

Westfall Township

Ordinance No. 150

An Ordinance adopting and approving the implementation of the Recovery Plan, dated October 29, 2009, prepared by the Recovery Plan Coordinator pursuant to the Municipalities Financial Recovery Act (the "Recovery Plan") and the Plan for the Adjustment of Debts of Westfall Township, PA, dated October 29, 2009, prepared by Bankruptcy Counsel and the Township Solicitor pursuant to Chapter 9 of the Bankruptcy Code (the "Chapter 9 Plan"); and authorizing and instructing the Township Solicitor and Township Treasurer to prepare for enactment, adoption and execution any Ordinances, Resolutions, Agreements and other documents necessary for the implementation of the Recovery Plan and the Chapter 9 Plan.

WHEREAS, on April 10, 2009, the Township of Westfall (the "Township") filed a voluntary Chapter 9 Bankruptcy Petition in the United States Bankruptcy Court for the Middle District of Pennsylvania, with Pepper Hamilton LLP as Bankruptcy Counsel; and

WHEREAS, pursuant to the Pennsylvania Municipalities Financial Recovery Act, Act 47 of 1987 ("Act 47"), a municipality which files a municipal debt adjustment action under federal law "shall be deemed to be a financially distressed municipality under the Act"; and

WHEREAS, on April 14, 2009, upon receipt and review of the Township's Chapter 9 Bankruptcy Petition, the Secretary of the Pennsylvania Department of Community and Economic Development (the "Department") ordered that the Township be deemed to be a distressed municipality under Act 47; and

WHEREAS, Act 47 provides that a Plan Coordinator be appointed for distressed municipalities and that a Recovery Plan be prepared by the Coordinator; and

WHEREAS, Eckert Seamans Cherin & Mellott, LLC was appointed as the Plan Coordinator (hereinafter "Coordinator") on May 11, 2009; and

WHEREAS, the Coordinator prepared the Recovery Plan in accordance with Act 47 and on September 29, 2009, filed the Recovery Plan with the Township Secretary; and

WHEREAS, Bankruptcy Counsel and the Township Solicitor prepared the Chapter 9 Plan in accordance with the Bankruptcy Code and, on September 29, 2009, filed the Chapter 9 Plan with the Township Secretary; and

WHEREAS, following receipt of public written comments and following a public meeting on the Recovery Plan held on October 19, 2009, the Coordinator filed a revised Recovery Plan with the Township Secretary on October 29, 2009; and

WHEREAS, the Board of Supervisors of the Township has determined that it is in the Township's best interest to adopt the Recovery Plan and the Chapter 9 Plan at this time.

NOW THEREFORE, be it ordained and enacted by the Township of Westfall, and it is hereby ordained and enacted by authority of the same as follows:

SECTION 1. The Board of Supervisors of the Township of Westfall hereby adopts the Recovery Plan for the Township as prepared and submitted by the Coordinator on October 29, 2009, including subsequent amendments thereto, if any, pursuant to Act 47, as amended. The Board of Supervisors of the Township hereby approves the implementation of the Recovery Plan for the Township as prepared and submitted by the Coordinator on October 29, 2009, including subsequent amendments thereto, if any, pursuant to Act 47, as amended.

SECTION 2. The Board of Supervisors of the Township of Westfall hereby adopts and approves the implementation of the Chapter 9 Plan as filed with the Township Secretary on September 29, 2009, including subsequent amendments thereto, if any, pursuant to the Bankruptcy Code, subject to the solicitation of acceptances from creditors and approval by the U.S. Bankruptcy Court.

SECTION 3. The Township Solicitor and Township Treasurer are hereby authorized and instructed to prepare for adoption any necessary related ordinances, resolutions, agreements and other documents and revisions to ordinances, resolutions, agreements and other documents necessary to implement the Recovery Plan and the Chapter 9 Plan.

SECTION 4. The Chair of the Board of Supervisors and other appropriate Township officials are authorized and instructed to execute any and all documents necessary to implement the Recovery Plan and the Chapter 9 Plan.

SECTION 5. In the event that any provisions, section, sentence, clause or part of this Ordinance shall be held invalid, such invalidity shall not affect or impair any remaining provision, section, sentence, clause or part of this Ordinance, and the remaining provisions shall remain in full force and effect.

SECTION 6. All ordinances or parts of ordinances not in accord with this Ordinance are hereby repealed insofar as they conflict herewith.

SECTION 7. This Ordinance shall take effect immediately upon its enactment.

ORDAINED and ENACTED this 5th day of November, 2009.



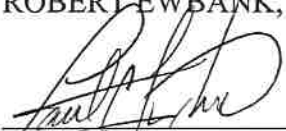
JAMES MUIR, Chairman



LESTER J. BUCHANAN, Vice-Chairman



ROBERT EW BANK, Supervisor



PAUL C. FISCHER, Supervisor

RAYMOND BANACH, Supervisor

ATTEST:



LISA GREEN, SECRETARY