

Westfall Township

Ordinance No. 175

AN ORDINANCE INCREASING THE INDEBTEDNESS OF WESTFALL TOWNSHIP, PIKE COUNTY, PENNSYLVANIA, BY THE ISSUE OF A COMMERCIAL NOTE IN THE AMOUNT OF \$2,305,000.00 FOR SUNDRY PURPOSES; FIXING THE FORM, NUMBER, DATE, INTEREST, AND MATURITY THEREOF; MAKING A COVENANT FOR THE PAYMENT OF THE DEBT SERVICE ON THE NOTE; PROVIDING FOR THE FILING OF THE REQUIRED DOCUMENT; PROVIDING FOR THE APPOINTMENT OF A SINKING FUND DEPOSITORY FOR THE NOTE; AND AUTHORIZING EXECUTION, SALE AND DELIVERY THEREOF.

WHEREAS, it is necessary that the indebtedness of Westfall Township, Pike County, Pennsylvania be increased for the following purposes; A. To payoff and consolidate existing Dime Bank mortgage loan number 24600159401 which has an approximate payoff of \$1,605,000.00. B. Remaining funds of approximately \$700,000.00 shall be used to construct a pole building upon subject property in Westfall Township;

WHEREAS, the proposed increase of debt, together with its nonelectoral indebtedness and its lease rental indebtedness presently outstanding, will not cause the limitations of the local government unit debt incurring power, pursuant to constitutional and statutory authority to be exceeded;

NOW THEREFORE, BE IT ORDAINED AND ENACTED by the Township of Westfall, Pike County, Pennsylvania, and it is hereby ordained and enacted by the authority of same as follows:

SECTION 1. That the aggregate principal amount of the Note of the Township of Westfall, Pike County, Pennsylvania, proposed to be issued is \$2,305,000.00, same to be issued for the foregoing purposes and same to be incurred as nonelectoral debt.

SECTION 2. The period of useful life of the improvements for which this obligation is to be issued is estimated to be two hundred and forty-nine (249) months.

SECTION 3. Said indebtedness shall be evidenced by one Commercial Note, in fully registered form, in the sum of \$2,305,000.00 dated and bearing interest from the earliest date of possible issue of said Note under the statutory time requirements as set forth in the Act of the General Assembly of the Commonwealth of Pennsylvania approved the 28th day of April, 1978, being Act 52 of 1978 Session and known as the Local Government Unit Debt Act, following the payment of 9 months interest only, the first 36 months of interest at 0.85% per annum and the remaining monthly payments being adjusted every 36 months thereafter at the interest rate of the Wall Street Journal prime rate minus .0.75% per annum.

The local government unit reserves the right to anticipate any or all installments of principal or any payment of interest at any time prior to the respective payment dates thereof, without notice or penalty.

The principal and interest of said note shall be payable at the office of the sinking fund depository selected for the Note as hereinafter provided.

SECTION 4. the said note is hereby declared to be a qualified tax exempt obligation under section 265 (b) (3) of the International Revenue Code, the note issued to the bank upon this loan is exempt from personal property taxes, that interest on the loan is exempt from present Pennsylvania personal income tax, and Pennsylvania income tax and that interest upon the loan is excluded from gross income from federal for income tax purposes and is not an item of tax preference within the meaning of section 57 (a) (5) of the International Revenue Code of 1986, as amended.

SECTION 5. The form of said Note shall be substantially set forth in the attached Exhibit "A".

SECTION 6. The said Note shall be executed in the name and under the corporate seal of the local government unit by the Board of Supervisors and attested by the Secretary. The Treasurer is hereby authorized and directed to deliver said Note to the purchaser and receive payment therefore on behalf of the local government unit. The Board of Supervisors and Secretary of the local government unit are authorized and directed to prepare, verify and file the debt statement required by Section 8110 of the Act and to take other necessary action, including, if necessary or desirable, any statements required to qualify any portion of the debt from the appropriate debt limit as self-liquidating or subsidized debt.

SECTION 7. The Dime Bank is hereby designated as the Sinking Fund Depository for the obligation herein authorized, and there is hereby created and established a Sinking Fund, to be known as "Commercial Loan 2021" for the payment of the principal and interest thereon which shall be deposited into the Sinking Fund no later than the date upon which the same becomes due and payable. The Treasurer shall deposit into the Sinking Fund, which shall be maintained until such obligation is paid in full, sufficient amounts for payment of principal and interest on the obligation no later than the date upon which such payments shall become due. The Sinking Fund Depository shall, as and when said payments are due, without further action by the local government unit, withdraw available monies in the Sinking Fund and apply said monies to the payment of principal and interest, if applicable, on the obligation.

SECTION 8. The Board of Supervisors and the Secretary of the local government unit are hereby authorized to contract with The Dime Bank for its services as Sinking Fund Depository for the Note and paying agent for the same.

SECTION 9. In compliance with Section 8161 of the Act, the members of the governing body have determined that a private sale by negotiation rather than public sale is in the best financial interest of the local government unit. Therefore, the Note in the amount of \$2,305,000.00, herein authorized to be issued and sold is hereby awarded and sold to The Dime


Bank in accordance with its proposal to purchase the said Note at par; provided the said Note is dated the delivery thereof to The Dime Bank and is in the form set forth in this ordinance as Exhibit "A"; and further provided that the proceedings have been approved by the Department of Community and Economic Development if such approval is required under the provisions of the Act.

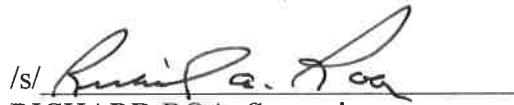
SECTION 10. The action of the proper officers and the advertising of a summary of this Ordinance as required by law in the Pike County Dispatch, a newspaper of general circulation, is ratified and confirmed. The advertisement in said paper of the enactment of the ordinance is hereby directed within fifteen (15) days following the day of final enactment.

SECTION 11. All ordinances or parts of ordinances not in accord with this Ordinance are hereby repealed insofar as they conflict herewith.

ORDAINED and ENACTED this 13th day of October, 2021.

/s/ 
JERRY DOTEY, Vice-Chairman

/s/ 
PAUL FISCHER, Supervisor

/s/ 
RICHARD ROA, Supervisor

/s/ 
PAUL SCHALDONAT, Supervisor

/s/ 
ROBERT LLEWELLYN, Supervisor

ATTEST:

/s/ 
JODI MANHEIM, SECRETARY