

A RESOLUTION OF
CALN TOWNSHIP, CHESTER COUNTY
PENNSYLVANIA

RESOLUTION #2020-40

REGARDING TERM LOAN WITH MID PENN BANK

WHEREAS, **Caln Township** (the Borrower) is a political subdivision of the Commonwealth of Pennsylvania (the “**Commonwealth**”) and is duly organized and existing under the laws of the Commonwealth; and

WHEREAS, pursuant to applicable law, the governing body of the Borrower (the “**Governing Body**”) is authorized to acquire, dispose of and encumber real and personal property, including, without limitation, rights and interests in property, leases and easements necessary to the functions or operations of the Borrower, and

WHEREAS, the Governing Body of the Borrower has determined that it is necessary and advisable to purchase the following property: **2019 Peterbilt 348 Dump Truck** (the “**Purchased Property**”), and

WHEREAS, the Governing Body of the Borrower has determined that the costs of the purchased property to be **\$162,453.00** and

WHEREAS, the Borrower desires to enter into a tax-exempt Purchase Agreement (the “**Loan Agreement**”) with Mid Penn Bank, as Lender (the “**Lender**”) to finance the costs of the Purchased Property.

NOW THEREFORE, BE IT RESOLVED, by the Governing Body of Caln Township as follows:

1. The Purchase Property. The Borrower hereby authorizes and approves the acquisition of the Purchased Property and does hereby ratify and confirm all action heretofore taken by officers and officials of the Borrower and others pursuant to direction of the Borrower in proceeding with the acquisition of the Purchased Property. The Borrower shall proceed with the acquisition of the Purchased Property and related costs and expenses.

2. Authorization and Approval of the Loan Agreement. The Loan Agreement, hereafter, including in such defined term all related documents therewith, each document

3. Substantially in the form presented at this meeting, are approved together with such changes as may be approved by the officers and officials of the Borrower executing the same, their execution to be deemed conclusive evidence of such approval. Proper officers of the Borrowers are authorized and directed, as applicable, to execute and acknowledge the Loan Agreement and to deliver the same to the Lender for execution, in the form approved by this Section.

4. Annual Appropriations. The Borrower's payment obligations under the Loan Agreement shall constitute a current expense of the Borrower subject to annual appropriation or renewal by the Governing Body and shall not in any way be construed to be a debt of the Borrower in contravention of any applicable constitutional, statutory or charter limitation or requirement concerning the creation of indebtedness by Borrower, nor shall anything contained herein constitute a pledge of the full faith and credit of the Borrower.

5. Designation as "Qualified Tax-Exempt Obligations". The Borrower hereby designates the principal component of its payment obligations under the Loan Agreement in the amount of **\$162,453.00** as Qualified Tax-Exempt obligations pursuant to Section 265(b)(3) of the Internal Revenue Code of 1986, as amended, and the applicable regulations and rulings thereunder, The Borrower represents and expects that the total amount of its obligations so designated and to be designated during the calendar year does not and will not exceed \$10,000.000.

6. General Authorization. Proper officers and officials of the Borrower are authorized and directed to execute and deliver such documents (in addition to documents hereinbefore mentioned) and do such things as are required in connection with undertaking of the acquisition of the Purchased Property, including payment of costs and expenses incurred in connection therewith, and as otherwise may be required to carry out the intent and purpose of this Resolution.

7. Effective Date. This Resolution shall be effective as of August 8, 2019.

8. Severability. *In the event any provisions, section, sentence, clause or part of this Resolution shall be held to be invalid, such invalidity shall not affect or impair any remaining provision, section, sentence, clause or part of this Resolution, it being the intent of Caln Township that such remainder shall be and shall remain in force and effect.*

9. Repealer. All resolutions or parts of resolutions inconsistent herewith are expressly repealed to the extent of such inconsistencies.

DULY AUTHORIZED by the Governing Body of Caln Township Chester County, Pennsylvania this 30 day of July 2020.

ATTEST:

ON BEHALF OF THE
CALN TOWNSHIP
BOARD OF COMMISSIONERS

Kristen Denne
Township Secretary

Paul Mullin, President