

THE COMMISSIONERS OF FIRE DISTRICT NO. 4 IN THE TOWNSHIP OF HOWELL,
COUNTY OF MONMOUTH

RESOLUTION AUTHORIZING SPECIAL ELECTION IN ACCORDANCE WITH N.J.S.A. 40A:14-85 RELATIVE TO THE FIRE DISTRICT'S SHARE OF THE COST OF VARIOUS IMPROVEMENTS TO THE TOWNSHIP'S COMMUNICATIONS INFRASTRUCTURE, INCLUDING THE CONSTRUCTION OF A NEW TOWER AND ACQUISITION OF VARIOUS ITEMS OF COMMUNICATIONS EQUIPMENT, IN AN AMOUNT NOT EXCEEDING \$1,000,000.00, TOGETHER WITH INTEREST THEREON, AND THE FINANCING BY THE FIRE DISTRICT OF THE COSTS THEREOF THROUGH THE EXECUTION OF A SHARED SERVICES AGREEMENT WITH THE TOWNSHIP AND OTHER FIRE DISTRICTS, AND THE ISSUANCE BY THE FIRE DISTRICT OF ITS NOTES AND/OR BONDS TO THE TOWNSHIP

WHEREAS, the Fire Districts in the Township had a study undertaken by a radio consultant relative to issues of communication on the fire scene and any necessary improvements required relative to same; and

WHEREAS, the radio consultant advised the Fire Districts that the purchase and installation of radio equipment and accessories was necessary to ensure proper firematic operations and the continued safety of the firefighters and the public; and

WHEREAS, the Fire Districts have secured the necessary pricing from a vendor concerning the purchase and installation of the radio equipment and accessories; and

WHEREAS, the Fire Districts have additionally engaged in discussion with the Township of Howell concerning the Township's overall communications infrastructure and the desirability of undertaking improvements to Township and Fire District communications infrastructure in a coordinated manner; and

WHEREAS, the Township expects to issue its notes and/or bonds for the total cost of various improvements to the Township's communications infrastructure, including construction of a new 150-foot tower at 993 Highway 33, construction of shelters at various locations, and acquisition of various items of communications equipment, as set forth generally in plans and specifications on file in the office of the Municipal Clerk of the Township, which improvements will benefit both the Township and the Fire Districts, provided that (i) each Fire District commits to pay its allocable share of the costs thereof to the Township through the execution by the Fire District of a shared services agreement with the Township and the other Fire Districts, and (ii) each Fire District secures

such payment obligation in respect of such capital costs through the issuance of its notes and/or bonds to the Township; and

WHEREAS, the Fire District's allocable share of such improvements to the Township's communications infrastructure is a capital project of the Fire District which requires voter approval, and the debt service payments to be made by the Fire District under the shared services agreement in respect of such capital costs (including debt service on its notes and/or bonds) constitute capital expenditures of the Fire District excluded from the Fire District's tax levy cap under N.J.S.A. 40A:4-44.45; and

WHEREAS, the Fire District's allocable share of the total capital cost of such improvements to the Township's communications infrastructure will not exceed \$1,000,000.00, together with interest thereon; and

WHEREAS, in addition to the capital costs, the shared services agreement will provide that each Fire District will be responsible for paying to the Township a portion of the operating costs relating to such improvements to the Township's communications infrastructure.

NOW, THEREFORE, BE IT RESOLVED, by the Commissioners of Fire District No. 4 in the Township of Howell, County of Monmouth, as follows:

- (1) The Fire District hereby authorizes that a special election be held on October 29, 2022 to secure voter approval for Fire District's share of the cost of various improvements to the Township's communications infrastructure, including construction of a new 150-foot tower at 993 Highway 33, construction of shelters at various locations, and acquisition of various items of communications equipment, as set forth generally in plans and specifications on file in the office of the Municipal Clerk of the Township, which improvements will benefit the Fire District, in an amount not exceeding \$1,000,000.00, together with interest thereon, and the financing by the Fire District of the costs thereof through the execution by the Fire District of a shared services agreement with the Township and the other Fire Districts, and the issuance by the Fire District of its notes and/or bonds to the Township; and
- (2) The election shall be held in compliance with New Jersey statute and the appropriate publication and posting of notices shall be done in accordance with statutes as applicable; and

BE IT FURTHER RESOLVED, that the within Resolution shall be effective immediately upon passage; and

BE IT FURTHER RESOLVED, that any resolution or part of a resolution inconsistent herewith is hereby repealed or otherwise revoked; and

BE IT FURTHER RESOLVED, that if any section, paragraph, sentence, clause or phrase in this Resolution is for any reason held or determined to be unconstitutional or invalid, same shall not affect the remainder of this Resolution; and

BE IT FURTHER RESOLVED, that notwithstanding anything set forth herein to the contrary, the Board shall be permitted to amend, modify, repeal or otherwise act as to those topics which are the subject of this Resolution provided said acts are consistent with public policy, Board bylaws, township ordinances, local, state and federal laws and rules and regulations promulgated thereunder; and

BE IT FURTHER RESOLVED, that an original signed, conformed and compared copy of this Resolution be accessible and maintained as an official Board record pursuant to and in accordance with the "Open Public Records Act"; N.J.S.A. 47:1A-1, *et seq.* and the "Destruction of Public Records Law (1953)"; N.J.S.A. 47:3-8.1, *et seq.* as set forth by the State of New Jersey Municipal Agency Record Retention Schedule promulgated by the Division of Archives and Record Management.


CERTIFICATION

I, MICHAEL L. ACAMPORA, Clerk of the Board of Fire Commissioners of Fire District No. 4, Township of Howell, County of Monmouth, State of New Jersey, do hereby certify that the foregoing is a true conformed and compared copy of an original Resolution now on file and of record in the District office which was duly adopted at a public meeting held on the 1st day of September, 2022.

I do further certify that the said Board of Fire Commissioners of Fire District No. 4, Township of Howell, County of Monmouth, State of New Jersey, is composed of - 5 - members, and that - 3 - members were present and - 3 - members voted affirmatively for the adoption of the Resolution and - 0 - members voted against the adoption of the Resolution.

The undersigned further certifies that the above Resolution has not been repealed or amended and remains in full force and effect.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of said Board of Fire Commissioners of Fire District No. 4, Township of Howell, County of Monmouth, State of New Jersey, on this 1st day of September, 2022.



MICHAEL L. ACAMPORA, CLERK
Board of Fire Commissioners
Fire District No. 4
Township of Howell