

ORDINANCE NO. 3 of 2017

AN ORDINANCE OF THE BOROUGH OF PLYMOUTH, LUZERNE COUNTY, PENNSYLVANIA APPROVING AN AMENDMENT TO THE ARTICLES OF INCORPORATION OF THE WYOMING VALLEY SANITARY AUTHORITY TO FURTHER PROVIDE FOR STORWATER SYSTEM PLANNING, MANAGEMENT AND IMPLIMENTATION AND TO EXTEND THE TERM OF EXISTANCE OF THE AUTHORITY AS PROPOSED BY RESOLUTION OF THE BOARD OF SAID AUTHOTITY AND BY AUTHORIZING SAID AUTHORITY AND PROPER OFFICERS THEREOF TO EXECUTE, VERIFY AND FILE THE APPROPRIATE ARTICLES OF AMENDMENT, AND REPEALING ALL ORDINANCES OR PARTS THEREOF INCONSITANT HEREWITH

RECITALS

WHEREAS, Plymouth Borough (the "Municipality") by appropriate action heretofore caused to be incorporated the Wyoming Valley Sanitary Authority (the "Authority"), pursuant to the provisions of the Municipality Authority Act of 1945, approved May 2, 1945, P.L. 382, as amended and supplemented, of the Commonwealth of Pennsylvania (the "Act"); and

WHEREAS, the Authority is presently organized and existing under the provisions of the Act; and

WHEREAS, the Authority by Resolution duly adopted, has proposed to amend its Articles of Incorporation to add a provision thereto to amend its purpose to provide for the creation of a Stormwater Management Division to provide comprehensive stormwater management services to the service territory of the Wyoming Valley Sanitary Authority which shall include all powers necessary to comply with Environmental Protection Agency and Pennsylvania Department of Environmental Protection regulations as currently enacted or subsequently modified governing stormwater management, to the extent agreed upon with participating municipalities, including but not limited to securing financing for the project, hiring employees, purchasing or leasing real estate and equipment, setting fees for services, enactment of necessary rules and regulations governing stormwater management program, acquiring, holding, constructing, improving, maintaining, operating, owning, and leasing, either in the capacity of lessor or lease, stomwater systems or parts thereof including the planning, management and implementation of stormwater systems, and any and all other powers necessary in order to provide the necessary stormwater services; and

WHEREAS, the Authority, by Resolution, duly adopted, has proposed to amend its Articles of Incorporation to add a provision thereto to amend its term of existence as set forth in the Resolution; and

WHEREAS, the Board of the Authority has submitted to the Governing Body of this Municipality the proposed amendment to the Articles of Incorporation for approval as required by provisions of the Act, 53 Pa.C.S. § 5601 et seq., as amended and supplemented.

NOW, THEREFORE, be it enacted and ordained, this 13th day of June, 2017, by the Plymouth Borough Council, Luzerne County, Pennsylvania, in a lawful session duly assembled as follows:


1. The Governing Body of Plymouth Borough adopts and approves the Articles of Amendment to the Articles of Incorporation of the Authority which reads as set forth in Exhibit "A" attached hereto and incorporated herein by reference thereto the same as set forth at length.
2. Proper officers of the Authority are hereby authorized to execute, verify and file appropriate Articles of Amendment with the Secretary of the Commonwealth of Pennsylvania and to take all other actions and to do all other things which may be necessary in order to accomplish such amendment of the Articles of Incorporation of the Authority in the manner herein enacted and ordained.
3. All ordinances or parts of ordinances insofar as the same shall be inconsistent herewith, shall be and the same are hereby expressly repealed.

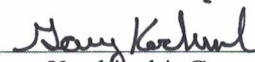
This ordinance will be effect as per section 3301.3 of the Borough Code

ENACTED AND ORDAINED the 13th day of June, 2017 at a regular meeting of the Plymouth Borough Council.

ATTEST:

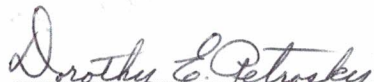
Plymouth Borough


Holly Spece, Borough Secretary

BY: 
Gary Kochinski, Council President

(SEAL)

APPROVED BY MAYOR:


Dorothy E. Petrosky, Mayor

Dated: 6/13/2017

EXHIBIT "A"

ARTICLES OF AMENDMENT

TO: THE SECRETARY OF THE COMMONWEALTH
OF PENNSYLVANIA

In compliance with requirements of the Municipality Authorities Act, 53 Pa.C.S. § 5601 *et seq.*, as amended and supplemented, and pursuant to a resolution duly adopted by the Board of Wyoming Valley Sanitary Authority (the Board of "Authority"), proposing an amendment to the Articles of Incorporation of the Authority, which proposed amendment has been submitted to and approved by the governing bodies of the Cities of Nanticoke, Pittston and Wilkes-Barre, the Boroughs of Edwardsville, Exeter, Forty Fort, Kingston, Plymouth, Swoyersville, West Pittston and Wyoming, and the Townships of Hanover, Jenkins and Plains, Luzerne County, Pennsylvania, (collectively the "Municipalities"), the governing bodies of the municipalities composing the Authority, by Ordinance duly enacted, the Authority hereby does file these Articles of Amendment to its Articles of Incorporation and does certify:

1. The name of the Authority is "Wyoming Valley Sanitary Authority"; and the registered office of the Authority is located at 1000 Wilkes-Barre Street, Wilkes-Barre, Luzerne County, Pennsylvania 18703.

2. The Authority has been duly formed under the provisions of the Municipality Authorities Act, 53 Pa.C.S. § 5601 *et seq.*, pursuant to appropriate action of the governing bodies of the Cities of Nanticoke, Pittston and Wilkes-Barre, the Boroughs of Edwardsville, Exeter, Forty Fort, Kingston, Plymouth, Swoyersville, West Pittston and Wyoming, and the Townships of Hanover, Jenkins and Plains, and the Articles of Incorporation of the Authority filed with the Department of State of the Commonwealth of Pennsylvania on or about December 11, 1962, recorded at 3-1-62.34, pages 582-597, inclusive, with the Department and a Certificate of Incorporation having been issued by the Department on December 11, 1962.

3. A copy of the Ordinances or Resolutions enacted by the governing bodies of the Cities of Nanticoke, Pittston and Wilkes-Barre, the Boroughs of Edwardsville, Exeter, Forty Fort, Kingston, Plymouth, Swoyersville, West Pittston and Wyoming, and the Townships of Hanover, Jenkins and Plains, said Boards being the governing bodies of the municipalities composing the Authority, duly certified by the Secretary, Assistant Secretary, City Clerk or other authorized person of the Municipalities, adopting and approving the amendment herein set forth, are attached hereto and thereby made a part of these Articles of Amendment.

4. The amendment proposed by the Board of the Authority and adopted by the Municipalities is to amend said Articles of Incorporation to include new paragraphs, Paragraph 6 and Paragraph 7, as follows as to the additional and restated purpose, and term of existence of the Authority:

“6. To provide for the creation of a Stormwater Management Division to provide comprehensive stormwater management services to the service territory of the Wyoming Valley Sanitary Authority which shall include, but not be limited to, all powers necessary to comply with Environmental Protection Agency and Pennsylvania Department of Environmental Protection regulations as currently enacted or subsequently modified governing stormwater management, to the extent agreed upon with participating municipalities, including but not limited to securing financing for the project, hiring employees, purchasing or leasing real estate and equipment, setting fees for services, enactment of necessary rules and regulations governing the stormwater management program, acquiring, holding, constructing, improving, maintaining, operating, owning and leasing, either in the capacity of lessor or lessee, stormwater systems or parts thereof including the planning, management and implementation of stormwater systems, and any and all other powers necessary in order to provide the necessary stormwater management services including, but not limited to, those services contemplated by the Intergovernmental Cooperation Agreement For The Creation And Implementation Of The Wyoming Valley Regional Stormwater Management Program which is incorporated herein by reference..”

“7. The term of existence of the Wyoming Valley Sanitary Authority shall be increased for fifty (50) years from the date of approval of its Articles of Amendment to its Articles of Incorporation.”

IN WITNESS WHEREOF, Wyoming Valley Sanitary Authority has caused these Articles of Amendment to be executed by its Chairperson and its official seal to be affixed hereunto and attested by its Secretary, all as of the ____ day of _____, 2017.

ATTEST:

WYOMING VALLEY SANITARY
AUTHORITY

Secretary

By: _____
Chairperson

(SEAL)

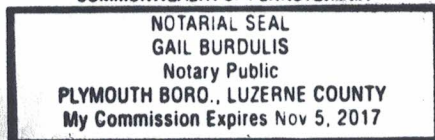
COMMONWEALTH OF PENNSYLVANIA

:
: SS:
:

COUNTY OF LUZERNE

On the 13 day of June, 2017, before more, the undersigned officer, personally appeared Gary Kechinski and Holly Spece, who, in due form of law, acknowledged themselves to be Chairperson and Secretary, respectively, of Wyoming Valley Sanitary Authority (the "Authority"), and who, in due form of law, further acknowledged the foregoing to be the act and deed of the Authority for purposes therein specified.

WITNESS my hand and official seal the day and year aforesaid.



Gail Burdulis
Notary Public

My Commission Expires:

The Citizens Voice (Under act P.L. 877 No 160. July 9, 1976)
Commonwealth of Pennsylvania, County of Luzerne

PLYMOUTH BOROUGH
P.O. BOX 246
PLYMOUTH PA 18651

Account # 185281
Order # 82087940
Ad Price: 102.50

MTG 6/13

Gina Krushinski

Being duly sworn according to law deposes and says that (s)he is Billing clerk for The Citizens Voice, owner and publisher of The Citizens Voice, a newspaper of general circulation, established in 1978, published in the city of Wilkes-Barre, county and state aforesaid, and that the printed notice or publication hereto attached is exactly as printed in the regular editions of the said newspaper on the following dates:

05/31/2017

Affiant further deposes and says that neither the affiant nor The Citizens Voice is interested in the subject matter of the aforesaid notice or advertisement and that all allegations in the foregoing statement as time, place and character or publication are true. Gina Krushinski

Sworn and subscribed to before me
this 31st day of May A.D., 2017

Sharon Venturi
(Notary Public)

COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Sharon Venturi, Notary Public
City of Scranton, Lackawanna County
My Commission Expires Feb. 12, 2018
MEMBER, PENNSYLVANIA ASSOCIATION OF NOTARIES

LEGAL AD

NOTICE IS HEREBY GIVEN that during a regular meeting on June 13, 2017, commencing at 8:00 P.M. at the Plymouth Borough Municipal Building, 162 Shawnee Avenue, Plymouth, Pennsylvania, the Borough Council will act on Ordinance No. 3 of 2017, which will be considered and if approved will approve the Amendment to the Articles of Incorporation of the Wyoming Valley Sanitary Authority of which the Borough is a member of. Also, Ordinance No. 4 of 2017, which if adopted will approve an Intergovernmental Cooperation Agreement for the creation of the Wyoming Valley Regional Stormwater Management Program. This is a summary of the proposed Ordinances. A copy of the full text of the proposed Ordinances, was provided to this newspaper, and may be examined by any citizen in the office of the Secretary of the local government unit at the Plymouth Borough Municipal Building, 162 Shawnee Avenue, Plymouth, Pennsylvania, on any business day (except, Saturdays, Sundays and Holidays) between the hours of 8:30 A.M. and 4:00 P.M., prevailing time.

Holly Spece, Secretary
Plymouth Borough