

Rescinded 7/25/07

*Lisa C. Duen
Secretary*

WESTFALL TOWNSHIP
Pike County, Pennsylvania

ORDINANCE NO. 127

AN ORDINANCE INCREASING THE INDEBTEDNESS OF WESTFALL TOWNSHIP, PIKE COUNTY, PENNSYLVANIA, BY THE ISSUE OF A GENERAL OBLIGATION NOTE IN THE AMOUNT OF \$1,500,000.00 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 the Township of Westfall, Pike County, Pennsylvania be increased for the following purpose: installation of public water and sewer extension lines from their existing terminus at the end of the spur of Mountain Avenue to the entrance to Rosetown at Rosetown estates, the installation of a sewage pump station to service the sewer lines and the Katz properties, the payment of tapping fees related thereto and the payment of professional fees necessary for completion of the water and sewer line extensions as are required by a certain Court Order issued by the United States District Court for the Middle District of Pennsylvania in the matter of Katz v. Westfall Township, Docket No. 3:03CV-2377; and

WHEREAS, the local government unit has received a realistic construction bid from Linde Enterprises indicating the sum of \$893,182.00 will be needed in actual construction costs

to complete the project; and

WHEREAS, the local government has received a realistic bid for pre-purchase of required pump station equipment in the amount of \$82,000.00; and

WHEREAS, the local government has received a realistic bid for construction of the sewage pump station in the amount of \$361,448.00; and

WHEREAS, the local government unit also expects to incur additional fees such as tapping fees and professional fees in addition to the above costs and fees such that the total amount needed for completion of the public water and sewer line extension project will be approximately \$1,500,000.00; and

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 \$1,500,000.00, 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 in excess of 20 years.

SECTION 3. Said indebtedness shall be evidenced by one general obligation Note, in fully registered form, in the sum of \$1,500,000.00 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, at the rate of interest of 4.34% per annum, payable on the unpaid balance of said Note during the term of said Note, together with interest on overdue principal, and to the extent permitted by law, on overdue interest, at the rate of 4.34% per annum (computed on the basis of 365 days to the year) until paid, which Note shall be payable in yearly installments until paid in full. Westfall Township shall pay all outstanding principal and interest on the loan in full within 20 years of the date of the loan.

The local government unit reserves the right to anticipate any or all installments of principal of any payment of interest at any time prior to the respective payments 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 general obligation of the Township of Westfall, Pike County, Pennsylvania. The local government unit hereby covenants that it shall include the amount of debt service on the Note for each fiscal year in which such sums are payable in its budget for that year; shall appropriate such amounts to the payment of such debt service; and shall duly and punctually pay or cause to be paid the principal of the Note and the interest thereon at the dates and places and in the manner stated in the Note according to the true intent and meaning thereof, and for such proper budgeting, appropriation, and payment, the full faith, credit and taxing power of the Township of Westfall is hereby irrevocably pledged.

The amounts which the local government unit hereby covenants to pay in each of the

following fiscal years on the basis of an interest rate of 4.34% are as set forth on the amortization table attached hereto and incorporated herein as Exhibit "A".

SECTION 5. The form of said Note shall be as required by the lender and as approved by Westfall Township.

SECTION 6. The said Note shall be executed in the name and under the corporate seal of the local government unit by the Vice-Chairman and attested to 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 Vice-Chairman 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 "Sinking Fund 2007 General Obligation Note" 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 obligations 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 payment of principal and interest on the obligation.

SECTION 8. The Vice-Chairman and Secretary of the local government unite 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 general obligation Note in the amount of \$1,500,000.00, 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 approved by Westfall Township; 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 24th day of January, 2007.

ATTEST:

WESTFALL TOWNSHIP


Secretary

BY 
LESTER J. BUCHANAN, Vice-Chairman