

**BOROUGH OF MUNCY,
Lycoming County, Pennsylvania**

ORDINANCE NO. 531

OF THE COUNCIL OF THE BOROUGH OF MUNCY, LYCOMING COUNTY, PENNSYLVANIA, AUTHORIZING AN AGREEMENT TO TERMINATE A CONTRACT AND LEASE (ORIGINALLY DATED AS OF JULY 1, 1997), BETWEEN THIS BOROUGH AND THE MUNCY BOROUGH MUNICIPAL AUTHORITY (THE "AUTHORITY"), WITH RESPECT TO THE AUTHORITY'S WATER PRODUCTION, STORAGE, TRANSPORTATION, AND DISTRIBUTION SYSTEM FACILITIES LOCATED IN AND ABOUT THIS BOROUGH (THE "WATER SYSTEM"); REPEALING ORDINANCE NO. 302 OF THIS BOROUGH, ENACTED ON NOVEMBER 16, 1965, WHICH SPECIFIED THAT THE AUTHORITY'S WATER SYSTEM MUST BE LEASED TO THIS BOROUGH.

WHEREAS, The Muncy Borough Municipal Authority (the "Authority") is a municipality authority organized by appropriate action of this Borough, and is existing under the Municipality Authorities Act, 53 Pa.C.S. Ch. 56, as amended and supplemented; and

WHEREAS, This Borough enacted Ordinance No. 302, on November 16, 1965 ("Ordinance No. 302"), which specified and approved the Authority to acquire the water supply and distribution system of the Muncy Water Supply Company, which, together with other water production, storage, transportation, and distribution system facilities since acquired and constructed by the Authority in and about this Borough shall be referred to hereinafter collectively as the Authority's "Water System";

WHEREAS, Ordinance No. 302 further provided that the Authority's Water System shall be leased to this Borough;

WHEREAS, The Authority and this Borough entered into a Contract and Lease, dated as of July 1, 1997, as amended and restated on June 15, 2006, and as amended and supplemented by a First Supplemental Lease, dated October 4, 2007 (collectively, the "Lease"), with respect to the Water System, under which the Authority leased the management, operation, and maintenance of the Water System to this Borough;

WHEREAS, The Authority and the Borough, as permitted under Section 6.01 of the Lease, as amended, mutually desire to terminate the Lease by entering into a lease termination agreement (the "Termination Agreement"); and

WHEREAS, This Borough further desires to repeal the part of Ordinance No. 302 that requires the Authority to lease its Water System to this Borough.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED, by the Council of this Borough, as follows:

SECTION 1. This Borough shall enter into the Lease Termination Agreement with the Authority, to be dated and effective as provided therein, and in the form to be approved by the solicitor to this Borough, together with such changes and modifications thereof as are approved by the officers of this Borough executing and delivering the same, which approval conclusively shall be deemed to have been given upon the execution and delivery thereof.

SECTION 2. The President or Vice President of the Council and the Secretary or Assistant Secretary, respectively, of this Borough are authorized and directed to execute, to

attest, and to deliver, as applicable, the Termination Agreement, and any other documents contemplated thereby.

SECTION 3. The part of Ordinance No. 302 that requires the Authority to lease its Water System to this Borough shall be and the same is expressly repealed, and all resolutions or parts of resolutions, insofar as the same shall be inconsistent herewith, shall be and the same expressly are repealed.

SECTION 4. Proper officers of this Borough are authorized and directed to execute all documents and to do all other acts as may be necessary and proper to carry out this Ordinance.


SECTION 5. Reference in this Ordinance to specified officers of this Borough shall include and shall be construed to include, if and as applicable, their respective successors in office.

SECTION 6. This Ordinance shall become effective in accordance with law.

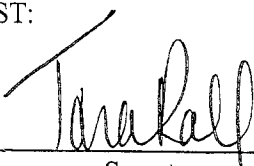
SECTION 7. In the event any provision, section, sentence, clause, or part of this Ordinance shall be held to be invalid, such invalidity shall not affect or impair any remaining provision, section, sentence, clause, or part of this Ordinance, it being the intent of this Borough that such remainder shall be and shall remain in full force and effect.

DULY ENACTED AND ORDAINED, this 18th day of May, 2015, by the Council
of this Borough, in lawful session duly assembled.

BOROUGH OF MUNCY,
Lycoming County, Pennsylvania

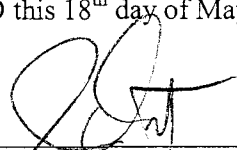
By: 
(Vice) President of the Council

ATTEST:


Secretary

(SEAL)

DULY EXAMINED AND APPROVED this 18th day of May, 2015.


Mayor of the Borough of Muncy

CERTIFICATE

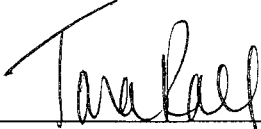
I, the undersigned, Secretary of the Borough of Muncy, in Lycoming County, Pennsylvania (the "Borough"), certify that: the foregoing is a true and correct copy of an Ordinance which was duly enacted by the Council of the Borough, in accordance with law, at a meeting duly held on May 18, 2015, at which meeting a quorum was present; said Ordinance was duly examined and approved by the Mayor of the Borough on May 18, 2015; said Ordinance has been certified and recorded by me, as Secretary of the Borough, in the book provided for the purpose of such recording; said Ordinance, upon enactment, as aforesaid, was assigned Ordinance No. 531; presently, the total number of members of the Council of the Borough is seven (7); the vote of the members of the Council of the Borough, upon enactment of said Ordinance, the yeas and nays having been called, duly was recorded by me, as Secretary, as follows:

Richard Baker	- YES
Dana Bertin	- YES
Edward Feigles	- YES
Matilda Noviello	- absent
Elaine McAleer	- YES
Karen Richards	- YES
Linda Stein	- YES ;

said Ordinance has been advertised (both before and after enactment), as required by law, in a proper newspaper of general circulation in the Borough; and said Ordinance has not been amended, altered or repealed as of the date of this Certificate.

I further certify that the Council of the Borough met the advance notice and public comment requirements of the Sunshine Act, 65 Pa.C.S. Ch. 7, by advertising said meeting, by posting prominently a notice of said meeting at the principal office of the Borough or at the public building in which said meeting was held, and by providing a reasonable opportunity for public comment at said meeting, all in accordance with such Act.

IN WITNESS WHEREOF, I set my hand and affix the official seal of the Borough, this 18th day of May, 2015.



Secretary

(SEAL)