

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
OCTOBER 25, 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:**

- I. **NEW BUSINESS:**

1. **Approval of the Minutes**

A motion is in order to approve the regular meeting minutes for October 11, 2022. (Absent: Snyder) (*motion needed*)

2. **Resolution #2022-107** to approve awarding the emergency purchase of one fully outfitted police patrol vehicle to Nielsen Ford., Inc. through the ECSNJ Purchasing Co-Op not to exceed \$55,000.00 and additional outfitting through Gold Type Business Machines not to exceed \$20,000.00. (*motion needed*)

3. **Resolution #2022-108** to approve declaring its official intent to reimburse expenditures for equipment costs from the proceeds of tax-exempt debt obligations. (*motion needed*)

REGULAR AGENDA – MAYOR AND COUNCIL MEETING , 2022

4. Resolution #2022-109 to authorize the Water and Sewer Collector to remove the overbill from the First Presbyterian Church Water/Sewer Account for the property located at 13 Main Street, Block 908, Lot 27 in the amount of \$936.27. *(motion needed)*
5. Resolution #2022-110 to approve appointing Wayne Dietz, Skylands Risk Management, Inc. Franklin Borough's Risk Management Consultant and Andrew Bernath, CFO/Administrator as the authorized representative of the public entity is hereby authorized to execute the Risk Management Consultant's Agreement for the year 2023. *(motion needed)*
6. Risk Management Consultant's Agreement approving the 2023 Fund Year Statewide Insurance Fund Risk Management Consultant's Agreement. *(motion needed)*
7. Resolution #2022-111 to approve appointing Andrew Bernath, as Fund Commissioner for the Local Unit calendar year 2023 and Darlene Tremont, as Alternate Fund Commissioner for the Local Unit calendar year 2023. *(motion needed)*
8. Introduction of Ordinance #15-2022 entitled "AN ORDINANCE OF THE BOROUGH OF FRANKLIN, COUNTY OF SUSSEX, AND STATE OF NEW JERSEY MODIFYING SECTION 259-2 REGARDING PARKING". *(motion needed)*

Public hearing will be held on November 9, 2022.

9. Introduction of Ordinance #16-2022 entitled "BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF NON-PASSENGER VEHICLES FOR THE POLICE DEPARTMENT IN AND FOR THE BOROUGH OF FRANKLIN, IN THE COUNTY OF SUSSEX, STATE OF NEW JERSEY (THE "BOROUGH"); APPROPRIATING \$225,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$214,285 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COSTS THEREOF". *(motion needed)*

Public hearing will be held on November 9, 2022.

10. Mayoral Appointments
Mayor Sowden will make the following appointments.

Crossing Guard Hires

Holly Sollitto and Robin Saraceri as substitute crossing guards at the rate of \$15.02/hr. effective November 1, 2022, contingent upon successful physical and background check, as recommended by Rebecca Babcock, Crossing Guard Captain.

Crossing Guard Status Change

Michelle Grieco status change from substitute crossing guard to permanent crossing guard with no salary change, effective immediately, as recommended by Rebecca Babcock, Crossing Guard Captain. *(motion to confirm)*

11. Special Event Request to approve a special event request from Elaine Tizzano and Mary Burns, for their eighth annual walk in conjunction with the Center for Prevention and Counseling to be held on August 5, 2023, to bring awareness and treatment for substance use disorder. *(motion needed)*
12. 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 Franklin Fire House, 137 Buckwheat Rd., Franklin on December 3, 2022, and authorize the clerk to endorse the application. *(motion needed)*

REGULAR AGENDA – MAYOR AND COUNCIL MEETING , 2022

13. Discussion on Redevelopment

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.

Borough of Franklin, County of Sussex

Resolution #2022-107

RESOLUTION OF THE GOVERNING BODY OF THE BOROUGH OF FRANKLIN FOR THE PURCHASE OF A FULLY OUTFITTED POLICE PATROL VEHICLE

WHEREAS, the Borough of Franklin needs to replace two patrol vehicles that are no longer operational; and

WHEREAS, the Borough's Chief of Police states the emergency need for improvements; and

WHEREAS, the Borough's Chief of Police & Chief Financial Officer have reviewed the proposals and are recommending the award of the purchase to Nielsen Ford, Inc. for the purchase of one police patrol vehicle not to exceed \$55,000.00 through the available contract pricing as part of the ECSNJ Purchasing CO-OP and additional outfitting not to exceed \$20,000.00 through Gold Type Business Machines; and

WHEREAS, the recommendation notice from the Borough's Chief of Police and quote documentation for the vendor; and

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

Andrew K. Bernath, CFO/QPA

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Franklin that the emergency purchase of one fully outfitted police patrol vehicle is awarded to Nielsen Ford., Inc. not to exceed \$55,000.00 and additional outfitting not to exceed \$20,000.00 through Gold Type Business Machines

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 on October 25, 2022.

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				
RACHEL HEATH				
MAYOR SOWDEN (Tie Only)				

Borough of Franklin, County of Sussex

Resolution #2022-108

RESOLUTION OF THE BOROUGH OF FRANKLIN, COUNTY OF SUSSEX, NEW JERSEY, DECLARING ITS OFFICIAL INTENT TO REIMBURSE EXPENDITURES FOR EQUIPMENT COSTS FROM THE PROCEEDS OF TAX EXEMPT DEBT OBLIGATIONS

WHEREAS, the Borough of Franklin, County of Sussex, New Jersey (the “Borough”) has, pursuant to Resolution No. 2022-107, determined that an immediate need exists for the acquisition of a non-passenger vehicle and related equipment for Police Department (the “Equipment”); and

WHEREAS, the Borough intends to acquire the Equipment, as more fully described in **Exhibit A** attached hereto; and

WHEREAS, the Borough intends to finance the Equipment with tax-exempt debt obligations of the Borough (the “Debt Obligations”) but due to the emergent need intends to pay for certain costs of the Equipment (the “Equipment Costs”) prior to the issuance of the Debt Obligations with funds of the Borough that are not borrowed funds; and

WHEREAS, the Borough desires to preserve its right to treat an allocation of proceeds of the Debt Obligations to the reimbursement of Equipment Costs paid prior to the issuance of the Debt Obligations as an expenditure for such Equipment Costs to be reimbursed for purposes of Sections 103 and 141 through 150, inclusive, of the Code;

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Borough as follows:

Section 1. The Borough proclaims that the statements contained in the foregoing preambles be and are hereby incorporated into this resolution as if more fully set forth herein at length.

Section 2. The Borough reasonably expects to reimburse its expenditure of Equipment Costs paid prior to the issuance of the Debt Obligations with proceeds of its Debt Obligations.

Section 3. This resolution is intended to be and hereby is a declaration of the Borough's official intent to reimburse the expenditure of Equipment Costs paid prior to the issuance of the Debt Obligations with the proceeds of a borrowing to be incurred by the Borough, in accordance with Treasury Regulations §150-2.

Section 4. The aggregate maximum principal amount of the Debt Obligations expected to be issued to finance the Equipment is not to exceed \$55,000.

Section 5. The Equipment Costs to be reimbursed with the proceeds of the Debt Obligations will be “capital expenditures” in accordance with the meaning of Section 150 of the Code.

Section 6. No reimbursement allocation will employ an “abusive arbitrage device” under Treasury Regulations §1.148-10 to avoid the arbitrage restrictions or to avoid the restrictions under Sections 142 through 147, inclusive, of the Code. The proceeds of the Debt Obligations used to reimburse the Borough for Equipment Costs, or funds corresponding to such amounts, will not be used in a manner that results in the creation of “replacement proceeds”, including “sinking funds”, “pledged funds” or funds subject to a “negative pledge” (as such terms are defined in Treasury Regulations §1.148-1), of the Debt Obligations.

Section 7. All reimbursement allocations will occur not later than 18 months after the later of (i) the date the expenditure from a source other than the Debt Obligations is paid, or (ii) the date the Equipment is “placed in service” (within the meaning of Treasury Regulations §1.150-2) or abandoned, but in no event more than 3 years after the expenditure is paid.

Section 8. This resolution shall take effect immediately.

BE IT FURTHER RESOLVED by the Borough of Franklin, County of Sussex, New Jersey that the statements contained in the foregoing preamble be and are hereby incorporated into this Resolution as if more fully set forth herein at length.

I hereby certify that the above resolution was duly adopted by the Borough Council of the Borough of Franklin, County of Sussex, New Jersey at a meeting held on October 25, 2022.

It is hereby certified that this is a true copy
of the Resolution adopted at a public meeting
held on October 25, 2022.

DARLENE J. TREMONT,
Clerk of the Borough of Franklin

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)				

EXHIBIT A

NOT YET APPROVED BY COUNCIL

Borough of Franklin, County of Sussex

Resolution #2022-109

WHEREAS, the First Presbyterian Church owns real property at 13 Main Street, Franklin Borough, NJ, also known as Block 908 Lot 27 on the Borough Tax Map ("Property"); and,

WHEREAS, the Borough Water and Sewer Collector, CFO, and Mayor have determined the meter is not working properly and,

WHEREAS, the Borough Water and Sewer Collector has stated that a Water/Sewer bill was generated for the Property in the amount of \$1,487.27; and,

WHEREAS, the Borough Water and Sewer Collector has stated that the said billing that was generated from the reading was in error, causing an overbill to the Property in the amount of \$936.27;

NOW THEREFORE BE IT RESOLVED, based on the foregoing representations and information, the Governing Body of the Borough of Franklin that the Water and Sewer Collector is authorized to remove the \$936.27 overbill from the Property account and the Property is hereby relieved of such obligation and the Water and Sewer Collector is hereby relieved from collecting same,

CERTIFICATION: I, Darlene J. Tremont, Municipal Clerk 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 in a meeting held in the Franklin Municipal Building at 46 Main Street at 7:00 PM on October 25, 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)				

**RESOLUTION 2022-110 APPOINTING RISK MANAGEMENT CONSULTANT
2023 Fund Year**

WHEREAS, the Borough of Franklin (hereinafter "Local Unit") has joined the Statewide Insurance Fund (hereinafter "Fund"), a joint insurance fund as defined in N.J.S.A. 40A:10-36 *et seq.*; and

WHEREAS, the Bylaws require participating members to appoint a Risk Management Consultant, as those positions are defined in the Bylaws, if requested to do so by the "Fund"; and

WHEREAS, the Local Unit has complied with relevant law with regard to the appointment of a Risk management Consultant; and

WHEREAS, the "Fund" has requested its members to appoint individuals or entities to that position; and

NOW, THEREFORE, BE IT RESOLVED by the governing body of "Local Unit", in the County of Sussex and State of New Jersey, as follows:

1. Borough of Franklin (Local Unit) hereby appoints Skyland Risk Management, Inc. its Risk Management Consultant.
2. The Administrator, Andrew Bernath and Risk Management Consultant are hereby authorized to execute the Risk Management Consultant's Agreement for the year **2023** in the form attached hereto.

Name of Entity: Borough of Franklin

Attest:

Darlene J. Tremont, Municipal Clerk

Andrew Bernath, CFO/Administrator

Certification

I, Darlene J. Tremont, Municipal Clerk of the Borough of Franklin, County of Sussex, do hereby certify the foregoing to be a true and correct copy of a Resolution adopted by the governing body on October 25, 2022.

Darlene J. Tremont, Municipal Clerk

Witness my hand and seal of the

Borough of Franklin of Sussex County

This 25th day of October 2022

STATEWIDE INSURANCE FUND
RISK MANAGEMENT CONSULTANT'S AGREEMENT

2023 Fund Year

THIS AGREEMENT entered into this 25th day of October 2022, among the Statewide Insurance Fund ("FUND"), a joint insurance fund of the State of New Jersey, Borough of Franklin ("MEMBER") and Skylands Risk Management ("RISK MANAGEMENT CONSULTANT") through a fair and open process, pursuant to N.J.S.A.19:44A-20.4.

WHEREAS, the CONSULTANT has offered to the MEMBER professional risk management consulting services as required by the Bylaws of the FUND; and

WHEREAS, the CONSULTANT has advised the FUND that he/she is familiar with the terms, conditions and operations of the FUND; and

WHEREAS, the MEMBER desires these professional services from the CONSULTANT; and

WHEREAS, the MEMBER has complied with relevant law in regard to the appointment of a Risk Management Consultant; and

WHEREAS, the Bylaws of the FUND require that members engage a CONSULTANT and that the CONSULTANT comply with certain requirements set forth therein.

NOW, THEREFORE, the parties in consideration of the mutual promises and covenants set forth herein, agree as follows:

1. For and in consideration of the amount stated hereinafter, the CONSULTANT shall:
 - (a) assist in evaluating the MEMBER'S exposures and advise on matters relating to the Member's operation and coverage.
 - (b) explain to the MEMBER, or its representatives, the various coverages available from the FUND.
 - (c) explain to the MEMBER, or its representatives, the terms of the member's commitment and obligations to the FUND.
 - (d) explain to the MEMBER, or its representatives the operation of the FUND.

- (e) prepare applications, statements of values, etc., on behalf of the MEMBER, if required by the FUND.
- (f) review the MEMBER'S assessment and assist in the preparation of the MEMBER'S insurance budget.
- (g) review losses and engineering reports and provide assistance to the MEMBER'S safety committee, if required.
- (h) assist in the claim settlement process, if required, by MEMBER or FUND.
- (i) attend the majority of meetings of the Fund Commissioners or Executive Committee, if requested, and perform such other services as required by the MEMBER or the FUND.
- (j) comply with the obligations imposed upon Risk Managers in the FUND's Bylaws.
- (k) act in good faith and fair dealing to the FUND.
- (l) perform other duties for the FUND as may be required from time to time by the FUND.

2. In exchange for the above services, the CONSULTANT shall be compensated in the following manner:

- (a) The CONSULTANT shall be paid by the FUND, on behalf of the MEMBER, a fee as compensation for services rendered. Said fee, an apportionment of the MEMBER's assessment: 6% of workers' compensation (excluding any fees, PLIGA, and loss ratio apportionment); 7.5% of non WC assessment (excluding any fees, PLIGA, and loss ratio apportionment);
- (b) The CONSULTANT shall be entitled to compensation for services provided during any calendar year only if the CONSULTANT has been appointed and holds the position of Risk Management Consultant, as of January 31 of the said calendar year for counties and municipalities holding general elections and July 30 for municipalities holding regular elections.
- (c) For any insurance coverages authorized by the MEMBER to be placed outside the FUND, the CONSULTANT shall receive as compensation the normal brokerage commissions paid by the insurance company. The premiums for said policies shall not be added to the FUND's assessment in computing the fee set forth in 2(a).
- (d) If the MEMBER shall require of the CONSULTANT extra services other

than those outlined above, the CONSULTANT shall be paid by the MEMBER a fee at a rate to be negotiated by the parties.

3. The term of this Agreement shall be from **January 1, 2023** to **January 1, 2024**. However, this Agreement may be terminated by either party at any time by mailing to the other thirty (30) days written notice, certified mail return receipt.
4. The CONSULTANT shall comply with all laws applicable to producers who provide insurance products to public entities and shall comply with all applicable statutes and regulations relating to joint insurance funds.
5. The CONSULTANT agrees to comply with all affirmative action laws applicable in accordance with Exhibit A and to submit all necessary documentation establishing compliance within seven (7) days of this Agreement.

ATTEST:

Andrew Bernath, CFO/Administrator

ATTEST:

Risk Management Consultant Corporate Officer

ATTEST:

Statewide Insurance Fund Chairperson

**EXHIBIT A
STATEWIDE INSURANCE FUND**

MANDATORY EQUAL EMPLOYMENT OPPORTUNITY NOTICE
(N.J.S.A. 10:5-31 et seq. and N.J.A.C. 17:27 et seq.)

GOODS, PROFESSIONAL SERVICES AND GENERAL SERVICE CONTRACTS

This form is a summary of the successful professional service entity's requirement to comply with the requirements of **N.J.S.A. 10:5-31 et seq.** and **N.J.A.C. 17:27 et seq.**

The successful professional service entity shall submit to the Statewide Insurance Fund, after notification of award but prior to execution of this contract, one of the following three documents as forms of evidence:

(a) A photocopy of a valid letter that the vendor is operating under an existing Federally approved or sanctioned affirmative action program (good for one year from the date of the letter);

OR

(b) A photocopy of a Certificate of Employee Information Report approval, issued in accordance with N.J.A.C. 17:27-1.1 et seq.;

OR

(c) A photocopy of a completed Employee Information Report (Form AA302) provided by the Division of Contract Compliance and completed by the vendor in accordance with N.J.A.C. 17:27-1.1 et seq.

The successful professional service entity may obtain the Employee Information Report (AA302) from the Statewide Insurance Fund during normal business hours.

The undersigned professional service entity certifies that he/she is aware of the commitment to comply with the requirements of N.J.S.A. 10:5-31 et seq. and N.J.A.C. 17:27 et seq. and agrees to furnish the required forms of evidence.

The undersigned professional service entity further understands that his/her submission shall be rejected as non-responsive if said professional service entity fails to comply with the requirements of N.J.S.A. 10:5-31 et seq. and N.J.A.C. 17:27 et seq.

COMPANY: _____
Risk Management Consultant

SIGNATURE: _____

PRINT NAME: _____ Wayne F. Dietz

TITLE: _____ President DATE: _____

STATEWIDE INSURANCE FUND

RESOLUTION 2022-111 APPOINTING FUND COMMISSIONER

2023 Fund year

WHEREAS, the Borough of Franklin (hereinafter "Local Unit") is a member of the Statewide Insurance Fund (hereinafter "Fund"), a joint insurance fund as defined in N.J.S.A. 40A:10-36 et seq.; and

WHEREAS, the Fund's Bylaws require participating members to appoint a Fund Commissioner;

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Borough of Franklin (Local Unit) that Andrew Bernath is hereby appointed as the Fund Commissioner for the Local Unit for the **Fund Year 2023**; and

BE IT FURTHER RESOLVED that Darlene J. Tremont is hereby appointed as the Alternate Fund Commissioner for the Local Unit for the **Fund Year 2023**; and

BE IT FURTHER RESOLVED that the Local Unit's Fund Commissioner is authorized and directed to execute all such documents as required by the Fund.

Name of Entity: Borough of Franklin

ATTEST:

Darlene J. Tremont, Municipal Clerk

By: _____

Print Name: John M. Sowden, IV

Title: Mayor

This Resolution agreed to the 25th day of October, 2022, by a vote of:

 Affirmative Abstain Negative Absent

BOROUGH OF FRANKLIN

ORDINANCE No. 15-2022

AN ORDINANCE OF THE BOROUGH OF FRANKLIN, COUNTY OF SUSSEX, AND STATE OF NEW JERSEY MODIFYING SECTION 259-2 REGARDING PARKING

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

SECTION I.

§ 259-2. Parking.

Subsection 259-2D of the Code of the Borough of Franklin is hereby amended to delete reference to Dina's Way.

SECTION II

Subsection 259-2F of the Code of the Borough of Franklin is hereby replaced in its entirety as follows:

F. Parking prohibited at all times on certain streets. No person shall park a vehicle at any time upon any streets or parts thereof described:

Name of Street	Sides	Location
Church Street (part of County Route 631)	East	From a point 65 feet south of the center line of Main Street to the southerly edge of Main Street
County Route 517 (Munsonhurst Road)	Both	Franklin Borough - Ogdensburg Borough border to State Route 23
Cummins Street	Both	Between Rutherford Avenue and Nestor Street
Dina's Way	South	From Mitchell Avenue to Constitution Way
Fowler Street (part of County Route 631)	Both	From North Church Road to Church Street
Hardystonville Road	East	From Mountain Road to a point 100 feet southerly thereof
Junction Street	Both	Between High Street and Main Street
Main Street	North	From Wyker Road in an easterly direction on Main Street for a distance of 235 feet
Main Street	North	From Wyker Road in a westerly direction on Main Street for a distance of 255 feet
Main Street	South	From Church Street (County Route 631) to Evans Street
Main Street	South	From Evans Street in an easterly direction for a distance of 690 feet
Parker Street	Both	Entire Length

SECTION III

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

SECTION IV

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 V

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 October 25, 2022, 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 November 9, 2022, 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

CERTIFICATION

I, Darlene J. Tremont, Clerk of the Borough of Franklin, do hereby certify that the Borough of Franklin Council duly adopted the foregoing Ordinance on the ____ day of _____, 2022.

Darlene J. Tremont, Clerk
Borough of Franklin

John M. Sowden IV, Mayor

Introduced:

Adopted:

**BOROUGH OF FRANKLIN
ORDINANCE NUMBER 16-2022**

**BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF
NON-PASSENGER VEHICLES FOR THE POLICE DEPARTMENT
IN AND FOR THE BOROUGH OF FRANKLIN, IN THE COUNTY
OF SUSSEX, STATE OF NEW JERSEY (THE "BOROUGH");
APPROPRIATING \$225,000 THEREFOR AND AUTHORIZING
THE ISSUANCE OF \$214,285 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 \$225,000, which sum is inclusive of \$10,715 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.

SECTION 2. For the financing of said improvements or purposes described in Section 3 hereof and to meet the said \$225,000 appropriation not provided for by application hereunder of the down payment, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$214,285 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 \$214,285 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, the acquisition of

non-passenger vehicles and related equipment for the Borough Police Department and all costs incidental thereto;

(b) The aggregate estimated maximum amount of bonds or notes to be issued for said improvements or purposes is \$214,285.

(c) The aggregate estimated cost of said improvements or purposes is \$225,000, the excess amount thereof over the said estimated maximum amount of bonds or notes to be issued therefor is the down payment available for said purposes in the amount of \$10,715.

(d) All such improvements or purposes set forth in Section 3(a) shall include, but are not limited to, as applicable, preparation of specifications, bid documents and also shall include all work, materials, equipment, accessories, labor and appurtenances necessary therefor or incidental thereto.

SECTION 4. 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. 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 5.00 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 \$214,285 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 \$45,000 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: October 25, 2022

DARLENE J. TREMONT,
Clerk of the Borough of Franklin

ADOPTED ON SECOND READING
DATED: November 9, 2022

DARLENE J. TREMONT,
Clerk of the Borough of Franklin

APPROVAL BY THE MAYOR ON THIS ____ DAY OF _____, 2022.

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

NOT YET APPROVED BY COUNCIL

NOT YET APPROVED BY COUNCIL