

TOWNSHIP OF LOWER SAUCON
NORTHAMPTON COUNTY, PENNSYLVANIA
ORDINANCE No. 2015-02

AN ORDINANCE INCREASING THE INDEBTEDNESS OF THE TOWNSHIP OF LOWER SAUCON, NORTHAMPTON COUNTY, PENNSYLVANIA, BY THE ISSUE OF A GENERAL OBLIGATION NOTE IN THE AMOUNT OF \$265,030.00 FOR THE PURPOSE OF PURCHASING AN ENGINE RESCUE FIRE VEHICLE; FIXING THE FORM, NUMBER, DATE, INTEREST, AND MATURITY OF SAID NOTE; MAKING A COVENANT FOR THE PAYMENT OF THE DEBT SERVICE ON THE NOTE; PROVIDING FOR THE FILING OF THE REQUIRED DOCUMENTS; PROVIDING FOR THE APPOINTMENT OF A SINKING FUND DEPOSITORY FOR THE NOTE; AND AUTHORIZING EXECUTION, SALE AND DELIVERY OF SAID NOTE

WHEREAS, the Lower Saucon Township Council has determined that it is necessary that certain indebtedness of the Township of Lower Saucon, Northampton County, Pennsylvania be increased for the purpose of the purchase of a Spartan ERV IPS Pumper; and

WHEREAS, the local government unit has received preliminary realistic cost estimates from professional consultants indicating the sum of \$530,060.00 will be needed to purchase the Spartan ERV IPS Pumper; and

WHEREAS, Lower Saucon Township will be making a down payment in the amount of \$265,030.00 from the Township's Capital Fund toward the purchase of the Spartan ERV IPS Pumper; 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 Lower Saucon, Northampton County, Pennsylvania, and it is hereby ordained and enacted by the authority of same as follows:

SECTION 1. The “Whereas” clauses above mentioned are incorporated herein by reference as if fully set out and, further, form part of this Ordinance.

SECTION 2. That the aggregate principal amount of the note of the Township of Lower Saucon, Northampton County, Pennsylvania, proposed to be issued is \$265,030.00, the same to be issued for the purpose of purchasing the Spartan ERV IPS Pumper; and the same to be incurred as nonelectoral debt.

SECTION 3. The period of useful life of the vehicle for which this obligation is to be issued is estimated to be in excess of 10 years.

SECTION 4. Said indebtedness shall be evidenced by one general obligation Note, in fully registered form, in the sum of \$265,030.00 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, bearing a fixed rate of interest at 2.52% for five (5) years, payable on the unpaid balance of said Note on December 31, 2019 during the term of said Note, together with interest on overdue principal, and to the extent permitted by law, on overdue interest, at the interest rate of 2.52% (computed on the basis of 365 days to the year) until paid. Said Note shall mature on installments on the annual anniversary date of said Note as follows:

See attached Exhibit “A” (repayment schedule)

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 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 5. The said Note is hereby declared to be a general obligation of the Township of Lower Saucon, Northampton 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 Lower Saucon is hereby irrevocably pledged.

The amounts, which Lower Saucon Township hereby covenants to pay in each of the following fiscal years on the basis of a fixed interest rate of 2.52%, are as follows:

See Attached Exhibit "A" (repayment schedule)

SECTION 6. The form of said Note shall be substantially as set forth in the attached Exhibit "B".

SECTION 7. The said Note shall be executed in the name and under the corporate seal of the Lower Saucon Township President of Council and attested to by the Township Secretary. The Township Secretary is hereby authorized and directed to deliver said Note to the purchaser, and receive payment therefore on behalf of Lower Saucon Township. The President of Council and Township Secretary of Lower Saucon Township 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 8. The Lafayette Ambassador 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 - 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 obligation no later than the date upon which such payments shall be come 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 9. The Lower Saucon Township President of Council and Township Secretary are hereby authorized to contract with the Lafayette Ambassador Bank for its services as Sinking Fund Depository for the Note and paying agent for the same.

SECTION 10. 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 \$265,030.00 herein authorized to be issued and sold is hereby awarded and sold to Lafayette Ambassador Bank (Lender) in accordance with its proposal to purchase the said Note at par; provided the said Note is dated the delivery thereof to Lafayette Ambassador Bank (Lender) and is in the form set forth in this Ordinance as Exhibit “B”; 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 11. The action of the proper officers and the advertising of a summary of this Ordinance as required by law in the Morning Call, 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 12. All ordinances or parts of ordinances not in accord with this Ordinance are hereby repealed insofar as they conflict herewith.

ORDAINED AND ENACTED THIS _____ day of _____, 2015.

ATTEST

LOWER SAUCON TOWNSHIP

Jack Cahalan
Township Secretary

Ronald W. Horiszny
Council President