

BOROUGH OF FRANKLIN
COUNTY OF SUSSEX
RESOLUTION 2016-62

WHEREAS, a Corrective Action Plan for the Audit Report Year of 2015 has been prepared and filed by Chief Financial Officer, Monica Miebach; and

WHEREAS, said Plan has been reviewed by the Mayor and Council of the Borough of Franklin.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Franklin that the Corrective Action Plan for the Audit Report Year of 2015 is accepted and approved for filing in the Borough Clerk's Office.

CERTIFICATION: I, Robin Hough, Municipal Clerk of the Borough of Franklin, in the County of Sussex, State of New Jersey do hereby certify that the foregoing is a true and correct copy of a Resolution adopted by the Governing Body of the Borough of Franklin, County of Sussex, State of New Jersey at a regular meeting held on July 12, 2016.

Robin Hough, Municipal Clerk

Not Yet Approved by Council

EXTRACT from the minutes of a regular meeting of the Borough Council of the Borough of Franklin, in the County of Sussex, New Jersey, held at the Municipal Building, 46 Main Street, Franklin, New Jersey, on July 12, 2016, at 7:00 o'clock P.M.

PRESENT:

ABSENT:

* * *

_____ introduced and moved the adoption of the following resolution and _____ seconded the motion:

**RESOLUTION 2016-71 AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$2,548,420 BOND ANTICIPATION NOTES OF THE BOROUGH OF FRANKLIN, IN THE COUNTY OF SUSSEX, NEW JERSEY.
BE IT RESOLVED BY THE BOROUGH COUNCIL OF THE BOROUGH OF FRANKLIN, IN THE COUNTY OF SUSSEX, NEW JERSEY, AS FOLLOWS:**

Section 1. Pursuant to a bond ordinance of The Borough of Franklin, in the County of Sussex (the "Borough") entitled: "Bond ordinance providing for the improvement of the water and sewer systems in and by the Borough of Franklin, in the County of Sussex, New Jersey, appropriating \$850,000 therefor and authorizing the issuance of \$809,000 bonds or notes of the Borough for financing such appropriation", finally adopted on November 24, 2009 (#16-2009), bond anticipation notes of the Borough in a principal amount not exceeding \$298,000 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any bond anticipation notes heretofore issued therefor.

Not Yet Approved by Council

Section 2. Pursuant to a bond ordinance of the Borough entitled: "Bond ordinance appropriating \$250,000, and authorizing the issuance of \$225,000 bonds or notes of the Borough, for various improvements or purposes authorized to be undertaken by the Borough of Franklin, in the County of Sussex, New Jersey", finally adopted on December 8, 2009 (#19-2009), bond anticipation notes of the Borough in a principal amount not exceeding \$90,000 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any bond anticipation notes heretofore issued therefor.

Section 3. Pursuant to a bond ordinance of the Borough entitled: "Bond ordinance providing for the improvement of various roads in and by the Borough of Franklin, in the County of Sussex, New Jersey, appropriating \$255,000 therefor and authorizing the issuance of \$242,500 bonds or notes of the Borough for financing such appropriation", finally adopted on September 24, 2013 (#11-2013), bond anticipation notes of the Borough in a principal amount not exceeding \$169,750 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any bond anticipation notes heretofore issued therefor.

Section 4. Pursuant to a bond ordinance of the Borough entitled: "Bond ordinance providing for the improvement of the fire house in and by the Borough of Franklin, in the County of Sussex, New Jersey, appropriating \$20,000 therefor and authorizing the issuance of \$19,000 bonds or notes of the Borough for financing such appropriation", finally adopted on September 24, 2013 (#12-2013), bond anticipation notes of the Borough in a principal amount not exceeding \$13,300 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any bond anticipation notes heretofore issued therefor.

Not Yet Approved by Council

Section 5. Pursuant to a bond ordinance of the Borough entitled: "Bond ordinance appropriating \$1,796,000, and authorizing the issuance of \$1,536,000 bonds or notes of the Borough, for various improvements or purposes authorized to be undertaken by the Borough of Franklin, in the County of Sussex, New Jersey", finally adopted on June 24, 2014 (#8-2014), bond anticipation notes of the Borough in a principal amount not exceeding \$1,228,800 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any bond anticipation notes heretofore issued therefor.

Section 6. Pursuant to a bond ordinance of the Borough entitled: "Bond ordinance appropriating \$379,300, and authorizing the issuance of \$227,300 bonds or notes of the Borough, for various improvements or purposes authorized to be undertaken by the Borough of Franklin, in the County of Sussex, New Jersey", finally adopted on June 23, 2015 (#7-2015), bond anticipation notes of the Borough in a principal amount not exceeding \$205,570 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any bond anticipation notes heretofore issued therefor.

Section 7. Pursuant to a bond ordinance of the Borough entitled: "Bond ordinance appropriating \$475,665, and authorizing the issuance of \$453,000 bonds or notes of the Borough, for various improvements or purposes authorized to be undertaken by the Borough of Franklin, in the County of Sussex, New Jersey", finally adopted on July 12, 2016 (#__-2016), bond anticipation notes of the Borough in a principal amount not exceeding \$453,000 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any bond anticipation notes heretofore issued therefor.

Not Yet Approved by Council

Section 8. Pursuant to a bond ordinance of the Borough entitled: "Bond ordinance providing for the acquisition of new vehicles for use by the water and sewer systems of the Borough of Franklin, in the County of Sussex, New Jersey, appropriating \$95,700 therefor and authorizing the issuance of \$91,000 bonds or notes of the Borough for financing such appropriation", finally adopted on July 12, 2016 (#__-2016), bond anticipation notes of the Borough in a principal amount not exceeding \$91,000 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any bond anticipation notes heretofore issued therefor.

Section 9. All bond anticipation notes (the "notes") issued hereunder shall mature at such times as may be determined by the treasurer, the chief financial officer or the acting chief financial officer of the Borough (the "Chief Financial Officer"), provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer and shall be signed and sealed by officials and officers of the Borough in any manner permitted by N.J.S.A. §40A:2-25. The Chief Financial Officer shall determine all matters in connection with the notes issued hereunder, and the Chief Financial Officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. §40A:2-8. The Chief Financial Officer is hereby authorized to sell part or all of the notes at not less than par from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price. The Chief Financial Officer is directed to report in writing to the governing body of the Borough at the meeting next succeeding the date when any sale or delivery of the notes hereunder is made.

Not Yet Approved
by Council

Such report must include the principal amount, interest rate and maturities of the notes sold, the price obtained and the name of the purchaser.

Section 10. Any note issued pursuant to this resolution shall be a general obligation of the Borough, and the Borough's faith and credit are hereby pledged to the punctual payment of the principal of and interest on said obligations and, unless otherwise paid or payment provided for, an amount sufficient for such payment shall be inserted in the budget and a tax sufficient to provide for the payment thereof shall be levied and collected.

Section 11. The Chief Financial Officer is hereby authorized and directed to do all other matters necessary, useful, convenient or desirable to accomplish the delivery of said notes to the purchasers thereof as promptly as possible, including (i) the preparation, execution and dissemination of a Preliminary Official Statement and Final Official Statement with respect to said notes, (ii) preparation, distribution and publication, if necessary, of a Notice of Sale with respect to said notes, (iii) execution of a Continuing Disclosure Undertaking, with respect to said notes in accordance with Rule 15c2-12 promulgated by the Securities and Exchange Commission and (iv) execution of an arbitrage and use of proceeds certificate certifying that, among other things, the Borough, to the extent it is empowered and allowed under applicable law, will do and perform all acts and things necessary or desirable to assure that interest paid on said notes is not included in gross income under Section 103 of the Internal Revenue Code of 1986, as amended.

Section 12. All action heretofore taken by Borough officials and professionals with regard to the sale and award of the notes is hereby ratified, confirmed, adopted and approved.

Section 13. This resolution shall take effect immediately.

Upon motion of _____, seconded by _____ the foregoing
resolution was adopted by the following vote:

AYES:

NOES:

Not Yet Approved by
Council

CLERK'S CERTIFICATE

I, **ROBIN HOUGH**, Borough Clerk of the Borough of Franklin, in the County of Sussex, New Jersey, **HEREBY CERTIFY** that the foregoing annexed extract from the minutes of a meeting of the Borough Council of said Borough, duly called and held on July 12, 2016, has been compared by me with the original minutes as officially recorded in my office in the Minute Book of said Borough, and is a true, complete and correct copy thereof and of the whole of said original minutes so far as the same relate to the subject matters referred to in said extract.

I **FURTHER CERTIFY** that the original of each resolution referred to in said extract was after its adoption and in due form and time submitted by me for approval to the Mayor of said Borough, who thereafter duly approved the same and, on July 12, 2016, affixed her signature thereto in token of such approval.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Borough this 12th day of July, 2016.

(SEAL)

*Not yet
Approved
by Council*

Robin Hough
Borough Clerk

BOROUGH OF FRANKLIN

RESOLUTION 2016-72

Whereas, Certain Accounts within the Borough of Franklin Municipal Court, with outstanding check balances from checks not returned or unclaimed; and

Whereas, It is necessary to formally cancel said balances so that the unexpended balances may be returned to each respective account balance or credited to surplus;

Now, Therefore, be it resolved, by the Mayor and Council of the Borough of Franklin, that the following outstanding check balances within the following checking account be canceled:

<u>Date</u>	<u>Check #</u>	<u>Fund Name</u>	<u>Amount</u>	<u>Total</u>
03/2015	4062	General Account	\$ 25.00	
04/2015	4072	General Account	\$ 80.00	
09/2015	4114	General Account	\$ 7.00	
11/2015	4128	General Account	\$ 25.00	
01/2016	4144	General Account	\$ 1.00	\$138.00

Certification: I hereby certify the foregoing to be a true and correct copy of a resolution duly adopted by the Mayor and Council of the Borough of Franklin, at a meeting held in the Franklin Borough Hall, 46 Main Street, Franklin, N.J. 07416 at 7:00 p.m. on the date of July 12, 2016.

Not Approved Council

Robin Hough, Clerk

Resolution No. 2016-73

**RESOLUTION OF THE GOVERNING BODY
OF THE BOROUGH OF FRANKLIN
TO ACCEPT PROJECT AS COMPLETE FOR
THE FRANKLIN FIRE HOUSE BOILER REPLACEMENT**

WHEREAS, All American Mechanical LLC performed a project for Boiler Replacement at the Franklin Firehouse;

WHEREAS, the project is now complete;

WHEREAS, All American Mechanical LLC posted a performance bond;

WHEREAS, the municipal engineer has recommended in his letter dated July 6, 2016 that the project be accepted by the Council as complete and the performance bond no. S-294105 be released;

NOW THEREFORE IT BE RESOLVED by the Mayor and Council of the Borough of Franklin that the project performed by All Mechanical LLC at the Franklin Fire House for a boiler replacement is hereby accepted as complete and performance bond no. S-294105 is discharged and the Clerk is authorized to release the original performance bond.

CERTIFICATION

I, Robin Hough, Borough Clerk of the Borough of Franklin, in the County of Sussex, State of New Jersey do hereby certify that the foregoing is a true and correct copy of a Resolution adopted by the Governing Body of the Borough of Franklin, County of Sussex, State of New Jersey at a meeting of said Governing Body held on July 12, 2016.

Robin Hough, Borough Clerk

Resolution No. 2016-74

**RESOLUTION OF THE GOVERNING BODY
OF THE BOROUGH OF FRANKLIN
TO ACCEPT PROJECT AS COMPLETE FOR
IMPROVEMENTS TO VARIOUS STREET**

WHEREAS, Mark Paving Co. Inc. performed a project for improvements to various streets (Corkhill Road - Section II, Davis Road - Section II, Maple Road - Section I, Wildcat Road - Section I, Wildcat road - Section II and Wildcat Road Section IV);

WHEREAS, the project is now complete;

WHEREAS, Mark Paving Co. Inc. posted a performance bond;

WHEREAS, the municipal engineer has recommended in his letter dated July 6, 2016 that the project be accepted by the Council as complete and the performance bond no. 9410160 be released;

NOW THEREFORE IT BE RESOLVED by the Mayor and Council of the Borough of Franklin that the project performed by Mark Paving Co. Inc. for improvement to various roads is hereby accepted as complete and performance bond no. 9410160 is discharged and the Clerk is authorized to release the original performance bond.

CERTIFICATION

I, Robin Hough, Borough Clerk of the Borough of Franklin, in the County of Sussex, State of New Jersey do hereby certify that the foregoing is a true and correct copy of a Resolution adopted by the Governing Body of the Borough of Franklin, County of Sussex, State of New Jersey at a meeting of said Governing Body held on July 12, 2016.

Robin Hough, Borough Clerk

**RESOLUTION 2016 -75
BOROUGH OF FRANKLIN**

**RESOLUTION AUTHORIZING THE DONATION OF PROPERTY OWNED BY THE
BOROUGH OF FRANKLIN KNOWN AS BLOCK 2702, LOTS 14, 15 AND 16, TO
HABITAT FOR HUMANITY, SUBJECT TO CONDITIONS**

WHEREAS, the Governing Body of the Borough of Franklin, County of Sussex, State of New Jersey, is the owner of Block 2702, Lots 14, 15 and 16, located at 113, 111 and 109 Munsonhurst Road in the Borough, respectively; and

WHEREAS, SCHFH is a Not for Profit Corporation of the State of New Jersey which provides community-based programs to assist low and moderate income persons with home ownership; and

WHEREAS, the Borough of Franklin heretofore applied for substantive certification to the Council on Affordable Housing (COAH) for the Borough's second round plan to meet its obligation of providing its Fair Share of Housing for low and moderate income persons pursuant to the Fair Housing Act and Administrative Regulation adopted pursuant thereto; and

WHEREAS, the Borough has applied for third round substantive certification from COAH, and is aware of several Court actions pending around the State of New Jersey impacting the designation of COAH certification and compliance; and

WHEREAS, SCHFH is an organization which constructs and sells the type of housing which satisfy certain COAH obligations; and

WHEREAS, the Borough of Franklin is currently the owner of real property which is available for development for housing purposes in partial satisfaction of the Borough's COAH obligations; and

WHEREAS, SCHFH is desirous of accepting a donation of certain Borough-owned property for the purpose of constructing a two or three single-family homes for an equal number of families that qualify as low and/or moderate income families in accordance with the provisions of the New Jersey Fair Housing Act as administered by COAH (with the final determination of the number of homes being left to a further review of the site conditions and a feasibility analysis by the parties); and

WHEREAS, the Borough is desirous of donating said property to SCHFH for purposes of partially satisfying the Borough's COAH obligations; and

WHEREAS, N.J.S.A. 52:27D-311(a)(5) provides for the donation of municipally owned land for purposes of providing low and moderate income housing; and

WHEREAS, N.J.S.A. 52:27D-325 provides that the Governing Body may, by Resolution, authorize the private sale and conveyance of Borough-owned property to a non-profit entity with a contractual guarantee that the housing units will remain available to low and moderate income households only for a period of at least thirty (30) years.

WHEREAS, the governing body feels it would be in the best interest of the residents of Franklin Borough to permit the donation of the said parcels to Sussex County Habitat for Humanity provided that the houses to be constructed on the said parcels be compliant with the rules and regulations created by COAH.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Franklin, County of Sussex, State of New Jersey, that the Governing Body has authorized the Mayor as its designee to execute the attached Agreement as well as a Deed conveying Block 2702, Lots 14, 15 and 16, located at 113, 111 and 109 Munsonhurst Road in the Borough, respectively, to the Sussex County Habitat for Humanity, subject to the terms and conditions established in the attached Agreement, provided that the properties be compliant with the rules and regulations propounded by the Council on Affordable

Housing for low and/or moderate income occupancy, and further provided that said properties be deed restricted to those ends.

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

If any section, subsection, sentence, clause or phrase in this resolution is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this resolution.

CERTIFICATION: I, Robin Hough, Municipal Clerk of the Borough of Franklin, in the County of Sussex, State of New Jersey do hereby certify that the foregoing is a true and correct copy of a Resolution adopted by the Governing Body of the Borough of Franklin, County of Sussex, State of New Jersey at a regular meeting of said Governing Body held on July 12, 2016.

Robin Hough, Municipal Clerk

NOTARY AT APPROVED BY COMMISSION