

RESOLUTION NO. 98-3

A RESOLUTION OF THE TOWNSHIP OF SCHUYLKILL AUTHORIZING, DIRECTING AND APPROVING THE AMENDMENT OF THE ARTICLES OF INCORPORATION OF THE SCHUYLKILL VALLEY SEWER AUTHORITY TO PERMIT ANY OF THE MEMBER MUNICIPALITIES OF THE AUTHORITY TO DESIGNATE A NON-RESIDENT OF THEIR MUNICIPALITY AS THE REPRESENTATIVE FROM THAT MUNICIPALITY, PROVIDED THAT NO MORE THAN ONE REPRESENTATIVE TO THE AUTHORITY SHALL BE A NON-RESIDENT OF THE MUNICIPALITY WHICH HE REPRESENTS AT ANY TIME; PROVIDING FOR ALL OTHER NECESSARY AND APPROPRIATE ACTION; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INsofar AS THE SAME SHALL BE INCONSISTENT HERewith AND PROVIDING WHEN THIS ORDINANCE SHALL BECOME EFFECTIVE."

WHEREAS, pursuant to Ordinances duly adopted by the Borough of Middleport, the Borough of New Philadelphia, the Township of Blythe, and the Township of Schuylkill, all situated in Schuylkill County (the "member municipalities"), they have caused the Schuylkill Valley Sewer Authority (the "Authority" or "SVSA") to be incorporated pursuant to provisions of the Municipal Authorities Act of 1945, approved May 2, 1945, P.L. 382, as amended and supplemented, of the Commonwealth (the "Act"); and

WHEREAS, pursuant to section 309A(b) of the Act, the Authority has resolved to permit any of the member municipalities of the Authority to designate a non-resident of their municipality as the representative from that municipality, provided that there shall not be more than one representative to the Authority who is a non-resident of the municipality which he represents at any time, it being the intent that there can only be one non-resident member on the Board at one time; and

WHEREAS, under section 305 of the Act, articles of amendment must be approved by the member municipalities and submitted to and approved by the Secretary of the Commonwealth; and

WHEREAS, the Township of Schuylkill, being a member municipality, herein approves the proposed articles of amendment to the articles of incorporation of the Authority;

NOW THEREFORE, BE IT ENACTED AND RESOLVED, by the Board of Supervisors of the Township of Schuylkill, Schuylkill County, Pennsylvania, as follows:

Section 1. The articles of incorporation of the Authority are amended to add the following paragraph:

"8. Any of the member municipalities of the Authority may designate a non-resident of their municipality as the representative from that municipality, provided that there shall not be any more than one representative to the Authority who is a non-resident of the municipality which he represents at any time, it being the intent that there can only be one non-resident member on the Board at one time. If a representative becomes a non-resident of his electing municipality during

X his term of office, that representative shall cease to be that municipality's representative unless there are no other non-residents on the board and their municipality elects to retain that person as representative within sixty (60) days of the date when the representative is no longer a resident of that municipality."

Section 2. The officials of the Authority and the Township are authorized to take all other necessary and appropriate action consistent herewith, including filing the articles of amendment with the Secretary of the Commonwealth.

Section 3. 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 the Township that such remainder shall be and shall remain in full force and effect.

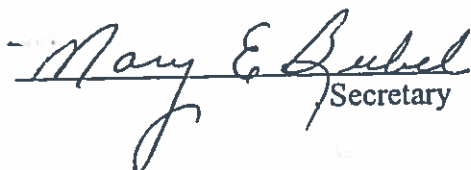
Section 4. To the extent they are inconsistent with this Resolution, all resolutions or parts of resolutions previously adopted by this Township are repealed, as of the effective date, to the extent they are inconsistent with this Resolution.

Section 5. This Resolution shall be effective upon the approval of the Secretary of the Commonwealth of the articles of amendment filed pursuant to this Resolution, as provided in the Act.

DULY ADOPTED this 5TH DAY AUGUST, 1998, by the Board of Supervisors of the Township of Schuylkill, Schuylkill County, Pennsylvania, in lawful session duly assembled.

BOARD OF SUPERVISORS OF THE TOWNSHIP
OF SCHUYLKILL

ATTEST:


Secretary

By 
FRANK THOMPSON, Chairman

**RESOLUTION OF THE BOARD OF SUPERVISORS
OF THE TOWNSHIP OF SCHUYLKILL FOR
REVISION OF ACT 537 PLAN**

Resolution of the Board of Supervisors of the Township of Schuylkill, Schuylkill County, Pennsylvania (hereinafter "the municipality").

WHEREAS, Section 5 of the Act of January 24, 1966, P.L. 1535, No. 537, known as the "Pennsylvania Sewage Facilities Act", as amended, and the Rules and Regulations of the Department of Environmental Protection (Department) adopted thereunder, Chapter 71 of Title 25 of the Pennsylvania Code, requires the municipality to adopt an Official Sewage Facilities Plan providing for sewage services adequate to prevent contamination of waters and/or environmental health hazards with sewage wastes, and to revise said plan whenever it is necessary to meet the sewage disposal needs of the municipality, and

WHEREAS, Alfred Benesch & Company has prepared a Joint Act 537 Sewage Facilities Plan Update on behalf of the Schuylkill Valley Sewer Authority, of which the Township of Schuylkill is a member, which provides for sewage facilities in a portion of the Township of Schuylkill, and

WHEREAS, the Township of Schuylkill finds that the Facilities Plan described above conforms to applicable zoning, subdivision and other municipal ordinances and plans and to a comprehensive program of pollution control and water quality management.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of the Township of Schuylkill hereby adopts and submits to the Department of Environmental Protection for its approval as a revision to the "Official Plan" of the municipality, the above-referenced Facilities Plan. The municipality hereby assures the Department of the complete and timely implementation of said plan as required by law.

ATTEST:

TOWNSHIP OF SCHUYLKILL

Mary E. Bubel
Secretary

By: FRANK THOMPSON Frank Thompson
Chairman

I, MARY E. BUBEL Secretary to the Board of Supervisors of the Township of Schuylkill, hereby certify that the foregoing is a true and correct copy of Township Resolution No. 98-2, adopted AUGUST 5, 1998.

Mary E. Bubel
Secretary
Board of Supervisors of the
Township of Schuylkill

DEED OF DEDICATION

THIS INDENTURE, made this 5 day of AUGUST, 1998 between the TOWNSHIP OF SCHUYLKILL, a political subdivision of the Commonwealth of Pennsylvania, hereinafter called "Grantor",

A N D

SCHUYLKILL VALLEY SEWER AUTHORITY, a Pennsylvania municipal authority with an office located at Blythe Water Authority Building, New Philadelphia, Pennsylvania, hereinafter called "Grantee".

WITNESSETH:

WHEREAS, Grantor has installed a certain sanitary sewer collection system, together with sewer lines, laterals, pipes, mains and related equipment (hereinafter referred to as "collection system") in the beds of all those certain streets or rights-of-way, more particularly described in Exhibit "A", hereto attached and incorporated herein by reference; and

WHEREAS, the Grantee has requested the dedication to the Grantee of said collection system and related facilities and the rights-of way and easements underlying the collection system.

NOW, THEREFORE, in consideration of the sum of One (\$1.00) Dollar, in hand paid, the receipt whereof is hereby acknowledged, the said Grantors do hereby grant and convey to the said Grantees:

ALL THAT CERTAIN collection system and related facilities lying in the bed of the streets or in rights-of-way, including the rights-of-way or easements held by Grantor for said collection system, more particularly described in Exhibit "A", hereto attached and incorporated herein by reference.

TO HAVE AND TO HOLD the said collection system, laterals, pipes, mains, hereditaments and premises hereby granted or mentioned and intended to so be, with the appurtenances, unto the said Grantee, its successors and assigns, forever as and for a sewer collection system and for no other use or purpose whatsoever, and to the same intent and with the same effect as if the sewer collection system had been installed, constructed and maintained by the Grantee.

UNDER AND SUBJECT nevertheless, that upon completion of the sewer system to be constructed by the Grantee, any portion of the collection system and underlying easements and rights-of-way herein conveyed which is certified by Grantee's engineer as not being used in any way by Grantee as part of its sewer system, shall revert automatically to Grantor.

AND the said Grantor, for itself, its successors and assigns, by these presents, covenant, promise and agree to and with the said Grantee, its successors and assigns, that neither the Grantor nor its successors and assigns, will at any time hereafter ask, demand or recover or receive of or from the said Grantee, its successors and assigns, any sum or sums of money for damages for said sewer system.

AND the said Grantor hereby covenants and agrees that Grantor will warrant specially the property hereby conveyed.

THE ACTUAL CONSIDERATION provided by Grantee consists of an agreement to be executed between Grantee and the Greater Pottsville Area Sewer Authority ("GPASA") on behalf of Grantor providing that GPASA shall provide any maintenance and service required for the collection system conveyed herein and Grantee shall reimburse GPASA for such expense, such agreement to terminate upon completion of Grantee's sewer system.

IN WITNESS WHEREOF, Grantor has caused the foregoing Deed of Dedication to be executed the day and year first above written.

TOWNSHIP OF SCHUYLKILL

By: FRANK THOMPSON *Frank Thompson*

Attest: MARY E. BUBEL *Mary E. Bubel*

STATE OF PENNSYLVANIA

COUNTY OF SCHUYLKILL

On this the 2 day of August, 1998, before me, Elizabeth Kostin, the undersigned, personally appeared FRANK THOMPSON, who acknowledged himself/herself to be the CHAIRMAN of the TOWNSHIP OF SCHUYLKILL, a body corporate in politic, and that he/she, as such officer, being authorized to do so, executed the foregoing instrument for the purposes therein contained, by signing the name of the Township by himself/herself as such Frank Thompson

In witness whereof I hereunto set my hand and official seal.

Elizabeth Kostin
Notary Public

My commission expires:

