

TOWNSHIP OF WEST HEMPFIELD

Lancaster County, Pennsylvania

RESOLUTION NO. 18-18

A RESOLUTION OF THE BOARD OF SUPERVISORS OF WEST HEMPFIELD TOWNSHIP, LANCASTER COUNTY, PENNSYLVANIA, APPROVING THE FINANCING THROUGH THE EAST HEMPFIELD TOWNSHIP INDUSTRIAL DEVELOPMENT AUTHORITY OF A CERTAIN PROJECT FOR THE BENEFIT OF DRUG AND ALCOHOL REHABILITATION SERVICES, INC., A PENNSYLVANIA NOT-FOR-PROFIT CORPORATION; DESIGNATING THE CHAIRPERSON OF THE BOARD OF SUPERVISORS OR, IN HIS ABSENCE, ANY OTHER MEMBER OF THE BOARD OF SUPERVISORS AS THE “APPLICABLE ELECTED REPRESENTATIVE” WITHIN THE MEANING OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED; AUTHORIZING SUCH CHAIRPERSON OR ANY SUCH MEMBER OF THE BOARD OF SUPERVISORS TO TAKE CERTAIN ACTIONS ON BEHALF OF THE BOARD AS SUCH “APPLICABLE ELECTED REPRESENTATIVE”; AND AUTHORIZING OTHER NECESSARY AND APPROPRIATE ACTION.

WHEREAS, the East Hempfield Township Industrial Development Authority (the “Authority”) is a body politic and corporate incorporated pursuant to a resolution of the Board of Supervisors of the Township of East Hempfield, governed by the provisions of the Pennsylvania Economic Development Financing Law, approved August 23, 1967, P.L. 251, as amended and supplemented; and

WHEREAS, Drug and Alcohol Rehabilitation Services, Inc., a Pennsylvania not-for-profit corporation (the “Borrower”), has requested that the Authority assist it in a financing project consisting of all or a part of the following: (i) the relocation, design, planning, acquisition, construction and/or equipping of renovations of the Borrower’s Supervised Independent Living (“SIL”) Program, including (a) the installation of a fire suppression system, (b) the installation of a chiller to service air conditioning to the building, (c) the installation of security equipment, including cameras, magnetic egress hardware on doors, and audible alarms, (d) upgrades to existing fire panel and fire alarm hardware on the third floor living space for SIL Program clients, (e) upgrades to bedroom space, including carpeting and painting, (f) the installation of hot water heaters to service the third floor, (g) upgrades to the kitchen, including the installation of appliances and the expansion of storage, and (h) the expansion of the current phone system to include the third floor; (ii) the restructuring and reissuance of the Authority’s Revenue Bond, Series of 2012, the proceeds of which were applied to finance the acquisition, renovation, improvement, alteration, equipping and/or furnishing of the Borrower’s facilities and

property located at 1290 Prospect Road, West Hempfield Township, Lancaster County, Pennsylvania; and (iii) payment of the costs of issuing the Bond for the foregoing purposes (collectively, the "Project"); and

WHEREAS, in order to assist it in financing the Project, the Borrower, a qualified 501(c)(3) corporation, has requested that the Authority issue a bond, the interest on which shall not be included in gross income for lender under the Internal Revenue Code in an amount not to exceed \$1,500,000 (the "Bond"); and

WHEREAS, pursuant to the Internal Revenue Code of 1986, as amended (the "Code"), all bonds or notes issued by the Authority, such as the Bond to be issued to finance the Project for the benefit of the Borrower, must be approved by the "applicable elected representative" of the governmental unit having jurisdiction over the area in which the Project is located after a public hearing following reasonable public notice; and

WHEREAS, pursuant to the Code, the term "applicable elected representative" means, among other things, the elected legislative body of the governmental unit having jurisdiction over the area in which the Project is located; and

WHEREAS, the Board of Supervisors of West Hempfield Township (the "Board of Supervisors") is the "applicable elected representative" of the Township within the meaning of the Code; and

WHEREAS, the Board of Supervisors desires to authorize and direct its Chairperson, or in his absence, any other member of the Board to act on its behalf as such "applicable elected representative."

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS, AS FOLLOWS:

1. The Board of Supervisors hereby empowers, authorizes and directs its Chairperson, or in his absence, any of its members, to execute and deliver an "approval of applicable representative" in the form attached hereto; provided, that, such approval shall be delivered only following a public hearing conducted by the Authority, which has followed reasonable public notice, with respect to the Project. The Board of Supervisors intends that this resolution and the subsequent execution and delivery of the approval of "applicable elected representative" by any member of the Board of Supervisors of the Township shall constitute the "approval by a government unit" required by Section 147(f) of the Code.

2. This approval is given by the Board of Supervisors as the host community of the Project, i.e. as the governmental unit which contains the site of the Project, and solely for the purposes of Section 147(f) of the Code. This approval has been given solely for that purpose and does not constitute approval of any requests which may arise with respect to zoning, subdivision or land development, construction or any other matters, and this approval does not limit the ability of the Township to impose conditions

upon any approval or to collect any fees, costs, taxes, or payments in lieu of taxes. The obligations to be issued shall not constitute a debt or obligation of the Township, and the Township hereby assumes no obligation whatsoever with respect to payment of the same.

ADOPTED this 4th day of December, 2018 by the Board of Supervisors of West Hempfield Township, Lancaster County, Pennsylvania, in lawful session duly assembled.

WEST HEMPFIELD TOWNSHIP

By: David M. Dumeyer
(Vice) Chairperson

Attest: John B. St
(Assistant) Secretary

(SEAL)

