

**RESOLUTION BY THE BOARD OF COMMISSIONERS OF FIRE DISTRICT No. 1 OF  
THE FRANKLIN TOWNSHIP IN THE COUNTY OF SOMERSET AND STATE OF  
NEW JERSEY AUTHORIZING A PROPERTY TAX CAP LEVY REFERENDUM ON  
FEBRUARY 21, 2009.**

09-09

**WHEREAS, N.J.S.A. 40A:4-45.45** provides that in preparation of its budget a fire district shall limit any increase in its property tax levy to four percent (4.0%) over the previous year's amount to be raised by taxation, subject to certain exceptions and additions; and,

**WHEREAS, N.J.S.A. 40A:4-45.46(b)**, permits a fire district to increase amount to be raised by taxation by a percentage rate greater than four percent (4.0%) where said increase is approved by referendum; and,

**WHEREAS,** the Board of Commissioners of Fire District Number 1 in the Franklin Township, in the County of Somerset has called for a referendum question as part of its annual election pursuant to N.J.S.A. 40A:4-45.46(b) because it finds it advisable and necessary to increase its 2009 amount to be raised by taxation budget by more than four percent (4.0%) over the 2008 amount to be raised by taxation, to provide and maintain essential district services for the residents of the district; and,

**WHEREAS,** the Board of Commissioners of Fire District Number 1 in the Franklin Township, hereby determines that \$100,641.00 in excess of the increase in the amount to be raised by taxation otherwise permitted by a four (4.0%) tax levy cap, will only become effective upon authorization by sixty percent (60%) of the voters casting a ballot at the annual fire district election and,

**WHEREAS,** this additional amount will be appropriated for the purposes set forth below, increasing the total appropriation for each such purpose from what would otherwise be provided under the limitations of a 4.0% tax levy cap, as set forth below:

Line item name	Amount if referendum fails	Amount if referendum passes
Recruitment/Retention/Fire Prevention	\$0.00	\$75,000.00
District Radios/Pagers	\$0.00	\$25,641.00

**NOW, THEREFORE BE IT RESOLVED,** that the question to be placed on the ballot shall be as follows:

"Shall the Board of Commissioners of Fire District No. 1 in Franklin Township be authorized to increase the 2009 amount to be raised by taxation in the Fire District annual budget, \$100,641.00 as provided by N.J.S.A. 40A:4-45.45, notwithstanding that its amount to be raised by taxation will exceed the four percent (4.0%) increase limitation.

\_\_\_ Yes

\_\_\_ No

**INTERPRETIVE STATEMENT**

A "yes" vote will authorize the Board of Commissioners of the fire district to adopt the budget that was approved by the Board. N.J.S.A. 40A:4-45.45 provides a tax levy "cap" of four percent (4.0%) on the amount of increase. This amount can be exceeded when approved by referendum of the voters.

The following are those line items to which the increases apply:

Recruitment/Retention/Fire Prevention

Pagers

...

If referendum is approved (a "yes" vote), the amount to be raised by taxation will include this amount.

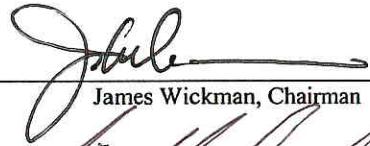



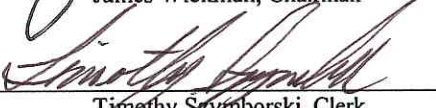















A "no" vote means that the Board of Commissioners must adopt the budget within the increase limits otherwise set forth by the law.

**BE IT FURTHER RESOLVED**, that said referendum be, and the same is scheduled for February 21, 2009, between the hours of 2:00 and 9:00 p.m., prevailing time, in the manner provided by statute.

**BE IT FURTHER RESOLVED**, that the budget of the Board of Commissioners of Fire District No. 1 of Franklin Township for 2009 is hereby authorized to be published in The Home News and Courier News.

**BE IT FURTHER RESOLVED**, that a public hearing on the budget will be held at the Middlebush VFD, 21 Olcott St., Somerset, NJ at 7:00PM on January 23, 2009 at which time and place objections to said budget may be presented by taxpayers or other interested parties.

**BE IT FURTHER RESOLVED**, that two (2) certified copies of this Resolution, shall be transmitted to the Director of the Division of Local Government Services, within 3 days after adoption with the recorded vote included thereon as required by N.J.S.A. 40A:4-5.

 James Wickman, Chairman	 YES	 NO	 ABSTAIN
 Timothy Szymborski, Clerk	 YES	 NO	 ABSTAIN
 William Cullen III, Treasurer	 YES	 NO	 ABSTAIN
 Louis L. Hajdu-Nemeth Jr., Commissioner	 YES	 NO	 ABSTAIN
 Rich De Lisi, Commissioner	 YES	 NO	 ABSTAIN

I HEREBY CERTIFY THAT THIS IS A TRUE COPY OF THE RESOLUTION APPROVED BY THE COMMISSIONERS OF FIRE DISTRICT NO. 1, FRANKLIN TOWNSHIP, SOMERSET COUNTY, NEW JERSEY AT THEIR REGULAR MEETING HELD ON JANUARY 23, 2009

  
TIMOTHY SZYMBORSKI, CLERK