# TOWNSHIP OF WINFIELD ORDINANCE NO. 09-01

AN ORDINANCE OF WINFIELD TOWNSHIP, BUTLER COUNTY, PENNSYLVANIA, AUTHORIZING WINFIELD TOWNSHIP TO ENTER INTO AN INTERMUNICIPALITY AGREEMENT BY AND BETWEEN WINFIELD TOWNSHIP, THE MUNICIPAL AUTHORITY OF BUFFALO TOWNSHIP ("MABT"), AND BUFFALO TOWNSHIP AND TO ENTER INTO A SERVICE AGREEMENT WITH MABT, FOR THE PURPOSE OF PROVIDING WASTEWATER COLLECTION AND TREATMENT FOR PROPERTIES SITUATE IN THE DEFINED SERVICE AREA IN THE TOWNSHIP'S ACT 537 SEWAGE FACILITIES PLAN UPDATE ADOPTED BY THE TOWNSHIP ON JANUARY 31, 2008, AND APPROVED BY THE PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL PROTECTION DECEMBER 3, 2008.

WHEREAS, Winfield Township is permitted pursuant to the authority of Section 2513(a) of the Second Class Township Code to enter into an agreement to connect with an existing sanitary sewer owned by any municipal authority for sewage collection and treatment; and,

WHEREAS, Winfield Township, Buffalo Township, and MABT mutually desire to enter into a Intermunicipality Agreement; and,

WHEREAS, Winfield Township and MABT mutually desire to enter into a Service Agreement to benefit certain properties and provide for the collection and treatment of sewage for properties located in the Cabot, Marwood, and Knox Chapel/Route 356 Area; and,

WHEREAS, Winfield Township adopted the Act 537 Sewage Facilities Plan Update at a meeting of its Board of Supervisors on January 31, 2008, and the 537 Plan Update was adopted by Buffalo Township at a meeting of its Board of Supervisors on August 13, 2008; and,

WHEREAS, the Pennsylvania Department of Environmental Protection has reviewed and approved the Act 537 Sewage Facilities' Plan Update as set forth in its letter to Winfield Township dated December 3, 2008; and,

WHEREAS, it is necessary, in order to effectuate the Township's obligations under the Act 537 Sewage Facilities Plan Update, to enter into the Intermunicipality Agreement and Service Agreement.

Accordingly, the Board of Supervisors of Winfield Township, Butler County, Pennsylvania, does hereby Ordain and enact the following Ordinance.

#### **SECTION 1:**

The Board of Supervisors of Winfield Township, Butler County, hereby approves and adopts the Intermunicipality Agreement by and between Winfield Township, Buffalo Township, and MABT, a true and correct copy which is attached hereto and is incorporated herein by reference as Exhibit A.

### **SECTION 2:**

The Board of Supervisors of Winfield Township, Butler County, hereby approves and adopts the Service Agreement by and between Winfield Township and MABT, a true and correct copy of which is attached hereto and incorporated herein by reference as Exhibit B.

# **SECTION 3:**

The Chairman of the Board of Supervisors of Winfield Township and the Supervisors be and hereby are authorized and directed to execute the attached Agreements on behalf of Winfield Township and the Township Secretary is authorized and directed to attest to the execution of said Agreements.

#### **SECTION 4:**

In the event any provision, section, sentence, clause or part of this Ordinance or any of the attached Agreements shall be held to be invalid, such invalidity shall not affect or impair any remaining provision, sentence, section, clause or part of this Ordinance or the attached Agreements approved by the adoption of this Ordinance, it being the intent of Winfield Township that such remainders shall be

## **SECTION 5:**

This Ordinance shall become effective five (5) days following its adoption by the Board of Supervisors of Winfield Township and the attached Agreements shall become effective only upon approval and ratification by the respective parties to said Agreements.

THIS ORDINANCE IS HEREBY ORDAINED AND ENACTED THIS FEBRUARY, 2009, BY THE WINFIELD TOWNSHIP BOARD OF SUPERVISORS, BUTLER

Secretary

Winfield Township Board of Supervisors

Chairman

Supervisor