

TOWNSHIP OF MIDDLESEX
Cumberland County, Pennsylvania

ORDINANCE NO. 1 - 77

AN ORDINANCE

OF THIS MUNICIPALITY AUTHORIZING AND APPROVING AN AGREEMENT BETWEEN THE BOROUGH OF CARLISLE, CUMBERLAND COUNTY, PENNSYLVANIA AND CARLISLE BOROUGH SEWER SYSTEM AUTHORITY, ON THE ONE HAND, AND THE TOWNSHIP OF MIDDLESEX AND, AS APPLICABLE, CERTAIN OTHER MUNICIPALITIES AND MUNICIPALITY AUTHORITIES DESCRIBED THEREIN, ON THE OTHER HAND, RELATING TO SEWAGE TRANSPORTATION, TREATMENT AND DISPOSAL UNDER WHICH AGREEMENT THE TOWNSHIP OF MIDDLESEX SHALL COVENANT AND AGREE TO MAKE, UNDER CERTAIN CIRCUMSTANCES, CERTAIN PAYMENTS TO SAID BOROUGH FROM CERTAIN SPECIFIED FUNDS OF THE TOWNSHIP OF MIDDLESEX, FOR SEWAGE TRANSPORTATION, TREATMENT AND DISPOSAL SERVICES TO BE PROVIDED BY SAID BOROUGH TO THE TOWNSHIP OF MIDDLESEX RELATING TO CERTAIN PORTIONS OF THE TOWNSHIP OF MIDDLESEX; UNDER WHICH AGREEMENT SAID BOROUGH WILL COVENANT AND AGREE TO PROVIDE SAID SEWAGE TRANSPORTATION, TREATMENT AND DISPOSAL SERVICES; AND UNDER WHICH AGREEMENT THE TOWNSHIP OF MIDDLESEX AND SAID PARTIES WILL AGREE WITH RESPECT TO CERTAIN RELATED MATTERS: DESCRIBING THE FORM OF SAID AGREEMENT; AUTHORIZING AND DIRECTING EXECUTION, ATTESTATION AND DELIVERY OF SAID AGREEMENT IN BEHALF OF THE TOWNSHIP OF MIDDLESEX; AND AUTHORIZING AND DIRECTING OTHER NECESSARY AND PROPER ACTION.

WHEREAS, The Commonwealth of Pennsylvania, acting by and through its Department of Environmental Resources (formerly the Department of Health), pursuant to laws of the Commonwealth, has mandated that certain sewage transportation, treatment and disposal services be provided, inter alia, in and for certain portions of the Township of Middlesex; and

WHEREAS, the Carlisle Borough Sewer System Authority (the "Borough Authority"), has agreed to undertake the planning, designing, acquiring, constructing and improving of certain sewage transportation, treatment and disposal facilities (the "Borough Facilities"), leased and/or to be leased to the Borough of Carlisle, Cumberland County, Pennsylvania (the "Borough"), for operation and use, which will provide service, inter alia, in and for certain portions of the Township of

Middlesex; and

WHEREAS, the Township of Middlesex desires to enter into an Agreement (hereinafter described) with the Borough and the Borough Authority and certain other municipalities and municipality authorities referred to therein, relating to sewage transportation, treatment and disposal services to be rendered by the Borough with the Borough Facilities to the Township of Middlesex, and the services to be rendered therewith.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED, and it is enacted and ordained, by the Board of Supervisors of the Township of Middlesex as follows:

SECTION 1. The Township of Middlesex shall enter into an Agreement (the "Agreement"), with the Borough and Borough Authority and certain other municipalities and municipality authorities described therein, substantially in the form referred to in Section 2, under terms and provisions of which Agreement the Township of Middlesex shall covenant and agree to make certain payments, under certain circumstances of the Borough, from certain specified funds of the Township of Middlesex; under terms and provisions of which Agreement the Borough will covenant and agree to provide certain sewage transportation, treatment and disposal services to the Township of Middlesex and/or to certain portions of the Township of Middlesex if not rendered directly to the Township of Middlesex; and under terms and provisions of which Agreement the Township of Middlesex and the Borough and Borough Authority, and the other municipalities and municipality authorities referred to therein, will agree with respect to certain related matters.

SECTION 2. The Agreement shall be substantially in the form presented to this meeting, which form is approved; and a copy of the Agreement, in the form so presented to this meeting and so approved, shall be filed with the Secretary of the Township of Middlesex and shall be made available for inspection at reasonable times by interested persons requesting such inspection.

SECTION 3. The Chairman of the Board of Supervisors and the Secretary of the Township of Middlesex, as applicable, are authorized and directed to execute, to attest and to deliver the Agreement, in behalf of the Township of Middlesex, substantially in the form approved in Section 2.

SECTION 4. Proper officers of the Township of Middlesex are authorized and directed to execute all documents and to do all other acts as may be necessary and proper to carry out this Ordinance and the undertakings of the Township of Middlesex under the Agreement.

SECTION 5. This Ordinance shall become effective in accordance with law.

SECTION 6. In the event any provision, section, sentence, clause or part of this Ordinance shall be held to be invalid, such invalidity shall not affect or impair any remaining provision, section, sentence, clause or part of this Ordinance, it being the intent of this Municipality that such remainder shall be and shall remain in full force and effect.

SECTION 7. It is declared that enactment of this Ordinance is necessary for the protection, benefit and preservation of the health, safety and welfare of inhabitants of the Township of Middlesex.

SECTION 8. All other ordinances or parts of ordinances inconsistent herewith shall be and the same expressly are repealed.

DULY ENACTED AND ORDAINED, this 26th day of January, 1977, by the Board of Supervisors of the Township of Middlesex, Cumberland County, Pennsylvania, in lawful session duly assembled.

TOWNSHIP OF MIDDLESEX,
Cumberland County, Pennsylvania

ATTEST:

By: Albert M. Shover
Chairman of Board of
Supervisors

R. E. Preston
Secretary