TOWNSHIP OF MIDDLESEX,

Cumberland County, Pennsylvania

ORDINANCE NO. 20-73

AN ORDINANCE

OF THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF MIDDLESEX, CUMBERLAND COUNTY, PENNSYLVANIA, AUTHORIZING AND APPROVING AN AGREEMENT BETWEEN MIDDLESEX TOWNSHIP MUNICIPAL AUTHORITY AND THIS TOWNSHIP, UNDER WHICH AGREEMENT THIS TOWNSHIP SHALL COVENANT AND AGREE TO MAKE CERTAIN APPROPRIATIONS, TRANSFERS, GRANTS, CONTRIBUTIONS, ALLOCATIONS AND/OR ADVANCEMENTS OF MONEYS TO SUCH AUTHORITY, FROM CERTAIN FUNDS OF THE TOWNSHIP, TO BE USED BY SAID AUTHORITY IN CONNECTION WITH THE "PRELIMINARY UNDERTAKINGS", AS DEFINED IN SAID AGREEMENT, AND OTHER NECESSARY UNDERTAKINGS RELATED TO THE SEWAGE DISPOSAL SYSTEM TO BE PLANNED, TO BE DESIGNED, TO BE ACQUIRED, TO BE CONSTRUCTED, TO BE IMPROVED AND TO BE OWNED BY SAID AUTHORITY TO SERVE THIS TOWNSHIP BY PROVIDING SEWAGE COLLECTION, TRANSPORTATION, TREATMENT AND DISPOSAL SERVICES IN AND FOR CERTAIN PORTIONS OF THIS TOWNSHIP, UNDER WHICH AGREEMENT SAID AUTHORITY WILL COVENANT AND AGREE TO REPAY TO THIS TOWNSHIP, FROM FUNDS OBTAINED BY THE "PERMANENT FINANCING", AS DEFINED IN SAID AGREEMENT, A SUM EQUAL TO ALL SUCH APPROPRIATIONS, TRANSFERS, GRANTS, CONTRIBUTIONS, ALLOCATIONS AND/OR ADVANCEMENTS OF MONEYS WHICH HAVE BEEN MADE PURSUANT TO SAID AGREEMENT, AND WHICH THERETOFORE HAVE NOT BEEN REPAID, AND INTEREST PAID BY THIS TOWNSHIP ON FUNDS BORROWED TO PROVIDE SUCH MONEYS, AT THE TIME SUCH "PERMANENT FINANCING", WITH RESPECT TO SUCH SEWER SYSTEM, IS SUCCESSFULLY COMPLETED BY SAID AUTHORITY, AND UNDER WHICH AGREEMENT THIS TOWNSHIP AND SAID AUTHORITY WILL AGREE WITH RESPECT TO CERTAIN RELATED MATTERS; AUTHORIZING AND DIRECTING EXECUTION, ACKNOWLEDGEMENT AND DELIVERY OF SAID AGREEMENT IN BEHALF OF THIS TOWNSHIP; AND AUTHORIZING AND DIRECTING OTHER NECESSARY AND PROPER ACTION.

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

WHEREAS, Middlesex Township Municipal Authority (the "Authority"), pursuant to the request and consent of this Township, has agreed to undertake the planning, designing, acquiring, constructing and improving of a sewage disposal system to serve this Township by providing sewage collection, transportation, treatment and disposal services in and for certain portions of this Township (the "Sewer System"); and

WHEREAS, This Township desires to agree to make certain appropriations, transfers, grants, contributions, allocations and/or advancements of moneys to the Authority to be used by the Authority in connection with the Preliminary Undertakings, as defined in the Agreement hereinafter mentioned, and other necessary undertakings related to the Sewer System; and

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

SECTION 1. This Township shall enter into an Agreement (the "Agreement") with the Authority, substantially in the form referred to in Section 2, under terms and provisions of which Agreement this Township shall covenant and agree to make certain appropriations, transfers, grants, contributions, allocations and/or advancements of moneys to the Authority, from funds to be borrowed by this Township, or such other funds as legally may be available, to be used by the Authority in connection with the Preliminary Undertakings, and other necessary undertakings related to the Sewer System; under

terms and provisions of which Agreement the Authority will covenant and agree to repay to this Township, from funds obtained by the Permanent Financing, as such phrase is defined in the Agreement, a sum equal to all such appropriations, transfers, grants, contributions, allocations and/or advancements of moneys which have been made pursuant to the Agreement, and which theretofore have not been repaid, and interest paid by this Township on funds borrowed to provide such moneys, at the time such Permanent Financing, with respect to the Sewer System, is successfully completed by the Authority, as is more specifically provided in the Agreement; and under terms and provisions of which Agreement this Township and the Authority 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 this Township and shall be made available for inspection at reasonable times by interested persons requesting such inspection.

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

SECTION 4. Proper officers of this Township 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 this Township 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 Township 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 this Township.

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

DULY ENACTED AND ORDAINED, this 2nd day of May, 1973, by the Board of Supervisors of the Township of Middlesex, Cumberland County, Pennsylvania, in lawful session duly assembled.

TOWNSHIP OF MIDDLESEX,
Cumberland County, Pennsylvania

By: Albert M. Shearer
Chairman of the Board of Supervisors

ATTEST:

R. E. Preston
Secretary

CERTIFICATE

I, the undersigned, Secretary of the Township of Middlesex, Cumberland County, Pennsylvania (the "Township"), certify that: the foregoing is a true and correct copy of an Ordinance of the Board of Supervisors of the Township which duly was enacted by affirmative vote of a majority of the members of the Board of Supervisors of the Township at a meeting duly held on , , 1973: said Ordinance duly has been recorded in the Ordinance Book of the Township; said Ordinance duly has been published as required by law; and said Ordinance remains in effect, unaltered and unamended, as of the date of this Certificate.

IN WITNESS WHEREOF, I set my hand and affix the official seal of the Township, this 2 day of May 1973.

R. E. Preston
Secretary

(SEAL)