

NORTH YORK BOROUGH  
YORK COUNTY, PENNSYLVANIA

ORDINANCE NO. 2022-07

AN ORDINANCE OF THE BOROUGH OF NORTH YORK SETTING AUTHORIZING THE BOROUGH TO ENTER INTO AN INTERGOVERNMENTAL COOPERATION AGREEMENT WITH THE CITY OF YORK, MANCHESTER TOWNSHIP, SPRING GARDEN TOWNSHIP, WEST MANCHESTER TOWNSHIP, AND YORK TOWNSHIP, AND WITH THE YORK WATER COMPANY TO ESTABLISH AN INTERMUNICIPAL AGREEMENT FOR THE CORRECTION OF IMPROPERLY ALLOCATED DEBT SERVICE OBLIGATIONS AND TO PROVIDE FOR PAYMENT TERMS FOR UNDERPAYMENTS AND REIMBURSEMENT FOR OVERPAYMENTS.

The Borough Council of North York Borough, York County, Pennsylvania hereby adopts and ordains this Ordinance, as follows:

**RECITALS**

WHEREAS, the **CITY OF YORK**, York County, Pennsylvania, a city of the third class of the Commonwealth of Pennsylvania (hereinafter "City"); **YORK TOWNSHIP**, York County, Pennsylvania, a township of the first class of the Commonwealth of Pennsylvania (hereinafter "York"); **MANCHESTER TOWNSHIP**, York County, Pennsylvania, a township of the second class of the Commonwealth of Pennsylvania (hereinafter "Manchester"); **SPRING GARDEN TOWNSHIP**, York County, Pennsylvania, a township of the first class of the Commonwealth of Pennsylvania (hereinafter "Spring Garden"); **WEST MANCHESTER TOWNSHIP**, York County, Pennsylvania, a township of the second class of the Commonwealth of Pennsylvania (hereinafter "West Manchester"); **NORTH YORK BOROUGH**, York County, Pennsylvania, a borough of the Commonwealth of Pennsylvania (hereinafter "North York") and the **THE YORK WATER COMPANY**, York County Pennsylvania (hereinafter "York Water") have entered into an Intermunicipal Agreement to make adjustments among the parties for certain underpayments and overpayments of debt service obligations as set forth in the Agreement; and

WHEREAS, York, Manchester, Spring Garden, West Manchester and North York are sometimes herein collectively referred to for convenience as the "Municipalities" and individually as a "Municipality";

WHEREAS, City owns or leases, operates and maintains a wastewater collection, transmission, treatment and disposal system (the "York System") in and for City;

WHEREAS, the Municipalities and York Water are connected to the York System and have executed independent intermunicipal agreements with the City setting forth the terms and

conditions of connection, including but not limited to the manner in which certain fees shall be calculated and paid to the City ;

WHEREAS, each of the Municipalities and York Water pays to the City a portion of annual debt service for the York System based on their respective allocated flow capacity within the York System;

WHEREAS, the Municipalities, York Water and City (the "Parties") acknowledge and agree that for a period ending with the 2017 fiscal year the City improperly allocated annual debt service payments among the Municipalities, West York Borough and York Water and there were overpayments and underpayments of debt service by and among the Municipalities, West York Borough and York Water;

WHEREAS, the Parties have determined the magnitude of such overpayments and underpayments among the Municipalities and York Water and desire to cooperate in the correction of the allocation error among the Parties and designate York to collect and distribute funds in order to address the past incorrect allocations; and

WHEREAS, the Parties have negotiated and agreed to the terms of an Intermunicipal Agreement and desire to adopt it to implement the correction of the overpayments and underpayments.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED, and it is hereby ordained and enacted by the Borough Council of North York Borough, York County, Pennsylvania, as follows:

SECTION 1: Adoption of Recitals. The foregoing recitals are hereby incorporated and made a part of this ordinance.

SECTION 2: Approval of the Intermunicipal Agreement. The Borough Council of North York Borough hereby authorizes the execution of the attached Intermunicipal Agreement with the City of York, Spring Garden Township, West Manchester Township, York Township, the York Water Company, and Manchester Township having the terms consistent with the recitals adopted herein, to correct for improper allocations and to make adjustments among the parties for certain underpayments and overpayments of debt service obligations as set forth in the Agreement .

SECTION 3: Authorization for Adoption. This Ordinance is adopted pursuant to the Intergovernmental Cooperation Act, 53 Pa.C.S. §2301 et. seq., as amended, and the authority hereby granted shall continue as provided in the Pennsylvania Borough Code, 8 Pa. C.S. 101 et. seq., as amended, and in accordance with the terms and conditions set forth in the Intermunicipal Agreement.

SECTION 4: Implementation of Ordinance. Arrangements shall be made among the officials of the respective parties to the Intermunicipal Agreement for the purpose of implementing the undertakings in accordance with the Intermunicipal Agreement. Payments shall be as provided in the Intermunicipal Agreement.

SECTION 5: Modification of the Intermunicipal Agreement. The Intermunicipal Agreement may be modified if done in writing, signed by all parties to the Agreement, and adopted by Resolution of each municipality.

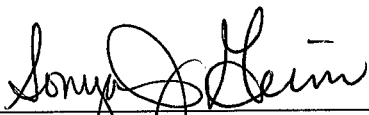
SECTION 6: All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

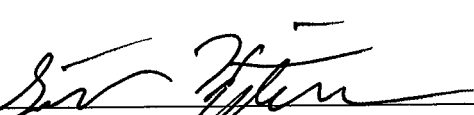
SECTION 7: This ordinance shall become effective five (5) days after passage as provided by law.

**ORDAINED AND ENACTED** this 14<sup>th</sup> day of June 2022.

**ATTEST:**

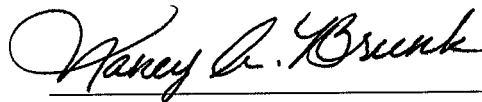
**THE BOROUGH OF NORTH YORK**

By:   
Sonya Grim, Secretary

By:   
Seth Hightman, President

Approved this 14<sup>th</sup> day of June 2022.

(SEAL)

  
Nancy Brunk, Mayor