

MINUTES OF REGULAR MEETING HELD AUGUST 8, 2017

Pursuant to rules of Council of the Town of Westfield, the members thereof convened in regular session Tuesday, August 8, 2017 at 8:00 p.m.

Mayor Skibitsky made the following announcements:

“Prior to convening in regular session, there was an agenda session which was open to public and advertised.”

“The adequate notice of this meeting as required by the Open Public Meetings Act, was provided by the posting, mailing and filing of the annual notice of regularly scheduled meetings of the Town Council on December 22, 2016. The notice was, on that date, posted on the bulletin board in the Municipal Building, mailed to THE WESTFIELD LEADER, AND THE STAR LEDGER, and filed with the Clerk of the Town of Westfield.”

PRESENT: Mayor Skibitsky, Council Members Arena, Neylan, LoGrippo, Loughlin, Della Fera, Oliveira, Stokes

ABSENT: Councilman Donnelly

Invocation was given by Councilman Oliveira

PRESENTATIONS

Westfield First

Megan Murphy

Patricia & Paul Artisans of Fine Oils and Balsamics – 20 Elm Street

Woof Gang Bakery & Grooming – 218 East Broad Street

Club Pilates – 225 East Broad Street

APPOINTMENT

ADVERTISED HEARINGS

“GENERAL ORDINANCE NO. 2086 – AN ORDINANCE TO AMEND THE CODE OF THE TOWN OF WESTFIELD, CHAPTER 13.”

Advertised returnable this evening.

Mayor Skibitsky declared the hearing closed.

PENDING BUSINESS

An ordinance entitled, “GENERAL ORDINANCE NO. 2086 – AN ORDINANCE TO AMEND THE CODE OF THE TOWN OF WESTFIELD, CHAPTER 13.” by Councilman Loughlin, seconded by Councilman Stokes, was taken up, read and passed by the following vote of all present upon roll call as follows:

Yeas:	Arena	Nays:	Absent: Donnelly
	Neylan		
	LoGrippo		
	Loughlin		
	Della Fera		
	Oliveira		
	Stokes		
	Mayor Skibitsky		

BIDS

MINUTES

On a motion by Councilwoman Neylan seconded by Councilman LoGrippo, Council approved the Minutes of the Town Council Conference Session & Regular Meeting held July 11, 2017.

PETITIONS AND COMMUNICATIONS

OPEN DISCUSSION BY CITIZENS

Greg Kasko of 434 Everson Place spoke about Fiamma Restaurant’s placement of the sidewalk café tables. He said he could not pass through on the sidewalk with his wife. He then spoke about the tables in front of Cosimo’s Restaurant saying that there was not enough space between the tables and the curb for wheelchairs. He asked that the Council enforce the sidewalk café ordinance.

In addition, he offered \$500 of his own money to start a program for disabled veterans to give passes so that they did not have to pay for parking. Councilman Loughlin cited a State Statute that already allows for free parking for disabled persons. Mr. Kasko indicated that he was not aware of that law.

Town Attorney responding to the sidewalk café issue, said that any ADA violations regarding the sidewalk cafes would be reviewed by his office and that we normally have voluntary compliance with the sidewalk café ordinance by all establishments.

BILLS AND CLAIMS

Introduced by Councilwoman Neylan, seconded by Councilman Arena were adopted with Councilman Loughlin abstaining on Loughlin Law Firm.

RESOLVED that the bills and claims in the amount of \$685,986.14 per the list submitted to the members of this Council by the Chief Financial Officer, and approved for payment by the Town Administrator be, and the same are hereby, approved and that payroll warrants previously issued by the Chief Financial Officer be ratified.

REPORTS OF STANDING COMMITTEES:

Finance Policy Committee

The following resolutions, introduced by Councilwoman Neylan, seconded by Councilman LoGrippe were unanimously adopted.

(180) RESOLVED that the Chief Financial Officer be authorized to draw a warrant in the amount of \$33.60 & to the order of New Jersey Department of Health, P.O. Box 369, Trenton, New Jersey for Dog Licenses issued by the Town Clerk for the month of July 2017.

(181) RESOLVED, that the Chief Financial Officer be and hereby is, authorized to draw warrant for unused parking permit fee as follows:

Gregg Linsky 153 Valley St. Unit 234 South Orange, NJ 07079	South Side RR Stn/Lot 4	#17030646	\$290.00
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Andrew Carr 261 Hudson Street Apt. 3J Manhattan, NY 10013	South Side RR Stn/Lot 3	#17030519	\$290.00
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(182) RESOLVED that the Chief Financial Officer is hereby authorized to issue warrants noted below to the order of the Downtown Westfield Corporation, for Special District Taxes as provided in the year 2017 budget:

August 8, 2017	\$102,439.25
November 1, 2017	\$102,439.25

(183) RESOLVED that the Chief Financial Officer be authorized to draw a warrant in the amount of \$3,000.00 to the order of the United States Postal Service to replenish bulk mail permit no. 683 in order to process the Town's annual Leaf Collection brochure.

(184) WHEREAS, the following applicants have posted monies to be held in escrow to cover expert advice and testimony in connection with Board of Adjustment and Planning Board applications on said property; and

WHEREAS, expert advice and testimony was given, and

WHEREAS, all bills for these applications have been submitted and paid; and

WHEREAS, the applicant has requested in writing to have the balance of escrow monies be released to them;

NOW, THEREFORE, BE IT RESOLVED, that the Chief Financial Officer is authorized to draw a check for the balance of the escrow monies as follows:

App #	Name	Address	G/L	Refund Balance
BOA 17-31	227 Elmer LLC.	227 Elmer Street	7-05-560-628	\$500.00
Return to:	Michael Hertz	304 Roanoke Road	Westfield NJ	07090
BOA 17-34	James & Jessica Fitzpatrick	421 Baker Road	7-05-560-631	\$250.00
Return to:	James & Jessica Fitzpatrick	421 Baker Road	Westfield NJ	07090
PB16-04	Ralph Rapuano	142 Linden Avenue	7-05-550-257	\$760.64
Return to:	Elegant Homes, NJ LLC	525 Central Avenue	Westfield NJ	07090
PB 16-26	Elegant Homes, NJ LLC	511 Edgar Avenue	7-05-550-279	\$957.80
Return to:	Elegant Homes, NJ LLC	525 Central Avenue	Westfield NJ	07090
PB 17-02	Elegant Homes, NJ LLC	1011 Wychwood Road	7-05-550-283	\$220.98
Return to:	Elegant Homes, NJ LLC	525 Central Avenue	Westfield NJ	07090

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

Name	Account	Class	Fee
Mai Gu 141 Cottage Place Westfield, NJ 07090	T05-600-073	Basketball Camp (Ben Duan)	150.00
Erika Qualben 739 Coleman Place Westfield, NJ 07090	T05-600-073	Glee Week Sophie (sick)	140.00
Valeri Sewald 802 Shadowlawn Dr. Westfield, NJ 07090	T05-600-073	Glee Week Audrey (scared)	140.00
Tracy Spencer-Wright 405 Edgewood Ave. Westfield, NJ 07090	T05-600-071	Teen Scene Playground (Theodora Liederman)	100.00

(186) RESOLVED that the Chief Financial Officer be and he hereby is authorized to draw warrants to the following persons, this amount being overpaid for 2016-2017:

Block/Lot/Qualifier Name	Property Address	Amount
1203/36 SHIRK, Brett	543 Parkview Drive	\$7,486.24
1302/8 FORRESTAL, John D & WALTER, Katherine	756 Belvidere Avenue	\$4,128.23
Check payable and mail to:		
Wells Fargo Real Estate Tax Services		
Attn: Financial Support		
1 Home Campus		
Des Moines, IA 50328		
2902/17	433 First Street	\$2,220.84

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

Section 1. There shall be issued at this time \$67,500 of the bonds authorized pursuant to Bond Ordinance No. 2166 adopted by the Town Council of said Town on July 20, 2010. The bonds are issued to finance the improvement of Barchester Way (from Lawrence Avenue to Barchester Way) in, by and for the Town. The period of usefulness of the purpose to be financed by such bond ordinance is a period of 10 years computed from the date of such bonds.

Section 2. There shall be issued at this time \$17,900 of the bonds authorized pursuant to Bond Ordinance No. 2175 adopted by the Town Council of said Town on May 22, 2012. The bonds are issued to finance the improvement of North Euclid Avenue (from East Broad Street to Mountain Avenue) in, by and for the Town. The period of usefulness of the purpose to be financed by such bond ordinance is a period of 10 years computed from the date of such bonds.

Section 3. There shall be issued at this time \$3,095,000 of the bonds authorized pursuant to Bond Ordinance No. 2203 adopted by the Town Council of said Town on May 26, 2015. The bonds are issued to finance the undertaking of the following road improvements: (i) resurfacing of Lawrence Avenue (from Roanoke Road to Mountain Avenue) (including curb installation or replacement and drainage improvements, where necessary) and (ii) resurfacing or reconstruction of various roads or sections thereof (including curb installation or replacement and drainage improvements, where necessary), and the undertaking of crosswalk and stop bar striping on a Town-wide basis, all in, by and for the Town. The average period of usefulness of

the several purposes to be financed by such bond ordinance is a period of 9.88 years computed from the date of such bonds.

Section 4. There shall be issued at this time \$2,630,000 of the bonds authorized pursuant to Bond Ordinance No. 2204 adopted by the Town Council of said Town on October 20, 2015. The bonds are issued to finance the undertaking of the Digital Radio System Project for the use of the Police Department, Fire Department and the Department of Public Works ("DPW"), the acquisition of a new pumper fire engine, the undertaking of various improvements to Fire Headquarters and Fire Station No. 2 and acquisition of computer system upgrade equipment for the use of the Fire Department, the acquisition of DPW vehicles, including, but not limited to, four pickup trucks with plows and a garbage truck, and the undertaking of the following public improvements: (i) construction oversight and inspection phases of the traffic light replacement and upgrade project at the intersection of East Broad Street and Elm Street being undertaken by the County of Union and the North Jersey Transportation Planning Association, (ii) various improvements to the Municipal Building consisting of (a) improvements to HVAC and fire alarm systems and (b) various interior and exterior improvements and (iii) planning and design phase for improvements to Municipal Parking Lots 2 and 7, all in, by and for the Town. The average period of usefulness of the several purposes to be financed by such bond ordinance is a period of 9.09 years computed from the date of such bonds.

Section 5. There shall be issued at this time \$2,435,000 of the bonds authorized pursuant to Bond Ordinance No. 2206 adopted by the Town Council of said Town on May 3, 2016. The bonds are issued to finance the undertaking of utility improvements in connection with the construction of a restroom/concession building at Memorial Park, the supplemental

funding for the construction of a garage/storage structure at the DPW Yard, the acquisition of DPW vehicles, including, but not limited to, dump trucks, and the undertaking of the Mindowaskin Park Restoration Project, including, but not limited to, sediment removal and bank restoration at the pond, all in, by and for the Town. The average period of usefulness of the several purposes to be financed by such bond ordinance is a period of 18.68 years computed from the date of such bonds.

Section 6. There shall be issued at this time \$1,254,600 of the bonds authorized pursuant to Bond Ordinance No. 2208 adopted by the Town Council of said Town on May 2, 2017. The bonds are issued to finance the resurfacing or reconstruction of various roads or sections thereof (including curb installation or replacement and drainage improvements, where necessary), the undertaking of crosswalk and stop bar striping on a Town-wide basis, and the replacement of the Tamaques Way Sanitary Sewer Pumping Station, all in, by and for the Town. The average period of usefulness of the several purposes to be financed by such bond ordinance is a period of 12.12 years computed from the date of such bonds.

Section 7. The bonds authorized by said six bond ordinances described in Sections 1 to 6, inclusive, of this resolution shall be issued as a single issue of bonds, aggregating \$9,500,000 consisting of an issue of bonds of the denomination of \$5,000 each or any integral multiple thereof, numbered in the order of their maturity. In the event that the purchaser of the bonds elects to take bonds in the last maturity which are not in multiples of \$5,000, or, if there are any such bonds herein, such bonds shall be in the denomination of \$1,000 or any integral multiple thereof, numbered upwards from the last numbered \$5,000 bond. The average period of usefulness within which the bonds authorized by said six bond ordinances mature, according

to the respective reasonable lives of the purposes to be financed, as determined in said ordinances taking into consideration the respective amounts of bonds authorized for the purposes to be financed as set forth in each of the bond ordinances hereinbefore set forth, is a period of 12.21 years computed from the date of such bonds. Said issue shall be payable in annual installments on September 15 in each year as follows:

\$475,000 in each of the years 2018 to 2021, inclusive, and
\$950,000 in each of the years 2022 to 2029, inclusive.

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

Section 8. All of said bonds shall be dated September 15, 2017, and shall bear interest from their date until their respective maturities at the rates per annum named in the proposal accepted. Such rates of interest shall be determined at the time said bonds are sold. Such interest shall be payable on each March 15 and September 15, commencing March 15, 2018 (each, an "Interest Payment Date"), in each year until maturity. The bonds shall not be subject to redemption prior to their stated maturities.

Section 9. The bonds will be issued in fully registered form by means of a book-entry system with no physical distribution of bond certificates made to the public. One bond certificate for each maturity will be issued to The Depository Trust Company, New York, New York ("DTC"), and immobilized in its custody. The book-entry system will evidence ownership of the bonds in principal amounts of \$5,000 or integral multiples thereof, with transfers of beneficial ownership effected on the records of DTC and its participants pursuant to rules and procedures established by DTC. Interest on the bonds will be payable at the times stated in Section 8 of this resolution, and principal of the bonds will be paid annually on September 15, as set forth in the maturity schedule hereinbefore stated, in immediately available funds to DTC or its nominee as registered owner of the bonds. Transfer of principal and interest payments to participants of DTC will be the responsibility of such participants and other nominees of beneficial owners. Interest will be payable to owners of bonds shown on the records of DTC as of the last business day of the month preceding the month in which such interest payment date occurs. The Town will not be responsible or liable for maintaining, supervising or reviewing the records maintained by DTC, its participants or persons acting through such participants.

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

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

Section 10. The Chief Financial Officer, pursuant to N.J.S.A. 40A:2-34, is hereby authorized to sell and award the bonds in accordance with the terms of the notice of sale, such terms to be determined by a resolution of the Town Council to be hereafter adopted. The Chief Financial Officer shall report in writing to the Town Council at the next meeting after the sale of the bonds as to the principal amount, interest rates and maturities of the bonds sold, the price obtained and the name of the purchaser.

Section 11. All of said bonds shall be signed by the Mayor by manual or facsimile signature and by the Chief Financial Officer by manual or facsimile signature and the corporate seal of said Town shall be imprinted, affixed or reproduced thereon and such seal shall be attested by the Town Clerk by manual or facsimile signature. The bonds will be authenticated by the manual signature of the Bond Registrar/Paying Agent.

Section 12. Each of said bonds shall be issued in substantially the following form:

[Form of Bond]

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

No. R-__

\$_____

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

INTEREST

RATE PER

ANNUM MATURITY DATE DATED DATE CUSIP

%

SEPTEMBER 15, 20__

SEPTEMBER 15, 2017

REGISTERED OWNER: CEDE & CO.

PRINCIPAL SUM: -----DOLLARS

The Town of Westfield, a municipal corporation of the State of New Jersey, located in the County of Union (hereinafter referred to as the "Town"), for value received hereby acknowledges itself indebted and promises to pay to the REGISTERED OWNER named above, on the MATURITY DATE specified above, upon surrender hereof, the PRINCIPAL SUM stated above and to pay to the REGISTERED OWNER hereof interest thereon from the DATED DATE of this Bond until it shall mature at the INTEREST RATE PER ANNUM specified above, payable on each March 15 and September 15, commencing March 15, 2018 (each, an "Interest Payment Date"), of each year until maturity. This Bond is not subject to redemption prior to maturity. The principal hereof is payable at the office of the Chief Financial Officer, Municipal Building, 425 East Broad Street, Westfield, New Jersey 07090 (the "Bond Registrar/Paying Agent"). The interest so payable on any such Interest Payment Date will be paid to the person in whose name this Bond is registered on the record date for such interest, which shall be the last business day of the month preceding the month in which such Interest Payment Date occurs. Both the principal of and the interest on this Bond shall be paid in any coin or currency of the United States of America that is legal tender for the payment of public and private debts on the respective dates of payment thereof.

This Bond is one of an issue of Bonds of like date and tenor, except as to number, denomination, interest rate and maturity, issued pursuant to the Local Bond Law (Chapter 2 of Title 40A of the New Jersey Statutes, as amended) and pursuant to six bond ordinances adopted

by the Town Council of the Town on July 20, 2010 (Ord. No. 2166), May 22, 2012 (Ord. No. 2175), May 26, 2015 (Ord. No. 2203), October 20, 2015 (Ord. No. 2204), May 3, 2016 (Ord. No. 2206) and May 2, 2017 (Ord. No. 2208) and resolutions adopted by the Town Council of the Town on August 8, 2017.

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

It is hereby certified and recited that all conditions, acts and things required by the Constitution or statutes of the State of New Jersey, to exist, be performed or happen precedent to or in the issuance of this Bond exist, have been performed and have happened, and that this Bond together with all other indebtedness of the Town, is within every debt and other limit prescribed by the Constitution or statutes of said State.

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

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

IN WITNESS WHEREOF, the Town has caused this Bond to be signed by its Mayor by manual or facsimile signature and by its Chief Financial Officer by manual or facsimile signature, and its seal to be impressed, affixed or reproduced hereon, and said seal to be attested by its Town Clerk by manual or facsimile signature and this Bond to be dated September 15, 2017.

[SEAL]

(manual or facsimile signature)

Mayor

ATTEST:

(manual or facsimile signature)

Town Clerk

(manual or facsimile signature)

Chief Financial Officer

AUTHENTICATION DATE: SEPTEMBER 22, 2017

CERTIFICATION OF AUTHENTICATION

This Bond is one of the Bonds described in the within-mentioned resolutions and is one of the General Improvement Bonds dated September 15, 2017 of the Town of Westfield, in the County of Union, State of New Jersey.

Chief Financial Officer,
as Bond Registrar/Paying Agent

ASSIGNMENT

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

the within Bond and irrevocably appoints _____

attorney-in-fact, to transfer the within Bond on the books kept for registration thereof, with full power of substitution in the premises.

Dated: _____

NOTICE: The signature to this assignment must correspond with the name as it appears upon the face of the within Bond in every particular, without any alteration whatsoever.

Signature Guaranteed:

[End of Form of Bond]

Section 13. Bonds may, upon surrender thereof at the office of the Bond Registrar/Paying Agent together with an assignment duly executed by the registered owner or his attorney or legal representative in such form as shall be satisfactory to the Bond Registrar/Paying Agent and, at the option of the registered owner thereof, be exchanged for an equal aggregate principal amount of bonds of the same maturity, of any denomination or denominations authorized by this resolution and bearing interest at the same rate.

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

In all cases in which bonds shall be exchanged or the transfer of bonds shall be registered hereunder, the Bond Registrar/Paying Agent shall authenticate and deliver at the earliest practicable time bonds in accordance with the provisions of this resolution. All bonds surrendered in any such exchange or registration of transfer shall forthwith be canceled by the Bond Registrar/Paying Agent. The Town or the Bond Registrar/Paying Agent may make a charge for shipping and out-of-pocket costs for every such exchange or registration of transfer of bonds sufficient to reimburse it for any tax or other governmental charge required to be paid with

respect to such exchange or registration of transfer, but no other charge shall be made for exchanging or registering the transfer of bonds under this resolution.

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

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

Section 14. The Mayor, the Chief Financial Officer and the Town Clerk are hereby authorized and directed to cause said bonds to be prepared and to execute and deliver said bonds upon payment of the purchase price therefor.

Section 15. This resolution shall take effect immediately upon its adoption.

(191) WHEREAS, the Town Council of the Town of Westfield, in the County of Union, New Jersey (the "Town"), desires to make further provision for the issuance of \$9,500,000 General Improvement Bonds (the "Bonds"), which are to be issued pursuant to bond ordinances heretofore adopted by the Town Council; NOW, THEREFORE,

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

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

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

\$9,500,000 GENERAL IMPROVEMENT BONDS

(Book-Entry Only) (Bank-Qualified)
(Non-Callable) (Parity Bid)

dated
September 15, 2017

The Town of Westfield, in the County of Union, a municipal corporation of the State of New Jersey (the "Town"), hereby invites ELECTRONIC BIDS VIA PARITY AND SEALED PROPOSALS for the purchase of its \$9,500,000 General Improvement Bonds, dated September 15, 2017 (the "Bonds").

ELECTRONIC BIDS VIA PARITY AND SEALED PROPOSALS will be received and publicly opened and announced by the Chief Financial Officer in the Municipal Building, 425 East Broad Street, Westfield, New Jersey 07090, on September 13, 2017 at 11:00 o'clock A.M. (local time).

The Bonds comprise an issue of bonds payable on September 15 in each year (without the right of prior redemption) as follows:

\$475,000 in each of the years 2018 to 2021, inclusive, and
\$950,000 in each of the years 2022 to 2029, inclusive.

To the extent any instructions or directions set forth in PARITY conflict with this Notice of Sale, the terms of this Notice of Sale shall control. For further information about PARITY,

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

The Bonds shall be issued in registered form by means of a book-entry system with no physical distribution of bond certificates made to the public. One bond certificate for each maturity will be issued to The Depository Trust Company, New York, New York ("DTC") and immobilized in its custody. The book-entry system will evidence ownership of the Bonds in the principal amount of \$5,000 or any integral multiple thereof, with transfers of ownership effected on the records of DTC and its participants pursuant to rules and procedures established by DTC and its participants. The successful bidder, as a condition to delivery of the Bonds, shall be required to deposit the bond certificates with DTC, registered in the name of Cede & Co., its nominee. Interest on the Bonds will be payable on each March 15 and September 15, commencing March 15, 2018 (each, an "Interest Payment Date"), in each year until maturity, and principal of the Bonds will be payable, at maturity, by payment of immediately available funds by the Bond Registrar/Paying Agent to DTC or its nominee as registered owner of the Bonds. Transfer of principal and interest to participants of DTC will be the responsibility of DTC. Transfer of principal and interest to beneficial owners will be the responsibility of the DTC participants and other nominees of the beneficial owners. The Town will not be responsible or liable for such transfers of payments or for maintaining, supervising or reviewing the records maintained by DTC, its participants or persons acting through such participants.

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

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

Each proposal submitted must name the rate or rates of interest per annum to be borne by the Bonds bid for, and the rate or rates named must be a multiple of 1/8th or 1/20th of one percentum (1%). The interest payable with respect to each Bond on any one date will be evidenced by a single rate of interest. Not more than one rate may be named for Bonds of the same maturity. There is no limitation on the number of rates that may be named. 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. Each proposal submitted must be for all of the Bonds offered and the purchase price specified must not be less than \$9,500,000 nor more than \$9,595,000. The Bonds will be awarded to the bidder on whose bid the total loan may be made at the lowest net interest cost, such net interest cost shall be computed, as to each bid, by adding to the total principal amount of Bonds bid for (which shall be all of the Bonds offered) the total interest cost to maturity in accordance with such bid and by deducting therefrom the amount of premium, if any, bid, which premium shall not exceed \$95,000 (1% of par). No proposal shall be considered which offers to pay an amount less than the principal amount of Bonds offered for sale or under which the total loan is made at an interest cost higher than the lowest net interest cost to the Town under any legally acceptable proposal. The Town reserves its right to reject all bids, and any bid not complying with the material terms of this notice will be rejected. The Town reserves the right to waive defects it deems non-material, in its sole discretion.

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

Sealed proposals should be addressed to the undersigned Chief Financial Officer, and enclosed in a sealed envelope marked on the outside "Proposal for Bonds". A good faith deposit (the "Deposit") in the form of a cash wire or a certified, treasurer's or cashier's check drawn upon a bank or trust company in the amount of \$190,000, payable to the order of the TOWN OF WESTFIELD, is required for each bid to be considered. If a cash wire is used, the wire must be received by the Town no later than 11:00 A.M. on September 13, 2017. If a cash wire is utilized, each bidder must notify the Town of its intent to use such cash wire prior to 11:00 A.M. on

September 13, 2017, and must provide proof of electronic transfer of such cash wire prior to 11:00 A.M. on September 13, 2017 (with return wiring instructions). Wire instructions for the Town can be obtained by contacting the Chief Financial Officer (Scott H. Olsen (908) 789-4097, ext. 4) or the Town's Bond Counsel (Steven Rogut or Thomas Bace (908) 931-1150). If a check is used, it must accompany the bid or be received by the undersigned Chief Financial Officer prior to the opening of bids. Each bidder accepts responsibility for delivering such cash wire or check on time and the Town is not responsible for any cash wire or check that is not received on time. Checks or wires of unsuccessful bidders will be returned upon the award of the Bonds. No interest on the Deposit will accrue to the successful bidder. The Deposit will be applied in part payment for the Bonds or to partially secure the Town from any loss resulting from the failure of the successful bidder to comply with the terms of its bid.

Award of the Bonds to the successful bidder or rejection of all bids is expected to be made within two hours after opening of the bids, but such successful bidder may not withdraw its proposal until after 3:00 p.m. (local time) of the day of such bid-opening and then only if such award has not been made prior to the withdrawal.

It is anticipated that CUSIP identification numbers will be printed on the Bonds, but neither the failure to print such number on any Bond nor any error with respect thereto shall constitute cause for a failure or refusal by the successful bidder thereof to accept delivery of and pay for the Bonds in accordance with its contractual obligations arising from the acceptance of its proposal for the purchase of the Bonds. All expenses in relation to the printing of CUSIP numbers on the Bonds shall be paid for by the Town; provided, however, that the CUSIP Service Bureau charge for the assignment of said numbers shall be the responsibility of and shall be paid for by the successful bidder.

The Bonds shall be delivered on or about September 22, 2017 at the office of Rogut McCarthy LLC, Cranford, New Jersey ("Bond Counsel"), or at such other place as may be determined by the successful bidder and the Town. **PAYMENT FOR THE BONDS AT THE TIME OF ORIGINAL ISSUANCE AND DELIVERY SHALL BE IN IMMEDIATELY AVAILABLE FUNDS.**

A preliminary Official Statement has been prepared and is available at www.i-DealProspectus.com or may be obtained from the undersigned, Chief Financial Officer, Municipal Building, 425 East Broad Street, Westfield, New Jersey 07090, Telephone No. (908) 789-4097, ext. 4. The preliminary Official Statement is deemed to be a "final official statement", as of its date, within the meaning of Rule 15c2-12 of the Securities and Exchange Commission ("Rule 15c2-12"), but is subject to (a) completion with certain pricing and other information to be made available by the successful bidder for the Bonds and (b) amendment. The preliminary Official Statement, as so revised, will constitute the "final official statement". By the submission of a bid for the Bonds, the successful bidder contracts for the receipt of a reasonable number of copies of the final Official Statement within seven business days of the award of the Bonds. In order to complete the final Official Statement, the successful bidder must furnish on behalf of the underwriters of the Bonds the following information to Bond Counsel and the Town by facsimile transmission or overnight delivery received by Bond Counsel and the Town within 24 hours after the award of the Bonds: (a) initial offering prices or yields (expressed as percentages), (b) selling compensation (aggregate total anticipated compensation to the underwriters expressed in dollars), (c) the identity of the underwriters if the successful bidder is part of a group or syndicate and (d) any other material information necessary for the final Official Statement, but not known to the Town (such as the bidder's purchase of credit enhancement). It shall also be the obligation of the successful bidder to furnish to DTC an underwriter's questionnaire and the denominations of the Bonds not less than seventy-two (72) hours prior to the delivery of the Bonds.

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

The Town has agreed in its bond resolution adopted on August 8, 2017 to provide or cause to be provided, in accordance with the requirements of Rule 15c2-12, (i) not later than seven months after the end of the Town's fiscal year (presently December 31) certain annual financial information and operating data, including audited financial statements for the preceding fiscal year (commencing with the fiscal year ending December 31, 2017), (ii) timely notice of the occurrence of certain material events with respect to the Bonds and (iii) timely notice of a failure by the Town to provide the required annual financial information on or before the date specified in (i) above.

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

The approving legal opinion of Bond Counsel will be furnished without cost to the purchaser. The preliminary Official Statement contains a discussion of the provisions of the Internal Revenue Code of 1986, as amended (the "Code"), with respect to the exclusion from gross income for Federal income tax purposes of the interest on the Bonds and a description of the opinion of Bond Counsel with respect thereto. The Town has covenanted, to the extent permitted by the Constitution and laws of the State of New Jersey, to comply with the provisions of the Code required to preserve the exclusion from gross income of interest on the Bonds for Federal income tax purposes. There will also be furnished the usual closing papers.

The Town has designated the Bonds "qualified tax-exempt obligations" within the meaning of Section 265(b)(3) of the Code and will represent that it reasonably expects that neither it nor its subordinate entities will issue more than \$10,000,000 of new money tax-exempt obligations in 2017.

If the Bonds qualify for issuance of any policy of municipal bond insurance or commitment therefor at the option of a bidder, any purchase of such insurance or commitment therefor shall be at the sole option and expense of the bidder and any increased costs of issuance

of the Bonds resulting by reason of such insurance, unless otherwise paid, shall also be paid by such bidder. Any failure of the Bonds to be so insured or of any such policy of insurance to be issued, shall not in any way relieve the purchaser of its contractual obligations arising from the acceptance of its proposal for the purchase of the Bonds.

ISSUE PRICE DETERMINATION UNDER INTERNAL REVENUE CODE

The Town intends that the 10% test shall apply if the "competitive sale requirements" are not satisfied.

The following paragraphs contain the terms for the determination of issue price (Securities Industry and Financial Markets Association ("SIFMA") Model Issue Price Documents (Notice of Sale – Alternative I)).

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

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

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

Any bid submitted pursuant to this Notice of Sale shall be considered a firm offer for the purchase of the Bonds, as specified in the bid.

(c) In the event that the competitive sale requirements are not satisfied, the Town shall so advise the winning bidder. The Town shall treat 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, applied on a maturity-by-maturity basis. The winning bidder shall advise the Town if any maturity of the Bonds satisfies the 10% test as of the date and time of the award of the Bonds. The Town will not require bidders to comply with the "hold-the-offering-price rule" and therefore does not intend to use the initial offering price to the public as of the sale date of any maturity of the Bonds as the issue price of that maturity. Bids will not be subject to cancellation in the event that the competitive sale requirements are not satisfied. Bidders should prepare their bids on the assumption that all of the maturities of the Bonds will be subject to the 10% test in order to establish the issue price of the Bonds.

(d) If the competitive sale requirements are not satisfied, then until the 10% test has been satisfied as to each maturity of the Bonds, the winning bidder agrees to promptly report to the Town the prices at which the unsold Bonds of that maturity have been sold to the public. That reporting obligation shall continue, whether or not the Closing Date has occurred, until the 10% test has been satisfied as to the Bonds of that maturity or until all Bonds of that maturity have been sold.

(e) By submitting a bid, each bidder confirms that: (i) any agreement among underwriters, any selling group agreement and each retail distribution agreement (to which the bidder is a party) relating to the initial sale of the Bonds to the public, together with the related pricing wires, contains or will contain language obligating each underwriter, each dealer who is a member of the selling group, and each broker-dealer that is a party to such retail distribution agreement, as applicable, to report the prices at which it sells to the public the unsold Bonds of each maturity allotted to it until it is notified by the winning bidder that either the 10% test has been satisfied as to the Bonds of that maturity or all Bonds of that maturity have been sold to the public, if and for so long as directed by the winning bidder and as set forth in the related pricing wires, and (ii) any agreement among underwriters relating to the initial sale of the Bonds to the public, together with the related pricing wires, contains or will contain language obligating each underwriter that is a party to a retail distribution agreement to be employed in connection with the initial sale of the Bonds to the public to require each broker-dealer that is a party to such

retail distribution agreement to report the prices at which it sells to the public the unsold Bonds of each maturity allotted to it until it is notified by the winning bidder or such underwriter that either the 10% test has been satisfied as to the Bonds of that maturity or all Bonds of that maturity have been sold to the public, if and for so long as directed by the winning bidder or such underwriter and as set forth in the related pricing wires.

(f) Sales of any 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:

- (i) "public" means any person other than an underwriter or a related party,
- (ii) "underwriter" means (A) any person that agrees pursuant to a written contract or otherwise with the Town (or with the lead underwriter to form an underwriting syndicate) to participate in the initial sale of the Bonds to the public and (B) any person that agrees pursuant to a written contract directly or indirectly with a person described in clause (A) to participate in the initial sale of the Bonds to the public (including a member of a selling group or a party to a retail distribution agreement participating in the initial sale of the Bonds to the public),
- (iii) a purchaser of any of the Bonds is a "related party" to an underwriter if the underwriter and the purchaser are subject, directly or indirectly, to (i) at least 50% common ownership of the voting power or the total value of their stock, if both entities are corporations (including direct ownership by one corporation of another), (ii) more than 50% common ownership of their capital interests or profits interests, if both entities are partnerships (including direct ownership by one partnership of another), or (iii) more than 50% common ownership of the value of the outstanding stock of the corporation or the capital interests or profit interests of the partnership, as applicable, if one entity is a corporation and the other entity is a partnership (including direct ownership of the applicable stock or interests by one entity of the other), and
- (iv) "sale date" means the date that the Bonds are awarded by the Town to the winning bidder.

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

Dated: August 24, 2017

/s/ Scott H. Olsen

Chief Financial Officer

Town of Westfield

County of Union, New Jersey

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

SUMMARY NOTICE OF SALE

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

\$9,500,000 GENERAL IMPROVEMENT BONDS

(Book-Entry Only) (Bank-Qualified)

(Non-Callable) (Parity Bid)

dated

September 15, 2017

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

September 13, 2017

at 11:00 o'clock A.M. (local time) at which time they will be publicly opened and announced, for the purchase of the Town's \$9,500,000 General Improvement Bonds dated September 15, 2017 and payable on September 15 in each year (without the right of prior redemption) as follows:

\$475,000 in each of the years 2018 to 2021, inclusive, and

\$950,000 in each of the years 2022 to 2029, inclusive.

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

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

The Bonds will bear interest from their date at a rate or rates of interest in multiples of 1/8th or 1/20th of 1% per annum (same or ascending rates and only one rate per maturity) specified by the successful bidder payable on each March 15 and September 15, commencing March 15, 2018, in each year until maturity. The purchase price specified must not be less than \$9,500,000 nor more than \$9,595,000 (par plus a maximum 1% premium). Each proposal must be for all the Bonds offered. As further described in the Notice of Sale, bidders must, at the time of making their bids, make a wire transfer or deposit a certified, cashier's or treasurer's check drawn upon a bank or trust company in the amount of \$190,000 to the order of the Town. The Bonds will be sold to the bidder specifying the lowest net interest cost in accordance with the terms set forth in the Notice of Sale. The Town will furnish the Bonds and the approving legal opinion of Rogut McCarthy LLC, Cranford, New Jersey, Bond Counsel.

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

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

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

Dated: August 30, 2017

/s/ Scott H. Olsen

Chief Financial Officer

Town of Westfield

County of Union, New Jersey

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

Section 4. The preparation of and distribution to potential bidders for the Bonds of a Preliminary Official Statement to be dated on or about August 30, 2017 is hereby approved. Such Preliminary Official Statement is hereby deemed to be a "final official statement", as of its date, within the meaning of Rule 15c2-12 of the Securities and Exchange Commission ("Rule 15c2-12").

Section 5. The preparation of an Official Statement in connection with the sale of the Bonds to be dated on or about September 13, 2017 is hereby approved. Such Official Statement is hereby deemed to be a "final official statement", as of its date, within the meaning of Rule 15c2-12.

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

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

(A) Not later than seven months after the end of the Town's fiscal year (presently December 31), commencing with the report for the fiscal year ending December 31, 2017, provide or cause to be provided annual financial information with respect to the Town consisting of (i) audited financial statements (or unaudited financial statements if audited financial

statements are not then available by the date of filing, which audited financial statements will be delivered when and if available) of the Town and (ii) certain financial information and operating data consisting of (a) information concerning the Town's debt, overlapping indebtedness, tax rate, levy and collection data, property valuation and fund balance of the type contained under the heading "Financial Information" in the Official Statement and (b) the Town's most recent adopted budget. The audited financial statements will be prepared in accordance with mandated State statutory accounting principles, as in effect from time to time. Audited financial statements if not available by the filing date will be submitted separately when available.

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

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

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

(14) Appointment of a successor or additional trustee or the change of name of a trustee, if material.

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

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

Section 9. If the Town fails to comply with the undertaking described above, any Bondholder or beneficial owner of the Bonds may pursue an action for specific performance to enforce the rights of all Bondholders and beneficial owners with respect to such undertaking; provided, however, that failure to comply with such undertaking shall not be an event of default and shall not result in any acceleration of payment of the Bonds or any liability by the Town for monetary damages. All actions shall be instituted, had and maintained in the manner provided in this paragraph for the benefit of all Bondholders and beneficial owners of the Bonds.

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

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

Section 12. The Town hereby covenants, to the extent permitted by the Constitution and the laws of the State of New Jersey, to do and perform all acts and things permitted by law and necessary to assure that interest paid on the Bonds be and remain excluded from gross income of the owners thereof for Federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code").

Section 13. The Town hereby designates the Bonds as "qualified tax-exempt obligations" for the purpose of Section 265(b)(3) of the Code. It is hereby determined and stated that (1) the Bonds are not "private activity bonds" as defined in the Code and (2) the Town and its subordinate entities, if any, do not reasonably anticipate issuing in excess of \$10 million of new money tax-exempt obligations (other than private activity bonds) during the calendar year 2017. The Town will, to the best of its ability, attempt to comply with respect to the limitations on issuance of tax-exempt obligations pursuant to Section 265(b)(3) of the Code; however, the Town does not covenant to do so, and expressly states that a covenant is not made hereby.

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

Section 15. The Chief Financial Officer, the Town Clerk, the Bond Counsel, the Auditor and other Town officials and representatives are hereby authorized to take all necessary actions to allow for (A) the submission of electronic bids for the Bonds, (B) the electronic posting of the Preliminary Official Statement, the full Notice of Sale and the bid form and (C) the submission by bidders of a wire transfer in lieu of a good faith check.

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

(192) WHEREAS, the Union County Board of Chosen Freeholders is allocating matching grant dollars for recreational improvements in the municipality, allowing each municipality the opportunity to address their specific need; and

WHEREAS, the Recreation Commission of the Town of Westfield has determined that there is a need for the installation of a new playground in Mindowaskin Park in the Town of Westfield prior to the centennial anniversary of the park in June 2018; and

WHEREAS, matching funds in the amount of \$206,080.00 will be certified by the Chief Financial Officer to be charged to account #T-05-600-076.

NOW THEREFORE BE IT RESOLVED the proper Town officials be, and hereby are authorized and directed to file an application with the Union County Open Space, Recreation & Historic Preservation Trust Fund for a "Kids Recreation Trust Fund" grant in the amount of \$206,080.00.

BE IT FUTHER RESOLVED that the proper Town officials be, and hereby are, authorized and directed to enter into a contract as prepared by the Union County Law Department.

(193) WHEREAS, the Union County Board of Chosen Freeholders is allocating matching grant dollars for tree plantings in union county municipalities under their Greening Union County initiative; and

WHEREAS, the Town of Westfield desires to participate in the Greening Union County program; and

WHEREAS, matching funds in the amount of \$9,780.00 will be certified by the Chief Financial Officer to be charged to account #7-01-137-255.

NOW THEREFORE BE IT RESOLVED the proper Town officials be, and hereby are authorized and directed to file an application with the Union County Open Space, Recreation & Historic Preservation Trust Fund for a “Greening Union County” grant in the amount of \$9,780.00

BE IT FUTHER RESOLVED that the proper Town officials be, and hereby are, authorized and directed to enter into a contract as prepared by the Union County Law Department.

(194) WHEREAS, a need exists in the Fire Department to have Fire Headquarters Truck Garage Area and Laundry Room Area painted; and

WHEREAS, three quotes were solicited and received and it has been determined that Garcia Painting Co. L.L.C. can provide the preparation and painting of ceiling, walls and woodwork at a price not to exceed \$4,500.00, and;

WHEREAS, this preparation and painting will be sufficient to meet the needs of the Fire Department, and;

WHEREAS, the Town Treasurer certified to the availability of adequate funds for payment, which will be in an amount not to exceed \$4,500.00 charged to the 2017 Fire Department Account, 125-256, and prepared in accordance with N.J.A.C. 5:30 1.10; and

NOW, THEREFORE, BE IT RESOLVED that the Town of Westfield will enter into a contract for the preparation and painting of the Fire Department Truck Garage Area and Laundry Room, using Purchase Order 17-03221; and

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

Garcia Painting Co., L.L.C.

P.O. Box 2013
Westfield, NJ 07091

Total: \$4,500.00

(195) WHEREAS, a need exists in the Fire Department to replace existing duct distribution system at Fire Department Headquarters; and

WHEREAS, three quotes were solicited and received and it has been determined that Baltica Mechanical can replace the duct distribution system at a price not to exceed \$18,500.00, and;

WHEREAS, this duct distribution system will be sufficient to meet the needs of the Fire Department, and;

WHEREAS, the Town Treasurer certified to the availability of adequate funds for payment, which will be in an amount not to exceed \$18,500.00 charged to the 2017 Fire Department Account, 125-256, and prepared in accordance with N.J.A.C. 5:30 1.10; and

WHEREAS, the Business Disclosure Entity Certification and the Determination of Value received from Baltica Mechanical shall be placed on file along with this resolution in compliance with PL 2005, C271, N.J. S.A. 40A:11-51;

NOW, THEREFORE, BE IT RESOLVED that the Town of Westfield will enter into a contract for the installation of a new duct distribution system for Fire Department Headquarters using Purchase Order 17-03222; and

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

Baltica Mechanical
1239 Briarcliff Drive
Rahway, NJ 07065

Total: \$18,500.00

(196) WHEREAS, a need exists in the Fire Department to have Fire Headquarters and Station No. 2 buildings assessed to assure the buildings meet contemporary fire and rescue station design and industry standards; and

WHEREAS, three quotes were solicited and received and it has been determined that Lemay Erickson Willcox Architects, PC can provide the assessment and report at a price not to exceed \$29,500.00, and;

WHEREAS, this assessment and report will be sufficient to meet the needs of the Fire Department, and;

WHEREAS, the Town Treasurer certified to the availability of adequate funds for payment, which will be in an amount not to exceed \$29,500.00 charged to the 2017 Fire Department Account, 125-255, and prepared in accordance with N.J.A.C. 5:30 1.10; and

WHEREAS, the Business Disclosure Entity Certification and the Determination of Value received from Lemay Erickson Willcox Architects PC shall be placed on file along with this resolution in compliance with PL 2005, C271, N.J. S.A. 40A:11-51;

NOW, THEREFORE, BE IT RESOLVED that the Town of Westfield will enter into a contract for the assessment of two fire stations and resulting reports, using Purchase Order 17-03186; and

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

Lemay Erickson Willcox Architects PC
11250 Roger Bacon Drive, Suite 16
Reston, VA 20190

Total: \$29,500.00

Public Safety, Transportation and Parking Committee

The following resolutions, introduced by Councilman Loughlin Chairman of the Public Safety, Transportation and Parking Committee, seconded by Councilman LoGrippe were unanimously adopted.

(197) WHEREAS, a need exists for the purchase of replacement Vehicles as provided for in the 2017 Operating Budget, 165-251, and

WHEREAS, the contract to purchase these is to be awarded to an authorized vendor through the State of New Jersey Procurement Bureau, and

WHEREAS, these vehicles will be sufficient to meet the needs of the Department, and

WHEREAS, the New Jersey State Public Contract Law 40A:11-3 states that when accepting an item under N.J. State Contract #A86922, a resolution must be adopted by the Governing Body, and

WHEREAS, the Town Treasurer certified to the availability of adequate funds for payment, prepared in accordance with N.J.A.C. 5:30 1.10, which will be in the amount of

\$34,800.00 charged to 2017 Building Department Operating 165-251, using Purchase Order #17-03075.

NOW, THEREFORE BE IT RESOLVED that the Town of Westfield will purchase the following vehicles from the indicated vendor:

Hertrich Fleet Services
1427 Bay Road
Milford, DE 19963

Two (2) 2018 Ford Fusions @ \$17,400.00 each Total \$34,800.00

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

(198) WHEREAS, a need exists for the purchase of replacement Vehicles as provided for in the 2017 Operating Budget, 165-251, and

WHEREAS, the contract to purchase these is to be awarded to an authorized vendor through the State of New Jersey Procurement Bureau, and

WHEREAS, these vehicles will be sufficient to meet the needs of the Department, and

WHEREAS, the New Jersey State Public Contract Law 40A:11-3 states that when accepting an item under Morris County Cooperative Pricing Council, Contract #15-C, Item #10, a resolution must be adopted by the Governing Body, and

WHEREAS, the Town Treasurer certified to the availability of adequate funds for payment, prepared in accordance with N.J.A.C. 5:30 1.10, which will be in the amount of \$60,146.00 charged to 2017 Building Department Operating 165-251, using Purchase Order #17-03076.

NOW, THEREFORE BE IT RESOLVED that the Town of Westfield will purchase the following vehicles from the indicated vendor:

DFFLM, LLC T/A Ditschman/Flemington Ford
215 US Highway 202
Flemington, NJ 08822

Two (2) 2018 Ford F-150's @ \$30,073.00 Total \$60,146.00

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

(199) WHEREAS, a need exists for the Townwide thermoplastic restriping of various crosswalks and stop bars in the Town as provided for by Special Ordinance 2208B, and

WHEREAS, the contract to perform this work is to be awarded to an authorized vendor through the Morris County Cooperative Pricing Council, and

WHEREAS, the scope of work will be sufficient to meet the needs of the Department, and

WHEREAS, the New Jersey State Public Contract Law 40A:11-3 states that when accepting a service under the Morris County Cooperative Pricing Council, Contract #36, a resolution must be adopted by the Governing Body, and

WHEREAS, the Town Treasurer certified to the availability of adequate funds for payment, prepared in accordance with N.J.A.C. 5:30 1.10, which will be in the amount of \$100,000.00 charged to Special Ordinance #2208B, using Purchase Order #17-03134.

NOW, THEREFORE BE IT RESOLVED that the Town of Westfield will award a unit price contract to Denville Line Painting, Inc., 2 Green Pond Road, Rockaway, NJ 07866, and

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

(200) WHEREAS, in 2012, alcohol impaired fatalities accounted for 19% of New Jersey's traffic fatalities; and

WHEREAS, though the percentage of fatalities has declined slightly in recent years, impaired driving remains a significant issue, both in New Jersey and nationally; and

WHEREAS, the project is designed to raise awareness about the dangers of drinking and driving, to offer deterrence through visible enforcement, to arrest impaired drivers, and to issue summonses for relevant motor vehicle violations; and

WHEREAS, the State of New Jersey will participate in the *2017 Drive Sober or Get Pulled Over Statewide Labor Day Crackdown* from August 16, 2017 – September 4, 2017 in an effort to reduce the rate of alcohol-impaired fatalities in the state by five percent from the 2010-2012 calendar base year average through targeted impaired driving enforcement and education; and

THEREFORE, be it resolved that the Westfield Town Council declares its support for the *2017 Drive Sober or Get Pulled Over Statewide Labor Day Crackdown* both locally and nationally from and pledges to increase awareness about the dangers of drinking and driving

Code Review & Town Property Committee

The following resolutions, introduced by Councilman Della Fera, Chairman of the Code Review & Town Property Committee, seconded by Councilman Stokes were unanimously adopted.

(201) WHEREAS, pursuant to Chapter 24 Article VII Section 24-47 of the Town Code the Town Council has authorized the licensing of Sidewalk Cafés, and

WHEREAS, the establishments listed have made application as required by Sec. 24-48 of the Town Code, and

WHEREAS, the establishments listed have met all the terms and conditions as required,

NOW, THEREFORE BE IT RESOLVED, that the Town Council of the Town of Westfield hereby grants licenses to the establishments listed to operate sidewalk cafés and the Town Clerk be, and is hereby authorized to issue said licenses.

Inspiration Roll	106 Central Avenue
Mojave Grill	35 Elm Street
Theresa's	47 Elm Street
Westfield Creamery	258 East Broad Street

(202) RESOLVED that the following applications for Peddlers License be and the same are hereby approved:

Maurice Dayan
Morano Gelato Westfield
3 Queen Anne Dr
Deal, NJ 07723

BE IT FURTHER RESOLVED that the licenses shall not be issued by the Town Clerk unless the departmental inspections of the premises have been completed and the premises approved for the licensed use.

(203) RESOLVED that the application for the following liquor license renewal for the 2017-2018 licensing term be, and the same is hereby granted subject to full compliance with Alcoholic Beverage Law R.S. 33:1.1 etseq:

PLENARY RETAIL DISTRIBUTION LICENSE

Saamro, LLC	270 North Avenue E.
t/a Westfield Wine & Liquor	
2020-44-017-011	

CLUB LICENSES

Centennial Lodge 400 IBPOE of Westfield	444 West Broad Street
2020-31-020-001	

Public Works Committee

The following resolutions, introduced by Councilman Oliveira, Chairman of the Public Works Committee, seconded by Councilman Arena were unanimously adopted.

(204) WHEREAS, a need exists for the purchase of public works related equipment as provided for in Capital Improvement Fund 236-213, and

WHEREAS, the contract to purchase this equipment is to be awarded to an authorized vendor through a Cooperative Purchasing Agreement, and

WHEREAS, this equipment will be sufficient to meet the needs of the Department, and

WHEREAS, the New Jersey State Public Contract Law 40A:11-3 states that when accepting an item under a Cooperative Contract, specifically, National Joint Powers Alliance Contract #080114-HPI, a resolution must be adopted by the Governing Body, and

WHEREAS, the Town Treasurer certified to the availability of adequate funds for payment, which will be in the amount of \$59,676.00 charged to Capital Improvement Fund 236-213 prepared in accordance with N.J.A.C. 5:30 1.10.

NOW, THEREFORE BE IT RESOLVED that the Town of Westfield will purchase equipment from the following vendor:

Henderson Truck Equipment NJ
8211 Solutions Center
Chicago, IL 60677-8002

(2) 10' Patrol Wing Systems with stainless steel moldboard
With hydraulics and Del-Air controls \$ 59,676.00

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

(205) WHEREAS, a need exists for the purchase of public works related equipment as provided for in Capital Improvement Fund 236-213, and

WHEREAS, the contract to purchase this equipment is to be awarded to authorized vendors through various Cooperative Purchasing Agreements, and

WHEREAS, this equipment will be sufficient to meet the needs of the Department, and

WHEREAS, the New Jersey State Public Contract Law 40A:11-3 states that when accepting an item under a Cooperative Contract, specifically, Morris County Cooperative Pricing

Council Contract #15-F, and National Joint Powers Alliance Contract #080114-HPI, a resolution must be adopted by the Governing Body, and

WHEREAS, the Town Treasurer certified to the availability of adequate funds for payment, which will be in the amount of \$183,525.00 charged to Capital Improvement Fund 236-213 prepared in accordance with N.J.A.C. 5:30 1.10.

NOW, THEREFORE BE IT RESOLVED that the Town of Westfield will purchase the following equipment from the indicated vendors:

Brown's Hunterdon

963 State Route 173

P.O. Box 98

Bloomsbury, NJ 08804

(1) 2017 MACK GU432 Cab/Chassis \$ 95,574.00

Henderson Truck Equipment NJ

8211 Solutions Center

Chicago, IL 60677-8002

(1) 11' Stainless Steel Dump Body with 11' reversible plow \$ 87,951.00

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

(206) WHEREAS, Fischer Contracting Inc., is under contract to the Town of Westfield for the 2016 Various Road Improvements as authorized by the Special Ordinance 2203A, and

WHEREAS, N.J.A.C. 5:30 provides for increases in the contract price for unanticipated adjustments through Change Order and Council Resolution, and

WHEREAS, site conditions encountered during construction necessitated additional work items and more material than had been anticipated, and

WHEREAS, Certificate of the Town Treasurer, certifying to the availability of adequate funds for the changed contract price, as described below, prepared in accordance with N.J.A.C. 5:30 1.10 has been furnished to the Town Clerk. Expenditure of funds to be charged to Special Ordinance 2203A under PO-#16-02541.

NOW THEREFORE BE IT RESOLVED, that Change Order No. 2 in the amount of \$16,477.75 executed by Kris J. McAloon, Town Engineer, be authorized, and

BE IT FURTHER RESOLVED, that the proper Town Officials be, and they are hereby, authorized to make payment and to effect whatever actions are necessary in the execution and discharge of Change Order No. 2, for the 2016 Various Road Improvements increasing the contract price to \$648,124.45.

Reports of Department Heads

Report of Steve Freedman, Construction Official, showing monies collected for permits in the amount of \$132,760.00 for the month of July 2017 was received, read and ordered filed.

Report of Kris McAloon, Town Engineer, stating he had turned over to the Chief Financial Officer check in the amount of \$16,665.00 representing monies collected during the month of July 2017.

Report of David C. Wayman, Chief of the Police Department, showing fee collecting in the amount of \$967.72 during the month of July 2017.

Report of Carol Salvaggio, Certified Court Administrator, stating that she had turned over to the Chief Financial Officer check in the amount of \$75,107.65 representing fines and costs collected in the Municipal Court and Violations Bureau during the month of July 2017 was received, read and ordered filed.

Report of Claire J. Gray, Town Clerk, showing fee collected in the amount of \$3,171.00 during the month of July 2017 was received, read, and ordered filed.

Report of David J. Kelly, Chief of the Fire Department, showing Fees collected in June 2017 in the amount of \$4,629.00 was received, read and ordered filed.

Upon motion by Councilman LoGrippe, seconded by Councilman Della Fera the meeting was adjourned at 8:39 p.m

Claire J. Gray

Town Clerk