

**Borough of Berrysburg**

Dauphin County, Pennsylvania

**Repealed December 14, 2009**

ORDINANCE NO. 10

AN ORDINANCE PROVIDING OF THE FURNISHING OF ELECTRIC STREET LIGHTING SERVICE TO THE BOROUGH OF BERRYSBURG, COUNTY OF DAUPHIN, PENNSYLVANIA.

WHEREAS, THERE IS NOW ON FILE WITH THE BOROUGH SECRETARY A FORM OF AGREEMENT COVERING ELECTRIC STREET LIGHTING SERVICE.

BE IT ORDAINED AND ENACTED BY THE COUNCIL OF THE BOROUGH OF BERRYSBURG, DAUPHIN COUNTY, PENNSYLVANIA AND IT IS HEREBY ORDAINED AND ENACTED BY THE AUTHORITY OF THE SAME.

THAT THE BOROUGH OF BERRYSBURG, COUNTY OF DAUPHIN, PENNSYLVANIA, ENTER INTO OUR AGREEMENT WITH PENNSYLVANIA POWER AND LIGHT COMPANY FOR THE FURNISHING OF ALL ELECTRIC STREET LIGHTING SERVICE REQUIRED TO LIGHT THE STREETS OF THE BOROUGH FOR THE PERIOD AND IN ACCORDANCE WITH THE TERMS CONTAINED IN THE FORM OF AGREEMENT NOW ON FILE WITH THE BOROUGH SECRETARY FOR THE FURNISHING OF SUCH SERVICE; AND THAT THE PROPER OFFICERS OF THE BOROUGH BE AND THEY HEREBY ARE AUTHORIZED AND DIRECTED TO EXECUTE AND DELIVER SAID FORM OF AGREEMENT ON BEHALF OF THE BOROUGH.

Enacted into an ordinance and passed by the Council of the Borough of Berrysburg this 1st day of June 1954.

ATTEST:

W. H. Bonawitz  
President of Council

C. E. Stine  
Borough Secretary

Approved this 1st day of June 1954.

Marlin G. Warner  
Burgess

I, C. E. Stine, Borough Secretary of the Borough of Berrysburg, do hereby certify that the foregoing is a full, true and correct copy of an ordinance duly passed by the Council, signed by the officers, and approved by the Burgess, of said Borough on the dates therein indicated; that the same was duly recorded in the Borough Ordinance Book on June 1, 1954 and that the same was duly published on June 24, 1954, in the Elizabethville Echo, a newspaper of general circulation in said Borough.

WITNESS my hand and the seal of said Borough this twenty-sixth day of June, 1954.

C. E. Stine  
Borough Secretary

ARTICLES OF AGREEMENT, made and concluded this - - -twentieth (20th)- - day of- - -July- - - , 1954, between the BOROUGH OF BERRYSBURG - - - - - (hereinafter called the Borough), a municipal corporation of the Commonwealth of Pennsylvania situate in the County of DAUPHIN - - - - , and PENNSYLVANIA POWER & LIGHT COMPANY (hereinafter called the Light Company), a Pennsylvania corporation, having its principal office in the City of Allentown.

WHEREAS, at a meeting of Council of the Borough duly convened and held on the- - - First (1st) - - - day of - - - June - - , 1954, the Borough by proper action authorized the making of this agreement with the Light Company for the furnishing of all the electric street lighting service required to light the streets of the Borough.

NOW, THEREFORE, THIS AGREEMENT WITNESSETH: That the parties hereto, in consideration of the mutual covenants and benefits moving from each party to the other hereunder, do hereby agree as follows:

1. The Light Company shall furnish, operate and maintain from its overhead distribution system all the overhead supplied incandescent lamps at their present locations, and all additions thereto required to light the streets of the Borough, for the period of ten (10) years from the date hereof. At no time during said term shall the amount of any monthly payment be less than the charge for twenty-three (23) one thousand (1000) lumen and two (2) two thousand five hundred (2500) lumen

overhead supplied incandescent lamps on wood poles, plus all additions made hereunder, all at the rates referred to in Section 3 hereof.

2. The incandescent lamps so furnished shall be what are technically known as metallic filament street lighting lamps. It is understood and agreed that the term lumen as used in this agreement shall mean the lumen rating of the lamps as given by the manufacturer thereof.

3. The Borough shall receive and pay for electric street lighting service hereunder in accordance with the several rules, regulations and rate schedules from time to time duly filed and posted by the Light Company in accordance with the Public Utility Law. The rates now applicable to said service hereunder are set forth in Schedule ML-1B, a copy of which is attached hereto.

4. The Light Company's obligations hereunder are subject to all governmental regulation relating to the supply of service hereunder or to the use of materials required therefor.

5. That this agreement shall, as of the effective date hereof, supersede and cancel an agreement dated July 24, 1944, between the Light Company and Borough for street lighting service, provided, however, that the cancellation of said agreement shall

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not relieve either party thereto of any obligations heretofore accruing thereunder.

IN WITNESS WHEREOF, the parties hereto have caused this agreement to be signed in duplicate and their respective common seals, duly attested by their proper officers, to be hereto affixed the day and year first above written.

ATTEST:

BOROUGH OF BERRYSBURG

C. E. Stine  
Borough Secretary

By Marlin G. Warner  
Burgess

ATTEST:

PENNSYLVANIA POWER & LIGHT COMPANY

E L Palmer  
Secretary

By \_\_\_\_\_  
Vice President, Commercial

CERTIFICATE

On this First day of June, 1954, the undersigned, the Secretary of the Borough of Berrysburg - - - - - , hereby certifies that said Borough has no controller and has not accepted the provisions of the General Borough Act relating to controllers.

C. E. Stine  
Borough Secretary