NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED** by the Mayor and Borough Council of the Borough of Sayreville, as follows:

1. That Plenary Retail Distribution License No. **1219-44-003-007, Fancy Corner Caterers**, located at 508-510, Sayreville, NJ 08872 in the Borough of Sayreville be and the same is hereby renewed for the 2022-2023 license term.

\_\_\_\_\_  
Mary J. Novak, Councilwoman  
(Admin. & Finance Committee)

Reviewed by the Borough Attorney and is approved as to form and the Resolution satisfies all of the legal requirements for the Mayor's signature.

\_\_\_\_\_  
Michael R. DuPont, Borough Attorney

**ATTEST:**

**BOROUGH OF SAYREVILLE**

\_\_\_\_\_  
Jessica Morelos, RMC  
Municipal Clerk

\_\_\_\_\_  
Victoria Kilpatrick  
Mayor

	Conti	Dwumfour	Maher	Novak	Onuoha	Roberts
Ayes						
Nays						
Abstain						
Absent						

**RESOLUTION #2022-246**  
**BOROUGH OF SAYREVILLE RESOLUTION TO RENEW**  
**P.R.C.L. #1219-33-021-010 DeJaVu3, t/a DEKO**  
**WITH CONDITIONS FOR THE 2022-2023 LICENSE YEAR**

**WHEREAS, DeJaVu3, LLC**, is the holder of Plenary Retail Consumption License No. 1219-33-021-010 issued by the Council of the Borough of Sayreville as the Issuing authority for premises located at 1979 Highway No. 35, South Amboy, NJ 08879; and

**WHEREAS**, the licensee did file a verified petition requesting authorization for the Borough of Sayreville to consider its renewal application for the 2022-2023 license term; and

**WHEREAS**, on August 19, 2022, James B. Graziano, Director of the State Division of Alcoholic Beverage Control, did make a special Ruling to permit the filing of a renewal application of a pocket license, pursuant to N.J.S.A. 33:1-12.39, Agency Docket No. 07-22-822 for a two-year period, covering the 2022-2023 and 2023-2024 license terms; and

**WHEREAS**, the said Special Ruling of the Director does authorize the Mayor and Borough Council to consider the application for renewal of the subject license for the 2022-2023 license term and to grant or deny said application in the reasonable exercise of its discretion;

**BE IT FURTHER RESOLVED THAT** plenary retail consumption license number 1219-33-021-010, DeJaVu3, LLC is hereby renewed for the 2022-2023 license year, ***subject to the following conditions as contained in Appendix A, attached hereto and made part thereof***

**NOW THEREFORE BE IT FURTHER RESOLVED** that Borough Clerk is hereby authorized and directed to make the necessary notations or endorsements to the License certificate and that a certified copy of the within Resolution is to be forwarded by the Borough Clerk to the following:

- a. Licensing Bureau  
Division of Alcohol Beverage Control  
140 East Front Street  
P. O. Box 087  
Trenton, New Jersey 08625-0087

**BE IT FURTHER RESOLVED THAT** this Resolution shall take effect immediately and/or as required by law.

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Mary J. Novak, Councilwoman  
(Admin. & Finance Committee)

Reviewed by the Borough Attorney and is approved as to form and the Resolution satisfies all of the legal requirements for the Mayor's signature.

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Michael R. DuPont, Borough Attorney

**ATTEST:**

**BOROUGH OF SAYREVILLE**

---

Jessica Morelos, RMC  
Municipal Clerk

---

Victoria Kilpatrick  
Mayor

	<b>Conti</b>	<b>Dwumfour</b>	<b>Maher</b>	<b>Novak</b>	<b>Onuoha</b>	<b>Roberts</b>
<b>Ayes</b>						
<b>Nays</b>						
<b>Abstain</b>						
<b>Absent</b>						