

BENNER TOWNSHIP
CENTRE COUNTY
PENNSYLVANIA

ORDINANCE 112 A

AN ORDINANCE INCREASING THE INDEBTEDNESS OF BENNER TOWNSHIP, CENTRE COUNTY, PENNSYLVANIA, BY THE ISSUE OF A GENERAL OBLIGATION NOTE IN THE AMOUNT OF \$500,000 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 Benner, Centre County, Pennsylvania be increased for the following purpose: Road construction and repairs; and

WHEREAS, the local government unit has received preliminary realistic cost estimates from professional consultants indicating the sum of \$500,000.00 will be needed to complete the projects; and

WHEREAS, the proposed increase of debt, together with its non-electoral 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 Benner, Centre 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 Benner, Centre County, Pennsylvania, proposed to be issued is \$500,000.00, same to be issued for the foregoing purposes and the same to be incurred as non-electoral debt.

SECTION 2. The period of the useful life of the improvements for which this obligation is being issued is estimated to be in excess of ten years.

SECTION 3. Said indebtedness shall be evidenced by one general obligation Note, in fully registered form, in the sum of \$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 1.625% per annum, payable on the unpaid balance of said Note on October 10, 2012 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 1.625% per annum until paid, which Note shall mature in installments on the annual anniversary date of said Note as shown in Exhibit "A".

Benner Township 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 4. The said Note is hereby declared to be a general obligation of the Township of Benner, Centre 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 Benner 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 1.625% are as follows:

4/10/2013	\$52,261.49
10/10/2013	\$52,261.49
4/10/2014	\$52,261.49
10/10/2014	\$52,261.49
4/10/2015	\$52,261.49
10/10/2015	\$52,261.49
4/10/2016	\$52,261.49
10/10/2016	\$52,261.49
4/10/2017	\$52,261.49
10/10/2017	\$52,261.49

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

SECTION 6. The said Note shall be executed in the name and under the corporate seal of the local government unit by the 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 Chairman and the 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. M & T 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 2012 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 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 Secretary and the Treasurer of the local government unit are hereby authorized to contract with M & T 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 negotiating rather than public sale is in the best financial interest of Benner Township. Therefore, the general obligation Note in the amount of \$500,000.00, herein authorized to be issued and sold is hereby awarded and sold to the Pennsylvania Infrastructure Bank in accordance with its proposal to purchase the said Note at par; provided the said Note is dated the delivery thereof to the Pennsylvania Infrastructure Bank and is in the form set forth in this Ordinance as Exhibit N; 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 Centre Daily Times, 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.

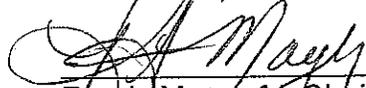
ORDAINED AND ENACTED THIS 6th day of August, 2012.

Benner Township Board of Supervisors

ATTEST:


Sharon Royer, Secretary


David Wise, Chairman


Randy Moyer, V. Chairman

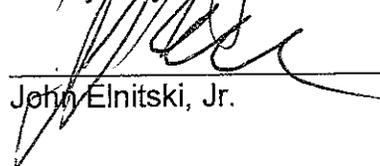

John Elnitski, Jr.

EXHIBIT N

UNITED STATES OF AMERICA
COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CENTRE
TOWNSHIP OF BENNER

GENERAL OBLIGATION NOTE

\$500,000.00
Dated: 10/10/2012

KNOW ALL MEN BY THESE PRESENTS, that the Township of Benner, Centre County, Commonwealth of Pennsylvania, a local government unit existing by and under the laws of said Commonwealth, for value received, hereby acknowledges itself indebted and promises to pay to the purchaser, or registered assigns, the sum of Five Hundred Thousand dollars (\$500,000.00) in installments as follows:

4/10/2013	\$52,261.49
10/10/2013	\$52,261.49
4/10/2014	\$52,261.49
10/10/2014	\$52,261.49
4/10/2015	\$52,261.49
10/10/2015	\$52,261.49
4/10/2016	\$52,261.49
10/10/2016	\$52,261.49
4/10/2017	\$52,261.49
10/10/2017	\$52,261.49

with interest on the unpaid principal balance at the rate of 1.625% per annum, payable on October 10, 2017, together with interest on overdue principal, and to the extent permitted by law, on overdue interest, at the rate of 1.625% per annum, with the option in the local government unit to anticipate any installment of principal or any payment of interest at any time prior to the respective payment dates thereof, without notice of penalty.

Both principal and interest are payable in such coin or currency as at the respective dates of payment thereof shall be legal tender for the payment of the public and private debts, as the office of Pennsylvania Infrastructure Bank, Harrisburg, Pennsylvania.

It is hereby recited that this Note is authorized to be issued in accordance with the Act of the General Assembly of the Commonwealth of Pennsylvania approved the 28th day of April, 1978, being Act 52 of the 1978 Session.

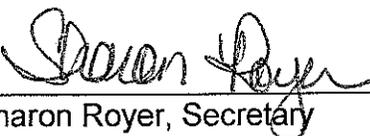
It is hereby certified that all acts, conditions, and things required to be or be done, happen and be performed precedent to and in the issuance of this Note or in the creation of the debt of which is evidence, have been done, happened and been performed in regular and due form and manner as required by law; and that this Note, together with all other indebtedness of the said local government unit is not in excess of any constitutional or statutory limitation and for the proper budgeting, appropriation, and the prompt and full payment of all the obligations of this Note the entire full faith, credit and taxing power of said local government unit are hereby irrevocably pledged.

It is hereby further certified that the said local government unit has effectively covenanted to include the amount of the debt service on this Note in each fiscal year for which such sums are due, in its budget for that year, to appropriate such amounts to the payment of such debt service, and to periodically pay or cause to be paid the principal and interest thereon at the dates and places and in the manner stated herein, according to the true intent and meaning hereof.

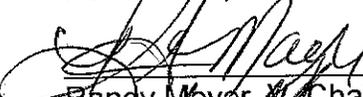
IN WITNESS WHEREOF, the Township of Benner, Centre County, Pennsylvania, has caused this Note to be properly executed by the proper officers of the local government unit and its corporate seal to be hereto affixed, attested to be the Secretary as of the 6th day of August, 2012.

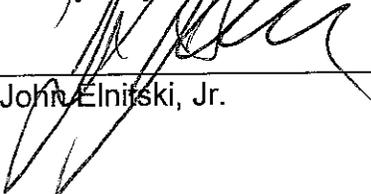
Benner Township Board of Supervisors

ATTEST:


Sharon Royer, Secretary
(seal)


David Wise, Chairman


Randy Moyer, Chairman


John Elnitski, Jr.

CERTIFICATE

I, the undersigned Secretary of Benner Township, Centre County, Pennsylvania, do hereby certify that the foregoing and attached is a true and correct copy of an Ordinance of said local government unit, which was duly enacted by the affirmative vote of the members of the governing body at the meeting thereof duly called and held on the 6th day of August, 2012, after due notice to the members and to the public and which was at all times open to the public, that the same was examined and approved by the members of the governing body and was duly recorded in the Ordinance Book of Benner Township and was published as required by law in the Centre Daily Times, a newspaper of general circulation in said Benner Township.

I further certify that the total number of members of the governing body of the local government unit is 3; that the vote upon said Ordinance was called and duly recorded on the minutes of said meeting and that the members voted in the manner following:

David Wise	Aye
Randy Moyer	Aye
John Elnitski, Jr.	Aye

WITNESS my hand and the seal of the Township of Benner, County of Centre, Pennsylvania, this 6th day of August, 2012.



Sharon Royer, Secretary

(SEAL)

CENTRE DAILY TIMES

www.centredaily.com

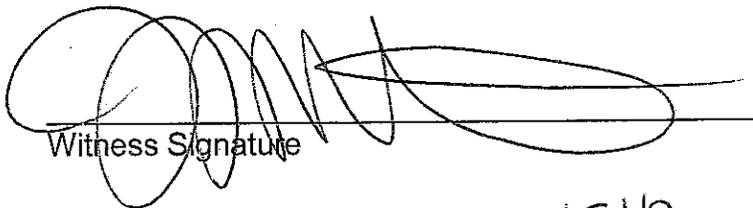
PROOF OF PUBLICATION

COMMONWEALTH OF PENNSYLVANIA)
COUNTY OF CENTRE) SS:

JANET SANTOSTEFANO, being duly sworn according to law says that she is an agent of the Centre Daily Times, a daily newspaper of general circulation, having its place of business in State College, Centre County, Pennsylvania, and having been established in the year 1898; that the advertisement, a printed copy of which is attached hereto, appeared in said newspaper on the

28 day(s) of July, 2012;

that affiant is not interested in the subject matter of the notice or advertisement; that all of the allegations contained herein relative to the time, place and character of the publication are true.


Witness Signature

Sworn and Subscribed to me this 15th
day of August, A.D. 2012.


Notary Signature

COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Amy D. Sinclair, Notary Public
College Twp., Centre County
My Commission Expires Aug. 14, 2013
Member, Pennsylvania Association of Notaries

NOTICE
NOTICE IS HEREBY GIVEN that on August 6, 2012, at 7:30 p.m. at 1224 Buffalo Run Road, Bellefonte, PA 16823, the officers of the Township of Benner, Centre County, PA will act on an ordinance authorizing the issuance of an awarding of its \$500,000, principal amount, general obligation Note. If enacted, the ordinance will award the Note to the purchaser thereof, approve the form of the Note, fix the rate of interest to be paid, pledge the full faith and credit of the local government unit for the payment thereof, create a sinking fund and authorize the proper officers to take the necessary steps to issue the Note. The funds to be obtained from the borrowing will be used for the following purpose: roadway maintenance and construction projects. A copy of the full text of the proposed ordinance may be examined by any citizen in the office of the Secretary of Benner Township at 1224 Buffalo Run Road, Bellefonte, PA, on any business day between the hours of 8 a.m. and 3:30 p.m.
Sharon Royer,
Secretary
Benner Township

CENTRE DAILY TIMES

www.centredaily.com

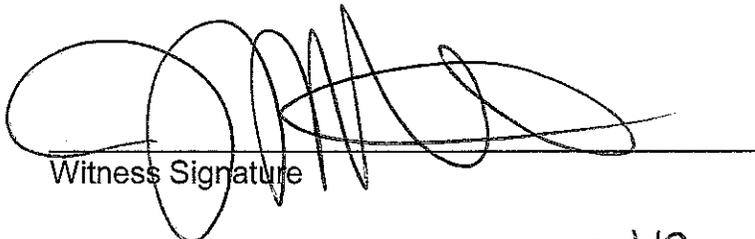
PROOF OF PUBLICATION

COMMONWEALTH OF PENNSYLVANIA)
COUNTY OF CENTRE) SS:

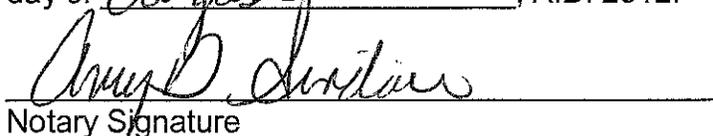
JANET SANTOSTEFANO, being duly sworn according to law says that she is an agent of the Centre Daily Times, a daily newspaper of general circulation, having its place of business in State College, Centre County, Pennsylvania, and having been established in the year 1898; that the advertisement, a printed copy of which is attached hereto, appeared in said newspaper on the

7th day(s) of August, 2012;

that affiant is not interested in the subject matter of the notice or advertisement; that all of the allegations contained herein relative to the time, place and character of the publication are true.


Witness Signature

Sworn and Subscribed to me this 15th
day of August, A.D. 2012.


Notary Signature

COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Amy D. Sinclair, Notary Public
College Twp., Centre County
My Commission Expires Aug. 14, 2013
Member, Pennsylvania Association of Notaries

NOTICE
NOTICE IS HEREBY GIVEN that on August 6, 2012, at 1224 Buffalo Run Road, Bellefonte, PA, the officers of the Township of Benner, Centre County, Pennsylvania enacted an ordinance authorizing the issuance of \$500,000 principal amount of the general obligation Note, and the private sale thereof to the Commonwealth of Pennsylvania. Lender at par, bearing the interest at the rate of 1.625% per annum. The Note is a general obligation of the local government unit and its officers are directed to do all acts necessary and proper for the issuance and securing of said Note. No amendments were made during the final passage of this ordinance.
A copy of the full text of the ordinance as enacted may be examined by any citizen in the office of the Secretary of Benner Township at 1224 Buffalo Run Road, on any business day between the hours of 8 a.m. and 3:30 p.m.
Sharon Royer,
Secretary
Benner Township