

**RESOLUTION NO. ____ OF
THE MUNICIPAL COUNCIL OF THE MUNICIPALITY OF NORRISTOWN**

A RESOLUTION OF THE MUNICIPAL COUNCIL OF THE MUNICIPALITY OF NORRISTOWN, COUNTY OF MONTGOMERY AND COMMONWEALTH OF PENNSYLVANIA SETTING THE WASTEWATER SYSTEM RATES FOR CUSTOMERS OUTSIDE THE BOUNDARY OF THE MUNICIPALITY CUSTOMERS; AUTHORIZING THE EXECUTION AND FILING OF A PETITION FOR DECLARATORY ORDER WITH THE PENNSYLVANIA PUBLIC UTILITY COMMISSION; REPEALING ALL INCONSISTENT RESOLUTIONS OR ORDINANCES AND SETTING FORTH AN EFFECTIVE DATE.

WHEREAS, the Norristown Municipal Waste Authority (the “Authority”) owns and operates the sanitary wastewater collection, treatment and disposal system (the “System”), for the benefit and use of various customers within the Municipality of Norristown (the “Municipality”) and some outside the Municipality, including at least eight (8) in Plymouth Township: and

WHEREAS, pursuant to the provisions of the Pennsylvania Municipal Authorities Act, Act 22 of 2001, 53 Pa.C.S.A Section 5601 et seq., formerly the Municipality Authorities Act of 1945 (the “Act”), as amended, the Authority will convey the System to the Municipality and the Municipality will accept the conveyance of the System in accordance with the Act; and

WHEREAS, in addition to the customers who are located within Municipality’s boundaries, at least eight (8) additional customers from adjacently located Plymouth Township are tied into and being served by the System (the “Plymouth Customers”) to the best of the Municipality’s information and belief as a result of the Plymouth Customers’ close proximity to the System; and

WHEREAS, it is necessary, reasonable and fiscally prudent to charge the Plymouth Customers the same rate as Municipality customers.

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Council of the Municipality of Norristown, County of Montgomery, Commonwealth of Pennsylvania, and it is hereby RESOLVED and ADOPTED by authority of the same that:

1. The Municipality: (i) shall charge the Plymouth Customers the same rates charged for Municipality customers; and (ii) affirms and confirms that the Municipality shall not expand the System's services to any other property located outside of the Municipality.
2. The President of the Municipal Council, or anyone acting at the direction of the President of the Municipal Council, is hereby authorized to execute and cause to be filed a Petition For Declaratory Order ("Petition") with the Pennsylvania Public Utility Commission ("Commission") seeking to have the Commission declare that the Plymouth Customers shall not be subject to the Commission's jurisdiction, the Municipality stating it shall only charge the Plymouth Customers the same rates charged for Municipality customers; and further limiting the Petition to only those Municipality Customers, and affirming that there will be no additional expansion of the System services to any other property located outside of the Municipality.
3. The Municipality shall not amend or repeal this Resolution without providing prior written notice to the Commission.
4. Any resolution or ordinance in conflict with the foregoing Resolution is hereby expressly repealed to the extent of such conflict.
5. This Resolution shall take effect immediately,

RESOLVED AND ENACTED this day of October, 2020.