

RESOLUTION OF THE BOARD OF FIRE COMMISSIONERS OF FIRE DISTRICT NO. 1 IN THE TOWNSHIP OF WEYMOUTH, IN THE COUNTY OF ATLANTIC, NEW JERSEY PROVIDING FOR THE ACQUISITION OF A FIRE TRUCK THROUGH A LEASE PURCHASE TRANSACTION AND AUTHORIZING EXECUTION OF A LEASE PURCHASE AGREEMENT AND OTHER RELATED AGREEMENTS AND ACTIONS NECESSARY TO ACCOMPLISH THE TRANSACTION

WHEREAS, The Board of Fire Commissioners of Fire District No. 1 in the Township of Weymouth, in the County of Atlantic, New Jersey (the "Board" when referring to the governing body and the "Fire District" when referring to the legal entity governed by the Board) has determined to finance the acquisition of a fire truck, inclusive of financing costs and any additional incidental costs (the "Equipment") through a lease purchase transaction; and

WHEREAS, the Fire District has selected McManimon, Scotland & Baumann, LLC to serve as Special Counsel (the "Special Counsel") for the transaction contemplated hereby; and

WHEREAS, the Fire District has followed the procedures required by N.J.S.A. 40A:11-1 et seq., as required, and the regulations promulgated thereunder; and

WHEREAS, on January 18, 2024, the Fire District published in the Vineland Daily Journal a request for bids for the financing of the Equipment pursuant to a federally tax-exempt lease purchase agreement (the "Lease") in a principal amount not to exceed \$750,000 (the "Request for Bids") and hereby ratifies the publication of such Request for Bids; and

WHEREAS, the Fire District received two (2) bids in response to its Request for Bids as follows:

<u>Date of Bid</u>	<u>Bidder</u>
January 23, 2024	Community Leasing Partners
January 31, 2024	Municipal Asset Management, Inc.

; and

WHEREAS, Community Leasing Partners (the "Lessor") submitted the lowest and most responsive and responsible bid in response to the Request for Bids; and

WHEREAS, the Fire District desires to award the Lease to the Lessor in accordance with the terms of the Lessor's bid and the Request for Bids and to authorize the Fire District Chairman, the Fire District Treasurer, the Fire District Secretary and Special Counsel to prepare and execute the Lease and any and all other documents, agreements or certificates necessary or incidental to the transactions contemplated thereby or hereby; and

WHEREAS, on March 13, 2024, the Local Finance Board, in the Division of Local Government Services, Department of Community Affairs of the State of New Jersey, adopted a resolution containing positive findings in connection with its review of the acquisition and financing of the Equipment pursuant to N.J.S.A. 40A:5A-6;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD AS FOLLOWS:

Section 1. The Fire District hereby awards the Lease to the Lessor in the principal amount of \$270,000 at an annual interest rate of 4.55% for a term of ten (10) years. This award is being made in accordance with the Request for Bids and the bid submitted by the Lessor to the Fire District on January 23, 2024 and on file with the Fire District. The Lessor's interest rate will be held fixed for a period of 60 days from the date of the quote. If the closing does not occur within 60 days of the date of the quote, the interest rate will be calculated in accordance with the index rate set forth in the Request for Bids.

Section 2. The Fire District hereby authorizes the execution and the delivery of and the performance by the Fire District of its obligations under the Lease and other related financing agreements, documents and certificates, which shall be in the form approved by Special Counsel. The Fire District hereby authorizes and directs the Fire District Chairman, Fire District Treasurer

and/or Fire District Secretary to execute the Lease and any and all agreements, documents and certificates necessary or incidental to the transactions contemplated thereby or hereby on behalf of the Fire District. The signature of any such Fire District official shall be conclusive proof of such approval.

Section 3. The Lease sets forth the term of the lease purchase acquisition by the Fire District of the Equipment, the rental payments to be paid by the Fire District in respect thereof and the dates on which rent shall be due and payable.

Section 4. The proceeds of the sale of the Lease shall be applied to pay all costs to acquire the Equipment.

Section 5. The Fire District Chairman and Fire District Treasurer are each hereby authorized and directed to direct the investment of funds under an escrow deposit agreement (the "Escrow Agreement"), if necessary, between the Fire District and the escrow agent, consistent with the provisions of New Jersey law and the Escrow Agreement and is authorized to enter into such agreement, to execute such documents on behalf of the Fire District as may be necessary therefor and to pay any associated costs with the Escrow Agreement.

Section 6. The Fire District hereby covenants that it will comply with any conditions subsequent imposed by the Internal Revenue Code of 1986, as amended (the "Code"), in order to preserve the exemption from taxation of the interest portion of the rental payments under the Lease, including, if applicable, the requirement to rebate all net investment earnings on the gross proceeds above the yield on the Lease. The Fire District does not intend to issue more than \$10,000,000 of tax-exempt obligations in calendar year 2024 that would count towards the limitation imposed by Section 265 of the Code and hereby designates the Lease as "bank-qualified" for purposes of Section 265 of the Code. The Fire District hereby declares its intent to

issue the Lease in the expected maximum principal amount of the Lease set forth herein and to use the proceeds of the Lease to pay or reimburse expenditures for the costs of the purpose for which the Lease is authorized hereby. This resolution is a declaration of intent within the meaning and for the purposes of Treasury Regulations Section 1.150-2 or any successor provisions of federal income tax law.

Section 7. The Fire District Chairman, Fire District Treasurer, Fire District Secretary and Special Counsel are each hereby authorized and directed to take any and all actions necessary to implement the transactions and the agreements contemplated hereby, and any such actions taken prior to adoption of this resolution, including the publication of the notice of the Request for Bids, is hereby ratified, approved and affirmed in all respects.

Section 8. This resolution shall take effect immediately.

CERTIFICATE

I, Donnel Ruga, Secretary of The Board of Fire Commissioners of Fire District No. 1 in the Township of Weymouth, in the County of Atlantic, New Jersey (the "Board of Commissioners"), HEREBY CERTIFY that the foregoing annexed extract from the minutes of a meeting of the Board of Commissioners duly called and held on May 21, 2024 has been compared by me with the original minutes as officially recorded in my office in the Minute Book of the Board of Commissioners 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.

AYES: 4

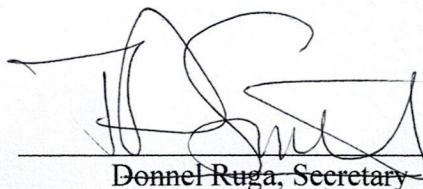
NAYS:

ABSTENTIONS:

ABSENT: 1

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the Board of Commissioners this 21 day of May, 2024.

[SEAL]



Donnel Ruga, Secretary

Tatiana Pietrosante, Acting Secretary

