

RESOLUTION NO. 56-00

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JOINT RESOLUTIONS OF THE BOROUGH OF BRENTWOOD, THE BOROUGH OF BALDWIN, THE BOROUGH OF WHITEHALL AND THE WEST MIFFLIN SANITARY SEWER MUNICIPAL AUTHORITY REGARDING THE JOINT MANAGEMENT AND FINANCING OF THE MAINTENANCE AND REHABILITATION OF THE STREETS RUN SEWER TRUNK LINE.

WHEREAS, the Borough of Brentwood, the Borough of Baldwin, the Borough of Whitehall, and the West Mifflin Sanitary Sewer Municipal Authority (collectively referred to herein as the "Streets Run Sewershed Municipal Members") each uses a common sanitary sewer trunk line which service! all or a portion of each Borough and the West Mifflin Sanitary Sewer Municipal Authority and is depicted as the highlighted sections set forth en Exhibit "A", attached hereto (the "Streets Run Sewer"):

WHEREAS each of the Streets Run Sewershed Municipal Members has participated fully in recent projects designed to maintain and rehabilitate the Streets Run Sewer in order to correct and prevent inflows, infiltration and overflows;

WHEREAS, such prior projects have included the creation of watershed maps, the televised inspection of the condition of the line, and the formation of engineering and administrative committees to help implement joint projects:

WHEREAS, each of the Streets Run Sewershed Municipal Members has made a commitment to participate fully in an effort to replace and repair certain manholes in the Streets Run Sewer, including the preparation and submission of a joint Three Rivers Wet Weather Demonstration Group application, dated January '14, 2000, which was revised and resubmitted on June 15, 2000, for a total cost approximating the amount set forth on the chart, labeled Exhibit "B-1 attached hereto (referred to herein as the "Phase I Project"), and to make payments for the Phase I Project pursuant to the cost distribution formula set forth in the Existing Intermunicipal Arrangements (as hereinafter - defined):

WHEREAS, a dispute has arisen between the Borough of Brentwood and other Streets Run Sewershed Municipal Members over the Borough of Brentwood's obligations regarding the administration and financing of the proposal to reline and/or otherwise make substantial improvements to the Streets Run Sewer, which project is expected to be completed by June 30, 2002, for a total cost approximating the amount set forth on the chart, labeled Exhibit "B", attached hereto, and is further defined in Exhibit B-2 attached hereto (referred to herein as the "Phase II Project");

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WHEREAS, each of the Streets Run Sewershed Municipal Members wishes to enter into a collective agreement ("Collective Agreement") to formalize its intention, to participate jointly in (a) the design, bid solicitation, financing and contract administration of the Phase I Project and the Phase II Project, (b) the gathering of data based on flow monitoring and other criteria for use in determining an appropriate method of distributing the cost of any and all undertakings to inspect, repair, maintain, improve, rehabilitate, reconstruct and/or replace the Streets Run Sewer which do not relate to the Phase I Project or the Phase II Project or which occur after the Phase I Project and the Phase II Project are fully completed and operational (collectively referred to herein as the "Future Projects"), and (c) the determination of such method of cost distribution for the Future Projects;

WHEREAS, attached to these Resolutions and marked Exhibit 'C is the form of Collective Agreement to be executed by each of the Streets Run Sewershed Municipal Members;

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WHEREAS, the Streets Run Sewershed Municipal Members recognize that entering into the Collective Agreement will result in a cost allocation formula for Future Projects which will reflect the relative demographic attributes of each Streets Run Sewershed

Municipal Member, promote the development of more sustainable projects improve the opportunities for creating innovative technologies, and materially enhance their joint prospects of applying for and obtaining grant funds and other financial assistance from governmental and private entities to help defray the cost of the Phase I Project, the Phase II Project and any and all Future Projects;

WHEREAS, the Borough of Brentwood, as part of the settlement of the dispute regarding the financing of the Phase II Project and as is set forth in the Collective Agreement, is willing to commit to make payments for the Phase II Project pursuant to the cost distribution formula set forth in the existing ordinances, Board of Viewers' decisions and intermunicipal agreements related to the repair and maintenance of the Streets Run Sewer, which documents were the subject of the Order, dated April 3 1997 of the Honorable Alan S. Penkower, Court of Common Pleas of Allegheny County, in the matter of Borough of Baldwin v. Borough of West Mifflin and Borough of Whitehall v. Borough of Brentwood, No. G.D. 93-9790 (collectively referred to herein as the "Existing Intermunicipal Arrangements");

WHEREAS, for any and all Future Projects, the Streets Run Sewershed Municipal Members are willing to substitute the cost distribution formula to be devised pursuant to the Collective Agreement for the cost distribution formula set forth in the Existing Intermunicipal Arrangements; and

WHEREAS, each of the Streets Run Sewershed Municipal Members is committed to use its best reasonable efforts to enter into an agreement similar to the Collective Agreement, with the Pittsburgh Water and Sewer Authority with respect to the portion of the Streets Run sewer trunkline beginning at the City of Pittsburgh boundary and ending where such line connects with The Alcosan Trunkline.

-NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Brentwood, the Council of The Borough of Whitehall, the Council of the Borough of Baldwin and the Board of the West Mifflin Sanitary Sewer Municipal Authority that the Borough of Brentwood, the Borough of Whitehall, the Borough of Baldwin and the West Mifflin Sanitary Sewer Municipal Authority shall enter into the Collective Agreement, effective on and after the date of the adoption of these Joint Resolutions:

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BE IT RESOLVED FURTHER, that the Borough of Brentwood, the Borough of Whitehall, the Borough of Baldwin and the West Mifflin Sanitary Sewer Municipal Authority shall cooperate fully with the other Streets Run Sewershed Municipal Members; and shall use their respective best reasonable efforts in seeking assistance and support from state and federal elected representatives and in preparing and filing any and all applications and other requests to obtain grant funds and other financial assistance for the Streets Run Sewer from appropriate governmental, quasi-governmental and private entities, including, without limitation, the Allegheny County Department Of Economic Development, the Three Rivers Wet Weather Demonstration Grant Program, the United States Department of Commerce, Economic Development Administration, the U. S. Army Corps of Engineers, the Pennsylvania Department of Community and Economic Development, the Pennsylvania Infrastructure Investment Authority, the Pennsylvania Department of Environmental Protection, and the Pennsylvania Economic Development Financing Authority. Notwithstanding the above, it is understood and agreed that any grants and/or financial aid awarded or granted to any member in its individual capacity shall not be subject to allocation amongst the other members,

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ADOPTED this 18th day of July 2000.

BOROUGH OF BRENTWOOD

ATTEST:

President of Council

Dated:

EXAMINED AND APPROVED this **ffi day** of July, **2000**.

ATTEST.

Secretary

By; Mayor

Approved as to form;

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Esümatud Cost

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Brentwood (25%) \$21,1i4.87

Pitmburg)i (27%) \$22,504.05

West *Mttflin* (15%)515,2172.70

Whitehall (15%)51.2,668.92

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Baldwin (0%)\$ 0

Brentwood (84.3fl)**\$45,610.81**

Pittsburgh (0%)\$ 0.00

West Mifflin (15~62%)**\$ 8,44324**

Whitehall (0%)\$ 0.00
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- Brentwood (100%)
- Pittsburgh (0%)
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Plttsburgh (0%)

West Muffin **(0%)**

Whitdiall **(0%)**

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Baldwin (41.51%)

Brentwood **(0%)**

Pittsburgh (0%)

West Mifilin (24.68%)

Whitehall (33.81%)

S87.837.84 (26 Manhole)

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Estimated Cost

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Baldwin (55.11%)

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Slhlugfrjj.gh(0%)

~ West Miffiin **(0%)** Whitehall **(44.89%)**

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STREETS RUN TRUNK LINE REPS

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Baldwin (0%)

Brentwood (84.335)

Pittsburgh (0%)

Wept Miffliu(15.62%)

Whitehall (0%)

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Whitehall (0%)

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BNCCwOOd (0%)

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West Muffin (24.63%) Wlütébajl (33.81%)

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Baldwin **(55.11%)**

Bruitwood (0%)

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Whitehall (~.89%)

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TOTAL COST - PHASE U SEWR UN! REPAIRS

Baldwin
Br,ncwood
Plttsbw5b
West Mifflin
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