

Mayor Kilpatrick opened the Council Meeting at 7:00 PM followed by a short prayer and salute to the flag. This meeting was held hybrid.

- **STATEMENT OF NOTICE OF PUBLICATION**

Municipal Clerk Morelos announced that this September 11, 2023 Council Meeting had been advertised and posted in accordance with Open Public Meetings Act Chapter 231, P.L. 1975 by advertising in the Home News Tribune and the Star Ledger, notifying the Sentinel Publishing Co., posting on the bulletin board, and is on file in her office.

- **ROLL CALL:**

Present: Councilpersons Balka, Conti, Novak, Onuoha (via electronic communications), Roberts, Zebrowski

Absent: None

Others Present: Mayor Victoria Kilpatrick
Glenn Skarzynski, Business Administrator
Denise Biancamano, C.F.O./Treasurer
Jessica Morelos, Municipal Clerk
Sean Kean, Esq., Borough Attorney
Jay Cornell, P.E., Borough Engineer
Nicole Waranowicz, Assistant Municipal Clerk

Others Absent: None

- **APPROVAL OF PRIOR MINUTES OF THE MAYOR AND COUNCIL:**

Councilwoman Novak moved the following minutes be approved, subject to correction if necessary:

☞ August 21, 2023 - Special & Executive Sessions

Seconded by Councilwoman Roberts.

Roll Call: Councilpersons Novak, Balka, Conti, Onuoha, Roberts, Zebrowski, all Ayes.

- **PROCLAMATION & PRESENTATIONS - None**

- **EXECUTIVE SESSION**

Borough Clerk Morelos read the following Executive Session Resolution into record.

RESOLUTION FOR CLOSED SESSION

WHEREAS, Section 8 of the Open Public Meetings Act, Chapter 231, P.L. 1975 permits the exclusion of the public from a meeting in certain circumstances, and

WHEREAS, this public body is of the opinion that such circumstances presently exist;

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

1. The public portion of this meeting is hereby adjourned in order that the Governing Body may meet in a closed, private session for approximately 10-15 minutes to discuss the following matters:

- Litigation
- Contract Negotiations

2. Following the conclusion of said closed session, the Governing body shall reconvene the open portion of this meeting to consider any other matters which may be properly brought before it at this time.

3. The nature and content of discussion which occurs during closed session shall be made public at the time the need for non-disclosure no longer exists.

NOW, THEREFORE BE IT RESOLVED that the public be excluded and this resolution shall take effect immediately.

/s/ Mary J. Novak, Councilwoman

APPROVED:

/s/ Victoria Kilpatrick, Mayor

Councilwoman Novak moved the Executive Session Resolution be adopted on Roll Call Vote. Motion seconded by Councilwoman Roberts.

Roll Call: Councilpersons Novak, Balka, Conti, Onuoha, Roberts, Zebrowski, all Ayes.

Time: 7:03 PM

Reconvene:

Councilwoman Novak made a **motion to reconvene**. Motion was seconded by Councilwoman Roberts.

Roll Call: Councilpersons Novak, Balka, Conti, Onuoha, Roberts, Zebrowski, all Ayes.

Time: 7:31 PM

• **OLD BUSINESS:**

a) Public Hearing on the following Ordinances:

Borough Clerk Morelos read the heading for the following ordinances listed for Public Hearing:

Public Hearing on Ordinance #29-23.

Mayor Kilpatrick opened the meeting to the public for questions or comments on Ordinance #29-23.

There were no comments.

Councilman Balka moved the Public Hearing be closed the Ordinance be adopted on second and final reading and advertised according to law. Seconded by Councilwoman Novak.

Roll Call: Councilpersons Balka, Conti, Novak, Onuoha, Roberts, Zebrowski, all ayes.

ORDINANCE #29-23

AN ORDINANCE OF THE BOROUGH OF SAYREVILLE AUTHORIZING THE SALE OF CERTAIN REAL PROPERTY LOCATED AT BLOCK 56, LOTS 1.01 AND 2.02, BLOCK 57.02, LOT 1, BLOCK 57.04, LOT 1, BLOCK 57.05, LOT 1 AND BLOCK 58, LOTS 6 AND 7

WHEREAS, the Borough of Sayreville ("Borough") owns certain real property known as Block 56, Lots 1.01 and 2.02, Block 57.02, Lot 1, Block 57.04, Lot 1, Block 57.05, Lot 1 and Block 58, Lots 6 and 7 on the official Tax Map of the Borough of Sayreville (collectively known as the "Property").

WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq., as amended and supplemented ("Redevelopment Law"), provides a process for municipalities and private entities to cooperate in the redevelopment and improvement of areas determined to be in need of redevelopment; and

WHEREAS, by Resolution #2010-70 adopted on March 22, 2010, the Sayreville Borough Council authorized the Sayreville Planning Board to perform a study and hold a public hearing to determine, whether property identified on the Tax Map as Block 56, Lots 1.01 and 2.02, Block 57.02, Lot 1, Block 57.04, Lot 1, Block 57.05, Lot 1 and Block 58, Lots 6 and 7 qualified for designation as areas in need of redevelopment under the Redevelopment Law; and

WHEREAS, the Sayreville Planning Board conducted an investigation and public hearing in accordance with the Redevelopment Law and recommended to the Borough Council that the aforementioned areas satisfy the statutory criteria for designation as areas in need of redevelopment in N.J.S.A. 40A:12A-6(c) and (e); and

WHEREAS, by Resolution #2010-157 adopted on July 12, 2010, the Borough Council designated the Property as an area in need of redevelopment; and

WHEREAS, by Ordinance #239-13, the Borough Council adopted a redevelopment plan entitled “Borough of Sayreville Landfill and Melrose Redevelopment Plan” (including any amendments thereto, the “Redevelopment Plan”) applicable to the Property; and

WHEREAS, by Resolution #2015-258, adopted by the Borough Council on August 24, 2015, the land upon which the Project is to be constructed by Redeveloper was expanded to include the parcel then known as Block 56, Lot 2.01 (the “Expansion Parcel”); and

WHEREAS, the Redevelopment Plan was amended by Ordinance #304-15, adopted on September 15, 2015 to, among other things, include the Expansion Parcel; and

WHEREAS, the Sayreville Economic and Redevelopment Authority (“SERA”), as the redevelopment entity, and CP MD Jernee Mill Road, LLC (“Redeveloper”) entered into a Redevelopment Agreement, dated as of January 26, 2023, for the Redeveloper to develop the Property, conditioned upon Redeveloper’s acquisition of the Property.

WHEREAS, Borough has determined that redevelopment of the Property pursuant to the Redevelopment Agreement is in the best interests of Borough in terms of economic, societal and land use benefits; and

WHEREAS, Borough has agreed to enter into the Purchase Agreement for purposes of cooperating with and facilitating the redevelopment of the Property and the Expansion Parcel and the construction of the Project on the Development Site by Redeveloper (“Purchase Agreement”). A True and Accurate Copy of the Purchase Agreement is attached herein as **Exhibit A**; and

WHEREAS, the Purchase Price for the Property is Twenty Million Dollars (\$20,000,000.00).

NOW, THEREFORE, BE IT ORDAINED by the Mayor and the Borough Council that the Borough is authorized to enter into the Purchase Agreement with CP MD Jernee Mill Road, LLC, for sale of certain real property owned by the Borough known as Block 56, Lots 1.01 and 2.02, Block 57.02, Lot 1, Block 57.04, Lot 1, Block 57.05, Lot 1 and Block 58, Lots 6 and 7 on the official Tax Map of the Borough of Sayreville for Twenty Million Dollars (\$20,000,000.00).

SECTION 2. Severability Clause.

If any article, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect, and to this end the provisions of this ordinance are hereby declared severable.

SECTION 3. Repealer.

All other ordinances in conflict or inconsistent with this ordinance are hereby repealed, to the extent of such conflict or inconsistency. In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Borough, the provisions are hereof shall be determined to govern. All other parts, portions and provisions of the Ordinances of the Borough are hereby ratified and confirmed, except where inconsistent with the terms hereof.

SECTION 4. Effective Date.

This Ordinance shall take effect immediately upon adoption and publication in accordance with the laws of the State of New Jersey.

INTRODUCED/APPROVED ON FIRST READING

DATED: August 21, 2023

/s/Jessica Morelos, R.M.C.
Clerk of the Borough of Sayreville

/s/Daniel Balka, Councilman
(Admin. & Finance Committee)
Borough of Sayreville

ADOPTED ON SECOND READING

DATED: September 11, 2023

/s/Jessica Morelos, R.M.C.
Clerk of the Borough of Sayreville

/s/Daniel Balka, Councilman
(Admin. & Finance Committee)
Borough of Sayreville

APPROVAL BY THE MAYOR ON THIS 11th DAY OF September, 2023.

/s/Victoria Kilpatrick, Mayor
Borough of Sayreville

APPROVED AS TO FORM:

/s/SEAN KEAN, ESQ., Borough Attorney

Public Hearing on Ordinance #30-23.

Mayor Kilpatrick opened the meeting to the public for questions or comments on Ordinance #30-23.

There were no comments.

Councilman Balka moved the Public Hearing be closed the Ordinance be adopted on second and final reading and advertised according to law. Seconded by Councilwoman Novak.

Roll Call: Councilpersons Balka, Conti, Novak, Onuoha, Roberts, Zebrowski, all ayes.

ORDINANCE #30-23

AN ORDINANCE ESTABLISHING CHAPTER XXXVIII "DEPLOYMENT OF WIRELESS FACILITIES" AND PROCEDURES AND STANDARDS REGARDING DEPLOYMENT OF SMALL WIRELESS FACILITIES IN PUBLIC RIGHTS-OF-WAY IN THE BOROUGH OF SAYREVILLE

WHEREAS, the wireless communications industry has expressed interest in submitting applications to utilize space in public rights-of-way within the Borough of Sayreville ("**Borough**") for the installation of small cell wireless telecommunications facilities (hereinafter "Small Wireless Facilities") in connection with the industry's

efforts to expand and/or upgrade existing 4G Facilities and as part of the construction of a nation-wide 5G Facilities network; and

WHEREAS, the Borough supports these investments and deployment of wireless networks in a way that balances our community character, needs, and interests while preserving the Borough's ability to manage public rights-of-way in the overall interests of the public health, safety and welfare; and

WHEREAS, the Borough recognizes that Small Wireless Facilities and/or Smart Poles often are most effectively deployed in public rights-of-way and that the rules and regulations of the Federal Communications Commission require municipalities to make rights of way available subject to local police power regulations; and

WHEREAS, multiple installations of Small Wireless Facilities and/or Smart Poles within the public right-of-way can impact property values, create traffic and pedestrian safety hazards, impact shade trees where proximity conflicts may require trimming of branches or require removal of roots and create visual and aesthetic blights all of which can negatively impact the quality and character of life within the Borough; and

WHEREAS, the Borough wishes to preserve the aesthetics of the community by encouraging the location of Small Wireless Facility equipment on existing or previously approved concealment infrastructure; and

WHEREAS, A September 2018 Ruling and Order of the Federal Communications Commission ("FCC") and subsequent federal court decision impacting that ruling imposes certain restrictions and preemptions on the exercise of local authority when dealing with small wireless facilities and/or Smart Poles.

WHEREAS, the Borough needs to amend its municipal code, establishing Chapter XXXVIII, to address the legal and practical issues that arise in connection with multiple Small Wireless Facility and/or Smart Pole installations deployed in the public rights-of-way; and

WHEREAS, in light of the foregoing, this governing body is of the opinion that the adoption of this Ordinance is in the best interest of the Borough and the health, safety and welfare of its residents and visitors.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Borough Council of the Borough of Sayreville, in the County of Middlesex, State of New Jersey, as follows:

Section One. Definitions.

- A. All definitions of words, terms and phrases that are set forth in the Communications Act of 1934, P.L. 73-416, as amended by various statutory enactments including, but not limited to, the Telecommunications Act of 1996 P.L. 104-104, are incorporated herein and are made apart hereof.
- B. All definitions of words, terms and phrases that are set forth in the New Jersey Municipal Land Use Law, N.J.S.A. 40:55D-1, *et. seq.*, are incorporated herein and are made apart hereof.
- C. All of the definitions of words, terms and phrases that are set forth in the Code of Federal Regulations at 47 C.F.R. §1.6002, as amended, are incorporated herein and are made a part hereof.
- D. In addition to the foregoing, the following words, terms and phrases shall have the meanings indicated unless an alternate meaning clearly is discernable from the context in which the word, term or phrase is used:

Administrative Review means ministerial review of an Application by

the Borough to determine whether the issuance of a Permit is in conformity with the applicable provisions of this Chapter.

Antenna means communications equipment that transmits and/or receives electromagnetic radio frequency signals used in the provision of Wireless Services. This definition does not apply to broadcast antennas, antennas designed for amateur radio use, or satellite dishes for residential or household purposes.

Applicable Codes means uniform building, fire, safety, electrical, plumbing, or mechanical codes adopted by a recognized national code organization to the extent such codes have been adopted by the Authority, including any amendments adopted by the Authority, or otherwise are applicable in the jurisdiction.

Applicant means any Person or Entity who submits an Application under this Chapter, such as a Provider described herein.

Application means a written request, on a form provided by the Borough of Sayreville.

Authority means the Borough Council of the Borough of Sayreville. The term "Authority" and "Borough" are interchangeable.

Collocate means to install or mount a Small Wireless Facility in the Public Right-Of-Way on an existing Support Structure, on an existing Pole, on a new pole, or smart pole.

"Collocation" has a corresponding meaning.

Communications Facility means, collectively, the equipment at a fixed location or locations within the Public ROW that enables Communications Services, including; (i) radio transceivers, Antennas, coaxial, fiber-optic or other cabling, power supply (including backup battery), and comparable equipment, regardless of technological configuration; and (ii) all other equipment associated with any of the foregoing. A Communications Facility does not include the Pole or Support Structure to which the equipment is attached.

Communications Service means cable service, as defined in 47 U.S.C. § 522(6); information service, as defined in 47 U.S.C. § 153(24); or telecommunications service, as defined in 47 U.S.C. § 153(53).

Communications Service Provider means a provider of Communications Services and includes a cable operator as defined in 47 U.S.C. § 522(5).3

Consultant means any Person appointed by the Borough to serve as a consultant for the Borough for all matters concerning this Chapter, and who may be contracted for professional services.

FCC means the Federal Communications Commission of the United States.

Laws means, collectively, any and all Federal, State or Local law, statute, common law, code, rule, regulation, order, or ordinance.

Ordinary Maintenance and Repair means inspections, testing and/or repair that maintain functional capacity, aesthetic and structural integrity of a communications Facility and/or the associated Support Structure or Pole, that does not require blocking, damaging or disturbing any portion of the Public ROW.

Permit, "R.O.W. Permit" or "Small Cell Permit" means a written authorization to install, at a specified location(s) in the Public ROW, a Communications Facility, Smart Pole or a Pole to support a Communications Facility.

Permittee means an Applicant that has received a Permit under this Chapter.

Person means an individual, corporation, limited liability company, partnership, association, trust or other entity or organization, including a governmental entity.

Personal Wireless Services

"Personal Wireless Services," as defined in 47 U.S.C. §332(c)(7)(C), as supplemented and/or as amended.

Public Right-of-Way

The surface, the airspace above the surface and the area below or along the surface of any street, road, highway, lane, alley, boulevard or drive, including the sidewalk, shoulder and area for utilities owned by the Borough of Sayreville.

Small Wireless Facility

"Small Wireless Facility," as defined in the Code of Federal Regulations at 47 C.F.R. §1.6002(1), as supplemented and/or as amended. **Small wireless facility** means a wireless facility that meets both of the following qualifications: (i) each antenna is located inside an enclosure not to exceed forty-five (45) feet in height and be no more than six (6) cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an imaginary enclosure of no more than six (6) cubic feet; and (ii) all other wireless equipment attached directly to a utility pole associated with the facility is cumulatively no more than twenty-five (25) cubic feet in volume and not exceed forty-five (45) feet in height. The following types of associated ancillary equipment are not included in the calculation of equipment volume: electric meter, concealment elements, telecommunications demarcation box, ground-based enclosures, grounding equipment, power transfer switch, cut-off switch, and vertical cable runs for the connection of power and other services.

Smart Pole

A decorative utility pole that conceals three or more Small Wireless Facility installation(s) and may include other features such as street lighting, 911 call service access, public access Wi-Fi and surveillance cameras. A Smart Pole must allow for multiple occupants and allow space for municipal use for other services and/or equipment. Smart Poles shall neither have external latches, external hinges, external cabling, or other attachments. The pole should be made of an inherently rust-resistant material (i.e. aluminum alloys or stainless steel) and not exceed forty-five (45) feet in height.

Utility Pole

A wooden or metal pole that is used by public utilities to support electrical wires, telephone wires, coaxial cables, fiber optic cables and like and similar appurtenances.

Wireless Communications Infrastructure

Infrastructure designed specifically for the purpose of supporting wireless facility equipment deployments, including large-scale (macro) collocatable infrastructure as well as Small Wireless Facilities Infrastructure

Small Wireless Facilities Infrastructure

A Smart Pole meeting the above definition or other collocatable infrastructure designed or deployed for the purpose of supporting small wireless facility, the types of which may be approved by geographical zones as defined by the Borough.

- E. In the event that a term, word or phrase is not defined in any of the aforementioned statutes and is not otherwise defined herein then that term, word or phrase shall have its common, ordinary meaning.

Section Two. Small Wireless Facility Siting Permit Required; Consent to Use Rights-of-Way Required.

- A. No person shall place a Small Wireless Facility and/or Smart Pole in any right-of-way without first filing a Small Wireless Facility siting permit application, in the form specified herein and in accordance with the procedures specified herein, with the Borough Clerk and obtaining a siting permit therefore, except as otherwise may be provided in this ordinance. Upon approval of a siting permit application, the siting permit authorizing placement of a Small Wireless Facility and/or Smart Pole in a public right-of-way shall not be issued by the Borough Clerk to any Applicant unless:
1. All siting permit application fees and escrow fees, as established herein, have been paid; and
 2. All other governmental permits or other governmental approvals that are required for the deployment(s) proposed by the Applicant's siting permit application under the New Jersey Uniform Construction Code Act, N.J.S.A. 52:27D-119, et. seq., and the administrative regulations adopted thereunder, the Ordinances of Borough, and by any other applicable federal, state or municipal law have been issued by the appropriate issuing authority therefore to the Applicant and the Applicant has supplied copies of such other permits or approvals to the Borough Clerk for inclusion with the Applicant's application documents; and
 3. The Applicant has entered into a "Right-of-Way Use Agreement," the approved form of which is set forth in Appendix "A" to this ordinance, with the Borough. The approved form of "Right-of-Way Use Agreement" may from time-to-time be revised, supplemented or otherwise amended or replaced. All such revisions, supplements, amendments or replacements shall be approved by Resolution of the Borough Council. The Borough Clerk shall maintain on file the currently approved Right-of-Way Use Agreement version and shall provide a copy to all siting permit applicants. Minor deviations to the terms and conditions that are set forth in the approved form of Right-of-Way Use Agreement may be approved by the Borough Council at the time that it grants consent to use a right-of-way to a siting permit Applicant.
- B. No siting permit authorizing placement of a Small Wireless Facility and/or Smart Pole in a public right-of-way shall be issued to any Applicant unless the Borough Council, in the manner prescribed by applicable laws of the State of New Jersey, has granted to the siting permit Applicant its consent to use public rights-of-way within the Borough. No siting of a Small Wireless Facility and/or Smart Pole shall be permitted within five-hundred (500) feet of another Small Wireless Facility and/or Smart pole unless it can be established by clear and convincing evidence that compliance with these regulations would effectively prohibit the applicant from providing service and that co-location on an existing or previously approved Small Wireless Facility and/or Smart Pole is not feasible. Any claims of applicants of technical incompatibility or inability to collocate need to be demonstrated scientifically by the applicant how technical incompatibility exists, not disproven by the Borough. Responsibility for judging proof of said claims lies solely with the Borough and/or its chosen representative(s).

Section Three. Installation of New Structures; Installation on Existing Structures.

- A. No application for a Small Wireless Facility siting permit shall be approved if the application proposes the deployment of a Small Wireless Facility upon an existing structure in a right-of-way unless the structure is one of the types of Smart Poles that are set forth in Section One:

Definitions to this ordinance and such Smart Pole specifically is designed to accommodate the reasonable and customary equipment necessary for a Small Wireless Facility installation which will accommodate at least three carriers per Small Wireless Facility deployment. Any exception to this requirement must be accompanied by clear and convincing evidence that collocation on an existing or previously approved Small Wireless Facility is not feasible. Any claims of applicants of technical incompatibility or inability to comply with this requirement need to be demonstrated scientifically by the applicant, not disproven by the Borough. Responsibility for judging proof of said claims lies solely with the Borough and/or or its chosen representative(s).

- B. No Small Wireless Facility shall be installed upon any new structure within any right-of-way unless the new structure is one of the types of Smart Poles that are identified in Section One: Definitions to this ordinance. A replacement pole is a new structure.

- C. No application for a Small Wireless Facility and/or Smart Pole siting permit shall be approved if the application proposes the deployment of a Small Wireless Facility in an area other than those specific locations set forth within the City's Wireless Siting Plan, which can be found on file with the Office of the City Clerk. All Small Wireless Facilities must be placed within a 25 ft. radius of those specific locations set forth on the City's Wireless Siting Plan. No more than one (1) Smart Pole shall be permitted per intersection or block if the Siting Plan calls for the deployment of a Small Wireless Facility at any location other than an intersection, unless otherwise specified within the Wireless Siting Plan. No Smart Poles shall be located within 500 ft. of another. Any claims of carriers of technical incompatibility or inability to comply with this requirement need to be scientifically demonstrated by the applicant, not disproven by the Borough. Responsibility for judging proof of said claims lies solely with the Borough and/or or its chosen representative(s).

Section Four. Siting Permit Application Process.

A. Application Filing. An application for a siting permit to place one or more Small Wireless Facility and/or Smart Pole within a right-of-way shall be made on forms which shall be available from the Office of the Borough Clerk. The application, along with the required application fee and the required escrow fee, shall be filed with the Borough Clerk. Immediately upon receipt of an application, the Borough Clerk shall provide copies of the application and all supporting documents that were submitted by the Applicant with the application, to the Borough Engineer, Zoning Official, Construction Official and the Borough Solicitor.

B. Application Form. The Small Wireless Facility and/or Smart Pole siting permit application shall be made by a provider of personal wireless services, its duly authorized representative, as noted in a notarized statement from the provider of personal wireless services, on whose behalf the representative is acting, or an entity in the business of deploying wireless communications facilities or infrastructure, and shall contain the following:

1. The Applicant's name, address, telephone number and e-mail address;

2. The names, addresses, telephone numbers, and e-mail addresses of all consultants, if any, acting on behalf of the Applicant with respect to the filing of the Application;

3. A general description of the proposed Small Wireless Facility, structure type, and new structure work to be performed. Color photographs shall be provided depicting the current state of the location where the installation is proposed. Additionally, a rendering of the proposed installation shall be provided for each location the Small Wireless Facility is proposed. The scope and detail of such description shall

be appropriate to the nature and character of the work to be performed, with particular emphasis on those matters, including, but not limited to, subsurface utilities likely to be affected or impacted by the work proposed along with a description of such other governmental permits or approvals as may be required by applicable law with respect to the proposed installation(s) and a description of such other permits or approvals for which the Applicant has applied;

4. Authorization for any consultant acting on behalf of the Applicant to speak with the Borough, or a designee of the Borough, on the area of consultation for the Applicant even if the Applicant cannot be available;

5. Verification via sworn statement from an appropriate professional that the Small Wireless Facility shall comply with all applicable federal, state and local laws, administrative regulations and codes;

1. With respect to radio frequency emissions, Applicant must provide a sworn statement from a qualified radio frequency engineer that the Application will comply with all applicable Federal, State, and Local laws regarding radio frequency emissions

6. The Applicant shall certify that they shall make available approved facilities to all major wireless carriers in the marketplace. The Applicant shall further certify that they will encourage, manage and coordinate the location and placement of any interested carrier's equipment on their structure.

- B. An Applicant seeking to deploy a network of Small Wireless Facilities, all of which are to be located in rights-of-way, may file a batched application for up to twenty-five (25) Small Wireless Facilities and receive a single siting permit for multiple Small Wireless Facilities. Any denial of any individual Small Wireless Facilities within a batched application, will not impact the consideration of other sites within the same application.

Section Five. Procedure on Permit Application; No Exclusive Rights.

A. The Borough shall review the application for a Small Wireless Facility and/or Smart Pole siting permit in light of its conformity with the provisions of this Ordinance, and shall approve or deny a siting permit on nondiscriminatory terms and conditions subject to the following requirements:

1. Within ten (10) days of receiving an Application, the Borough Clerk shall determine and notify the Applicant:

- (a) Whether the Application is complete;
- (b) If the Application is incomplete, what specific information is missing; and

B. The Borough shall make its final decision to approve or deny the Application within the following timeframes:

(1) Sixty (60) days from the submission of a complete application to install a Small Wireless Facility upon one or more existing structures.

(2) Ninety (90) days from the submission of a complete application to install a Small Wireless Facility upon one or more new structures.

(3) Ninety (90) days from the submission of a complete batched application to install Small Wireless Facilities upon both existing and new structures.

The timeframes described above by which an application shall be either approved or

denied may be extended by mutual consent of the Applicant and Borough. Such consent shall be set forth on a form for such purposes which shall be available from the Office of the Borough Clerk. Such consent on behalf of the Borough shall be exercised by the Zoning Officer which shall not be unreasonably withheld.

- C. The Borough Clerk shall notify the Applicant in writing of the final decision, and if the Application is denied Specify the basis for denial; and cite such specific provisions, as may be recommended by the Borough Solicitor, from federal, state, or local laws, administrative regulations or codes as to why the Application was denied.
- D. Notwithstanding an initial denial, the Applicant may cure any deficiencies identified by the Borough within thirty (30) days of the denial without paying an additional application fee, provided the Borough Clerk shall approve or deny the revised application within thirty (30) days of receipt of the amended application which shall be limited to the deficiencies specified in the original notice of denial.
- E. A siting permit from the Borough authorizes an Applicant to undertake only certain activities in accordance with this ordinance. No approval or consent granted, or siting permit issued, pursuant to this ordinance shall confer any exclusive right, privilege, license or franchise to occupy or use any public right-of-way within the Borough of Sayreville for the delivery of telecommunications services or for any other purpose.
- F. Nothing in this section affects an applicant's obligation to apply for other permits that may be required under this code, such as street opening permits or construction permits, for which the Applicant has not yet applied. No Small Wireless Facility siting permit shall be approved until the Applicant has applied for all other permits and approvals required by all other laws and regulations that are applicable to the Applicant's proposed Small Wireless Facility and/or Smart Pole deployment.

Section Six. Duration.

No siting permit issued under this ordinance shall be valid for a period longer than twelve (12) months unless construction has actually begun and continuously and diligently is pursued to completion. Upon written request from the Applicant, the Mayor, upon consultation with the Construction Official, may extend the siting permit for a period of up to twelve (12) months so long as construction has begun at the time that the Applicant's request for an extension is made.

Section Seven. Routine Maintenance and Replacement.

A Small Wireless Facility siting permit shall not be required for:

- A. Routine maintenance of a Small Wireless Facility and/or Smart Pole.
- B. The replacement of a Small Wireless Facility and/or Smart Pole with another Small Wireless Facility and/or Smart Pole that is the same or smaller in size, weight and height to the Small Wireless Facility that is being replaced.
- C. Provided, however, that on a location where the Borough and/or another provider has placed equipment or facilities, any routine maintenance or replacement that is done shall not occur until written authorization from the Borough and/or the other provider, as the case may be, to proceed is provided to the Borough, which authorization to proceed shall not unreasonably be withheld by the Borough and/or the other provider.
- D. Provided further that if the replacement of a Small Wireless Facility and/or Smart Pole with another Small Wireless Facility includes replacement of the structure to which the Small Wireless Facility and/or Smart Pole is attached then an

application for a siting permit shall be required.

E. Notwithstanding anything to the contrary in this section 7, permits are required for any activity that involves any road closure or other activity that will impact vehicle or pedestrian traffic.

Section Eight. Fees.

A. **Application Fees.** All applications for approval and issuance of a Small Wireless Facility and/or Smart Pole siting permit pursuant to this ordinance shall be accompanied by a fee as follows:

1. For applications that do not include the installation of any new structures within a right-of-way the application fee shall be \$500.00 for up to five (5) Small Wireless Facilities and/or Smart Pole with an additional \$100.00 for each Small Wireless Facility and/or Smart Pole beyond five (5).
2. For applications that include the installation of a new structure within a right-of-way the application fee shall be \$1000.00 for up to five (5) Small Wireless Facilities with an additional \$100.00 for each Small Wireless Facility beyond five (5).

B. **Other Fees:** No pole attachment fees will be assessed by the City unless and until an applicant applies for pole attachment to a City-owned pole

C. **Annual Rate:** Applicant/permit holder shall pay a \$270 Annual ROW Maintenance Rate per Small Wireless Facility, starting on the anniversary of the permit issuance.

Section Nine. Escrow Fee for Third-Party Professionals and Consultants.

A. In addition to the application fee, all applications for approval and issuance of a Small Wireless Facility and/or Smart Pole siting permit shall be accompanied by an escrow fee as follows:

1. For applications whose proposed Small Wireless Facility and/or Smart Pole deployment(s) will not require a street opening permit, an escrow fee in the amount of \$5,000.00 shall be required.
2. For applications whose proposed Small Wireless Facility and/or Smart Pole deployment(s) will require a street opening permit, an escrow fee of \$7,500.00 shall be required.

B. The escrow account deposits are required to pay for the costs of professional services, including engineering, planning, legal and other third-party professional consulting expenses connected with the review of submitted materials, including any traffic engineering review or other special analyses related to the Borough's review of the materials submitted by the Applicant and the preparation of any reports or any necessary legal agreement regarding rights-of-way use. An Applicant is required to reimburse the Borough for all fees, costs and expenses of third-party professionals and consultants incurred and paid by the Borough for the review process of a Small Wireless Facility and/or Smart Pole siting permit application, such as, but not limited to:

1. Professional fees for reviews by third-party professionals or consultants of applications, plans and accompanying documents;
2. Issuance of reports or analyses by third-party professionals or consultants to the Borough setting forth recommendations resulting from the review of any documents submitted by the Applicant;
3. Charges for any telephone conference(s) or meeting(s), including travel

expenses, requested or initiated by the Applicant, the Applicant's attorney or any of the Applicant's experts or representatives;

4. Review of additional documents submitted by the Applicant and issuance of reports or analyses relating thereto;

5. Review or preparation of easements, deeds, right-of-way municipal consent ordinances or resolutions and any and all other like or similar documents; and

6. Preparation for and attendance at all meetings by third-party professionals or consultants serving the Borough, such as the Borough Attorney, Borough Engineer and Borough Planner or other experts as required.

C. The escrow account deposits shall be placed in a separate account by the Borough's Chief Financial Officer at the request of the Borough Clerk and an accounting shall be kept of each Applicant's deposit. Thereafter:

1. All third-party professional or consultant fees, costs, expenses and charges shall be paid from the escrow account and charged to the applicant;
 - a. Third-party professional or consultant fees shall not be disbursed from escrow if they are for a service performed in the context of an identical paid service between applicant and same third-party who may otherwise be entitled to said fees.
2. Upon either final denial of a Small Wireless Facility and/or Smart Pole siting permit application or upon issuance of a Small Wireless Facility and/or Smart Pole siting permit, any moneys not expended for third-party professional or consulting services shall be returned to the Applicant within 90 days upon written request by the Applicant and as authorized by the Borough Council;
3. If at any time during the application review process 75% of the money originally posted shall have been expended, the Applicant shall be required to replenish the escrow deposit to 100% of the amount originally deposited by the Applicant;
4. No Small Wireless Facility and/or Smart Pole siting permit application shall be considered complete until such time as the required escrow fee has been posted to guarantee payment of third-party professional or consultant fees, costs, expenses and charges;
5. All payments charged to the escrow deposit shall be pursuant to vouchers from the third-party professionals or consultants stating the hours spent, the hourly rate and the fees, costs, expenses and charges incurred;
6. Third-party professionals and consultants submitting charges pursuant to this section shall be permitted to charge for such services at the same rates as they would charge their private clients for like or similar work provided that:
 - (a) Professional fees are billed at rates that do not exceed such professional fees as are customarily charged by other like professionals and consultants performing similar work within Middlesex County; and
 - (b) Out-of-pocket costs, expenses and charges

are billed on a dollar-for-dollar basis with no mark-up being permitted;

7. The Borough shall render a written final accounting to the Applicant on the uses to which the escrow deposit was put. The written final accounting shall include copies of all vouchers that were submitted by third-party professionals and consultants and paid by the Borough.

Section Ten. Municipal Access to New Structures.

An Applicant whose siting permit includes the installation of any new Smart Pole structure of any of the types that are defined in in Section One: Definitions to this ordinance shall provide the Borough with access to space within the Smart Pole structure for the purpose of deploying Borough’s own equipment including but not limited to, public access Wi-Fi, 911 call service or security cameras. Notwithstanding the foregoing, the Municipal use shall not interfere with Small Wireless Facilities of any other users of that Smart Pole. Any Municipal use pursuant to this section shall include a reimbursement to the applicant, on an annual basis, of the costs, on a dollar-for-dollar basis, of providing the Borough with such access. Such costs shall be limited to the costs of providing electricity to the components used by the Borough and the costs of any repairs required to be made to the components used by the Borough, unless the repair costs are necessitated by the acts of the Applicant or subsequent owner of the structure, without regard to whether such acts are negligent or intentional.

Section Eleven.

All Ordinances or parts of Ordinances inconsistent with this Ordinance, to the extent of such inconsistencies only, be and the same hereby are repealed.

Section Twelve.

Notwithstanding any provision to the contrary, nothing in this code should be interpreted to have the effect of prohibiting or effectively prohibiting the deployment of broadband or other communications services

Section Thirteen.

This Ordinance shall take effective immediately upon final passage and publication as provided by law.

INTRODUCED/APPROVED ON FIRST READING

DATED: August 21, 2023

/s/Jessica Morelos, R.M.C.
Clerk of the Borough of Sayreville

/s/Daniel Balka, Councilman
(Admin. & Finance Committee)
Borough of Sayreville

ADOPTED ON SECOND READING

DATED: September 11, 2023

/s/Jessica Morelos, R.M.C.
Clerk of the Borough of Sayreville

/s/Daniel Balka, Councilman
(Admin. & Finance Committee)
Borough of Sayreville

APPROVAL BY THE MAYOR ON THIS 11th DAY OF September, 2023.

/s/Victoria Kilpatrick, Mayor
Borough of Sayreville

APPROVED AS TO FORM:

/s/SEAN KEAN, ESQ., Borough Attorney

Public Hearing on Ordinance #31-23.

Mayor Kilpatrick opened the meeting to the public for questions or comments on Ordinance #31-23.

Those commenting were:

- Jim Robinson, 11 Borelle Square

Mr. Robinson stated that Ernston Road stated that the parking on Ernston should state east and west.

Councilwoman Roberts that this ordinance is just for Eric Court, Jeffrey Court and School Drive.

No further comments.

Councilwoman Roberts moved the Public Hearing be closed the Ordinance be adopted on second and final reading and advertised according to law. Seconded by Councilman Conti.

Roll Call: Councilpersons Roberts, Balka, Conti, Novak, Onuoha, Zebrowski, all ayes.

ORDINANCE #31-23
AN ORDINANCE AMENDING AND SUPPLEMENTING
CHAPTER VII OF THE REVISED GENERAL ORDINANCES
OF THE BOROUGH OF SAYREVILLE TO AMEND SECTION 7-3.4
"PARKING PROHIBITED DURING CERTAIN HOURS ON CERTAIN STREETS"

WHEREAS, N.J.S.A. 39:4-8(c) permits a municipality to prohibit or regulate general parking for any street under municipal or county jurisdiction without the approval of the commissioner and consistent with the current standard prescribed by the Manual on Uniform Traffic Control Device for Streets and Highways, by ordinance; and

WHEREAS, non-residents have been parking their vehicles on residential streets during school hours; and

WHEREAS, the parked vehicles of non-residents are disturbing those who reside in the area; and

WHEREAS, the Borough of Sayreville ("Borough") desires to restrict the parking of vehicles on certain streets to only residents during school hours;

WHEREAS, in accordance to N.J.S.A. 39:4-198, the Borough shall provide appropriate signage detailing parking restrictions in order for this Ordinance to be effective.

WHEREAS, all additions are shown in ***bold italics with underlines***. The deletions are shown as ~~***strikeovers in bold italics***~~. Sections of Chapter 7 that will remain unchanged are shown in normal type.

BE IT AND IT IS HEREBY ORDAINED by the Mayor and Borough Council of the Borough of Sayreville, in the County of Middlesex, that the Revised General Ordinances of the Borough of Sayreville are hereby amended as follows:

7-3.4 Parking Prohibited During Certain Hours on Certain Streets. No person shall park a vehicle between the hours specified below any day (except Sundays and public holidays) upon any of the streets or parts of streets described below.

<i>Name of Street</i>	<i>Sides</i>	<i>Hours</i>	<i>Location</i>
Fairview Avenue	Both	10:00 p.m.—6:00 a.m.	Entire length.

SEPTEMBER 11, 2023 REGULAR MEETING	
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**7-
3.4.1.
Limited**

Kath Street	Both	10:00 p.m.—6:00 a.m.	Brook Avenue to Route 35.
Main Street	West	1:30 p.m.—2:30 p.m. (Sept.— June)	From Buchanan Street to McCutcheon Avenue
North Ernston Road	North	10:00 a.m.—2:00 p.m. Monday through Friday	Between Gerard Place and Main Street
North Ernston Road	South	10:00 a.m.—2:00 p.m. Monday through Friday	Between Main Street and Beth Ann Way
Taft Place	North	8:00 a.m.—3:15 p.m. School Days	From Coolidge Avenue to Harrison Place.
Washington Road	North	9:00 p.m.—7:00 a.m.	Deerfield Road to Minnisink Avenue.
Washington Road	North	9:00 p.m.—7:00 a.m.	Outlook Avenue to Pulaski Avenue.
Washington Road	North	9:00 p.m.—7:00 a.m.	From a point 25 feet west of Quaid Street to a point 100 feet westerly thereof.
Woodland Avenue	East	5:00 p.m.—11:00 p.m.	Lincoln Street to Bayview Avenue.
<u>Eric Court</u>	<u>Both</u>	<u>7:00am - 2:00 p.m. Monday through Friday</u>	<u>Entire Length.</u>
<u>Jeffrey Court</u>	<u>Both</u>	<u>7:00am - 2:00 p.m. Monday through Friday</u>	<u>Entire Length.</u>
<u>School Drive</u>	<u>Both</u>	<u>7:00am - 2:00 p.m. Monday through Friday</u>	<u>Entire Length.</u>

Application of Parking Restrictions. The restricted parking hours provided in Section 7-3.4 for Eric Court, Jeffrey Court and School Drive shall only apply to non-residents of those particular streets.

BE IT FURTHER ORDAINED by the Mayor and Borough Council of the Borough of Sayreville, in the County of Middlesex, that **Chapter VII, Section 7-3.4**, of the Revised General Ordinances of the Borough of Sayreville, shall be added to reflect said change.

SECTION 2. Severability Clause.

If any article, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect, and to this end the provisions of this ordinance are hereby declared severable.

SECTION 3. Repealer.

All other ordinances in conflict or inconsistent with this ordinance are hereby repealed, to the extent of such conflict or inconsistency. In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Borough, the provisions are hereof shall be determined to govern. All other parts, portions and provisions of the Ordinances of the Borough are hereby ratified and confirmed, except where inconsistent with the terms hereof.

SECTION 4. Effective Date.

This Ordinance shall take effect immediately upon adoption and publication in accordance with the laws of the State of New Jersey.

INTRODUCED/APPROVED ON FIRST READING

DATED: August 21, 2023

/s/Jessica Morelos, R.M.C.
Clerk of the Borough of Sayreville

/s/Donna Roberts, Councilwoman
(Public Safety Committee)
Borough of Sayreville

ADOPTED ON SECOND READING

DATED: September 11, 2023

/s/Jessica Morelos, R.M.C.
Clerk of the Borough of Sayreville

/s/Donna Roberts, Councilwoman
(Public Safety Committee)
Borough of Sayreville

APPROVAL BY THE MAYOR ON THIS 11th DAY OF September, 2023.

/s/Victoria Kilpatrick, Mayor
Borough of Sayreville

APPROVED AS TO FORM:

/s/SEAN KEAN, ESQ., Borough Attorney

b) Appointments:

Mayor made the following appointments:

ENVIRONMENTAL COMMISSION

- 3 Yr. Member Bharti Shah
- 3 Yr. Member Minesh Shah
- 3 Yr. Member Alt. #2 Nicole Waranowicz

Councilwoman Novak moved those appointments. Seconded by Councilman Zebrowski.

Roll Call: Councilpersons Novak, Balka, Conti, Onuoha, Roberts, Zebrowski, all ayes.

Mayor Kilpatrick stated that current SERA Chairman no longer lives in town and has some serious concerns about him still being on the board. She stated that his term is done and needs to go. Further discussion ensued. Mayor Kilpatrick recommended Paula Duffy be appointed to his position.

Council President Onuoha moved the appointment. Seconded by Councilman Balka.

Roll Call: Ayes: Councilpersons Onuoha, Balka, Novak.
Nays: Councilpersons Conti, Roberts, Zebrowski.
Clerk announced that there is a 3-3 tie. Mayor voted aye to break the tie.

NEW BUSINESS:

a) Introduction of the following ordinances: NONE

- **CONSENT AGENDA RESOLUTIONS**

Mayor Kilpatrick opened the meeting for any questions or comments on Consent Agenda Resolutions.

There were no comments.

Councilwoman Novak made a motion to close the Public Portion and adopt the Consent Agenda Resolutions. Seconded by Councilwoman Roberts.

Roll Call: Councilpersons Novak, Balka (Abstained from Items 23-04582 & 23-04850 on Resolution #2023-241), Conti, Onuoha, Roberts, Zebrowski, all Ayes.

RESOLUTION #2023-241b

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.

s/ Victoria Kilpatrick, Mayor

/s/ Daniel Balka, Councilman

/s/ Christian Onuoha, Councilman

/s/ Vincent Conti, Councilman

/s/ Donna Roberts, Councilwoman

/s/ Mary J. Novak, Councilwoman

/s/ John Zebrowski, Councilman

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.

/s/ Sean Kean, Esq., Borough Attorney

Bill list of September 11, 2023 in the amount of \$6,959,452.32 in a separate Bill List File for 2023 (See Appendix Bill List 2023-A for this date).

RESOLUTION #2023-242

WHEREAS, an application has been received by the Municipal Clerk for a person to person transfer of the Plenary Retail Consumption License #1219-33-004-003 ("the license"), covering the sale of alcoholic beverages in the Borough of Sayreville ("the Borough"); and

WHEREAS, the applicant, Sayreville PRII Liquor License II, LLC ("Applicant"), whose sole member is PRISA II LHC, LLC, has requested that the Borough consider the application pursuant to limited review of the qualifying shareholders and officers and members of the Board of Directors who would otherwise be required to qualify as an appropriate applicant pursuant to N.J.A.C. § 13:2-2.1(a)(1); N.J.A.C. § 13:2-1.2(a); N.J.S.A. 33:1-25; and N.J.S.A. 33:1-26; and

WHEREAS, in support of that request, Sayreville PRII Liquor License II, LLC has provided the Affidavit of Darin Bright, Vice President of PRISA II LHC, LLC, who in his best knowledge has averred, in part, as follows:

1. Any direct or indirect investor of Applicant holding more than a 10% interest in Applicant, pursuant to N.J.S.A. 33:1-25, is qualified to hold an interest in or associate with a New Jersey Alcoholic Beverage License or permit according to all standards established in Title 33 of the New Jersey Statutes, regulations

promulgated thereunder and any pertinent local ordinances and conditions imposed consistent with Title 33.

2. All officers and directors of PRISA II LHC, LLC qualify pursuant to the provisions of the Alcoholic Beverage Control Act.
3. It is the intent of Applicant, as an affiliate of a financial institution, to hold the license for period of time during which the license would remain inactive as a pocket license.
4. These statements were made realizing that the Division of Alcoholic Beverage Control and the Borough of Sayreville will rely on them. Applicant is also aware that any misstatements or omissions of material fact that are made are grounds for suspension or revocation of any New Jersey Alcoholic Beverage license or permit that Applicant may have an interest in or association with.

WHEREAS, the Borough's ABC Counsel has completed a limited review of the qualifying members and officers of Sayreville Liquor License II, LLC, and having deemed that review satisfactory, and in reliance upon the representations made in the Affidavit of Darin Bright, of PRISA II, LHC, LLC sole member of Sayreville PRII Liquor License II, LLC, finds that such a limited review is permissible in this limited and specific circumstance; and

WHEREAS, the Borough having otherwise thoroughly investigated the application; and

WHEREAS, the application being found to be complete in all respects, and whereas Applicant has disclosed with the issuing authority the source of all funds used in the purchase of said license and business; and

WHEREAS, the transferee has executed a valid consent to transfer the license; and

WHEREAS, the applicant has duly advertised in the Home News Tribune on January 16, 2023 and January 23, 2023, as required by law, and has produced proof of publication as to such advertising; and

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

WHEREAS, all other necessary requirements have been fulfilled and proper investigations have been made, the specified representative of the applicant, Darin Bright, is qualified to be licensed according to all standards established by the New Jersey Alcoholic Beverage Control Act, the regulations promulgated thereunder, as well as all statutory, regulatory and local governmental Alcoholic Beverage Control laws and regulations or Division-approved conditions.

NOW, THEREFORE, BE IT RESOLVED that the Borough of Sayreville does hereby approve, effective September 12, 2023, the transfer of the Plenary Retail Consumption License #1219-33-004-003 now held by Karen Bailey Bebert, and to remain a pocket license, and does hereby direct the Borough Clerk to endorse the license certificate as follows:

LICENSE NO.:
1219-33-004-003
Effective Date:
September 12, 2023

FROM:
Karen Bailey Bebert

TO:
Sayreville PRII
Liquor License II, LLC

/s/ Daniel Balka, Councilman
(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.

/s/ Sean Kean, Esq., Borough Attorney

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Jessica Morelos, RMC
Municipal Clerk

/s/ Victoria Kilpatrick, Mayor
Mayor

RESOLUTION #2023-243

BE IT RESOLVED that the proper Borough officials are hereby authorized to award a contract to Unifirst through Sourcewell Contract 040920-UFC for uniform rental and cleaning in an amount not to exceed \$69,376.48.

/s/ Daniel Balka, Councilman
(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.

/s/ Sean Kean, Esq., Borough Attorney

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Jessica Morelos, RMC
Municipal Clerk

/s/ Victoria Kilpatrick, Mayor
Mayor

RESOLUTION #2023-244

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: Carpet Installation at Public Safety Complex
- Contractor: Commercial Interiors Direct
- Amount: Increase in original contract amount to \$14,589.92
- 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.

/s/ Donna Roberts, 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.

/s/ Sean Kean, Esq., Borough Attorney

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Jessica Morelos, RMC
Municipal Clerk

/s/ Victoria Kilpatrick, Mayor
Mayor

RESOLUTION #2023-245

BE IT RESOLVED that the proper Borough Officials are hereby authorized and directed to award a contract for the purchase of one (1) 2023 Chevrolet Tahoe for the Office of Emergency Management to Mall Chevrolet, 75 Haddonfield Road, Cherry Hill, NJ 08002 through ESCNJ Contract 20/21-09 in an amount not to exceed \$60,879.70.

/s/ Donna Roberts, 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.

/s/ Sean Kean, Esq., Borough Attorney

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Jessica Morelos, RMC
Municipal Clerk

/s/ Victoria Kilpatrick, Mayor
Mayor

RESOLUTION #2023-246

BE IT RESOLVED that the proper Borough Officials are hereby authorized and directed to award a contract for the purchase of five (5) 2023 Chevrolet Tahoes for the Police Department to Mall Chevrolet, 75 Haddonfield Road, Cherry Hill, NJ 08002 through ESCNJ Contract 20/21-09 in an amount not to exceed \$250,463.50.

/s/ Donna Roberts, 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.

/s/ Sean Kean, Esq., Borough Attorney

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Jessica Morelos, RMC
Municipal Clerk

/s/ Victoria Kilpatrick, Mayor
Mayor

RESOLUTION #2023-247

BE IT RESOLVED that the proper Borough Officials are hereby authorized

and directed to equip the five (5) 2023 Chevy Tahoes with the following:

- Lights, sirens and equipment to East Coast Lighting, Inc. of Millstone Twp., NJ 08535 through NJ State Contract #17-Fleet-00761 in an amount not to exceed \$119,186.00.
- Lettering to Grafix Solutions of Sayreville, NJ 08872 in an amount not to exceed \$5,000.00.
- Panasonic Toughbooks from Software House International of Somerset, NJ 08873 through NJ State Contract A89980/M0483 in an amount not to exceed \$28,631.75.
- Radar Systems from Stalker Applied Concepts of Richardson, TX 75081 through NJ State Contract #17-Fleet-00726 in an amount not to exceed \$12,470.00.

/s/ Donna Roberts, 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.

/s/ Sean Kean, Esq., Borough Attorney

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Jessica Morelos, RMC
Municipal Clerk

/s/ Victoria Kilpatrick, Mayor
Mayor

RESOLUTION #2023-248

WHEREAS, the following vehicle has been taken out of service as it is no longer usable;

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:

1988 Ford Tractor 4610 Side Arm Cutter – Serial #072553

/s/ 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.

/s/ Sean Kean, Esq., Borough Attorney

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Jessica Morelos, RMC
Municipal Clerk

/s/ Victoria Kilpatrick, Mayor
Mayor

RESOLUTION #2023-249

BE IT RESOLVED that the proper Borough officials are hereby authorized to award a contract to ATT Sports, Inc. through Sourcewell Contract 031022-AST for the installation of a Pickleball Court in Kennedy Park in an amount not to exceed \$242,030.00.

/s/ 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.

/s/ Sean Kean, Esq., Borough Attorney

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Jessica Morelos, RMC
Municipal Clerk

/s/ Victoria Kilpatrick, Mayor
Mayor

RESOLUTION #2023-250

BE IT RESOLVED that the proper Borough Officials are hereby authorized to award a non-fair and open contract to EMR Power Systems of Trenton, NJ for Generator Maintenance in an amount not to exceed \$29,623.72.

/s/ 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.

/s/ Sean Kean, Esq., Borough Attorney

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Jessica Morelos, RMC
Municipal Clerk

/s/ Victoria Kilpatrick, Mayor
Mayor

RESOLUTION #2023-251

BE IT RESOLVED that the proper Borough Officials are hereby authorized and directed to award a contract for the purchase of two (2) Ford F-250 Pick-up Trucks from primary vendor Winner Ford through NJ State Contract A88726/T0210 or from secondary vendor A&K Equipment through Sourcewell Contract 091521-NAF in an amount not to exceed \$125,083.7 if vehicles from primary vendor are not built/delivered.

/s/ 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.

/s/ Sean Kean, Esq., Borough Attorney

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Jessica Morelos, RMC
Municipal Clerk

/s/ Victoria Kilpatrick, Mayor
Mayor

RESOLUTION #2023-252

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 2023 in the sums contained in **Section 2** which items are now available as a revenue from the following sources:

SECTION 2.

- Opioid Settlement - \$24,508.24

SECTION 3.

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

/s/ Daniel Balka, Councilman
(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.

/s/ Sean Kean, Esq., Borough Attorney

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Jessica Morelos, RMC
Municipal Clerk

/s/ Victoria Kilpatrick, Mayor
Mayor

RESOLUTION #2023-253

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 2023 in the sums contained in **Section 2** which items are now available as a revenue from the following sources:

SECTION 2.

- Lead Grant Assistance Program - \$21,400.00

SECTION 3.

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

/s/ Daniel Balka, Councilman
(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.

/s/ Sean Kean, Esq., Borough Attorney

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Jessica Morelos, RMC
Municipal Clerk

/s/ Victoria Kilpatrick, Mayor
Mayor

RESOLUTION #2023-254

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 2023 in the sums contained in **Section 2** which items are now available as a revenue from the following sources:

SECTION 2.

- 2023 Drive Sober or Get Pulled Over Grant - \$8,750.00

SECTION 3.

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

/s/ Daniel Balka, Councilman
(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.

/s/ Sean Kean, Esq., Borough Attorney

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Jessica Morelos, RMC
Municipal Clerk

/s/ Victoria Kilpatrick, Mayor
Mayor

RESOLUTION #2023-255

WHEREAS, Borough Engineer David J. Samuel 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: 2021 Roadway Paving & Reconstruction – Phase III Project
- Contractor: Z Brothers Concrete Contractors, Inc.
304 Jernee Mill Road
Sayreville, NJ 08872
- Amount: No Increase in original contract Amount.
- 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 Borough Engineer 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.

/s/ 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.

/s/ Sean Kean, Esq., Borough Attorney

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Jessica Morelos, RMC
Municipal Clerk

/s/ Victoria Kilpatrick, Mayor
Mayor

RESOLUTION #2023-256

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 2023-2024 license term.

/s/ Daniel Balka, Councilman
(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.

/s/ Sean Kean, Esq., Borough Attorney

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Jessica Morelos, RMC
Municipal Clerk

/s/ Victoria Kilpatrick, Mayor
Mayor

RESOLUTION #2023-257

RESOLUTION COMBINING BONDS AGGREGATING THE PRINCIPAL SUM OF \$13,743,000 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 \$13,743,000 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 \$13,743,000 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. \$50,000 bonds, being a portion of the bonds authorized by an ordinance numbered 488-97 and entitled:

“BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF REAL PROPERTY, TO BE PURCHASED FROM PFIZER INC., AND THE REMEDIATION OF CERTAIN ENVIRONMENTAL HAZARDS THEREON AND ON CERTAIN ADJACENT PARCELS OF LAND OF, BY AND FOR THE BOROUGH OF SAYREVILLE, NEW JERSEY, APPROPRIATING \$5,000,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$4,750,000 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 40 years.

B. \$145,000 bonds, being a portion of the bonds authorized by an ordinance numbered 210-13 and entitled:

“BOND ORDINANCE PROVIDING FOR THE REPLACEMENT OF THE EXISTING CROSSMAN SANITARY PUMP STATION IN, BY AND FOR THE BOROUGH OF SAYREVILLE, NEW JERSEY, APPROPRIATING \$3,500,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$3,330,000 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 40 years.

C. \$627,000 bonds, being a portion of the bonds authorized by an ordinance numbered 370-17 and entitled:

“BOND ORDINANCE PROVIDING FOR VARIOUS IMPROVEMENTS IN, BY AND FOR THE BOROUGH OF SAYREVILLE, NEW JERSEY, APPROPRIATING \$2,250,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$2,142,000 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 12.38 years.

D. \$142,500 bonds, being a portion of the bonds authorized by an ordinance numbered 372-17 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. The average period of usefulness stated in said ordinance is 10 years.

E. \$1,313,000 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.

F. \$650,000 bonds, being all of the bonds authorized by an ordinance numbered 05-22 and entitled:

“BOND ORDINANCE PROVIDING FOR WELL MAINTENANCE AND REDEVELOPMENT IN, BY AND FOR THE BOROUGH OF SAYREVILLE, NEW JERSEY, APPROPRIATING \$650,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$650,000 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 40 years.

G. \$3,420,000 bonds, being all of the bonds authorized by an ordinance numbered 18-22 and entitled:

“BOND ORDINANCE PROVIDING FOR VARIOUS ROAD IMPROVEMENTS FOR THE BOROUGH OF SAYREVILLE, NEW JERSEY, APPROPRIATING \$3,600,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$3,420,000 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 10 years.

H. \$2,916,500 bonds, being all of the bonds authorized by an ordinance numbered 19-2022 and entitled:

“BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF VEHICLES AND EQUIPMENT 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 7.209 years.

I. \$1,805,000 bonds, being all of the bonds authorized by an ordinance numbered 22-22 and entitled:

“BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF A FIRE TRUCK FOR THE BOROUGH OF SAYREVILLE, NEW JERSEY, APPROPRIATING \$1,900,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,805,000 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 10 years.

J. \$800,000 bonds, being all of the bonds authorized by an ordinance numbered 26-22 and entitled:

“BOND ORDINANCE PROVIDING FOR WATER CAPITAL IMPROVEMENTS IN, BY AND FOR THE BOROUGH OF SAYREVILLE, NEW JERSEY, APPROPRIATING \$800,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$800,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING SUCH APPROPRIATION”

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

K. \$513,000 bonds, being all of the bonds authorized by an ordinance numbered 28-22 and entitled:

“BOND ORDINANCE PROVIDING FOR VARIOUS PARK IMPROVEMENTS IN, BY AND FOR THE BOROUGH OF SAYREVILLE, NEW JERSEY, APPROPRIATING \$540,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$513,000 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.

L. \$1,361,000 bonds, being a portion of the bonds authorized by an ordinance numbered 31-22 and entitled:

“BOND ORDINANCE PROVIDING FOR VARIOUS IMPROVEMENTS IN, BY AND FOR THE BOROUGH OF SAYREVILLE, NEW JERSEY, APPROPRIATING \$1,433,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,361,350 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 17.87 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 \$13,743,000 and are sometimes hereinafter collectively referred to as the “Bonds.” The bonds referred to in subsections A through E, inclusive, G through I, inclusive, and K through L, inclusive, of Section 1 hereof shall each be designated as “General Improvement Bonds of 2023” 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 subsections F and J of Section 1 hereof shall each be designated as “Water Improvement Bonds of 2023” 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

SEPTEMBER 11, 2023 REGULAR MEETING	
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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 2023

<u>Year</u>	<u>Principal Amount</u>	<u>Year</u>	<u>Principal Amount</u>
2024	\$ 593,000	2030	\$1,175,000
2025	1,180,000	2031	1,175,000
2026	1,180,000	2032	1,150,000
2027	1,180,000	2033	1,150,000
2028	1,180,000	2034	1,150,000
2029	1,180,000		

Water Improvement Bonds of 2023

<u>Year</u>	<u>Principal Amount</u>	<u>Year</u>	<u>Principal Amount</u>
2024	\$50,000	2034	\$ 75,000
2025	50,000	2035	75,000
2026	50,000	2036	75,000
2027	50,000	2037	75,000
2028	50,000	2038	75,000
2029	50,000	2039	100,000
2030	50,000	2040	100,000
2031	75,000	2041	100,000
2032	75,000	2042	100,000
2033	75,000	2043	100,000

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>
2024	\$ 643,000	2034	\$1,225,000
2025	1,230,000	2035	75,000
2026	1,230,000	2036	75,000
2027	1,230,000	2037	75,000
2028	1,230,000	2038	75,000
2029	1,230,000	2039	100,000

2030	1,225,000	2040	100,000
2031	1,250,000	2041	100,000
2032	1,225,000	2042	100,000
2033	1,225,000	2043	100,000

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 2023 are to be issued, taking into consideration the amount of the General Improvement Bonds of 2023 to be issued for said improvements or purposes, is 11.015 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 2023 are to be issued, taking into consideration the amount of the Water Improvement Bonds of 2023 to be issued for said improvements or purposes, is 40 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 1st day of May and November in each year until maturity, commencing on May 1, 2024, 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)

SEPTEMBER 11, 2023 REGULAR MEETING	
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No. G-__ or W-__

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

GENERAL IMPROVEMENT BONDS OF 2023

or

WATER IMPROVEMENT BONDS OF 2023

Date of Bond: November __, 2023

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, 2024 and thereafter semi-annually on the 1st 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 \$13,743,000 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 11, 2023 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 the paying agent will issue, transfer and exchange bond certificates as required by DTC and others in appropriate amounts. DTC may determine to discontinue providing its services with respect to the bonds at any time by giving a reasonable amount of notice in writing to the Borough and discharging its responsibilities with respect thereto. In the event of such determination, if the Borough fails to identify another qualified securities depository as successor to DTC, the Borough will appoint a paying agent for the bonds and the paying agent will issue, authenticate and deliver replacement bonds in the form of fully registered certificates. Whenever DTC requests the Borough to do so, the Borough will appoint a paying agent for the bonds and the paying agent will cooperate with DTC in taking appropriate action (a) to make available one or more separate certificates evidencing the bonds to any participants of DTC having bonds credited to its DTC account or (b) to arrange for another securities depository to maintain custody of certificates evidencing the bonds.

IN WITNESS WHEREOF, THE BOROUGH OF SAYREVILLE has caused this bond to be executed in its name by the manual or facsimile signatures of its Mayor and its Chief Financial Officer, and its corporate seal (or facsimile thereof) to be affixed, imprinted or reproduced hereon, and this bond and said seal to be attested by the manual signature of the Borough [Deputy] Clerk, and this bond to be dated the 7th day of November, 2023.

ATTEST:

**THE BOROUGH OF
SAYREVILLE**

[SEAL]

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 he 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 he 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 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 16. 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 17. 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 18. 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 19. 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 20. 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 21. This resolution shall take effect immediately.

/s/ Daniel Balka, Councilman
(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.

/s/ Sean Kean, Esq., Borough Attorney

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Jessica Morelos, RMC
Municipal Clerk

/s/ Victoria Kilpatrick, Mayor
Mayor

Exhibit A

**NOTICE OF SALE OF
\$13,743,000 GENERAL OBLIGATION BONDS, SERIES 2023**

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 Tuesday, October 24, 2023 (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 \$13,743,000 aggregate principal amount of General Obligation Bonds, Series 2023 consisting of General Improvement Bonds of 2023 and Water Improvement Bonds of 2023 (collectively, the “Bonds”).

Principal Amortization; Payment of Principal

The Bonds will consist of serial bonds maturing on November 1 in the years 2024 through 2043, 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 2023 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>
2024	\$ 593,000	2030	\$1,175,000
2025	1,180,000	2031	1,175,000
2026	1,180,000	2032	1,150,000
2027	1,180,000	2033	1,150,000
2028	1,180,000	2034	1,150,000
2029	1,180,000		

The Water Improvement Bonds of 2023 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>
2024	\$50,000	2034	\$ 75,000
2025	50,000	2035	75,000
2026	50,000	2036	75,000
2027	50,000	2037	75,000
2028	50,000	2038	75,000

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2029	50,000	2039	100,000
2030	50,000	2040	100,000
2031	75,000	2041	100,000
2032	75,000	2042	100,000
2033	75,000	2043	100,000

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>
2024	\$ 643,000	2034	\$1,225,000
2025	1,230,000	2035	75,000
2026	1,230,000	2036	75,000
2027	1,230,000	2037	75,000
2028	1,230,000	2038	75,000
2029	1,230,000	2039	100,000
2030	1,225,000	2040	100,000
2031	1,250,000	2041	100,000
2032	1,225,000	2042	100,000
2033	1,225,000	2043	100,000

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.

No Mandatory Sinking Fund Installments

Bidders may not elect to structure the issue to include term bonds.

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, 2024 (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 \$13,743,000, 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 \$13,743,000 and no greater than \$14,430,150 which equals the principal amount of the Bonds offered with a premium not to exceed \$687,150 (5% 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 not be designated as a term bond maturity(ies) with consecutive sinking fund installments.

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 \$274,860, 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 10:30 a.m, New Jersey time, 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 10:30 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 7, 2023 (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., New Jersey time, 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 on 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 third party distribution agreement (to which the bidder is a party) relating to the initial sale of the Bonds to the public, together with the related pricing wires, contains or will contain language obligating each underwriter, each dealer who is a member of the selling group, and each broker-dealer that is a party to such third party distribution agreement, as applicable, to (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 third party distribution agreement to be employed in connection with the initial sale of the Bonds to the public to require each broker-dealer that is a party to such third party distribution agreement to (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 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:

(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 third party 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) more than 50% common ownership of the voting power or the total value of their stock, if both entities are corporations (including direct ownership by one corporation of another), (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 fifty (50) 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. Phoenix Advisors, 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, Phoenix Advisors, LLC at (609) 291-0130.

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

Dated: October 16, 2023

By: Denise Biancamano
Chief Financial Officer

\$13,743,000

BOROUGH OF SAYREVILLE
GENERAL OBLIGATION BONDS OF 2023
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 third party distribution agreement shall contain the agreement of each broker-dealer who is a party to the third party distribution agreement, to comply with the hold-the-offering-price rule. Pursuant to such agreement, no Underwriter (as defined below) 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 31, 2023), 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 third party 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: [ISSUE DATE]

SCHEDULE A

EXPECTED OFFERING PRICE

(Attached)

SCHEDULE B

COPY OF UNDERWRITER’S BID

(Attached)

• **CORRESPONDENCE:**

A. Notice of Public Hearing:

1. Notice of Virtual Public Hearing to be held before PSE&G on September 18, 2023 at 4:30pm for Basic Generation Service Charges and proposed recovery through its BGS charges of costs resulting from statewide auction for BGS.

2. Notice of Virtual Public Hearing to be held before JCP&L on September 20, 2023 at 4:30pm for Basic Generation Service Charges and proposed recovery through its BGS charges of costs resulting from statewide auction for BGS.
- B. Resignations/Retirements from Employees/Fire Department/Boards & Commission:
1. Jodie Klosek from her position as Supervisor of Billing & Collecting in the Water/Sewer Department, effective December 1, 2023
- C. Minutes from Boards/Commissions:
1. Planning Board – August 2, 2023.
- D. Planning Board Resolutions which were memorialized on September 6, 2023:
1. 3276 Washington, LLC – Twin Boro Physical Therapy Preliminary & Final Major Site Plan 3276 Washington Road, Blk. 371, Lots 1.01 & 1.02.

Councilwoman Novak made a motion to accept the correspondence. Seconded by Councilwoman Roberts.

Roll Call: Councilpersons Novak, Balka, Conti, Onuoha, Roberts, Zebrowski, all Ayes.

Mayor Kilpatrick wished Jodie Klosek well on her retirement.

• **MAYOR & COUNCIL REPORTS**

➤ **ADMINISTRATIVE & FINANCE – Councilman Balka**

- 1) Looking to secure more grants.
- 2) Wished Jodie Klosek well on her retirement.

➤ **PUBLIC SAFETY – Councilwoman Roberts**

- 1) Thanked all 1st responders for all they do to keep the Borough safe.
- 2) Councilwoman Roberts asked Councilman Zebrowski to give an update on the loud music.
Councilman Zebrowski gave an update and stated for residents to call the Police Department when they hear it.

➤ **PUBLIC WORKS – Councilman Conti**

- 1) Welcomed Ms. Duffy to SERA.
- 2) Thanked all 1st responders.
- 3) Commented on the 9/11 ceremony.
- 4) Congratulated Rich Poplowski on his promotion.
- 5) Commented on the hot box purchase.
- 6) Street sweeper has been out cleaning the streets.
- 7) Suggested painting the streets with “slow down or 25mph” or put up more signage to curtail speeding.
- 8) Road projects are moving along.

➤ **RECREATION – Councilwoman Novak**

- 1) Reported on recreation events.
- 2) New street sweeper was purchased.
- 3) Welcomed the new Parks Supervisor.
- 4) SERA does not approve pilots and only approved by the Council.

➤ **WATER & SEWER/ENVIRONMENTAL – Councilman Zebrowski**

- 1) Congratulated Jodie on her retirement.
- 2) Commented on the 9/11 ceremony.
- 3) Commented on the Community Garden.

Councilman Zebrowski made a motion to appoint Mercadien as Forensic Auditor for the SERA Investigation not to exceed \$25,000.00. Seconded by Councilman Conti.

Roll Call: Councilman Zebrowski, Balka, Conti, Novak, Onuoha, Roberts, all Ayes.

Councilwoman Novak asked for a standing ovation for Kenneth Kelly recognizing all he did on the 9/11 ceremonies.

➤ **PLANNING & ZONING – Council President Onuoha**

- 1) Thanked the Planning Board members, Zoning Board members and the residents that attend those meetings.
- 2) Thanked the Mayor, Elected Officials and residents who attend the events in town.

➤ **MAYOR – Victoria Kilpatrick**

- 1) Commented on the 9/11 ceremony and thanked Ken Kelly.
- 2) Questioned the status of street light outage on Sherwood Road.
Business Administrator Skarzynski responded that there are multiple breaks in the line from the Fios work and are working on it.
Mayor requested the JCP&L representative attend the next council meeting and suggested that they put up temporary lighting in that area.
- 3) Questioned the status of the appraisals for the property on Main Street by the Parkway.
Business Administrator responded that it was given to the Open Space Committee.

● **PUBLIC PORTION**

At this time Mayor Kilpatrick opened the meeting to the public for questions or comments on any and all matters.

Those commenting were:

- Jim Robinson, 11 Borelle Square

Mr. Robinson questioned the audit/investigation for SERA. He stated that the property on Main Street is on the Open Space Committee's list. He questioned if the self-storage project is now dead. Mr. Robinson stated he spoke with a representative of Trammel Crow about the connector road and it is in their plan and he would like to see that happen. He commented on the negotiation of the PILOTs for Trammel Crow and Pure and where does the council stand on these. Response by Mayor, Business Administrator and Council members.

- Ken Olchaseky, 108 North Edward Street

Mr. Olchaseky commented that tonight was a great victory for Sayreville. He wished Jodie Klosek well in her retirement. Mr. Olchaseky questioned the status of the Minnisink Avenue project and requested that the residents be informed of road closures. He would like to see a Cultural Art program in town. Borough Engineer Cornell gave an update on the Minnisink Avenue project. Business Administrator Skarzynski commented on how residents could be kept informed about local road closures or issues. Mayor requested the digital signs be used.

- Marc Turpin, 6 Parkway Place

Mr. Turpin stated that he hasn't heard from anyone regarding the intersection of Ernston Road and Parkway Place. Borough Administrator Skarzynski stated that he handed it over to the traffic bureau after the meeting and will reach out to them again. Mr. Turpin requested to have more of a police presence in that area.

- Bob Duffy, 111 Merritt Avenue

Mr. Duffy thanked the governing body for appointing his wife.

- Andrew Mele, Trammel Crow

Mr. Mele commented on the PILOT that is being requested. He also commented on the connector road.

- Joseph Kupsch, Tax Assessor

Mr. Kupsch requested that he get a copy of the Phoenix Advisors report so that he can be kept in the loop.

- Jim Robinson, 11 Borelle Square

Mr. Robinson stated the Master Plan from the 80s called for that connector road and should have been part of phase one of the warehouse project. He stated that SERA doesn't have a professional planner and they should have one.

- Ken Olchaskey, 108 North Edward Street

Mr. Olchaskey questioned the status of the improvements to the intersection of Bordentown Avenue and Cheesequake Road. He suggested that the Borough get moving on getting members for the Cultural Arts committee Arts so that there can be a few programs before the end of the year.

Borough Engineer responded that the work on the intersection should be starting shortly.

- Jim Robinson, 11 Borelle Square

Mr. Robinson stated on February 14, 2023 he sent the information from CME's website about who paid for the construction of the Main Street Extension.

Further discussion ensued.

Mr. Robinson requested that the Borough look for grants to purchase property for Open Space.

No further comments.

Councilwoman Novak made a motion to close the Public Portion. Seconded by Councilwoman Roberts.

Roll Call: Voice Vote, all Ayes.

- **ADJOURNMENT**

No further business Councilwoman Novak made a motion to adjourn. Seconded by Councilwoman Roberts.

Roll Call: Voice Vote, all Ayes.

Time 9:50 P.M.

Jessica Morelos, RMC
Municipal Clerk

Date Approved: _____