

RESOLUTION NO. 09-2015-2

RESOLUTION AUTHORIZING ACQUISITION OF A USED 2003 BANDIT 2680 BEAST BY THE OAK GROVE MULTI-MUNICIPAL COMPOST PROCESSING PROGRAM AND MIDDLE SMITHFIELD TOWNSHIP'S PARTICIPATION IN A LEASE PURCHASE AGREEMENT, AS LESSEE, WITH SUSQUEHANNA COMMERCIAL FINANCE, INC, TO FINANCE THE PROGRAM'S ACQUISITION

The Board of Supervisors of Middle Smithfield Township, Monroe County, Pennsylvania, hereby adopts the following Resolution at its regular meeting held on Thursday, September 24, 2015, at 7:00 P.M. (EST) at the Sterling R. Schoonover Municipal Center, to wit:

WITNESSETH:

WHEREAS, the Oak Grove Multi-Municipal Compost Processing Program (the "Program"), as well as its Board and constituent Townships (including Middle Smithfield Township) desire to acquire for its compost processing activities a used 2003 Bandit 2680 Beast (the "Equipment") through the National Joint Powers Alliance ("NJPA");

WHEREAS, the Program's Board, as well as its constituent Townships (including Middle Smithfield Township), desire to finance on a short term basis the acquisition of the Equipment through a lease purchase agreement with Susquehanna Commercial Finance, Inc ("Susquehanna"), pending the receipt of grant funds from PA DEP for the acquisition of the Equipment;

WHEREAS, Susquehanna has requested the Board of Supervisors of Middle Smithfield Township, its governing body (the "Governing Body"), to adopt this resolution evidencing its approval of Middle Smithfield Township's participation, as a lessee, in the lease purchase agreement for the Equipment, dated as of 7/29/2015 (hereinafter "Middle Smithfield Township" is referred to as "Lessee").

BE IT RESOLVED by the Governing Body of Lessee as follows:

1. **Determination of Need.** The Governing Body of Lessee has determined that a true and very real need exists for the acquisition of the Equipment described under the Schedule to the Master Agreement dated as of 7/29/2015, between Lessee and Lessor.
2. **Approval and Authorization of the Acquisition of the Beast Vehicle through NJPA.** The Governing Body of Lessee approves and authorizes the purchase of the Beast Vehicle through NJPA in lieu of competitive bidding, as permitted by Section 1908 of the Commonwealth Procurement Code, 62 Pa.C.S.A. Section 1908.

3. **Approval and Authorization of Lease Purchase Agreement.** The Governing Body of Lessee has determined that the Master Agreement and Schedule thereto (collectively, "Agreements"), substantially in the form presented to this meeting, is in the best interests of the Lessee for the acquisition of such Equipment, and the Governing Body hereby approves the entering into of the Agreements by the Lessee and hereby designates and authorizes **Michael Dwyer, Township Director of Public Works, and Township Supervisor,** to execute and deliver the Agreements on Lessee's behalf with such changes thereto as such person deems appropriate, and any related documents, necessary to the consummation of the transaction contemplated by the Agreements.

4. **Adoption of Resolution.** The adoption of this Resolution by the Governing Body may be certified by the Chairperson of the Board of Supervisors, and attested by the Township Secretary or Assistant Secretary.

IN WITNESS WHEREOF, the aforesaid Resolution is hereby adopted as of the day and year first above set forth.

TOWNSHIP OF MIDDLE SMITHFIELD



ANNETTE ATKINSON, CHAIRPERSON

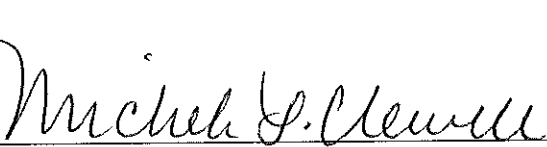


MICHAEL DWYER, VICE CHAIRPERSON



MITCHELL K. MARCUS, SUPERVISOR

(TOWNSHIP SEAL)



MICHELE L. CLEWELL, SECRETARY