

THE BOROUGH OF AMBLER, MONTGOMERY COUNTY, PA

ORDINANCE NUMBER 1115

AN ORDINANCE OF THE BOROUGH OF AMBLER, MONTGOMERY COUNTY, PENNSYLVANIA, DECLARING THE INTENTION AND DESIRE OF AMBLER BOROUGH COUNCIL TO ORGANIZE A MUNICIPAL WATER AUTHORITY UNDER THE PROVISIONS OF THE PENNSYLVANIA MUNICIPAL AUTHORITIES ACT, 53 PA.C.S.A. 5603, TO BE KNOWN AS THE "AMBLER WATER AUTHORITY"; SETTING FORTH THE FORM OF THE ARTICLES OF INCORPORATION; APPOINTING THE FIRST MEMBERS OF THE BOARD OF THE AUTHORITY; DESIGNATING THE PURPOSES FOR THE AUTHORITY AND ESTABLISHING THE TERRITORY THEREOF; AUTHORIZING THE EXECUTION AND FILING OF ARTICLES OF INCORPORATION; AUTHORIZING ALL ACTS NECESSARY TO ORGANIZE THE AUTHORITY; PROVIDING CERTAIN OPERATIONAL DETAILS FOR THE AUTHORITY; EFFECTIVE ON THE EARLIEST APPLICABLE EFFECTIVE DATE PROVIDED FOR IN THE BOROUGH CODE; INCLUDING A SEVERABILITY CLAUSE

WHEREAS, pursuant to public notice as required by the Pennsylvania Municipal Authorities Act, a hearing on this ordinance was held on January 6, 2020, and

WHEREAS, it is being the desire and intention of the Ambler Borough Council to organize a municipal water authority, it is hereby ORDAINED as follows:

1. The Ambler Borough Council hereby states its intention to organize a Municipal Authority under the provisions of the Pennsylvania Municipal Authorities Act.
2. The purpose of the Authority is to provide water service as heretofore provided by the Borough of Ambler and in the same territory as previously.
3. The Articles of Incorporation are approved for recording with the Department of State's Bureau of Corporations and Charitable Organizations in the following form:

ARTICLES OF INCORPORATION

TO THE SECRETARY OF THE COMMONWEALTH OF PENNSYLVANIA:

In conformity with the Pennsylvania Municipal Authorities Act, Act of June 19 2001, P.L. 287, as amended, at section 53 PA.C.S.A. 5603, the Borough of Ambler ("Borough"), pursuant to an Ordinance enacted by Borough Council after notice and hearing, does hereby file these Articles of Incorporation and in connection therewith does represent and certify:

- A. The name of the Authority shall be the "AMBLER WATER AUTHORITY".
- B. The Authority is formed under the Municipal Authorities Act, Act of June 19, 2001, P.L. 287, as amended.
- C. No other Authority has ever been formed in the Borough for the provision of water service. The only authority ever created was a parking authority, which no longer operates.
- D. The municipality that is incorporating the Ambler Water Authority is the Borough of Ambler, Pennsylvania. The names and addresses of the Ambler Borough Council as presently constituted are:

Frank DeRuosi, President	Ward 3	131 Rosemary Avenue, Ambler, PA 19002
Sara Hertz, Vice-President	Ward 2	131 Rosemary Avenue, Ambler, PA 19002
Nancy Deininger	Ward 1	131 Rosemary Avenue, Ambler, PA 19002
Erin McKenna Endicott	Ward 1	131 Rosemary Avenue, Ambler, PA 19002
Brooke Marshall	Ward 1	131 Rosemary Avenue, Ambler, PA 19002
Glynnis Siskind	Ward 2	131 Rosemary Avenue, Ambler, PA 19002
Jennifer Henderson	Ward 2	131 Rosemary Avenue, Ambler, PA 19002
Nellie DiPietro	Ward 3	131 Rosemary Avenue, Ambler, PA 19002
Haley Welch	Ward 3	131 Rosemary Avenue, Ambler, PA 19002

E. The names, addresses and terms of office of the first members of the Board of the Ambler Water Authority are:

i. From Ambler Borough:

1 year term: Salvatore Pasceri	131 Rosemary Avenue, Ambler, PA 19002
2 year term: John Oswald	131 Rosemary Avenue, Ambler, PA 19002
3 year term: John Luskin	131 Rosemary Avenue, Ambler, PA 19002
4 year term: Pete Amento	131 Rosemary Avenue, Ambler, PA 19002
5 year term: Lou Orehek	131 Rosemary Avenue, Ambler, PA 19002
1 year term*: Carol Benigno	131 Rosemary Avenue, Ambler, PA 19002

* The Borough was not able to secure a board member from Whitpain Township but intends to do so at the conclusion of this one year term.

ii. From Upper Dublin Township:

2 year term: Paul Dooley	131 Rosemary Avenue, Ambler, PA 19002
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iii. From Lower Gwynedd Township:

3 year term: Charles Baily	131 Rosemary Avenue, Ambler, PA 19002
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iv. From Whitemarsh Township:

4 year term: Anthony Bevilacqua	131 Rosemary Avenue, Ambler, PA 19002
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All terms of office begin on the first Monday of January, 2020. All vacancies will be filled by Ambler Borough Council. At all times, the Board will be comprised of nine members as follows: (1) five Ambler Borough citizens, taxpayers or business owners, and (ii) one citizen, taxpayer or business owner from the service area in each of the four townships to which service is provided, namely, Lower Gwynedd, Upper Dublin, Whitemarsh, and Whitpain townships. If a resident board member cannot be secured, that seat will be held by an Ambler resident.

- F. The term of existence of Ambler Water Authority shall be 50 years, subject to additional periods of time as may be established through Articles of Amendment. Ambler Borough, by affirmative vote of a majority of Borough Council, reserves the right to dissolve the Authority at any time, in accordance with the Municipal Authorities Act.
 - G. The Authority service area shall be the same service area into which Ambler Borough has heretofore provided water service. That service area is depicted on a map attached hereto as Exhibit "A". The Authority shall not extend the geographic footprint of its service area beyond the boundaries set forth on Exhibit "A" without approval from Ambler Borough.
- 4. The first members of the Board of the Authority as identified herein are hereby appointed members of the said Board for the terms as set forth herein.
 - 5. The President of Borough Council and the Secretary are authorized to execute the Articles of Incorporation and any ancillary documents required to effectuate the filing of the Articles, including the publication of a notice of intention to file the Articles of Incorporation, a certified copy of this ordinance, and proofs of publication, with the Department of State.
 - 6. The purposes and projects of the Ambler Water Authority shall be as follows:

The Authority shall have all of the purposes, powers and rights recognized by the Municipal Authorities Act as they relate to water supply works and water distribution systems, except however, that the Authority shall not expand the geographic footprint of the water distribution system beyond the boundaries of the service area depicted on the map attached hereto as Exhibit "A" without approval from Borough Council.
 - 7. The water supply and distribution system will continue to be owned by Ambler Borough, and will be leased to the Authority for a period of 50 years. Operations will be pursuant to by-laws which shall be consistent with the Articles of Incorporation and this ordinance.
 - 8. The Authority will deposit in its name all receivables received by the Borough on or after January 1, 2020, and the Authority will begin paying operational expenses incurred on or after January 1, 2020.
 - 9. Ambler Borough staff will operate the system as previously, and bill the time spent on water-related matters to the Authority.

10. The Borough Manager will be the Executive Director of the Authority. The Borough finance manager will be the Authority finance manager.
11. The Authority will from time to time establish and revise fees for water service to reflect the costs of providing service. Water billing will continue to be handled by Borough staff and monies will be maintained in separate Authority accounts.
12. Should any part of this ordinance be found invalid by a court of competent jurisdiction, then to the extent possible, such invalid portion shall be severed from the remainder, which shall continue in full force and effect.
13. This ordinance is effective on the earliest applicable date recognized by section 3301.3 of the Pennsylvania Borough Code.

SO ORDAINED this 6th day of January, 2020


Frank DeRuosi, Council President

Attest:


Mary Aversa, Secretary

Approved:


Mayor Jeanne Sorg, Ambler Borough Mayor