

TOWNSHIP OF FRANKLIN
ORDINANCE NUMBER 3753

BOND ORDINANCE AMENDING BOND ORDINANCE NUMBER 3256 FINALLY ADOPTED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF FRANKLIN, IN THE COUNTY OF SOMERSET, STATE OF NEW JERSEY ON DECEMBER 11, 2001 ENTITLED, "BOND ORDINANCE PROVIDING FOR THE PAYMENT OF THE PURCHASE PRICE FOR THE ACQUISITION OF LANDS FOR OPEN SPACE AND FARMLAND PRESERVATION, ALL LAWFUL AND PUBLIC PURPOSES, BY AND IN THE TOWNSHIP OF FRANKLIN, IN THE COUNTY OF SOMERSET, STATE OF NEW JERSEY (THE "TOWNSHIP"); APPROPRIATING \$14,400,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$13,680,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF," AS AMENDED BY BOND ORDINANCE NUMBER 3293 FINALLY ADOPTED ON JUNE 13, 2002, AS AMENDED BY BOND ORDINANCE NUMBER 3369 FINALLY ADOPTED ON APRIL 8, 2003, AS AMENDED BY BOND ORDINANCE NUMBER 3401 FINALLY ADOPTED ON SEPTEMBER 23, 2003, AS AMENDED BY BOND ORDINANCE NUMBER 3522 FINALLY ADOPTED ON FEBRUARY 8, 2005, AS AMENDED BY BOND ORDINANCE NUMBER 3601 FINALLY ADOPTED ON MARCH 28, 2006, AS AMENDED BY BOND ORDINANCE NUMBER 3619 FINALLY ADOPTED ON JUNE 29, 2006, AS AMENDED BY BOND ORDINANCE NUMBER 3666 FINALLY ADOPTED ON MARCH 13, 2007, AS AMENDED BY BOND ORDINANCE NUMBER 3693 FINALLY ADOPTED ON MAY 8, 2007, AS AMENDED BY BOND ORDINANCE NUMBER 3703 FINALLY ADOPTED ON JUNE 28, 2007 TO AMEND THE DESCRIPTION THEREOF

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

SECTION 1. The bond ordinance of the Township of Franklin, in the County of Somerset, State of New Jersey (the "Township") heretofore finally adopted by the Township Council of the Township on December 11, 2001, number 3256, entitled, "Bond Ordinance Providing for the Payment of the Purchase Price for the Acquisition of Lands for Open Space and Farmland Preservation, All Lawful and Public Purposes, by and in the Township of Franklin, in the County of Somerset, State of New Jersey (the "Township"); Appropriating \$14,400,000 Therefor and

Authorizing the Issuance of \$13,680,000 Bonds or Notes of the Township to Finance Part of the Cost Thereof,” as amended by Bond Ordinance Number 3293 finally adopted on June 13, 2002, as amended by Bond Ordinance Number 3369 finally adopted on April 8, 2003, as amended by Bond Ordinance Number 3401 finally adopted on September 23, 2003 and as amended by Bond Ordinance Number 3522 finally adopted on February 8, 2005, as amended by Bond Ordinance Number 3601 finally adopted on March 28, 2006, as amended by Bond Ordinance Number 3619 finally adopted on June 29, 2006, as amended by Bond Ordinance Number 3666 finally adopted on March 13, 2007, as amended by Bond Ordinance Number 3693 finally adopted on May 8, 2007, as amended by Bond Ordinance Number 3703 finally adopted on June 28, 2007 (hereinafter, collectively the “Original Ordinance”), is hereby amended to the extent and with the effect as follows.

SECTION 2. The description of the improvement or purpose contained in Section 3(a) of the Original Ordinance is hereby amended to read in its entirety:

“(a) The purpose for the financing of which said obligations are to be issued is for the payment of the purchase price for the acquisition of lands for open space and farmland preservation, all in accordance with the provisions of N.J.S.A. 40:12-15.1 et seq., and more specifically N.J.S.A. 40:12-15.7, -15.8, -15.9, such lands being known as the Kingston School property identified as Block 5, Lot 141, consisting of +/- 5.09 acres; the Riddering property identified as Block 5.02, Lot 61, consisting of +/- 41 acres; the Brener property identified as Block 5.02, Lots 30, 35, 44, 58, and 69, consisting of +/- 167.04 acres; the Scott property identified as Block 74.01, Lot 7, consisting of +/- 73.7 acres; the Lemontovich property identified as Block 74.01, Lot 8.01, consisting of +/- 60.59 acres; the Galdi property identified as on Block 74.01, Lot 9, consisting of +/- 74.4 acres; the Miles property identified as Block 83, Lot 83, consisting of +/- 40.8 acres; the Puskas property identified as Block 85, Lot 14.04, consisting of +/- 21.47 acres; Negri-Nepote Farms identified as Block 85, Lots 11.01, 20, 65, and 67, consisting of +/- 140.86 acres; the Cichowski property identified as Block 85, Lot 32, consisting of +/- 36.8 acres; the Central Jersey Jewish Home property identified as Block 386.07, Lot 54.05, consisting of +/- 24.36 acres; the “Tulipwood” property identified as Block 347, Lot 8, consisting of +/- 3.1 acres; the

Carroll property identified as Block 11.01, Lot 52, consisting of +/- 8.94 acres; The Franklin Fields L.P. property identified as Block 11.01, Lot 58, consisting of +/- 9.27 acres; property located at 56 Millstone Road identified as Block 135.01, Lots 23, 24 and 25, consisting of +/- 9076 square feet; the Lecal Kon property located at Cedar Grove Road and Weston Road identified as Block 507, Lot 27, consisting of +/- 70.41 acres; the Berenyi property identified as Block 58, Lots 10.05 and 9.01, consisting of +/- 13.258 and 7.558 acres, respectively; the Harris property identified as Block 85, Lot 22, consisting of +/- 15.3 acres; the Hilpert property identified as Block 86.01, Lot 9.41, consisting of +/- 9.2 acres; the Kiss property identified as Block 10, Lots 2 and 6.04, consisting of +/- 8.52 acres; the Lake property identified as Block 508.02, Lot 10, consisting of +/- 21.99 acres; the Marshall property identified as Block 37.02, Lot 1.01, consisting of +/- 30.5893 acres; the Perrin property identified as Block 57.01, Lot 56, consisting of +/- 7.1 acres; the Pirone property identified as Block 5.02, Lots 42, 43 and 45.02, consisting of +/- 12.83 acres; the R.J. Holding Company property identified as Block 36.01, Lot 6.03, consisting of +/- 24.29 acres; the Falcone property identified as Block 349.02, Lots 105, 106, 107 and 108, consisting of +/- .4 acres; the Elverhigh, Inc., property identified as Block 59.01, Lot 3.01, consisting of +/- 119.3 acres; the Suydam Associates property identified as Blocks 85 and 57.01, Lots 62.01, 62.03 63.01 and 32.01, consisting of +/- 175.5 acres; the Three Fish Property c/o First NJ Realty Properties identified as Block 507.14, Lots 63.01 and 64, consisting of +/- 6.246 acres; the Julius Kiss Farm property identified as Block 10, Lot 6.03, consisting of +/- 8.9 acres; the Kathleen Kiss Farm property identified as Block 10, Lots 2 and 6.04, consisting of +/- 8.52 acres; the Brenner Property identified as Block 9, Lot 47.22, consisting of +/- 7.16 acres; the Jackson Property, located on Amwell Road within the Township and identified as Block 73.01, Lot 40, consisting of +/-16.6 acres; the Higgins Property, identified as Block 5.02, Lots 119.01 and 119.02, consisting of +/- 4 acres; West Point Avenue Properties, comprised of Block 349.01, Lots 58, 59, 60, 61, 62, 63, 64, 65, 66 and 67, consisting of +/- 1.88 acres; Block 345, Lots 16, 17, 18 and 19, consisting of +/- .73 acres; Block 345, Lots 20 and 21, consisting of +/- .36 acres; Block 345, Lots 22, 23, 24, 25, 26 and 27, consisting of +/- 1.10 acres; the P. Madden Farms property located at 54 Route 518 within the Township and identified as Block 10, Lots 10.03 and 10.05, consisting of +/- 18.66 acres; the Berven property located on Mosher Road within the Township and identified as Block 11.01, Lot 11, consisting of +/- 1.45 acres; the Temmer property located on Old Vliet Road within the Township and identified as Block 20.02, Lot 7, consisting of +/- 23.09 acres; the Chrin property located at Coppermine Road and Georgetown Road within the Township and identified as Block 11.01, Lots 22 and 23, consisting of +/- 9.432 acres; the Terhune Farm Preservations property identified as Block 33.01, Lots 16 and 17 and Block 19, Lot 17, consisting of +/- 143 acres; and the Pagano Farm property located at 193 Bennetts Lane within the Township and identified as Block 85, Lot 27, consisting of +/- 7 acres, all such above described Lots and Blocks being designated on the official tax map of the Township and all work and materials necessary therefor or

incidental thereto, including, but not limited to, as required, surveys, environmental testing, title insurance and appraisals, all as shown on and in accordance with the plans and specifications therefor on file in the Office of the Clerk of the Township and now available for public inspection and hereby approved.”

SECTION 3. The capital budget of the Township 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, New Jersey Department of Community Affairs, is on file in the Office of the Clerk of the Township and is available for public inspection.

SECTION 4. Except as expressly amended and supplemented hereby, the Original Ordinance shall remain in full force and effect.

SECTION 5. This bond ordinance shall take effect twenty (20) days after the first publication hereof after final adoption, as provided by the Local Bond Law.

ORDINANCE NO. 3753

This is a true copy of an ordinance adopted by the Township Council Township of Franklin, Somerset County, New Jersey.

Introduced: May 13, 2008
Public Hearing: June 10, 2008
Adoption: June 10, 2008
Notice of Adoption: June 17, 2008
Effective Date: July 7, 2008

Ann Marie McCarthy, Township Clerk

TOWNSHIP COUNCIL OF THE TOWNSHIP OF FRANKLIN

PUBLIC NOTICE

NOTICE OF PENDING BOND ORDINANCE AND SUMMARY

The bond ordinance, the summary terms of which are included herein, was introduced and passed upon first reading at a regular meeting of the governing body of the Township of Franklin, in the County of Somerset, State of New Jersey, on May 13, 2008. It will be further considered for final passage, after public hearing thereon, at a meeting of the governing body to be held at the Township Municipal Building in said County on June 10, 2008 at 7:00 p.m. During the week prior to and up to and including the date of such meeting, copies of the full ordinance will be available at no cost and during regular business hours, at the Clerk's office for the members of the general public who shall request the same. The summary of the terms of such bond ordinance follows:

Title: BOND ORDINANCE AMENDING BOND ORDINANCE NUMBER 3256 FINALLY ADOPTED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF FRANKLIN, IN THE COUNTY OF SOMERSET, STATE OF NEW JERSEY ON DECEMBER 11, 2001 ENTITLED, "BOND ORDINANCE PROVIDING FOR THE PAYMENT OF THE PURCHASE PRICE FOR THE ACQUISITION OF LANDS FOR OPEN SPACE AND FARMLAND PRESERVATION, ALL LAWFUL AND PUBLIC PURPOSES, BY AND IN THE TOWNSHIP OF FRANKLIN, IN THE COUNTY OF SOMERSET, STATE OF NEW JERSEY (THE "TOWNSHIP"); APPROPRIATING \$14,400,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$13,680,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF," AS AMENDED BY BOND ORDINANCE NUMBER 3293 FINALLY ADOPTED ON JUNE 13, 2002, AS AMENDED BY BOND ORDINANCE NUMBER 3369 FINALLY ADOPTED ON APRIL 8, 2003, AS AMENDED BY BOND ORDINANCE NUMBER 3401 FINALLY ADOPTED ON SEPTEMBER 23, 2003, AS AMENDED BY BOND ORDINANCE NUMBER 3522 FINALLY ADOPTED ON FEBRUARY 8, 2005, AS AMENDED BY BOND ORDINANCE NUMBER 3601 FINALLY ADOPTED ON MARCH 28, 2006, AS AMENDED BY BOND ORDINANCE NUMBER 3619 FINALLY ADOPTED ON JUNE 29, 2006, AS AMENDED BY BOND ORDINANCE NUMBER 3666 FINALLY ADOPTED ON MARCH 13, 2007, AS AMENDED BY BOND ORDINANCE NUMBER 3693 FINALLY ADOPTED ON MAY 8, 2007, AS AMENDED BY BOND ORDINANCE NUMBER 3703 FINALLY ADOPTED ON JUNE 28, 2007 TO AMEND THE DESCRIPTION THEREOF

Purpose(s): Amending Bond Ordinance Number 3256 (which provides for the acquisition of

lands for open space and farmland preservation) to amend the description to include the acquisition of the Pagano Farm property located at 193 Bennetts Lane within the Township and identified as Block 85, Lot 27, consisting of +/- 7 acres, on the official tax map of the Township

No additional appropriation, authorization or down payment are being authorized

Useful Life: 40 years (unchanged)

Section 20

Costs: (unchanged)

**ANN MARIE MCCARTHY,
Township Clerk**

TOWNSHIP COUNCIL OF THE TOWNSHIP OF FRANKLIN

PUBLIC NOTICE

BOND ORDINANCE STATEMENTS AND SUMMARY

The bond ordinance, the summary terms of which are included herein, has been finally adopted by the Township Council of the Township of Franklin, in the County of Somerset, State of New Jersey on June 10, 2008 and the twenty (20) day period of limitation within which a suit, action or proceeding questioning the validity of such ordinance can be commenced, as provided in the Local Bond Law, has begun to run from the date of the first publication of this statement. Copies of the full ordinance are available at no cost and during regular business hours, at the Clerk's office for members of the general public who request the same. The summary of the terms of such bond ordinance follows:

Title: BOND ORDINANCE AMENDING BOND ORDINANCE NUMBER 3256 FINALLY ADOPTED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF FRANKLIN, IN THE COUNTY OF SOMERSET, STATE OF NEW JERSEY ON DECEMBER 11, 2001 ENTITLED, "BOND ORDINANCE PROVIDING FOR THE PAYMENT OF THE PURCHASE PRICE FOR THE ACQUISITION OF LANDS FOR OPEN SPACE AND FARMLAND PRESERVATION, ALL LAWFUL AND PUBLIC PURPOSES, BY AND IN THE TOWNSHIP OF FRANKLIN, IN THE COUNTY OF SOMERSET, STATE OF NEW JERSEY (THE "TOWNSHIP"); APPROPRIATING \$14,400,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$13,680,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF," AS AMENDED BY BOND ORDINANCE NUMBER 3293 FINALLY ADOPTED ON JUNE 13, 2002, AS AMENDED BY BOND ORDINANCE NUMBER 3369 FINALLY ADOPTED ON APRIL 8, 2003, AS AMENDED BY BOND ORDINANCE NUMBER 3401 FINALLY ADOPTED ON SEPTEMBER 23, 2003, AS AMENDED BY BOND ORDINANCE NUMBER 3522 FINALLY ADOPTED ON FEBRUARY 8, 2005, AS AMENDED BY BOND ORDINANCE NUMBER 3601 FINALLY ADOPTED ON MARCH 28, 2006, AS AMENDED BY BOND ORDINANCE NUMBER 3619 FINALLY ADOPTED ON JUNE 29, 2006, AS AMENDED BY BOND ORDINANCE NUMBER 3666 FINALLY ADOPTED ON MARCH 13, 2007, AS AMENDED BY BOND ORDINANCE NUMBER 3693 FINALLY ADOPTED ON MAY 8, 2007, AS AMENDED BY BOND ORDINANCE NUMBER 3703 FINALLY ADOPTED ON JUNE 28, 2007 TO AMEND THE DESCRIPTION THEREOF

Purpose(s): Amending Bond Ordinance Number 3256 (which provides for the acquisition of lands for open space and farmland preservation) to amend the description to

include the acquisition of the Pagano Farm property located at 193 Bennetts Lane within the Township and identified as Block 85, Lot 27, consisting of +/- 7 acres, on the official tax map of the Township

No additional appropriation, authorization or down payment are being authorized

Useful Life: 40 years (unchanged)

Section 20

Costs: (unchanged)

**ANN MARIE MCCARTHY,
Township Clerk**

CERTIFICATE OF INTRODUCTION

I, the undersigned Clerk of the Township of Franklin, in the County of Somerset, State of New Jersey, DO HEREBY CERTIFY that the foregoing is an extract from the Minutes of a regular meeting of the governing body of the Township duly called and held on May 13, 2008 at 7:00 p.m. at the Township Municipal Building, and that the following was the roll call:

Present: Danile, Eberle, Francois, Glicklich, Levine, Mettler, Prasad, Sumter, Vassanella

Absent: None

I FURTHER CERTIFY that the foregoing extract has been compared by me with the original minutes as officially recorded in my office in the Minute Book of the governing body and is a true, complete and correct copy thereof and of the whole of the original minutes so far as they relate to the subject matters referred to in the extract.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Township this 7th day of July, 2008.

(SEAL)

ANN MARIE MCCARTHY,
Township Clerk

CERTIFICATE OF FINAL ADOPTION

I, the undersigned Clerk of the Township of Franklin, in the County of Somerset, State of New Jersey, DO HEREBY CERTIFY that the foregoing is an extract from the Minutes of a regular meeting of the governing body of the Township duly called and held on June 10, 2008 at 7:00 p.m. at the Township Municipal Building and that the following was the roll call:

Present: Danile, Eberle, Glicklich, Levine, Mettler, Prasad, Vassanella

Absent: Francois, Sumter

I FURTHER CERTIFY that the foregoing extract has been compared by me with the original minutes as officially recorded in my office in the Minute Book of the governing body and is a true, complete and correct copy thereof and of the whole of the original minutes so far as they relate to the subject matters referred to in the extract.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Township this 7th day of July, 2008.

(SEAL)

ANN MARIE MCCARTHY,
Township Clerk

CLERK'S CERTIFICATE

I, ANN MARIE MCCARTHY, DO HEREBY CERTIFY that I am the Clerk of the Township of Franklin, in the County of Somerset (the "Township"), a municipal corporation organized and existing under the laws of the State of New Jersey, and that as such I am duly authorized to execute and deliver this certificate on behalf of the Township. In such capacity, I have the responsibility to maintain the minutes of the meetings of the governing body of the Township and the records relative to all resolutions and ordinances of the Township. The representations made herein are based upon the records of the Township. I DO HEREBY FURTHER CERTIFY THAT:

(1) Attached hereto is the bond ordinance introduced on May 13, 2008 and finally adopted on June 10, 2008.

(2) After introduction, the bond ordinance was published as required by law on May 27, 2008 in the Courier News.

(3) Following the passage of the ordinance on first reading, and at least seven (7) days prior to the final adoption thereof, I caused to be posted in the principal municipal building of the Township at the place where public notices are customarily posted, a copy of said ordinance or a summary thereof and a notice that copies of the ordinance would be made available to the members of the general public of the Township who requested copies, up to and including the time of further consideration of the ordinance by the governing body. Copies of the ordinance were made available to all who requested same.

(4) After final passage, the ordinance was duly published as required by law on June 16, 2008 in the Courier News. No protest signed by any person against making any

improvement or incurring the indebtedness authorized therein, nor any petition requesting that a referendum vote be taken on the action proposed in the ordinance has been presented to the governing body or to me or filed in my office within twenty (20) days after said publication or at any other time after the final passage thereof.

(5) The ordinance has not been amended, added to, altered or repealed and said ordinance is now in full force and effect.

(6) A certified copy of this ordinance and a copy of the amended capital budget form has been filed with the Director of the Division of Local Government Services, within the New Jersey Department of Community Affairs, as applicable.

(7) An impression of the official seal of the Township is affixed opposite my signature on this Certificate.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Township this 7th day of July 2008.

(SEAL)

ANN MARIE MCCARTHY,
Township Clerk