

**BOROUGH OF EAST GREENVILLE
COUNTY OF MONTGOMERY**

RESOLUTION 2023- 13

A RESOLUTION OF THE BOROUGH OF EAST GREENVILLE, MONTGOMERY COUNTY, PENNSYLVANIA, AUTHORIZING THE SALE OF CERTAIN PERSONAL PROPERTY ON THE ELECTRONIC AUCTION WEBSITE WWW.MUNICIPALBID.COM; SETTING A MINIMUM BID RESERVE AND OTHER AUCTION REQUIREMENTS; REPEALING PRIOR INCONSISTENT RESOLUTIONS OR PARTS OF RESOLUTIONS; AND CONTAINING A SAVINGS CLAUSE AND AN EFFECTIVE DATE.

WHEREAS, pursuant to the Borough Code, 8 Pa.C.S. § 101, *et seq.*, Borough Council of the Borough of East Greenville is authorized to sell Borough-owned personal property through an online auction sale, pursuant to certain procedural requirements;

WHEREAS, Borough Administration has identified certain personal property no longer of use to the Borough; and

WHEREAS, Borough Council of the Borough of East Greenville believes it to be in the best interest of the Borough to sell the personal property identified below on the online auction website www.municipalbid.com, subject to the terms set forth herein.

NOW THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of East Greenville as follows:

Section 1. Property To Be Sold.

The Borough Council of the Borough of East Greenville authorizes the sale of the following personal property (hereinafter the "Personal Property") through online auction on www.municipalbid.com, subject to the terms and conditions of this resolution:

Pews from Borough Hall meeting room

Minimum bid: 125.00 pew

Section 2. Conditions of Sale.

The Borough Council of the Borough of East Greenville hereby authorizes the sale of the Personal Property identified in section 1 hereof through electronic auction on www.municbid.com subject to the following conditions:

1. The auction shall be advertised once in a newspaper of general circulation at least 10 days prior to the end of the online auction.
2. The Personal Property shall not be sold for less than the minimum bid identified in section 1 hereof, as applicable, which shall be set as a minimum reserve for the online auction. The personal property may be sold individually or as a set or sets, provided that if sold as a set or sets the minimum bid for each set shall equal the minimum bid stated above multiplied by the number of pieces of personal property.
3. During the auction, each bidder shall have the capability to view the bidder's bid rank or the high bid price, and bidders may increase their bid price during the electronic auction.
4. Provided the minimum bid set forth in paragraph 2 is met, as applicable, the Personal Property shall be sold to the highest bidder.
5. Provided the minimum bid set forth in paragraph 2 is met, as applicable, the Borough Manager of the Borough of East Greenville is hereby authorized to execute all documents on behalf of the Borough required to effectuate the sale, including all documents required to effectuate transfer of title in and to the Personal Property, as applicable.
6. The Personal Property will be sold where-is, as-is. Any shipping costs incurred in connection with delivery of the Personal Property following sale shall be paid by the winning bidder, and arrangement shall be the sole responsibility of the bidder.
7. The record of the electronic auction shall be accessible for public inspection.
8. If the minimum bid set forth above, as applicable, is not met, the following procedure shall be followed:
 - a. The Personal Property shall be re-placed on www.municbid.com, and the auction shall be re-advertised once in a newspaper of general circulation at least 15 days prior to the end of the online auction. The auction shall be subject to the requirements of section 2 through 7 above.
 - b. If the Personal Property is not sold during the second auction, Borough Administration may initiate negotiations for private sale of the Personal Property, taking into consideration the Personal Property's fair market value and any bids that were received during the auction.
 - c. Borough Administration shall report the results of their negotiations at a public meeting of Borough Council, including any offer for purchase of the Personal Property received.

- d. If Borough Council determines an offer received to be acceptable, taking into consideration the fair market value of the Personal Property, Borough Council shall announce the identity of the parties, the sale price of the Personal Property, and a summary of the terms and conditions of the sale at a public meeting, which may be the same meeting at which the offer is presented to Borough Council.
- e. Following the public announcement required by section 8.d, at least 30 days must elapse before Borough Council may authorize the private sale.
- f. Following the 30 days required in section 8.e, Borough Council shall authorize the sale of the Personal Property and the Borough Manager shall thereafter be authorized to execute all documents on behalf of the Borough required to effectuate the sale, including all documents required to effectuate transfer of title in and to the Personal Property, as applicable.

Section 3. Repealer.

Any and all prior inconsistent Resolutions or parts of Resolutions are hereby repealed by adoption of this Resolution.

Section 4. Savings Clause.

If any portion, part or provision of this Resolution should be declared by a court of competent jurisdiction to be invalid, unconstitutional, illegal or unenforceable, the Borough Council of the Borough of East Greenville hereby declares its intent that this Resolution shall have been adopted without regard to such unconstitutional, illegal, invalid or unenforceable portion thereof.

Section 5. Effective Date.

This resolution shall become effective at the earliest time permitted by law.

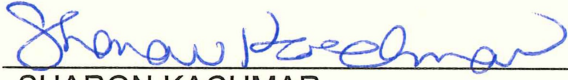
ADOPTED and APPROVED, this 4th day of December, 2023 in Council Chambers.

BOROUGH OF EAST GREENVILLE:



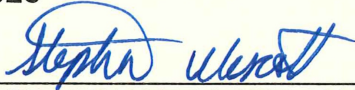
ANGIE FEGELY, COUNCIL PRESIDENT

ATTEST:



SHARON KACHMAR,
BOROUGH SECRETARY

Approved this 4th day of December,
2023



STEPHEN WESCOTT, MAYOR