

ORDINANCES

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ORDINANCE NO. 1514

ORDINANCE AUTHORIZING THE INCURRING OF NONELECTORAL DEBT FOR THE PURPOSE OF PROVIDING FUNDS FOR A REFUNDING PROJECT AND A CAPITAL PROJECT, BY THE ISSUANCE OF GENERAL OBLIGATION BONDS NOT TO EXCEED THE AGGREGATE PRINCIPAL AMOUNT OF \$8,500,000; FINDING A SALE BY NEGOTIATION TO BE IN THE BEST INTEREST OF THE BOROUGH; PROVIDING FOR MAXIMUM MATURITIES, MAXIMUM INTEREST RATES AND REDEMPTION FEATURES; COVENANTING TO PAY DEBT SERVICE; PLEDGING FULL FAITH, CREDIT AND TAXING POWER FOR THE PAYMENT OF THE BONDS; APPOINTING A PAYING AGENT, REGISTRAR AND SINKING FUND DEPOSITORY; ESTABLISHING A SINKING FUND; APPROPRIATING THE BOND PROCEEDS; AUTHORIZING ACCEPTANCE OF A PROPOSAL; RATIFYING PRIOR ADVERTISEMENT AND DIRECTING FURTHER ADVERTISEMENT; AUTHORIZING THE PAYMENT OF EXPENSES; RATIFYING THE PRELIMINARY OFFICIAL STATEMENT; AUTHORIZING APPROVAL OF THE FINAL OFFICIAL STATEMENT; AUTHORIZING THE OPENING OF A CLEARING ACCOUNT AND A PROJECT ACCOUNT; ADOPTING A FORM OF BOND; AUTHORIZING THE EXECUTION AND DELIVERY OF A DISCLOSURE AGREEMENT; AND REPEALING INCONSISTENT ORDINANCES.

As Enacted March 11, 2021

WHEREAS, the Borough of West View (the "Borough") pursuant to an ordinance enacted on August 11, 2016, issued a series of bonds entitled Borough of West View, General Obligation Bonds, Series of 2016 in the original aggregate principal amount of \$7,655,000 of which \$6,550,000 are currently outstanding (the "Prior Bonds"), which were issued to undertake a project (the "2016 Project") consisting of the (i) refunding of a portion of the Borough's General Obligation Bonds, Series of 2012 and (ii) financing of various capital improvements to the Borough's facilities; and

WHEREAS, the Borough has determined an economic benefit to be gained from the refunding of some or all of the Prior Bonds (the "Refunding Project") by reducing debt service over the life of the Prior Bonds; and

WHEREAS, it is necessary that the Borough issue its general obligation bonds in order to accomplish the Refunding Project and gain such benefit; and

WHEREAS, the Borough desires to undertake a project consisting of constructing improvements to the Borough's roads and capital improvements to the Borough's facilities (the "Capital Project"); and

WHEREAS, it is necessary that the Borough issue its general obligation bonds in order to accomplish the Capital Project; and

WHEREAS, the Borough intends to issue its bonds in accordance with the terms of this Ordinance and the Local Government Unit Debt Act, 53 Pa.C.S. §§8001 *et seq.*, as amended (the "Debt Act"), to pay the costs of the Refunding Project and the Capital Project; and

NOW, THEREFORE, BE AND IT HEREBY IS ORDAINED AND ENACTED by the Borough Council of the Borough of West View that:

SECTION 1. The Project.

The Borough hereby undertakes as a project the Refunding Project and hereby undertakes as a project the Capital Project, which are combined for purposes of financing. The descriptions of the Refunding Project and the Capital Project contained in the recitals to this Ordinance are hereby incorporated into this Section by reference as if set out at length.

SECTION 2. Incurrence of Indebtedness.

For the purpose of providing funds for and toward the payment of costs, as such term is used in the Debt Act, of the Capital Project and the Refunding Project, the incurring of nonelectoral debt by the Borough in an amount not to exceed \$8,500,000 is hereby authorized. Such debt shall be evidenced by an issue of general obligation bonds of the Borough in an aggregate principal amount not to exceed \$8,500,000, designated "Borough of West View, General Obligation Bonds, Series of 2021" (the "Bonds").

SECTION 3. Approval of Private Sale.

After considering the advantages and disadvantages of a public sale of the Bonds, the Borough Council hereby determines that a private sale by negotiation is in the best financial interests of the Borough.

SECTION 4. Acceptance of Proposal.

(a) The Borough hereby invites, and authorizes Piper Sandler & Co. (the "Purchaser") to submit in the manner herein provided, a proposal for the purchase of all but not less than all of the Bonds, bearing rates, terms and other provisions not inconsistent with this Ordinance (the "Proposal").

(b) The Proposal shall be submitted to the President of the Borough Council of the Borough for approval and acceptance, which Proposal shall be substantially in the form presented at this meeting, with such insertions as to interest rates, principal amounts, maturity dates and redemption provisions and related matters, and (ii) such deletions and amendments as the President, the Solicitor and Bond Counsel shall approve. The execution and delivery of a Proposal by the appropriate officers of the Borough shall constitute conclusive evidence of such approval.

(c) The Proposal must meet the following requirements:

(i) The aggregate purchase price for the Bonds to be purchased pursuant to such Proposal shall not be less than the total of (A) 95.00% of the aggregate principal amount thereof, (B) reduced or increased by any net original issue discount or premium, if any, and (C) plus accrued interest, if any.

(ii) The Proposal must identify the Prior Bonds being refunded.

(iii) The net savings after all expenses from the Refunding Project must be not less than the 2.00% of the aggregate principal amount of the Bonds after reduction for any original issue discount or increase for any original issue premium.

(iv) The Proposal must identify the amount of proceeds to be applied to the Capital Project.

(v) The Bonds contemplated by the Proposal must conform to the requirements of the Debt Act.

(d) The execution and delivery of the Proposal by the appropriate officers of the Borough shall constitute acceptance hereunder of the Proposal. Upon acceptance of the Proposal, the Bonds shall be and are hereby awarded and sold at private sale by negotiation unto the Purchaser identified by the President of Borough Council in accordance with the requirements set forth in the preceding provisions of this Section 4, in accordance with all the terms of the Proposal. The proper officers are authorized and directed to accept such Proposal by signing it, to return it to the Purchaser and to file a copy of the same with the records of the Borough.

The Secretary is hereby authorized and directed to deliver the Bonds to the Purchaser and receive payment therefor on behalf of the Borough after sale of the same in the manner required by law and the terms of this Resolution. The proper officers of the Borough are hereby authorized and directed to transfer and invest funds, to pay all necessary, usual and proper costs of issuance of the Bonds, to execute and deliver such documents and to do all such other acts, upon advice of the Solicitor and/or Bond Counsel, as are reasonably necessary to ensure a satisfactory settlement of the sale of the Bonds, and a proper application of the proceeds thereof to the Refunding Project.

SECTION 5. Maturity and Interest Rates.

The rate of interest per annum for each maturity of the Bonds shall not exceed the rates set forth in Schedule A attached hereto and incorporated herein; provided, that in the case of term bonds the applicable rate of interest shall be the rate set forth in Schedule A for the relevant maturity date of such term bonds. The principal amount of Bonds annually scheduled to mature or to be subject to mandatory redemption, as the case may be, shall not exceed the principal amount on each date set forth in Schedule A attached hereto. The Bonds shall bear interest accruing from a date (the "Dated Date"), which date shall be on or about the date of delivery as more fully specified in the applicable Proposal.

SECTION 6. Appointment of Paying Agent, Registrar and Sinking Fund Depository.

The Bank of New York Mellon Trust Company, N.A., Pittsburgh, Pennsylvania, is hereby appointed Paying Agent (the "Paying Agent") and Registrar (the "Registrar") for the Bonds and Sinking Fund Depository (the "Sinking Fund Depository") for the Sinking Fund created hereby. The Secretary is hereby authorized and directed to contract with such entity for its services as Sinking Fund Depository, Paying Agent and Registrar at such initial and annual charges as shall be appropriate and reasonable for such services. The Borough may, by Ordinance, from time to time, appoint a successor Paying Agent, Sinking Fund Depository or Registrar to fill a vacancy or for any other reason.

SECTION 7. Form of Bond, Interest Payment Dates and Record Dates.

The Bonds shall be issued in fully registered form without coupons and shall be numbered in such manner as may be satisfactory to the Borough and the Paying Agent. Pursuant to recommendations promulgated by the Committee on Uniform Security Identification Procedures, "CUSIP" numbers may be printed on the Bonds. Each Bond shall be dated as of the date of its authentication. The Bonds shall be issued in denominations of \$5,000 or any whole multiple thereof. The Bonds shall bear interest from the appropriate February 1 or August 1 (each, an "Interest Payment Date") immediately preceding their respective dates of authentication, unless: (a) a Bond shall be authenticated as of a date after a Record Date and on or before the next succeeding Interest Payment Date, in which case such Bond shall bear interest from such next succeeding Interest Payment Date or (b) a Bond shall be authenticated on or prior to the Regular Record Date preceding August 1, 2021, in which case such Bond shall bear interest from the Dated Date; or (c) as shown on the records of the Paying Agent, interest on the Bonds shall be in default, in which event the Bond shall bear interest from the date on which interest was last paid on the Bond until such sum is paid, or if no interest has been paid, from the Dated Date.

The term "Regular Record Date" with respect to any Interest Payment Date shall mean the January 15 or July 15 immediately preceding such Interest Payment Date. The person in whose name any Bond is registered at the close of business on any Regular Record Date with respect to any Interest Payment Date shall be entitled to receive the interest payable on such Interest Payment Date notwithstanding the cancellation of such Bond upon any transfer or exchange thereof subsequent to such Regular Record Date and prior to such Interest Payment Date, except if and to the extent that the Borough defaults in the payment of the interest due on such Interest Payment Date, in which case such defaulted interest shall be paid to the persons in whose names outstanding Bonds are registered at the close of business on a Special Record Date established by the Paying Agent, notice of which shall have been mailed not less than ten (10) days prior to such Special Record Date to the persons in whose name the Bonds are registered at the close of business on the fifth (5th) day preceding the date of mailing.

If the date for payment of the principal of or interest on any Bonds shall be a Saturday, Sunday, legal holiday or a day on which banking institutions in the Commonwealth are authorized or required by law or executive order to close, then the date for payment of such principal or interest shall be the next succeeding day that is not a Saturday, Sunday, legal holiday or a day on which such banking institutions are authorized or required to close, and payment on such date shall have the same force and effect as if made on the nominal date established for such payment.

SECTION 8. Bond Register, Registrations and Transfer.

The Borough shall cause to be kept at the designated corporate trust office of the Paying Agent a register (the "Bond Register") in which, subject to such reasonable regulations as it may prescribe, the Borough shall provide for the registration of Bonds and the registration of transfers and exchanges of Bonds. No transfer or exchange of any Bond shall be valid unless made at such office and registered in the Bond Register.

Upon surrender of any Bond at the designated corporate trust office of the Paying Agent for registration of transfer, the Borough shall execute and the Paying Agent shall authenticate and deliver in the name of the transferee or transferees, a new Bond or Bonds of any authorized denomination, of the same interest rate and maturity, and in the same aggregate principal amount as the Bond so surrendered.

Any Bond shall be exchangeable for other Bonds of the same maturity and interest rate, in any authorized denomination, in an aggregate principal amount equal to the principal amount of the Bond or Bonds presented for exchange. Upon surrender of any Bond for exchange at the principal corporate trust office of the Paying Agent, the Borough shall execute and the Paying Agent shall authenticate and deliver in exchange therefor the Bond or Bonds which the owner making the exchange shall be entitled to receive.

All Bonds issued upon any registration of transfer or exchange shall be valid obligations of the Borough, evidencing the same debt and entitled to the same benefits under this Ordinance as the Bonds surrendered for such registration of transfer or exchange.

Every Bond presented or surrendered for registration of transfer or exchange shall be duly endorsed, or be accompanied by a written instrument of transfer, in form and with guaranty of signature satisfactory to the Borough and the Registrar, duly executed by the Registered Owner thereof or his duly authorized agent or legal representative.

No service charge shall be made for any transfer or exchange of any Bond, but the Borough may require payment of a sum sufficient to cover any tax or other governmental charge that may be imposed in connection with any transfer or exchange of Bonds.

The Borough shall not be required to register the transfer of or exchange any Bond: (a) in the case of Bonds then considered for redemption, during a period beginning at the close of business on the fifteenth (15th) day next preceding any date of selection of Bonds to be redeemed and ending at the close of business on the day on which the applicable notice of redemption is mailed; (b) once selected for redemption in whole or in part until after the redemption date; or (c) during a period beginning at the close of business on the fifteenth (15th) day next preceding the date of maturity of the Bond and ending at the close of business on the date of maturity.

SECTION 9. Execution and Authentication.

(a) Execution and Authentication. The Bonds shall be executed on behalf of the Borough by the President of the Borough Council, and shall have a facsimile of the corporate seal of the Borough affixed thereto, duly attested by the Secretary and said officers are hereby authorized and directed to execute the Bonds. The Bonds shall be authenticated by the manual execution of the Certificate of Authentication by a duly authorized officer of the Paying Agent. No Bond shall be valid until such Certificate of Authentication shall have been duly executed by the Paying Agent and such authentication shall be conclusive and the only proof that any Bond has been issued pursuant to this Ordinance and is entitled to any benefits conferred thereon under the provisions of this Ordinance. To the extent that any one signature on a Bond (including the signature of the officer of the Paying Agent) is manual, all other signatures may be by facsimile. The President of the Borough Council or Treasurer or Secretary or any of such officers is hereby authorized and directed, subject to the terms and conditions of the Proposal, to deliver the Bonds to the Purchaser and receive payment therefor on behalf of the Borough after sale of the same in the manner required by law and this Ordinance.

(b) Book-Entry-Only Registration.

(i) Letter of Representations. The Borough authorizes and approves the purchase of the Bonds by the Purchaser as book-entry-only obligations with The Depository Trust Company, New York, New York ("DTC"). Proper officers of the Borough are authorized and directed to execute DTC's Letter of Representations, if applicable, in substantially the form submitted to the Borough concurrent with its consideration of this Resolution, and such other documents as shall be necessary to complete the sale of the Bonds as book-entry obligations.

(ii) Book-Entry-Only System.

(A) The Bonds shall be issued in the form of one fully registered bond for the aggregate principal amount of the Bonds of each maturity, which Bonds shall be registered in the name of Cede & Co., as nominee of DTC. Except as provided in paragraph (G) below, all of the Bonds shall be registered in the name of Cede & Co., as nominee of DTC; provided that if DTC shall request that the Bonds be registered in the name of a different nominee, the Paying Agent shall exchange all or any portion of the Bonds for an equal aggregate principal amount of Bonds, registered in the name of such nominee or nominees of DTC. No person other than DTC or its nominee shall be entitled to receive from the Borough or the Paying Agent either a Bond or any other evidence of ownership of the Bonds, or any right to receive any payment in respect thereof unless DTC or its nominee shall transfer record ownership of all or any portions of the Bonds on the registration records maintained by the Paying Agent pursuant to Section 5 hereof, in connection with discontinuing the book entry system as provided in paragraph (G) below or otherwise.

(B) So long as the Bonds or any portion thereof are registered in the name of DTC or any nominee thereof, all payments of the principal or redemption price of or interest on such Bonds shall be made to DTC or its nominee in immediately available funds on the dates provided for such payments in this Resolution and in the Bonds. Each such payment to DTC or its nominee shall be valid and effective to discharge fully all liability of the Borough or the Paying Agent with respect to the principal or redemption price of or interest on such Bonds to the extent of the sum or sums so paid. In the event of the redemption of less than all of the Bonds outstanding of any maturity, the Paying Agent shall not require surrender by DTC or its nominee of the Bonds so redeemed, but DTC (or its nominee) may retain such Bonds and make an appropriate notation on the Bond certificate as to the amount of such partial redemption; provided that DTC shall deliver to the Paying Agent, upon request, a written confirmation of such partial redemption and thereafter the records maintained by the Paying Agent shall be conclusive as to the amount of the Bonds of such maturity which have been redeemed.

(C) The Borough and the Paying Agent may treat DTC (or its nominee) as the sole and exclusive owner of the Bonds registered in its name for the purposes of payment of the principal or redemption price of or interest on the Bonds, selecting the Bonds or portions thereof to be redeemed, giving any notice permitted or required to be given to registered owners under this Resolution and the Bonds, registering the transfer of Bonds, obtaining any consent or other action to be taken by registered owners and for all other purposes whatsoever; and neither the Borough nor the Paying Agent shall be affected by any notice to the contrary. Neither the Borough nor the Paying Agent shall have any responsibility or obligation to any participant in DTC, any person claiming a beneficial ownership interest in the Bonds under or through DTC or any such participant, or any other person which is not shown on the registration records maintained by the Paying Agent as being a registered owner, with respect to either: (1) the Bonds; or (2) the accuracy of any records maintained by DTC or any such participant; or (3) the payment by DTC or any such participant of any amount in respect of the principal or redemption price of or interest on the Bonds; or (4) any notice which is permitted or required to be given to registered owners under this Resolution or the Bonds; or (5) the selection by DTC or any such participant of any person to receive payment in the event of a partial redemption of the Bonds; or (6) any consent given or other action taken by DTC as registered owner.

(D) So long as the Bonds or any portion thereof are registered in the name of DTC or any nominee thereof, all notices required or permitted to be given to the registered owners of Bonds under this Resolution or the Bonds shall be given to DTC as provided in the representation letter to be delivered to DTC, in form and content satisfactory to DTC and the Borough.

(E) In connection with any notice or other communication to be provided to registered owners pursuant to this Resolution or the Bonds by the Borough or the Paying Agent with respect to any consent or other action to be taken by registered owners, DTC shall consider the date of receipt of notice requesting such consent or other action as the record date for such consent or other action, provided that the Borough or the Paying Agent may establish a special record date for such consent or other action. The Borough or the Paying Agent shall give DTC notice of such special record date not less than fifteen (15) calendar days in advance of such special record date to the extent possible.

(F) Any successor Paying Agent shall, in its written acceptance of its duties under this Resolution, agree to take any actions necessary from time to time to comply with the requirements of the representation letter.

(G) The book-entry system for registration of the ownership of the Bonds may be discontinued at any time if either: (1) after notice to the Borough and the Paying Agent, DTC determines to resign as securities depository for the Bonds; or (2) after notice to DTC and the Paying Agent, the Borough determines that a continuation of the system of book-entry transfers through DTC (or through a successor securities depository) is not in the best interests of the Borough. In either of such events (unless in the case described in clause (2) above, the Borough appoints a successor securities depository), the Bonds shall be delivered in registered certificate form to such persons, and in such maturities and principal amounts, as may be designated by DTC, but without any liability on the part of the Borough or the Paying Agent for the accuracy of such designation. Whenever DTC requests the Borough and the Paying Agent to do so, the Borough and the Paying Agent shall cooperate with DTC in taking appropriate action after reasonable notice to arrange for another securities depository to maintain custody of certificates evidencing the Bonds.

SECTION 10. General Obligation Covenant.

The Bonds are hereby declared to be general obligations of the Borough. The Borough hereby covenants with the Registered Owners from time to time of the Bonds outstanding pursuant to this Ordinance that it will include the amount of the debt service as specified in this Section, subject to appropriate adjustment in the event of the optional redemption of any Bonds prior to maturity, on the Bonds for each fiscal year in which such sums are payable, in its budget for that year, will appropriate such amounts for such payments and will duly and punctually pay or cause to be paid the principal of the Bonds and the interest thereon on the dates, at the places and in the manner stated therein, according to the true intent and meaning thereof, and for such budgeting, appropriation and payment, the Borough does hereby pledge its full faith, credit and taxing power. The maximum amount of the debt service which the Borough hereby covenants to pay on the Bonds in each year is shown on Schedule B which is attached hereto and incorporated herein by reference as if set out here at length.

As provided in the Debt Act, the foregoing covenants are specifically enforceable.

SECTION 11. Redemption.

(a) Optional. The Bonds shall be subject to redemption at the option of the Borough prior to their stated maturity dates, as a whole, or in part from time to time, in any order of maturity (and in any authorized principal amount within a maturity) and by lot within a maturity, on the dates and at the redemption prices provided in the accepted Proposal, together with interest accrued to the date fixed for redemption.

(b) Mandatory. Bonds may be subject to mandatory redemption, if at all, on the dates (each, a "Mandatory Redemption Date") and in the amounts as provided in the accepted Proposal, which mandatory redemption provisions are incorporated herein by reference as if set out here at length. The Borough covenants and directs the Paying Agent to redeem the specified aggregate principal amount of Bonds of the specified series and maturities on the respective Mandatory Redemption Dates set forth in the accepted Proposal, subject to the Borough's right which is reserved in Section 12, to satisfy that obligation by delivering to the Paying Agent and Sinking Fund Depository no later than forty-five (45) days before any Mandatory Redemption Date, for cancellation, Bonds of the maturity which are subject to mandatory redemption on that Mandatory Redemption Date.

(c) Notice. Notice of any redemption shall be given by mailing a notice of redemption by first class mail, postage prepaid, not less than thirty (30) nor more than sixty (60) days prior to the redemption date to the Registered Owners of Bonds to be redeemed at the addresses which appear in the Bond Register, provided, however, that neither failure to mail such notice nor any defect in the notice so mailed or in the mailing thereof with respect to any one Bond shall affect the validity of the proceedings for the redemption of any other Bond. If the Borough shall have duly given notice of redemption and shall have deposited with the Paying Agent funds for the payment of the redemption price of the Bonds so called for redemption, with accrued interest thereon to the date fixed for redemption, interest on such Bonds shall cease to accrue after such redemption date. Notices may be made conditional upon such deposits being timely made.

(d) CUSIP Numbers. Notices of redemption shall contain the applicable CUSIP numbers pertaining to the Bonds called for redemption (if then generally in use), and shall also contain the serial identification numbers printed on the Bonds.

(e) Selection by Lot. If less than all Bonds maturing on any one date are to be redeemed at any time, the Paying Agent shall select by lot the Bonds to be redeemed at such time.

(f) Portions of Bonds. Any portion of any Bond of a denomination larger than \$5,000 may be redeemed, but only in the principal amount of \$5,000 or any integral multiple thereof. Prior to selecting Bonds for redemption, the Paying Agent shall assign numbers to each \$5,000 portion of any Bond of a denomination larger than \$5,000 and shall treat each portion as a separate Bond in the denomination of \$5,000 for purposes of selection for redemption. Upon surrender of any Bond for redemption of a portion thereof, the Paying Agent shall authenticate and deliver to

the Registered Owner thereof a new Bond or Bonds of the same maturity and in any authorized denominations requested by the Registered Owner in an aggregate principal amount equal to the unredeemed portion of the Bond surrendered.

(g) Date of Redemption. If the redemption date for any Bonds shall be a Saturday, Sunday, legal holiday or a day on which banking institutions in the Commonwealth are authorized or required by law or executive order to close, then the date for payment of the principal, premium, if any, and interest upon such redemption shall be the next succeeding day which is not a Saturday, Sunday, legal holiday or a day on which such banking institutions are authorized or required to close, and payment on such date shall have the same force and effect as if made on the nominal date of redemption.

SECTION 12. Sinking Fund.

(a) Deposit. There is hereby established a sinking fund to be known as "Borough of West View, Series of 2021 Bonds Sinking Fund" (the "Sinking Fund") into which the Borough covenants to deposit, and into which the Treasurer is hereby authorized and directed to deposit (i) on or before August 1, 2021, and on or before each Interest Payment Date thereafter to and including August 1, 2036, amounts sufficient to pay the interest due on such dates on the Bonds then outstanding, and (ii) on or before August 1, 2022, and on or before each August 1 thereafter to and including August 1, 2036, amounts sufficient to pay the principal of the Bonds due on each such date at maturity or pursuant to the mandatory redemption requirements hereof. Should the amounts covenanted to be paid into the Sinking Fund be, at any time, in excess of the net amounts required at such time for the payment of interest and principal, whether by reason of funds already on deposit in the Sinking Fund or by reason of the purchase or redemption of Bonds, or for some similar reason, the amounts covenanted to be paid may be reduced to the extent of the excess.

(b) Credit for Bonds Delivered. The Borough may satisfy any part of its obligations with respect to clause (a)(ii) by delivering to the Paying Agent and Sinking Fund Depository, for cancellation, Bonds maturing or subject to mandatory redemption on the date on which such deposit is required. The Borough shall receive credit against such deposit for the face amount of the Bonds so delivered, provided that such Bonds are delivered to and received by the Paying Agent and Sinking Fund Depository (i) on or before the maturity date of the Bonds for which credit is requested, in the case of a deposit required for the payment of Bonds at maturity, or (ii) in the case of a deposit required to be made on a Mandatory Redemption Date, no later than forty-five (45) days prior to the Mandatory Redemption Date for which credit is requested.

(c) Application of Funds. All sums in the Sinking Fund shall be applied exclusively to the payment of principal and interest covenanted to be paid by Section 10 hereof as the same from time to time become due and payable and the balance of said moneys over and above the sum so required shall remain in the Sinking Fund, to be applied to the reduction of future required deposits; subject, however, to investment or deposit at interest as authorized by law and as permitted by Section 23 hereof. The Sinking Fund shall be kept as a separate account at the principal corporate trust office of the Sinking Fund Depository. The Sinking Fund Depository, without further authorization other than as herein contained, shall pay from the moneys in the Sinking Fund, the interest on the Bonds as and when due to the Registered Owners on the appropriate Record Date

and principal of the Bonds, as and when the same shall become due, to the Registered Owners thereof.

(d) Optional Deposits. Notwithstanding the foregoing, in the case of optional redemption of any or all of the Bonds as permitted by Section 11 hereof, the Treasurer is hereby authorized and directed to deposit, from time to time, before the appropriate optional redemption date, funds which shall be sufficient when they, either alone or together with the interest to be earned thereon, if any, will equal the principal of the Bonds so called for redemption and the premium, if any, and the interest thereon to the date fixed for redemption.

SECTION 13. Disposition of Proceeds.

All moneys derived from the sale of the Bonds shall be deposited in the Clearing Account created pursuant to Section 21 hereof and shall be and hereby are appropriated substantially to payment of the costs of the Refunding Project and the Capital Project, including but not limited to payment of the costs and expenses of preparing, issuing and marketing the Bonds, and shall not be used for any other purposes, except as to any insubstantial amounts of money which may remain after fulfilling the purposes set forth herein, which minor amounts of remaining moneys shall promptly upon their determination be deposited in the Sinking Fund and used for the payment of interest on the Bonds, or as otherwise directed by the Borough. Promptly on the deposit of the proceeds of the Bonds, the Borough shall cause the transfers to the Prior Bonds Escrow Fund and the 2021 Project Account described below.

SECTION 14. Cost and Realistic Useful Life.

(a) Capital Project. Reasonable cost estimates have been obtained for the Capital Project with the assistance of architects, engineers, financial advisors and other persons qualified by experience. The realistic estimated useful life of the Capital Project is at least twenty-five (25) years. The Bonds allocable to the Capital Project mature within such period and so are in accordance with the Debt Act (53 Pa.C.S. §8142(a)(2)).

(b) Refunding Project. Reasonable cost estimates have been obtained for the Refunding Project with the assistance of financial advisors and other persons qualified by experience. The cost of the Refunding Project is at least equal to the amount of Bonds allocable to the Refunding Project and the useful life of the capital improvements being refinanced is at least twenty (20) years. Therefore, the maturities of the Bonds allocable to the Refunding Project are in accordance with the Debt Act (53 Pa.C.S. §8142(a)(2)).

(c) Level Debt Service. In addition, in accordance with the Debt Act (53 Pa.C.S. §8142(b)(1)), the maturities of the Bonds have been fixed so as to result in issue on at least an approximately level annual debt service plan.

SECTION 15. Internal Revenue Code Covenants.

(a) General. The Borough hereby covenants with the Registered Owners, from time to time, of the Bonds that no part of the proceeds of the Bonds will be used, at any time, directly or

indirectly, in a manner which would cause the Bonds to be arbitrage bonds within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended (the "Code") and the Regulations thereunder proposed or in effect at the time of such use and applicable to the Bonds, and that it will comply with the requirements of that section and the Regulations throughout the term of the Bonds.

The Borough agrees to take all actions necessary to preserve and maintain the tax exempt status of the Bonds and of the interest thereon, under all laws currently in effect and any that may become effective. The Borough covenants that it will not intentionally use any portion of the proceeds of the Bonds to acquire, or to replace funds used directly or indirectly to acquire, investment property with a yield materially higher than the yield on the Bonds as prohibited by Section 148(a) of the Code. The Borough covenants to expend the proceeds of the Bonds within the temporary periods prescribed by Section 148(c) of the Code and the regulations thereunder.

(b) Rebate. The Borough covenants that it will rebate, to the extent required by law, to the U.S. Treasury, at the times and in the manner required by the Code, all investment income derived from investing the proceeds of the Bonds in an amount which exceeds the amount which would have been derived from the investment of the proceeds of the Bonds at a yield not in excess of the yield on the Bonds, but only if such rebate is required by the Code.

(c) Qualified Tax-Exempt Obligation Designation. The Borough hereby designates the Bonds as Qualified Tax-Exempt Obligations pursuant to Section 265(b)(3) of the Code and represents and expects that the total amount of its obligations so designated and to be designated during the current calendar year does not and will not exceed \$10,000,000.

(d) Filing. The Borough will file IRS Form 8038-G and any other forms or information required by the Code to be filed in order to permit the interest on the Bonds to be excluded from gross income tax for federal income tax purposes.

SECTION 16. Advertising.

The action of the officers of the Borough in advertising a summary of this Ordinance, as required by law, is ratified and confirmed. The officers of the Borough or any of them, are authorized and directed to advertise a notice of enactment of this Ordinance in a newspaper of general circulation in the Borough of West View within fifteen (15) days after final enactment. The Secretary is hereby directed to make a copy of this Ordinance available for inspection by any citizen during normal office hours.

SECTION 17. Appointment of Professionals.

The Borough hereby appoints Eckert Seamans Cherin & Mellott, LLC, as Bond Counsel, for the purpose of rendering any and all necessary opinions with respect to the Bonds.

SECTION 18. Filing With Department of Community and Economic Development.

The Secretary is hereby authorized and directed to prepare, verify and file with the Department of Community and Economic Development, in accordance with the Debt Act, a transcript of the proceedings relating to the issuance of the Bonds including the Debt Statement and Borrowing Base Certificate required by the Debt Act (53 Pa.C.S. §8110), and to take other necessary action, and to prepare and file all necessary documents with the Department of Community and Economic Development including, if necessary or desirable, any statements required to exclude any portion of the debt evidenced by the Bonds from the appropriate debt limit as self-liquidating or subsidized debt.

SECTION 19. General Authorization.

The officers and officials of the Borough are hereby authorized and directed to execute and deliver such other documents and to take such other action as may be necessary or appropriate in order to effect the execution, issuance, sale and delivery of the Bonds, all in accordance with this Ordinance.

SECTION 20. Official Statements.

The Preliminary Official Statement prepared with respect to the Bonds is hereby approved. The President of the Borough Council is hereby authorized to execute and approve a Final Official Statement relating to the Bonds provided that the Final Official Statement shall have been approved by the Borough's Solicitor. The distribution of the Preliminary Official Statement is hereby ratified and the Purchaser is hereby authorized to use the Preliminary and the Final Official Statements in connection with the sale of the Bonds.

SECTION 21. Clearing Account and Project Account.

(a) The Borough hereby creates with the Paying Agent a special fund to be known as the "Borough of West View, Series of 2021 Bonds Clearing Fund" (the "Clearing Account") which shall be held as a trust fund for the benefit of the Borough until disbursed in accordance with the provisions hereof. The Borough shall deliver the net proceeds (including accrued interest) derived from the sale of the Bonds to the Paying Agent for deposit to the Clearing Account. Upon written directions from the Borough signed by the President of the Borough Council and the Secretary, the Paying Agent shall pay, out of the Clearing Account the costs and expenses of the issuance of the Bonds, shall transfer the amount of accrued interest, if any, to the Sinking Fund, and shall deposit the required amount to the Prior Bonds Escrow Fund described in Section 24 below, and shall deposit the remaining amount to the Project Account described in (b) below. The written direction from the Borough shall state the names of the respective payees, the purpose for which the expenditure has been incurred, for the purpose of the transfer, whichever is applicable, and shall contain a certification that each item of expense for which payment has been requested has been properly incurred and is then unpaid, and that each transfer which is requested is in accordance with the provisions of this Ordinance.

(b) The Borough covenants to establish, and does hereby establish, a separate account in the name of the Borough to be known as the "Borough of West View, Series of 2021 Bonds Project Fund" (referred to herein as the "Project Account"). The Project Account shall be constituted of the net proceeds from the sale of the Bonds (after payment of costs of issuance of the Bonds and the transfer to the Prior Bonds Escrow Fund), all moneys earned from the investment of funds therein and any other moneys which the Borough shall desire to deposit therein. The Project Account shall be expended first for the payment of all necessary and proper costs of the Capital Project, and then for any other lawful purpose as provided in the Borough Code, the Debt Act and other applicable laws.

SECTION 22. Payment of Expenses.

All expenses incurred in connection with issuance of the Bonds shall be paid out of the proceeds derived from the issuance of the Bonds and deposited in the Clearing Account and the proper officers and officials are authorized to sign and deliver requests for payment of such expenses.

SECTION 23. Investment.

Any moneys in the Project Account may be invested or deposited as permitted by applicable law for funds of the Borough. Any moneys in the Sinking Fund not required for prompt expenditure may, at the direction of the Borough, be invested in bonds or obligations which are direct obligations of, or are fully guaranteed as to principal and interest by, the United States of America or may be deposited at interest in time accounts or certificates of deposit or other interest bearing accounts of any bank or bank and trust company, savings and loan association or building and loan association. To the extent that such deposits are insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation or similar Federal agency, they need not be secured. Otherwise, such deposits shall be secured as public deposits or as trust funds. Any such investments or deposits shall mature or be subject to redemption at the option of the holder, or be subject to withdrawal at the option of the depositor, not later than the date upon which such moneys are required to be paid to the Registered Owners.

SECTION 24. Instructions to Refund.

(a) By acceptance of the Proposal, the President of Borough Council shall identify the portion of the Prior Bonds being refunded (the "Refunded Prior Bonds").

(b) The Borough hereby directs the redemption on the earliest feasible date of all the Refunded Bonds, by the deposit of funds in the Series of 2021 Bonds Sinking Fund with The Bank of New York Mellon Trust Company, N.A., as paying agent and sinking fund depository for the 2007 Bonds, or in an escrow account (the "Prior Bonds Escrow Fund") with The Bank of New York Mellon Trust Company, N.A., as Escrow Agent under an Escrow Trust Agreement (the "Escrow Agreement") providing for the payment of the Refunded Prior Bonds, and particularly for the investment of certain of the proceeds of the Bonds pursuant to Regulations of the U.S. Treasury Department. The Escrow Agreement, in the standard form, is hereby approved. The President or Vice President of Borough Council is hereby authorized and directed to execute said

Agreement with such changes as have been approved by the Solicitor and Bond Counsel, and the Secretary to affix the seal of the Borough thereto and to attest the same, and any said officers are authorized to deliver said Agreement to the Escrow Agent. The Escrow Agent or its designee is hereby authorized to purchase necessary investments for the Escrow Fund established thereby. Escrow Agent. The Borough hereby authorizes and directs Eckert Seamans Cherin & Mellott, LLC, or Piper Sandler & Co., or the Escrow Agent, or their respective representatives, to subscribe or commit on behalf of and as agent for the Borough, for United States Treasury Certificates of Indebtedness of the State and Local Government Series or other United States Government Obligations, or to arrange for the purchase of time deposits or certificates of deposit, which satisfy the requirements of Section 8250 of the Debt Act, in accordance with the Escrow Trust Agreement. The President or Vice President of Borough Council or the Secretary of the Borough is also hereby authorized to execute and deliver appropriate subscription forms for such obligations and to instruct any of the individuals or entities named above to purchase said obligations on behalf of the Borough.

SECTION 25. Authorization of Officers.

Any authorization granted to, power conferred on, or direction given to the President, Manager, Secretary or Treasurer, shall be deemed to run to the Vice President, Assistant or Acting Secretary, Assistant or Acting Manager or Assistant Treasurer, respectively, as if such latter titles had been expressly included in the text hereof which grants such authorization, confers such power or gives such direction.

SECTION 26. Bond Form.

The form of the Bonds shall be substantially as set forth on Exhibit A.

SECTION 27. Bond Insurance.

The Borough hereby accepts a commitment from the bond insurance company, if any specified in the Proposal (the "Bond Insurer") to issue its financial guaranty insurance policy insuring the payment when due of the principal of and interest on the Bonds, authorizes the payment of an appropriate premium to the Bond Insurer, authorizes the printing of an appropriate statement of insurance on the Bonds and covenants to comply with the Bond Insurer's requirements set forth in such commitment.

SECTION 28. Disclosure Agreement.

The Borough covenants that it will enter into and comply with a Continuing Disclosure Agreement (the "Disclosure Agreement") for the benefit of the owners of the Bonds at or prior to the closing for the issuance of the Bonds. The Borough hereby appoints Digital Assurance Certificate ("DAC") to serve initially as its disclosure agent thereunder. Pursuant to the Disclosure Agreement, the Borough will provide or will cause DAC to provide certain financial and operating information on an annual basis and notice of certain events to the Municipal Securities Rulemaking Board in accordance with United States Securities and Exchange Commission Rule 15c2-12. The Disclosure Agreement is hereby approved in the form presented to this meeting. The President or

Vice President of the Borough Council is hereby authorized and directed to execute and deliver the Disclosure Agreement on behalf of the Borough with such changes as have been approved by the Solicitor and Bond Counsel, and the Secretary of the Borough is hereby authorized and directed to seal and attest the Disclosure Agreement.

SECTION 29. Repealer.

All ordinances and resolutions or parts thereof, not in accordance with this Ordinance are hereby repealed insofar as they conflict with this Ordinance.

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ENACTED by the Borough Council of the Borough of West View, in lawful session assembled, on March 11, 2021.

ATTEST:



Chief of Police, Bruce A. Fromlak
Borough Secretary/Manager

BOROUGH OF WEST VIEW



By

M. Kimberly Steele
President of Town Council

Examined and Approved by Me This
11th Day of March, 2021:

By

Mayor John R. Henry

000020

SCHEDULE A

Borough of West View
Allegheny County, Pennsylvania
General Obligation Bonds
Series of 2021

MAXIMUM PRINCIPAL AND INTEREST RATE SCHEDULE

<u>Date of Maturity or Mandatory Redemption</u>	<u>Maximum Principal Maturity Amount or Mandatory Redemption Amount</u>	<u>Maximum Annual Interest Rate</u>	<u>Maximum Yield</u>
8/1/2021	\$405,000	6.000%	6.000%
8/1/2022	485,000	6.000%	6.000%
8/1/2023	505,000	6.000%	6.000%
8/1/2024	520,000	6.000%	6.000%
8/1/2025	515,000	6.000%	6.000%
8/1/2026	525,000	6.000%	6.000%
8/1/2027	535,000	6.000%	6.000%
8/1/2028	550,000	6.000%	6.000%
8/1/2029	555,000	6.000%	6.000%
8/1/2030	555,000	6.000%	6.000%
8/1/2031	565,000	6.000%	6.000%
8/1/2032	580,000	6.000%	6.000%
8/1/2033	535,000	6.000%	6.000%
8/1/2034	550,000	6.000%	6.000%
8/1/2035	550,000	6.000%	6.000%
8/1/2036	570,000	6.000%	6.000%

SCHEDULE B

Borough of West View
Allegheny County, Pennsylvania
General Obligation Bonds
Series of 2021

MAXIMUM DEBT SERVICE SCHEDULE

Fiscal Year (Ending December 31)	Fiscal Year Total
2021	\$532,500
2022	970,700
2023	961,600
2024	946,300
2025	910,100
2026	889,200
2027	867,700
2028	850,600
2029	822,600
2030	789,300
2031	766,000
2032	747,100
2033	667,300
2034	650,200
2035	617,200
2036	604,200

EXHIBIT A

Bond Form

UNLESS THIS CERTIFICATE IS PRESENTED BY AN AUTHORIZED REPRESENTATIVE OF THE DEPOSITORY TRUST COMPANY, A NEW YORK CORPORATION ("DTC"), TO THE BOROUGH OR ITS AGENT FOR REGISTRATION FOR TRANSFER, EXCHANGE, OR PAYMENT, AND ANY CERTIFICATE ISSUED IS REGISTERED IN THE NAME OF CEDE & CO. OR IN SUCH OTHER NAME AS IS REQUESTED BY AN AUTHORIZED REPRESENTATIVE OF DTC (AND ANY PAYMENT IS MADE TO CEDE & CO. OR TO SUCH OTHER ENTITY AS IS REQUESTED BY AN AUTHORIZED REPRESENTATIVE OF DTC) ANY TRANSFER, PLEDGE, OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL INASMUCH AS THE REGISTERED OWNER HEREOF, CEDE & CO., HAS AN INTEREST HEREIN.

UNITED STATES OF AMERICA
COMMONWEALTH OF PENNSYLVANIA
COUNTY OF ALLEGHENY

BOROUGH OF WEST VIEW
GENERAL OBLIGATION BOND, SERIES OF 2021

No.
CUSIP

Interest Rate:
Maturity Date:

Borough of West View, County of Allegheny, Commonwealth of Pennsylvania (the "Borough"), for value received, and intending to be legally bound, promises to pay to _____, or registered assigns, (the "Registered Owner") the principal amount of _____ Dollars (\$ _____) on the maturity date stated above upon presentation and surrender of this Bond at the designated corporate trust office of The Bank of New York Mellon Trust Company, N.A. (the "Paying Agent") in Pittsburgh, Pennsylvania, and to pay interest thereon at the above-stated rate from the February 1 or August 1 immediately preceding the date hereof (unless this Bond is dated after a Regular Record Date but on or before the next succeeding February 1 or August 1 date, then from such next succeeding February 1 or August 1, or unless this Bond is dated on or prior to the Regular Record Date preceding August 1, 2021, then from _____, 20__, or unless, as shown on the records of the Paying Agent, interest on the Bond shall be in default, in which event the Bond shall bear interest from the date on which interest was last paid on the Bond until such sum is paid, or if no interest has been paid, from _____, 20__) semiannually on February 1 or August 1 of each year during the term of this Bond (beginning August 1, 2021), or until payment of said principal sum has been made or provided for.

The principal of, and premium, if any, and interest on this Bond are payable in such coin or currency of the United States of America as at the time and place of payment is legal tender for payment of public and private debts, at the designated corporate trust office of the Paying Agent;

provided that, interest will be paid by check mailed to the person who is the registered owner on the appropriate record date at his address as it appears on the Bond Register described below, unless written demand is made by such person for payment in legal tender at such office.

This Bond is one of a duly authorized issue of \$_____, principal amount, General Obligation Bonds, Series of 2021 (the "Bonds") of the Borough which have been issued in accordance with the Local Government Unit Debt Act of the Commonwealth of Pennsylvania, as amended (the "Act"), without the assent of the electors, pursuant to an Ordinance (the "Ordinance") of the Borough Council of the Borough of West View enacted on March 11, 2021. The Bonds have been issued for the purpose of obtaining funds to pay the costs of refunding prior bonds and various capital projects.

Interest payable on any interest payment date will be paid to the person in whose name this Bond is registered (the "Record Owner") at the close of business on the January 15 or July 15 (the "Regular Record Date") immediately preceding the relevant interest payment date. Any such interest which is not deposited with the Paying Agent on or before any such interest payment date for payment to the Record Owner on the Regular Record Date shall forthwith cease to be payable to the Record Owner on the Regular Record Date, and shall be paid to the person in whose name this Bond is registered on a special record date for the payment of such defaulted interest to be fixed by the Paying Agent, notice of which shall be given to all registered owners not less than ten (10) days prior to such special record date, all as provided in the Ordinance.

Bonds maturing on August 1 of the years 20__, 20__, and 20__ are subject to mandatory redemption prior to their stated maturity dates, in part, by lot, or by any other method deemed fair and appropriate by the Paying Agent, on the dates and in the amounts shown below upon payment of the redemption price of 100% of the principal amount, together with interest accrued to the date fixed for redemption.

August 1, 20__ Maturity <u>Redemption Date</u>	August 1, 20__ Maturity <u>Redemption Date</u>	August 1, 20__ Maturity <u>Redemption Date</u>
<u>(August 1)</u> <u>Amount</u>	<u>(August 1)</u> <u>Amount</u>	<u>(August 1)</u> <u>Amount</u>

*

*

*

* At maturity

The Bonds maturing on or after August 1, 20__, are subject to redemption at the option of the Borough prior to their stated maturity dates, as a whole, or in part from time to time, on August 1, 20__, or on any date thereafter, in any order of maturity as selected by the Borough, in each case, upon payment of 100% of the principal amount to be redeemed together with interest accrued to the date fixed for redemption.

If less than all Bonds maturing on any one date are to be redeemed at any time, the Bonds to be called for redemption at such time shall be chosen by the Paying Agent, by lot or by any other method deemed fair and appropriate by the Paying Agent.

Notice of redemption of any Bond shall be given to the registered owner of such Bond by first class mail, not less than thirty (30) nor more than sixty (60) days prior to the redemption date, in the manner and upon the terms and conditions set forth in the Ordinance. A portion of a Bond of a denomination larger than \$5,000 may be redeemed, and in such case, upon the surrender of such Bond, there shall be issued to the registered owner thereof, without charge therefor, a Bond or Bonds for the unredeemed balance of the principal amount of such Bond, all as more fully set forth in the Ordinance. If notice of redemption shall have been duly given, the Bonds or portions thereof specified in that notice shall become due and payable at the applicable redemption price on the redemption date designated in that notice, and if, on that redemption date, moneys are held by the Sinking Fund Depository for the payment of the redemption price of the Bonds to be redeemed, together with interest to the redemption date, then from and after the redemption date, interest on such Bonds shall cease to accrue.

The Borough, pursuant to recommendations made by the Committee on Uniform Security Identification Procedures, has caused CUSIP numbers to be printed on the Bonds, and has directed the Paying Agent to use such numbers in notices of redemption and other notices, if any, as a convenience to the registered owners of the Bonds. No representation is made by the Borough as to the accuracy of such numbers either as printed on the Bonds or as contained in any notice and reliance may be placed only on the identification number printed hereon.

This Bond may be transferred or exchanged only on the Bond Register (the "Bond Register") maintained by the Borough at the principal corporate trust office of the Paying Agent upon surrender hereof by the Registered Owner at such office duly endorsed by, or accompanied by a written instrument of transfer duly executed by, the Registered Owner or his duly authorized agent or legal representative, in each case, in form and with a guaranty of signature satisfactory to the Borough and the Paying Agent.

No service charge shall be made for any transfer or exchange of any Bond, but the Borough may require payment of any tax or other governmental charge that may be imposed in connection with any transfer or exchange of Bonds.

The Borough shall not be required to register the transfer or exchange of any Bond: (a) in the case of Bonds then considered for redemption, during a period beginning at the close of business on the fifteenth (15th) day next preceding any date of selection of Bonds to be redeemed and ending at the close of business on the day on which the applicable notice of redemption is mailed; (b) once selected for redemption in whole or in part; or (c) during a period beginning at the close of business on the fifteenth (15th) day next preceding the date of maturity of the Bond and ending at the close of business on the date of maturity.

Subject to the provisions of this Bond and of the Ordinance relating to payment of interest, the Borough and the Paying Agent may treat the Registered Owner of this Bond as the absolute

owner hereof, for all purposes, whether or not this Bond shall be overdue, and neither the Borough nor the Paying Agent shall be affected by any notice to the contrary.

No recourse shall be had for the payment of the principal of or interest on this Bond, or for any claim based hereon or on the Ordinance against any member, officer or employee, past, present or future, of the Borough or of any successor body, as such, either directly or through the Borough or any such successor body, under any constitutional provision, statute or rule of law, or by the enforcement of any assessment or by any legal or equitable proceeding or otherwise, and all such liability of such members, officers or employees is released as a condition of and as consideration for the issuance of this Bond.

It is hereby certified that the approval of the Department of Community and Economic Development of the Commonwealth of Pennsylvania for the Borough to issue and deliver this Bond has been duly given pursuant to the Act; that all acts, conditions and things required by the laws of the Commonwealth of Pennsylvania to exist, to have happened or to have been performed, precedent to or in the issuance of this Bond or in the creation of the debt of which this Bond is evidence, exist, have happened and have been performed in regular and due form and manner as required by law; that this Bond, together with all other indebtedness of the Borough is within every debt and other limit prescribed by the Constitution and the statutes of the Commonwealth of Pennsylvania and applicable to the Borough; and that the Borough has established with the Paying Agent as Sinking Fund Depository a sinking fund for the Bonds and has agreed to deposit therein amounts sufficient to pay the principal of and interest on the Bonds as the same shall become due and payable.

This Bond is hereby declared to be a general obligation of the Borough. The Borough, in the Ordinance authorizing the issuance of the Bonds, has covenanted with the registered owners, from time to time, of the Bonds that the Borough will include the amount of the debt service charges on the Bonds for each fiscal year in which such sums are payable, in its budget for that year, that it will appropriate such amounts to the payment of such debt service, and will duly and punctually pay or cause to be paid the principal of every Bond, and the interest thereon, on the dates and at the places and in the manner stated in the Bonds, according to the true intent and meaning thereof, and for such budgeting, appropriation and payment, the Borough has pledged its full faith, credit and taxing power. This covenant is specifically enforceable.

This Bond shall not be valid or become obligatory for any purpose unless the certificate of authentication hereon shall have been signed by the manual signature of an officer of the Paying Agent.

IN WITNESS WHEREOF, the Borough has caused this Bond to be duly executed and dated as of the date of its authentication.

ATTEST:

BOROUGH OF WEST VIEW

/s/ Facsimile Signature
Secretary

By /s/ Facsimile Signature
President

[SEAL]

PAYING AGENT'S AUTHENTICATION CERTIFICATE

This Bond is one of the Borough of West View, General Obligation Bonds, Series of 2021, described in the within-mentioned Ordinance. An executed copy of the Opinion of Eckert Seamans Cherin & Mellott, LLC, Bond Counsel, of Pittsburgh, Pennsylvania, dated and delivered on the date of original delivery of and payment for said 2021 Bonds, is on file with the undersigned.

THE BANK OF NEW YORK MELLON TRUST
COMPANY, N.A.,
Paying Agent

By _____
Authorized Officer

Dated:

* * * * *

[STATEMENT OF INSURANCE]

* * * * *

The following abbreviations, when used in the inscription on the face of this Bond, shall be construed as though they were written out in full according to applicable laws or regulations.

TEN COM - as tenants in common
TEN ENT - as tenants by the
entireties
JT TEN - as joint tenants with
right of survivorship and
not as tenants in common

UNIF. TRANS. MIN. ACT-
Custodian
(Cust) (Minor)
under Uniform Transfers to Minors

Act _____
(State)

Additional abbreviations may also be used though not in the list above.

[FORM OF ASSIGNMENT]

FOR VALUE RECEIVED the undersigned hereby sells, assigns and transfers unto

Please insert Social Security
or other identifying number of

assignee

Please print or typewrite name and address
including postal zip code of transferee

the within Bond and all rights thereunder, and hereby irrevocably constitutes and appoints

_____ Agent
to transfer the within Bond on the books kept for registration thereof, with full power of
substitution in the premises.

Dated _____

Signature(s) Guaranteed:

NOTICE: Signature(s) must be
guaranteed by a member of an
approved Signature Guarantee
Medallion Program.

NOTICE: The signature(s) to this
assignment must correspond with
the name(s) as written upon the face
of the Bond, in every particular,
without alteration or enlargement
or any change whatever.

CERTIFICATE

I, the undersigned, Secretary of the Borough of West View, Allegheny County, Pennsylvania (the "Borough"), hereby certify that: (a) attached to this Certificate is a true, correct and complete copy of an Ordinance (the "Ordinance") which was duly enacted at a meeting of the Borough Council of the Borough on March 11, 2021, at which a quorum was present and acting throughout, and which was at all times open to the public; (b) the Ordinance was duly recorded in the Borough's Ordinance Book, and a summary of the Ordinance was published as required by law in a newspaper of general circulation in the Borough; (c) the Borough met the advance notice requirements of 65 Pa. C.S. ch. 7, as amended (the "Sunshine Law") by advertising the date of the meeting and posting a notice of the meeting at the public meeting place of the Borough Council; (d) the total number of members of the Borough Council is seven (7); and (e) the vote upon the Ordinance was called and duly recorded upon the minutes and that the members voted in the following manner:

	Yes	No	Abstain	Absent
M. Kimberly Steele	_____	_____	_____	_____
Bryan S. Kircher	_____	_____	_____	_____
William F. Aguglia	_____	_____	_____	_____
Eugene Borio	_____	_____	_____	_____
Donald E. Mikec	_____	_____	_____	_____
Scott V. Miller	_____	_____	_____	_____
Robert D. Schellhaas	_____	_____	_____	_____

WITNESS my hand and seal of the Borough of West View on March 11, 2021.

By _____
Secretary

[SEAL]

BOROUGH OF WEST VIEW
ORDINANCE NO. 1515

AN ORDINANCE OF THE BOROUGH OF WEST VIEW, ALLEGHENY COUNTY, COMMONWEALTH OF PENNSYLVANIA, AMENDING CHAPTER 197, NOISE, OF THE BOROUGH OF WEST VIEW CODE, TO AMEND THE PROHIBITED TIMES OF CERTAIN NOISES.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED, by the Council of the Borough of West View, Allegheny County, Commonwealth of Pennsylvania, that Chapter 197, Noise, of the Borough of West View Code, is hereby amended as follows:

1. That Section 197-1, Unnecessary Noise Prohibited, Enumeration, Section (A), shall be amended to read as follows: "Yelling, Shouting, or Other Loud Noise. Yelling, shouting, hooting, whistling, singing or any loud noise,, particularly between the hours of 9:00 p.m. and 7:00 a.m., or at any time or place so as to annoy or disturb the quiet, comfort or repose of persons in any office or in any dwelling, hotel, motel, or other type of residence or any persons in the vicinity".
2. That Section 197-6, Refuse Collection Trucks, shall be amended to read as follows: "It shall be unlawful for any person, firm or corporation, or their agents or employees engaged in the collection of garbage, rubbish, or refuse in the Borough of West View, to make any such collections between the hours of 9:00 p.m. and 6:00 a.m., current time, or on any Sunday or legal holiday".
3. Severability. If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, such holding shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are declared severable.
4. All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed to the extent of such inconsistency.
5. That this Ordinance shall become effective immediately on the date of execution.

ORDAINED AND ENACTED into law this 12th day of August, 2021.

ATTEST:

BOROUGH OF WEST VIEW

Bruce A. Fromlak
Borough Secretary/Manager

M. Kimberly Steele
President, Borough Council

Approved as to form:

John R. Henry
Mayor, Borough of West View

BOROUGH OF WEST VIEW
ORDINANCE NO. 1516

AN ORDINANCE OF THE BOROUGH OF WEST VIEW, ALLEGHENY COUNTY, COMMONWEALTH OF PENNSYLVANIA, AMENDING CHAPTER 275, VEHICLES AND TRAFFIC, OF THE BOROUGH OF WEST VIEW CODE, SPECIFICALLY SECTION 14, STOP INTERSECTIONS, TO ADD A STOP SIGN AT COLUMBIA AVENUE AT THE INTERSECTION OR THROUGH STREET OF HARVARD AVENUE STREET FOR NORTH AND SOUTH BOUND TRAVEL.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED, by the Council of the Borough of West View, Allegheny County, Commonwealth of Pennsylvania, that Chapter 275, Vehicles and Traffic, Section 14, Stop Intersections, of the Borough of West View Code, is hereby amended as follows:

1. That Section 275-14, is hereby amended to add the following:

Stop Sign On	Direction of Travel	At Intersection of
Columbia Avenue	North and South	Harvard Avenue

2. Severability. If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, such holding shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are declared severable.
3. All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed to the extent of such inconsistency.

ORDAINED AND ENACTED into law this 12th day of August, 2021.

ATTEST:

BOROUGH OF WEST VIEW

Bruce A. Fromlak
Borough Secretary/Manager

M. Kimberly Steele
President, Borough Council

Approved as to form:

John R. Henry
Mayor, Borough of West View

BOROUGH OF WEST VIEW
ORDINANCE NO. 1518

AN ORDINANCE OF THE BOROUGH OF WEST VIEW, ALLEGHENY COUNTY, COMMONWEALTH OF PENNSYLVANIA, AMENDING CHAPTER 275, VEHICLES AND TRAFFIC, OF THE BOROUGH OF WEST VIEW CODE, SPECIFICALLY SECTION 12, TURNS AT INTERSECTIONS, TO PROHIBIT ALL LEFT-HAND TURNS FROM BRONX AVENUE ONTO HIGHLAND AVENUE.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED, by the Council of the Borough of West View, Allegheny County, Commonwealth of Pennsylvania, that Chapter 275, Vehicles and Traffic, Section 12, Turns at Intersections, of the Borough of West View Code, is hereby amended as follows:

1. That Section 275-12, is hereby amended to add the following prohibited turn:

<u>Name of Highway</u>	<u>Direction of Travel</u>	<u>Prohibited Turn</u>	<u>At Intersection of</u>
Bronx Avenue	North	Left	Highland Avenue

2. Severability. If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, such holding shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are declared severable.
3. All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed to the extent of such inconsistency.

ORDAINED AND ENACTED into law this 9th day of September 2021.

ATTEST:

BOROUGH OF WEST VIEW

Bruce A. Fromlak
Borough Secretary/Manager

M. Kimberly Steele
President, Borough Council

Approved as to form:

John R. Henry
Mayor, Borough of West View

OFFICIAL

BOROUGH OF WEST VIEW

ORDINANCE NUMBER 1519

AN ORDINANCE OF THE BOROUGH OF WEST VIEW, COUNTY OF ALLEGHENY,
FIXING THE TAX RATE FOR THE YEAR 2022.

Be it ORDAINED and ENACTED by the Town Council of the Borough of West View and it is hereby ORDAINED and ENACTED by and with the Authority of the same:

That a tax be and the same is hereby levied on all real property within the Borough of West View subject to taxation for the Fiscal Year 2022 as follows:

Tax Rate for general purposes,
the sum of 6.30 Mills
on each Dollar of assessed valuation

That any Ordinance, or part of Ordinance, in conflict with the provisions of this Ordinance are hereby repealed to the extent of said conflict.

ORDAINED and ENACTED this 9th day of December 2021

BOROUGH OF WEST VIEW

BY: _____
Chief of Police Bruce A. Fromlak
Secretary/Manager

BY: _____
M. Kimberly Steele
President of Town Council

EXAMINED and APPROVED this 9th day of December 2021

BY: _____
J. R. Henry, Mayor

OFFICIAL
BOROUGH OF WEST VIEW
ORDINANCE NUMBER 1520

AN ORDINANCE OF THE TOWN COUNCIL OF THE BOROUGH OF WEST VIEW, COUNTY OF ALLEGHENY COMMONWEALTH OF PENNSYLVANIA, APPROPRIATING SPECIFIC SUMS ESTIMATED TO BE REQUIRED FOR SPECIFIC PURPOSES OF THE MUNICIPAL GOVERNMENT HEREINAFTER SET FORTH, DURING THE YEAR 2022.

Be it ORDAINED and ENACTED, and it is hereby ORDAINED and ENACTED by the Borough of West View, County of Allegheny, Commonwealth of Pennsylvania:

SECTION 1 - That the revenues and expenditures of Fiscal Year 2022, the following amounts are hereby appropriated from the fund equities, revenues and other financing sources available for the Year 2022 for the specific purposes set forth on the following pages

Revenue Source	General Fund	Building Fund	Highway Aid Fund	Capital Projects & Proprietary Fund	Total
Taxes & Fees	3,165,000.00				3,165,000.00
Licenses/Permits	194,000.00				194,000.00
Fines/Forfeits	40,000.00				40,000.00
Interest/Rents	1,000.00	110,200.00			111,200.00
Entitlements	441,500.00		177,000.00	1,561,085.00	2,179,585.00
Dept. Earnings	126,500.00				126,500.00
Mis. Revenue	4,000.00	-		472,581.00	476,581.00
TOTAL	3,972,000.00	110,200.00	177,000.00	2,033,666.00	6,292,866.00
Expenditure Category	General Fund	Building Fund	Highway Aid Fund	Capital Projects & Proprietary Fund	Total
General Gov't	299,550.00	110,200.00			409,750.00
Public Safety	1,630,200.00				1,630,200.00
Health & Welfare	46,000.00			1,561,085.00	1,607,085.00
Hwy/Roads/Streets	1,050,500.00		177,000.00		1,227,500.00
Rec/Parks/Lib/Civil	15,000.00				15,000.00
Debt Service	112,500.00	-		472,581.00	585,081.00
Ins. Prem/Ben	818,250.00				818,250.00
TOTAL	3,972,000.00	110,200.00	177,000.00	2,033,666.00	6,292,866.00

SECTION 2 - That any Ordinance or part of Ordinance in conflict with the provisions of this Ordinance are hereby repealed to the extent of said conflict.

ADOPTED this 9th day of December 2021

BOROUGH OF WEST VIEW

ATTEST:

BY: _____
Chief of Police Bruce A. Fromlak/Manager

BY: _____
M. Kimberly Steele, President of Council

EXAMINED and APPROVED this 9th day of December 2021

BY: _____
J. R. Henry, Mayor

BOROUGH OF WEST VIEW
ORDINANCE NO. 1521

AN ORDINANCE OF THE BOROUGH OF WEST VIEW, COUNTY OF ALLEGHENY, COMMONWEALTH OF PENNSYLVANIA, ESTABLISHING A VOLUNTEER SERVICE CREDIT PROGRAM; AUTHORIZING LOCAL TAX CREDITS FOR VOLUNTEER MEMBERS OF VOLUNTEER FIRE COMPANIES AND NON-PROFIT EMERGENCY MEDICAL SERVICES AUTHORITIES, AND ESTABLISHING ADMINISTRATIVE PROCEDURES AND APPEALS

WHEREAS, on November 21, 2016, Governor Tom Wolf signed into law HB1683 (Act 172 of 2016), which authorizes municipal governments to grant local tax credits to volunteers at a volunteer fire company or volunteers at a non-profit emergency medical services authority; and

WHEREAS, Act 172 of 2016 became effective on January 20, 2017; and

WHEREAS, the Council of the Borough of West View acknowledges the value of volunteer fire protection and volunteer emergency medical services provided by volunteers in the Borough of West View; and

WHEREAS, the Council of the Borough of West View desires to encourage residents to volunteer in a fire company or with a non-profit emergency medical services authority; and

WHEREAS, the Council of the Borough of West View desires to establish a tax credit program that allows active volunteers at volunteer fire companies and volunteers for non-profit emergency medical services authorities to receive local tax credits authorized by Act 172 of 2016.

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

1. RECITALS. The above recitals are incorporated herein by reference.
2. AMENDMENT. Chapter 260, Taxation, of the Codified Ordinances for the Borough of West View is hereby amended to include this Ordinance.

3. DEFINITIONS. The following words and phrases when used in this Ordinance shall have the meanings given to them in this Section unless the context clearly indicates otherwise.

“Active Volunteer.” An individual who volunteers at a Volunteer Fire Company or Non-Profit Emergency Medical Services Authority and has satisfied the following conditions:

- A. Completes the activities of the Volunteer Service Credit Program set forth in Section 4;
- B. Receives certification as an Active Volunteer by the Chief or designee of a Volunteer Fire Company and/or a Non-Profit Emergency Medical Services Authority; and
- C. Receives approval as an Active Volunteer by the Council of the Borough of West View.

“Application.” A form provided by the Borough of West View to a volunteer applying for certification under the Volunteer Service Credit Program.

“Authorized Earned Income Tax Collector.” The current regional earned income tax collector.

“Commissioner.” The State Fire Commissioner of the Commonwealth.

“Earned Income Tax.” A tax on earned income and net profits levied under Chapter 3 of the Act of December 31, 1965 (P.L.1257, No.511), known as The Local Tax Enabling Act.

“Eligibility Period.” The timeframe when volunteers may earn credit under the Volunteer Service Credit Program.

“Emergency Responder.” A volunteer who responds to an emergency call with the volunteer fire company or non-profit emergency medical services authority listed under Section 4(C).

“Emergency Response Call.” Any emergency call to which a volunteer responds, including travel directly from and to a volunteer’s home, place of business or other place where he/she shall have been when the call was received.

“Volunteer.” A volunteer/member of a volunteer fire company or volunteer of a non-profit emergency medical services authority.

4. VOLUNTEER SERVICE CREDIT PROGRAM.

- A. Establishment. The Borough of West View hereby establishes a Volunteer Service Credit Program. The goal of the program is to encourage membership and service in the community's volunteer fire companies and volunteering with the community's non-profit emergency medical services authority.
- B. Program Criteria. Borough Council shall establish, by resolution, the criteria that must be met during the eligibility period to qualify for credits under the program based on the following:
 - (1) The number of emergency response calls to which a volunteer responds.
 - (2) The level of training and participation in formal training and drills for a volunteer.
 - (3) The total amount of time expended by a volunteer on administrative and other support services, including but not limited to:
 - (i) fundraising
 - (ii) providing facility or equipment maintenance
 - (iii) financial bookkeeping
 - (4) The involvement in other events or projects that aid the financial viability, emergency response or operational readiness of a volunteer fire company or non-profit emergency medical services authority.
 - (5) The total number of years the volunteer has served.
- C. Eligible Entities. The Volunteer Service Credit Program is available to residents of the municipality who are volunteers or members of the following volunteer fire company: The West View Borough Volunteer Fire Department; and/or volunteers of the following non-profit emergency medical services authority: The Ross/West View Emergency Medical Services Authority.
- D. Eligibility Period. A volunteer must meet the minimum criteria, set by resolution, during the eligibility period set forth to qualify for the tax credits authorized under Section 5.
 - (1) For Tax Year 2023, and each subsequent tax year thereafter, the eligibility period shall run from the prior November 1st until October 31st of the year for which the tax credit will apply.
- E. Recordkeeping. The Chief or its designee of each volunteer fire company listed under Section 4(C) and the Chief or its designee of the non-profit emergency

medical services authority listed under Section 4(C) shall keep specific records of each volunteer's activities in a service log to establish credits under the Volunteer Service Credit Program. Service logs shall be subject to audit/review by:

- (1) The Borough of West View Manager or the Manager's designee;
- (2) The State Fire Commissioner; and
- (3) The State Auditor General.

- F. Volunteer Application. On or before the first (1st) Monday in November of each year, volunteers who have met the minimum criteria of the Volunteer Service Credit Program shall sign and submit an application for certification provided by the Borough of West View to their Chief or supervisor. The Chief or supervisor shall sign the application if the volunteer has met the minimum criteria of the Volunteer Service Credit Program during the eligibility period, and shall forward said application to the Borough Manager together with the notarized list required by Section 4(G). within the timeframe specified herein.
- G. Notarized List. On or before November 15th of each year, the Chief, or supervisor, shall mail or hand deliver to the Borough Manager a notarized eligibility list of all volunteers that have met the minimum criteria for the Volunteer Service Credit Program and applied for certification pursuant to Section 4(F). The Chief or supervisor shall post the notarized eligibility list in an accessible area of the volunteer authority's facilities.
- H. Municipal Review. The Borough Manager shall review the applications for credit under the Volunteer Service Credit Program and shall cross reference them with the notarized eligibility list. At the first regular meeting in December of each year, the Council of the Borough of West View shall approve or disapprove the volunteers that appear on the notarized list submitted by the Chief or supervisor pursuant to Section 4(F). All applicants approved by the Council of the Borough of West View shall be issued a tax credit certificate by the Borough Manager by no later than December 15th of each year.
- I. Appeal of Denial of Certification. A volunteer who is denied certification as an active volunteer shall have the right to request a hearing before Borough Council within 30 days of the denial pursuant to the provisions of 2 Pa.C.S. Chapter 5, Subchapter B (relating to practice and procedure of local authorities), and 2 Pa.C.S. Chapter 7, Subchapter B (relating to judicial review of local authority action), also known as the "Local Authority Law."
- J. Official Tax Credit Register. The Borough of West View shall keep an official Tax Credit Register of all Active Volunteers that were issued tax credit certificates. No later than December 31st of each year, the Borough Manager shall issue updates, as needed, of the official Tax Credit Register to the following:

- (1) The Council of the Borough of West View;
- (2) The Chief of the volunteer fire company or non-profit emergency medical services authority; and
- (3) The authorized Earned Income Tax Collector.

K. Injured Volunteers.

- (1) An emergency responder that is injured during an emergency response call may be eligible for future tax credits. The injury must have occurred while responding to, participating in, or returning from an emergency response call with one of the entities listed under Section 4(C).
- (2) An injured emergency responder shall provide documentation from a licensed physician with the application required under Section 4(F) stating that their injury prevents them from performing duties to qualify as an active volunteer. In such a case, the injured emergency responder shall be deemed an active volunteer for that tax year.
- (3) An injured emergency responder shall annually submit the application required under Section 4(F), along with updated documentation from a licensed physician stating that the injury still exists and prevents them from qualifying as an active volunteer. The injured emergency responder shall again be deemed an active volunteer for that tax year. An injured emergency responder shall only be deemed an active volunteer for a maximum of five consecutive tax years.

5. EARNED INCOME TAX CREDIT.

- A. Tax Credit. Each active volunteer who has been certified under the Borough of West View Volunteer Service Credit Program shall be eligible to receive a tax credit of up to \$300.00 of the Earned Income Tax levied by the Borough of West View. When an active volunteer's earned income tax liability is less than the amount of the tax credit, the tax credit shall equal the individual's earned income tax liability.
- B. Claim. An active volunteer with a tax credit certificate may claim a tax credit on his or her Borough of West View Earned Income Tax liability when filing a final return for the preceding calendar year with the Authorized Earned Income Tax Collector.
- C. Rejection of Tax Credit Claim.
 - (1) The tax officer shall reject a claim for a tax credit if the taxpayer is not on the official Tax Credit Register issued by the Borough Manager.

(2) If the tax officer rejects the claim, the taxpayer shall be notified in writing of the decision. The notice shall include the reasons for the rejection and provide the method of appealing the decision pursuant to Section 6.

(3) Taxpayers shall have thirty (30) days to appeal the decision of the tax officer pursuant to Section 6.

6. APPEALS.

A) Earned Income Tax Credit Appeals.

(1) Any taxpayer aggrieved by a decision under Section 5 shall have a right to appeal said decision.

(2) A taxpayer shall have thirty (30) days to appeal a decision or rejection of claim.

(3) All appeals of decisions under Section 5 shall follow the provisions of the Act of May 5, 1998, P.L.301, No. 50, known as the Local Taxpayers Bill of Rights.

7. PENALTIES FOR FALSE REPORTING.

A. Any individual who knowingly makes or conspires to make a false report in an application for certification under this Ordinance commits a misdemeanor of the first degree punishable by a fine of \$2,500.00.

B. Any individual who knowingly provides or conspires to provide false information that is used to compile a service log under this Ordinance commits a misdemeanor of the first degree punishable by a fine of \$2,500.00.

8. REPEALER. All ordinances or parts of ordinances in conflict with the terms of this Ordinance are repealed and rescinded to the extent of such conflict.

9. SEVERABILITY. In the event that any provision, section, sentence, clause, or part of this Ordinance is held to be invalid, such invalidity shall not affect or impair any remaining provision, section, sentence, clause or part of the Ordinance, it being the intent of the Council of the Borough of West View that such remainder shall remain in full force and effect and for this purpose the provisions of this Ordinance are hereby declared to be severable.

10. EFFECTIVE DATE. This Ordinance shall become effective on the date of enactment.

ORDAINED AND ENACTED this 14th day of December, 2022.

ATTEST

BOROUGH OF WEST VIEW

Bruce A. Fromlak, Chief of Police
Borough Secretary/Manager

William Aguglia
Council President

Approved as to form:

J.R. Henry, Mayor

BOROUGH OF WEST VIEW
ORDINANCE NO. 1522

AN ORDINANCE OF THE BOROUGH OF WEST VIEW, COUNTY OF ALLEGHENY,
COMMONWEALTH OF PENNSYLVANIA, AUTHORIZING THE IMPOSITION AND
COLLECTION OF A SPECIAL EMERGENCY AMBULANCE SERVICE FEE.

WHEREAS, the provision of adequate ambulance services and emergency medical services are necessary for the general health, safety, and welfare of this municipality and its residents; and

WHEREAS, said services are provided by the Ross/West View Emergency Medical Services Authority and funded by a subscription service to residents and businesses, donations, billing to non-subscribers, and third-party billing to insurance providers; and

WHEREAS, funding cutbacks in Medicare and other benefit programs, and a low percentage of subscriptions purchased by residents and businesses within the municipality, coupled with ever rising costs of providing mandated standards of quality ambulance services and emergency medical services have created a fiscal crisis throughout the ambulance and emergency medical services industry, and particularly in our community; and

WHEREAS, the Borough Code specifically provides at 8 Pa. C.S.A. Section 1202(5), for the enactment of ordinances as may be necessary for the health, safety, morals and general welfare of the borough residents; and

WHEREAS, 8 Pa. C.S.A. Section 1202(56) of the Borough Code provides as follows:
“Emergency Services. The borough shall be responsible for ensuring that fire and emergency medical services are provided within the borough by the means and to the extent determined by the borough, including the appropriate financial and administrative assistance for these services. The borough shall consult with fire and emergency medical service providers to discuss the emergency services needs of the borough. The borough shall require any emergency services

organization receiving borough funds to provide to the borough an annual itemized listing of all expenditures of these funds before the borough may consider budgeting additional funding to the organization”.

NOW, THEREFORE, be it Ordained and Enacted by the Council of the Borough of West View as follows:

1. Premises are defined as the property or area, including the improvements thereon, to which service is or will be furnished, and as used herein, shall be taken to designate (1) a building under one roof, owned or leased by one customer, and occupied as one residence or one place of business; or (2) a group or combination of buildings owned by one customer, in one common enclosure, occupied by one family, or one organization, corporation or firm, as a residence or place of business or for manufacturing or industrial purposes, or as a hotel, hospital, church, parochial school, or similar institution, except as otherwise noted herein; or (3) the one side of a double house having a solid vertical partition wall; or (4) each side or each part of a house or building occupied by one family even though the closet and/or other fixtures be used in common; or (5) each apartment, office or suite of offices, and/or place of business located in a building or group of buildings, even though such buildings in a group are interconnected by a tunnel or passageway, covered areaway or patio, or by some similar means or structure; or (6) a public building devoted entirely to public use, such as a town hall, school house, or fire engine house; or (7) a single lot or park or playground; or (8) each house in a row of houses; or (9) each dwelling unit in a house or building, a dwelling unit being defined as a building or portion thereof, regardless of exclusive or common culinary facilities, designed for occupancy and use by one person or one family (household); or (10) each individual and separate place of business and/or occupancy located in one building or group of buildings commonly designated as shopping centers, supermarket areas, and by such other terms; or (11) each dwelling unit in a public housing development.
2. Special Emergency Ambulance Services Fee is defined as a specified uniform fee charged to each premises to which ambulance service and/or emergency medical services is made available, and entitles occupants of said premises to necessary 911 emergency transport, including the provision of basic life support and advanced life support. It does not include the cost of routine non-emergency medical transport, or secondary emergency transport. Any premises paying said fee will not be billed for the provision of service to said premises or any occupants therein, but the ambulance service may bill any applicable third party provider for said service.
3. Any premises, or occupants therein, that are not current on said fee shall be responsible for any and all costs associated with the provision of said services as set forth herein, including the amount of any invoices not paid by an applicable third party providers.

4. Each Special Emergency Ambulance Service Fee imposed under this Ordinance shall be for ambulance service and emergency medical services provided during the fiscal year of the ambulance provider of January 1st to December 31st. The Special Emergency Ambulance Services Fee is initially established by this Ordinance as follows:
- a. \$50.00 for each residential premises;
 - b. \$150.00 for each small commercial premises, defined as having an occupancy of less than 100 persons, as determined by their occupancy permit;
 - c. \$225.00 for each medium commercial premises, defined as having an occupancy of between 100 and 300 persons, as determined by their occupancy permit; and
 - d. \$300.00 for each large commercial premises, defined as having an occupancy of over 300 persons, as determined by their occupancy permit.

Any modification of this fee shall be subject to prior approval of the incorporating municipalities of the Authority.

5. Each Premises is defined herein, for which there is an occupancy permit granted, and is in use, shall pay said Special Emergency Ambulance Service Fee. Said fee shall be paid in full no later than _____ for the year in which billed.
6. The Special Emergency Ambulance Service Fee shall be collected directly by the Ross/West View Emergency Medical Service Authority, or its agents, successors, or assigns. The actual title owner of an occupied premises on which the fee is due, shall be responsible to pay said fee within 30 days of the date due and owing. Otherwise, the title owner of the premises, as well as the actual occupant, shall be liable for legal interest, as well as subject to a lien on real property for municipal services, and/or enforcement of this Ordinance before the Magisterial District Judge. It shall be the responsibility of a landlord to distribute the fee to all of its tenants.

The failure to pay said fee for more than 30 days constitutes an offense punishable by a civil penalty of up to \$50.00 for each day of violation, plus costs, including attorney's fees necessary to enforce said Ordinance. This shall be enforced directly by the Ross/West View Emergency Medical Services Authority, or its agents, successors, or assigns. Any civil penalties, interest, costs, or attorney's fees collected as a result thereof, shall be paid to the Ross/West View Emergency Medical Services Authority.

ORDAINED AND ENACTED this 14th day of December, 2022.

Bruce A. Fromlak, Chief of Police
Borough Secretary/Manager

William Aguglia
Council President

EXAMINED and APPROVED as to form this 14th day of December, 2022.

J.R. Henry, Mayor

BOROUGH OF WEST VIEW
ORDINANCE NO. 1523

AN ORDINANCE OF THE BOROUGH OF WEST VIEW, ALLEGHENY COUNTY, COMMONWEALTH OF PENNSYLVANIA, AMENDING THE CODE OF THE BOROUGH OF WEST VIEW, CHAPTER 275 - VEHICLES AND TRAFFIC, SPECIFICALLY SECTION 275-10, ONE-WAY HIGHWAYS ESTABLISHED; SECTION 275-25, PARKING PROHIBITED AT ALL TIMES; AND SECTION 275-27, NO PARKING CERTAIN HOURS.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED, by the Council of the Borough of West View, Allegheny County, Commonwealth of Pennsylvania, that the Code of the Borough of West View, Chapter 275, Vehicles and Traffic, is hereby amended as follows:

1. That Section 275-10, One-Way Highways Established, is hereby amended to add the following one-way street:

<u>Name of Highway</u>	<u>Direction of Travel</u>	<u>Limits</u>
Chalfonte Avenue	East	From Perrysville Avenue to Bellevue Avenue

2. That Section 275-25, Parking Prohibited at All Times, is hereby amended to add the following:

<u>Name of Highway</u>	<u>Side</u>	<u>Location</u>
Chalfonte Avenue	North and South	Perrysville Avenue to Bellevue Avenue

3. That Section 275-27, No Parking Certain Hours, is hereby amended to add the following:

<u>Name of Highway</u>	<u>Side</u>	<u>Hours</u>	<u>Location</u>
Bellevue Avenue	North and South	8:00 a.m.- 9:00 a.m. & 3:00 p.m. – 4:00 p.m Mon-Fri	From Chalfonte Avenue to driveway entrance of West View Elementary School

*School buses only shall be allowed to stop and/or park, no other vehicles will be permitted to stop and/or park.

4. Severability. If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, such holding shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are declared severable.

5. All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed to the extent of such inconsistency.
6. Effective Date. This Ordinance shall become immediately effective upon the date of execution.

ORDAINED AND ENACTED into law this 14th day of December, 2022.

ATTEST:

BOROUGH OF WEST VIEW

Bruce A. Fromlak, Chief of Police
Borough Secretary/Manager

William Aguglia
Council President

Approved as to form:

J.R. Henry, Mayor

BOROUGH OF WEST VIEW
ORDINANCE NO. 1524

AN ORDINANCE OF THE BOROUGH OF WEST VIEW, ALLEGHENY COUNTY,
COMMONWEALTH OF PENNSYLVANIA, ESTABLISHING CRITERIA AS TO THE
ISSUANCE OF DISABILITY PARKING PERMITS WITHIN THE BOROUGH.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED, by the Council of the
Borough of West View, Allegheny County, Commonwealth of Pennsylvania, that the
following criteria as to the issuance of disability parking permits within the Borough of West
shall be adopted:

1. That any person with a disability or severely disabled veteran who desires to have the Borough erect on a roadway as close as possible to their place of residence or to an accessible entrance at their place of residence a sign or signs indicating that such place is reserved for a person with a disability or severely disabled veteran, that no parking is allowed by others who are not disabled, and that any unauthorized person parking there shall be subject to a \$50.00 fine, pursuant to the provisions of §3354(d) of the Pennsylvania Motor Vehicle Code, 75 Pa.C.S.A §3354(d), shall make application for the erection of such sign or signs to the West View Borough Chief of Police or his designee. This application shall have a simple, fill-in-the-blank format substantially in the form attached hereto as Exhibit A and shall include, but not be limited to, the following information:
 - A. A vehicle must be registered to and must be driven by a resident with a disability, a family member of the resident who also resides at the same address, or a caretaker of the resident upon whom the resident relies for transportation.
 - B. A copy of an unexpired persons with disabilities parking placard or special registration plate for one passenger car or other vehicle with a registered gross weight of not more than 14,000 pounds, designating the vehicle so licensed as being used by a person with a disability pursuant to §1338(a) of the Pennsylvania Motor Vehicle Code, 75 Pa.C.S.A. §1338(a).
 - C. Verification of the requirements listed in Section 2 of this Ordinance, said proof to be provided, in writing.
2. In making the final determination regarding the grant of a new application or the renewal of a previously permitted disabled space, the Chief of Police or his designee, in accordance with state and federal law, including the Americans with Disabilities Act, the Rehabilitation Act, and the Fair Housing Act, shall apply the following criteria:
 - A. No more than one (1) disabled parking space shall be issued per household.
 - B. The Borough may reject an application for a disability parking permit if approving the application would fundamentally alter the availability of non-disabled street parking on the resident's block (Note: for the purpose of this ordinance a "block" shall be defined as the street on which the

resident lives, measuring 200 feet from the resident's house in both directions or to the nearest dead end, whichever comes first). A fundamental alteration can occur when approving the resident's application would result in more than two (2) parking spaces on the resident's block being designated as disability parking spots if street parking is limited to one side of the street, or more than four (4) spots being designated if street parking is available on both sides of the street, *and* the number of dwellings on the block without off-street parking exceeds the number of non-disability-designated parking spaces available on the block. In making these determinations, the Borough shall utilize the Disability Parking Permit Worksheet attached hereto as Exhibit B.

- C. No permit shall be granted to a resident who has access to onsite, off-street parking, except where said applicant provides a verified statement from their treating physician detailing the reasons why such parking is not accessible to the applicant. Note: the requirement for a verified medical statement can be satisfied by attaching to the applicant's application a copy of the approved "Person with Disability" registration plate or parking placard application submitted to the Pennsylvania Department of Transportation (PennDOT) which contains the healthcare provider certification required by PennDOT provided that any placard application was for a "permanent placard" and was approved by PennDOT.
 - D. No permit shall be granted if the address of the applicant does not have a vehicle registered at the address requested, unless the resident has a persons with disabilities parking placard and relies on third party transportation from a caretaker.
 - E. All applicants must meet at least one (1) of the following requirements:
 - i. The applicant has an unexpired Persons with Disability Parking Placard, Permanent Persons with Disability Parking Placard, or a Temporary Persons with Disability Parking Placard issued by the Pennsylvania Department of Transportation;
 - ii. The applicant has an unexpired Persons with Disability Registration Plate, Persons with Disability Motorcycle Registration Plate, Disabled Veteran Registration Plate, or Severely Disabled Veteran Registration Plate issued by the Pennsylvania Department of Transportation; and/or
 - iii. The person requesting a permit is caring for a person who meets one of the criteria of (i) and/or (ii).
3. In the event the Chief of Police or his designee reject an application or renewal application for a disability parking permit under the provisions of this Ordinance, the Chief of Police or his designee shall engage in an interactive process with the applicant to determine if an alternative reasonable accommodation is available. In the event the Chief of Police or his designee determine that an alternative reasonable accommodation is not available, the Borough will provide the resident with a notice of rejection in accordance with Section 4.
4. In the event the Borough rejects an application or renewal for a disability parking permit or terminates a disability parking permit, the Borough will provide the

resident with a written notice of this determination. This written notice shall inform the resident 1) of the basis for the rejection or termination and 2) that the resident may appeal this decision and receive a hearing before the Council of the Borough of West View to review their application for a disability parking permit. Where the Council rejects an application on appeal, the resident will be notified of their right to appeal this decision in accordance with Pennsylvania Local Agency Law, 2 Pa. C.S. § 702.

5. Whenever a resident's PennDot issued parking placard expires, the resident must renew their Disability Parking Permit with the Borough of West View. For residents with a disability registration plate, but no placard, the resident must renew the Disability Parking Permit with the Borough when the disability registration plate expires. In either case, the resident must submit a copy of PennDot's renewal of the plate or placard to the Chief of Police or his designee within sixty (60) days following PennDot's approval of said plate or placard. If the renewal is not submitted within sixty (60) days, the Borough may terminate the parking permit and remove the disability parking space, so long as the Borough notifies the resident of the Borough's intent to terminate and remove the parking permit and provides the resident with an opportunity to submit a copy of their PennDot renewal at least 15 days prior to terminating the Disability Parking Permit. If a copy of the resident's PennDot renewal is not filed with the Chief of Police or his designee within said time period, the parking permit shall expire and shall not be valid until the resident submits a new application and receives approval by the Chief of Police or his designee. Disability parking permits issued on the basis of a temporary persons with disability parking placard issued by PennDOT are not renewable. All disability parking spaces permitted prior to the effective date of this Ordinance shall be allowed to remain as located subject to the approval of an application which must be submitted within sixty (60) days of receiving notice from the Borough of West View following the effective date of this Ordinance. In the event the Borough determines that an applicant no longer qualifies under the criteria set forth herein at the time of application the Borough may terminate the disability parking permit and remove the disability parking space. Notice and an opportunity to object to any determination made by the Borough under this section shall be provided to the resident in accordance with the provisions of Section 4.
6. Any material misstatement, error, incomplete or misleading representation in an application, renewal application, or part thereof, which would make the resident ineligible for a disability parking permit under the criteria set forth in this Ordinance, shall nullify any grant, and the parking permit may be forfeited and parking space removed.
7. A parking space so designated as being for a person with a disability or severely disabled veteran will be open to anyone with an appropriate plate or placard for their vehicle.
8. Severability. If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, such holding shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are declared severable.

9. All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed to the extent of such inconsistency.
10. Effective Date. This Ordinance shall become immediately effective upon the date of execution.

ORDAINED AND ENACTED THIS 8th day of March, 2022.

ATTEST:

BOROUGH OF WEST VIEW

Police Chief Bruce A. Fromlak
Borough Secretary

William F. Aguglia
Council President

Approved as to form:

Mayor John R. Henry