

August 9, 2011

RESOLUTION 2011-

**RESOLUTION OF THE BOROUGH OF BRADLEY BEACH,
IN THE COUNTY OF MONMOUTH, STATE OF NEW
JERSEY (THE "LOCAL UNIT") AUTHORIZING THE
LOCAL UNIT'S PARTICIPATION IN THE BOND
FINANCING PROGRAM OF THE MONMOUTH COUNTY
IMPROVEMENT AUTHORITY**

Mayor Schreck offered the following resolution and moved its adoption:

WHEREAS, the Borough of Bradley Beach, in the County of Monmouth, State of New Jersey (the "Local Unit"), desires to finance the cost of various items of capital equipment (the "Local Unit Projects"); and

WHEREAS, the Local Unit desires to enter into a lease agreement (the "Lease Agreement") with the Monmouth County Improvement Authority (the "MCIA") to acquire and permanently finance the Local Unit Projects; and

WHEREAS, the Local Unit has reviewed the Bond Financing Program proposed by the MCIA, whereby the Local Unit would enter into the Lease Agreement through the Bond Financing Program of the MCIA; and

WHEREAS, the Local Unit believes that participation in the MCIA's Bond Financing Program will benefit the Local Unit due to reduced interest costs as a result of a guaranty by the County of Monmouth, State of New Jersey (the "County Guaranty") on the debt service of the MCIA Bond Financing Program; and

WHEREAS, the Local Unit further believes that any savings the Local Unit can achieve for its taxpayers, especially during this time of economic crisis, is of utmost importance to its community and accordingly, the Local Unit desires to enter into the Lease Agreement through the Bond Financing Program of the MCIA; and

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE BOROUGH OF BRADLEY BEACH THAT:

Section 1. The Local Unit hereby authorizes the Local Unit's participation in the MCIA Bond Financing Program.

Section 2. The Local Unit consents to the MCIA's application to the Local Finance Board of the Division of Local Government Services, in the New Jersey Department of Community Affairs (the "Local Finance Board") in connection with the Bond Financing Program.

Section 3. (a) The Local Unit reasonably expects to reimburse its expenditure of costs of the Local Unit Projects paid prior to the issuance of the bonds to be issued by MCIA pursuant to the MCIA’s Bond Financing Program (the “MCIA’s Bonds”) with proceeds of the MCIA’s Bonds.

(b) This resolution is intended to be and hereby is a declaration of official intent to reimburse the expenditures for cost of the Local Unit Projects paid prior to the issuance of the MCIA’s Bonds with the proceeds of the MCIA’s Bonds in accordance with Treasury Regulations Section 1.150-2.

(c) The maximum principal amount of the MCIA’s Bonds expected to be issued to finance the Local Unit Projects is \$515,000, which Bonds may be issued in one or more series and in one or more transactions over the next three years.

(d) The costs of the Local Unit Projects to be reimbursed with the proceeds of the MCIA’s Bonds will be “capital expenditures” in accordance with the meaning of Section 150 of the Internal Revenue Code of 1986, as amended (the "Code").

(e) No reimbursement allocation will employ an “abusive arbitrage device” under Treasury Regulations Section 1.148-10 to avoid the arbitrage restrictions or to avoid the restrictions under Sections 142 through 147 of the Code. The proceeds of the MCIA’s Bonds used to reimburse costs of the Local Unit Projects, or funds corresponding to such amounts, will not be used in a manner that results in the creation of “replacement proceeds,” including “sinking funds,” “pledged funds,” or funds subject to a “negative pledge” (as such terms are defined in Treasury Regulations Section 1.148-1) of the MCIA’s Bonds or another issue of debt obligations of the MCIA or the Borough, other than amounts deposited into a “bona fide debt service fund” (as defined in Treasury Regulations Section 1.148-1).

(f) All reimbursement allocations will occur not later than 18 months after the later of (i) the date the expenditure from a source other than the MCIA’s Bonds is paid, or (ii) the date the Local Unit Projects is “placed in service” (within the meaning of Treasury Regulations Section 1.150-2) or abandoned, but in no event more than 3 years after the expenditure is paid.

Section 4. This resolution shall take effect immediately.

Seconded by Councilman _____ and adopted upon the following vote:

	AYES	NAYS	ABSTAIN	ABSENT
Mr. Cotler				
Mr. D’Angelo				
Mr. Engelstad				
Mr. Galassetti				
Mayor Schreck				

CERTIFICATION

I, Mary Ann Solinski, Clerk of the Borough of Bradley Beach, in the County of Monmouth, State of New Jersey (the "Local Unit"), DO HEREBY CERTIFY that the attached resolution entitled, "RESOLUTION OF THE BOROUGH OF BRADLEY BEACH, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY (THE "LOCAL UNIT") AUTHORIZING THE LOCAL UNIT'S PARTICIPATION IN THE BOND FINANCING PROGRAM OF THE MONMOUTH COUNTY IMPROVEMENT AUTHORITY", is a copy of a resolution which was duly adopted by the Local Unit's governing body at a meeting duly called and held on August 9, 2011 in full compliance with the Open Public Meetings Act, N.J.S.A. 10:4-6 et seq., at which meeting a quorum was present and acting throughout and which resolution has been compared by me with the original thereof as contained in the minutes as officially recorded in my office in the Minute Book of such governing body 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 within and the aforesaid resolution has not been repealed, amended or rescinded but remains in full force and effect on and as of the date hereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said Local Unit this 9th day of August, 2011.

(SEAL)

Name: _____
Mary Ann Solinski, RMC, CMC
Municipal Clerk