

MIDDLESEX TOWNSHIP
CUMBERLAND COUNTY, PENNSYLVANIA

RESOLUTION NO. 2021 - 11

A RESOLUTION AUTHORIZING THE TOWNSHIP OF MIDDLESEX
TO ENTER INTO AN AGREEMENT AMENDING AND RESTATING A WATER
SERVICE AGREEMENT AMONG THE TOWNSHIPS AND AUTHORITIES OF
MIDDLESEX TOWNSHIP AND NORTH MIDDLETON.

BE IT RESOLVED by the Board of Supervisors of the Township of Middlesex,
Cumberland County, Pennsylvania, and it is hereby RESOLVED by the authority of the same as
follows:

SECTION 1: SHORT TITLE

This Resolution shall be known and may be cited as the Amended and Restated Water
Service Agreement Resolution.

SECTION 2: LEGISLATIVE INTENT AND APPLICABILITY

The background of this Resolution and the legislative intention of the Board of
Supervisors in enacting it are as follows:

- A. The Township of Middlesex ("Middlesex") is a township of the second class.
- B. The Act of December 19, 1996, P.L. 1158, No. 177, as amended, referred to as the Intergovernmental Cooperation Law, 53 Pa.C.S. § 2301, et seq., provides that local governments may jointly cooperate in the exercise or in the performance of their respective governmental functions, powers or responsibilities.
- C. Middlesex Township and North Middleton Township are parties, with Middlesex Township Municipal Authority and North Middleton Authority, to a Water Service Agreement dated March 20, 2008 by which agreement Middlesex Township Municipal Authority

("Middlesex Authority") supplies North Middleton Authority with a supply of potable water not to exceed an average daily flow of 500,000 gallons; and

D. North Middleton Authority desires to purchase additional capacity of potable water in the amount of 500,000 gallons per day from Middlesex Authority; and

E. Middlesex Authority, North Middleton Authority, Middlesex Township and North Middleton Township desire to memorialize the purchase of additional potable water by North Middleton Authority and to amend and restate their various obligations with respect to the purchase and supply of water between Middlesex Authority and North Middleton Authority thereby terminating two prior water service agreements among the parties; namely, the water service agreements dated September 16, 2005 and March 20, 2008.

D. The Board of Supervisors determines that it is in the best interest of the public health, safety and welfare of its citizens and those citizens and businesses in North Middleton Township to enter into an Amended and Restated Water Service Agreement (the "Agreement").

SECTION 3: TERMS OF THE AGREEMENT

A. The conditions of participation, duration, purpose and objectives of the Agreement, including the powers and scope of authority delegated therein and the manner and extent of financial obligations, is set forth in the Agreement among Middlesex Authority, Middlesex Township, North Middleton Authority and North Middleton Township, which Agreement is incorporated herein as if set forth in full in this Resolution.

B. In addition to describing the purchase of additional capacity by North Middleton Authority, the Agreement addresses the respective obligations of Middlesex Authority and North Middleton Authority with respect to payment for capital additions and improvement and the sharing in repair costs for jointly used facilities.

C. Middlesex Authority and North Middleton Authority shall be responsible for acquiring, managing, licensing and disposing of its own property, whether real or person and there is no jointly owned property.

D. Each party has the power to enter into contracts for policies of group insurance and employee benefits, including social security, for all of its employees, including those whose duties further the purposes of the Agreement.

E. No organizational structure between or among the parties to the Agreement is necessary to implement the Agreement.

F. The term of the Agreement is indefinite.

G. Financing the obligations under the Agreement will be the responsibility of the party who must incur debt or expend funds to perform its obligations under the Agreement.

SECTION 4: AUTHORITY TO ENTER AGREEMENT

The Chairman or Vice Chairman of the Board of Supervisors of Middlesex Township is hereby authorized to execute all documents and perform all actions necessary to cause the Township to enter the Agreement.

SECTION 5: SEVERABILITY

If any sentence, clause, phrase or section of this Resolution is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, phrases, section or parts of this Resolution.

It is hereby declared as the intention of the Board of Supervisors that this Resolution would have been adopted had such unconstitutional, illegal or invalid sentence, clause, phrase, section or part thereof had not been included therein.

SECTION 6: REPEALER

Any other resolution or parts thereof inconsistent with this Resolution be and are hereby expressly repealed.

SECTION 7: EFFECTIVE DATE

This Resolution shall become effective upon enactment.

RESOLVED this 24th day September, 2021.

ATTEST:

TOWNSHIP OF MIDDLESEX

Eileen M. Gault
Secretary

By: [Signature]
~~(Vice)~~ Chairman

(Township Seal)