

RESOLUTION NO. 2021-05
BOROUGH OF CLARKS SUMMIT

A RESOLUTION OF THE BOROUGH OF CLARKS SUMMIT
TO COOPERATE WITH THE COMMONWEALTH OF PENNSYLVANIA
IN THE DEVELOPMENT OF PLANS TO CONNECT CERTAIN FACILITIES TO THE
ABINGTON REGIONAL WASTERWATER AUTHORITY'S
SEWAGE COLLECTION SYSTEM

WHEREAS, the Borough of Clarks Summit (the "Borough") is a Borough and Municipality in the Commonwealth of Pennsylvania organized and governed according to the Borough Code; and

WHEREAS, Section 1203 of the Borough Code authorizes the Borough to make and adopt all ordinances, bylaws, rules and regulations as may be necessary for the maintenance of peace, good government, safety and welfare of the Borough; and

WHEREAS, the Pennsylvania Department of General Services ("DGS"), through its representative, Reilly Associates, has notified the Borough that DGS has decided to cease operating at a state-owned wastewater treatment plant in Newton Township, Lackawanna County, Pennsylvania, which treats sewage discharged from the Clarks Summit State Hospital, Abington Heights Middle School and Abington Heights Newtown Elementary School;

WHEREAS, DGS, through its representative, Reilly Associates, has notified the Borough that DGS is in the process of planning a project to connect certain facilities serviced by the wastewater treatment plant in Newtown Township to the existing regional sewage collection system operated by Abington Regional Wastewater Authority ("ARWA") in South Abington Township, Lackawanna County, Pennsylvania (hereinafter, the "Proposed Project");

WHEREAS, DGS, through its representative, Reilly Associates, has notified the Borough that the Proposed Project would have sewage from the aforementioned facilities flowing through portions of the sewer collection systems of South Abington Township and the Borough in order to be treated at the ARWA's Wastewater Treatment Plant;

WHEREAS, DGS, through its representative, Reilly Associates, has notified the Borough that it is DGS's intention to prepare a regional Act 537 Sewage Facility Plan ("Act 537 Plan") at DGS's cost for adoption by all of the affected municipalities;

WHEREAS, DGS, through its representative, Reilly Associates, has notified the Borough that it is DGS's intention to enter into an agreement with the Borough so that DGS will pay for all

of the Borough's costs related to the Act 537 Plan and the Proposed Project, including engineering review, legal review and administrative costs;

WHEREAS, DGS, through its representative, Reilly Associates, has notified the Borough that DGS has identified a section of sewer main approximately 276 feet from Bedford Avenue in the Borough which northeast to the vicinity of the railroad ("Bedford Avenue Line") and which DGS understands will need to be replaced as part of the Proposed Project; and

WHEREAS, DGS, through its representative, Reilly Associates, has notified the Borough that DGS proposes to enter into a "Utility Agreement" with the Borough so that DGS will pay for all of the Borough's costs related to the replacement of the Bedford Avenue Line, including legal costs, engineering design, permitting, construction. and administrative costs;

NOW, THEREFORE BE IT RESOLVED, that the Council of the Borough of Clarks Summit as follows:

1. The Borough is generally supportive of the Proposed Project, as DGS has indicated that its necessary in order to serve the needs of certain facilities in the region, including the Clarks Summit State Hospital, the Abington Heights Middle School and the Abington Heights Newtown Elementary School;
2. The Borough is generally supportive of DGS's proposal to replace the Bedford Avenue Sewer Line at no cost to the Borough;
3. The Borough will cooperate in good faith with DGS and its representatives as they develop the plans relating to Proposed Project and the Act 537 Plan;
4. Nothing in this resolution should be construed as a formal approval of any agreement with any party, including DGS or any other agency of the Commonwealth of Pennsylvania;
5. Nothing in this resolution legally binds the Borough to any agreement or plans relating to the Proposed Project, Act 537 Plan or the Bedford Avenue Line; and
6. All plans, agreements and proposals relating to the Proposed Project are subject to the engineering and legal review of the Borough and formal approval of Council.

RESOLVED by the **Council of the Borough of Clarks Summit** this 7th day of April 2021.

ATTEST:

BOROUGH OF CLARKS SUMMIT

Virginia Kehoe
Borough Manager

Germaine Carey
Council President

Approved this 7th day of
April, 2021

Herman Johnson
Mayor

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