



**TOWNSHIP OF NORTH FAYETTE
RESOLUTION NO. 77-24**

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF NORTH FAYETTE, COUNTY OF ALLEGHENY, COMMONWEALTH OF PENNSYLVANIA, AUTHORIZING THE EXECUTION OF THE OAKDALE PUMP STATION TRANSFER AGREEMENT, RELATED DOCUMENTS, INSTRUMENTS, AND AGREEMENTS WITH ALCOSAN AND AMENDING THE LANGUAGE AND CONDITIONS OF PREVIOUSLY ADOPTED RESOLUTION NO. 69-24.

WHEREAS, ALCOSAN entered into a Consent Decree (the "Consent Decree") with the United States Environmental Protection Agency (the "EPA"), the Pennsylvania Department of Environmental Protection (the "DEP") and the Allegheny County Health Department (the "ACHD"), which was approved by the United States District Court for the Western District of Pennsylvania on January 23, 2008; and

WHEREAS, the Consent Decree requires ALCOSAN to eliminate dry weather discharges and sanitary sewer overflows from its system, reduce combined sewer overflows from its system in accordance with the EPA's combined sewer overflow policy, and build adequate sewer infrastructure to achieve these goals; and

WHEREAS, ALCOSAN must prepare a regional long-term wet weather control plan (the "Wet Weather Plan") that identifies remedial controls and activities needed to comply with the Consent Decree requirements; and

WHEREAS, the Township of North Fayette (the "Township") is a customer of ALCOSAN and partially owns and operates the Pump Station connected to the Robinson Run trunk line located in North Fayette Township, but on Oakdale Borough-owned property (the "Assets"); and

WHEREAS, the Township entered into a Consent Order and Agreement (the "Consent Order") with the Allegheny County Health Department on October 12, 2021, imposing on the Township certain obligations with respect to its sewer system that are consistent with and in furtherance of the purposes of the Wet Weather Plan; and

WHEREAS, the Board of Supervisors of the Township has determined that fulfillment of the Wet Weather Plan and satisfaction of certain aspects of the Consent Order can be most efficiently undertaken if the above referenced Assets are owned and operated by ALCOSAN; and

WHEREAS, the Township desires to transfer said Assets to ALCOSAN pursuant to the terms of a Transfer Agreement and certain related documents, instruments and agreements (collectively, and together with the Schedules and Exhibits attached thereto, the "Transfer Agreement"); and

WHEREAS, the Township's Board of Supervisors has previously adopted Resolution No. 69-24 approving the execution of the Pump Station Transfer Agreement and authorizing the officers of the Board to make any revisions necessary thereto determined to be in the best interest of the Township; and

WHEREAS, the Township's Board desires to amend Resolution 69-24 by way of this Resolution to remove all references to the execution of the Pump Station Transfer Agreement being conditioned upon the successful negotiation of the agreement to purchase additional capacity with ALCOSAN and the City of Pittsburgh; and

WHEREAS, the Board recognizes that satisfactory approval of the amendment to purchase additional capacity will be a condition of closing on the Pump Station Transfer Agreement and the Trunkline Transfer Agreement.


NOW THEREFORE, BE IT RESOLVED, by the Board of Supervisors of the Township of North Fayette hereby resolves as follows, incorporating the above recitals by reference:

- SECTION 1.** Pursuant to Resolution No. 69-24 (the "Resolution"), the Board of Supervisors approved the Pump Station Transfer Agreement as presented and authorized the officers of the Board to make further revisions thereto as such officers determine to be in the best interest of the Township and acceptable to ALCOSAN.
- SECTION 2.** The Board and the Township, by way of this Resolution, amends Resolution No. 69-24 to remove any conditions of signing the Pump Station Transfer Agreement upon satisfactory negotiation of the additional capacity agreement and recognizes the agreement to purchase additional capacity is now a condition of closing on the Trunkline Transfer Agreement and Pump Station Transfer Agreement.
- SECTION 3.** The Board authorizes the execution of the Pump Station Transfer Agreement with no further action required by the Board, following the approval of the final agreement by the Solicitor, Township Manager, and Engineer.
- SECTION 4.** All prior resolutions are hereby repealed in whole or in part to the extent inconsistent herewith.
- SECTION 5.** This Resolution shall take effect immediately.


AND NOW, this 9th day of July 2024, upon motion duly made and seconded, the foregoing **RESOLUTION** is hereby adopted.

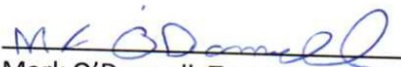
ATTEST:

**TOWNSHIP OF NORTH FAYETTE
BOARD OF SUPERVISORS**

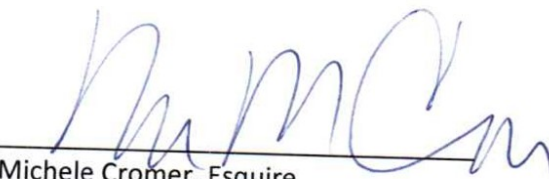

James Mangan
Township Manager


James Morosetti, Chairman


Robert Doddato, Vice Chairman


Mark O'Donnell, Treasurer

APPROVED AS TO FORM:


Michele Cromer, Esquire
Township Solicitor