

WESTFALL TOWNSHIP, PIKE COUNTY, PENNSYLVANIA

ORDINANCE NO. 173

**AN ORDINANCE AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT WITH MILFORD TOWNSHIP, MILFORD BOROUGH AND THE MUNICIPAL AUTHORITY OF THE TOWNSHIP OF WESTFALL FOR THE EVALUATION AND IMPLEMENTATION OF THE EXTENSION OF THE AUTHORITY'S SEWAGE COLLECTION SYSTEM TO SERVE PARTS OF MILFORD TOWNSHIP AND MILFORD BOROUGH, AS WELL AS AN ADDITIONAL AREA OF WESTFALL TOWNSHIP**

The Board of Supervisors of Westfall Township (hereinafter the "Township") hereby adopt this Ordinance based upon the following considerations:

WHEREAS, The Municipal Authority of the Township of Westfall (the "Authority") operates a wastewater treatment plant ("WWTP") and sewage collection system (the "System") within the Township of Westfall, that serves portions of the Township and has a sewer main collection line that runs along a portion of the Rtes. 6 and 209 corridor, which is the highway running between the Township, Milford Township and Milford Borough, hereinafter the "Corridor"; and

WHEREAS, the Township, along with Milford Township and Milford Borough (hereinafter collectively referred to as the "Municipalities"), in conjunction with the Authority, have agreed to evaluate and implement the construction and installation of an extension of the System, to serve an additional area of the Township, as well as parts of both Milford Township and Milford Borough, hereinafter the "Extension", with the treatment of sewage collected through that Extension to be done at the WWTP; and

WHEREAS, the WWTP currently has excess capacity that could treat additional sewage collected by the Extension, but the Authority needs to determine the flows that would be generated as a result of the Extension; and

WHEREAS, the Municipalities and the Authority also need to determine the estimated cost for constructing the Extension along the Corridor to the northerly border of Milford Borough and, possibly, an expansion of the WWTP, to serve the additional sewage flows; and

WHEREAS, in order for the Extension to be permitted by the PA Department of Environmental Protection ("DEP"), the Municipalities will need to amend their Act respective 537 plans, by adopting a Westfall/Milford Regional 537 Plan, which will address the project within all three Municipalities; and

WHEREAS, the Township, which created the Authority in 1999, is willing to explore the Extension through Milford Township to the northerly border of Milford Borough and utilizing the WWTP, which is located in Westfall, provided the Extension does not unduly burden the taxpayers of the Township and provided the WWTP will still have sufficient capacity to serve additional properties within the Township; and

WHEREAS, as part of determining how this Extension project will be implemented, the Municipalities and the Authority must also determine how the properties that would be served will be billed and which entity would be responsible for billing and service within Milford Township and Milford Borough; and

WHEREAS, the Municipalities and the Authority agree that the costs of doing the feasibility study, as well the Regional 537 Plan need to be funded by a grant or grants, if possible, or the parties have to find an alternative for allocating such costs among them, or with the help of other contributors; and

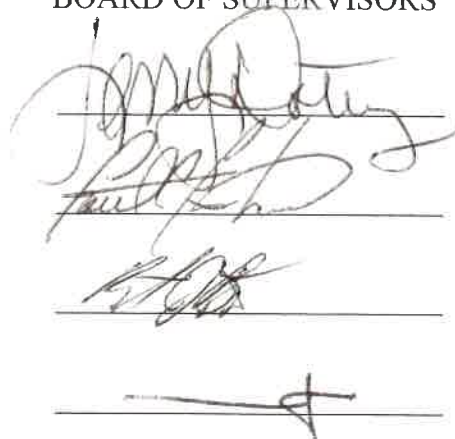
WHEREAS, the Township is entering into this Agreement pursuant to the Intergovernmental Cooperation Act, 53 Pa. C.S. Sections 2301 et seq., for the purpose of agreeing on the procedures to evaluate the feasibility of the Extension project and to go forward with the Westfall/Milford 537 Plan, if the parties determine that the project is feasible.

NOW THEREFORE, the parties hereto, in consideration of the mutual covenants by the parties, each intending to be legally bound hereby do mutually covenant and agree as follows:

1. The Township is hereby authorized to enter into an Intergovernmental Agreement with Milford Township and Milford Borough for the purpose of evaluating and implementing the extension of the Authority's sewage collection system to serve parts of Milford Township and Milford Borough, as well as an additional area of the Township.
2. This Ordinance shall become effective five (5) days after its adoption.

Adopted this 3<sup>rd</sup> day of December 2018.

WESTFALL TOWNSHIP  
BOARD OF SUPERVISORS



Jodi Manheim, Secretary