

BOROUGH OF CHARLEROI

RESOLUTION NO. 1 - 2004

**Endorsing Execution of Consent Order and Agreement
With the Department of Environmental Protection**

WHEREAS, Borough of Charleroi (“Charleroi”) is and has been the owner of a stream enclosure located within the Borough in Washington County;

WHEREAS, Charleroi and the Department of Environmental Protection (“DEP”) have resolved via a proposed Consent Order and Agreement, issues between them on the use and maintenance of this enclosure;

WHEREAS, DEP has mandated as part of this agreement that Charleroi adopt a resolution authorizing execution of Consent Order and Agreement formalizing this settlement;

NOW THEREFORE, BE IT RESOLVED by the Council of the Borough of Charleroi, Washington County, Pennsylvania, that

1. The Chairman of the Council of the Borough of Charleroi and its attorney are authorized and directed to execute on Charleroi’s behalf a Consent Order and Agreement with which to resolve the disagreement and disputes with DEP over the stream enclosure.


2. All resolutions inconsistent herewith are hereby repealed to the extent of their inconsistency.

Duly Adopted, this 11th day of March, 2004, by unanimous affirmative vote, a quorum being present and acting throughout.

ATTEST:

BOROUGH OF CHARLEROI


Secretary

By: 
Walter Hopkins, Chairman
of the Borough Council

**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION**

In the Matter Of:

Mid Mon Valley Transit Authority	:	
1300 McKean Avenue	:	
Charleroi, Pennsylvania 15022	:	
	:	Dam Safety and
Borough of Charleroi	:	Encroachments Act and
Municipal Building, Room 209	:	the rules and regulations
Fourth Street & Fallowfield Avenue	:	thereunder
Charleroi, Pennsylvania	:	
	:	
Borough of North Charleroi	:	
555 Walnut Avenue	:	
North Charleroi, PA 15022	:	
	:	
Norfolk Southern Railway Co.	:	
Three Commercial Place	:	
Norfolk, VA 23510-9241	:	

CONSENT ORDER AND AGREEMENT

This Consent Order and Agreement is entered into this 11th day of March, 2004, by and between the Commonwealth of Pennsylvania, Department of Environmental Protection (“Department”), and Mid Mon Valley Transit Authority, Borough of Charleroi, Borough of North Charleroi, and Norfolk Southern Railway Company.

The Department has found and determined the following:

A. The Department is the agency with the duty and authority to administer and enforce the Dam Safety and Encroachment Act, Act of November 26, 1978, P.L. 1375, *as amended*, 32 P.S. §§ 693.1-693.27 (“Encroachment Act”); Section 1917-A of the Administrative Code of 1929, Act of April 9, 1929, P.L. 177, *as amended*, 71 P.S. § 510-17 (“Administrative Code”); and the rules and regulations promulgated thereunder.

B. Mid Mon Valley Transit Authority (“Authority”) is a municipal public transportation authority for 21 area communities in Washington, Westmoreland and Fayette Counties, Pennsylvania. The Authority’s offices are located at 1300 McKean Avenue in Charleroi.

C. Tri-State Hydraulics, Inc. (“Tri-State”) is a Pennsylvania corporation with offices at 1250 McKean Avenue, Charleroi, Washington County, Pennsylvania 15022. Tri-State’s offices are located across the street from the Authority’s offices. Tri-State owns the land where its offices are located.

D. The Borough of Charleroi (“Charleroi”), is a borough organized and existing under the laws of the Commonwealth of Pennsylvania, and has its principal offices in its Municipal Building, Room 209, Fourth Street and Fallowfield Avenue in Charleroi, Washington County, Pennsylvania 15022.

E. The Borough of North Charleroi (“North Charleroi”), is a borough organized and existing under the laws of the Commonwealth of Pennsylvania, and has its offices at 555 Walnut Avenue, North Charleroi, Washington County, Pennsylvania 15022.

F. Muriel Latchem, widow of John W. Latchem, owned residential property at 2 Reservoir Road, Charleroi, Washington County, Pennsylvania 15022 until her death after the Department issued the Administrative Order in Paragraph L. The land is now held by her estate of which Margot Latchem is Executrix.

G. Pennsylvania’s Department of Transportation (“PennDOT”) is the Commonwealth of Pennsylvania’s Department of Transportation which has offices locally at its District 12 Offices, 825 North Gallatin Avenue Extension, P.O. Box 459, Uniontown, Fayette County, Pennsylvania 15401

H. Norfolk Southern Railway Company ("Railway") is a Virginia corporation authorized to do business in Pennsylvania. The Railway has its corporate offices at Three Commercial Place, Norfolk, Virginia 23510-9241, and a Division Engineers Office at 425 Holiday Drive, Pittsburgh, Pennsylvania 15220.

I. An unnamed tributary to the Monongahela River ("stream") flows through a stream enclosure in Charleroi and North Charleroi Boroughs. The stream enclosure is located beneath the surface of property owned or occupied by the Authority, Tri-State, Charleroi, North Charleroi, Muriel Latchem and/or her heirs ("Latchem"), PennDOT, and the Railway, identified in Paragraphs B-H, above ("Site").

J. The stream enclosure is between 450 and 600 feet long and is comprised of a series of adjoining culverts.

K. The stream enclosure includes, but is not necessarily limited to, the following components:

1. The stream enclosure begins as a new 36" diameter reinforced concrete culvert under the southbound lane of State Road 88 in North Charleroi Borough.

2. The Authority butted a new 36" reinforced concrete culvert to the culvert identified in Paragraph K.1. above. This culvert conveys the stream flow through the Authority's property and attaches to another 36" reinforced concrete culvert installed by PennDOT which flows under the northbound lanes of State Route 88 onto the land of Tri-State. The culvert located on Tri-State's property is municipally owned.

3. At the Tri-State location, the 36" reinforced concrete culvert, described in Paragraph K.2., attaches to a 60" culvert which connects to two 36" culverts which convey the flow under the Railway right of way. These two 36" culverts reconnect to a 60" culvert pipe on other side of the Railway right of way which then connects to another 60" reinforced concrete culvert located on property owned by Latchem. Tri-State does not own this stream enclosure. Rather, it is municipally owned.

4. The final 60" concrete culvert ends on Latchem's property. At that location the stream emerges on the surface and flows to the Monongahela River.

L. On or about January 28, 2002, the Department issued an Administrative Order to the Authority, Charleroi, North Charleroi, and the Railway (the “Parties”), as well as Tri-State and Latchem.

M. All Parties filed timely Notices of Appeal to the Environmental Hearing Board, which appeals are consolidated and docketed at EHB Docket No. 2002-046-R (Consolidated with 2002-050-R, 2002-057-R). North Charleroi and Latchem did not file any appeals.

N. After Tri-State provided sufficient legal proof to the Department that the culvert below its property is municipally owned, the Department vacated the Administrative Order against Tri-State.

O. The Administrative Order required the Parties to, among other things, investigate and clear all debris from the culverts comprising a portion of the stream enclosure underneath the surface of their respective properties.

P. As of this date, each Party has investigated the culvert or culverts on or underneath their respective properties and has cleaned all debris and performed all other additional maintenance and repairs necessary to ensure the unimpeded flow of water through the stream enclosure, which included taking the following actions: the Authority inspected and cleaned any debris from its culvert; Charleroi inspected and cleaned any debris from its culvert; North Charleroi inspected and cleaned any debris from its culvert and replaced the deteriorated culvert beneath the southbound lanes of Route 88 with a new culvert; the Railway inspected and cleaned any debris from its culvert; and Latchem inspected and cleaned any debris from its culvert. Charleroi and North Charleroi also cleaned and inspected the portion on the culvert underlying PennDOT’s highway when it failed to do so.

Q. The Department acknowledges that the work required under the Administrative Order has been performed to its satisfaction and the Parties are in compliance with the Encroachment Act and the rules and regulations promulgated thereunder as it relates to the stream enclosure identified in Paragraph K.

After full and complete negotiation of all matters set forth in this Consent Order and Agreement and upon mutual exchange of covenants contained herein, the parties desiring to avoid litigation and intending to be legally bound, it is hereby ORDERED by the Department and AGREED to by the Authority, Charleroi, North Charleroi, and the Railway as follows:

1. Authority. This Consent Order and Agreement is an Order of the Department authorized and issued pursuant to Section 5 of the Clean Streams Law, 35 P.S. § 691.5; and Section 1917-A of the Administrative Code, *supra*.

2. Findings.

a. The Authority, Charleroi, North Charleroi, and the Railway agree that the findings in Paragraphs A through Q relating to their respective properties are true and correct and, in any matter or proceeding involving the Authority, Charleroi, North Charleroi, and the Railway, they shall not challenge the accuracy or validity of these findings.

b. The Parties do not authorize any other persons to use the findings in this Consent Order and Agreement in any matter or proceeding.

3. Corrective Action. The Parties agree to operate and maintain the culvert or culverts on or underneath their respective properties, as more fully described in Paragraph K, in accordance with the Encroachment Act and the regulations promulgated thereunder.

4. Penalties Waived. In recognition of the Parties' efforts to resolve the alleged encroachment violations set forth in the Administrative Order in Paragraph L, the Department

agrees that it will not seek civil penalties or take any enforcement action against any of the Parties for any violations arising out of the actions of the Parties up to and including the date of this Consent Order and Agreement relating to the matters set forth in paragraphs A through Q.

5. Transfer of Site.

a. The duties and obligations under this Consent Order and Agreement shall not be modified, diminished, terminated or otherwise altered by the transfer of any legal or equitable interest in the Site or any part thereof.

b. If any Party intends to transfer any legal or equitable interest in any property which is affected by this Consent Order and Agreement, that Operator shall serve a copy of this Consent Order and Agreement upon the prospective transferee of the legal and equitable interest at least thirty (30) days prior to the contemplated transfer and shall simultaneously inform the Southwest Regional Office of the Department of such intent.

6. Correspondence with the Department. All correspondence with the Department concerning this Consent Order and Agreement shall be addressed to:

Don Brown
Compliance Specialist
Department of Environmental Protection
400 Waterfront Drive
Pittsburgh, PA 15222-4745

7. Correspondence with Parties. All correspondence with the Parties concerning this Consent Order and Agreement shall be addressed to:

Mid Mon Valley Transit Authority
1300 McKean Avenue
Charleroi, Pennsylvania 15022
Attention: Nancy Basile, Executive Director

Borough of Charleroi
Fourth Street & Fallowfield Avenue
Charleroi, PA 15022
Attention: Borough Council President

Borough of North Charleroi
555 Walnut Avenue
North Charleroi, PA 15022
Attention: Mayor

Norfolk Southern Railway Co.
Three Commercial Place
Norfolk, VA 23510-9241
Attention: Karin L. Stamy, Esq.

Each Party shall notify the Department whenever there is a change in the contact person's name, title, or address. Service of any notice under this Consent Order and Agreement may be made by mailing a copy by first class mail to the above address.

8. Severability. The paragraphs of this Consent Order and Agreement shall be severable and should any part hereof be declared invalid or unenforceable, the remainder shall continue in full force and effect between the parties.

9. Entire Agreement. This Consent Order and Agreement shall constitute the entire integrated agreement of the parties. No prior or contemporaneous communications or prior drafts shall be relevant or admissible for purposes of determining the meaning or intent of any provisions herein in any litigation or any other proceeding.

10. Attorney Fees. The parties shall bear their respective attorney fees, expenses and other costs in the prosecution or defense of this matter or any related matters, arising prior to execution of this Consent Order and Agreement.

11. Modifications. No changes, additions, modifications, or amendments of this Consent Order and Agreement shall be effective unless they are set out in writing and signed by the parties hereto.

12. Titles. A title used at the beginning of any paragraph of this Consent Order and Agreement may be used to aid in the construction of that paragraph, but shall not be treated as controlling.

13. Resolution. Attached hereto as Appendix A is a resolution of the Borough Council of the Borough of Charleroi authorizing its signatories below to enter into this Consent Order and Agreement on its behalf. Attached hereto as Appendix B is a resolution of the Borough Council of the Borough of North Charleroi authorizing its signatories below to enter into this Consent Order and Agreement on its behalf. Attached hereto as Appendix C is a resolution of the Board of Directors of the Mid Mon Valley Transit Authority, authorizing its signatories below to enter into this Consent Order and Agreement on its behalf.

14. Order Withdrawal and Termination of the Appeal Proceeding. Within five (5) days after the execution of this Consent Order and Agreement, the Department shall formally withdraw the Administrative Order dated January 28, 2002 which it issued to the Authority, Charleroi, North Charleroi, and the Railway, and the Parties and the Department shall jointly notify the Environmental Hearing Board thereof and file a stipulation terminating the appeals docketed at EHB Docket No. 2002-046-R (Consolidated).

15. Termination. This Consent Order and Agreement shall terminate one year after the date of its execution unless the Department issues a written Notice of Violation relating to the stream enclosure addressed in Paragraph K herein, in which case this Consent Order and Agreement shall continue in full force and effect against the party or parties issued the Notice of Violation until such time that the party shall not have received any written Notices of Violation relating to the stream enclosure for a period of one year.

IN WITNESS WHEREOF, the parties hereto have caused this Consent Order and Agreement to be executed by their duly authorized representatives. The undersigned representatives of the Parties certify under penalty of law, as provided by 18 Pa. C.S. § 4904, that they are authorized to execute this Consent Order and Agreement on behalf of the Parties; that the Parties consent to the entry of this Consent Order and Agreement as a final ORDER of the Department; and that the Parties hereby knowingly waive their rights to appeal this Consent Order and Agreement and to challenge its content or validity, which rights may be available under Section 4 of the Environmental Hearing Board Act, the Act of July 13, 1988, P.L. 530, No. 1988-94, 35 P.S. § 7514; the Administrative Agency Law, 2 Pa. C.S. § 103(a) and Chapters 5A and 7A; or any other provision of law. Signature by the Parties' attorney certifies only that the agreement has been signed after consulting with counsel.

FOR OPERATORS:

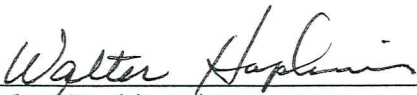
FOR THE COMMONWEALTH OF
PENNSYLVANIA DEPARTMENT OF
ENVIRONMENTAL PROTECTION:

Dr. Ronald J. Truman
Chairman, Board of Supervisors
Mid Mon Valley Transit Authority

Tim V. Dreier
Manager, Water Management
Southwest Region

Richard S. Ehmman, Esquire
Attorney for Mid Mon Valley Transit
Authority

Charney Regenstein
Assistant Counsel


Walter Hopkins
President, Borough Council
Charleroi Borough

Richard S. Ehmman, Esquire
Attorney for Charleroi Borough

Alfred Agamedì
Mayor
North Charleroi Borough

Richard S. Ehmman, Esquire
Attorney for North Charleroi Borough

Name
Title
Norfolk Southern Railway Co.

M. Joel Bolstein, Esquire
Attorney for Norfolk Southern Railway Co.

BOROUGH OF CHARLEROI

RESOLUTION #2

For 2004

WHEREAS, the County of Washington has designated the Redevelopment Authority of the County of Washington (Authority) as the Community Development Agency for the County; and

WHEREAS, as the Community Development Agency, the Authority administers the Washington County Urban County Program; and

WHEREAS, THE Borough of Charleroi has executed a Cooperation Agreement evidencing its participation in the Urban County Program; and

WHEREAS, the Borough of Charleroi desires to be funded by the Authority in the Twenty-Ninth Year Community Development Program to begin in July, 2003.

NOW, THEREFORE BE IT RESOLVED BY THE Borough Council of the Borough of Charleroi that the following projects be submitted to the Redevelopment Authority of the County of Washington for funding in the Twenty-Ninth Year Community Development Program.

The designated Storm water management project of \$150,000 be changed to The Charleroi Community Center & Market House Project at 423-427 McKean Ave.

Including;

Acquisition , legal fees, design ,demolition of 425-427 McKean structure in full or in part; fill, foundation stabilization, paving, concrete pad , provision for rest room and concession area.

I hereby certify that the above resolution is a true and accurate copy of a resolution approved by the Borough Council of the Borough of Charleroi at its meeting held on April 8, 2004 .



**Elaine T. Martinko
Borough Secretary**



**Walter J. Hopkins
Council President**



Borough of Charleroi

"THE MAGIC CITY"

Municipal Building
Fourth & Fallowfield
Charleroi, PA 15022-1409
(724) 483-6011
Fax (724) 483-0430

President

Walter J. Hopkins

Vice President

Mark Alterici

Borough Manager

Robert Hodgson

Borough Secretary

Elaine T. Martinko

Mayor

Edward M. Paluso

Council

Jerry L. Jericho

Michael R. Malady

Beth A. McFeely

Harry W. Reis

Mary Ann P. Uhal

RESOLUTION #3 for 2004

WHEREAS, the Pennsylvania Department of Community and Economic Development (DCED) has developed the Elm Street Program to assist the revitalization efforts neighborhoods adjacent to downtown districts: and

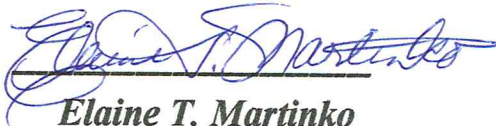
WHEREAS, the Borough of Charleroi intends to submit an application to the DCED for funding an Elm Street Program to benefit the Borough of Charleroi Neighborhood: and

WHEREAS, the collaboration of the Borough of Charleroi, the Greater Charleroi Community Development Corporation and the Redevelopment Authority of the County of Washington will facilitate the development of a Charleroi Elm Street Program: and

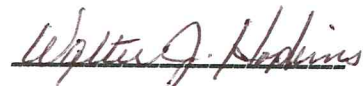
NOW, THEREFORE, BE IT RESOLVED by the Greater Charleroi Community Development Corporation that they support the filing of an application with DCED by the Borough of Charleroi for the funding of an Elm Street Program and that they will participate in the development of a Borough of Charleroi Neighborhood Elm Street Program in accordance with the guidelines established by DCED.

RESOLVED this 13th day of May, 2004

ATTEST:


Elaine T. Martinko

Borough Secretary



**Walter J. Hopkins
Council President**

**Borough of Charleroi
Resolution Number 4 of 2004**

Be it so resolved that the Borough of Charleroi hereby authorizes the filing of a proposal for funds with the Department of Community and Economic Development, Commonwealth of Pennsylvania.

Whereas, The Borough of Charleroi is desirous of obtaining funds from the Department in the amount of \$30,000 for Design Challenge Grants.

Be it so resolved that the Borough of Charleroi will assume the provisions for the full local share of the project costs.

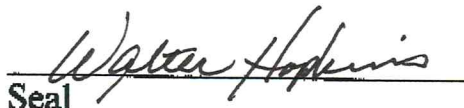
Be it further resolved, that the Borough of Charleroi will reimburse the Commonwealth for State's share of expenditures found by DCED to be ineligible.

Be it further resolved, that the Secretary of the Borough of Charleroi is directed to execute a certificate attesting to the adoption of this resolution and to furnish a copy of the Resolution to the Department of Community and Economic Development.



Attest

Elaine T. Martinko
Borough Secretary



Seal

Walter J. Hopkins
President

RESOLUTION #5 of 2004
FOR EXECUTION OF AGREEMENTS
REGARDING THE MID MON VALLEY TRANSIT AUTHORITY
BUS SHELTER PROJECT

BE IT RESOLVED, by authority of the Borough of Charleroi
and it is hereby resolved that Walter J. Hopkins, President and
Mark Alterici, Vice President
representing said municipality or organization, be authorized and directed to
sign duly approved Agreements, as applicable, on its behalf regarding the above-
referenced matter and that Elaine T. Martinko, Borough Secretary
be authorized and directed to attest to the same.

Municipality:

ATTEST:

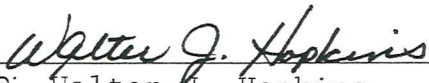


Date: Sept. 9, 2004

Name: Elaine T. Martinko
Title: Borough Secretary

(SEAL)

SIGNATURES OF AUTHORIZED SIGNATORIES:



Date: Sept. 9, 2004

Name: Walter J. Hopkins
Title: President



Date: Sept. 9, 2004

Name: Mark Alterici
Title: Vice President

BOROUGH OF CHARLEROI
WASHINGTON COUNTY, PENNSYLVANIA
RESOLUTION #6
for 2004

WHEREAS, The Borough of Charleroi ("applicant") desires to undertake the following project
[project title] Rehabilitation of Charleroi Playgrounds - Phase III; and

WHEREAS, the applicant desires to apply to the Department of Conservation and Natural Resources ("Department") for a grant for the purpose of carrying out this project; and

WHEREAS, the application package includes a document entitled "Terms and Conditions of Grant" and a document entitled "Signature Page for Grant Application and Grant Agreement"; and

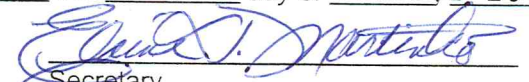
WHEREAS, the applicant understands that the contents of the document entitled "Terms and Conditions of Grant," including appendices referred to therein, will become the terms and conditions of a Grant Agreement between the applicant and the Department if the applicant is awarded a grant; and

WHEREAS, the applicant understands that, by signing the "Signature Page for Grant Application and Grant Agreement" and submitting it to the Department as part of the grant application, the applicant agrees to the terms and conditions of the grant and will be bound by the Grant Agreement if the Department awards a grant;

NOW THEREFORE, it is resolved that:

1. The "Signature Page for Grant Application and Grant Agreement" may be signed on behalf of the applicant by the official who, at the time of signing, has the title of Council President.
2. If this official signed the "Signature Page for Grant application and Grant Agreement" prior to the passage of this Resolution, this grant of authority applies retroactively to the date of signing.
3. If the applicant is awarded a grant, the "Signature Page for Grant Application and Grant Agreement," signed by the above official, will become the applicant/grantee's executed signature page for the Grant Agreement, and the applicant/grantee will be bound by the Grant Agreement.
4. Any amendment to the Grant Agreement may be signed on behalf of the grantee by the official who, at the time of signing of the amendment, has the title specified in paragraph 1 and the grantee will be bound by the amendment.

I hereby certify that this Resolution was adopted by the [identify the governing body of the applicant, e.g. city council, borough council, board of supervisors, board of directors] this 7th day of October, 2004


Secretary

DCNR USE ONLY

Project Number: _____

RESOLUTION #7

for 2004

BE IT RESOLVED, by the authority of the Borough Council
(Name of Governing Body)

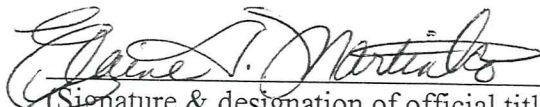
of the Borough of Charleroi, Washington
(Name of Partner)

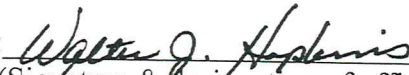
County, and it is hereby resolved by authority of the same, that the President
(Designate official title)

of said Partner be authorized and directed to sign the attached Agreement or Amendment on its behalf.

ATTEST:

Borough of Charleroi
(Name of Partner)


(Signature & designation of official title)
Elaine T. Martinko
Borough Secretary

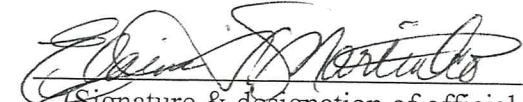
By: 
(Signature & designation of official title)
Walter J. Hopkins
President

I, Elaine T. Martinko, Borough Secretary
(Name) (Official Title)

of the Borough of Charleroi, do hereby certify that the
(Name of governing body and Partner)

foregoing is a true and correct copy of the Resolution adopted at a regular meeting of the
Borough Council held the 14th day of Oct., 2004.
(Name of governing body)

Date: Oct. 14, 2004


(Signature & designation of official title)
Borough Secretary

Note: A separate Resolution must be completed and included for each partner listed as a party in this Agreement.

RESOLUTION #8

REIMBURSEMENT RESOLUTION FOR PROJECT COSTS

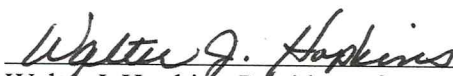
DATED OCTOBER 20, 2004

RESOLVED, the Borough of Charleroi ("Borrower") intends to use its General Funds, to finance on an interim basis, the costs of the Stormwater Project ("Project"), which costs are reasonably expected to be reimbursed with the proceeds of debt be incurred by the Borrower, up to the maximum principal amount of up to \$7,900,000. This resolution is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150.2.

ATTEST:

BOROUGH OF CHARLEROI


Elaine Martinko, Borough Secretary


Walter J. Hopkins, President of Council

(SEAL)

BOROUGH OF CHARLEROI
WASHINGTON COUNTY, PENNSYLVANIA
RESOLUTION NO. 9 for 2004

A RESOLUTION OF THE BOROUGH OF CHARLEROI, COUNTY OF WASHINGTON, COMMONWEALTH OF PENNSYLVANIA, ELIMINATING MEMBERS' CONTRIBUTIONS INTO THE POLICE PENSION PLAN FOR THE YEAR 2005.

WHEREAS, the Borough reserves the right to reduce or eliminate Participant Contributions on an annual basis below the mandated rate of five percent (5%) of compensation; and

WHEREAS, Act 600 further provides that Participant Contributions into the Charleroi Borough Police Pension Plan by Participants may be reduced or eliminated; and

WHEREAS, a Resolution is required to reduce or eliminate Participant Contributions on an annual basis; and

WHEREAS, the consultant for the Police Pension Plan of the Borough of Charleroi, as evidenced by the latest actuarial study and minimum municipal obligation, has determined that if Participant Contributions to the Police Pension Plan are eliminated, the Borough of Charleroi Police Pension Plan will not require additional contributions by the Borough, this determination is further based on assumption that state pension aid will be sufficient to cover the plan's funding requirements;

NOW, THEREFORE, BE IT RESOLVED and it is hereby resolved by the Borough Council of the Borough of Charleroi that effective January 1, 2005 and continuing through and including December 31, 2005, the amount of Participant Contributions due shall be zero percent (0%) of compensation. The obligation to pay Participant Contributions pursuant to Act 600 shall resume effective January 1, 2006.

RESOLVED this 9th day of December, 2004.

BOROUGH OF CHARLEROI

By Walter Hopkins
President of Council

ATTEST:

Charles T. Martiniello
Borough Secretary

RESOLUTION No. #10 for 2004
COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF COMMUNITY
AND ECONOMIC DEVELOPMENT
Mid Mon Valley Regional Enterprise Zone Resolution

Resolution of the Borough of Charleroi authorizing the filing of a proposal for funds with the Department of Community and Economic Development (DCED), Commonwealth of Pennsylvania.

WHEREAS, the Mon Valley Progress Council is desirous of obtaining funds from the DCED in the amount of up to fifty thousand dollars (\$50,000) in Urban Planning Grant Funds for development of a local, business development strategy for a proposed Mid Mon Valley Regional Enterprise Zone pursuant to guidelines of the DCED's Enterprise Zone Program-Planning phase.

WHEREAS, the DCED has conducted an assessment of this municipality and determined that this municipality is eligible to participate in the DCED's Enterprise Zone Program directly or through multi-municipal application.

WHEREAS, the DCED strongly encourages multi-municipal Enterprise Zone Program applications of contiguous economically distressed jurisdictions with a non-retail employment base and opportunities for growth in non-retail employment. Multi-municipal enterprise zones are potentially more competitive in securing ongoing funding and State Enterprise Zone Program Competitive Grants.

WHEREAS, a multi-municipal regional Enterprise Zone will more effectively address conditions of economic distress by creating a more comprehensive strategic approach.


WHEREAS, upon DCED approval of the Enterprise Zone application, it is understood that participating jurisdictions will have the opportunity to appoint a representative on the Mid Mon Valley Regional Enterprise Zone board.


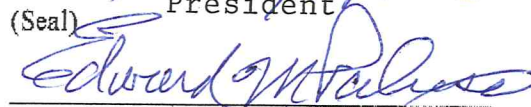
WHEREAS, the planning phase of the Mid Mon Valley Regional Enterprise Zone Project will include the determination of target areas within participating communities that will qualify for assistance under the Enterprise Zone Program as well as receiving special consideration under a number of other assistance programs of the Commonwealth of Pennsylvania.

WHEREAS, the Mon Valley Progress Council will assume the provision of the full local share of project costs and serve as program administrator.

WHEREAS, the Mon Valley Progress Council will reimburse the Commonwealth for the State's share of any expenditures found by DCED to be ineligible.

BE IT RESOLVED, that the Secretary of Borough of Charleroi is directed to execute a certificate attesting to the adoption of this resolution and to furnish a copy of the resolution to the Department of Community and Economic Development.


(Attest) Borough Secretary


(Seal) President

Chairman Mayor