

BOROUGH OF HARMONY
RESOLUTION NO. 2024-6-4

A RESOLUTION OF THE BOROUGH OF HARMONY, COUNTY OF BUTLER, COMMONWEALTH OF PENNSYLVANIA, SIGNIFYING ITS INTENTION TO ORGANIZE A JOINT AUTHORITY KNOWN AS THE SOUTHWEST BUTLER STORMWATER AUTHORITY FOR THE PURPOSES OF STORMWATER MANAGEMENT WITHIN THE INCORPORATING MUNICIPALITIES OF SAID JOINT AUTHORITY.

WHEREAS, it is the desire of the Council of the Borough of Harmony, County of Butler, Commonwealth of Pennsylvania to organize an Authority under the Municipality Authorities Act, Pennsylvania Consolidated Statutes Annotated Title 53, Chapter 56, as amended, for the purpose of promoting the health, safety and well-being of the residents of said Borough.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Harmony, County of Butler, Commonwealth of Pennsylvania as follows:

1. That the Council of the Borough of Harmony, County of Butler, Commonwealth of Pennsylvania, hereby signifies its intention to organize an Authority under the Municipality Authorities Act, Pennsylvania Consolidated Statutes Annotated Title 53, Chapter 56, as amended.
2. In pursuance of said desire and intention, and in conformity with the terms and provisions of the said Municipality Authorities Act, as amended, the proposed Articles of Incorporation are hereby set forth in full as follows:

ARTICLES OF INCORPORATION OF THE
SOUTHWEST BUTLER STORMWATER AUTHORITY

To: The Secretary of the Commonwealth of Pennsylvania
Harrisburg, Pennsylvania

In compliance with the requirements of the Municipality Authorities Act, Pennsylvania Consolidated Statutes Annotated Title 53, Chapter 56, as amended, and pursuant to Resolution enacted by the Borough of Zelienople, the Township of Jackson, the Borough of Harmony, and the Borough of Evans City, all within Butler County, Commonwealth of Pennsylvania, that a Joint Stormwater Authority be established under the provisions of the aforesaid law, the Council of the Borough of Zelienople, the Board of Supervisors of the Township of Jackson, the Council of the Borough of Harmony, and the Council of the Borough of Evans City desiring that a Joint Stormwater Authority be established and that a Certificate of Incorporation be issued to said Authority, do hereby certify:

(a) The name of the Joint Authority shall be: The Southwest Butler Stormwater Authority, Butler County, Pennsylvania.

(b) The Authority is formed under the Municipality Authorities Act, Pennsylvania Consolidated Statutes Annotated Title 53, Chapter 56, as amended, for the purposes of managing stormwater issues within the incorporating municipalities as well as adjacent areas consistent with said purpose, as well as any other lawful purpose enumerated in said Act.

(c) The Harmony Water Authority is also in existence within said Borough.

(d) The names of the Incorporating Municipalities are the Borough of Zelenople, the Township of Jackson, the Borough of Harmony, and the Borough of Evans City.

(e) The names and addresses and terms of office of the first members of the Board of Directors of said Joint Stormwater Authority are as follows:

1. Mark Widdersheim, 342 Jefferson St., Evans City, PA 16033
Jan. 1, 2025 – December 31, 2025 (1 year)
2. Greg Such, 623 Wood St., Harmony, PA 16037
Jan. 1, 2025 – December 31, 2026 (2 year)
3. George Alan Osterwise, 221 Kaufman Road, Evans City, PA 16033
Jan. 1, 2025 – December 31, 2027 (3 year)
4. Mary Hess, 215 Pennsylvania Ave., Zelenople, PA 16063
Jan. 1, 2025 – December 31, 2028 (4 year)
5. David Ellunger, 139 Magill Road, Zelenople, PA 16063
Jan. 1, 2025 – December 31, 2029 (5 year)

All of whom reside in the County of Butler, Commonwealth of Pennsylvania.

(f) That membership shall include one member to be appointed by each Incorporating Municipality and one at-large member that is appointed by a unanimous vote of the four incorporating municipalities. Said terms of office of the first members of the Board of Directors of said Joint Stormwater Authority shall be staggered alphabetically by name of the Incorporating Municipalities, with the member appointed by the first alphabetically listed Incorporating Municipality beginning with a one-year term. The appointed fifth at-large member shall begin with a five-year term.

(g) That the Joint Authority must obtain the approval of a majority of the incorporating entities to incur debt in excess of \$1,000,000.00.

(h) That a majority of the appointed Board of Directors of the Joint Authority is needed to approve and/or amend the annual budget.

(i) That no less than fifteen percent (15%) of the revenue generated within an Incorporating Municipality shall be returned to said Incorporating Municipality to support their stormwater operations. Funds for capital projects shall be allocated according to a five-year Capital Improvement Plan (CIP) that has been approved by each Incorporating Municipality, which is updated every two years by each Incorporating Municipality. In the event the Incorporating Municipalities fail to develop and/or update CIP accordingly, the Joint Authority may self-select which capital projects to fund.

(j) The Joint Authority shall defer to the Municipal Engineer for capital projects being funded by the Joint Authority and managed by that Incorporating Municipality. In the event the Joint Authority is directly designing and awarding a contract for a capital project, the Joint Authority shall utilize the designated Municipal Engineer in the Incorporating Municipality in which the capital project is being undertaken. Alternatively, the Joint Authority shall be permitted, in its sole discretion, to seek competitive proposals for said project. As the Capital Improvement Plan (CIP) is developed by the incorporating municipalities, the CIP shall provide direction to the Authority on the preferred Engineer to undertake the respective projects on that CIP.

(k) Each of the Incorporating Municipalities grant to the Authority the right, privilege, license, and authority to lay, construct, install, maintain, repair, and replace in the streets, roads, alleys, and rights-of-way of the Incorporating Municipalities and within any existing easements for stormwater purposes held by the Incorporating Municipalities, the necessary stormwater improvements, facilities, and required appurtenances thereto to complete and further the purpose of the Authority. The Incorporating Municipalities agree to cooperate with the Authority and to execute and deliver any instruments which may be reasonably required to the Authority to confer these rights upon the Authority. The Authority, or its contractors, shall be subject to all requirements of the Incorporating Municipalities regarding road opening permits, inspections, and repaving and surface restoration as required by the appropriate ordinance of the applicable Incorporating Municipality.

(l) That the Joint Authority shall adopt by-laws and make any modifications thereto by a majority vote of the Board of Directors.

WITNESS the hand and seal of the President of Council of the Borough of Zelienople; Chairman of the Board of Supervisors of the Township of Jackson; President of Council of the Borough of Harmony; and President of Council of the Borough of Evans City. Each signature attested by the Secretary of said Incorporating Municipality.

ATTEST:

THE BOROUGH OF ZELIENOPLE

Secretary

President, Borough Council

ATTEST:

THE TOWNSHIP OF JACKSON

Secretary

Chairman, Board of Supervisors

ATTEST:

THE BOROUGH OF HARMONY

Secretary

President, Borough Council

ATTEST:

THE BOROUGH OF EVANS CITY

Secretary

President, Borough Council

3. The said proposed Articles of Incorporation of said Authority shall be executed by and on behalf of the Borough of Harmony, by the President of Borough Council, and the Seal of said Borough affixed, attested by the Secretary of the Borough of Harmony and filed with the Secretary of the Commonwealth. The Solicitor is hereby authorized and directed to cause to be published the notice of intent to file the Articles of Incorporation with the Secretary of the Commonwealth as required by the Municipality Authorities Act Pennsylvania Consolidated Statutes Annotated Title 53, Chapter 56, as amended.

RESOLVED this 4th day of June, 2024.

ATTEST:

THE BOROUGH OF HARMONY

Amy Brown
Secretary

Guyon Seal
President, Borough Council