

ORDINANCE NO. 23

AN ORDINANCE OF THE BOROUGH OF INDIAN LAKE AUTHORIZING THE EXECUTION AND DELIVERY OF A PURCHASE AGREEMENT BETWEEN STONYCREEK VALLEY SEWER AUTHORITY AND THE BOROUGH OF INDIAN LAKE, THE BOROUGH OF SHANKSVILLE, AND THE TOWNSHIP OF STONYCREEK, ALL LOCATED IN SOMERSET 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, Stonycreek Valley Sewer Authority was incorporated to plan, acquire and construct certain sanitary sewage collection, transportation and treatment facilities substantially as proposed in the "Feasibility Study Stonycreek Valley Sewage Authority Sewerage System Facilities" prepared by Duncan, Lagnese and Associates, Inc. and Carson Engineers, dated August, 1973; 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 Carson Engineers, of Greensburg, 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 said Authority to finance the preparation of said final plans and specifications, it is necessary for the Borough of Indian Lake, the Borough of Shanksville, and the Township of Stonycreek, all located in Somerset County, to enter into a Purchase Agreement with Stonycreek Valley Sewer Authority; and

WHEREAS, in order to render said Purchase Agreement effective as to the Borough of Indian Lake, 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 Indian Lake 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 Indian Lake, and it is hereby ordained and enacted by authority of the same as follows:

SECTION 1. The Borough of Indian Lake, the Borough of Shanksville and the Township of Stonycreek, all located in Somerset County, shall enter into an agreement with Stonycreek Valley Sewer Authority substantially in the form of the Purchase Agreement, dated as of October 1, 1973, 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 the President of Borough Council are hereby directed to execute, on behalf of the Borough of Indian Lake, 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 Indian Lake to the extent of \$138,900.

SECTION 3. The Mayor and the 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 Stonycreek Valley Sewer Authority shall undertake the completion of said final plans and specifications for its Proposed Project in accordance with the aforementioned "Feasibility Study", dated August, 1973, prepared by Duncan, Lagnese and Associates, Inc. of Pittsburgh, Pennsylvania and Carson Engineers, of Greensburg, 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 \$300,000 from First National Bank of Somerset County, as the Lending Bank, pursuant to the terms of a Credit Agreement, dated as of October 1, 1973, 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 Indian Lake in lawful session assembled this 20th day of October, 1973.

BOROUGH OF INDIAN LAKE

By /s/ Eugene W. Holman
President of Borough Council

Attest:

/s/ Barbara A. Miller
Borough Secretary

APPROVED this 20th day of October, 1973.

By /s/ Theron H. Wider

STONEYCREEK VALLEY SEWER AUTHORITY
 Five (5) Year Bank Loan - \$300,000
 Sanitary Sewage Project

1. Engineering:		
(a) Fees for Final Plans and Specifications	\$160,000.00	
(b) Test Borings	10,000.00	
(c) Contingencies	5,000.00	
		\$175,000.00
2. Lands and Rights of Ways (Options and Purchases):		\$ 15,000.00
3. Legal:		
(a) Authority's Solicitor:		\$ 6,000.00
(1) Real Estate Work	\$ 4,000.00	
(2) Bank Loan		
(b) Bond Counsel (Bank's Special Counsel)		
(1) Bank Loan	\$ 4,000.00	
(c) Expenses, reproduction costs, filing fees, etc.	\$ 1,000.00	
		\$ 9,000.00
4. Authority Administration Expenses		\$ 5,000.00
5. Interest on the Bank Loan for 5 years (At 6% per annum x 5 years - to be paid semi-annually)		\$ 90,000.00
		\$300,000.00

TOTAL BANK LOAN:

* * * * *

MUNICIPALITIES OBLIGATIONS UNDER
PURCHASE AGREEMENT

	<u>Assessed</u> <u>Valuation 1972</u>	<u>Ave.1971,1972</u> <u>1973 Budgets</u>	<u>Average</u> <u>Percentage</u>	<u>Amount</u>
Indian Lake Borough	\$1,758,281.00	\$ 70,275.00	44.6%	\$133,800.00
Shanksville Borough	\$ 288,977.00	\$ 6,949.26	5.9%	\$ 17,700.00
Stonycreek Township	\$1,771,490.00	\$ 85,576.66	49.5%	\$148,500.00
	\$3,818.748.00	\$162,800.92	100%	\$300,000.00

