

**BEFORE THE BOROUGH COUNCIL OF THE
BOROUGH OF TRAPPE, MONTGOMERY COUNTY, PENNSYLVANIA**

RESOLUTION NO. 2013-10

**DIRECTING THE PREPARATION OF DOCUMENTS FOR THE CONSOLIDATION
OF THE OPERATIONS OF THE COLLEGEVILLE-TRAPPE JOINT PUBLIC WORKS
COMMITTEE WITH THE OPERATIONS OF THE COLLEGEVILLE-TRAPPE
MUNICIPAL AUTHORITY**

WHEREAS, the Borough of Trappe (Trappe) is a political subdivision of the Commonwealth of Pennsylvania organized and existing under the Borough Code, as amended and supplemented; and

WHEREAS, the Borough of Collegeville (Collegeville) is a political subdivision of the Commonwealth of Pennsylvania organized and existing under the Borough Code, as amended and supplemented; and

WHEREAS, Collegeville and Trappe jointly own certain pumping plants, wells, towers, tanks, transmission lines and other appurtenances used to produce and convey water into distribution systems and appurtenances located in and owned by Collegeville and Trappe, respectively (hereinafter the "Joint Water Works System"); and

WHEREAS, the Joint Water Works System is operated by the Collegeville-Trappe Joint Public Works Committee pursuant to agreements dated November, 1935, and September 2, 1964, and By-Laws dated April 3, 1996; and

WHEREAS, the Collegeville-Trappe Joint Public Works Committee operates a joint compost site, provides road and stormwater maintenance, as well as lawn cutting and other municipal functions for Collegeville and Trappe; and

WHEREAS, the Collegeville-Trappe Municipal Authority (“CTMA”) is a body politic and corporation organized and existing under the Pennsylvania Municipality Authorities Act, as amended and supplemented; and

WHEREAS, CTMA was incorporated by reason and way of the actions of Trappe and Collegeville; and

WHEREAS, CTMA currently owns and operates a sewage collection and conveyance system which currently provides sanitary sewer service to Collegeville and Trappe; and

WHEREAS, CTMA, Trappe and Collegeville were parties to a lawsuit docketed at Montgomery County Docket No. 1990-07064 concerning, in part, the ownership, operation and financing of the sewage collection and conveyance system which currently provides sanitary sewer service to Collegeville and Trappe as well as the existence and operations of CTMA as a municipal authority; and

WHEREAS, by agreement dated July 12, 1990, CTMA, Trappe and Collegeville settled the aforementioned lawsuit (“Settlement Agreement”); and

WHEREAS, the Settlement Agreement was approved by the Montgomery County Court of Common Pleas by Court Order dated July 20, 1990 (“Court Order”); and

WHEREAS, the Court Order and the Settlement Agreement provide that the Montgomery County Court of Common Pleas retains jurisdiction over the enforcement of the terms, conditions and provisions of the Agreement; and

WHEREAS, the Settlement Agreement further provides that it shall not be modified or amended except by the concurrence of Collegeville, Trappe and CTMA or with Court approval; and

WHEREAS, Trappe Borough Council believes that the consolidation of the operations of the Collegeville-Trappe Joint Public Works Committee, including the ownership of the Joint Water Works System, with the sewage collection and conveyance system in, and under the control of, CTMA will save administrative expenses and time, prevent administrative redundancy, and is in the best interest of the public; and

WHEREAS, Trappe Borough Council desires to direct the Borough Solicitor and staff to prepare all necessary documents to consolidate the operations of the Collegeville-Trappe Joint Public Works Committee into the operations of the CTMA; and

WHEREAS, Trappe Borough Council desires to dissolve or terminate the Collegeville-Trappe Joint Public Works Committee and to delegate all of its duties and responsibilities to CTMA; and

WHEREAS, Collegeville Borough Council is considering the adoption of a similar resolution.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by Trappe Borough Council as follows:

1. Trappe Borough Council authorizes the Borough Solicitor and staff to prepare all necessary documents for the dedication of Trappe's ownership interest in the Joint Water Works System and the distribution of all of Trappe's property connected with the operation of the Joint Water Works System to CTMA for the future operation and ownership of the Joint Water Works System by CTMA, its successors and assigns, and to prepare all necessary documents for the dissolution or termination of the Collegeville-Trappe Joint Public Works Committee and to prepare all necessary documents for the consolidation of operations of the Collegeville-Trappe Public Works Committee into the operations of CTMA.

2. Trappe Borough Council hereby agrees, in concert with Collegeville Borough, to dissolve or terminate the Collegeville-Trappe Joint Public Works Committee and to delegate all of its duties and responsibilities to CTMA. The procedures for dissolution and termination shall be in accordance with the November, 1935 agreement, the September 2, 1964 agreement, the By-Laws of the Collegeville-Trappe Joint Public Works Committee, and pursuant to the applicable statutory authority.

3. All documents which require execution on behalf of the Borough of Trappe as may be necessary and appropriate to complete the transactions contemplated herein shall be presented to Borough Council for approval at a regularly scheduled meeting of Borough Council.

4. Trappe Borough Council further authorizes the Borough Manager, Borough Secretary, and the Borough Solicitor to prepare all documents as may be necessary to modify or amend the Settlement Agreement, or obtain the approval of the Montgomery County Court of Common Pleas, as may be necessary, to have the Settlement Agreement deemed null and void, and to arrange for the relinquishment of jurisdiction over the enforcement of the Settlement Agreement by the Montgomery County Court of Common Pleas. All documents and paperwork necessary and appropriate to complete such actions shall be presented to Borough Council for approval at a regularly scheduled meeting of Borough Council.

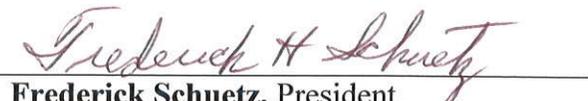
DULY ADOPTED by the Trappe Borough Council, in lawful session duly assembled, this 6th day of August, 2013.

ATTEST:



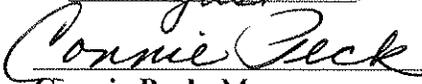
Jacquie Guenther, Municipal Secretary

TRAPPE BOROUGH

BY: 

Frederick Schuetz, President
Borough Council

APPROVED by the Mayor of
Trappe Borough this 6 day
of August, 2013.



Connie Peck, Mayor