

TOWNSHIP OF FRANKLIN
COUNTY OF GLOUCESTER
O-9-12

REFUNDING BOND ORDINANCE PROVIDING FOR PAYMENT OF AMOUNTS OWING TO OTHERS FOR TAXES LEVIED IN AND BY THE TOWNSHIP OF FRANKLIN, IN THE COUNTY OF GLOUCESTER, NEW JERSEY, APPROPRIATING NOT TO EXCEED \$5,800,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$5,800,000 BONDS OR NOTES OF THE TOWNSHIP FOR FINANCING THE COST THEREOF.

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

Section 1. The Township of Franklin, in the County of Gloucester, New Jersey (the "Township") is hereby authorized to refund on a current basis all, or a portion of, the Township's outstanding \$5,595,000 General Obligation Bonds issued in 2002 (the "Refunded Bonds") at a redemption price equal to 100% of the principal amount outstanding of the Refunded Bonds and interest through the redemption date for the Refunded Bonds and to pay the costs related to the issuance of the Refunding Bonds (as defined below) and the expenses related to redeeming the Refunded Bonds.

Section 2. An aggregate amount not exceeding \$130,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-51(b) has been included in the aggregate principal amount of refunding bonds authorized herein.

Section 3. In order to finance the cost of the project described in Section 1 hereof, negotiable refunding bonds are hereby authorized to be issued in the principal amount not in excess of \$5,800,000 (the "Refunding Bonds") pursuant to the Local Bond Law.

Section 4. In anticipation of the issuance of the refunding bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law. All refunding bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer, provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations.

All notes issued hereunder may be renewed from time to time, but all such notes including renewals shall mature and be paid no later than the fifth anniversary of the date of the original notes; provided, however, that no notes shall be renewed beyond the first or any succeeding anniversary date of the original notes unless an amount of such notes, at least equal to the first legally payable installment of the bonds in anticipation of which the notes are issued, determined in accordance with the maturity schedule for the bonds approved by the Local Finance Board, is paid and retired on or before such anniversary date; and provided, further, that the period during which the bond anticipation notes and any renewals thereof and any permanent bonds are outstanding, shall not exceed the period set for the maturity of the bonds by the Local Finance Board.

The chief financial officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest 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 ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The chief financial officer of the Township 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 Township and to execute such disclosure document on behalf of the Township. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Township 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 Township 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 Township fails to comply with its undertaking, the Township shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 6. The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$5,800,000, and the obligations authorized herein have been authorized in accordance with that Law.

Section 7. The full faith and credit of the Township 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 Township, and the Township shall be obligated to levy ad valorem taxes upon all the taxable real property within the Township for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 8. A certified copy of this refunding bond ordinance as adopted on first reading has been filed with the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey prior to final adoption, together with a complete statement in the form prescribed by the Director and signed by the chief financial officer of the Township as to the indebtedness to be financed by the issuance of the refunding bonds authorized herein.

Section 9. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law, provided that the consent of the Local Finance Board has been endorsed upon a certified copy of this ordinance as finally adopted.

ATTEST:

TOWNSHIP OF FRANKLIN

CAROLYN K. TOY, CLERK

JOSEPH C. PETSCH, MAYOR

CERTIFICATION

I, CAROLYN TOY, Clerk of the Township of Franklin, County of Gloucester, do hereby certify that the foregoing ordinance was introduced at a regular meeting of the Township of Franklin held on Tuesday, May 8, 2012, and thereafter duly advertised in the legal newspaper of the Township at least 10 days prior to it being considered for final passage and adoption at a subsequent meeting to be held on June 26, 2012, at which time any person interested therein will be given an opportunity to be heard.

CAROLYN TOY, CLERK

NOTICE OF PENDING BOND ORDINANCE AND SUMMARY

PUBLIC NOTICE IS HEREBY GIVEN that the refunding bond ordinance, the summary terms of which are included herein, was duly introduced and passed upon first reading at a regular meeting of the Township Committee of the Township of Franklin, in the County of Gloucester, New Jersey, held on May 8, 2012. It will be further considered for final passage and adoption, after public hearing thereon, at a regular meeting of said Township Committee to be held in the Municipal Building, 1571 Delsea Drive, Franklinville, New Jersey on June 26, 2012 at 8:00 o'clock p.m. During the week prior to and up to and including the date of such meeting, copies of the full ordinance will be made available at not cost and during regular business hours, at the Township Clerk's office in the Municipal Building to the members of the general public who shall request the same. The summary of the terms of such bond ordinance follows:

Title: REFUNDING BOND ORDINANCE PROVIDING FOR PAYMENT OF AMOUNTS OWING TO OTHERS FOR TAXES LEVIED IN AND BY THE TOWNSHIP OF FRANKLIN, IN THE COUNTY OF GLOUCESTER, NEW JERSEY, APPROPRIATING NOT TO EXCEED \$5,800,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$5,800,000 BONDS OR NOTES OF THE TOWNSHIP FOR FINANCING THE COST THEREOF.

Purpose(s): Refund on a current basis all, or a portion of, the Township's outstanding \$5,595,000 General Obligation Bonds issued in 2002 (the "Refunded Bonds") at a redemption price equal to 100% of the principal amount outstanding of the Refunded Bonds and interest through the redemption date for the Refunded Bonds and to pay the costs related to the issuance of the Refunding Bonds and the expenses related to redeeming the Refunded Bonds.

Appropriation: \$5,800,000

Debt Authorized: \$5,800,000

Grants Appropriated: N/A.

Section 51 Costs: \$130,000

Carolyn Toy, Township Clerk

This Notice is published pursuant to N.J.S.A. 40A:2-17.