

December 9, 1981  
Revision of Act 537 Official Plan

RESOLUTION FURTHER EVIDENCING MT. JOY TOWNSHIP  
ACCEPTANCE AND APPROVAL OF JULY, 1981, 201 FACILITIES PLAN  
SUPPLEMENT AS PREPARED BY GANNETT FLEMMING CORDDRY  
AND CARPENTER, INC., FOR LAKE HERITAGE MUNICIPAL  
AUTHORITY; REVISING MT. JOY TOWNSHIP ACT 537 OFFICIAL PLAN;  
AND OUTLINING LEGAL RESPONSIBILITIES AND/OR OBLIGATIONS  
FOR STEP II LOCAL SHARE COSTS OF MT. JOY TOWNSHIP.

Whereas, the Lake Heritage Municipal Authority (LHMA) was jointly organized and incorporated July 31, 1968 under the provisions of Municipalities Authorities Act of 1945 by the Township of Mt. Joy, Mt. Pleasant and Straban, Adams County, Pennsylvania, for the purpose of undertaking projects as specifically directed by resolutions of the Boards of Supervisors of such townships;

Whereas, by resolution dated January 18, 1974, Mt. Joy Township authorized LHMA to represent it as the responsible body for providing public sewage facilities in the Lake Heritage area, and to participate with the Gettysburg Municipal Authority (GMA) in the establishment of a regional treatment plant;

Whereas, pursuant to resolution dated April 9, 1976, Mt. Joy Township joined in the execution of the GMA Sewage Treatment Plant Agreement dated February 1, 1976, as amended and modified, by and between the Borough of Gettysburg, the Townships of Cumberland, Mt. Pleasant, and Straban, GMA, Cumberland Township Authority, LHMA, and Straban Township Authority, which agreement provided for the planning, design, permanent financing, construction, operations, and management of a proposed Regional Sewage Treatment Facility then planned to service the municipalities in the Rock Creek drainage basin of Adams County, Pennsylvania;

Whereas, by resolution dated August 6, 1976, Mt. Joy Township adopted the "Waste-Water Management Facilities Plan, 1976" prepared by Gannett Flemming Corddry and Carpenter, Inc., as an amendment to its Act 537 Sewage Facilities Plan of 1972;

Whereas, by resolutions dated July 1977, and December 28, 1978, Mt. Joy Township further amended its Act 537 Sewage Facilities Plan to provide for the installation of an interim treatment plant to treat sewage taken from holding tanks installed on properties within the Lake Heritage area, intended to be replaced eventually by the proposed Gettysburg Regional Waste-Water Treatment Plant;

Whereas, the regional concept motivating the planning of such Gettysburg Regional Waste-Water System as embodied in the aforesaid "Waste-Water Management Facilities Plan, 1976" was found by the participating municipalities to be no longer financially or environmentally feasible as a result of the delay caused by and/or the findings reported by the United States Environmental Protection Agency in its Environmental Impact Statement published in draft form in December, 1980 and in final form in September, 1981;

Whereas, LHMA through its engineers, Gannatt Flemming Corddry and Carpenter, Inc., submitted in July, 1981 a Step II Grant Application and a 210 Facilities Plan Supplement for the Lake Heritage area, consisting of segments 7-12, 14-15, and 19-20, inclusive, as designated in the aforementioned Environmental Impact Statement;

Whereas, the submission of such grant application and plan supplement by LHMA was made without prior review by the townships of Mt. Joy, Mt. Pleasant and Straban because of the urgent need to meet certain new funding guidelines established by the Department of Environmental Resources (DER);

Whereas, DER has required as a condition of acceptance of the aforesaid Step II Grant Application that the Townships of Mt. Joy, Mt. Pleasant and Straban each adopt resolutions supporting the July, 1981 Plan Supplement and agreeing to all share on a participating basis the local share costs for the Step II design phase of the proposed Lake Heritage area collection system and waste-water treatment system;

Whereas, Mt. Joy Township, by letters from its Solicitor dated September 4, 1981 and October 30, 1981, copies of which are attached hereto and made a part hereof as Exhibit "A" and Exhibit "B", addressed to the LHMA Executive Director, both written pursuant to authority vested in him by Board resolutions adopted at duly advertised township meetings on August 24, 1981, Plan Supplement and to bear its fair and equitable share of the local share costs of the Step II design phase of the proposed Lake Heritage area project;

Whereas, the Townships of Mt. Pleasant and Straban have each adopted resolutions supporting such July, 1981 plan supplement, but both are presently unwilling to obligate themselves to guarantee the local share of the Step II design costs until a satisfactory joint municipal agreement has been reached between all three participating townships covering, inter alia, the basis for apportioning such local share costs and the amount of sewer capacity to be reserved to each township in the proposed sewage treatment facility;

Whereas, Mt. Joy Township has been and remains fully cognizant of the need for permanent waste water conveyance and treatment facilities to service the Lake Heritage area;

Whereas, Mt. Joy Township remains firm in its support of the aforesaid July, 1981, Plan Supplement, but, in light of the foregoing, will not further pledge its taxing authority as assurance for the payment of local share costs in the Step II design phase; and

Whereas, Mt. Joy Township stands ready and willing to negotiate in good faith to reach a binding joint municipal agreement with the townships of Mt. Pleasant and Straban to guarantee payment on some fair and equitable basis of such Step II local share costs.

NOW, Therefore, Be it resolved by the Board of Supervisors of Mt. Joy Township, at a duly advertised meeting held at the Township Municipal Building along Hoffman Home Road on this 9<sup>th</sup> day of December, 1981, that:

1. The Board of Supervisors does hereby affirm its prior intent and officially adopts the “July, 1981, 201 Facilities Plan Supplement” prepared by Gannett Fleming Corddry and Carpenter, Inc., for LHMA as a further amendment to its Act 537 Official Sewage Facilities Plan.
2. All provisions of the “Waste-Water Management Facilities Plan, 1976” adopted by resolution of the Board on August 6, 1976, are hereby specifically rescinded insofar as they are inconsistent with or otherwise differ from the provisions of the aforementioned July, 1981 Plan Supplement.
3. Both the January 18, 1974 resolution of the Board and the February 1, 1976 GMA Sewage Facilities Plan Agreement mentioned above, and all other prior resolutions of this Board granting any authority of LHMA to represent it in the planning for provision of future public sewage facilities for the Lake Heritage area are hereby rescinded.
4. Mt. Joy Township will not obligate itself financially for any debts or other costs of any nature whatsoever heretofore incurred by LHMA in connection with the submission of the aforesaid July, 1981, Plan Supplement and Step II Grant Application to any greater extent than it would otherwise be obligated, assuming that the Townships of Mt. Pleasant and Straban continued to assume on a participating basis their respective fair share of such debts and costs.
5. It is the hope and desire of Mt. Joy Township that all three of the participating townships included in the proposed areas of the Lake Heritage sewage conveyance and treatment facilities will soon begin negotiating in good faith to reach a satisfactory joint municipal agreement concerning, inter alia, the sharing of costs and other legal responsibilities and/or obligations relative to such proposed project and, that, upon arriving at such agreement, all three participating municipalities will specifically authorize LHMA to proceed forthwith to complete the Step II Grant Application process.
6. It is the intent of the Board to subsequently implement the foregoing July, 1981, Plan supplement adopted as part of its Act 537 Plan to the best of its ability, but in light of the forgoing considerations.
7. It is also the intent of the Board of Supervisors to review and update said Act 537, as amended, as and when deemed necessary by the Board or as may be reasonably necessary to comply with the rules and regulations of DER.

(Signed and Sealed)