

RESOLUTION NO. 03-2023-1779

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF SALISBURY, LEHIGH COUNTY, PENNSYLVANIA CONSENTING TO THE WESTERN SALISBURY VOLUNTEER FIRE COMPANY'S FIRE STATION RENOVATION PROJECT; AUTHORIZING AND DIRECTING OFFICERS AND OFFICIALS OF SALISBURY TOWNSHIP TO ASSIST WITH ANY AND ALL PROCEDURAL REQUIREMENTS OF THE INTERNAL REVENUE CODE ("CODE") TO ENABLE THE WESTERN SALISBURY VOLUNTEER FIRE COMPANY, AS THE SOLE OBLIGOR, TO FINANCE THE PROJECT; AUTHORIZING ANY AND ALL OTHER NECESSARY ACTION; AUTHORIZING THE TAKING OF CERTAIN INCIDENTAL ACTIONS AND REPEALING ALL PRIOR INCONSISTENT RESOLUTIONS.

WHEREAS, Salisbury Township, Lehigh County, Pennsylvania (the "Township") is a municipal township of the first class, and is existing under and is governed by provisions of the Pennsylvania First-Class Township Code, as amended and supplemented (the "First Class Township Code"); and

WHEREAS, the Western Salisbury Volunteer Fire Company ("WESTERN SALISBURY") is the only fire company providing firefighting services to the western portion of Salisbury Township; and

WHEREAS, the Township also receives firefighting services from Eastern Salisbury Township Fire Company ("EASTERN SALISBURY") and EASTERN SALISBURY is the only fire company providing firefighting services to the eastern portion of Salisbury Township; and

WHEREAS, the Board of Directors of WESTERN SALISBURY is in the process of undertaking efforts to fund demolition, renovations, modifications and improvements to the WESTERN SALISBURY fire station ("Project") by various means including but not limited to securing tax-exempt financing; and

WHEREAS, financing by a qualified volunteer fire department can be issued on a tax-exempt basis provided that provisions of Section 150 of the Code are met and provided further that the public approval requirements of Section 147(f) of the Code are met, including the issuance of appropriate advertising for a public hearing conducted by the local political subdivision; and

WHEREAS, WESTERN SALISBURY has indicated its intention to secure tax-exempt financing pursuant to a bank loan (the "Note") from a qualified bank to be determined and designated by WESTERN SALISBURY; and

WHEREAS, in order to effectuate the funding and financing of the Project, Western Salisbury Volunteer Fire Company shall be the sole obligor of the financing.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Salisbury Township, Lehigh County, Pennsylvania, in lawful session duly assembled, as follows:

1. This Township hereby consents to the Western Salisbury Volunteer Fire Company's Project.

2. To effectuate the financing as contemplated by this Resolution, the proper officers and officials of this Township are authorized, empowered and directed in the name and on behalf of this Township to take whatever actions are necessary under the Code to enable WESTERN SALISBURY to pursue financing for the Project.

3. Notwithstanding any other provisions of this Resolution, the Note, when and if issued, shall not be deemed an obligation of Salisbury Township, Lehigh County or of the Commonwealth or of any political subdivision thereof other than WESTERN SALISBURY, and shall be payable solely from the payments made by or on behalf of WESTERN SALISBURY under the Note. No recourse shall be had for the payment of principal, the redemption price, or interest on the Note or for any other claim based on the Note against this Township or any successor body, against any officer, board member or employee of this Township, past, present or future, or against any other monies, accounts, rights, or other assets which this Township may possess.

4. Neither the general credit of this Township nor the general credit or taxing power of the Commonwealth or any political subdivision thereof (including, without limitation, the County of Lehigh, Pennsylvania (the "County")) is pledged for the Note. The Note will not be an obligation of the County or of the Commonwealth or any political subdivision thereof excepting Western Salisbury Volunteer Fire Company as a "Qualified Volunteer Fire Department". The Township is in no way serving as obligor or guarantor with regards to the Note.

5. Any fees as well as other expenses associated with the financing in connection with the issuance and sale of the Note shall be the responsibility of WESTERN SALISBURY and payable from the gross proceeds of the sale of the Note.


6. This Township approves, ratifies and confirms all action heretofore taken by officers and other persons in the name or on behalf of this Township in connection with the undertakings herein contemplated.

7. In the event any provision, section, sentence, clause or part of this Resolution shall be held to be invalid, such invalidity shall not affect or impair any remaining provisions, section, sentence, clause or part of this Resolution, it being the intent of this Township that such remainder shall be and shall remain in full force and effect. All previous resolutions of this Township are hereby repealed to the extent that they are inconsistent with the provisions hereof.

DULY ADOPTED, this 23rd day of March, 2023, by the Board of Commissioners of Salisbury Township, Lehigh County, Pennsylvania in lawful session duly assembled.

SALISBURY TOWNSHIP
Lehigh County, Pennsylvania

By: 
(Vice) President
Board of Commissioners

Attest: 
(Assistant) Township Secretary

CERTIFICATE OF SECRETARY

THE UNDERSIGNED, Secretary of SALISBURY TOWNSHIP, Lehigh County, Pennsylvania (the "Township") DOES HEREBY CERTIFY THAT:

The foregoing Resolution was duly moved and seconded and adopted by a majority vote of the members of the Township present at a duly called and conveyed public meeting of the Township held on March 23, 2023.

The roll of the Township was called and such members voted or were absent as follows:

<u>Name</u>	<u>Vote</u>
Debra Brinton	<u>Yes</u>
Rodney Conn	<u>Yes</u>
Heather Lipkin	<u>Yes</u>
Alex Karol	<u>Yes</u>
Alok Patnaik	<u>Yes</u>

and such Resolution and the votes thereon have been duly recorded in the Minutes.

I further certify that such Resolution has not been altered, amended, modified, suspended or repealed and is still in full force and effect as of the day of delivery of this Certificate.

WITNESS my hand and seal of the Township this 23rd day of March, 2023.


(Assistant) Township Secretary