

ORDINANCE No. 231

AN ORDINANCE INCREASING THE INDEBTEDNESS OF THE BOROUGH OF ALBURTIS, COUNTY OF LEHIGH, PENNSYLVANIA, BY THE ISSUE OF A GENERAL OBLIGATION NOTE IN THE AMOUNT OF \$61,000.00 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 Borough of Alburdis, County of Lehigh, Commonwealth of Pennsylvania, be increased for the purpose of funding the unfunded indebtedness in the sewer revenue account, for the purpose of the payment of accumulated charges for wastewater sewage treatment and transportation due and owing to Lehigh County Authority through the third quarter, 1983; 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 Borough of Alburdis of the County of Lehigh, Commonwealth of Pennsylvania, and it is hereby ordained and enacted by the authority of same as follows:

SECTION I: That the aggregate principal amount of the note of the Borough of Alburdis, County of Lehigh, Pennsylvania, proposed to be issued is \$61,000.00, same to be issued for the foregoing purposes and same to be incurred as nonelectoral debt.

SECTION II: That the period for which the obligation is to be incurred shall be for a period of five years.

SECTION III: Said indebtedness shall be evidenced by general obligation note, in fully registered form, in the sum of \$61,000.00, 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, at the rate of interest of 70% of the National Commercial Rate in effect at take-down, adjusted quarterly, payable annually. The minimum effective rate shall be 7% and the maximum 11%, per annum, payable annually in five equal annual principal payments of \$12,200.00. The principal and interest of said note shall be payable at the office of the sinking fund depository selected for the note. The Borough of Alburdis reserves the right to anticipate any and all installments of principal or any payment of interest at any time prior to the respective payment dates thereof, without notice or penalty.

SECTION IV: The said notice hereby declared to be a general obligation of the Borough of Alburdis. The municipality hereby covenants that the municipality shall include the amount of debt service on the note for each fiscal year in which said 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

ORDINANCE 231 Contd

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 Borough of Alburttis is hereby irrevocably pledged.

SECTION V: The form of said note shall be substantially as follows:

UNITED STATES OF AMERICA
COMMONWEALTH OF PENNSYLVANIA
. County of Lehigh
Borough of Alburttis

GENERAL OBLIGATION NOTE \$61,000.00
Dated:

KNOW ALL MEN BY THESE PRESENTS, that the Borough of Alburttis, County of Lehigh, 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 SIXTY-ONE THOUSAND AND 00/100 DOLLARS (\$61,000.00) in installments as follows:

Fiscal Year 1985 the sum of \$12,200.00
Fiscal Year 1986 the sum of \$12,200.00
Fiscal Year 1987 the sum of \$12,200.00
Fiscal Year 1988 the sum of \$12,200.00
Fiscal Year 1989 the sum of \$12,200.00

with interest on the unpaid principal balance at the rate of 70% of the national commercial rate in effect at takedown, adjusted quarterly, payable annually. The minimum effective rate shall be 7% and the maximum 11%. The municipality retains the option to anticipate any installment of principal or any payment of interest at any time prior to the respective payment dates thereof, without notice or 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 public and private debts, at the office of the American Bank and Trust Company, Reading, 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 it 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 Borough of Alburttis 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 faith, credit, and taxing power of said Borough of Alburttis are hereby irrevocably pledged.

Ordinance 231 Contd

It is hereby further certified that the said Borough of Alburtis 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 thereof.

IN WITNESS WHEREOF, the Borough of Alburtis has caused this note to be properly executed by the proper officers of the Borough of Alburtis and its corporate seal to be hereto affixed, attested to by the Secretary as of the _____ day of _____, 1984.

BOROUGH OF ALBURTIS

President of Council

ATTEST:

Borough Treasurer

Borough Secretary
(SEAL)

SECTION VI: The said note shall be executed in the name and under the corporate seal of the Borough of Alburtis by the President of Council and the Borough Treasurer and attested to by the Secretary. The Treasurer is hereby authorized and directed to deliver said note to the purchaser, and receive payment therefor on behalf of the Borough of Alburtis. The President of Council and the Secretary of the Borough of Alburtis are authorized and directed to prepare, verify and file the debt statement required by Section 410 of Act 52 of 1978, 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 VII: The American Bank and Trust Company of Pennsylvania 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 1984 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 Borough of Alburtis withdraw monies in the Sinking Fund and apply said monies to payment of the principal of and interest on the obligation.

SECTION VIII: The President of Council and the Borough Secretary of the Borough of Alburdis are hereby authorized to contract with the American Bank and Trust Company for its services as Sinking Fund Depository for the note and paying agent for the same.

SECTION IX: In compliance with Section 701 of Act of 1978, the members of the governing body have determined that a private sale by negotiation rather than public sale is in the best interest of the local government unit. Therefore, the general obligation note in the amount of \$61,000.00, herein authorized to be issued and sold is hereby awarded and sold to the American Bank and Trust Company of Reading, Pennsylvania in accordance with its proposal to purchase the said note at par; provided the said note is dated the date of delivery thereof to the American Bank And Trust Company of Reading, Pennsylvania and is in the form set forth in Section 5 of this Ordinance; and further provided that the proceedings have been approved by the Department of Community Affairs if such approval is required under the provisions of the Act.

SECTION X: The action of the proper officers and the advertising of a summary of this Ordinance is required by law in the Call-Chronicle Newspapers, 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 XI: All ordinances or parts of ordinances not in accord with this Ordinance are hereby repealed insofar as they conflict herewith.

ORDAINED AND ENACTED THIS 30th day of May, 1984.

BOROUGH OF ALBURDIS

Carlton R. Raines
President of Council

ATTEST:

Joyce Schodde
Borough Secretary

Approved this 30th day of May, 1984

Charles C. [Signature]
Mayor of Borough of Alburdis

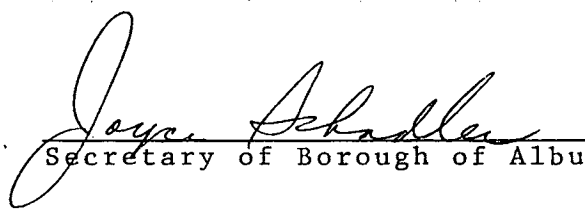
CERTIFICATE

I, the undersigned, Secretary of the Borough of Alburtis, Lehigh County, Pennsylvania, do hereby certify that the foregoing and attached is a true and correct copy of an Ordinance of said Borough of Alburtis, which was duly enacted by the affirmative vote of the members of the governing body of the Borough of Alburtis at a meeting thereof duly called and held on the 30th day of May, 1984, 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 said Borough of Alburtis and was published as required by law in the Call-Chronicle Newspapers, a newspaper of general circulation in said Borough of Alburtis.

I further certify that the total number of members of the governing body of the Borough of Alburtis is 7; 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:

- Carlton Raines - Aye
- Harry Dickson Aye
- Rose Lick Aye
- Wayne Hillmann Aye
- Ron DeIaco Aye
- Pamela Wallace Aye

WITNESS my hand and the seal of the Borough of Alburtis, this 30th day of May, 1984.


 Secretary of Borough of Alburtis

SEAL