

December 6, 2012

The Board of Fire Commissioners Fire District # 1 Borough of Englishtown, State of New Jersey, convened on Thursday December 6, 2012 regular scheduled meeting of the Board, in the Formal Meeting Room of the Englishtown Fire Department, 3 South Main St. Englishtown, New Jersey.

The meeting was called to order at 8:13 P.M. by Chairman T. Kirkland

1. **Sunshine Statement** by Joseph D. Youssouf

Statement is hereby given that adequate notice of this meeting was given by:

1. The mailing of said notice to the Asbury Park Press.
2. The prominent posting of said notice at the Englishtown Fire Department.

Roll Call showed the following members in attendance:

Present: T. Frueh, G. Maresca, P. Cooke (tardy), and M. Galasso

Minutes: Tabled until next month

Financial: The Treasurer's Report was given by T. Frueh with the recommendation to pay the attached bill list for the month of December, 2012 in the amount of \$26,529.99 Offered by G. Maresca and seconded by T. Frueh, and motion passed by a roll call vote:

Ayes: T. Frueh, M. Galasso, and G. Maresca

Legal and Audit: Resolution to adopt audit

A motion was made by G. Maresca and seconded by M. Galasso

Ayes: T. Frueh, G. Maresca, and M. Galasso

Audit: Resolution to move \$50,000 from LOSAP to General Fund: Motion: T. Frueh 2nd: G. Maresca

Ayes: G. Maresca, T. Frueh, and M. Galasso

Resolution to adopt 2013 budget: Motion: M. Galasso 2nd: G. Maresca

Ayes: G. Maresca, T. Frueh, P. Cooke, and M. Galasso

Chief's Report: See Attached

Department Engineer's Report: See Attached

President's Report: No report

Fire Bureau: Deposits of \$170. New inspection program is being set up for 1st of year. Pay as you go policy. After this, start looking into vehicle purchase.

LOSAP: No Report

Fire Bureau: See Attached

Correspondence: N/A

Insurance: 2 Claims (12-74 and 12-75) submitted. Adjuster should be contacting us shortly. Last Workers Comp paid. Next Premium billed 12/3. Members of Fire Bureau are not on the policy. Claim for Bill Lennon- Need Accident/sickness form. Workers comp rejected claim.

Old Business: Centrastate Drug Screening is \$65/person. Website: Design work almost completed. Few more pieces of information needed.

New Business: Line Item transfer: \$3,748 from truck repair to insurance. A motion was made by T. Frueh and seconded by P. Cooke.

Ayes: P. Cooke, G. Maresca, T. Frueh, and M. Galasso

Public Open Portion: None

Meeting Adjournment: at 8:53 P.M. after a motion by G. Maresca and seconded by P. Cooke and approved by a roll call vote.

Certified at the January 3, 2013 meeting _____

12/6/12

**RESOLUTION OF THE BOARD OF FIRE COMMISSIONERS
FIRE DISTRICT NO.1 BOROUGH OF ENGLISHTOWN
AUTHORIZING LINE ITEM TRANSFERS AND ADJUSTMENTS**

WHEREAS; N.J.S.A. 40A:14-78.9 provides that whenever it shall become necessary during the last two months of the fiscal year to expend amounts in excess of those amounts of appropriations specified in the various line items of the operating appropriations section of the annual budget, and there shall be excess appropriations in other line items of the operating appropriations section of the budget, the board of fire commissioners may, by resolution setting forth the facts, adopted by not less than a 2/3 vote of the full membership of the board, transfer the amount of the excess to those appropriations deemed to be insufficient; and

WHEREAS; the Treasurer of the District has advised the Board that line item transfers are necessary to cover expenditures proposed to be made within the various line items of the appropriations section of the District's budget ; and

WHEREAS; there exist excess appropriations in Truck Repairs of the appropriations section of the 2012 budget in the amount of \$3,7480.00, which may be transferred to cover proposed excess expenditures for Insurance in the amount of \$3,7480.00.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Board of Fire Commissioners of Fire District No.1 Borough of Englishtown that the sum of \$3,748.00 be transferred from the Budget Line Item "Truck Repairs" to the Budget Line Item "Insurance" as proposed by the District's Treasurer.

Moved by:

Seconded by:

Roll Call Vote:

Ayes:

Nays:

Absent:

Abstain:

Certified to be a true copy of a Resolution adopted by the Board of Fire Commissioners of Fire District No.1 Borough of Englishtown on 6th day of December, 2012.

_____, Clerk

RECEIPT FOR BOND ANTICIPATION NOTE
AND CERTIFICATION AS TO PAYMENT

I, the undersigned, acting on behalf of Englishtown Firemen's Relief Association, Englishtown, New Jersey (the "Purchaser"), HEREBY ACKNOWLEDGE receipt of a \$45,000 Bond Anticipation Note (the "Note") of Fire District No. 1 in the Borough of Englishtown, in the County of Monmouth, New Jersey (the "Fire District"), in consideration for which the Purchaser has promised to pay \$45,000.

I FURTHER CERTIFY that \$45,000 has been wired and confirmed, received and credited to _____ Bank, ABA # _____, for further credit to the account of the Englishtown Fire District No. 1 Account # _____ in payment of the Note.

The Purchaser has not reoffered the Note to the public and does not expect to do so. The Purchaser has purchased the Note for its own account and not with a view to resale or distribution.

IN WITNESS WHEREOF, I have hereunto set my hand as of December 6, 2012.

ENGLISHTOWN FIREMEN'S RELIEF ASSOCIATION

By: Ralph C Kirkland

Name: RALPH C KIRKLAND

Title: SECRETARY

ATTORNEY'S CERTIFICATE

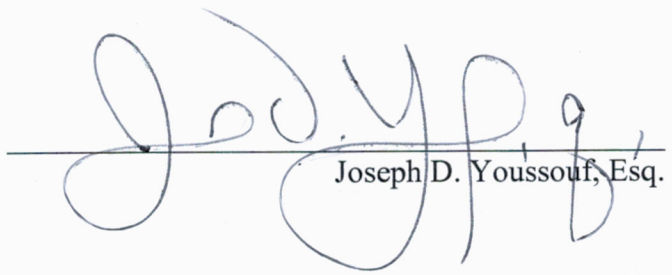
I, Joseph D. Youssouf, Esq., HEREBY CERTIFY that I am a licensed attorney-at-law of the State of New Jersey and am the duly chosen, qualified and acting attorney for Fire District No. 1 in the Borough of Englishtown, in the County of Monmouth, New Jersey (hereinafter called the "Fire District"), that I am familiar with the acts and the proceedings heretofore had or taken in or by the Fire District or by its officers relative to the authorization, sale and issuance of obligations of the Fire District described as follows:

\$45,000 Bond Anticipation Note dated December 6, 2012, maturing October 4, 2013, bearing interest at the rate of 4.00% per annum payable at maturity and numbered 2012-1,

that no litigation of any nature is now pending or threatened restraining or enjoining the issuance or the delivery of the obligations or the levy or the collection of any taxes to pay the interest on or the principal of the obligations, or in any manner questioning the authority or the proceedings for the issuance of the obligations or for the levy or the collection of taxes, or affecting the validity of the obligations or the levy or the collection of taxes, that neither the corporate existence or boundaries of the Fire District nor the title of any of the present officers thereof to their respective offices is being contested, and that no authority or proceedings for the issuance of the obligations has or have been repealed, revoked or rescinded and that all actions or proceedings in regard to the issuance of the obligations taken by the governing body subsequent to the adoption of the Open Public Meetings Act of New Jersey have been in compliance with that Act.

IN WITNESS WHEREOF, I have hereunto set my hand as of this 6th day of December,

2012.



Joseph D. Youssouf, Esq.

CERTIFICATE OF QUALIFICATION
PURSUANT TO SECTION 265 OF THE
INTERNAL REVENUE CODE OF 1986, AS AMENDED

I, the undersigned Treasurer of Fire District No. 1 in the Borough of Englishtown, in the County of Monmouth, New Jersey (hereinafter referred to as the "Fire District"), HEREBY CERTIFY TO THE BEST OF MY KNOWLEDGE AND BELIEF as follows:

1. As of the date of this certificate, the Fire District has issued \$45,000 of bonds and notes in the calendar year 2012, including the \$45,000 Bond Anticipation Note issued this date (the "Note"). The Note represents a current refunding of an issue that was deemed qualified pursuant to Section 265 of the Internal Revenue Code of 1986, as amended (the "Code") and therefor will not count towards the \$10,000,000 limitation set forth therein.

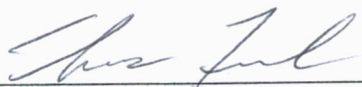
2. The Fire District has not created any authorities that have power to authorize debt to provide governmental services within the boundaries of the Fire District.

3. The Fire District does not expect to issue greater than \$10,000,000 of tax-exempt obligations in the calendar year 2012.

4. The Notes are not "private activity bonds" as defined in the Code.

5. The Fire District hereby designates the Note as a qualified tax-exempt obligation for purposes of the Code.

IN WITNESS WHEREOF, I have hereunto set my hand as of this 6th day of December, 2012.



Gerald Maresca, Treasurer
THOMAS FRUBY

CERTIFICATE OF DETERMINATION AND AWARD

I, the undersigned Treasurer of Fire District No. 1 in the Borough of Englishtown, in the County of Monmouth, New Jersey (hereinafter referred to as the "Fire District"), HEREBY CERTIFY as follows:

1. I hereby determine to issue the Bond Anticipation Note hereinafter described by virtue of the authority conferred upon me by resolution of the Fire District adopted October 7, 2010 and a proposal adopted by the Board of Commissioners on January 3, 2008 and approved by the voters of the Fire District at an annual election held on February 16, 2008, such Note to be issued in the amount indicated below.

<u>TOTAL</u>		<u>NUMBER</u>	<u>DENOMINATIONS</u>
<u>PRINCIPAL</u>			
<u>AMOUNT:</u>	\$45,000	2012-1	\$45,000
<u>DATE:</u>	12/6/2012		
<u>MATURITY:</u>	10/4/2013		
<u>INTEREST</u>			
<u>RATE PER</u>			
<u>ANNUM:</u>	4.00%		
<u>PLACE OF</u>			
<u>PAYMENT:</u>	Englishtown Firemen's Relief Association, New Jersey		

2. Pursuant to the authority so conferred upon me, I have awarded and sold the Note to the Englishtown Firemen's Relief Association, Englishtown, New Jersey at the price of \$45,000, plus an amount equal to the interest on the Note accrued to the date of payment of the purchase price.


3. No bonds of the Fire District have heretofore been issued pursuant to the resolution referred to in Section 1 hereof.

4. The date of the first note or other obligation issued in anticipation of the issuance of the bonds that the Note is issued in anticipation of, whether or not now outstanding, is October 8, 2010 as to the \$75,000 originally issued, with \$15,000 being paid down pursuant to a 2011 budget appropriation and with \$15,000 being paid down pursuant to a current budget appropriation.

5. No grants have been received, no paydowns have been made and no cancellations have been enacted that would reduce the debt authorization below the amount of notes outstanding under the resolutions described in Section 1 hereof.

6. No notes or other obligations in anticipation of the issuance of bonds have heretofore been issued pursuant to the resolutions referred to in Section 1.

IN WITNESS WHEREOF, I have hereunto set my hand as of this 6th day of December, 2012.



Gerald Maresca, Treasurer
THOMAS FROEHL

CERTIFICATE AS TO SIGNATURES, LITIGATION,
DELIVERY AND PAYMENT

We, the undersigned officers of Fire District No. 1 of the Borough of Englishtown, in the County of Monmouth, a fire district and political subdivision of the State of New Jersey, and herein referred to as the "Fire District" HEREBY CERTIFY that on December 6, 2012 we officially signed and properly executed the obligations of the Fire District described as follows:

\$45,000 Bond Anticipation Note dated December 6, 2012, maturing October 4, 2013 bearing interest at the rate of 4.00% per annum payable at maturity and numbered 2012-1,

and that at the time of such signing and execution and on the date hereof we were and are the duly chosen, qualified and acting officers of the Fire District authorized to execute the obligations and holding the respective offices indicated by the official titles set opposite our signatures hereto. Each of us whose facsimile signature was used in the execution of the obligations did, and hereby does, adopt such signature.

WE FURTHER CERTIFY that no litigation of any nature is now pending or threatened restraining or enjoining the issuance or the delivery of the obligations or the levy or the collection of any taxes to pay the interest on or the principal of the obligations, or in any manner questioning the authority or the proceedings for the issuance of the obligations or for the levy or the collection of taxes, or affecting the validity of the obligations or the levy or the collection of taxes, or contesting the corporate existence or boundaries of the Fire District or the title of any of the present officers thereof to their respective offices; and that no authority or proceedings for the issuance of the obligations has or have been repealed, revoked or rescinded and that all actions or proceedings in regard to the issuance of the notes taken by the governing body subsequent to the adoption of the Open Public Meetings Act of New Jersey have been in compliance with that Act.

WE FURTHER CERTIFY that the seal that is impressed upon this certificate has been affixed upon each of the obligations and is the legally adopted, proper and only official corporate seal of the Fire District.

WE FURTHER CERTIFY that attached hereto is a true copy of the form of the obligations.


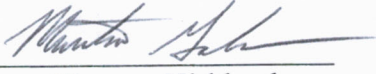
AND I, the undersigned Clerk of the Fire District, HEREBY FURTHER CERTIFY that on December 6, 2012, I delivered the obligations to Englishtown Firemen's Relief Association, Englishtown, New Jersey (herein referred to as the "Purchaser"), and that at the time of such delivery I received from the Purchaser full payment for the obligations in accordance with the contract of sale, computed as follows:

Contract Price	\$45,000
Interest accrued to the date of such delivery	<u>0.00</u>
Total amount received	<u>\$45,000</u>

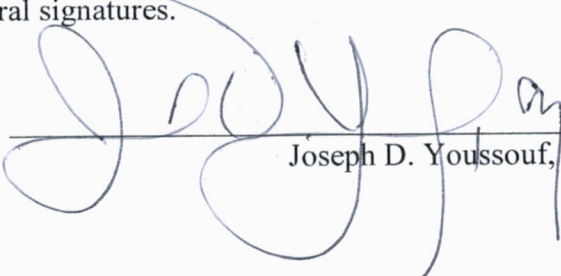
We each make the above certifications in our official capacity as officers and do not certify as to matters outside the scope of such capacity.

IN WITNESS WHEREOF, we have hereunto set our hands and the corporate seal has hereunto been affixed as of this 6th day of December, 2012.

(SEAL)

<u>Signature</u>	<u>Official Title</u>	<u>Term of Office Expires</u>
 Gerald Maresca THOMAS FRUOH	Treasurer	<u>3/1/13</u> [complete]
 Thomas Kirkland Matthew Galasso	Clerk	<u>3/1/15</u> [complete]

I HEREBY CERTIFY that the signatures of the officers of the above-named Fire District that appear above are true and genuine and that I know the officers and know them to hold the respective offices set opposite their several signatures.


Joseph D. Youssouf, Esq.

2012-1

\$45,000

United States of America
State of New Jersey
County of Monmouth

THE BOARD OF COMMISSIONERS OF FIRE DISTRICT NO. 1
IN THE BOROUGH OF ENGLISHTOWN

Bond Anticipation Note

THE BOARD OF COMMISSIONERS OF FIRE DISTRICT NO. 1 IN THE BOROUGH OF ENGLISHTOWN, in the County of Monmouth, New Jersey, for value received promises to pay to the bearer of this Note, or if it be registered to the registered holder, in lawful money of the United States of America, the sum of FORTY-FIVE THOUSAND DOLLARS (\$45,000), together with interest thereon from the date hereof at the rate of four per centum (4.00%) per annum (computed on a 30-day month/360-day year basis), on October 4, 2013 upon presentation and surrender of this Note at the principal office of the Treasurer of Fire District No. 1, Englishtown, New Jersey.

This Note is transferable by delivery, except if registered otherwise than to bearer. At the request of the holder, this Note will be registered in the bearer's name on the books of the Fire District kept for that purpose in the office of its Treasurer, such registration to be noted on the back of this Note, and thereafter until registered transfer to bearer, no transfer of this Note shall be valid unless made on the books and similarly noted hereon.

This Note is issued pursuant to the laws governing fire districts of the State of New Jersey and by virtue of a resolution of the Fire District adopted October 7, 2010, a proposal adopted by the Board of Commissioners on January 3, 2008 and approved by the voters of the Fire District at an annual election held on February 16, 2008. This Note is a Bond Anticipation Note and is issued in anticipation of the issuance of bonds.

The full faith and credit of the Fire District are hereby irrevocably pledged for the punctual payment of the principal of and the interest on this Note according to its terms.

It is hereby certified and recited that all conditions, acts and things required by the constitution or the statutes of the State of New Jersey to exist, to have happened or to have been performed precedent to or in the issuance of this Note, exist, have happened and have been performed and that the amount and terms of this Note do not exceed any limitation imposed thereon by such constitution or statutes.

IN WITNESS WHEREOF, the Board of Fire Commissioners of Fire District No. 1 in the Borough of Englishtown, in the County of Monmouth, New Jersey has caused this Note to be signed by its Treasurer, its corporate seal to be hereunto affixed, this Note and the seal to be attested by its Fire District Clerk and this Note to be dated December 6, 2012.

Treasurer

[SEAL]
ATTEST:

Clerk

REGISTRATION CERTIFICATE

It is hereby certified that the within Bond Anticipation Note is registered as to principal and interest as follows:

Date of Registry	Name/Address and SSN or Federal I.D. # of Registered Holder	Registered By

**Information Return for Small Tax-Exempt
 Governmental Bond Issues, Leases, and Installment Sales**

OMB No. 1545-0720

▶ Under Internal Revenue Code section 149(e)

Caution: If the issue price of the issue is \$100,000 or more, use Form 8038-G.

Part I Reporting Authority

Check box if Amended Return

1 Issuer's name Englishtown Fire District No. 1	2 Issuer's employer identification number (EIN) 22-3143072
3 Number and street (or P.O. box if mail is not delivered to street address) P.O. Box 1	Room/suite
4 City, town, or post office, state, and ZIP code Englishtown, NJ 07726	5 Report number (For IRS Use Only) <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
6 Name and title of officer or other employee of issuer or designated contact person whom the IRS may call for more information Gerald Maresca, Treasurer	7 Telephone number of officer or legal representative

Part II Description of Obligations Check one: a single issue or a consolidated return

8a Issue price of obligation(s) (see instructions)	8a 45,000
b Issue date (single issue) or calendar date (consolidated). Enter date in mm/dd/yyyy format (for example, 01/01/2009) (see instructions) ▶ 12/06/2012	
9 Amount of the reported obligation(s) on line 8a that is:	
a For leases for vehicles	9a 0
b For leases for office equipment	9b 0
c For leases for real property	9c 0
d For leases for other (see instructions)	9d 0
e For bank loans for vehicles	9e 0
f For bank loans for office equipment	9f 0
g For bank loans for real property	9g 0
h For bank loans for other (see instructions)	9h 0
i Used to refund prior issue(s)	9i 45,000
j Representing a loan from the proceeds of another tax-exempt obligation (for example, bond bank)	9j 0
k Other	9k 0
10 If the issuer has designated any issue under section 265(b)(3)(B)(i)(III) (small issuer exception), check this box. ▶ <input checked="" type="checkbox"/>	
11 If the issuer has elected to pay a penalty in lieu of arbitrage rebate, check this box (see instructions) ▶ <input type="checkbox"/>	
12 Vendor's or bank's name:	
13 Vendor's or bank's employer identification number:	

Signature and Consent

Under penalties of perjury, I declare that I have examined this return and accompanying schedules and statements, and to the best of my knowledge and belief, they are true, correct, and complete. I further declare that I consent to the IRS's disclosure of the issuer's return information, as necessary to process this return, to the person(s) that I have authorized above.

	12/06/2012	
Signature of issuer's authorized representative	Date	Treasurer

Paid Preparer Use Only	Print/Type preparer's name Leah Kaufman	Preparer's signature	Date 12/06/2012	Check <input type="checkbox"/> if self-employed	PTIN P01367177
	Firm's name ▶ McManimon, Scotland & Baumann, LLC			Firm's EIN ▶ 22-2837091	
	Firm's address ▶ 75 Livingston Avenue, Roseland, NJ 07068			Phone no. 973-622-1800	

General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

What's New

The IRS has created a page on IRS.gov for information about the Form 8038 series and its instructions, at www.irs.gov/form8038. Information about any future developments affecting the Form 8038 series (such as legislation enacted after we release it) will be posted on that page.

Purpose of Form

Form 8038-GC is used by the issuers of tax-exempt governmental obligations to provide IRS with the information required by section 149(e) and to monitor the requirements of sections 141 through 150.

Who Must File

Issuers of tax-exempt governmental obligations with issue prices of less than \$100,000 must file Form 8038-GC.

Issuers of a tax-exempt governmental obligation with an issue price of \$100,000 or more must file Form 8038-G, Information Return for Tax-Exempt Governmental Obligations.

Filing a separate return for a single issue. Issuers have the option to file a separate Form 8038-GC for any tax-exempt governmental obligation with an issue price of less than \$100,000.

An issuer of a tax-exempt bond used to finance construction expenditures must file a separate Form 8038-GC for each issue to give notice to the IRS that an election was made to

pay a penalty in lieu of arbitrage rebate (see the line 11 instructions).

Filing a consolidated return for multiple issues. For all tax-exempt governmental obligations with issue prices of less than \$100,000 that are not reported on a separate Form 8038-GC, an issuer must file a consolidated information return including all such issues issued within the calendar year.

Thus, an issuer may file a separate Form 8038-GC for each of a number of small issues and report the remainder of small issues issued during the calendar year on one consolidated Form 8038-GC. However, if the issue is a construction issue, a separate Form 8038-GC must be filed to give the IRS notice of the election to pay a penalty in lieu of arbitrage rebate.

December 6, 2012

Board of Commissioners of
Fire District No. 1 in the
Borough of Englishtown, in the
County of Monmouth, New Jersey

Dear Commissioners:

We have acted as bond counsel to the Fire District No. 1 in the Borough of Englishtown, in the County of Monmouth (the "Fire District") in connection with the issuance by the Fire District of a \$45,000 Bond Anticipation Note, dated the date hereof (the "Note"). In order to render the opinions herein, we have examined laws, documents and records of proceedings, or copies thereof, certified or otherwise identified to us, as we have deemed necessary.

The Note is issued pursuant to the Local Bond Law of the State of New Jersey and the laws governing fire districts of the State of New Jersey, by resolution of the Fire District adopted October 7, 2010 and a proposal adopted by the Board of Commissioners on January 3, 2008 and approved by the voters of the Fire District at an annual election held on February 16, 2008. The Note is a temporary obligation issued in anticipation of the issuance of bonds.

In our opinion, except insofar as the enforcement thereof may be limited by any applicable bankruptcy, moratorium or similar laws or application by a court of competent jurisdiction of legal or equitable principles relating to the enforcement of creditors' rights, the Note is a valid and legally binding general obligation of the Fire District, payable in the first instance from the proceeds of the sale of the bonds in anticipation of which the Note is issued, but, if not so paid, payable ultimately from *ad valorem* taxes that may be levied upon all the taxable real property within the Fire District without limitation as to rate or amount.

The Fire District has covenanted to comply with continuing requirements that must be satisfied subsequent to the issuance of the Note in order to preserve tax exemption under the Internal Revenue Code of 1986, as amended (the "Code"). Failure to comply with certain requirements of the Code may cause interest on the Note to be included in gross income for federal income tax purposes retroactive to the date of issuance of the Note. In the event that the Fire District continuously complies with its covenant and in reliance on representations, certifications of fact and statements of reasonable expectations made by the Fire District, it is our opinion that interest on the Note is not includable in gross income for federal income tax purposes under current law and is not an item of tax preference for purposes of computing the federal alternative minimum tax imposed on individuals and corporations. Interest on the Note held by a corporate taxpayer is included in the relevant income computation for calculation of the federal alternative minimum

tax as a result of the inclusion of interest on the Note in "adjusted current earnings." We express no opinion regarding other federal tax consequences arising with respect to the Note. Further, in our opinion, interest on the Note and any gain on the sale thereof are not included in gross income under the New Jersey Gross Income Tax Act.

This opinion is issued as of the date hereof. We assume no obligation to update, revise or supplement this opinion to reflect any facts or circumstances that may come to our attention or any changes in law or interpretations thereof that may occur after the date of this opinion or for any reason whatsoever.

Very truly yours,

McHannon, Scotland & Baunman, LLC