

# BOROUGH OF EDINBORO

124 MEADVILLE STREET  
EDINBORO, PENNSYLVANIA 16412  
814/734-1812

## MUNICIPAL AND WATER AUTHORITY *APPLICATION FORM FOR PERSON DESIRING APPOINTMENT*

1. NAME \_\_\_\_\_
2. ADDRESS \_\_\_\_\_
3. PHONE \_\_\_\_\_
4. CURRENT OR PAST PARTICIPATION IN CIVIC ORGANIZATIONS \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
5. OCCUPATION \_\_\_\_\_
6. Have you ever served on a Board or Commission in Edinboro or any other Community?  
YES \_\_\_\_\_ NO \_\_\_\_\_
7. Are you willing to be interviewed for this position? YES \_\_\_\_\_ NO \_\_\_\_\_
8. What time would be best to meet for the interview \_\_\_\_\_ a.m. \_\_\_\_\_ p.m.
9. Please state your reasons for desiring an appointment to Board/Commission. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signature \_\_\_\_\_

Date \_\_\_\_\_

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Chapter 5  
Authorities, Boards and Commissions

5-1 Municipal Authority

5-1-1 Purpose

The Borough of Edinboro hereby signifies its intention and desire to organize an authority under the Municipalities Act, approved May 2, 1945, (P. L. 382), and its amendemnts.

(Ord. #136, Section 1, passed 5-31-55)

5-1-2 Articles of Incorporation

The Mayor and the Manager of the Borough Council are hereby authorized and directed to execute, on behalf of the Borough of Edinboro, Articles of Incorporation for said Authority.

(Ref. Ord. #136, Section 2, passed 5-31-55, for the authorized form for the Articles of Incorporation)

5-1-3 Responsibilities of the "Municipal Authority"

- A. Sewage. From and after the effective date of this ordinance, the Municipal Authority of the Borough of Edinboro, a body corporate and politic, shall be and is authorized to undertake the acquiring, holding, developing, constructing, improving, maintaining and operating, owning, leasing, either in the capacity of lessor or lessee, sewers, sewer systems or parts thereof, sewage treatment works, including works for treating and disposing of industrial waste to serve residents, industries and property owners of Edinboro Borough, and shall be and is empowered and authorized to extend its sewer services to such other areas as the authority may lawfully serve. The authorization herein granted shall include, but not be limited to, the right to provide for the financing of said project, and the acquiring of land and easements, the establishing of rules and regulations for the operation and maintenance of such sewer systems, and establishing of rates for sewer services, and any and all other things necessary for the operation thereof consistent with the laws of the Commonwealth of Pennsylvania.

(Ord. #136<sup>A</sup>, Section 1, passed 11-28-55)

- B. Real Property. From and after the effective date of this ordinance, the Municipal Authority of the Borough of Edinboro, a body corporate and politic, shall be and is authorized to undertake the acquiring, holding, developing, constructing, improving, maintaining and operating, owning, leasing, either in the capacity of lessor or lessee, buildings, and real property to be devoted wholly or partially for public uses, including facilities for the conduct of judicial proceedings, and for revenue producing purposes. The authorization herein granted shall include, but not be limited to, the right to provide for the financing of a municipal building and the acquiring of lands, buildings and easements, the

establishing of rules and regulations for the operation and maintenance of said buildings and property, and any and all other things necessary for the operation thereof consistent with the laws of the Commonwealth of Pennsylvania.

(Ord. #279, Section 1, passed 7-1-74)

5-1-4 Conveyance of Borough Sewers to Municipal Authority

- A. The Borough of Edinboro shall and does hereby grant, bargain, sell, convey, release, confirm and set over unto the Municipal Authority of the Borough of Edinboro all of the municipally-owned sewers and sewer systems, together with all other property, real and personal, appurtenant thereto as well as all easements, franchises, licenses and rights held, owned or used or useful by the Borough of Edinboro, Erie County Pennsylvania, in connection with said sewers, sewer systems and sewer treatment works for the price or sum of one dollar (\$1.00) and other good and valuable consideration.
- B. The proper officers of the Borough be and they are hereby authorized, empowered and directed forthwith upon the enactment of this ordinance and upon its becoming effective by advertisement and recording according to law, to make, execute, acknowledge and deliver the necessary deed or deeds of conveyance, bill of sale and other legal instruments to effectively carry out the terms of this ordinance.
- C. Any and all acts heretofore taken or done by the Borough or by the officer thereof with regard to the transfer herein directed are hereby ratified and approved.

(Ord. #140, Sections 1-3, passed 4-18-56)

5-1-5 Authorization for Municipal Authority to Lay and Maintain Sewer Lines in Borough

The Borough of Edinboro does hereby authorize and grant to the Municipal Authority of the Borough of Edinboro the right to lay and maintain, at all times hereafter, sewers and sewer lines in the Borough streets, roads, alleys, and lanes.

(Ord. #141, Section 1, passed 4-18-56)

5-1-6 Leaseback of Sewer Systems to Borough

- A. Pursuant to and subject to the provisions of the Municipal Authorities Act of 1945, as amended, and the Borough Code, as amended, the Borough of Edinboro, Erie County, Pennsylvania, enters into a Supplemental Agreement of Lease with the Municipal Authority of the Borough of Edinboro.
- B. The Mayor hereby authorized, empowered and directed to execute the Supplemental Agreement of Lease for and on behalf of the Borough of Edinboro, and the Manager of the Borough is hereby authorized, empowered and directed to attest the same and affix thereto the corporate seal of the Borough. The Mayor of Council is further authorized, empowered, and directed to execute the usual form of acknowledging the said Supplemental Agreement of Lease to be the act and deed of the Borough.

- C. The Council of the Borough of Edinboro consents to the assignment by the Authority of its rights under said Supplemental Agreement of Lease to Marine National Bank, Erie, Pennsylvania.

(Ord. #230, Sections 1-3, passed 4-27-70)

#### 5-1-7 Conveyance of Borough Owned Real Estate to the Municipal Authority

- A. The Borough of Edinboro shall and does hereby grant, bargain, sell, convey, release, confirm and set over unto the Municipal Authority of the Borough of Edinboro all of its right title and interest in and to the real property and any personal appurtenant thereto, as well as all easements, of the Sabol and Guerrein property and the Sabol property as described in Erie County, Pennsylvania, Deed Book 1106 at page 456 and Deed Book 1110 at page 116 for the consideration of one dollar (\$1.00)
- B. The proper officers of the Borough of Edinboro be, and they are hereby authorized, empowered and directed forthwith upon the enactment of this ordinance and upon its becoming effective by advertisement and recording according to law, to make, execute, acknowledge and deliver the necessary deed or deeds of conveyance, bills of sale and other legal instruments to effectively carry out the terms of this ordinance.

(Ord. #280, Sections 1 & 2, passed 7-1-74)

(Editor's note: The "Municipal Authority" is not responsible for the Borough's Water System although such was proposed by Ordinance 201. Ordinance 201 was later repealed by Ordinance 204, and shortly thereafter, Ordinance 206 authorized the creation of the "Water Authority". Ordinances 201 and 204 are therefore treated as special ordinances and not incorporated in this code. "Municipal Authority" ordinances include numbers 136, 136A, 140, 141, 230, 279, and 280.)

#### 5-2 Water Authority

##### 5-2-1 Purpose

An ordinance signifying the intention of the Borough of Edinboro to organize a municipal authority under the Act of May 2, 1945, P. L. 382, and its amendments to be known a "Water Authority of Edinboro", for the purpose of undertaking such projects permitted or authorized by the Municipal Authorities Act as the Borough of Edinboro may from time to time specify.

(Ord. #206, passed 2-27-67)

##### 5-2-2 Articles of Incorporation

The Mayor and the Manager of the Borough Council are hereby authorized and directed to execute on behalf of the Borough of Edinboro, Articles of Incorporation for said Authority.

(Ref. Ord. #206, Section 2, passed 2-27-67, for the authorized form of the Articles of Incorporation)

### 5-2-3 Responsibilities of Water Authority

- A. From and after the effective date of this ordinance the Water Authority of Edinboro, a body corporate and politic, shall be and is authorized to undertake the acquiring, holding, developing, constructing, improving, maintaining and operating, owning, leasing, either in the capacity of lessor or lessee, water works, water supply works, and water distribution systems to serve residents, industries, and property owners of the Borough of Edinboro. The authorization herein granted shall include, but not be limited to, the right to provide for the financing and refinancing of said project, and the acquiring of land and easements, the operation and maintenance of such water distribution systems, and the establishment of rates for water and water services, and any and all other things necessary for the operation thereof consistent with the laws of the Commonwealth of Pennsylvania.

(Ord. #206A, Section 1, passed 5-29-67)

- B. Water Authority of Edinboro is hereby granted the right, privilege, franchise and authority to lay, construct, maintain, repair and replace in the streets, roads, alleys and rights of way of the said Borough the necessary water lines and the required appurtenances thereto to complete the erection and construction of certain additions to the existing water supply and distribution system pursuant to the plans and specifications of Hill & Hill Engineers, Inc., Consulting Engineers, of North East, Pennsylvania, the Counsulting Engineers for said Authority's initial construction project.

1. All such water lines shall be laid and constructed at such depth beneath the surface of said streets, roads, alleys and rights of way and in such manner as not to interfere with proper drainage and the occupancy of other utility facilities in said streets, roads, alleys and rights of way.

2. It shall be the duty of the Water Authority of Edinboro to make provisions for and maintain proper and adequate guards, barriers and lights during the periods of construction and maintenance work that is done by other than Borough work forces, and it shall assume all risks and be liable for all damages arising therefrom.

3. If any work done by other than Borough work forces in opening or in filling or maintaining the surface of said streets, roads, alleys and rights of way shall not be promptly or shall be unskillfully or improperly or incompletely done, the Borough reserves the right to cause the same to be done in the manner it deems proper, and the expense thereof shall be charged to the Authority.

(Ord. #212, Sections 1-4, passed 1-19-68)

### 5-2-4 Conveyance of Borough Water System to Water Authority

- A. The Borough of Edinboro shall and does hereby grant, bargain, sell, convey, release, confirm and set over unto the Water Authority of Edinboro all of the present municipally-owned water supply and distribution system, together with all other property, real and personal, appurtenant thereto, as well as all easements, franchises, licenses and rights held, owned or used or useful by the Borough of Edinboro

in connection with said water supply and distribution system for the consideration of one dollar (\$1.00)

- B. The proper officers of the Borough of Edinboro be, and they are hereby authorized, empowered and directed forthwith upon the enactment of this ordinance and upon its becoming effective by advertisement and recording according to law, to make, execute, acknowledge, and deliver the necessary deed or deeds of conveyance, bills of sale and other legal instruments to effectively carry out the terms of this ordinance.

(Ord. #211, Sections 1 & 2, passed 1-19-68)

#### 5-2-5 Leaseback of Water System to Borough

- A. The Borough of Edinboro shall enter into an agreement of lease with the Water Authority of Edinboro, substantially in the form of the Agreement of Lease presented to this meeting, dated as of January 1, 1968, which is hereby made a part hereof by reference only and is on file with the Secretary of the Borough.
- B. The Mayor of the Borough and Council are hereby directed to execute, on behalf of the Borough, the agreement of lease substantially in the form of the said Agreement of Lease, which Agreement when consummated shall be attested to by the Manager of the Borough.
- C. The Borough Manager is hereby directed to establish a separate and distinct account to be designated the Water System Fund into which shall be deposited all receipts and revenues from the Water System pursuant to the provisions of said Agreement of Lease.

(Ord. #214, Section 1-3, passed 1-19-68)

#### 5-3 Planning and Zoning Commission

##### 5-3-1 First Planning Commission Established

A department of the Borough of Edinboro is hereby created to be known as the Department of Borough Planning which shall be in charge of the Borough Planning Commission. That said Borough Planning Commission shall be instituted as provided by law and shall perform all the duties and may exercise all the powers conferred upon Borough Planning Commission by law.

(Ord. #146, passed 1-28-57, formerly 5-2-1 and 5-2-2, 1975 Code)

##### 5-3-2 Zoning Responsibilities Included

A Zoning Commission of the Borough of Edinboro is hereby created which shall be in charge of Borough zoning. The said Zoning Commission shall be constituted as provided by law and shall perform all the duties and may exercise all the power conferred upon Borough Zoning Commission by law.

The Planning Commission of the Borough of Edinboro, as it now exists, is hereby appointed as the Zoning Commission for the Borough of Edinboro pursuant to the Act of July 10, 1947, Pamphlet Law 1621.

(Ord. #147, passed 6-24-57, not previously codified)

5-3-3 Membership

The Commission shall be comprised of five (5) members, to be appointed by the Edinboro Council.

(Ord. #321, Section 1, passed 3-14-77)

5-3-4 Terms

The term of each of the members of the commission shall be for four years or until his successor is appointed and qualified, except that the term of the members first appointed shall be fixed so no more than two members shall be re-appointed or replaced during any future calendar year. The chairman of the planning commission shall promptly notify the Council concerning vacancies in the commission, and such vacancy shall be filled for the unexpired term.

(Ord. #321, Section 2, passed 3-14-77)

5-3-5 Powers, Duties and Procedures

(See Act 247 of 1968, as amended known as the Pennsylvania Municipalities Planning Code)