

**BEFORE THE BOROUGH COUNCIL OF THE BOROUGH OF EMMAUS  
LEHIGH COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 1258**

**AN ORDINANCE INCREASING THE INDEBTEDNESS OF EMMAUS, LEHIGH COUNTY, PENNSYLVANIA, BY THE ISSUE OF A GENERAL OBLIGATION NOTE IN THE AMOUNT OF FOUR HUNDRED THOUSAND AND 00/100 DOLLARS (\$400,000.00) 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 Emmaus, Lehigh County, Pennsylvania be increased for the following purpose of the purchase of a parking lot located at 311 Main Street, Emmaus, Lehigh County, Pennsylvania, PIN 549466312471-1; and

**WHEREAS**, the local government unit has received preliminary realistic cost estimates from professional consultant indicating the sum of Four Hundred Thousand and 00/100 Dollars (\$400,000.00) will be needed to complete the project; and

**WHEREAS**, the proposed increase of debt, together with its nonelectoral 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 Emmaus, Lehigh 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 Borough of Emmaus, Lehigh County, Pennsylvania, proposed to be issued is Four Hundred Thousand and 00/100 Dollars (\$400,000.00), same to be issued for the foregoing purposes and same to be incurred as nonelectoral debt.

**SECTION 2.** The period of useful life of the improvements for which this obligation is to be issued is estimated to be in excess of ten (10) years.

**SECTION 3.** Said indebtedness shall be evidenced by one general obligation Note, in fully registered form, in the sum of Four Hundred Thousand and 00/100 Dollars (\$400,000.00) 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 28<sup>th</sup> 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 Four and Five Hundred Fifty-Nine Thousandths Percent (4.559%) per annum, payable on the unpaid balance of said Note on March 1, 2034 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 4.52% per annum (computed on the basis of 365 days to the year) until paid, which Note shall mature in installments on the annual anniversary date of said Note as follows:

**SEE ATTACHED EXHIBIT "A" SHOWING THE REPAYMENT SCHEDULE**

The local government unit 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 interests 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 Borough of Emmaus, Lehigh 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 Borough of Emmaus 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 Four and Five Hundred Fifty-Nine Thousandths Percent (4.559%) are as follows:

**SEE ATTACHED EXHIBIT "B" SHOWING THE INTEREST DEBT SERVICE SCHEDULE**

**SECTION 5.** The form of said Note shall be substantial as set forth in the attached **Exhibit "C"**.

**SECTION 6.** The said Note shall be executed in the name and under the corporate seal of the local government unit by the Borough Council President and Borough Manager and attested to by the Borough Manager. The Treasurer is hereby authorized and directed to deliver said Note to the purchaser and receive payment thereof on behalf of the local government unit. The Borough Manager and Treasurer 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.** Penn Community 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 2023 General Obligation Note" for the payment of the principal and interest thereon which shall be deposited in 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 from the Sinking Fund and apply said monies to payment of principal and interest on the obligation.

**SECTION 8.** The Borough Manager and Treasurer of the local government unit are hereby authorized to contract with Penn Community 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 negotiation rather than public sale is in the best financial interest of the local government unit. Therefore, the general obligation Note in the amount of Four Hundred Thousand and 00/100 Dollars (\$400,000.00), herein authorized to be issued and sold is hereby awarded and sold to Penn Community Bank in accordance with its proposal to purchase the said Note at par; provided the said Note is dated the delivery thereof to the Penn Community Bank and is in the form set forth in this Ordinance as Exhibit "C"; 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 Morning Call, a newspaper of general circulation, is ratified and confirmed. The advertisement in said paper of another 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.

**DULY ADOPTED** this 18<sup>th</sup> day of December 2023, in lawful session duly assembled.

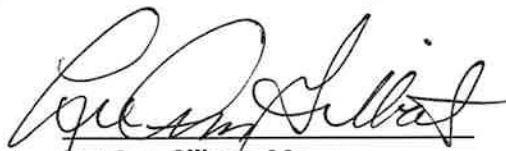


**Shane M. Pepe**  
Borough Manager



**Brent A. Labenberg**  
Borough Council President

**AND NOW**, this 18<sup>th</sup> day of December 2023, the above Ordinance is hereby **APPROVED** by the Mayor of the Borough of Emmaus in due course.



**Lee Ann Gilbert, Mayor**  
Borough of Emmaus

