

**BOARD OF FIRE COMMISSIONERS**  
**PENNINGTON BOROUGH FIRE DISTRICT NO. 1**

**RESOLUTION 2022- 24**

**RESCINDING RESOLUTION 2021-44**  
**APPROVING A PAYMENT OF ACCUMULATED SURPLUS FUNDS**  
**TO THE HOPEWELL TOWNSHIP BOARD OF FIRE COMMISSIONERS**

**WHEREAS**, an Agreement for Fire Protection and Services (“the Agreement”) exists, and for years has existed between Pennington Borough Fire District No 1 (“the Pennington Board”) and Hopewell Township Fire District No 1 (“the Township Board”) wherein the Township Board pays an annual fee to the Pennington Board for the provision of Primary Fire Protection services to a designated portion of Hopewell Township and mutual aid response to other areas of Hopewell Township as determined by the respective Board of Fire Commissioners; and

**WHEREAS**, the annual fee paid by the Township Board represents a portion of the annually presented fire district budget of the Pennington Board as approved by the voters or the governing body; and

**WHEREAS**, in some years not all of the Pennington Board’s budgeted funds are spent and there are surplus funds remaining after all obligations are met; and

**WHEREAS**, the Pennington Board believed that in accordance with the Agreement it had the duty to set aside the Township Board’s percentage share of Pennington’s prior years’ budget surpluses to be returned to the Township Board for its use or to be applied otherwise as directed by the Township Board; and

**WHEREAS**, the Township Board communicated a purpose for which it would use surplus funds set aside for it by the Pennington Board, and in response thereto at its December 21, 2021 meeting the Pennington Board adopted Resolution 2021-44, Approving a payment of accumulated surplus funds to the Hopewell Township Board of Fire Commissioners; and

**WHEREAS**, thereafter counsel for the fire district advised the board that the accumulation of the Township Board’s percentage share of budget surplus funds for eventual return to or use by the Township Board is not currently, nor has it previously been required in Agreements between the parties; and

**WHEREAS**, said counsel further advised that reliance, even in good faith, on the current or prior Agreements as the sole basis on which to make the payment to the Township Board authorized in Resolution 2021-44 is ill-advised.

**IT IS RESOLVED**, by the Board of Fire Commissioners of Pennington Borough Fire District 1, that the Board hereby rescinds its Resolution 2021-44, adopted on December, 21, 2021; and

**IT IS FURTHER RESOLVED**, that the board may give the matter further consideration in the future.

<u>Roll Call Vote</u>	<u>Yes</u>	<u>No</u>	<u>Absent</u>	<u>Abstain</u>
Chairperson Blackwell				X
Commissioner DiFalco	X			
Commissioner Fraser	X			
Commissioner Hofacker	X			
Commissioner Ingram	X			

A CERTIFIED COPY of a Resolution duly adopted  
at a meeting of the Board held on May 17, 2022

\_\_\_\_\_ s/ R. DiFalco \_\_\_\_\_ Secretary