

UPPER DUBLIN TOWNSHIP
ORDINANCE NO.: 16-1322

AN ORDINANCE SIGNIFYING THE INTENTION AND DESIRE OF THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF UPPER DUBLIN, MONTGOMERY COUNTY, PENNSYLVANIA, TO ORGANIZE A MUNICIPAL AUTHORITY UNDER THE PROVISIONS OF THE MUNICIPALITY AUTHORITIES ACT, 53 PA.C.S.A SECTION 5601 ET SEQ., AS AMENDED AND SUPPLEMENTED, TO BE KNOWN AS THE, "UPPER DUBLIN TOWNSHIP MUNICIPAL AUTHORITY;" SETTING FORTH THE FORM OF THE ARTICLES OF INCORPORATION; APPOINTING THE FIRST MEMBERS OF THE BOARD OF THE AUTHORITY; DESIGNATING THE PURPOSES FOR SAID AUTHORITY; AUTHORIZING THE EXECUTION AND FILING OF THE ARTICLES OF INCORPORATION; AND AUTHORIZING THE TAKING OF ALL SUCH ACTION THAT MAY BE NECESSARY OR APPROPRIATE TO ORGANIZE SAID AUTHORITY; AND PROVIDING THAT THE BOARD OF COMMISSIONERS RETAINS THE RIGHT TO APPROVE ANY PLAN OF THE AUTHORITY.

WHEREAS, in preparation for the passage of this Ordinance, a public hearing was held by the Upper Dublin Township Board of Commissioners, on the 13th day of September, 2016, pursuant to notice duly advertised as required by the Municipal Authorities Act of 1945, as amended and supplemented; and

WHEREAS, the previously-existing Upper Dublin Township Authority was terminated by the approval by the Upper Dublin Township Board of Commissioners by Resolution No. 1595, dated September 10, 1996, and by the filing of Articles of Dissolution in the Offices of the Commonwealth of Pennsylvania, Department of State on September 30, 1996.

NOW THEREFORE, IT IS HEREBY ORDAINED BY THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF UPPER DUBLIN, MONTGOMERY COUNTY, PENNSYLVANIA, THAT:

Section 1. The Board of Commissioners of this Township hereby signifies its intention to organize a Municipal Authority (the "Authority") under the provisions of the Municipal Authorities Act of 1945, as amended and supplemented (the "Act").

Section 2. The name of the proposed Authority is the Upper Dublin Township Municipal Authority.

Section 3. Pursuant to said intention, the articles of incorporation of the Authority are hereby approved and adopted in the following form:

ARTICLES OF INCORPORATION

TO THE SECRETARY OF THE COMMONWEALTH OF PENNSYLVANIA:

In compliance with the Municipal Authorities Act of 1945, as amended and supplemented, 53 PA C.S.A. 5601 et seq., the Township of Upper Dublin, Montgomery County, Pennsylvania (the "Township"), pursuant to an Ordinance duly enacted by the Board of Commissioners of said Township, authorizing and directing the formation of the Authority under said Act, does hereby certify:

- (A) The name of the Authority shall be the "Upper Dublin Township Municipal Authority."
- (B) The Authority is formed under the Municipal Authorities Act of 1945, as amended and supplemented, 53 PA. C.S.A. Section 5601 et seq.

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(C) No other Authority has been organized and is in existence under the Municipal Authorities Act 1945 as amended or supplemented or under the former Act of June 28, 1935 (P.L.463 No.191, or any other Act, in and for the said Township of Upper Dublin.

(D) The name of the incorporating municipality is Upper Dublin Township, Montgomery County, Pennsylvania and the names and addresses of the Board of Commissioners of the Township of Upper Dublin are as follows:

	Names & Position	Ward	Address
1.	Ira S. Tackel President	4	801 Loch Alsh Avenue, Fort Washington, PA 19034
2.	Ronald P. Feldman Vice President	6	801 Loch Alsh Avenue, Fort Washington, PA 19034
3.	Liz Ferry	1	801 Loch Alsh Avenue, Fort Washington, PA 19034
4.	Sharon L. Damsker	2	801 Loch Alsh Avenue, Fort Washington, PA 19034
5.	Gary Scarpello	3	801 Loch Alsh Avenue, Fort Washington, PA 19034
6.	Rebecca A. Gushue	5	801 Loch Alsh Avenue, Fort Washington, PA 19034
7.	Robert H. McGuckin	7	801 Loch Alsh Avenue, Fort Washington, PA 19034

(E) The names, addresses and terms of office of the first members of the Board of the Upper Dublin Township Municipal Authority are as follows:

	<u>Name</u>	<u>Address</u>	<u>Term of Office</u>
1.	Gregory Diehl	1215 Meetinghouse Road Maple Glen, PA 19002	One year from the first Monday in January 2017
2.	Michael Markman BET Investments	200 Witmer Road Horsham, PA 19044	Two years from the first Monday in January 2017
3.	Robert Danaher	114 Timothy Drive Maple Glen, PA 19002	Three years from the first Monday in January 2017
4.	Robert Pesavento	642 Meadowbrook Avenue Ambler, PA 19002	Four years from the first Monday in January 2017
5.	Ronald Feldman	801 Loch Alsh Avenue Fort Washington, PA 19034	Five years from the first Monday in January 2017

The terms of office of the first members of the Board of the Authority shall commence on the date of appointment and shall be computed from the first Monday of January 2017.

(F) The term of the existence of the Authority is 50 years and for such further period or as may be provided in the Articles of Amendment approved under section 5605(e) relating to amendment of articles. Notwithstanding said term of existence, the Township has the right to dissolve the Authority at any time so long as it assumes the debt obligation(s) of the Authority and ownership and operational responsibility of its properties and projects.

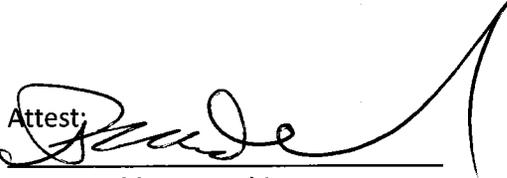
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- (G) The designated service areas of the Authority are as more fully set forth in the attached Exhibit "A" designating the areas encompassed by the Authority.

IN WITNESS THEREOF, the Board of Commissioners of the Township of Upper Dublin, Montgomery County, Pennsylvania, has caused these Articles of Incorporation to be duly executed on behalf of said Township, by its duly authorized officers and with its seal to be duly affixed and attested this 13th day of September 2016.

(SEAL)

Attest:


Upper Dublin Township Secretary

THE TOWNSHIP OF UPPER DUBLIN

BY:


Ira S. Tackel

President, Board of Commissioners

Section 3. The first members of the Board of said Authority, named in the aforesaid Articles of Incorporation, are hereby specifically appointed members of said Board for the term set after their respective names, commencing on the date of appointment and computed from the first Monday in January 2017.

Section 4. The President of the Board of Commissioners of Upper Dublin Township is hereby authorized and directed to execute said Articles of Incorporation on behalf of the Authority, and the Secretary of the Township of Upper Dublin is hereby authorized and directed to affix thereto and attest the seal of the Township of Upper Dublin. Said officers are further authorized and directed to cause a notice of intention to file said Articles of Incorporation to be published as required by law, and to file said Articles of Incorporation, together with a certified copy of this Ordinance and required proofs of publication, with the Secretary of the Commonwealth of Pennsylvania and to take all such action as they may deem necessary or appropriate to organize said Authority.

Section 5. The purposes and projects of said Authority are as follows:

Purpose

Obtaining and financing working capital, acquiring, holding, constructing, improving maintaining and operating, owning or leasing, either in the capacity of lessor or lessee, projects within the defined boundary of the Authority, of the following kind and character:

- A. Transportation for all defined modes, marketing, transit service and safety improvement utilizing all resources necessary to construct and maintain roadway improvements, bridges, traffic regulation devices, bicycle/pedestrian trails and amenities including but not limited to landscaping/trees, special signage, street/area lighting, etc.

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- B. Storm water and flood control planning, management and implementation.
- C. General economic development and marketing for the Fort Washington Office Center Park.

Specific Projects Authorized

- A. Roadway improvements and maintenance for all modes of transportation located within the District, as defined in Exhibit "A."
- B. Storm water management and flood control projects within and/or providing services to the District as defined in Exhibit "A."
- C. New and/or improved access between the District and the Pennsylvania Turnpike.
- D. Bicycle/pedestrian facilities.
- E. Signage and lighting for the District.

Upper Dublin shall retain the right which exists under the Municipality Authorities Act to approve any plan of the Authority for the foregoing purpose and projects.

Section 6. Upper Dublin Township will provide for all management, administrative, insurance, accounting, auditing, operations and maintenance requirements and services through contracted services arrangements with the Authority, subject to the following:

- 1. The Township Manager shall be the Authority's appointed Executive Director.
- 2. The Township's Finance Director shall be the Authority's appointed Finance Director.
- 3. Upper Dublin Township staff will calculate and collect any fees.
- 4. Upper Dublin Township will operate and maintain any facilities or programs retained by the Authority or contract out for same.
- 5. The Township shall audit the Authority on an annual basis.
- 6. The Authority's fiscal year shall be defined to be consistent with that of the Township.

Section 7. Amendments to the Authority's By Laws shall require the approval of the Board of Commissioners of Upper Dublin Township.

Section 8. The Authority will meet with the Upper Dublin Township Board of Commissioners on a semi-annual basis to review all plans, services and to provide updates on the status and progress of all Authority projects. The Authority will provide a written report to the Board of Commissioners in advance of the semi-annual meetings.

Section 9. All ordinances and parts of ordinances inconsistent herewith are hereby rescinded.

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DULY PRESENTED AND ENACTED at a meeting of the Board of Commissioners of the Township of Upper Dublin on September 13, 2016.

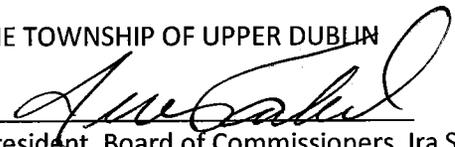
(SEAL)

Attest:


Upper Dublin Township Secretary

THE TOWNSHIP OF UPPER DUBLIN

BY:


President, Board of Commissioners, Ira S. Tackel

