

REGULAR AGENDA
FOR THE MAYOR AND COUNCIL MEETING
BOROUGH OF FRANKLIN,
HELD AT THE MUNICIPAL BUILDING, 46 MAIN STREET
FRANKLIN, NEW JERSEY AT 7:00 P.M. ON
MAY 25, 2021

- A. **Mayor Sowden** will call the meeting to order; Clerk will call the roll.
- B. **Mayor Sowden** will invite all present to salute the flag.
- C. **Mayor Sowden** will state that "This meeting is being held in compliance with the provisions of the Open Public Meetings Act, N.J.S.A. 10:4-6 et sequentes. It has been properly advertised by posting in Borough Hall, and printed in the New Jersey Herald/Sunday New Jersey Herald on January 6, 2021, and posted on the Borough website, which adequate notice has been certified by the Clerk."

D. **PRESENTATIONS**

There are no presentations this evening.

- E. **COMMITTEE REPORTS: Mayor Sowden** will allow each member of the Council, Borough Administrator, Borough Clerk, and Borough Attorney to present their respective committee report.

Mayor Sowden will offer the Mayor's Report.

- F. **OPEN PUBLIC SESSION: Mayor Sowden** will request a motion to open the meeting to the public, for any questions or comments concerning the good and welfare of the Borough. **All comments should be directed to the Mayor and kept to a 3-minute maximum per person.**

After giving all persons present an opportunity to address the Governing Body, **Mayor Sowden** will request a motion to close the meeting to the public and return to the regular order of business.

- G. **CONSENT AGENDA: Mayor Sowden** will request that all persons present review the consent agenda. If any member of the Council or public wishes an item on the consent agenda to be discussed and considered separately, a motion to this effect shall so be made, at this time.

After all persons have had an opportunity to review the consent agenda and offer requests for changes, Mayor Sowden will request a motion to approve the consent agenda.

H. **OLD BUSINESS:**

I. **NEW BUSINESS:**

1. **Approval of the Minutes**

A motion is in order to approve the regular meeting minutes for May 11, 2021. (Absent: None)

2. **Public Hearing on the 2021 CY Municipal Budget**

Mayor Sowden will request a motion to open the meeting to the public for public comments on the 2021 Municipal Budget.

3. **Resolution #2021-43 to adopt the 2021 CY Municipal Budget**

A motion is in order to adopt the 2021 budget resolution 2021-43.

4. **Resolution #2021-48**

A motion is in order to adopt resolution 2021-48 establishing salaries for certain part time employees of Franklin Borough for the year 2021.

REGULAR AGENDA – MAYOR AND COUNCIL MEETING MAY 25, 2021

5. Resolution #2021-49

A motion is in order to adopt resolution 2021-49 establishing salaries for certain employees of Franklin Borough for the year 2021.

6. Introduction of Ordinance #07-2021

A motion is in order to introduce ordinance 07-2021 entitled “AN ORDINANCE OF THE BOROUGH OF FRANKLIN, COUNTY OF SUSSEX, AND STATE OF NEW JERSEY MODIFYING CHAPTER 96 BUILDING CONSTRUCTION”.

Public Hearing will be held on June 9, 2021.

7. Introduction to Ordinance #08-2021

A motion is in order to introduce ordinance 08-2021 entitled “BOND ORDINANCE PROVIDING FOR VARIOUS 2021 CAPITAL IMPROVEMENTS, BY AND IN THE BOROUGH OF FRANKLIN, IN THE COUNTY OF SUSSEX, STATE OF NEW JERSEY (THE “BOROUGH”); APPROPRIATING \$1,261,008 THEREFOR (INCLUDING A GRANT FROM THE NEW JERSEY DEPARTMENT OF TRANSPORTATION) AND AUTHORIZING THE ISSUANCE OF \$983,933 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COSTS THEREOF”.

Public Hearing will be held on June 9, 2021.

8. Garden State Fireworks Agreements

A motion is in order to approve the Garden State Fireworks agreement for Fireworks Display for Franklin Day, June 19, 2021, in the amount of \$6,000. Rain Date June 26, 2021.

9. Discussion Parks and Recreation Chapter 196 - Exhibit A Rules and Regulations.

At this time there will be a discussion on the proposed “Parks and Recreation Chapter 196 - Exhibit A Rules and Regulations”.

10. Discussion on Police Overtime

At this time there will be a discussion on police overtime for Memorial Day Parade.

J. EXECUTIVE SESSION – IF REQUESTED

Mayor Sowden will request a motion to adopt a resolution to adjourn into Executive Session to discuss certain items excluded from the public.

THE OPEN PUBLIC MEETINGS ACT ALLOWS THE MAYOR AND COUNCIL TO EXCLUDE THE PUBLIC FROM A PORTION OF A MEETING IN CERTAIN CIRCUMSTANCES,

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF FRANKLIN, THAT THE PUBLIC SHALL BE EXCLUDED FROM DISCUSSION OF MATTERS ALLOWED BY NEW JERSEY LAW.

THE EXECUTIVE SESSION MINUTES WILL BE PLACED ON FILE IN THE BOROUGH CLERK’S OFFICE, AND WILL BE AVAILABLE TO THE PUBLIC AS PROVIDED FOR BY NEW JERSEY LAW.

Be further advised this Resolution shall take effect immediately.

K. MISCELLANEOUS COMMENTS: **Mayor Sowden** will allow each member of the Governing Body to offer any miscellaneous comments which they may have at this time.

L. ADJOURNMENT: **Mayor Sowden** will request a motion to adjourn the meeting.

SECTION 2 - UPON ADOPTION FOR YEAR 2021

RESOLUTION 2021-43

Be it Resolved by the FRANKLIN County of SUSSEX **BOROUGH** that the budget hereinbefore set forth is hereby adopted and shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriations, and authorization of the amount of: **DRAFT**

- (a) \$ 4,969,836.00 (Item 2 below) for municipal purposes, and
- (b) \$ - (Item 3 below) for school purposes in Type I School Districts only (N.J.S.A. 18A:9-2) to be raised by taxation and,
- (c) \$ - (Item 4 below) to be added to the certificate of amount to be raised by taxation for local school purposes in Type II School Districts only (N.J.S.A. 18A:9-3) and certification to the County Board of Taxation of

- (d) \$ - (Sheet 43) Open Space, Recreation, Farmland and Historic Preservation Trust Fund Levy
- (e) \$ - (Sheet 44) Arts and Culture Trust Fund Levy
- (f) \$ - (Item 5 Below) Minimum Library Tax

the following summary of general revenues and appropriations.

| | |
|-------------|------------------|
| Ayes | Abstained |
| Nays | Absent |

RECORDED VOTE
(Insert last name)

| SUMMARY OF REVENUES | | | |
|---|--------|----|--------------|
| | | | |
| 1. General Revenues | | | |
| Surplus Anticipated | 08-100 | \$ | 650,000.00 |
| Miscellaneous Revenues Anticipated | 13-099 | \$ | 1,286,924.27 |
| Receipts from Delinquent Taxes | 15-499 | \$ | 425,000.00 |
| 2. AMOUNT TO BE RAISED BY TAXATION FOR MUNICIPAL PURPOSED (Item 6(a), Sheet 11) | 07-190 | \$ | 4,969,836.00 |
| 3. AMOUNT TO BE RAISED BY TAXATION FOR SCHOOLS IN TYPE I SCHOOL DISTRICTS ONLY: | | | |
| Item 6, Sheet 42 | 07-195 | \$ | - |
| Item 6(b), Sheet 11 (N.J.S.A. 40A:4-14) | 07-191 | \$ | - |
| TOTAL AMOUNT TO BE RAISED BY TAXATION FOR SCHOOLS IN TYPE I SCHOOL DISTRICTS ONLY | | \$ | - |
| 4. To Be Added TO THE CERTIFICATE FOR THE AMOUNT TO BE RAISED BY TAXATION FOR SCHOOLS IN TYPE II SCHOOL DISTRICTS ONLY: | | | |
| Item 6(b), Sheet 11 (N.J.S.A. 40A:4-14) | 07-191 | \$ | - |
| 5. AMOUNT TO BE RAISED BY TAXATION MINIMUM LIBRARY TAX | 07-192 | \$ | - |
| Total Revenues | 13-299 | \$ | 7,331,760.27 |

SUMMARY OF APPROPRIATIONS

| 5. GENERAL APPROPRIATIONS: | | | |
|---|--------|----|--------------------|
| <u>Within "CAPS"</u> | | | |
| (a & b) Operations Including Contingent | XXXXXX | | XXXXXXXXXXXXXXXXXX |
| (e) Deferred Charges and Statutory Expenditures - Municipal | XXXXXX | | XXXXXXXXXXXXXXXXXX |
| (g) Cash Deficit | 34-201 | \$ | 5,148,247.00 |
| | 34-209 | \$ | 794,773.00 |
| | 46-885 | \$ | - |
| | XXXXXX | | XXXXXXXXXXXXXXXXXX |
| Excluded from "CAPS" | | | |
| (a) Operations - Total Operations Excluded from "CAPS" | 34-305 | \$ | 265,172.27 |
| (c) Capital Improvements | 44-999 | \$ | 259,000.00 |
| (d) Municipal Debt Service | 45-999 | \$ | 378,483.00 |
| (e) Deferred Charges - Municipal | 46-999 | \$ | - |
| (f) Judgments | 37-480 | \$ | - |
| (n) Transferred to Board of Education for Use of Local Schools (N.J.S.A. 40:48-17.1 & 17.3) | 29-405 | \$ | - |
| (g) Cash Deficit | 46-885 | \$ | - |
| (k) For Local District School Purposes | 29-410 | \$ | - |
| (m) Reserve for Uncollected Taxes | 50-899 | \$ | 486,085.00 |
| | 07-195 | | |
| Total Appropriations | 34-499 | \$ | 7,331,760.27 |
| 6. SCHOOL APPROPRIATIONS - TYPE I SCHOOL DISTRICT ONLY (N.J.S.A. 40A:4-13) | | | |

DRAFT

It is hereby certified that the within budget is a true copy of the budget finally adopted by resolution of the Governing Body on the _____ day of _____, 2021. It is further certified that each item of revenue and appropriation is set forth in the same amount and by the same title as appeared in the 2021 approved budget and all amendments thereto, if any, which have been previously approved by the Director of Local Government Services.

Certified by me this _____ day of _____, 2021, DRAFT _____, Clerk

Signature

**COUNTY OF SUSSEX
BOROUGH OF FRANKLIN**

**RESOLUTION #2021-48
RESOLUTION ESTABLISHING SALARIES FOR CERTAIN PART TIME
EMPLOYEES OF FRANKLIN BOROUGH FOR THE YEAR 2021**

WHEREAS, Franklin Borough is a municipal employer with full time and part time staff; and

WHEREAS, the salary ranges for Franklin Borough employees have been established by Ordinance 06-2019 adopted on May 28, 2019; and

WHEREAS, the funding necessary to pay the salaries as established by ordinance has been appropriated in the 2021 Municipal Budget, adopted on May 25, 2021; and

WHEREAS, the Personnel Committee has reviewed the salaries for certain non-contracted employees and unanimously recommends the following rates of pay; and

BE IT RESOLVED by the Governing Body of the Borough of Franklin, that the following named persons be paid the hourly rates indicated:

BE IT FURTHER RESOLVED these rates shall be retroactive to January 1, 2021:

| Name | Position | 2021 Hourly Rate |
|-----------------------|---------------------|-------------------------|
| Lynn Warr Prtorich | Head Crossing Guard | \$15.75 |
| Rebecca Babcock | Crossing Guard | \$14.73 |
| Rose Breidenstein | Crossing Guard | \$14.73 |
| Kathleen Clohessey | Crossing Guard | \$14.73 |
| Lisa Conte | Crossing Guard | \$14.73 |
| Ann Grabkowski | Crossing Guard | \$14.73 |
| Marie Hughes | Crossing Guard | \$14.44 |
| April Kunz-Oleksy | Crossing Guard | \$14.73 |
| Cathy Martinez | Crossing Guard | \$14.73 |
| Marie Pallotta | Crossing Guard | \$14.44 |
| Mary Payton | Crossing Guard | \$14.73 |
| Cara Ross | Crossing Guard | \$14.73 |
| Amanda Tassillo | Crossing Guard | \$14.73 |
| Rachel VanDyk | Crossing Guard | \$14.73 |
| Margaret Wellenheider | Crossing Guard | \$14.73 |
| Anna Fischer | Nutrition Center | \$16.65 |

| | | |
|-------------------|---------------------|---------|
| Barbara Truran | Nutrition Center | \$12.00 |
| Anne LaBarba | Finance | \$17.00 |
| Lisa Smith | Finance/DPW | \$16.98 |
| Lauren Mitchener | Court | \$19.07 |
| Deborah Card | Zoning | \$27.54 |
| Frederick Babcock | Buildings & Grounds | \$15.30 |

AS REQUIRED by N.J.S.A.40A:4-57, N.J.A.C.5:34-5.1 ET SEQ, I Deborah A. Bonanno, Chief Financial Officer, Borough of Franklin, hereby certify to the Clerk, Mayor and Council, that there are adequate funds available.

Deborah A. Bonanno, CFO/QPA

CERTIFICATION: I, Darlene J. Tremont, 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 May 25, 2021 at 7:00PM.

Darlene J. Tremont, Municipal Clerk

| RECORD OF COUNCIL VOTES | | | | |
|-------------------------|------|-------|---------|--------|
| COUNCIL MEMBER | AYES | NAYES | ABSTAIN | ABSENT |
| CONCETTO FORMICA | | | | |
| JOSEPH LIMON | | | | |
| JOHN POSTAS | | | | |
| STEPHEN SKELLENGER | | | | |
| GILBERT SNYDER | | | | |
| STEPHAN ZYDON JR. | | | | |
| MAYOR SOWDEN (Tie Only) | | | | |

**COUNTY OF SUSSEX
BOROUGH OF FRANKLIN**

RESOLUTION #2021-49

**RESOLUTION ESTABLISHING SALARIES FOR CERTAIN EMPLOYEES OF
FRANKLIN BOROUGH FOR THE YEAR 2021**

WHEREAS, Franklin Borough is a municipal employer with full time staff; and

WHEREAS, the salary ranges for Franklin Borough employees have been established by Ordinance 06-2019 adopted on May 28, 2019; and

WHEREAS, the funding necessary to pay the salaries as established by ordinance has been appropriated in the 2021 Municipal Budget adopted on May 25, 2021; and

WHEREAS, the Personnel Committee has reviewed the salaries for certain employees and unanimously recommends the following salaries; and

BE IT RESOLVED by the Governing Body of the Borough of Franklin, that the following named persons be paid the salaries and/or hourly rates indicated:

BE IT FURTHER RESOLVED these rates shall be retroactive to January 1, 2021:

| Name | Position | 2021 Rate |
|--------------------|---------------------------|------------------|
| Darlene J. Tremont | Municipal Clerk | \$64,548.50 |
| Darlene J. Tremont | Registrar | \$ 2,154.37 |
| Colleen Little | Deputy Clerk | \$48,815.57 |
| Colleen Little | Deputy Registrar | \$ 1,591.81 |
| Corry Chrobak | Accounting Assistant | \$49,231.73 |
| Deborah Bonanno | Administrator/CFO/QPA | \$153,000.00 |
| Scott Holzhauer | Tax Assessor | \$42,177.90 |
| Lorraine Spirito | Court Administrator | \$70,013.76 |
| Michelle Babcock | Recreation/PB Secretary | \$33,326.17 |
| Rachel Heath | Board of Health Secretary | \$1,530.00 |
| Wendy Burge | Administrative Assistant | \$46,618.24 |

AS REQUIRED by N.J.S.A.40A:4-57, N.J.A.C.5:34-5.1 ET SEQ, I Deborah A. Bonanno, Chief Financial Officer, Borough of Franklin, hereby certify to the Clerk, Mayor and Council, that there are adequate funds available.

Deborah A. Bonanno, CFO/QPA

CERTIFICATION: I, Darlene Tremont, 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 May 25, 2021.

Darlene J. Tremont, Municipal Clerk

| RECORD OF COUNCIL VOTES | | | | |
|-------------------------|------|-------|---------|--------|
| COUNCIL MEMBER | AYES | NAYES | ABSTAIN | ABSENT |
| CONCETTO FORMICA | | | | |
| JOSEPH LIMON | | | | |
| JOHN POSTAS | | | | |
| STEPHEN SKELLENGER | | | | |
| GILBERT SNYDER | | | | |
| STEPHAN ZYDON JR. | | | | |
| MAYOR SOWDEN (Tie Only) | | | | |

NOT YET APPROVED BY COUNCIL

BOROUGH OF FRANKLIN

ORDINANCE No. 07-2021

**AN ORDINANCE OF THE BOROUGH OF FRANKLIN,
COUNTY OF SUSSEX, AND STATE OF NEW JERSEY
MODIFYING CHAPTER 96 BUILDING CONSTRUCTION**

BE IT ORDAINED by the Mayor and Council of the Borough of Franklin, County of Sussex, and State of New Jersey that Chapter 96 of the Franklin Borough Code is amended as follows:

SECTION I

The Code of the Borough of Franklin is hereby amended to delete Section 96-4 and reserve it for future use.

SECTION II

All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistencies.

SECTION III

If any article, section, subsection, paragraph, phrase or sentence is, for any reason, held to be unconstitutional or invalid, said article, section, subsection, paragraph, phrase or sentence shall be deemed severable.

SECTION IV

This Ordinance shall take effect immediately upon final publication as provided by law.

ATTEST:

BOROUGH OF FRANKLIN

Darlene J. Tremont, CLERK

BY: JOHN M. SOWDEN IV, MAYOR

DATED:

NOTICE

NOTICE is hereby given that the foregoing Ordinance was introduced to pass on first reading at a regular meeting of the Council of the Borough of Franklin held on May 25, 2021, at 7:00 p.m. and ordered published in accordance with the law. Said Ordinance will be considered for final reading and adoption at a regular meeting of the Borough Council to be held on June 9, 2021, at 7:00 p.m., or as soon thereafter as the Borough Council may hear this Ordinance at the Municipal Building, 46 Main Street, Franklin, New Jersey 07416, at which time all persons interested may appear for or against the passage of said Ordinance.

Darlene J. Tremont, Municipal Clerk

**BOROUGH OF FRANKLIN
ORDINANCE NUMBER 08-2021**

**BOND ORDINANCE PROVIDING FOR VARIOUS 2021
CAPITAL IMPROVEMENTS, BY AND IN THE BOROUGH
OF FRANKLIN, IN THE COUNTY OF SUSSEX, STATE OF
NEW JERSEY (THE "BOROUGH"); APPROPRIATING
\$1,261,008 THEREFOR (INCLUDING A GRANT FROM THE
NEW JERSEY DEPARTMENT OF TRANSPORTATION)
AND AUTHORIZING THE ISSUANCE OF \$983,933 BONDS
OR NOTES OF THE BOROUGH TO FINANCE PART OF
THE COSTS THEREOF**

**BE IT ORDAINED AND ENACTED BY THE BOROUGH COUNCIL OF
THE BOROUGH OF FRANKLIN, IN THE COUNTY OF SUSSEX, STATE OF NEW
JERSEY (not less than two-thirds of all the members thereof affirmatively concurring), AS
FOLLOWS:**

SECTION 1. The improvements or purposes described in Section 3 of this bond ordinance are hereby authorized as general improvements or purposes to be undertaken by the Borough of Franklin, in the County of Sussex, State of New Jersey (the "Borough"). For the said improvements or purposes stated in Section 3, there is hereby appropriated the aggregate sum of \$1,261,008, which sum is inclusive of a grant from the New Jersey Department of Transportation in the amount of \$125,000 (the "Grant") and the amount of \$152,075 as the down payment for said improvements or purposes as required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq. (the "Local Bond Law"). The down payment is now available by virtue of a provision or provisions in a previously adopted budget or budgets of the Borough for down payment or for capital improvement purposes. Pursuant to the provisions of N.J.S.A. 40A:2-7(h) and 40A:2-11(c) of the Local Bond Law, N.J.S.A. 40A:2-1 et seq., as amended and supplemented (the "Local Bond Law"), no down

payment is allocated for the Water/Sewer Utility "Switch N Go" truck (per Section 3(a)(vii) herein), as the Water/Sewer Utility of the Borough of self-liquidating.

SECTION 2. For the financing of said improvements or purposes described in Section 3 hereof and to meet the part of said \$1,261,008 appropriation not provided for by application hereunder of the Grant and down payment, negotiable bonds of the Borough are hereby authorized to be issued in the aggregate principal amount not exceeding \$983,933 pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Borough in an aggregate principal amount not exceeding \$983,933 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

SECTION 3. (a) The improvements hereby authorized and purposes for the financing of which said obligations are to be issued include, but are not limited to, as follows:

| <u>Description</u> | <u>Appropriation</u> | <u>Authorization</u> | <u>Down Payment</u> | <u>Useful Life</u> |
|---|------------------------------------|----------------------|---------------------|--------------------|
| (i) Roads – Improvements To Borough Roadways Including, But Not Limited To, Evans Street, Such Improvements To Include, But Not Be Limited To, As Applicable, Excavation, Milling, Paving, Reconstruction And Boxing Out And Resurfacing Or Full Depth Pavement Replacement Using Flexible Pavement As Defined Under The Local Bond Law And, Where Necessary, The Repairing And/Or Installation Of Associated Curbs, Curb Ramps, Sidewalks And Driveway Aprons, Resetting Utility Castings, Associated Drainage Work And Improvements, Roadway Painting, Landscaping And Aesthetic Improvements; | \$436,000 (including the Grant) | \$295,450 | \$15,550 | 20 years |
| (ii) Municipal Building - Various Exterior and Interior Improvements Including, But Not | \$392,066 | \$372,463 | \$19,603 | 14.58 |

| <u>Description</u> | <u>Appropriation</u> | <u>Authorization</u> | <u>Down Payment</u> | <u>Useful Life</u> |
|---|----------------------|----------------------|---------------------|--------------------|
| Limited To, Roofing, Gutter And HVAC Improvements; Information Technology Improvements Including, But Not Limited To, Acquisition And Installation, As Applicable, Of Computer Hardware And Software; | | | | years |
| (iii) Police Department – Acquisition Of A Non-Passenger Sports Utility Vehicle; | \$70,000 | \$0 | \$70,000 | N/A |
| (iv) Police Department – Lighting Improvements At Police Headquarters; | \$6,005 | \$5,705 | \$300 | 7 years |
| (v) Department of Public Works – Building Improvements Including, But Not Limited to, Garage Door Improvements; Salt Shed Improvements; And Acquisition Of A Single Axle Truck; | \$232,054 | \$220,432 | \$11,622 | 10.85 years |
| (vi) Fire Department – Acquisition Of A Non-Passenger Response Vehicle And Upfitting for Equipment; and | \$35,000 | \$0 | \$35,000 | N/A |
| (vii) Water/Sewer Utility – Acquisition of a Non-Passenger “Switch N Go” Vehicle. | \$89,883 | \$89,883 | \$0 | 5 years |
| TOTALS | <u>\$1,261,008</u> | <u>\$983,933</u> | <u>\$152,075</u> | |

(b) The aggregate estimated maximum amount of bonds or notes to be issued for said improvements or purposes is \$983,933.

(c) The aggregate estimated cost of said improvements or purposes is \$1,261,008, the excess amount thereof over the said estimated maximum amount of bonds or notes to be issued therefor is the Grant in the amount of \$125,000 and the down payment available for said purposes in the amount of \$152,075.

(d) All such improvements or purposes set forth in Section 3(a) shall include, but are not limited to, as applicable, all engineering and design work, surveying, construction planning, preparation of plans and specifications, permits, bid documents, construction inspection and contract administration, and also shall include all work,

materials, equipment, accessories, labor and appurtenances necessary therefor or incidental thereto. All or any portion of the appropriations, authorizations and down payments set forth in each of the subsections in Section 3(a)(i) through (vii) herein may be moved among and added or decreased to and from each of the subsections in Section 3(a)(i) through (vii).

SECTION 4. Except for the Grant, in the event the United States of America, the State of New Jersey, the County of Sussex or a private entity make a contribution or grant in aid to the Borough for the improvements and purposes authorized hereby and the same shall be received by the Borough prior to the issuance of the bonds or notes authorized in Section 2 hereof, then the amount of such bonds or notes to be issued shall be reduced by the amount so received from the United States of America, the State of New Jersey, the County of Sussex or a private entity. Except for the Grant, in the event, however, that any amount so contributed or granted by the United States of America, the State of New Jersey, the County of Sussex or a private entity, including the Grant, shall be received by the Borough after the issuance of the bonds or notes authorized in Section 2 hereof, then such funds shall be applied to the payment of the bonds or notes so issued and shall be used for no other purpose. This Section 4 shall not apply, however, with respect to any contribution or grant in aid received by the Borough as a result of using funds from this bond ordinance as "matching local funds" to receive such contribution or grant in aid.

SECTION 5. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer of the Borough, provided that no note shall mature later than one (1) year from its date unless such bond

anticipation notes are permitted to mature at such later date in accordance with applicable law. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer of the Borough shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the signature of the Chief Financial Officer upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time in accordance with the provisions of N.J.S.A. 40A:2-8.1. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at a public or private sale and to deliver them to the purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, the description, the interest rate, the maturity schedule of the notes so sold, the price obtained and the name of the purchaser.

SECTION 6. The capital budget of the Borough is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith and a resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital programs as approved by the Director of the Division of Local Government Services, Department of Community Affairs, State of New Jersey, is on file in the Office of the Clerk of the Borough and is available for public inspection.

SECTION 7. The following additional matters are hereby determined, declared, recited and stated:

(a) The purposes described in Section 3 of this bond ordinance are not current expenses and are improvements which the Borough may lawfully undertake as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of said purposes within the limitations of said Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 14.50 years.

(c) The supplemental debt statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the Borough and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services, Department of Community Affairs, State of New Jersey, and such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds or notes provided for in this bond ordinance by \$983,933 and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding \$231,201 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purposes or improvements herein before described.

SECTION 8. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough,

and the Borough shall be obligated to levy *ad valorem* taxes upon all the taxable property within the Borough for the payment of the principal of the obligations and the interest thereon without limitation as to rate or amount.

SECTION 9. The Borough hereby declares the intent of the Borough to issue the bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3 of this bond ordinance. This Section 9 is a declaration of intent within the meaning and for purposes of Treasury Regulations §1.150-2 or any successor provisions of federal income tax law.

SECTION 10. The Borough Chief Financial Officer is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Borough and to execute such disclosure document on behalf of the Borough. The Borough Chief Financial Officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Borough pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Borough and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Borough fails to comply with its undertaking, the Borough shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

SECTION 11. The Borough covenants to maintain the exclusion from gross income under Section 103(a) of the Code of the interest on all bonds and notes issued under this bond ordinance.

NOT YET APPROVED BY COUNCIL

SECTION 12. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law.

ADOPTED ON FIRST READING
DATED: May 25, 2021

DARLENE J. TREMONT,
Clerk of the Borough of Franklin

ADOPTED ON SECOND READING
DATED: June 9, 2021

DARLENE J. TREMONT,
Clerk of the Borough of Franklin

APPROVAL BY THE MAYOR ON THIS _____ DAY OF _____, 2021.

JOHN M. SOWDEN, IV,
Mayor of the Borough of Franklin

NOT YET APPROVED BY COUNCIL