

TOWNSHIP OF RUSH
SCHUYLKILL COUNTY, PENNSYLVANIA

ORDINANCE NO. 86

AN ORDINANCE SIGNIFYING THE INTENTION AND DESIRE OF THIS TOWNSHIP TO ORGANIZE AN AUTHORITY, JOINTLY, WITH THE BOROUGH OF NESQUEHONING, UNDER PROVISIONS OF THE ACT OF ASSEMBLY APPROVED MAY 2, 1945, P.L. 382, AS AMENDED AND SUPPLEMENTED; SETTING FORTH AND AUTHORIZING EXECUTION OF ARTICLES OF INCORPORATION; APPOINTING AND FIXING THE TERMS OF THE FIRST MEMBERS TO REPRESENT THIS TOWNSHIP ON THE BOARD OF SUCH AUTHORITY; AUTHORIZING ALL OTHER NECESSARY ACTION; AND REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF.

BE IT ENACTED AND ORDAINED by the Board of Supervisors of the Township of Rush, Schuylkill County, Pennsylvania (the "Township"), and it is enacted and ordained as follows:

SECTION 1. The Board of Supervisors of this Township signifies its intention and desire to organize an Authority, jointly, with the Borough of Nesquehoning, under provisions of the Act of Assembly approved May 2, 1945, P.L. 382, as amended and supplemented, known as the "Municipality Authorities Act of 1945" (the "Authorities Act"), for the purpose of exercising any and all powers conferred by the Authorities Act.

The Authority shall be organized, jointly, by the Township of Rush and the Borough of Nesquehoning, with Rush Township located in Schuylkill County, Pennsylvania and the Borough of Nesquehoning located in Carbon County, Pennsylvania.

SECTION 2. The Chairman or Vice Chairman of the Board of Supervisors and Secretary, respectively, of this Township are

authorized and directed to execute, in behalf of this Township,
Articles of Incorporation for the Authority on the following form:

ARTICLES OF INCORPORATION

TO: THE SECRETARY OF THE COMMONWEALTH OF PENNSYLVANIA

In compliance with requirements of the Act of Assembly approved May 2, 1945, P.L. 382, known as the "Municipalities Authorities Act", as amended and supplemented, and pursuant to Ordinances duly enacted by the municipal bodies of the Township of Rush and the Borough of Nesquehoning, with Rush Township located in Schuylkill County, Pennsylvania and the Borough of Nesquehoning located in Carbon County, Pennsylvania, expressing their intention and desire to organize an Authority, jointly, under provisions of said Act, said incorporating municipalities certify:

1. The name of the Authority is "LAKE HAUTO SEWER AUTHORITY".

2. The Authority is formed under provisions of the Municipality Authorities Act.

3. Two Authorities have been organized under the Municipality Authorities Act, or under the Act of Assembly approved June 28, 1935, P.L. 463, as amended and supplemented, and are in existence in or for an incorporating municipality, and are as follows:

(a) Rush Township Sewer Authority, Schuylkill County, Pennsylvania, with a defined service area restricted to the Village of Hometown.

(b) Nesquehoning Borough Authority, Carbon County, Pennsylvania.

4. The name of the incorporating municipalities are:
- (a) Township of Rush, Schuylkill County, Pennsylvania.
 - (b) Borough of Nesquehoning, Carbon County, Pennsylvania.

5. The names of the municipal officers of each of the incorporating bodies are:

Township of Rush
Schuylkill County, Pennsylvania

<u>Office</u>	<u>Name</u>
Chairman	George Pinkey
Vice Chairman	Paul Fegley
Supervisor	Raymond Boyer

Borough of Nesquehoning
Carbon County, Pennsylvania

<u>Office</u>	<u>Name</u>
President	Earl Johnson
Vice Chairman	Lou Paul
Councilman	William Poluka
Councilman	Frank Jacobs
Councilman	Audrey Gogal
Councilman	Joseph Greco

6. The members of the Board of the Authority shall be four (4) in number, with two (2) members being appointed by the Township of Rush and two (2) members being appointed by the Borough of Nesquehoning.

7. The names, addresses and terms of office of the first members of the Board of the Authority, each of whom is a citizen or taxpayer of the incorporating municipality by which he is appointed, are as follows:

<u>Name</u>	<u>Address</u>	<u>Appointee of the Township</u>	<u>Term of Office</u>
Harry Loder	RD#1, Lake Hauto Nesquehoning, PA 18240	Rush	
Ronald Lobichusky	RD#1, Lake Hauto Nesquehoning, PA 18240	Rush	

IN WITNESS WHEREOF, the Township of Rush and the Borough of Nesquehoning, situate in Schuylkill and Carbon Counties respectively, have caused these Articles of Incorporation to be duly executed in its name and on its behalf by its duly authorized officers and its corporate seal to be affixed hereunto and attested to by its Secretary, all as of the 7th day of June, 1990.

TOWNSHIP OF RUSH
SCHUYLKILL COUNTY, PENNSYLVANIA

By: Geoff A. Parke
Chairman of the
Board of Supervisors

ATTEST:

Carol Ann Coyt
Secretary
(SEAL)

BOROUGH OF NESQUEHONING
CARBON COUNTY, PENNSYLVANIA

By: _____
President of
Borough Council

ATTEST:

Secretary
(SEAL)

SECTION 3. The Chairman or Vice Chairman of the Board of Supervisors and Secretary, respectively, of this Township, acting jointly with appropriate officers of the Borough of Nesquehoning set forth in Section 1 of this Ordinance, are authorized and directed to cause notice of the substance of this Ordinance, including the substance of the foregoing Articles of Incorporation, and of the proposed filing of such Articles of Incorporation, to be published as required by the Authorities Act.

SECTION 4. The Chairman or Vice Chairman of the Board of Supervisors and Secretary, respectively, of this Township, acting jointly with appropriate officers of the Borough of Nesquehoning set forth in Section 1 of this Ordinance, are authorized and directed to file such Articles of Incorporation and the necessary Proofs of Publication with the Secretary of the Commonwealth of Pennsylvania and to do all other things necessary to effect the incorporation of such Authority, including payment of the required filing fee.

SECTION 5. The following named persons are appointed as the first members to represent this Township on the Board of such Authority:

Name

Address

Term of
Office

SECTION 6. The enactment of this Ordinance is deemed necessary for the benefit of the preservation of the public health, peace, comfort and general welfare of and will increase the prosperity of the citizens of this Township.

SECTION 7. All Ordinances or parts of Ordinances inconsistent herewith expressly are repealed.

DULY ENACTED AND ORDAINED by the Board of Supervisors of the Township of Rush, Schuylkill County, Pennsylvania, this 7th day of June, 1990, in lawful session duly assembled.

TOWNSHIP OF RUSH
SCHUYLKILL COUNTY, PENNSYLVANIA

By: Joseph A. Birtz
Chairman

ATTEST:

Carol Ann Oget
Secretary
(SEAL)

CERTIFICATE

I, the undersigned, Secretary of the Township of Rush, Schuylkill County, Pennsylvania (the "Township"), certify that the foregoing is a true and correct copy of an Ordinance which was enacted by affirmative vote of a majority of members of the Board of Supervisors of the Township at a meeting duly held the 7th day of June, 1990; that said Ordinance has been duly recorded in the Ordinance Book of the Township as required by law; and that said Ordinance is in full force and effect, without alteration, amendment or modification, as of the date of this Certificate.

IN WITNESS WHEREOF, I affix my signature and the official seal of the Township, this 7th day of June, 1990.

Carol Ann Opet
Secretary

(SEAL)