

MINUTES
REGULAR MEETING
THURSDAY MARCH 24, 2022 at 6:30PM

Mayor Melissa Dabal calls the meeting to order at 6:42 p.m.

Flag Salute and Invocation

Mayor Melissa Dabal read the Public Meeting Notice pursuant to the Sunshine Law

Mayor Dabal – Present
Councilman Rachelski – Present
Councilwoman Ivanicki – Here
Councilwoman Preinfalk – Here
Councilman Balik – Present
Councilman Androwis – Present
Councilman Sadecki - Present

Borough Attorney Richard Allen – Here
Borough Administrator Michael Kazimir –Here

Motion to suspend the normal order of business by Preinfalk, Seconded by Androwis,
Roll Call: Rachelski AYE, Ivanicki AYE, Preinfalk AYE, Androwis AYE, Balik AYE, Sadecki AYE.

APPOINTMENT OF NEW POLICE OFFICER

Appointment of Peter Wojcik as a police officer for the Borough of Wallington

Chief of Police thanked the governing body and reiterated that we are receiving an experienced officer. Mayor thanked the police for their support and hard work and reiterated that the governing body supports police and has their back.

Motion to resume normal order of business by Balik, Seconded by Rachelski,
Roll Call: Rachelski AYE, Ivanicki AYE, Preinfalk AYE, Androwis AYE, Balik AYE, Sadecki AYE.

HEARING OF CITIZENS

Motion to Open the Meeting to the Hearing of Citizens by Preinfalk, Seconded by Ivanicki,
Roll Call: Rachelski AYE, Ivanicki AYE, Preinfalk AYE, Androwis AYE, Balik AYE, Sadecki AYE.

No one wished to be heard.

Motion to Close the Meeting to the Hearing of Citizens by Androwis, Seconded by Balik,
Roll Call: Rachelski AYE, Ivanicki AYE, Preinfalk AYE, Androwis AYE, Balik AYE, Sadecki AYE.

APPROVAL OF MINUTES

February 24, 2022

Motion to approve minutes by Androwis, Seconded by Rachelski,
Roll Call: Rachelski AYE, Ivanicki AYE, Preinfalk AYE, Androwis AYE, Balik AYE, Sadecki AYE.

COMMUNICATIONS

From: Wallington Board of Health
Re: Removal of Handicap Signs

From: Wallington Lions Club
Re: Request to use Civic Center for Fund Raiser

From: Park Row Hose Company #3
Re: Application for Raffle License

From: Wallington Emergency Squad
Re: Appointment of Wendy DeDios as First Responder

From: South Bergen Police Chiefs Association
Re: 2022 Assessment (\$250.00)

Motion to refer the previous Communications to the proper Agencies
by Androwis, Seconded by Ivanicki,
Roll Call: Rachelski AYE, Ivanicki AYE, Preinfalk AYE, Androwis AYE, Balik AYE, Sadecki AYE.

CONTINUING WITH COMMUNICATIONS

From: Wallington Board of Education

Re: Request #10 in the amount of \$1,434,114.00

Motion to approve and pay subject to fund availability

by Preinfalk, Seconded by Balik,

Roll Call: Rachelski AYE, Ivanicki AYE, Preinfalk AYE, Androwis AYE, Balik AYE, Sadecki AYE.

COMMITTEE REPORTS

COUNCILMAN EUGENIUSZ RACHELSKI

Provided summary of the current financial process. More formal reports will come later concerning redevelopment. Multiple serious questions regarding 4H property regarding sewer and stormwater.

COUNCILWOMAN WENDYSU IVANICKI

Zero COVID cases from the latest Board of Health. Dog census taking place in May; Looking to update multiple ordinances concerning dog bites.

COUNCILWOMAN SUSANNE PREINFALK

Board of education has been mask optional; No significant increase in covid cases. Awaiting date for demo of the library. Last day for artwork due for is 3/25/22. A summer concert series is being considered. April 28 meeting is student government night.

COUNCILMAN KHALDOUN ANDROWIS

Councilman Androwis provided an over view of his lighting analysis along with Councilwoman Balik. "Keep Wallington Bright Again"

COUNCILWOMAN BALIK

Spoke with Rent leveling board attorney Jon Sonz. Considering updating and Implementing a landlord registration form.

COUNCILMAN TOMASZ SADECKI

Nothing to report from Zoning board. Asked Councilman Rachelski if there is insight into the budget; No information is currently available from the Finance chair. Councilman Sadecki outlined the different ways recreation spends money and a need to better match

expenses and revenues to budget. More details are necessary to make a proper judgment. Significant progress is taking place in shade tree; Upper section of town needs trees. A template letter has been edited. Shade tree has requested additional room on the Borough Website.

MAYOR'S REPORT

No formal report: A meeting took place regarding a development deal and will change the town exponentially for the better.

ATTORNEY'S REPORT

Majority of items for closed; Lease of land on industrial latex has been finalized and revenue is flowing.

ADMINISTRATOR REPORT

Advised of a late bill that arrived; A discussion took place on the timing of work completed and when the invoice was received. Has additional copies of a newsletter. FEMA will be back in town to analyze additional locations that were damaged by Hurricane IDA.

RESOLUTIONS

The following Resolutions can be approved "En Mass" by Consent Agenda. These items are either routine in nature (i.e. raffle license, payment of bills, etc.) or discussed and unanimously approved in the Work Session meeting.

BOROUGH OF WALLINGTON COUNTY OF BERGEN RESOLUTION NO. 2022-089

WHEREAS: Upon reviewing our escrow account, John Serazio, 3 Geranium Place, Wallington NJ 07057.

WHEREAS: The said resident only required \$335.00 to complete the engineering review conducted by Neglia engineering, Invoice ##2104144, and has requested to be reimbursed for the balance of their escrow account; so,

THEREFORE, BE IT RESOLVED, the Mayor and Council of the Borough of Wallington that Chief Financial Officer be authorized to refund \$1,165.00 from the escrow account to the said owner John Serazio, 3 Geranium Place, Wallington NJ 07057.

BOROUGH OF WALLINGTON COUNTY OF BERGEN

RESOLUTION NO. 2022-090

WHEREAS, the Borough of Wallington received payment in the amount of \$10,591.70 from Guardian Title Services, LLC for redemption of Tax Sale Certificate Number 18-002 for property located at 54 Wallington Avenue, Wallington, NJ 07057 Block 15 Lot 29, and,

WHEREAS, DKG Asset Management, LLC purchased Tax Sale Certificate 18-002 at a Tax Sale on Dec 12, 2018.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Wallington, County of Bergen, State of New Jersey, that Tax Sale Certificate Number 18-002 has been redeemed and shall pay the Third-Party Lien Holder, (DKG Asset Management, LLC), the amount of \$10,591.70 and the Tax Collector shall adjust the tax records accordingly.

The refund check shall be made payable to: DKG Asset Management, LLC and shall be mailed to DKG Asset Management LLC, P.O. Box 275, Rutherford, NJ 07070.

The cancelled Tax Sale Certificate shall be mailed to Guardian Title Services, LLC, 345 Centre Street, Suite 2, Nutley, NJ 07110.

BOROUGH OF WALLINGTON

COUNTY OF BERGEN

RESOLUTION NO. 2022-091

**A RESOLUTION APPOINTING WENDY DeDIOS AS A
FIRST RESPONDER IN THE BOROUGH OF WALLINGTON**

WHEREAS, the Borough of Wallington has established a Fire Department pursuant to Article 3 of Chapter 49 of the Borough Code; and

WHEREAS, Wendy DeDios has applied for membership as a First Responder of the Wallington Emergency Squad; and

WHEREAS, Wendy's application has been reviewed and approved by the Fire Department and has passed a physical.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Wallington as follows:

1. Wendy DeDios is hereby appointed as a First Responder for the Wallington Emergency Squad subject to their compliance with all rules and regulations of the Wallington Fire Department and compliance with all condition's precedent to their membership.

**BOROUGH OF WALLINGTON
COUNTY OF BERGEN
RESOLUTION NO. 2022-092
RESOLUTION FOR PERSON TO PERSON TRANSFER**

WHEREAS, an application has been filed for a person-to-person transfer of Plenary Retail Consumption License 0265-44-016-009, heretofore issued to Shiv Balgobin, a “Pocket License,” Wallington, New Jersey. Recognized by a Special Ruling of the ABC dated June 21, 2021; and

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

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

WHEREAS, the applicant has disclosed and the issuing authority reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the license business.

NOW, THEREFORE BE IT RESOLVED that the Borough of Wallington Governing Body does hereby approve, effective March 24, 2022, the transfer of the aforesaid Plenary Retail Consumption License to Marian Rys of 85 Mt. Cedar Ave, Wallington, NJ 07057, and does hereby direct the Borough Clerk/A.B.C. Board Secretary to endorse the license certificate to the new ownership as follows: “This License, subject to all its terms and conditions, is hereby transferred to Marian Rys a “Pocket License,” effective March 24,2022”

**BOROUGH OF WALLINGTON
COUNTY OF BERGEN
RESOLUTION NO. 2022-093**

RESOLUTION FOR DISABLED VETERAN TAX EXEMPTION

WHEREAS, New Jersey State Statute 54:4-3.30 provides that war veterans, who were honorably discharged from active service, in time of war, in any branch of the Armed Forces of the United States, who have been or shall be declared by the United States Veterans Administration to be 100% totally and permanently disabled, connected from their wartime service, a full tax exemption of their dwelling and the lot on which it is situated; and

WHEREAS, the following taxpayer has filed an application for allowance of a full exemption with proper supporting documentation thus making the taxpayer eligible; and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor & Council of the Borough of Wallington, County of Bergen, State of New Jersey, that **John Jacewicz** be granted a **50% exemption** from payment of property taxes from **January 27, 2022** and all subsequent years thereafter on the property identified as **Block 36, Lot 26 which is also known as 220 Hayward Place**

RESOLUTION NO. 2022-094

Council Member ANDROWIS introduced and moved the adoption of the following resolution and Council Member Rachelski seconded the motion:

RESOLUTION COMBINING SEVERAL AUTHORIZATIONS OF
BONDS INTO A SINGLE ISSUE AND PRESCRIBING
THE DETAILS AND BOND FORM THEREOF FOR
\$4,705,000 GENERAL IMPROVEMENT BONDS
DATED APRIL 15, 2022

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

BE IT RESOLVED by the Borough Council of the Borough of Wallington, in the County of Bergen, New Jersey (the "Borough"), as follows:

Section 1. There shall be issued at this time \$450,947 of the bonds authorized pursuant to Bond Ordinance No. 2017-7 adopted by the Borough Council of the Borough on September 28, 2017. The bonds are issued to finance the reconstruction or resurfacing of various roads in, by and for the Borough. 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 \$464,317 of the bonds authorized pursuant to Bond Ordinance No. 2017-13 adopted by the Borough Council of the Borough on December 21, 2017. The bonds are issued to finance the replacement of roofs on the following firehouses: Truck Co. No. 1 (67 Union Boulevard) and Hose Co. No. 3 (54 Park Row); and the replacement of windows at various municipal facilities, all in, by and for the Borough. The average period of usefulness of the several purposes to be financed by such bond ordinance is a period of 15 years computed from the date of such bonds.

Section 3. There shall be issued at this time \$230,796 of the bonds authorized pursuant to Bond Ordinance No. 2018-10 adopted by the Borough Council of the Borough on September 27, 2018. The bonds are issued to finance the undertaking of various curb and sidewalk improvements on King Street, including barrier-free improvements, in, by and for the Borough. 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 4. There shall be issued at this time \$447,800 of the bonds authorized pursuant to Bond Ordinance No. 2019-007 adopted by the Borough Council of the Borough on July 25, 2019. The bonds are issued to finance the reconstruction or resurfacing of various roads in, by and for the Borough. 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 5. There shall be issued at this time \$190,000 of the bonds authorized pursuant to Bond Ordinance No. 2019-010 adopted by the Borough Council of the Borough on November 14, 2019. The bonds are issued to finance the acquisition of office and computer equipment for the use of various Borough departments, offices and agencies in, by and for the Borough. The

period of usefulness of the purpose to be financed by such bond ordinance is a period of 5 years computed from the date of such bonds.

Section 6. There shall be issued at this time \$431,775 of the bonds authorized pursuant to Bond Ordinance No. 2020-004 adopted by the Borough Council of the Borough on April 14, 2020. The bonds are issued to finance the reconstruction or resurfacing of various roads in, by and for the Borough. 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 7. There shall be issued at this time \$990,000 of the bonds authorized pursuant to Bond Ordinance No. 2020-015 adopted by the Borough Council of the Borough on October 29, 2020. The bonds are issued to finance the replacement of the Hathaway Street sanitary sewer main (from Main Street to Locust Avenue) in, by and for the Borough. The period of usefulness of the purpose to be financed by such bond ordinance is a period of 40 years computed from the date of such bonds.

Section 8. There shall be issued at this time \$604,525 of the bonds authorized pursuant to Bond Ordinance No. 2021-001 adopted by the Borough Council of the Borough on February 25, 2021. The bonds are issued to finance the construction of a new Public Library in, by and for the Borough. The period of usefulness of the purpose to be financed by such bond ordinance is a period of 30 years computed from the date of such bonds.

Section 9. There shall be issued at this time \$145,700 of the bonds authorized pursuant to Bond Ordinance No. 2021-002 adopted by the Borough Council of the Borough on February 25, 2021. The bonds are issued to finance the undertaking of drainage improvements at Crescent Road Park in, by and for the Borough. The period of usefulness of the purpose to be financed by such bond ordinance is a period of 15 years computed from the date of such bonds.

Section 10. There shall be issued at this time \$570,000 of the bonds authorized pursuant to Bond Ordinance No. 2021-006 adopted by the Borough Council of the Borough on April 15, 2021. The bonds are issued to finance the acquisition of real property (the Kearny Bank building located at 159-161 Maple Avenue) for future use as a Municipal Building in, by and for the Borough. The period of usefulness of the purpose to be financed by such bond ordinance is a period of 40 years computed from the date of such bonds.

Section 11. There shall be issued at this time \$179,140 of the bonds authorized pursuant to Bond Ordinance No. 2021-023 adopted by the Borough Council of the Borough on September 9, 2021. The bonds are issued to finance the reconstruction or resurfacing of various roads in, by and for the Borough. 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 12. The bonds authorized by said eleven bond ordinances described in Sections 1 through 11, inclusive, of this resolution shall be issued as a single issue of bonds, aggregating \$4,705,000 and consisting of an issue of bonds in 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 that 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 eleven bond ordinances mature, according to the respective reasonable lives of the purposes to be financed, as determined in such bond 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 22.96 years computed from the date of such bonds. Said issue shall be payable in

annual installments on April 15 in each year and, subject to adjustment as authorized by Section 17 of this resolution, in the amounts as follows:

\$300,000 in each of the years 2023 to 2028, inclusive,
\$505,000 in the year 2029, and
\$600,000 in each of the years 2030 to 2033, 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 the eleven such bond ordinances.

Section 13. All of said bonds shall be dated April 15, 2022, and shall bear interest from their date until their respective maturities at the rates per annum named in the proposal accepted. Such rates of interest shall be determined at the time said bonds are sold. Such interest shall be payable on each April 15 and October 15, commencing October 15, 2022 (each, an "Interest Payment Date"), in each year until maturity or prior redemption.

Section 14. The bonds maturing on or before April 15, 2029 are not subject to redemption prior to their stated maturities. The bonds maturing on or after April 15, 2030 are subject to redemption at the option of the Borough prior to maturity, in whole on any date or in part on any Interest Payment Date, on or after April 15, 2029, upon notice as hereinafter set forth at the redemption price of 100% of the principal amount being redeemed, plus accrued interest to the date fixed for redemption.

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

Section 15. Notice of redemption shall be given by first class mail in a sealed envelope with postage prepaid to the registered owners of the bonds at their respective addresses as they last appear on the registration books kept for that purpose by the Bond Registrar/Paying Agent at least thirty (30) but not more than sixty (60) days before the date fixed for redemption. Such mailing is not a condition precedent to redemption, and the failure to mail or to receive any redemption notice will not affect the validity of the redemption proceedings. If any bond subject to redemption is a part of a greater principal amount of the bonds not to be redeemed, such entire amount shall be surrendered to the Bond Registrar/Paying Agent and, for that portion of the bond not to be redeemed, a new bond shall be issued in the name of the registered owner in an amount equal to the principal amount of the bond surrendered less the amount to be redeemed.

Section 16. 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 the rules and procedures established by DTC. Interest on the bonds will be payable at the times stated in Section 13 of this resolution, and principal of the bonds will be paid annually on April 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 Borough 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 Borough 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 Borough will discontinue the book-entry system with DTC. If the Borough fails to identify another qualified securities depository to replace DTC, the Borough will authenticate and deliver replacement bonds in the form of fully registered certificates.

The principal of and interest on the bonds shall be payable 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.

Section 17. The Chief Financial Officer, pursuant to N.J.S.A. 40A:2-34, is hereby authorized to sell and award the bonds in accordance with the terms of the notice of sale (the "Notice of Sale"), such terms to be determined by a resolution of the Borough Council to be hereafter adopted. The Chief Financial Officer shall report in writing to the Borough Council at the next

meeting after the sale of the bonds as to the principal amount, interest rates and maturities of the bonds sold, the price obtained and the name of the purchaser. In accordance with N.J.S.A. 40A:2-26(g), there is hereby delegated to the Chief Financial Officer the authority to adjust the aggregate amount of and the maturity schedule for the bonds at the times and in the amounts as provided in the Notice of Sale. There is hereby further delegated to the Chief Financial Officer the authority to postpone the public sale of the bonds without re-advertisement in accordance with the provisions of the Notice of Sale. The public sale of the bonds may not be postponed more than sixty (60) days without re-advertisement.

Section 18. 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 the Borough shall be imprinted, affixed or reproduced thereon and such seal shall be attested by the Borough Clerk or Deputy Borough Clerk by manual signature. The bonds will be authenticated by the manual signature of the Bond Registrar/Paying Agent.

Section 19. 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 BERGEN
BOROUGH OF WALLINGTON
GENERAL IMPROVEMENT BOND

INTEREST
RATE PER
ANNUM

MATURITY DATE

DATED DATE

CUSIP

_____% APRIL 15, 20__ APRIL 15, 2022 932559__

REGISTERED OWNER: CEDE & CO.

PRINCIPAL SUM: -----DOLLARS

The Borough of Wallington, a municipal corporation of the State of New Jersey, located in the County of Bergen (hereinafter referred to as the "Borough"), 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 April 15

and October 15, commencing October 15, 2022 (each, an "Interest Payment Date"), of each year until maturity or prior redemption. The principal hereof is payable at the office of the Chief Financial Officer, Civic Center, 24 Union Boulevard, Wallington, New Jersey 07057 (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 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 eleven bond ordinances adopted by the Borough Council of the Borough on September 28, 2017 (Ord. No. 2017-7), December 21, 2017 (Ord. No. 2017-13), September 27, 2018 (Ord. No. 2018-10), July 25, 2019 (Ord. No. 2019-007), November 14, 2019 (Ord. No. 2019-010), April 14, 2020 (Ord. No. 2020-004), October 29, 2020 (Ord. No. 2020-015), February 25, 2021 (two ordinances: Ord. Nos. 2021-001 and 2021-002), April 15, 2021 (Ord. No. 2021-006) and September 9, 2021 (Ord. No. 2021-023) and resolutions adopted by the Borough Council of the Borough on March 24, 2022.

The Bonds maturing on or before April 15, 2029 are not subject to redemption prior to their stated maturities. The Bonds maturing on or after April 15, 2030 are subject to redemption at the option of the Borough prior to maturity, in whole on any date or in part on any Interest Payment Date, on or after April 15, 2029, upon notice as hereinafter set forth at the redemption

price of 100% of the principal amount being redeemed, plus accrued interest to the date fixed for redemption.

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

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

The Bond Registrar/Paying Agent shall keep at its office the books of the Borough 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 hereinabove mentioned resolutions 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 Borough, is within every debt and other limit prescribed by the Constitution or statutes of said State.

The full faith and credit of the Borough 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 Borough 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 Deputy Borough Clerk by manual signature, and this Bond to be dated April 15, 2022.

[SEAL]

Mayor

ATTEST:

Deputy Borough Clerk

Chief Financial Officer

AUTHENTICATION DATE: APRIL 28, 2022

CERTIFICATION OF AUTHENTICATION

This Bond is one of the Bonds described in the within-mentioned resolutions, and is one of the General Improvement Bonds dated April 15, 2022 of the Borough of Wallington, in the County of Bergen, 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 20. 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, 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 Borough 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 Borough 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 Borough 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 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 Borough Council to appoint another Bond Registrar/Paying Agent, and, as such, shall keep at the Civic Center, 24 Union Boulevard, Wallington, New Jersey 07057, the books of the Borough for the registration, registration of transfer, exchange and payment of the bonds.

Section 21. The Mayor, the Chief Financial Officer and the Deputy Borough 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 22. This resolution shall take effect immediately upon its adoption.

RESOLUTION NO. 2022-095

Council Member ANDROWIS introduced and moved the adoption of the following resolution and Council Member RACHELSKI seconded the motion:

RESOLUTION COMBINING SEVERAL AUTHORIZATIONS OF
BONDS INTO A SINGLE ISSUE AND PRESCRIBING
THE DETAILS AND BOND FORM THEREOF FOR
\$5,245,000 WATER UTILITY BONDS
DATED APRIL 15, 2022

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

BE IT RESOLVED by the Borough Council of the Borough of Wallington, in the County of Bergen, New Jersey (the "Borough"), as follows:

Section 1. There shall be issued at this time \$1,617,720 of the bonds authorized pursuant to Bond Ordinance No. 2011-7 adopted by the Borough Council of the Borough on June 16, 2011. The bonds are issued to finance the replacement of various water mains in, by and for the Water Utility of the Borough. The period of usefulness of the purpose to be financed by such bond ordinance is a period of 40 years computed from the date of such bonds.

Section 2. There shall be issued at this time \$1,940,502 of the bonds authorized pursuant to Bond Ordinance No. 2012-21 adopted by the Borough Council of the Borough on December

20, 2012. The bonds are issued to finance the replacement of various water mains in, by and for the Water Utility of the Borough. The period of usefulness of the purpose to be financed by such bond ordinance is a period of 40 years computed from the date of such bonds.

Section 3. There shall be issued at this time \$281,834 of the bonds authorized pursuant to Bond Ordinance No. 2012-22 adopted by the Borough Council of the Borough on December 20, 2012. The bonds are issued to provide additional funding for the replacement of various water mains in, by and for the Water Utility of the Borough. The period of usefulness of the purpose to be financed by such bond ordinance is a period of 40 years computed from the date of such bonds.

Section 4. There shall be issued at this time \$499,384 of the bonds authorized pursuant to Bond Ordinance No. 2014-13 adopted by the Borough Council of the Borough on September 25, 2014. The bonds are issued to finance the acquisition of a front end loader, an asphalt hot box and an excavator for the use of the Water Department; and the acquisition of pickup trucks with plows and dump trucks with plows for the use of the Water Department, all in, by and for the Water Utility of the Borough. The average period of usefulness of the several purposes to be financed by such bond ordinance is a period of 8.68 years computed from the date of such bonds.

Section 5. There shall be issued at this time \$194,332 of the bonds authorized pursuant to Bond Ordinance No. 2015-5 adopted by the Borough Council of the Borough on March 26, 2015. The bonds are issued to finance the replacement of the Hathaway Street Water Main in, by and for the Water Utility of the Borough. The period of usefulness of the purpose to be financed by such bond ordinance is a period of 40 years computed from the date of such bonds.

Section 6. There shall be issued at this time \$711,228 of the bonds authorized pursuant to Bond Ordinance No. 2020-016 adopted by the Borough Council of the Borough on October 29, 2020. The bonds are issued to finance the replacement of the water mains on Azalea Drive, Geranium Place and Narcissus Drive; the replacement and upgrading of generators in pump stations and the acquisition of a water valve exercise machine for the use of the Water Department; and the acquisition of pickup trucks for the use of the Water Department, all in, by and for the Water Utility of the Borough. The average period of usefulness of the several purposes to be financed by such bond ordinance is a period of 33.06 years computed from the date of such bonds.

Section 7. The bonds authorized by said six bond ordinances described in Sections 1 through 6, inclusive, of this resolution shall be issued as a single issue of bonds, aggregating \$5,245,000 and consisting of an issue of bonds in 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 that 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 such bond 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 36.07 years computed from the date of such bonds. Said issue shall be payable in

annual installments on April 15 in each year and, subject to adjustment as authorized by Section 12 of this resolution, in the amounts as follows:

\$350,000 in each of the years 2023 to 2025, inclusive,
\$400,000 in each of the years 2026 to 2028, inclusive,
\$500,000 in each of the years 2029 and 2030,
\$595,000 in the year 2031, and
\$700,000 in each of the years 2032 and 2033.

Said bonds shall be designated "Water Utility 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 the six such bond ordinances.

Section 8. All of said bonds shall be dated April 15, 2022, and shall bear interest from their date until their respective maturities at the rates per annum named in the proposal accepted. Such rates of interest shall be determined at the time said bonds are sold. Such interest shall be payable on each April 15 and October 15, commencing October 15, 2022 (each, an "Interest Payment Date"), in each year until maturity or prior redemption.

Section 9. The bonds maturing on or before April 15, 2029 are not subject to redemption prior to their stated maturities. The bonds maturing on or after April 15, 2030 are subject to redemption at the option of the Borough prior to maturity, in whole on any date or in part on any Interest Payment Date, on or after April 15, 2029, upon notice as hereinafter set forth at the redemption price of 100% of the principal amount being redeemed, plus accrued interest to the date fixed for redemption.

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

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

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

principal amounts of \$5,000 or integral multiples thereof, with transfers of beneficial ownership effected on the records of DTC and its participants pursuant to the 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 April 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 Borough 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 Borough 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 Borough will discontinue the book-entry system with DTC. If the Borough fails to identify another qualified securities depository to replace DTC, the Borough will authenticate and deliver replacement bonds in the form of fully registered certificates.

The principal of and interest on the bonds shall be payable 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.

Section 12. The Chief Financial Officer, pursuant to N.J.S.A. 40A:2-34, is hereby authorized to sell and award the bonds in accordance with the terms of the notice of sale (the "Notice of

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

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

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

[Form of Bond]

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

No. R-__

\$_____

UNITED STATES OF AMERICA
STATE OF NEW JERSEY
COUNTY OF BERGEN
BOROUGH OF WALLINGTON
WATER UTILITY BOND

INTEREST
RATE PER
ANNUM

MATURITY DATE

DATED DATE

CUSIP

_____% APRIL 15, 20__ APRIL 15, 2022 932559__

REGISTERED OWNER: CEDE & CO.

PRINCIPAL SUM: -----DOLLARS

The Borough of Wallington, a municipal corporation of the State of New Jersey, located in the County of Bergen (hereinafter referred to as the "Borough"), 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 April 15

and October 15, commencing October 15, 2022 (each, an "Interest Payment Date"), of each year until maturity or prior redemption. The principal hereof is payable at the office of the Chief Financial Officer, Civic Center, 24 Union Boulevard, Wallington, New Jersey 07057 (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 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 Borough Council of the Borough on June 16, 2011 (Ord. No. 2011-7), December 20, 2012 (two ordinances: Ord. Nos. 2012-21 and 2012-22), September 25, 2014 (Ord. No. 2014-13), March 26, 2015 (Ord. No. 2015-5) and October 29, 2020 (Ord. No. 2020-016) and resolutions adopted by the Borough Council of the Borough on March 24, 2022.

The Bonds maturing on or before April 15, 2029 are not subject to redemption prior to their stated maturities. The Bonds maturing on or after April 15, 2030 are subject to redemption at the option of the Borough prior to maturity, in whole on any date or in part on any Interest Payment Date, on or after April 15, 2029, upon notice as hereinafter set forth at the redemption price of 100% of the principal amount being redeemed, plus accrued interest to the date fixed for redemption.

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

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

The Bond Registrar/Paying Agent shall keep at its office the books of the Borough 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 hereinabove mentioned resolutions 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 Borough, is within every debt and other limit prescribed by the Constitution or statutes of said State.

The full faith and credit of the Borough 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 Borough 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 Deputy Borough Clerk by manual signature, and this Bond to be dated April 15, 2022.

[SEAL]

(manual or facsimile signature)

Mayor

ATTEST:

(manual signature)

Deputy Borough Clerk

(manual or facsimile signature)

Chief Financial Officer

AUTHENTICATION DATE: APRIL 28, 2022

CERTIFICATION OF AUTHENTICATION

This Bond is one of the Bonds described in the within-mentioned resolutions, and is one of the Water Utility Bonds dated April 15, 2022 of the Borough of Wallington, in the County of Bergen, State of New Jersey.

Chief Financial Officer,
as Bond Registrar/Paying Agent

ASSIGNMENT

FOR VALUE RECEIVED, the undersigned hereby sells, assigns and transfers unto_____, the within Bond, and irrevocably appoints_____, attorney-in-fact, to transfer the within Bond on the books kept for registration thereof, with full power of substitution in the premises.

Dated: _____

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

Signature Guaranteed:

[End of Form of Bond]

Section 15. Bonds may, upon surrender thereof at the office of the Bond Registrar/Paying Agent together with an assignment duly executed by the registered owner or his attorney or legal representative in such form as shall be satisfactory to the Bond Registrar/Paying Agent, 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 Borough 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 Borough 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 Borough 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 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 Borough Council to appoint another Bond Registrar/Paying Agent, and, as such, shall keep at the Civic Center, 24 Union Boulevard, Wallington, New Jersey 07057, the books of the Borough for the registration, registration of transfer, exchange and payment of the bonds.

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

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

RESOLUTION NO. 2022-096

Council Member ANDROWIS introduced and moved the adoption of the following resolution and Council Member RACHELSKI seconded the motion:

RESOLUTION AUTHORIZING THE PUBLICATION, PRINTING AND DISTRIBUTION OF A NOTICE OF SALE AND THE PUBLICATION OF A SUMMARY NOTICE OF SALE AND PRESCRIBING THE FORMS THEREOF FOR \$4,705,000 GENERAL IMPROVEMENT BONDS AND \$5,245,000 WATER UTILITY BONDS, EACH ISSUE DATED APRIL 15, 2022, APPROVING THE PREPARATION, DISTRIBUTION AND EXECUTION OF A PRELIMINARY AND A FINAL OFFICIAL STATEMENT FOR SUCH BONDS, UNDERTAKING TO PROVIDE CONTINUING DISCLOSURE OF FINANCIAL INFORMATION, COVENANTING TO COMPLY WITH THE INTERNAL REVENUE CODE OF 1986, AS AMENDED, DESIGNATING SUCH BONDS AS "QUALIFIED TAX-EXEMPT OBLIGATIONS" FOR PURPOSES OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED, AND AUTHORIZING VARIOUS MATTERS IN CONNECTION WITH ELECTRONIC BIDDING FOR THE BONDS

WHEREAS, the Borough Council of the Borough of Wallington, in the County of Bergen, New Jersey (the "Borough"), desires to make further provision for the issuance of \$4,705,000 General Improvement Bonds and \$5,245,000 Water Utility Bonds (collectively, the "Bonds"), which are to be issued pursuant to bond ordinances heretofore adopted by the Borough Council; NOW, THEREFORE,

BE IT RESOLVED by the Borough Council of the Borough of Wallington, in the County of Bergen, as follows:

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

NOTICE OF SALE

BOROUGH OF WALLINGTON,
IN THE COUNTY OF BERGEN, NEW JERSEY

\$9,950,000* BONDS CONSISTING OF
\$4,705,000* GENERAL IMPROVEMENT BONDS AND
\$5,245,000* WATER UTILITY BONDS

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

dated
April 15, 2022

The Borough of Wallington, in the County of Bergen, a municipal corporation of the State of New Jersey (the "Borough"), hereby invites ELECTRONIC BIDS VIA PARITY AND SEALED PROPOSALS for the purchase of its \$4,705,000* General Improvement Bonds and \$5,245,000* Water Utility Bonds, each issue dated April 15, 2022 (individually, the "General Improvement Bonds" or the "Water Utility Bonds"; collectively, the "Bonds").

ELECTRONIC BIDS VIA PARITY AND SEALED PROPOSALS will be received and publicly opened and announced by the Chief Financial Officer in the Civic Center, 24 Union Boulevard, Wallington, New Jersey 07057, on April 19, 2022 at 11:00 o'clock A.M. (local time).

The Bonds comprise two issues of bonds payable on April 15 in each year and, subject to adjustment as provided herein, in the amounts as follows:

\$4,705,000* General Improvement Bonds

\$300,000 in each of the years 2023 to 2028, inclusive,
\$505,000 in the year 2029, and
\$600,000 in each of the years 2030 to 2033, inclusive.

\$5,245,000* Water Utility Bonds

\$350,000 in each of the years 2023 to 2025, inclusive,
\$400,000 in each of the years 2026 to 2028, inclusive,
\$500,000 in each of the years 2029 and 2030,
\$595,000 in the year 2031, and
\$700,000 in each of the years 2032 and 2033.

The combined maturity schedule for the Bonds is as follows:

* Preliminary, subject to change as described herein.

<u>Year</u>	<u>Principal Amount*</u>	<u>Year</u>	<u>Principal Amount*</u>
2023	\$650,000	2029	\$1,005,000
2024	650,000	2030	1,100,000
2025	650,000	2031	1,195,000
2026	700,000	2032	1,300,000
2027	700,000	2033	1,300,000
2028	700,000		

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 of each issue 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 April 15 and October 15, commencing October 15, 2022 (each, an "Interest Payment Date"), in each year until maturity or prior redemption, and principal of the Bonds will be payable, at maturity, by payment of immediately available funds by the Bond Registrar/Paying Agent to DTC or its nominee as registered owner of the Bonds. Transfer of principal and interest to participants of DTC will be the responsibility of DTC. Transfer of principal and interest to beneficial owners will be the responsibility of the DTC participants and other nominees of the beneficial owners. The Borough 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 Borough 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 Borough will discontinue the book-entry system with DTC. If the Borough fails to identify another qualified securities depository to replace DTC, the Borough will deliver replacement bonds in the form of fully registered certificates.

* Preliminary, subject to change as described herein.

The Bonds maturing on or before April 15, 2029 are not subject to redemption prior to their stated maturities. The Bonds maturing on or after April 15, 2030 are subject to redemption at the option of the Borough prior to maturity, in whole on any date or in part on any Interest Payment Date, on or after April 15, 2029, upon notice as hereinafter set forth at the redemption price of 100% of the principal amount being redeemed, plus accrued interest to the date fixed for redemption.

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

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

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

The Bonds are general obligations of the Borough and are secured by a pledge of the full faith and credit of the Borough 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 Borough without limitation as to rate or amount.

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

The Bonds will be awarded to the bidder on whose bid the total loan may be made at the lowest true interest cost ("TIC"). Such TIC cost shall be computed by determining the interest rate, compounded semi-annually, necessary to discount the debt service payments to the date

of the Bonds and to the price bid, excluding interest accrued to the delivery date. Each proposal submitted must be for all the Bonds and the purchase price specified in the proposal must not be less than \$9,950,000 nor more than \$10,646,500 (107% of the aggregate principal amount of the Bonds). No proposal shall be considered that offers to pay an amount less than the principal amount of the Bonds offered for sale or under which the total loan is made at a TIC higher than the lowest TIC to the Borough under any legally acceptable proposal, and if two or more bidders offer to pay the lowest TIC, then the Bonds will be sold to one of such bidders selected by lot from among all such bidders.

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

The Borough may after the receipt and opening of bids, adjust the maturity schedule of the Bonds, provided however, that (1) no maturity schedule adjustment shall exceed 10% upward or downward of the principal for any maturity as specified herein, and (ii) the aggregate adjustment to the maturity schedule shall not exceed 10% upward or downward of the aggregate principal amount of Bonds as specified herein and the aggregate principal amount of Bonds as adjusted will not exceed \$9,950,000. The dollar amount bid by the successful bidder shall be adjusted to reflect any adjustments in the aggregate principal amount of the Bonds to be issued. Immediately upon being notified that it is the successful bidder, the successful bidder shall provide to the Borough's municipal advisor and bond counsel the initial offering prices of the Bonds to the public. Upon receipt of the initial offering prices of the Bonds to the public from the successful bidder, the bid price will be adjusted to reflect changes in the dollar amount of the underwriter's discount and the original issue premium, but will not change the per bond underwriter's discount as calculated from the bid and the initial offering prices of the Bonds to the public. The Borough shall notify the successful bidder of the final maturity schedule and the resulting adjusted purchase price no later than 5:00 p.m., local time, on the day of the sale and award the Bonds. The interest rate or rates specified by the successful bidder for each maturity will not be altered.

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

Sealed proposals should be addressed to the undersigned Chief Financial Officer, and enclosed in a sealed envelope marked on the outside "Proposal for Bonds". A good faith deposit (the "Deposit") in the form of a cash wire or a certified, treasurer's or cashier's check drawn upon a bank or trust company in the amount of \$199,000, payable to the order of the BOROUGH OF WALLINGTON, is required for each bid to be considered. If a cash wire is used, the wire must be received by the Borough no later than 11:00 A.M. on April 19, 2022. If a cash wire is utilized, each bidder must notify the Borough of its intent to use such cash wire prior to 11:00 A.M. on April 19, 2022, and must provide proof of electronic transfer of such cash wire prior to 11:00 A.M.

on April 19, 2022 (with return wiring instructions). Wire instructions for the Borough can be obtained by contacting the Borough's Bond Counsel (Steven Rogut or Thomas Bace (908) 931-1150) or its municipal advisor (Sherry Tracey stracey@muniadvisors.com or (609) 291-0130) at Phoenix Advisors, LLC, Bordentown, New Jersey (the Municipal Advisor"). If a check is used, it must accompany the bid or be received by the undersigned Chief Financial Officer prior to the opening of bids. Each bidder accepts responsibility for delivering such cash wire or check on time and the Borough 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 Borough from any loss resulting from the failure of the successful bidder to comply with the terms of its bid.

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

It is anticipated that CUSIP identification numbers will be printed on the Bonds, but neither the failure to print such number on any Bond nor any error with respect thereto shall constitute cause for a failure or refusal by the successful bidder thereof to accept delivery of and pay for the Bonds in accordance with its contractual obligations arising from the acceptance of its proposal for the purchase of the Bonds. All expenses in relation to the printing of CUSIP numbers on the Bonds shall be paid for by the Borough; provided, however, that the request for the assignment of CUSIP identification numbers shall be the responsibility of the Municipal Advisor and the CUSIP Service Bureau charge for the assignment of said numbers shall be the responsibility of and shall be paid for by the successful bidder. CUSIP numbers must be communicated to Bond Counsel within 24 hours of the award of the Bonds in order to have the CUSIP numbers printed on the Bonds.

The Bonds shall be delivered on or about April 28, 2022 at the office of Rogut McCarthy LLC, Cranford, New Jersey ("Bond Counsel"), or at such other place as may be determined by the successful bidder and the Borough. PAYMENT FOR THE BONDS AT THE TIME OF ORIGINAL ISSUANCE AND DELIVERY SHALL BE IN IMMEDIATELY AVAILABLE FUNDS.

A preliminary Official Statement has been prepared and is available at www.i-DealProspectus.com or may be obtained from the Municipal Advisor (stracey@muniadvisors.com) or the undersigned, Chief Financial Officer, Civic Center, 24 Union Boulevard, Wallington, New Jersey 07057, Telephone No. (201) 288-5637. 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 Borough by facsimile transmission or overnight delivery received by Bond Counsel and the Borough 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 Borough (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 Borough 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 Borough has agreed in its bond resolution adopted on March 24, 2022 to provide or cause to be provided, in accordance with the requirements of Rule 15c2-12, (i) not later than seven months after the end of the Borough'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, 2021), (ii) timely notice of the occurrence of certain material events with respect to the Bonds and financial obligations of the Borough and (iii) timely notice of a failure by the Borough 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 Borough 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 Borough 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 Borough has designated the Bonds "qualified tax-exempt obligations" within the meaning of Section 265(b)(3) of the Code and will represent that it reasonably expects that neither it nor its subordinate entities will issue more than \$10,000,000 of new money tax-exempt obligations in the current calendar year.

If the Bonds qualify for issuance of any policy of municipal bond insurance or commitment therefor at the option of a bidder, any purchase of such insurance or commitment therefor shall be at the sole option and expense of the bidder and any increased costs of issuance of the Bonds resulting by reason of such insurance, unless otherwise paid, shall also be paid by such bidder. Any failure of the Bonds to be so insured or of any such policy of insurance to be issued, shall not in any way relieve the purchaser of its contractual obligations arising from the acceptance of its proposal for the purchase of the Bonds.

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

ISSUE PRICE DETERMINATION UNDER INTERNAL REVENUE CODE

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

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

(a) The winning bidder shall assist the 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. 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 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:

- (1) the Borough 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 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
- (4) the Borough anticipates awarding the sale of the Bonds to the bidder who submits a firm offer to purchase the Bonds at the highest price (or lowest interest cost), as set forth in this Notice of Sale.

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

(c) In the event that the competitive sale requirements are not satisfied, the Borough shall so advise the winning bidder. In that case, the winning bidder shall have the option to designate (by 5:30 P.M. Prevailing Time on the sale date) whether the issue price will be calculated upon either (a) the first price at which 10% of each maturity of the Bonds (the "10% test") is sold to the public as the issue price of that maturity, applied on a maturity-by-maturity basis, or (b) a commitment to neither offer nor sell any of the Bonds of any maturity to any person at a price that is higher than the initial offering price to the public as of the sale date (the "initial offering price") during the holding period (as defined herein).

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

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

offer or sell any maturity of the Bonds at a price that is higher than the respective initial offering price for that maturity of the Bonds during the holding period.

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

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

- (i) "public" means any person other than an underwriter or a related party,
- (ii) "underwriter" means (A) any person that agrees pursuant to a written contract or otherwise with the Borough (or with the lead underwriter to form an underwriting syndicate) to participate in the initial sale of the Bonds to the public and (B) any person that agrees pursuant to a written

contract directly or indirectly with a person described in clause (A) to participate in the initial sale of the Bonds to the public (including a member of a selling group or a party to a third-party distribution agreement participating in the initial sale of the Bonds to the public),

- (iii) a purchaser of any of the Bonds is a "related party" to an underwriter if the underwriter and the purchaser are subject, directly or indirectly, to (A) more than 50% common ownership of the voting power or the total value of their stock, if both entities are corporations (including direct ownership by one corporation of another), (B) more than 50% common ownership of their capital interests or profits interests, if both entities are partnerships (including direct ownership by one partnership of another), or (C) more than 50% common ownership of the value of the outstanding stock of the corporation or the capital interests or 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),
- (iv) "sale date" means the date that the Bonds are awarded by the Borough to the winning bidder,
- (v) "holding period" means, for each maturity of the Bonds, the period starting on the sale date and ending on the earlier of (i) the close of the fifth business day after the sale date, or (ii) the date on which the Underwriter has sold at least 10% of each maturity to the Public at prices that are no higher than the Initial Offering Price for such maturity, and
- (vi) "maturity" means Bonds with the same credit and payment terms. Bonds with different maturity dates, or Bonds with the same maturity date but different stated interest rates, are treated as separate maturities.

By order of the Borough Council of the Borough of Wallington, in the County of Bergen, New Jersey.

Dated: April 5, 2022

/s/ David A. Sireci
Chief Financial Officer
Borough of Wallington
County of Bergen, 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

BOROUGH OF WALLINGTON,
IN THE COUNTY OF BERGEN, NEW JERSEY

\$9,950,000* BONDS CONSISTING OF
\$4,705,000* GENERAL IMPROVEMENT BONDS AND
\$5,245,000* WATER UTILITY BONDS

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

dated
April 15, 2022

ELECTRONIC BIDS VIA PARITY AND SEALED PROPOSALS will be received by the Chief Financial Officer of the Borough of Wallington, in the County of Bergen, New Jersey (the "Borough"), in the Civic Center, 24 Union Boulevard, Wallington, New Jersey 07057, on

April 19, 2022

at 11:00 o'clock A.M. (local time) at which time they will be publicly opened and announced, for the purchase of the Borough's \$4,705,000* General Improvement Bonds and \$5,245,000* Water Utility Bonds, each issue dated April 15, 2022 (individually, the "General Improvement Bonds" or the "Water Utility Bonds"; collectively, the "Bonds").

The Bonds comprise two issues of bonds payable on April 15 in each year and, subject to adjustment as provided in the Notice of Sale, in the amounts as follows:

\$4,705,000* General Improvement Bonds

\$300,000 in each of the years 2023 to 2028, inclusive,
\$505,000 in the year 2029, and
\$600,000 in each of the years 2030 to 2033, inclusive.

\$5,245,000* Water Utility Bonds

\$350,000 in each of the years 2023 to 2025, inclusive,
\$400,000 in each of the years 2026 to 2028, inclusive,
\$500,000 in each of the years 2029 and 2030,
\$595,000 in the year 2031, and
\$700,000 in each of the years 2032 and 2033.

* Preliminary, subject to change.

The combined maturity schedule for the Bonds is as follows:

<u>Year</u>	<u>Principal Amount*</u>	<u>Year</u>	<u>Principal Amount*</u>
2023	\$650,000	2029	\$1,005,000
2024	650,000	2030	1,100,000
2025	650,000	2031	1,195,000
2026	700,000	2032	1,300,000
2027	700,000	2033	1,300,000
2028	700,000		

The Bonds shall be issued in book-entry only form through the book-entry system operated by The Depository Trust Company, New York, New York. The Bonds are subject to redemption prior to maturity at the option of the Borough in accordance with the terms set forth in the Notice of Sale to be made available to interested persons (the "Notice of Sale"). The Notice of Sale and Proposal for Bonds should be reviewed by potential bidders for additional terms and conditions of the sale of the Bonds prior to bidding on the Bonds. To the extent any instructions or directions set forth in PARITY conflict with the Notice of Sale, the terms of the Notice of Sale shall control. For further information about PARITY, potential bidders may contact Ipreo at 1359 Broadway, 2nd Floor, New York, NY 10018, telephone (212) 849-5021.

The Bonds will bear interest from their date at a rate or rates of interest in multiples of 1/8th or 1/20th of 1% per annum specified by the successful bidder payable on each April 15 and October 15, commencing October 15, 2022, in each year until maturity or prior redemption. The Bonds will be in the denomination of \$5,000 or any integral multiple thereof. The purchase price specified must not be less than \$9,950,000 nor more than \$10,646,500 (par plus a maximum 7% premium). The difference between the lowest and the highest rates named in the proposal shall not exceed two per centum (2%). Each proposal must be for all the Bonds offered. As further described in the Notice of Sale, bidders must, at the time of making their bids, make a wire transfer or deposit a certified, cashier's or treasurer's check drawn upon a bank or trust company in the amount of \$199,000 to the order of the Borough. The Bonds will be sold to the bidder specifying the lowest true interest cost in accordance with the terms set forth in the Notice of Sale. The Borough will furnish the Bonds and the approving legal opinion of Rogut McCarthy LLC, Cranford, New Jersey, Bond Counsel.

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

Copies of the Preliminary Official Statement, the Notice of Sale and the Proposal for Bonds are available at www.i-DealProspectus.com or by contacting the Municipal Advisor (Sherry Tracey of Phoenix Advisors, LLC at stracey@muniadvisors.com) or the undersigned Chief

* Preliminary, subject to change.

Financial Officer at the Civic Center, 24 Union Boulevard, Wallington, New Jersey 07057,
Telephone No. (201) 288-5637.

By order of the Borough Council of the Borough of Wallington, in the County of Bergen,
New Jersey.

Dated: April 5, 2022

/s/ David A. Sireci
Chief Financial Officer
Borough of Wallington
County of Bergen, New Jersey

Section 3. The Deputy Borough 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 Record, a newspaper of general circulation published in the County of Bergen and circulating in the Borough. 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 April 7, 2022 is hereby approved. Such Preliminary Official Statement is hereby deemed to be a "final official statement", as of its date, within the meaning of Rule 15c2-12 of the Securities and Exchange Commission ("Rule 15c2-12").

Section 5. The preparation of an Official Statement in connection with the sale of the Bonds to be dated on or about April 19, 2022 is hereby approved. Such Official Statement is hereby deemed to be a "final official statement", as of its date, within the meaning of Rule 15c2-12.

Section 6. The execution of the Official Statement by the Chief Financial Officer and the Deputy Borough Clerk on behalf of the Borough, 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 Borough 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 Borough 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 Borough's fiscal year (presently December 31), commencing with the report for the fiscal year ending December 31, 2021, provide or cause to be provided annual financial information with respect to the Borough 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 Borough and (ii) certain financial information and operating data consisting of information concerning the Borough's debt, overlapping indebtedness, tax rate, levy and collection data, property valuation, budget and fund balance of the type contained in Appendix A of the Official Statement. The audited financial statements will be prepared in accordance with mandated State statutory accounting principles, as in effect from time to time. Audited financial statements if not available by the filing date will be submitted separately when available.

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

- (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 Borough (the event is considered to occur when any of the following occur: the appointment of a receiver, fiscal agent or similar officer for the Borough 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 Borough, 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 Borough);
- (13) The consummation of a merger, consolidation, or acquisition involving the Borough or the sale of all or substantially all of the assets of the Borough, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material;

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

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

(C) Provide or cause to be provided, in a timely manner, notice of a failure of the Borough 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 Borough 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 Borough 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 Borough 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

Borough 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 Borough 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 Borough, 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 Borough 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 Borough 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 Borough and its subordinate entities, if any, do not reasonably anticipate issuing in excess of \$10 million of new money tax-exempt obligations (other than private activity bonds) during the calendar year 2022. The Borough 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 Borough 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 Deputy Borough 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 Deputy Borough Clerk, the Bond Counsel, the Auditor, the Municipal Advisor and other Borough 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.

**BOROUGH OF WALLINGTON
COUNTY OF BERGEN
RESOLUTION NO. 2022-097**

WHEREAS: Waymet Ramos registered for the Wallington Recreation Zoomba class and was charged and paid \$100.00; and

WHEREAS: Ms. Waymet Ramos has requested to be reimbursed for the payment; so,

NOW THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Wallington that the Wallington Recreation be authorized to reimburse \$100.00 to Waymet Ramos; and,

**BOROUGH OF WALLINGTON
COUNTY OF BERGEN
RESOLUTION # 2022-098**

**RESOLUTION APPOINTING THERESA ABUSAMRA AS A CROSSING GUARD FOR
THE BOROUGH OF WALLINGTON**

WHEREAS, the Mayor and Council of the Borough of Wallington has determined that it is advisable to appoint a crossing guard to help maintain traffic safety; and

WHEREAS, The Chief of Police, Carmello Imbruglia and Captain, Shawn Kudlacik have vetted Theresa Abusamra and have approved her appointment; and

WHEREAS, Miss Abusamra passed the mandatory physical through Hackensack University Medical Center; and

WHEREAS, Miss Abusamra is a certified crossing guard and holds a valid certificate from a recognized police academy; and

WHEREAS, Miss Abusamra watched the mandatory videos required by state law; and

WHEREAS, the Mayor & Council of the Borough of Wallington finds that it is in the best interests for the borough to function in a manner to serve the needs of the citizens of the Borough of Wallington to hire a new Crossing Guard.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor & Council of the Borough of Wallington, County of Bergen, State of New Jersey, that

1. The Borough Administrator is authorized to take any and all necessary actions to process the appointment of Theresa Abusamra.
2. Theresa Abusamra be and is hereby appointed as a Crossing Guard of the Borough of Wallington effective March 28, 2022.
3. The salary for Theresa Abusamra will be established pursuant to the provisions of the Contract entered into between the Borough of Wallington and Wallington Employees Association (WEA), Schedule "B."
4. All other benefits for Theresa Abusamra will be pursuant to the provisions of the Contract entered into between the Borough of Wallington and Wallington Employees Association (WEA).

**BOROUGH OF WALLINGTON
COUNTY OF BERGEN
RESOLUTION NO. 2022-099**

**A RESOLUTION APPOINTING MICHAEL MARCINIAK AS A
FIRE FIGHTER IN THE BOROUGH OF WALLINGTON**

WHEREAS, the Borough of Wallington has established a Fire Department pursuant to Article 3 of Chapter 49 of the Borough Code; and

WHEREAS, Michael Marciniak has applied for membership as a Fire Fighter of the Wallington Fire Department; and

WHEREAS, Michael's application has been reviewed and approved by the Fire Department and has passed a physical.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Wallington as follows:

1. Michael Marciniak is hereby appointed as a Fire Fighter for the Wallington Fire Department Engine Company 202 effective October 06, 2021; Michael is subject to compliance with all rules and regulations of the Wallington Fire Department and compliance with all condition's precedent to their membership.

Motion to approve "EnMass" by Androwis, Seconded by Rachelski,

Roll Call: Rachelski AYE, Ivanicki AYE, Preinfalk AYE, Androwis AYE, Balik AYE, Sadecki AYE.

LIST OF BILLS AND SUPPLEMENTAL LIST OF BILLS

<u>Bill List Current Account March 24, 2022</u>			
<u>Vendor</u>	<u>INV#</u>		<u>Amount</u>
<u>Action Data Services</u>	<u>22-00330</u>		<u>\$ 559.27</u>
<u>Alarmax Distributors</u>	<u>22-00087</u>		<u>\$ 221.38</u>
<u>All American Sewer Service</u>	<u>22-00260</u>		<u>\$ 795.00</u>
<u>Amazon Capital Services</u>	<u>22-00283</u>		<u>\$ 179.98</u>
<u>Ann Clemens</u>	<u>22-00293</u>		<u>\$ 510.30</u>
<u>Irene Barnas</u>	<u>22-00316</u>		<u>\$ 327.00</u>
<u>Walter Bednarz</u>	<u>22-00290</u>		<u>\$ 680.40</u>

<u>Bergen Mun EMP Benefit</u>	<u>22-00299</u>	<u>\$ 126,299.00</u>
<u>Bergen Mun EMP Benefit</u>	<u>22-00300</u>	<u>\$ 133,027.00</u>
<u>Bergen County Utilities</u>	<u>22-00327</u>	<u>\$ 22,930.88</u>
<u>Joseph Behnarczyk</u>	<u>22-00311</u>	<u>\$ 327.00</u>
<u>Brough of Rutherford</u>	<u>22-00331</u>	<u>\$ 467.59</u>
<u>Borough of Carlstadt</u>	<u>22-00334</u>	<u>\$ 1,800.00</u>
<u>Lynda M. Branick</u>	<u>22-00286</u>	<u>\$ 1,020.60</u>
<u>Bruno Associates</u>	<u>22-00318</u>	<u>\$ 3,166.66</u>
<u>Thomas Cilento</u>	<u>22-00289</u>	<u>\$ 510.30</u>
<u>Comcast</u>	<u>22-00325</u>	<u>\$ 344.57</u>
<u>Core & Main</u>	<u>22-00304</u>	<u>\$ 290.59</u>
<u>Vivian Desbiens</u>	<u>22-00284</u>	<u>\$ 510.30</u>
<u>Diamond Fire Protection</u>	<u>22-00259</u>	<u>\$ 110.00</u>
<u>DKG Asset MGT</u>	<u>22-00282</u>	<u>\$ 10,591.70</u>
<u>Feldman Brothers Electrical</u>	<u>22-00265</u>	<u>\$ 12.35</u>
<u>Arline Galevich</u>	<u>22-00313</u>	<u>\$ 327.00</u>
<u>Garbarini & Co.</u>	<u>22-00307</u>	<u>\$ 7,475.00</u>
<u>GTBM/Info COP</u>	<u>21-01416</u>	<u>\$ 4,476.96</u>
<u>Guy Bakera</u>	<u>22-00317</u>	<u>\$ 445.50</u>
<u>Impressive Printing</u>	<u>22-00276</u>	<u>\$ 2,209.15</u>
<u>Jennie Kava</u>	<u>22-00312</u>	<u>\$ 327.00</u>
<u>Neglia</u>	<u>22-00338</u>	<u>\$ 2,233.42</u>
<u>Neglia</u>	<u>22-00339</u>	<u>\$ 1,372.50</u>
<u>Neglia</u>	<u>22-00340</u>	<u>\$ 5,897.50</u>
<u>Neglia</u>	<u>22-00341</u>	<u>\$ 1,327.50</u>
<u>Neglia</u>	<u>22-00342</u>	<u>\$ 405.00</u>
<u>North Jersey Media Group</u>	<u>22-00254</u>	<u>\$ 118.85</u>
<u>North Jersey Media Group</u>	<u>22-00255</u>	<u>\$ 219.30</u>
<u>Oriental Trading Company</u>	<u>22-00319</u>	<u>\$ 29.78</u>
<u>Lorraine Klamerus</u>	<u>22-00315</u>	<u>\$ 327.00</u>
<u>Rita V. Lasiw</u>	<u>22-00288</u>	<u>\$ 445.50</u>
<u>Bounce Party Mania</u>	<u>22-00320</u>	<u>\$ 2,400.00</u>
<u>William Mastrogerte</u>	<u>22-00309</u>	<u>\$ 327.00</u>
<u>MGL Printing solutions</u>	<u>22-00266</u>	<u>\$ 183.50</u>
<u>Michael Dec LLC</u>	<u>22-00328</u>	<u>\$ 100.00</u>
<u>Passaic Valley Water Com.</u>	<u>22-00332</u>	<u>\$ 1,629.00</u>
<u>Andrewa Piela</u>	<u>22-00335</u>	<u>\$ 599.00</u>
<u>PSE&G</u>	<u>22-00301</u>	<u>\$ 201.48</u>

<u>PSE&G</u>	<u>22-00302</u>	<u>\$ 693.95</u>
<u>PSE&G</u>	<u>22-00329</u>	<u>\$ 19,378.50</u>
<u>Quadient</u>	<u>22-00324</u>	<u>\$ 129.41</u>
<u>Ready Refresh</u>	<u>22-00326</u>	<u>\$ 400.52</u>
<u>Donald Rock</u>	<u>22-00285</u>	<u>\$ 1,002.60</u>
<u>Anthony Rock JR</u>	<u>22-00291</u>	<u>\$ 1,044.60</u>
<u>The Rogers Group</u>	<u>22-00287</u>	<u>\$ 9,259.00</u>
<u>Ruben Gonzalez</u>	<u>22-00321</u>	<u>\$ 599.00</u>
<u>Arlene Rys</u>	<u>22-00314</u>	<u>\$ 327.00</u>
<u>South Bergen Fire Chiefs</u>	<u>22-00305</u>	<u>\$ 250.00</u>
<u>Stephan Janusz</u>	<u>22-00292</u>	<u>\$ 510.30</u>
<u>Fred Surdyka Jr</u>	<u>22-00310</u>	<u>\$ 804.00</u>
<u>United Parcel Service</u>	<u>22-00337</u>	<u>\$ 30.44</u>
<u>US VOIP</u>	<u>22-00303</u>	<u>\$ 953.36</u>
<u>Verizon</u>	<u>22-00306</u>	<u>\$ 39.63</u>
<u>Verizon</u>	<u>22-00308</u>	<u>\$ 34.61</u>
<u>Verizon</u>	<u>22-00322</u>	<u>\$ 906.79</u>
<u>Wallington Board of Education</u>	<u>22-00296</u>	<u>\$ 478,038.00</u>
<u>Wallington Board of Education</u>	<u>22-00297</u>	<u>\$ 478,038.00</u>
<u>Wallington Board of Education</u>	<u>22-00298</u>	<u>\$ 478,038.00</u>
<u>Total Bill List</u>		<u>\$ 1,808,236.52</u>

Motion to Pay List of Bills provided funds are available by Ivanicki, Seconded by Preinfalk,
Roll Call: Rachelski AYE, Ivanicki AYE, Preinfalk AYE, Androwis AYE, Balik AYE, Sadecki AYE.

OLD BUSINESS

Councilwoman Ivanicki asked when the garbage flyer is going out? Mayor advised when she finish's the letter. A discussion took place on garbage can placement. Borough administrator recommends that the DPW have a periodic and regular visual inspection of garbage receptacles. In process of green chip to get a dumpster and a need for an ordinance for it. A discussion took place on what is the ideal location to place this dumpster and how to secure the dumpster where other solid waste doesn't get placed into it.

NEW BUSINESS

Councilman Sadecki brought up that a resident approached him from William street on regarding Garbage issues from Agave.

Motion to go into Executive session by Preinfalk, Seconded by Androwis,

Roll Call: Rachelski AYE, Ivanicki AYE, Preinfalk AYE, Androwis AYE, Balik AYE, Sadecki AYE.

Borough Attorney Framed Executive session for personnel matters, court administrator issues, leasing of state land, update on redevelopment, and update on pending litigation.

Motion to get out of Executive by Preinfalk, Seconded by Androwis,

Roll Call: Rachelski AYE, Ivanicki AYE, Preinfalk AYE, Androwis AYE, Balik AYE, Sadecki AYE.

Borough attorney described the redevelopment resolution and the need for it.

Motion to direct the Wallington Planning Board to conduct a preliminary investigation as to whether or not the study area qualifies as a non-condemnation area in need of redevelopment by Ivanicki, Seconded by Rachelski,

Roll Call: Rachelski AYE, Ivanicki AYE, Preinfalk AYE, Androwis AYE, Balik AYE, Sadecki AYE.

**BOROUGH OF WALLINGTON
COUNTY OF BERGEN
RESOLUTION NO. 2022-100**

**A RESOLUTION DIRECTING THE WALLINGTON PLANNING BOARD TO
CONDUCT A PRELIMINARY INVESTIGATION AS TO WHETHER OR NOT
THE STUDY AREA DEFINED HEREIN, OR ANY PART THEREOF,
QUALIFIES AS A “NON-CONDEMNATION AREA IN NEED OF
REDEVELOPMENT” PURSUANT TO THE NEW JERSEY LOCAL
REDEVELOPMENT & HOUSING LAW.**

WHEREAS, the Mayor and Council defines the area of Wallington known as Block 70.01, Lot 80 and Block 70.01, Lots 1.01, 4.04 and those lots combined by the Tax Assessor into those line items in the Borough of Wallington as the Study Area”; and

WHEREAS, the Mayor and Council is concerned that there may exist within the Study Area conditions of deterioration in commercial and industrial installations, public services and facilities and other physical components and supports of community life, and improper, or lack of proper, development which result from forces which are amenable to correction and amelioration by concerted effort of responsible public bodies and that without this public effort those conditions may not be corrected or ameliorated by private effort; and

WHEREAS, the New Jersey Legislature empowered municipalities to address conditions as described by adopting the Local Redevelopment & Housing Law, N.J.S.A. 40A:12A-1 et seq.

(the “Redevelopment Law”), the purpose of which is to provide municipalities with the tools and powers necessary to (re) plan abandoned, deteriorated, obsolescent or unproductive/under-productive portions of a municipality and to actively redevelop said areas into productive assets for the community; and

WHEREAS, the New Jersey Legislature specifically provided that a municipality may, in the appropriate circumstances, utilize a Non-Condemnation Redevelopment Area, whereby a municipality may use all those powers provided by the Legislature for use in a Redevelopment Area except the use of eminent domain; and

WHEREAS, the first step in the Redevelopment Area designation process is for the Mayor and Council to direct the Planning Board to undertake a “Preliminary Investigation” to determine if an area meets the statutory criteria under which it may be declared to be “In Need of Redevelopment” pursuant to the Redevelopment Law; and

WHEREAS, it is expressly recognized that a Non-Condemnation Redevelopment Area designation does not confer on the Borough the power of eminent domain otherwise granted under the Redevelopment Law; however, the Borough retains its powers of eminent domain for public uses such as rights-of-way, parkland and other qualifying purposes under the New Jersey Local Lands & Buildings Law (***N.J.S.A. 40:60-1 et seq.***) Public Parks & Playgrounds Law (***N.J.S.A. 40:61-1 et seq.***) or other legislation authorizing a municipality to exercise the power of eminent domain; and

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Wallington as follows:

1. The Wallington Planning Board (the “Planning Board”) shall conduct the necessary investigations and undertake the necessary steps to determine whether or not the Study Area, or any part or parts thereof, meets the statutory criteria for a Non-Condemnation Area in Need of Redevelopment pursuant to the Local Redevelopment & Housing Law (***N.J.S.A. 40A:12A-5 and 6***) (the “Preliminary Investigation”).
2. Upon completion of the Preliminary Investigation and any required public hearing thereon, the Planning Board shall submit its findings and recommendations to the Mayor and Council in the form of a Resolution with supporting documentation.
3. A certified copy of this Resolution shall be filed with the Secretary of the Wallington Planning Board and with the Bergen County Planning Board, within ten (10) days of adoption, and that the Planning Board be urged to complete its Preliminary Investigation and file its written report within the Mayor and Council as expeditiously as possible.

ADJOURNMENT

Motion to adjourn at 10:12PM by Preinfalk, Seconded by Balik,

Roll Call: Rachelski AYE, Ivanicki AYE, Preinfalk AYE, Androwis AYE, Balik AYE, Sadecki AYE.

Respectfully Submitted,

Grzegorz Zagaja

Deputy Clerk