

BOROUGH OF WEST KITTANNING
ARMSTRONG COUNTY, PENNSYLVANIA

ORDINANCE NO. _____

AN ORDINANCE OF THE BOROUGH OF WEST KITTANNING AUTHORIZING THE EXECUTION AND DELIVERY OF A PURCHASE AGREEMENT BETWEEN WEST HILLS AREA WATER POLLUTION CONTROL AUTHORITY AND THE BOROUGH OF APPLEWOLD, THE BOROUGH OF WEST KITTANNING, THE TOWNSHIP OF EAST FRANKLIN, AND THE TOWNSHIP OF NORTH BUFFALO, ALL LOCATED IN ARMSTRONG COUNTY, AND AUTHORIZING THE EXECUTION AND FILING OF AN APPROVAL REQUEST AND DEBT STATEMENT FOR SAID PURCHASE AGREEMENT WITH THE PENNSYLVANIA DEPARTMENT OF COMMUNITY AFFAIRS.

WHEREAS, West Hills Area Water Pollution Control Authority was incorporated to plan, acquire and construct certain sanitary sewage collection, transportation and treatment facilities substantially as proposed in the studies, prepared by Duncan, Lagnese and Associates, Inc. and R. B. Shannon & Associates, Inc.; and

WHEREAS, the Authority, to that end, has entered into an engineering contract with the Consulting Engineering firms of Duncan, Lagnese and Associates, Inc., of Pittsburgh, Pennsylvania and R. B. Shannon & Associates, Inc., of Kittanning, Pennsylvania, to prepare the necessary plans and specifications to construct the aforesaid proposed Sewer System Project (the "Proposed Planning Project"); and

WHEREAS, due to the elimination of planning moneys from Government agencies, it is not possible to obtain the moneys needed through any governmental loan or grant program, as had been the case in previous years, for the preparation of said final plans and specifications; and

WHEREAS, in order for the Authority to finance the preparation of the said final plans and specifications, it is necessary for the Borough of Applewold, the Borough of West Kittanning, the Township of East Franklin, and the Township of North Buffalo, all located in Armstrong County, to enter into a Purchase Agreement with West Hills Area Water Pollution Control Authority; and

WHEREAS, in order to render said Purchase Agreement effective as to the Borough of West Kittanning, it is necessary, pursuant to the provisions of

the Local Government Unit Debt Act, to provide for the adoption, execution and filing of an "Application for Approval", including a "Debt Statement" and a "Borrowing Base Certificate", by the Borough of West Kittanning with the Pennsylvania Department of Community Affairs, and receive the approval thereof.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Borough Council of the Borough of West Kittanning, and it is hereby ordained and enacted by authority of the same as follows:

SECTION 1. The Borough of Applewold, the Borough of West Kittanning, the Township of East Franklin, and the Township of North Buffalo, all located in Armstrong County, shall enter into an agreement with West Hills Area Water Pollution Control Authority substantially in the form of the Purchase Agreement, dated as of January 1, 1974, presented to this meeting, which is hereby made a part hereof by reference only and is on file with the Borough Secretary.

SECTION 2. The Mayor and President of Borough Council are hereby directed to execute, on behalf of the Borough of West Kittanning, an agreement substantially in the form of the said Purchase Agreement, which Purchase Agreement when consummated shall be attested to by the Borough Secretary, shall be delivered to the other parties thereto, and shall, after proper filings and approvals, be lease rental debt of the Borough of West Kittanning to the extent of \$50,000.

SECTION 3. The Mayor and President of Borough Council and the Borough Secretary are hereby further directed to prepare, execute and verify under oath a "Debt Statement" of the Borough in order to make effective the aforementioned Purchase Agreement, and to submit the same, together with an "Application for Approval" of said Purchase Agreement and the necessary filing fee, to the Pennsylvania Department of Community Affairs pursuant to the Local Government Unit Debt Act, as promptly as practicable.

SECTION 4. The Borough Council hereby further authorizes and directs that West Hills Area Water Pollution Control Authority shall undertake the completion of said final plans and specifications for its Proposed Project in accordance with the aforementioned studies, prepared by Duncan, Lagnese and Associates, Inc., of

Pittsburgh, Pennsylvania and R. B. Shannon & Associates, Inc., of Kittanning, Pennsylvania, and pursuant to the Cost Estimate for this work, attached hereto as "Exhibit 1", heretofore presented to the Borough by the said Consulting Engineers and hereby approved, and finance the same through the borrowing of \$400,000 from The Merchants National Bank of Kittanning, Peoples Bank of Ford City, Pa. and National Bank of the Commonwealth, as the Lending Banks, pursuant to the terms of a Credit Agreement, dated as of January 1, 1974, as secured by the Purchase Agreement approved hereunder.

SECTION 5. All ordinances or resolutions or parts of ordinances or resolutions not in accord with this Ordinance are hereby repealed insofar as they affect this Ordinance.

SECTION 6. This Ordinance shall take effect ten (10) days after its final enactment.

ORDAINED AND ENACTED into law by the Borough Council of the Borough of West Kittanning in lawful session assembled this 4 day of FEB, 1974.

BOROUGH OF WEST KITTANNING

By Fred W. Southworth

(BOROUGH SEAL)

Attest:

Bonnie Brown
Borough Secretary

APPROVED this 4 day of FEB, 1974.

By Thomas J. Hawley
Mayor

EXHIBIT 1

WEST HILLS AREA WATER POLLUTION CONTROL AUTHORITY
Five (5) Year Bank Loan - \$400,000
Sanitary Sewage Project

1.	Engineering:		
	(a) Fees for Final Plans and Specifications and related Surveys	\$220,000.00	
	(b) Test Borings	\$ 12,000.00	
	(c) Contingencies	<u>\$ 3,000.00</u>	
			\$235,000.00
2.	Lands (Treatment Plant Site and Three Pumping Station Sites) and Critical Rights of Ways (Options and Purchases):		\$ 10,000.00
3.	Legal:		
	(a) Authority's Solicitors:		
	(1) Real Estate Work		\$ 4,000.00
	(2) Bank Loan	\$ 6,000.00	
	(b) Bond Counsel (Bank's Special Counsel)		
	(1) Bank Loan	\$ 4,000.00	
	(c) Expenses, reproduction costs, filing fees, etc.	<u>\$ 1,000.00</u>	
			\$ 11,000.00
4.	Authority Administration Expenses		\$ 30,000.00
5.	Interest on the Bank Loan for 5 years (Estimated at 5-1/2% per annum - to be paid semi-annually)		<u>\$110,000.00</u>
	TOTAL BANK LOAN:		\$400,000.00


C E R T I F I C A T E

I, the undersigned, Secretary of the Borough of West Kittanning, Armstrong County, Pennsylvania, do hereby certify that the foregoing and attached is a true and correct copy of an Ordinance of said Borough which was duly enacted by the affirmative vote of a majority of the members of the Governing Body of said Borough at a meeting thereof duly called and held on the 4 day of FEB, 1974, with said members voting in the following manner:

<u>Borough Council</u>	<u>Vote</u>
<u>Fred Smithworth</u> , President	<u>✓</u>
<u>Carl Richter</u>	<u>✓</u>
<u>Arthur Caldwell</u>	<u>✓</u>
<u>Richard Spann</u>	<u>✓</u>
<u>Randall Frederick</u>	<u>✓</u>
<u>Daniel Brown</u>	<u>✓</u>
_____	_____

I hereby further certify that proper notices before and after its adoption were duly published, as required by law, in a newspaper of general circulation, published or circulating in the Borough, and that the same was duly recorded in the Ordinance Book of said Borough; and that said Ordinance has not been amended, modified or rescinded and is still in full force and effect.

WITNESS my hand and the seal of the Borough of West Kittanning this 4 day of FEB, 1974.



Borough Secretary

(BOROUGH SEAL)