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Article XVI — Authorization of Agreements, Etc.

§ 65-1601 1970 Western Lehigh Interceptor System Agreement.

(a) **Approval of Agreement.** This Borough shall enter into an Agreement, originally intended to be dated December 15, 1969 and finally dated January 22, 1970, by and among Lehigh County Authority, County of Lehigh, the Boroughs of Alburtis and Macungie, the Township of Upper Macungie, and Lower Macungie Township Authority, whereby, *inter alia*, the parties have agreed to terms and conditions with respect to construction of certain sewage facilities to transport sewage and wastes from the proposed sewage collection systems to serve the Boroughs of Alburtis and Macungie and the Townships of Lower Macungie and Upper Macungie to the sewer system operated by the City of Allentown for treatment and disposition and the method of sharing the costs of acquisition and construction of said sewage facilities, the costs of operation and maintenance thereof, and the costs of treatment and disposition of such sewage and wastes by the City of Allentown, substantially in the form presented to Borough Council on December 1, 1969, which Agreement is approved.

(b) **Copy of Agreement On File.** A copy of the agreement, in the form so presented to Borough Council on December 1, 1969 and so approved, shall be filed with the Secretary of this Borough and shall be made available for inspection at reasonable times by interested persons requesting such inspection.

(c) **Execution of Agreement.** The President or Vice President of Council, Mayor, and Secretary or Assistant Secretary of this Borough, as applicable, are authorized and directed to execute and deliver the Agreement, in behalf of this Borough, in the form so approved.

(d) **Other Documents and Acts.** Proper officers of this Borough are authorized and directed to execute all documents and do all other acts as may be necessary and proper to carry out this Section and undertakings of this Borough in the Agreement.

§ 65-1602 1971 Lease of Borough Sewer System from Sewer Authority to the Borough.

(a) **Lease Authorized; Initial Term.** The Borough, as lessee, shall enter into an Agreement of Lease, dated as of June 15, 1971 (the “**Lease**”), with Borough of Alburdis Sewer Authority (the “**Authority**”), as lessor, substantially in the form referred to in subsection (b), with respect to the sewer system, as that term is defined in the lease, to be acquired, constructed and owned by the Authority, under terms of which lease said sewer system will be leased to this Borough for operation and use.

(b) **Initial Term.** The Lease shall be for an initial term of forty (40) years and shall set forth terms, conditions, provisions, covenants, and agreements to be observed by the Authority and the Borough with respect to said sewer system.

(c) **Form of Lease; Filing.** The Lease shall be substantially in the form presented to Borough Council on June 7, 1971, which form is approved; and a copy of the Lease, in the form so presented and so approved, shall be filed with the Secretary of this Borough and shall be made available for inspection at reasonable times by interested persons requesting such inspection.

(d) **Execution of Lease.** The Mayor, President or Vice President of Council, and Secretary or Assistant Secretary of this Borough, as applicable, are authorized and directed to execute and deliver the Lease, in behalf of this Borough, in the form approved in subsection (c).

(e) **Other Documents and Acts.** Proper officers of this Borough are authorized and directed to execute all documents and do all other acts as may be necessary and proper to carry out this Section and undertakings of this Borough under the Lease.

§ 65-1603 Rights Granted to Sewer Authority In Borough Streets and Properties.

(a) **Grant of Easements and Other Rights.** This Borough does grant to the Borough of Alburdis Sewer Authority (“**Authority**”), its successors and assigns, all easements, rights of way and other rights necessary and desirable in, along, over, and under streets, roads, lanes, courts, cul-de-sacs, alleys, public ways, public squares, and other properties of the Borough, together with free ingress, egress, and regress therein and thereto, along with other persons having interests or rights therein, for use in connection with constructing, replacing, repairing, altering, and maintaining the Sewer System to be acquired and constructed by the Authority, as the same shall exist, from time to time. The term “Sewer System” shall mean the complete sanitary sewage collection system, including all related and necessary facilities, for rendering sewage collection service in and for portions of this Borough.

(b) **Rules, Regulations, and Conditions.** The rights and privileges granted to the Authority under subsection (a) shall be exercised by the Authority under and subject to such reasonable rules, regulations, and conditions as shall be adopted and specified, from time to time, by resolution or ordinance of this Borough; and this Borough does reserve the right to adopt and specify, from time to time, such reasonable rules, regulations, and conditions in connection with the exercise by the Authority of such rights and privileges.

§ 65-1604 1994 Sewer Transmission Agreement with Lower Macungie Township.

(a) **Execution Authorized.** The President of Borough Council and the Borough Secretary are authorized to execute on behalf of the Borough of Alburtis a Sewer Transmission Agreement among the Borough of Alburtis, Borough of Alburtis Sewer Authority, and the Township of Lower Macungie in the form attached to Ordinance 311 as **Exhibit A**, and incorporated herein by reference.

(b) **Terms of Agreement.** The conditions of the agreement, the duration of the term of the agreement, the purpose and objectives of the agreement (including the relative rights and duties of the parties), the manner and extent of financing the agreement, and the manner in which property shall be acquired, managed, licensed, or disposed of, are set forth in **Exhibit A** to Ordinance 311. No special organizational structure is necessary to implement the Agreement other than as set forth in **Exhibit A** to Ordinance 311, and no new entity is being created in connection with the agreement.

§ 65-1605 Addendum No. 5 to 1991 Amendment to 1983 Wastewater Treatment Capacity Allocation Agreement (6.15 MGD).

The Borough of Alburtis shall enter into an Addendum No. 5 to the 17 April 1991 Amendment to the 1 April 1983 Wastewater Treatment Capacity Allocation Agreement (6.15 MGD) with Lehigh County Authority, County of Lehigh, Borough of Macungie, and the Townships of Lower Macungie, Lowhill, Upper Macungie, Upper Milford, and Weisenberg in the form attached to Ordinance 450 as **Exhibit A**, which is incorporated into this Article by reference, *provided that* the governing bodies of the other parties shall also approve the execution of the Agreement. The President (or Vice President) of Borough Council and the Executive Secretary are hereby authorized and directed to execute and attest the Agreement on behalf on the Borough upon the approval of the Agreement by all of the parties.

§ 65-1606 Amendment No. 4 to 1987 Wastewater Treatment Capacity Allocation Agreement (Post-1985 Allocation).

The Borough of Alburtis shall enter into an Amendment No. 4 to the 4 August 1987 Wastewater Treatment Capacity Allocation Agreement (Post-1985 Allocation) with Lehigh County Authority, Borough of Macungie, and the Townships of Lower Macungie, Lowhill, Upper Macungie, Upper Milford, and Weisenberg in the form attached to Ordinance 450 as **Exhibit B**, which is incorporated into this Article by reference, *provided that* the governing bodies of the other parties shall also approve the execution of the Agreement. The President (or Vice President) of Borough Council and the Executive Secretary are hereby authorized and directed to execute and attest the Agreement on behalf on the Borough upon the approval of the Agreement by all of the parties.

**§ 65-1607 Sewer Capacity Assurance and Rehabilitation Program
Memorandum of Understanding—Investigation and Evaluation
Phase.**

The Borough of Alburtis hereby approves the Memorandum of Understanding—Investigation and Evaluation Phase for the Sewer Capacity Assurance and Rehabilitation Program in the form attached to Ordinance 489 as **Exhibit A**, which is incorporated into this Article by reference, and authorizes the President of Borough Council to sign the Memorandum of Understanding—Investigation and Evaluation Phase on behalf of the Borough, and the Executive Secretary of the Borough to attest such signature.

**§ 65-1608 Sewer Capacity Assurance and Rehabilitation Program
Memorandum of Understanding—Allocation of Development Flow
Credits for Conveyance.**

The Borough of Alburtis hereby approves the Memorandum of Understanding—Allocation of Development Flow Credits for Conveyance for the Sewer Capacity Assurance and Rehabilitation Program in the form attached to Ordinance 491 as **Exhibit A**, which is incorporated into this Article by reference, and authorizes the President of Borough Council to sign the Memorandum of Understanding—Allocation of Development Flow Credits on behalf of the Borough, and the Executive Secretary of the Borough to attest such signature.

§ 65-1609 Agreement With Pennsylvania One Call System, Inc.

The Borough of Alburtis shall enter into a Membership Agreement, an Indemnity Agreement, and a Fax Service Agreement with Pennsylvania One Call System, Inc. in the forms attached to Ordinance 520 as **Exhibit A**, which is incorporated into this Article by reference, and authorizes the President of Borough Council to sign each of these agreements on behalf of the Borough, and the Executive Secretary of the Borough to attest such signature.