

TOWNSHIP OF RUSH,

Schuylkill County, Pennsylvania

RESOLUTION NO. 00-8

A RESOLUTION

OF THE BOARD OF SUPERVISORS OF THIS TOWNSHIP DETERMINING TO ACQUIRE THE PROJECTS OF RUSH TOWNSHIP SEWER AUTHORITY, INCLUDING ANY AND ALL SEWER SYSTEMS AND RELATED FACILITIES OF SUCH AUTHORITY, IN ACCORDANCE WITH THE POWER AND RIGHT OF THIS TOWNSHIP TO DO SO PURSUANT TO SECTION 18A OF THE MUNICIPALITY AUTHORITIES ACT OF 1945, AS AMENDED AND SUPPLEMENTED; ASSUMING ALL OF SUCH AUTHORITY'S OBLIGATIONS RELATING TO SUCH PROJECTS; TAKING AND SPECIFYING CERTAIN OTHER ACTION WITH RESPECT TO SUCH SEWER SYSTEMS; PROVIDING FOR PROPER OFFICERS OF THIS TOWNSHIP TO TAKE ALL OTHER REQUIRED, NECESSARY, OR DESIRABLE ACTIONS TO CARRY OUT THE INTENT AND PURPOSE OF THIS RESOLUTION AND THE UNDERTAKINGS OF THIS TOWNSHIP HEREUNDER; PROVIDING WHEN THIS RESOLUTION SHALL BECOME EFFECTIVE; PROVIDING FOR THE SEVERABILITY OR PROVISIONS OF THIS RESOLUTION; AND PROVIDING FOR REPEAL OF ALL INCONSISTENT RESOLUTIONS OR OTHER APPROVALS OR PARTS OF RESOLUTIONS OR OTHER APPROVALS.

WHEREAS, Rush Township Sewer Authority (the "Authority") is a municipality authority organized by action of this Township and existing under the Municipality Authorities Act of 1945, approved May 2, 1945 P.L. 382, as amended and supplemented (the "Authorities Act") of the Commonwealth; and

WHEREAS, The Authority heretofore acquired, and presently owns and operates, a project, consisting of certain sewer system collection, transmission, treatment and disposal system facilities (the "Sewer System"), including all related and necessary facilities required for rendering sewer services in and for, the residents and property owners in certain portions of this Township; and

WHEREAS, The Authority has incurred certain contractual and other obligations in connection with the Sewer System; and

WHEREAS, This Township has determined that it shall acquire, under provisions of the Authorities Act, the Sewer System of the Authority, the Board of which is appointed by the Township and of which this Township is the only member municipality, and said Sewer System being of a character which this Township has the power to establish, maintain, and operate, and in connection therewith, to assume all obligations of the Authority relating to said Sewer System.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors of this Township, as follows:

1. This Township hereby signifies its intention and desire to acquire, and hereby acquires all of the Sewer System and related facilities, including all money, funds, and property, real, personal, and mixed related thereto, of the Authority, and all right, title, and interest of the Authority thereto, pursuant to the right and power vested in the Township by Section 18A of the Authorities Act to acquire the Sewer System, the members of the Board of the Authority being appointed by the Township, the Township being the only member municipality of the Authority, and the Sewer System being of a character which the Township has power to establish, maintain, and/or operate, as contemplated by said Section 18A of the Authorities Act.

2. The Township, under and as required by said Section 18A of the Authorities Act, in connection with the action taken under paragraph 1 hereof, hereby assumes all of the Authority's obligations relating to the Sewer System, to the extent such obligations are binding upon and enforceable against the Authority, and subject to all terms and conditions applicable to the Authority.

3. This Township hereby directs the Authority to retire all outstanding indebtedness with the Heritage Bank; this Township directs the Authority to relinquish control of its operations, effective immediately; the Authority is hereby directed to convey all of its remaining assets to this Township within seven days after adoption hereof; this Township hereby rescinds all prior approvals, directives, delegations, agreements, etc., with regard to the Village of Hometown and Lake Hauto sewage collection systems and the operation and maintenance thereof; this Township hereby rescinds all prior approvals, directives, delegations, agreements, etc., with regard to the improvements to the Village of Hometown system, as well as the line extensions; and

4. This Township may enter into an agreement (the "Agreement"), with the Authority, which may provide certain terms, provisions, and covenants of the Authority and of the Township with respect to the acquisition or disposition by the Township of the Sewer System, with respect to the assumption or assignment by the Township of the Authority's obligations pertaining to the Sewer System, if any, and with respect to the manner in which the foregoing shall be implemented.

5. The Chairman or Vice Chairman and Secretary or Assistant Secretary of the Board of Supervisors of this Township, as applicable, are authorized to execute, to attest, to acknowledge, and to deliver the Agreement, on behalf of this Township, at the appropriate time.

6. This Township, and not the Authority, will undertake the pending project, including but not limited to, the award of bids and the acceptance of the financial commitment extended by the Pennsylvania Infrastructure Investment Authority.

7. Proper officers of this Township are authorized and directed to execute, attest, and acknowledge all documents and to do all other acts as may be necessary and proper to carry out this Resolution and the undertakings of the Township under such Agreement.

8. Reference in this Resolution to specified officers of this Township shall include and shall be construed to include, if and as applicable, their respective successors in office.

9. In the event any provision, section, sentence, clause, or part of this Resolution shall be held to be invalid, such invalidity shall not affect or impair any remaining provision, section, sentence, clause, or part of this Resolution, it being the intent of this Township that such remainder shall be and shall remain in full force and effect.

10. All other resolutions or other approvals or parts of resolutions or other approvals which are inconsistent herewith shall be and the same expressly are repealed.

DULY ADOPTED, by the Board of Supervisors of the Township of Rush,
Schuylkill County, Pennsylvania, in lawful session duly assembled, this 17th day of May,
2000.

TOWNSHIP OF RUSH,
Schuylkill County, Pennsylvania

By: John H. Schickman
(Vice) Chairman of the
Board of Supervisors

ATTEST:

Catherine M. Luolto
(Assistant) Secretary

(SEAL)

CERTIFICATE

I, the undersigned, (Assistant) Secretary of the Township of Rush, Schuylkill County, Pennsylvania (the "Township"), certify that: the foregoing is a true and correct copy of a Resolution of the Board of Supervisors of the Township which duly was adopted by affirmative vote of a majority of the members of the Board of Supervisors of the Township at a meeting duly held on the 17th day of May, 2000; such Resolution duly has been recorded in the minute book of the Township; and such Resolution remains in effect, unaltered and unamended, as of the date of this Certificate.

I further certify that the Board of Supervisors of the Township met the advance notice and public comment requirements of the Pennsylvania Sunshine Act, 65 Pa.C.S. §701 *et seq.*, by advertising said meeting, by posting prominently a notice of said meeting at the principal office of the Township or at the public building in which said meeting was held, and by providing a reasonable opportunity for public comment at said meeting prior to taking official action, all in accordance with such Act.

IN WITNESS WHEREOF, I set my hand and affix the official seal of the Township, this 17th day of May, 2000.

Catherine M. Switto
(Assistant) Secretary

(SEAL)