AN ORDINANCE OF THE BOROUGH OF FORTY FORT, COUNTY OF LUZERNE, AND COMMONWEALTH OF PENNSYLVANIA TO ENTER INTO AN INTERGOVERNMENTAL COOPERATION AGREEMENT WITH THE WYOMING VALLEY SANITARY AUTHORITY RELATIVE TO THE LONG-TERM OPERATION AND MAINTENANCE OBLIGATIONS FOR THE WYOMING VALLEY SANITARY AUTHORITY REGIONAL ABRAHAMS CREEK STREAM BANK RESTORATION PROJECT LOCATED IN THE BOROUGH OF FORTY FORT

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ORDINANCE NO. _____ OF 2024

BOROUGH OF

FORTY FORT

LUZERNE COUNTY, PENNSYLVANIA

Adopted at a Public Meeting Held on

November 4. 2024

FORTY FORT BOROUGH
Luzerne County, Pennsylvania
ORDINANCE No. _____4_____ of 2024

AN ORDINANCE OF THE BOROUGH OF FORTY FORT, COUNTY OF LUZERNE, AND COMMONWEALTH OF PENNSYLVANIA TO ENTER INTO AN INTERGOVERNMENTAL COOPERATION AGREEMENT WITH THE WYOMING VALLEY SANITARY AUTHORITY RELATIVE TO THE LONG-TERM OPERATION AND MAINTENANCE OBLIGATIONS FOR THE WYOMING VALLEY SANITARY AUTHORITY REGIONAL ABRAHAMS CREEK STREAM BANK RESTORATION PROJECT LOCATED IN THE BOROUGH OF FORTY FORT

WHEREAS, the Act of December 19, 1996, P.L. 1158, No. 177, §1, 53 Pa. C.S.A. §2301, et seq., the Pennsylvania Intergovernmental Cooperation Act, permits municipalities to enter into agreements to cooperate in the performance of their respective functions, powers, or responsibilities; and

WHEREAS, pursuant to the Pennsylvania Intergovernmental Cooperation Act, a municipality may enter into an intergovernmental cooperation agreement upon the passage of an ordinance by its governing body; and

WHEREAS, the Wyoming Valley Sanitary Authority (hereinafter 'WVSA') is the administrator for the Regional MS4 Stormwater Program ("Program") in the greater Wyoming Valley of which Forty Fort is a participant; and

WHEREAS, WVSA will be undertaking the Abrahams Creek Forty Fort Stream Bank Restoration Project ("Project") as part of its Program to reduce sediment, nitrogen, and phosphorus in connection with the Program's pollutant reduction requirements; and

WHEREAS, Forty Fort currently holds a Pennsylvania Department of Environmental Protection (DEP) Water Obstruction and Encroachment Permit, identified as DEP Permit No. E40-582 ("Permit") issued for the Swoyersville-Forty Forty Flood Protection Project which outlines, in part, their repair and maintenance responsibilities relative to the Project; and

WHEREAS, the WVSA as required by the municipal PAG-13 NPDES permits (MS4 Permit) has long-term operation and maintenance responsibilities for its Project which are defined in WVSA's Operations and Maintenance ("O&M") Manual for the Project; and

WHEREAS, the WVSA and Forty Fort desire to set forth a formal agreement defining each entities responsibilities related to the operations and maintenance of the Project.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Borough of Forty Fort, County of Luzerne, and Commonwealth of Pennsylvania, and it is hereby enacted and ordained by the authority of the same as follows:

1. The recitals of this Ordinance as set forth above are incorporated herein by reference.

2. Pursuant to the requirements of 53 Pa.C.S.A. § 2305(a), the Borough of Forty Fort enters into an intergovernmental cooperation agreement with WVSA; the same being attached hereto, made a part hereof, and incorporated herein by reference as Exhibit "A."

3. The conditions of the Agreement, the duration and term of the Agreement, and the purpose and objectives of the Agreement are all set forth at length in the Agreement which is attached as Exhibit "A" hereto.

4. The Borough of Forty Fort hereby approves and adopts the Agreement and directs the appropriate borough official to execute the Agreement on its behalf.

5. The attached Agreement shall become effective after adoption of a similar ordinance or resolution by WVSA.

6. A copy of the Agreement shall be filed with the minutes of the meeting at which this Ordinance was enacted, and the appropriate borough official is directed to execute the Agreement on behalf of the Borough of Forty Fort with the intent and effect that the Borough shall be bound by the Agreement and all terms and conditions thereof.

7. Any ordinance or resolution or parts thereof inconsistent with the terms of this Ordinance are hereby repealed.

8. The provisions of this Ordinance shall be severable. If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal, and/or invalid, such unconstitutionality, illegality, and/or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, and/or parts of this Ordinance.

9. This Ordinance shall become effective immediately upon enactment hereof and consistent with the requirements of Paragraph 5 above.

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DULY ENACTED AND ORDAINED this __4th___ day of November_, 2024, by the Council of the Borough of Forty Fort in lawful session duly assembled.

THE BOROUGH OF FORTY FORT:

_____
THOMAS MURRAY, Council President

APPROVED:

_____
BRIAN THOMAS, Mayor

ATTEST:

_____
MICHELE PASCARELLA, Secretary