



CITY OF BETHLEHEM
OFFICE OF THE CITY SOLICITOR

INTEROFFICE MEMORANDUM

To: Tad J. Miller, City Clerk

From: John F. Spirk, Jr., Esq., City Solicitor

Re: Intergovernmental Cooperation Agreement with Lower Saucon Township and Hellertown Borough Authority
Wastewater Treatment Plant Allocation Agreement
Steel Club Land Development Plan Phase Two and Steel Club Land Development Plan Phase 3

Date: April 10, 2024

Attached for Council's consideration is a proposed Resolution and associated Intergovernmental Cooperation Agreement titled Wastewater Treatment Plant Allocation Agreement with Lower Saucon Township and Hellertown Borough Authority.

Please place this matter on City Council's agenda for review and appropriate action.

John F. Spirk, Jr.

John F. Spirk, Jr., Esq., Solicitor

Cc: J. William Reynolds, Mayor
Edward Boscola, Director of Water & Sewer Resources

RESOLUTION 2024-_____

AUTHORIZING THE EXECUTION OF AN INTERGOVERNMENTAL COOPERATION AGREEMENT PURSUANT TO 53 Pa. C.S.A. §2307, SAID AGREEMENT TITLED “WASTEWATER TREATMENT PLANT ALLOCATION AGREEMENT”, BY AND BETWEEN THE CITY OF BETHLEHEM, THE TOWNSHIP OF LOWER SAUCON AND THE HELLERTOWN BOROUGH AUTHORITY.

WHEREAS, the CITY OF BETHLEHEM, is a municipal corporation being a City of the Third-Class, subject to the Optional Third-Class City Charter Law, organized and existing under the laws of the Commonwealth of Pennsylvania, its constituent parts being split by law between Northampton County and Lehigh County, Pennsylvania with principal administrative offices at City Hall, 10 E. Church Street, Bethlehem, PA 18018 (hereinafter referred to as “City”); and

WHEREAS, Lower Saucon Township has approved final land developments plans identified as “Steel Club Land Development Plan Phase Two” and “Steel Club Land Development Plan Phase Three” (the “Developments”), subject to various conditions including the condition that the Hellertown Borough Authority provide sewer service for the Developments; and

WHEREAS, the Hellertown Borough Authority has agreed to provide sewer service to the Developments and to account for the service through the Hellertown Borough Authority’s allocation with the City’s wastewater treatment plant; and

WHEREAS, the City, Lower Saucon Township and the Hellertown Borough Authority desire to enter into an intergovernmental cooperation agreement titled “Wastewater Treatment Plant Allocation Agreement” (the “Agreement”) to allow for sanitary sewer service to be provided to the Developments in accordance with the necessary approvals of their respective governing bodies, and to document the transfer of allocation between Lower Saucon Township and the Hellertown Borough Authority; and

WHEREAS, the Agreement shall be subject to all the conditions and terms specified and set forth in any prior agreements between the City, Lower Saucon Township, and the Hellertown Borough Authority, and any such prior agreements shall remain in full force and effect with only a modification of the reserve capacity as set forth in the Agreement; and

WHEREAS, the duration of the Agreement shall be current with and extend for the duration of any such prior agreements between the parties.

NOW THEREFORE BE IT RESOLVED, on this _____ day of _____, 2024, that the City Council of the City of Bethlehem, approves and ratifies the Intergovernmental

Cooperation Agreement titled “Wastewater Treatment Plant Allocation Agreement” attached hereto and that the Mayor and the Controller and/or such other City officials as deemed appropriate by the City Solicitor, are hereby authorized to execute the same on behalf of the City of Bethlehem.

Sponsored by _____

ADOPTED by Council this _____ day of _____, 2024.

President of Council

ATTEST:

City Clerk

WASTEWATER TREATMENT PLANT ALLOCATION AGREEMENT

THIS AGREEMENT entered into on this ____ day of _____, 2024, by and between the TOWNSHIP OF LOWER SAUCON, a Pennsylvania municipal corporation, with offices located at 3700 Old Philadelphia Pike, Bethlehem, Northampton County, Pennsylvania (hereinafter “LST”), CITY OF BETHLEHEM, a Pennsylvania municipal corporation, with offices located at 10 East Church Street, Bethlehem, Northampton County, Pennsylvania (hereinafter “CITY”), and HELLERTOWN BOROUGH AUTHORITY, a Pennsylvania Municipal Authority, with offices located at 501 Durham Street, Hellertown, Northampton County, Pennsylvania (hereinafter “HBA”).

WITNESSETH:

WHEREAS, LST has approved a final land development plan identified as “Steel Club Land Development Plan Phase Two”, prepared by Mease Engineering, P.C., dated 2/20/20, last revised 5/25/23 (“Phase 2 Plan”); and,

WHEREAS, LST has approved a final land development plan entitled “Steel Club Land Development Plan Phase Three”, prepared by Mease Engineering, P.C., dated 12/22/22, last revised 10/20/23 (“Phase 3 Plan”); and,

WHEREAS, The Phase 2 Plan and the Phase 3 Plan together describe a residential development at real property in Lower Saucon Township identified as Northampton County Tax Map Parcels Q7-19-1D-0719, Q7-19-1E-0719, Q7-19-1-0719, and Q7-20-1-0719, owned by Steel Land, LLC; and,

WHEREAS, LST approved the Phase 2 Plan and the Phase 3 Plan subject to various conditions including the condition that HBA provide the sewer service for the developments identified on the Phase 2 Plan and the Phase 3 Plan; and

WHEREAS, HBA has agreed to provide sewer service to the developments identified on the Phase 2 Plan and the Phase 3 Plan, and to account for the service through the HBA allocation with the City treatment plant; and

WHEREAS, on February 20, 2020, LST authorized HBA to provide sanitary sewer service to developments identified on the Phase 2 Plan and the Phase 3 Plan with all sewer

capacity allocations to the developments to be debited against HBA's sewer capacity allocation at the City Treatment Plant; and

WHEREAS, the parties are desirous of entering into an agreement allowing for sanitary sewer service to be provided to the Steel Club, LLC in accordance with the approvals of the Council for LST and HBA; and

NOWHEREFORE, the parties hereto, intended to be legally bounded hereby agree as follows:

1. The Whereas clauses set forth above are incorporated herein as a material part of this agreement.
2. HBA shall, and hereby does, for purposes of allowing sanitary sewer service to the developments identified on the Phase 2 Plan and the Phase 3 Plan transfer to the Township reserve capacity at the City's wastewater treatment plant in the amount of 44,276 gallons per day as follows:
 - i. The reserve capacity for the Township of Lower Saucon at the City of Bethlehem wastewater treatment plant shall be increased by 44,276 gallons per day.
 - ii. The reserve capacity for the Borough of Hellertown at the City of Bethlehem wastewater treatment plant shall be reduced by 44,276 gallons per day.
3. The terms of any agreement between HBA, LST and the City shall remain in full force and effect with only a modification of the reserve capacity as set forth above.
4. LST shall have the right to assign any rights and duties under this agreement to its Authority without prior written consent of the City of HBA.
5. This Agreement may be executed in one or more counterparts, and if executed in one or more counterparts, the executed counterparts shall together constitute one and the same instrument. Delivery of an executed counterpart by one party to any other party may be made by facsimile or electronic mail.

THE PARTIES INTENDING TO BE LEGALLY BOUND HEREBY, set forth their hands and seals on the date and year written above, and the undersigned have the express authority to execute this agreement intending to bind the parties hereto.

ATTEST:

LOWER SAUCON TOWNSHIP

By: _____

Name:

Title:

ATTEST:

CITY OF BETHLEHEM

By: _____

Name:

Title:

ATTEST:

HELLERTOWN BOROUGH AUTHORITY

By: _____

Name:

Title: