

**\*\*\*ADOPTED MARCH 7, 2022\*\*\***

**TOWNSHIP OF DELANCO**

**ORDINANCE 2022-4**

**AUTHORIZING AND APPROVING A SERVICE AGREEMENT BETWEEN THE TOWNSHIP OF DELANCO AND THE DELANCO TOWNSHIP SEWERAGE AUTHORITY WHICH PROVIDES FOR THE CONSTRUCTION OF A SEWER LINING PROJECT AND OTHER MATTERS RELATING TO THE SEWER SYSTEM; AUTHORIZING THE EXECUTION AND DELIVERY OF SAID SERVICE AGREEMENT; AND PROVIDING FOR OTHER MATTERS RELATING THERETO**

WHEREAS, The Delanco Township Sewerage Authority (the "Authority") was created pursuant to the Sewerage Authorities Law, (Chapter 138 of the Pamphlet Laws of the State of New Jersey of 1946, approved April 23, 1946, as amended and supplemented) (the "Act") and by virtue of an ordinance duly adopted by The Township of Delanco (the "Township") for the purposes and with the powers set forth in the Act; and

WHEREAS, the Authority has designed, constructed and placed in operation a system for the collection, and disposal of certain sanitary sewage and other wastes arising within the Township (the "System"), and intends to undertake a project consisting of construction of additional improvements to the system consisting of relining of approximately 8100 linear feet of existing Authority trunk lines and improvements to existing Authority pump stations and installation of all fittings, equipment, apparatus and facilities required for said sewers or pumping stations, all as more particularly set forth in the plans and specifications of the Consulting Engineer (the "Project"); and

WHEREAS, the Authority will permanently finance the Project through the issuance of its Sewer Revenue Bonds, Series 2022 A and B in an amount not to exceed \$1,582,000; and

WHEREAS, the Township desires to aid and assist the Authority in proceeding with the financing, design and construction of the Project and has determined that it will be economical and otherwise advantageous to the residents and property owners of the Township to provide for the collection of sewage and wastes originating therein by the Authority in accordance with the terms of the Service Agreement between the Authority and the Township hereinafter authorized; and

WHEREAS, the Township has the power and authority to enter into said Service Agreement under and in accordance with the laws of the State of New Jersey.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Delanco, County of Burlington, New Jersey as follows

Section I. The Township hereby approves the construction and completion of the Project, as generally described in the recitals to this Ordinance and as more particularly defined in the Service Agreement hereinafter authorized. Permission is hereby granted to the Authority to enter upon and construct, operate and use sewers and sewer facilities along, over, under and in any streets, roads, highways, alleys or other public places within the Township.

Section 2. This Township is hereby authorized to enter into a Service Agreement with the Authority dated as of March 1, 2022 substantially in the form attached hereto and made a part hereof as Exhibit A which shall provide, among other things: (a) for the construction of the Project by the Authority in accordance with the plans and specifications described therein and the financing of the Project by the Authority through the issuance of its Sewer Revenue Bonds; (b) for the operation and maintenance of the System by the Authority to collect and dispose of sewage originating in the Township and delivered into the system; (c) for the adoption, imposition and collection by the Authority of such Service Charges for all use of the System, sufficient to comply with the covenants therein contained; (d) for support of the Authority through repayment of the debt financed herein, in the event the Authority is unable to do so for any reason; (e) for such other rights and obligations as set forth in the Agreement.

Section 3. The form of Service Agreement is hereby approved and the Township hereby agrees to the terms and conditions contained therein. The Mayor is hereby authorized and directed to execute and deliver said Service Agreement substantially in the form presented to this meeting with such modifications as the Township Attorney may recommend and Mayor shall approve, such approval to be evidenced conclusively by the execution thereof; and the Township Clerk is hereby authorized and directed to affix the seal of the Township to said Service Agreement and to attest the same.

Section 4. The Township hereby covenants and agrees to make all budgetary and other provisions or appropriations necessary to provide for and authorize payment to the Authority in accord with the Service Agreement should same become necessary by operation of the Agreement.

Section 5. The proper officers and representatives of the Township are hereby authorized and directed to execute and deliver all such other certificates and documents and take all such other action as may be necessary or proper to effect the execution and delivery of the Service Agreement or to carry out the covenants and agreements of the Township contained in said Service Agreement.

Section 6. This Ordinance shall take effect on the earliest date prescribed by law.