

**BOROUGH OF HANOVER  
YORK COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 2357**

**AN ORDINANCE OF THE BOROUGH OF HANOVER, YORK COUNTY,  
PENNSYLVANIA, TO APPROVE THE PROPOSED AMENDMENT TO THE  
ARTICLES OF INCORPORATION OF THE BOROUGH OF HANOVER  
STORMWATER AUTHORITY ENABLING THE AUTHORITY TO ALSO  
ENGAGE IN CERTAIN BIOMASS FACILITIES PROJECTS**

**WHEREAS**, the Borough of Hanover Stormwater Authority (the “Authority”) passed Authority Resolution No. 2023-01 on November 9, 2023, proposing to amend the Authority’s Articles of Incorporation to provide for engaging in certain biomass facilities projects for removing, treating, processing, transporting, or storing wastewater biomass; and

**WHEREAS**, Authority Resolution No. 2023-01 further authorized and directed the Authority’s Secretary to submit certified copies of said Resolution to the Borough of Hanover’s Borough Council for adoption and approval; and

**WHEREAS**, pursuant to Section 5605 of the Municipality Authorities Act (“MAA”), 53 Pa.C.S. § 5601, *et seq.*, the Authority has submitted to the Borough Council of the Borough of Hanover a duly certified copy of Resolution No. 2023-01 of 2023, a copy of which is attached hereto as Exhibit “A” and incorporated herein by reference, that includes the proposed amendment to its Articles of Amendment; and

**WHEREAS**, Section 5605 of the MAA also requires that the Hanover Borough Council, being the governing authority of the municipality composing the Authority, adopt or reject the proposed amendment by resolution or ordinance; and

**WHEREAS**, after due consideration of the proposed amendment, the Borough wishes to adopt and approve the amendment.

**NOW, THEREFORE, BE IT ENACTED AND ORDAINED**, by the Borough Council of the Borough of Hanover, York County, Pennsylvania, as follows:

**SECTION 1.** The above recitals are incorporated herein by reference as if fully set forth herein.

**SECTION 2.** The Borough Council of the Borough of Hanover, being the governing authority of the municipality composing the Authority, hereby adopts and approves the amendment to the Authority’s Articles of Incorporation in the form proposed by the Authority’s Resolution No. 2023-01.

**SECTION 3.** The amendment to the Authority's Articles of Incorporation shall amend the Articles of Incorporation to enable the Authority to own or lease wastewater biomass facilities by repealing and replacing Paragraph (f) of said Articles of Incorporation, which paragraph shall now read as follows:

"f. The purpose of this Authority is to provide the financing, operation, and maintenance of a comprehensive Stormwater Management System, including underground pipes, conduits, inlets, outfalls, culverts, catch basins, dams, flood control structures, gutters, ditches, channels, detention ponds, best management practices, public streets, curbs, conveyances, appurtenances, and drains and to establish reasonable and uniform rates based in whole or in part on property characteristics for the inhabitants of the Borough of Hanover. For such purposes, the Authority shall have and exercise all powers granted by law pursuant to the Municipality Authorities Act.

In addition, the Authority shall have as its purpose the acquisition, holding, constructing, financing, improving, maintaining and operating, owning or leasing, either in the capacity as lessor or lessee, facilities for the removal, treatment, processing, transportation, or storage of various biomass wastes (e.g., biosolids, wood and green waste, etc.), including, but not limited to, systems used for the disposal of various biomass wastes within such territory as it may be authorized to serve."

**SECTION 4.** If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Ordinance. It is hereby declared to be the intent of the Borough Council that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section, or part thereof not been included herein.

**SECTION 5.** All ordinances and resolutions or parts thereof, insofar as the same are inconsistent herewith, are repealed hereby.

**SECTION 6.** This Ordinance shall become effective immediately upon enactment.

**DULY ENACTED AND ORDAINED** this 27<sup>th</sup> day of December, 2023, by the Borough Council of the Borough of Hanover, York County, Pennsylvania, in lawful session duly assembled.

**ATTEST:**

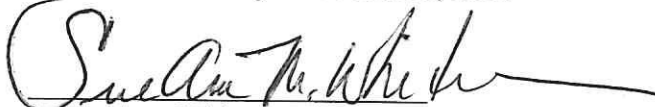
**BOROUGH OF HANOVER**  
**York County, Pennsylvania**

  
\_\_\_\_\_  
Dorothy C. Felix  
Borough Secretary

  
\_\_\_\_\_  
William W. Reichart II  
President, Borough Council

(SEAL)

**APPROVED** this 27<sup>th</sup> day of December, 2023

  
\_\_\_\_\_  
SueAnn Whitman, Mayor

**EXHIBIT A**

**BOROUGH OF HANOVER STORMWATER AUTHORITY  
YORK COUNTY, PENNSYLVANIA**

**RESOLUTION NO. 2023-01**

**A RESOLUTION OF THE BOROUGH OF HANOVER STORMWATER AUTHORITY, YORK COUNTY, PENNSYLVANIA, APPROVING AN AMENDMENT TO THE AUTHORITY'S ARTICLES OF INCORPORATION TO ENABLE THE BOROUGH OF HANOVER STORMWATER AUTHORITY TO ALSO ENGAGE IN CERTAIN BIOMASS FACILITIES PROJECTS; AND AUTHORIZING AND DIRECTING PROPER OFFICERS OF THE AUTHORITY TO PERFORM ALL ACTS AND EXECUTE ALL OTHER DOCUMENTS REQUIRED OR CONTEMPLATED BY THIS RESOLUTION**

WHEREAS, the Borough of Hanover Stormwater Authority (the "Authority") is a municipal authority organized and existing under the provisions of the Municipality Authorities Act, 53 Pa.C.S. § 5601, *et seq.*, as amended and supplemented (the "Act"), the Authority having been incorporated pursuant to appropriate action of the Borough of Hanover, York County, Pennsylvania (the "Borough"); and

WHEREAS, the Authority now desires to amend its Articles of Incorporation to explicitly provide for the Authority to engage in certain biomass facilities, which is authorized and permitted by the Act; and

NOW THEREFORE, BE IT RESOLVED by the Board of the Borough of Hanover Stormwater Authority, and it hereby is resolved as follows:

**SECTION 1.** The above recitals are incorporated herein by reference.

**SECTION 2.** The Authority hereby proposes that its Articles of Incorporation shall be amended by repealing the text of Paragraph (f) and replacing said text as follows as to the additional and restated purpose of the Authority:

“f. The purpose of this Authority is to provide the financing, operation, and maintenance of a comprehensive Stormwater Management System, including underground pipes, conduits, inlets, outfalls, culverts, catch basins, dams, flood control structures, gutters, ditches, channels, detention ponds, best management practices, public streets, curbs, conveyances, appurtenances, and drains and to establish reasonable and uniform rates based in whole or in part on property characteristics for the inhabitants of the Borough of Hanover. For such purposes, the Authority shall have and exercise all powers granted by law pursuant to the Municipality Authorities Act.

In addition, the Authority shall have as its purpose the acquisition, holding, constructing, financing, improving, maintaining and operating, owning or leasing, either in the capacity as lessor or lessee, facilities for the removal, treatment, processing, transportation, or storage of various biomass wastes (e.g., biosolids, wood and green waste, etc.), including, but not limited to, systems used for the disposal of various biomass wastes within such territory as it may be authorized to serve.”

**SECTION 3.** The Authority proposes that Articles of Amendment to its Articles of Incorporation, in substantially the form attached hereto as Exhibit “A,” shall be filed with the Secretary of the Commonwealth of Pennsylvania. Exhibit “A” is hereby incorporated by reference as if set forth in full.

**SECTION 4.** The Secretary of the Authority hereby is authorized and directed to certify copies of this Resolution and to submit such certified copies of this Resolution to the Borough Council of the Borough of Hanover, said Council being the governing authority of the municipality composing the Authority, as required by the Act; and proper officers of the Authority are authorized and directed to do all things and to take all action which may be necessary in order to have said governing authority act upon said proposed amendment, as the same is contained in this Resolution.

**SECTION 5.** If the Borough Council of the Borough of Hanover shall duly adopt the amendment of the Articles of Incorporation of the Authority, as proposed in this Resolution, the Chairperson or Vice Chairperson and Secretary of the Authority hereby are authorized and directed to execute and verify the Articles of Amendment, substantially in the form set forth in Paragraph

3 of this Resolution, and the Secretary of the Authority hereby is authorized and directed to affix thereto and attest thereon the official seal of the Authority.

**SECTION 6.** If the Borough Council of the Borough of Hanover shall duly adopt the amendment to the Articles of Incorporation of the Authority, as proposed in this Resolution, the Chairperson or Vice Chairperson and Secretary of the Authority are hereby authorized and directed to advertise, in the manner specified in and required by the Act, the intention of the Authority to file Articles of Amendment with the Secretary of the Commonwealth of Pennsylvania.

**SECTION 7.** If the Borough Council of the Borough of Hanover shall duly adopt the amendment to the Articles of Incorporation of the Authority, as proposed in this Resolution, the Chairperson or Vice Chairperson and Secretary of the Authority are authorized and directed to cause the Articles of Amendment, together with the necessary proofs of publication, to be filed with the Secretary of the Commonwealth of Pennsylvania and to do all other acts and things necessary or appropriate in order to secure approval of the Articles of Amendment, including payment of filing fees and charges required in connection therewith.

**SECTION 8.** All resolutions or parts of resolutions, insofar as such shall be inconsistent herewith, shall be and the same hereby expressly are repealed.

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DULY ADOPTED, by the Board of the Borough of Hanover Stormwater Authority, the  
9<sup>th</sup> day of November, 2023.

ATTEST:

**BOROUGH OF HANOVER  
STORMWATER AUTHORITY**

  
Secretary

By:




William W. Reichert, II  
Chairperson

(SEAL)

## CERTIFICATION

I, the undersigned Secretary of the Borough of Hanover Stormwater Authority, do hereby certify that the attached Resolution No. 2023-01 is a true and correct copy of the said Resolution No. 2023-01 which was adopted on November 9, 2023.

11/9/23  
Date

  
Secretary  
Borough of Hanover Stormwater Authority



# EXHIBIT A

## ARTICLES OF AMENDMENT

TO: THE SECRETARY OF THE COMMONWEALTH OF PENNSYLVANIA

In compliance with the requirements of the Pennsylvania Municipality Authorities Act (the "MAA"), 53 Pa.C.S. § 5601, *et seq.*, as amended and supplemented, pursuant to a resolution duly adopted by the Board of the Borough of Hanover Stormwater Authority (the "Authority"), proposing amendments to the Authority's Articles of Incorporation that have been submitted to and approved by the Council of the Borough of Hanover, York County, Pennsylvania (the "Borough"), the governing authority of the municipality composing the Authority, similarly through an ordinance duly adopted, the Authority does file these Articles of Amendment to its Articles of Incorporation and certifies:

1. The name of the Authority is the "Borough of Hanover Stormwater Authority," and the registered office of the Authority is located at 44 Frederick Street, Hanover, PA 17331.

2. The Authority has been duly formed under the MAA, with its Articles of Incorporation having been approved and filed with the Department of State of the Commonwealth of Pennsylvania on or about November 5, 2018, and a Certificate of Incorporation having been issued by the Department on or about November 5, 2018.

3. A copy of the ordinance enacted by the Borough Council of the Borough of Hanover, being the governing body composing the Authority, duly certified by the secretary of the Borough, adopting the amendment herein set forth, is attached hereto and thereby is made part of these Articles of Amendment.

4. The amendments proposed by the Board of the Authority and adopted and approved by Borough Council are to amend the Articles of Incorporation of the Authority by the repeal and replacement of Paragraph (f), which paragraph shall now read as follows:

"f. The purpose of this Authority is to provide the financing, operation, and maintenance of a comprehensive Stormwater Management System, including underground pipes, conduits, inlets, outfalls, culverts, catch basins, dams, flood control structures, gutters, ditches, channels, detention ponds, best management practices, public streets, curbs, conveyances, appurtenances, and drains and to establish reasonable and uniform rates based in whole or in part on property characteristics for the inhabitants of the Borough of Hanover. For such purposes, the Authority shall have and exercise all powers granted by law pursuant to the Municipality Authorities Act.

In addition, the Authority shall have as its purpose the acquisition, holding, constructing, financing, improving, maintaining and operating, owning or leasing, either in the capacity as lessor or lessee, facilities for the removal, treatment, processing, transportation, or storage of various biomass wastes (e.g., biosolids, wood and green waste, etc.), including, but not limited to, systems used for the

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disposal of various biomass wastes within such territories to serve."

IN WITNESS WHEREOF, the Borough of Hanover Stormwater Authority has caused these Articles of Amendment to be executed by its Chairperson and its official seal to be affixed hereunto and attested by its Secretary, all as of the \_\_\_\_ day of \_\_\_\_\_, 2023.

Attest:

BOROUGH OF HANOVER  
STORMWATER AUTHORITY

\_\_\_\_\_  
Secretary

\_\_\_\_\_  
William W. Reichart, II  
Chairperson

(SEAL)