

**TOWNSHIP OF BENNER,
CENTRE COUNTY, PENNSYLVANIA**

ORDINANCE NO. 112

AN ORDINANCE SIGNIFYING THE DESIRE AND INTENTION OF THE MUNICIPAL AUTHORITIES OF THE TOWNSHIP OF BENNER, CENTRE COUNTY, PENNSYLVANIA, TO ORGANIZE A JOINT MUNICIPAL AUTHORITY TOGETHER WITH THE BOROUGH OF BELLEFONTE AND THE TOWNSHIPS OF SPRING AND WALKER, UNDER THE MUNICIPALITY AUTHORITIES ACT OF 1945, APPROVED MAY 2, 1945, P.L. 382, AS AMENDED AND SUPPLEMENTED, FOR THE PURPOSES OF EXERCISING ANY AND ALL POWERS CONFERRED ON AUTHORITIES BY SAID ACT, FOR THE PROJECTS REFERRED TO IN THIS ORDINANCE; SETTING FORTH THE NAME OF THE AUTHORITY; SETTING FORTH THE PROPOSED ARTICLES OF INCORPORATION OF THE AUTHORITY; AUTHORIZING THE EXECUTION AND FILING OF THE ARTICLES OF INCORPORATION AND THE DOING OF ALL MATTERS NECESSARY AND APPROPRIATE FOR THE ESTABLISHMENT OF THE AUTHORITY; APPOINTING THE MEMBERS OF THE BOARD OF THE AUTHORITY; AND REPEALING ALL ORDINANCES OR PARTS THEREOF INCONSISTENT HERewith.

Be it **ORDAINED AND ENACTED** by the Board of Supervisors of the Township of Benner, Centre County, Pennsylvania (the "Board of Supervisors"), and it is hereby ordained and enacted by lawful session duly assembled by the authority of the same, as follows:

SECTION ONE. It is the desire and intention of the Board of Supervisors of the Township of Benner, Centre County, Pennsylvania, to organize a joint municipal authority (the "Authority"), together with the Borough of Bellefonte and the Townships of Spring and Walker, under the Municipality Authorities Act of 1945, approved May 2, 1945, P.L. 382, as amended and supplemented (the "Act"), for the purposes of exercising any and all powers conferred on municipal authorities by the Act for the projects referred to in Section Six of this Ordinance.

SECTION TWO. The name of the proposed Authority is **THE NITTANY VALLEY JOINT RECREATION AUTHORITY.**

SECTION THREE. The proposed Articles of Incorporation of the Authority are as follows:

**ARTICLES OF INCORPORATION
OF
THE NITTANY VALLEY JOINT RECREATION AUTHORITY**

TO THE SECRETARY OF THE COMMONWEALTH OF PENNSYLVANIA:

In compliance with the requirements of the Act of May 2, 1945, P.L. 382, known as the Pennsylvania Municipality Authorities Act of 1945, 53 Pa. C.S.A. § 5601 *et seq.*, as amended and supplemented (the "Act"), pursuant to an Ordinance duly enacted and ordained by the municipal authorities of the Borough of Bellefonte, the Township of Benner, the Township of Spring, and the Township of Walker, each a municipal corporation located in the County of Centre, Commonwealth of Pennsylvania, expressing the intention and desire of such municipal authorities to organize a joint municipal authority under the Act, said municipal corporations do hereby certify:

1. The name of the Authority shall be **THE NITTANY VALLEY JOINT RECREATION AUTHORITY**.
2. The Authority is formed under the Pennsylvania Municipality Authorities Act of 1945, 53 Pa. C.S.A. § 5601 *et seq.*, as amended and supplemented.
3. No municipal authority has been organized by the incorporating municipalities under the Act or under the Act of June 28, 1935, P.L. 463, as amended and supplemented, and is in existence in or for the incorporating municipalities except as follows:

Borough of Bellefonte

Bellefonte Borough Authority
The Bellefonte Area Industrial Development Authority
Centre County Airport Authority

Township of Benner

Benner Township Water Authority
Spring-Benner-Walker Joint Authority
Centre County Airport Authority

Township of Spring

Spring Township Authority
Spring-Benner-Walker Joint Authority

Township of Walker

Spring-Benner-Walker Joint Authority
East Nittany Valley Joint Authority

4. The names of the incorporating municipalities are the Borough of Bellefonte, the Township of Benner, the Township of Spring, and the Township of Walker, and the names and addresses of its municipal authorities, are as follows:

<u>Office</u>	<u>Name</u>	<u>Address</u>
<u>Borough of Bellefonte</u>		
Council Member and President of Council	Frank E. Halderman	163 East Curtin Street Bellefonte, PA 16823
Council Member and Vice President of Council	Vana Dainty	422 East Cherry Lane Bellefonte, PA 16823
Council Member and Pro Tempore	Paul DeCusati	137 West Curtin Street Bellefonte, PA 16823
Council Member	David Provan	421 East Curtin Street Bellefonte, PA 16823
Council Member	Gay D. Dunne	222 North Allegheny Street Bellefonte, PA 16823
Council Member	Renee Brown	437 East Burnside Street Bellefonte, PA 16823
Council Member	Thomas Wilson	623 East Bishop Street Bellefonte, PA 16823
Council Member	Joseph Beigle	924 Shady Lane Bellefonte, PA 16823

Council Member	Walter Schneider	401 East Beaver Street Bellefonte, PA 16823
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Township of Benner

Township Supervisor and Chairman of the Board of Supervisors	David Wise	107 Timber Ridge Road State College, PA 16801
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Township Supervisor and Vice Chairman of the Board of Supervisors	Randy Moyer	161 Osprey Lane Bellefonte, PA 16823
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Township Supervisor	John Elnitski, Jr.	817 Seibert Road Bellefonte, PA 16823
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Township of Spring

Township Supervisor and Chairman of the Board of Supervisors	Terry Perryman	173 S. Harrison Road Pleasant Gap, PA 16823
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Township Supervisor and Vice Chairman of the Board of Supervisors	David Capparella	128 Beach Hill Road Bellefonte, PA 16823
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Township Supervisor	Frank W. Royer, Jr.	121 Mack Avenue Pleasant Gap, PA 16823
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Township of Walker

Township Supervisor and Chairman of the Board of Supervisors	James B. Heckman	640 Hublersburg Road Howard, PA 16841
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Township Supervisor and Vice Chairman of the Board of Supervisors	Ronald B. Burd	204 Burd Lane Bellefonte, PA 16823
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Township Supervisor	Brian A. Saiers	768 Forest Avenue Bellefonte, PA 16823
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5. The names and addresses and terms of office of the first members of the Board of the Authority, each of whom is either a taxpayer in, maintains a business in, or is a citizen of the municipality appointing such member, are as follows:

<u>Name</u>	<u>Address</u>	<u>Term of Office</u>
Buddy Johnson	1130 Zion Road Bellefonte, PA 16823	5 years (appointed by Bellefonte Borough)
Michael Bonchack	300 Irish Hollow Road Bellefonte, PA 16823	5 years (appointed by Spring Township)
Susan Rockey	1078 Purdue Mtn. Road Bellefonte, PA 16823	4 years (appointed by Benner Township)
Howard Long	125 Jenjo Drive Bellefonte, PA 16823	4 years (appointed by Walker Township)
Duane Grove	147 Grove Drive Bellefonte, PA 16823	3 years (appointed by Benner Township)
Debra Hoy	1160 Blue Spruce Drive Bellefonte, PA 16823	3 years (appointed by Walker Township)
Joseph Conklin	108 Melanie Lane Pleasant Gap, PA 16823	2 years (appointed by Spring Township)
John Tooker	177 E. Curtin Street Bellefonte, PA 16823	2 years (appointed by Bellefonte Borough)

6. The incorporating municipalities retain the right which exists in the Municipalities Authorities Act of 1945, as amended or supplemented, to approve any plan of the Authority for the making of business improvements or providing administrative services.

IN WITNESS WHEREOF, the Borough of Bellefonte, the Township of Benner, the Township of Spring, and the Township of Walker have caused these Articles of Incorporation to be executed by their proper officers and under their municipal seals affixed below on this _____ day of _____, 2013.

ATTEST:

BOROUGH OF BELLEFONTE

By: _____
Ralph W. Stewart, Secretary

By: _____
Frank E. Halderman, Council President

(Municipal Seal)

ATTEST:

TOWNSHIP OF BENNER

By: _____
Sharon Royer, Secretary

By: _____
David Wise, Chairman

(Municipal Seal)

ATTEST:

TOWNSHIP OF SPRING

By: _____
William H. MacMath, Secretary

By: _____
Terry Perryman, Chairman

(Municipal Seal)

ATTEST:

TOWNSHIP OF WALKER

By: _____
Donna Reese, Secretary

By: _____
James B. Heckman, Chairman

(Municipal Seal)

Approved and filed on this _____
day of _____, 2013.

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE

Secretary of the Commonwealth

SECTION FOUR. The Articles of Incorporation of the proposed Authority, in substantially the form set forth in Section Three of this Ordinance, shall be executed on behalf of the Township by the Chairman of the Board of Supervisors and the municipal seal of the Township shall be affixed thereto and attested by the Township Secretary, and such officers are hereby authorized, empowered and directed to do all things necessary and appropriate to effect and establish the proposed Authority in conformity with the provisions of the Act.

SECTION FIVE. The following persons are appointed by the Township to serve on the Board of the Authority, for the following terms of office:

<u>Name</u>	<u>Address</u>	<u>Term of Office</u>
Susan Rockey	1078 Purdue Mtn. Road Bellefonte, PA 16823	4 years (appointed by Benner Township)
Duane Grove	147 Grove Drive Bellefonte, PA 16823	3 years (appointed by Benner Township)

SECTION SIX. It is hereby specified that the projects to be undertaken by the proposed Authority are limited and restricted to projects of the following kind and character:

The Authority may acquire, hold, construct, finance, improve, maintain and operate land, buildings, or other facilities to be devoted wholly or partially for recreational purposes, including the operation of a regional swimming pool for public use, and/or for any other purpose permitted by the Act.

SECTION SEVEN. The adoption of this Ordinance is deemed necessary for the benefit and preservation of the public health, peace, comfort and general welfare of, and will increase the prosperity of, the people of the Township of Benner, Centre County, Pennsylvania.

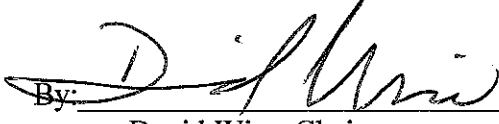
SECTION EIGHT. All ordinances or parts of ordinances, insofar as they are inconsistent herewith, are hereby expressly released.

DULY ENACTED AND ORDAINED this 7th day of January, 2013, by the Board of Supervisors of this Township, in lawful session duly assembled.

ATTEST:

TOWNSHIP OF BENNER

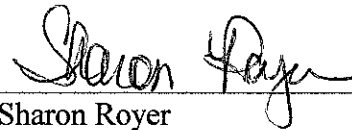
By: 
Sharon Royer, Secretary

By: 
David Wise, Chairman
Board of Supervisors

CERTIFICATE

I, Sharon Royer, Secretary of the Township of Benner, Centre County, Pennsylvania (the "Township"), hereby certify that attached hereto is a true, correct and conformed copy of the Ordinance signifying the desire and intention of the Township to organize a joint municipal authority (the "Authority") with the Borough of Bellefonte and the Townships of Spring and Walker, setting forth the name of the Authority, setting forth and authorizing the execution of the Authority's Articles of Incorporation and designating the project to be undertaken by the Authority, all as duly enacted by the affirmative vote of the members of the Board of Supervisors at a public meeting held on the 7th day of January, 2013, and that the Ordinance has now been recorded in the minutes of the Township showing how each member voted thereon.

IN WITNESS WHEREOF, I have hereunto set my signature as such official and affixed the seal of the Township of Benner, this 7th day of January, 2013.



Sharon Royer
Township Secretary

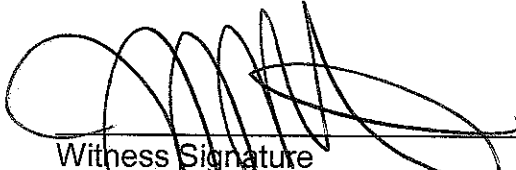
CENTRE DAILY TIMES

www.centredaily.com

PROOF OF PUBLICATION

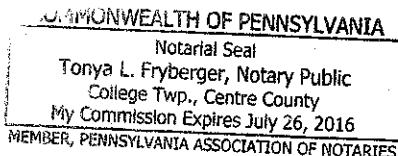
COMMONWEALTH OF PENNSYLVANIA)
COUNTY OF CENTRE) SS:

JANET SANTOSTEFANO, being duly sworn according to law says that she is an agent of the Centre Daily Times, a daily newspaper of general circulation, having its place of business in State College, Centre County, Pennsylvania, and having been established in the year 1898; that the advertisement, a printed copy of which is attached hereto, appeared in said newspaper on the 6 day(s) of December, 2012; that affiant is not interested in the subject matter of the notice or advertisement; that all of the allegations contained herein relative to the time, place and character of the publication are true.


Witness Signature

Sworn and Subscribed to me this 11th
day of December, A.D. 2012.


Notary Signature



PUBLIC HEARING
Notice is hereby given that the Benner Township Board of Supervisors shall hold a public hearing on a proposed Ordinance 112 signifying the desire and intention of Benner Township, Centre County, Pennsylvania, to organize a joint municipal authority (the "Authority"), together with the Borough of Bellefonte and the Townships of Spring and Walker, under the Municipality Authorities Act of 1945, approved May 2, 1945, P.L. 382, as amended and supplemented (the "Act"), for the purposes of exercising any and all powers conferred on municipal authorities by the Act. The Authority may acquire, hold, construct, finance, improve, maintain and operate land, buildings, or other facilities to be devoted wholly or partially for recreational purposes, including the operation of a regional swimming pool for public use, and/or for any other purpose permitted by the Act. The Authority will be known as the Nittany Valley Joint Recreational Authority. This public hearing shall be held on January 7, 2013, at 7:30 p.m., 1224 Buffalo Run Road, Bellefonte, PA 16823 at which time any concerned citizen may appear to question and/or comment on said proposed Ordinance.
Notice is also hereby given that the Township Supervisors shall consider for adoption at the regularly scheduled meeting following the hearing. A full text of the Ordinance is available for inspection at the Benner Township Building during normal business hours.
Sharon Royer, Secretary