

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
AUGUST 16, 2022

- 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 7, 2022, 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:**

1. **Peddlers Permit Application and Appeal** (tabled from July 26, 2022 meeting)
Curtis Pandorf – Hot Dog Truck located at 76 Route 23, Franklin.
(*motion needed*)

- I. **NEW BUSINESS:**

2. **Approval of the Minutes** for the regular meeting minutes and executive session meeting minutes for July 26, 2022. (Absent: None) (*motion needed*)
3. **Resolution #2022-85** to authorize the hiring of a full time DPW Laborer, Step 2, at the rate of \$19.49/hr. conditioned upon successful background check, physical and drug test as recommended by the Administrator, Brian VanDenBroek, DPW Director and the Personnel Committee. (*motion needed*)

REGULAR AGENDA – MAYOR AND COUNCIL MEETING AUGUST 16, 2022

4. Resolution #2022-86 to approve a salary adjustment for Suzann Brush at the new rate of \$18.00 per hour effective August 1, 2022. *(motion needed)*
5. Resolution #2022-87 to approve authorizing the Borough Clerk to renew the following liquor licenses for the 2022-2023 licensing term. 1906-33-004-007 Coyote Cocina Mexicana LLC, pocket license. *(motion needed)*
6. Resolution #2022-88 to approve the place to place transfer, expansion of premises for the Plenary Retail Consumption license #1906-33-004-007, Coyote Cocina Mexicana, LLC for the purpose of expanding the premises. *(motion needed)*
7. Discussion on Resolution #2022-89 to approve requesting the Sussex County Clerk to print upon the official ballot of the November 8, 2022 General Election a public question asking the legal voters of Franklin Borough whether the date of the Franklin Borough School District election shall be moved from November to April beginning 2023. *(motion needed)*
8. Adoption of Ordinance #10-2022 entitled “BOND ORDINANCE PROVIDING FOR VARIOUS 2022 CAPITAL IMPROVEMENTS, BY AND IN THE BOROUGH OF FRANKLIN, IN THE COUNTY OF SUSSEX, STATE OF NEW JERSEY (THE “BOROUGH”); APPROPRIATING \$1,345,083 THEREFOR (INCLUDING A GRANT FROM THE NEW JERSEY DEPARTMENT OF TRANSPORTATION) AND AUTHORIZING THE ISSUANCE OF \$1,159,883 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COSTS THEREOF”. (Originally adopted ordinance #10-2022 on June 28, 2022 without the supplemental debt statement filed) *(motion needed)*

Prior to final roll call Mayor Sowden will request a motion to open the meeting to the public for any comments regarding Ordinance 10-2022.

9. Mayoral Appointment
Mayor Sowden will make the following appointment.

Crossing Guard Hire

Jaymie Babcock as substitute crossing guard at the rate of \$15.02/hr. effective August 16, 2022, contingent upon successful physical and background check, as recommended by Rebecca Babcock, Crossing Guard Captain. *(motion needed to confirm)*

10. Application for a Social Affair Permit
A motion is in order to approve the application for a social affair permit submitted by the Franklin Fire Department, premises for the social affair permit is Fireman’s Memorial Park, 46 High St., Franklin on August 20, 2022, and authorize the clerk to endorse the application. *(motion needed)*
11. Walkkill Valley Girl Scout Request
A motion is in order to authorize the request from the Walkkill Valley Girl Scouts for the usage of the Senior Center for various meetings and dates for the period beginning September 4, 2022 through June 4, 2023. *(motion needed)*
12. Discussion on Municipal Building Generator

J. **EXECUTIVE SESSION – IF REQUESTED**

REGULAR AGENDA – MAYOR AND COUNCIL MEETING AUGUST 16, 2022

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.

Borough of Franklin, County of Sussex

Resolution #2022-85

RESOLUTION OF THE GOVERNING BODY OF THE BOROUGH OF FRANKLIN AUTHORIZING THE HIRING OF A LABORER FOR THE DEPARTMENT OF PUBLIC WORKS

WHEREAS, there has arisen a need to hire a laborer to fill a vacant position in the Department of Public Works;

WHEREAS, interviews were conducted and Christopher Bihler was selected as a preferred candidate to fill the vacant position in the Department of Public Works;

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Franklin that the Borough Administrator is authorized to hire Christopher Bihler as a full-time Step 2 Laborer in the Department of Public Works at the rate of \$19.49 per hour conditioned upon a successful background check, physical and drug test;

NOW THEREFORE BE IT FURTHER RESOLVED by the Mayor and Council of the Borough of Franklin that the employment position approved herein is with employee benefits and other non-wage compensation;

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 at a regular meeting held in the Franklin Municipal Building at 46 Main Street at 7:00 PM on August 16, 2022.

Darlene J. Tremont, Municipal Clerk

Dated: August 16, 2022

RECORD OF COUNCIL VOTES				
COUNCIL MEMBER	AYES	NAYES	ABSTAIN	ABSENT
CONCETTO FORMICA				
RACHEL HEATH				
JOSEPH LIMON				
JOHN POSTAS				
STEPHEN SKELLENGER				
GILBERT SNYDER				
MAYOR SOWDEN (Tie Only)				

Borough of Franklin, County of Sussex

Resolution #2022-86

RESOLUTION OF THE GOVERNING BODY AUTHORIZING A SALARY ADJUSTMENT FOR SUZANN BRUSH, VIOLATIONS CLERK/RECREATION SECRETARY

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

WHEREAS, the salary ranges for Franklin Borough employees have been established by Ordinance 07-2022 adopted on May 24, 2022; and

WHEREAS, Suzann Brush was hired as Violations Clerk/Recreation Secretary on February 1, 2022; and

WHEREAS, Suzann Brush has gained the knowledge and understanding that is necessary to perform the functions of her new responsibilities as required within the Municipal Court; and

WHEREAS, Lauren Mitchener, Municipal Court Administrator, is satisfied with her performance has requested a salary adjustment for her;

WHEREAS, the Administrator and Personnel Committee has reviewed the request recommends to the Governing Body a salary adjustment at the new rate of \$18.00 per hour, effective August 1, 2022.

NOW THEREFORE BE IT RESOLVED, by the Governing Body of the Borough of Franklin authorizes a salary adjustment for Suzann Brush, at the new rate of \$18.00 per hour and the new rate shall be retroactive to August 1, 2022.

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

Andrew Bernath, 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 August 16, 2022.

Darlene J. Tremont, Municipal Clerk

RECORD OF COUNCIL VOTES				
COUNCIL MEMBER	AYES	NAYES	ABSTAIN	ABSENT
CONCETTO FORMICA				
RACHEL HEATH				
JOSEPH LIMON				
JOHN POSTAS				
STEPHEN SKELLENGER				
GILBERT SNYDER				
MAYOR SOWDEN (Tie Only)				

Borough of Franklin, County of Sussex

Resolution #2022-87

RESOLUTION AUTHORIZING BOROUGH CLERK TO RENEW LIQUOR LICENSES FOR THE 2022-2023 LICENSING TERM

WHEREAS, Coyote Cocina Mexicana, LLC, Liquor License No. 1906-33-004-007 has received from the State of New Jersey Division of Alcoholic Beverage Control a Special Ruling to Permit renewal of Inactive License pursuant to N.J.S.A. 33:1-12.39 for the 2022-2023 License term.

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF FRANKLIN, COUNTY OF SUSSEX, STATE OF NEW JERSEY, THAT THE FOLLOWING APPLICATIONS FOR THE RENEWAL OF LIQUOR LICENSES IN THE BOROUGH OF FRANKLIN FOR THE 2022-2023 LICENSING YEAR, EFFECTIVE JULY 1, 2022, BE AND THE SAME ARE HEREBY APPROVED:

PLENARY RETAIL CONSUMPTION - \$1,254.00 FEE

<u>LICENSE #</u>	<u>LICENSEE</u>	<u>ESTABLISHMENT</u>	<u>ADDRESS</u>
1906-33-004-007	Coyote Cocina Mexicana, LLC	N/A	Pocket

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 August 16, 2022 at 7:00PM.

Darlene J. Tremont, Municipal Clerk

Date: August 16, 2022

RECORD OF COUNCIL VOTES				
COUNCIL MEMBER	AYES	NAYES	ABSTAIN	ABSENT
CONCETTO FORMICA				
RACHEL HEATH				
JOSEPH LIMON				
JOHN POSTAS				
STEPHEN SKELLENGER				
GILBERT SNYDER				
MAYOR SOWDEN (Tie Only)				

Borough of Franklin, County of Sussex

Resolution #2022-88

PLACE TO PLACE TRANSFER EXTENSION OF PREMISES

WHEREAS, an application has been filed for a place-to-place transfer (Expansion of Premises) of Plenary Retail Consumption license 1906-33-004-007, for purposes of expanding the premises under license wherein the sale, service and storage of alcoholic beverages are authorized;

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 license term;

NOW, THEREFORE BE IT RESOLVED that the Borough of Franklin Governing body does hereby approve, effective August 18, 2022 the expansion of the aforesaid Plenary Retail Consumption pocket license under the area delineated in the application form and the sketch of the premises attached thereto.

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 August 16, 2022.

Darlene J. Tremont, Municipal Clerk

RECORD OF COUNCIL VOTES				
COUNCIL MEMBER	AYES	NAYES	ABSTAIN	ABSENT
CONCETTO FORMICA				
RACHEL HEATH				
JOSEPH LIMON				
JOHN POSTAS				
STEPHEN SKELLENGER				
GILBERT SNYDER				
MAYOR SOWDEN (Tie Only)				

**COUNTY OF SUSSEX
BOROUGH OF FRANKLIN
ORDINANCE NO. 10-2022**

BOND ORDINANCE PROVIDING FOR VARIOUS 2022 CAPITAL IMPROVEMENTS, BY AND IN THE BOROUGH OF FRANKLIN, IN THE COUNTY OF SUSSEX, STATE OF NEW JERSEY (THE "BOROUGH"); APPROPRIATING \$1,345,083 THEREFOR (INCLUDING A GRANT FROM THE NEW JERSEY DEPARTMENT OF TRANSPORTATION) AND AUTHORIZING THE ISSUANCE OF \$1,159,883 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 \$1,345,083, which sum is inclusive of a grant from the New Jersey Department of Transportation in the amount of \$141,000 (the "Grant") and the amount of \$44,200 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 improvements (as set forth in Section 3(a)(i) herein), as the Water/Sewer Utility of the Borough of self-liquidating, and no down payment is allocated for the Maple Road improvements (as set forth in Section 3(a)(ii) herein) as said improvement will be funded, in part, by the Grant.

SECTION 2. For the financing of said improvements or purposes described in Section 3 hereof and to meet the said \$1,345,083 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 principal amount of \$1,159,883 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 a principal amount not exceeding \$1,159,883 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) <u>Water/Sewer Utility</u> – Improvements To An Existing Elevated Water Storage Tank Located At 19 Highpoint Circle (Block 709, Lot 53) In The Borough, Such Improvements To Include, But Not Be Limited To, As Applicable, Interior And Exterior Tank Coating, And Improvements To And/Or Replacement Of Grouting And Sealants, Batten Access Tubes, Screens And Splash Pads, Condensate With Overflow, Manhole, Roof Vents, Gaskets, Studs, Handrails, Ladders, Inlet And Distribution Pipe Expansion Joints, Insulation, Lighting, Light Covers, Nameplate And Site Restoration	\$839,685	\$839,685	\$0	20 years
(ii) <u>Maple Road Improvements</u> – Including, But Not 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	\$238,408 (including the Grant)	\$97,408	\$0	20 years

<u>Description</u>	<u>Appropriation</u>	<u>Authorization</u>	<u>Down Payment</u>	<u>Useful Life</u>
Improvements;				
(iii) <u>Various Roadway Improvements</u> – Improvements To Various Roadways In and Throughout the Borough Including, But Not Limited To, Pvt. Joseph Aucho Drive, Ginter Street, Lozaw Road, McCann Street, Mable Street and John Wilton 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, Aesthetic Improvements and Traffic Control; And	\$247,790	\$222,790	\$44,200	20 years
(iv) <u>Fire Department</u> – Acquisition and Installation, As Applicable, Of Various Communication Equipment For Fire Vehicles Including, But Not Limited To Radios, Computers And Other Miscellaneous Equipment.	\$19,200	\$0	\$19,200 (Capital Improvement Fund)	N/A
TOTALS	<u>\$1,345,083</u>	<u>\$1,159,883</u>	<u>\$44,200</u>	

(b) The aggregate estimated maximum amount of bonds or notes to be issued for said improvements or purposes is \$1,159,883.

(c) The aggregate estimated cost of said improvements or purposes is \$1,345,083, 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 \$141,000 and the down payment available for said purposes in the amount of \$44,200.

(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.

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, 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 20 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 \$1,159,883 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 \$269,016 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.

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: July 26, 2022**

**DARLENE J. TREMONT,
Clerk of the Borough of Franklin**

**ADOPTED ON SECOND READING
DATED: August 16, 2022**

**DARLENE J. TREMONT,
Clerk of the Borough of Franklin**

APPROVAL BY THE MAYOR ON THIS 16th DAY OF AUGUST, 2022.

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