

Resolution 2253  
**TOWNSHIP OF EAST NORRITON**  
**(Montgomery County, Pennsylvania)**

**RESOLUTION APPROVING SUPPLEMENT NO. 1 TO**  
**INTERMUNICIPAL SEWAGE TREATMENT SERVICE AGREEMENT**  
**AND RELATED MATTERS**

WHEREAS, the East Norriton-Plymouth-Whitpain Joint Sewer Authority ( the "Joint Sewer Authority"), the Township of East Norriton (the "Township"), the Townships of Plymouth and Whitpain (together with the Township, the "Municipalities"), the Plymouth Township Municipal Authority (now terminated) and the East Norriton Township Municipal Authority (now terminated) entered into an Intermunicipal Sewage Treatment Service Agreement dated as of August 14, 1991 (the "Original Agreement"); and

WHEREAS, Article III, Sections 6, 7 and 8 of the Original Agreement provide for the ability to undertake construction of enlargements, additions, improvements or modifications to the Treatment Plant, and the Joint Sewer Authority and the Municipalities wish to construct approximately \$14 million in enlargements, additions, improvements or modifications to the Treatment Plant (the "New Project"); and

WHEREAS, the Joint Sewer Authority intends to issue revenue bonds in a principal amount not to exceed \$16 million (the "New Bonds") to finance the New Project and the costs of issuance of the New Bonds; and

WHEREAS, pursuant to Article V, Section 1 of the Original Agreement, the user fees imposed on the Municipalities must be sufficient, together with other available revenues of the Joint Sewer Authority, to pay operation and maintenance costs as well as the annual debt service on the New Bonds; and

WHEREAS, pursuant to Article V, Section 3 of the Original Agreement, in the event of capital improvements to or expansion of the Treatment Plant, each Municipality agrees to pay its pro rata share of such costs, including its pro rata share of the debt service payable on any bonds issued to finance such projects; and

WHEREAS, the Joint Sewer Authority and the Municipalities intend to enter into Supplement No. 1 to the Intermunicipal Sewage Treatment Service Agreement ("Supplement No. 1") in order to amend the Original Agreement to set forth each Municipality's pro rata share with respect to the New Project and the New Bonds.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the Township of East Norriton, as follows:

1. The Township approves the issuance of the New Bonds by the Joint Sewer Authority to finance the New Project.

2. For purposes of Article V, Section 3 and all related provisions of the Original Agreement, and for purposes of Section 265 of the Internal Revenue Code, the Township agrees that each Municipality's pro rata share of the costs of the New Project and of the debt service on the New Bonds shall be one-third (1/3).

3. The Township approves Supplement No. 1 substantially in the form attached to this resolution as Exhibit "A".

4. The officers of the Township are authorized to take such other action and to execute and deliver Supplement No. 1 and such other documents as may be necessary or desirable in order to effectuate the purposes of this resolution.

Adopted: October 25, 2005

EXHIBIT "A"

**SUPPLEMENT NO. 1 TO  
INTERMUNICIPAL SEWAGE TREATMENT SERVICE AGREEMENT**

THIS SUPPLEMENT NO. 1 TO INTERMUNICIPAL SEWAGE TREATMENT SERVICE AGREEMENT dated this \_\_\_\_ day of \_\_\_\_\_, 2005 among East Norriton-Plymouth-Whitpain Joint Sewer Authority (the "Joint Sewer Authority"), and East Norriton Township, Plymouth Township and Whitpain Township (the "Municipalities").

**RECITALS**

WHEREAS, the Joint Sewer Authority, the Municipalities, the Plymouth Township Municipal Authority (now terminated) and East Norriton Township Municipal Authority (now terminated) entered into an Intermunicipal Sewage Treatment Service Agreement dated as of August 14, 1991 (the "Original Agreement") (terms used but not defined in this Supplement No. 1 shall have the meanings set forth in the Original Agreement); and

WHEREAS, Article III, Sections 6, 7 and 8 of the Original Agreement provide for the ability to undertake construction of enlargements, additions, improvements or modifications to the Treatment Plant, and the Joint Sewer Authority and the Municipalities wish to construct approximately \$14 million in enlargements, additions, improvements or modifications to the Treatment Plant (the "New Project"); and

WHEREAS, the Joint Sewer Authority intends to issue revenue bonds in a principal amount not to exceed \$16 million (the "New Bonds") to finance the New Project and the costs of issuance of the New Bonds; and

WHEREAS, pursuant to Article V, Section 1 of the Original Agreement, the user fees imposed on the Municipalities must be sufficient, together with other available revenues of the Joint Sewer Authority, to pay operation and maintenance costs as well as the annual debt service on the New Bonds; and

WHEREAS, pursuant to Article V, Section 3 of the Original Agreement, in the event of capital improvements to or expansion of the Treatment Plant, each Municipality agrees to pay its pro rata share of such costs, including its pro rata share of the debt service payable on any bonds issued to finance such projects; and

WHEREAS, the purpose of this Supplement No. 1 is to set forth each Municipality's pro rata share with respect to the New Project and the New Bonds for purposes of Article V, Section 3 of the Original Agreement.

NOW, THEREFORE, the parties hereto, intending to be legally bound, agree as follows:

5. The Municipalities approve the issuance of the New Bonds by the Joint Sewer Authority to finance the New Project.

6. For purposes of Article V, Section 3 and all related provisions of the Original Agreement, each Municipality's pro rata share of the costs of the New Project and of the debt service on the New Bonds shall be one-third (1/3).

7. Except as amended and supplemented by this Supplement No. 1, the Original Agreement shall remain in full force and effect.

8. This Supplement No. 1 may be executed in counterparts.

IN WITNESS WHEREOF, the parties hereto have caused this Supplement No. 1 to be executed by their respective duly authorized officers and their respective seals to be hereunto affixed, all as of the day and year first above written.

ATTEST:

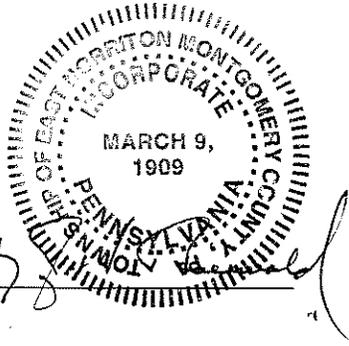
EAST NORRITON-PLYMOUTH-WHITPAIN  
JOINT SEWER AUTHORITY

\_\_\_\_\_  
Secretary

By: \_\_\_\_\_  
Chairman

ATTEST:

*[Signature]*  
\_\_\_\_\_  
Secretary



EAST NORRITON TOWNSHIP

By: *[Signature]*  
\_\_\_\_\_  
Chairman

ATTEST:

PLYMOUTH TOWNSHIP

\_\_\_\_\_  
Secretary

By: \_\_\_\_\_  
Chairman

ATTEST:

WHITPAIN TOWNSHIP

\_\_\_\_\_  
Secretary

By: \_\_\_\_\_  
Chairman

**CERTIFICATE OF SECRETARY**

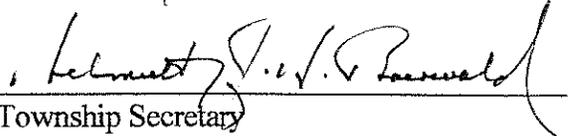
The undersigned, Secretary of the Board of Supervisors of the Township of East Norriton, DOES HEREBY CERTIFY that the foregoing resolution was duly moved and seconded and adopted by a majority vote of all the Board of Supervisors of said Township at a duly convened public meeting of said Board held on October 25, 2005; that public roll of the Board of Supervisors was called and such Supervisors voted or were absent as follows:

<u>NAME</u>	<u>VOTE</u>
Francis E. Denner, Chairman	YES
Lewis K. McQuirns, Vice Chairman	YES
Donald J. Gracia	YES

and that such Resolution and the vote thereon have been duly recorded in the minutes.

I further certify that such Resolution has not been altered, amended, modified, suspended or repealed and is still in full force and effect as of the date of the delivery of this Certificate.

WITNESS my hand and the seal of the Township this 25<sup>th</sup> day of October, 2005.

  
Township Secretary

