

2013-973-CD MERGER OF FERGUSON TWP & LUMBER CITY
REPORT OF MERGER.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

IN RE: MERGER OF FERGUSON TOWNSHIP, :
CLEARFIELD COUNTY, AND : NO. 2013 -973 - CD
LUMBER CITY BOROUGH, : ROAD DOCKET NO.
CLEARFIELD COUNTY :

REPORT OF MERGER

TO THE HONORABLE COURT:

I, Betty Lou Stumph, Secretary of Ferguson Township, Clearfield County, Pennsylvania, respectfully certify to the Court as follows:

1. That I am the Secretary of Ferguson Township, Clearfield County, Pennsylvania.
2. That in accordance with Municipal Consolidation or Merger Act, PA Act 90 of 1994, as amended, (53 P.S. §737(b)), attached hereto are true and correct copies are the following:
 - (a) Copy of Joint Agreement for Merging Governments dated February 4, 2013, between the Township of Ferguson and the Borough of Lumber City, Clearfield County, Pennsylvania.
 - (b) Copy of Township of Ferguson Ordinance No. 01-2013 and Borough of Lumber City Ordinance No. 2013-1 approving the Joint Agreement for the consolidation of said municipalities and authorizing a referendum on the same.
 - (c) Copy of the Certification of electorate approval by the Clearfield County Board of Election.

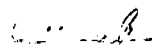
Respectfully submitted,

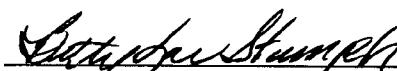
FERGUSON TOWNSHIP
CLEARFIELD COUNTY,
PENNSYLVANIA
BY:

I hereby certify this to be true
and attested by my original
statement filed in this case.

JUN 19 2013

Attest.


Notary Public/
Clerk of Courts


Betty Lou Stumph, Secretary

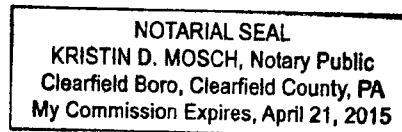
COMMONWEALTH OF PENNSYLVANIA :
: SS
COUNTY OF CLEARFIELD :

On this, the 18th day of June, 2013, before me, the undersigned officer,
personally appeared BETTY LOU STUMPH, Secretary of Ferguson Township, Clearfield
County, known to me (or satisfactorily proven) to be the person whose name is subscribed to the
within Instrument and acknowledged that she has executed the same for the purposes therein
contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Kristin D. Mosch

Notary Public



JOINT AGREEMENT FOR MERGING GOVERNMENTS

Made this 4th day of February, 2013, between the Township of Ferguson and the Borough of Lumber City, Clearfield County, Pennsylvania.

WHEREAS, PA Act 90 of 1994 as amended, 53 P.S. Section 731 et seq., the Pennsylvania Municipal Consolidation or Merger Act, Section 733 and 734, establishes a procedure for the consolidation or merger of two or more municipalities into a SINGLE MUNICIPAL GOVERNMENT to be commenced by a joint agreement of the governing bodies of the municipalities; and

WHEREAS, every registered voter shall be permitted to cast his/her vote on whether he/she believes a SINGLE MUNICIPAL GOVERNMENT should be created; and

WHEREAS, in order to permit the citizens such a vote, the Township and Borough have followed the procedures of the Pennsylvania Municipal Consolidation or Merger Act to develop a joint agreement and place a referendum question on the election ballot for merging into a SINGLE MUNICIPAL GOVERNMENT.

NOW THEREFORE, pursuant to the Pennsylvania Municipal Consolidation or Merger Act, 53 Pa. C.S.A. §731, the undersigned agree as follows:

1. Each of the undersigned municipalities shall file a timely, written request with the Clearfield County Board of Elections to place upon the ballot at the primary election on May 21, 2013, the following referendum question:

“Shall the Borough of Lumber City be merged into the Township of Ferguson, effective January 6, 2014?”

2. The Township of Ferguson and the Borough of Lumber City are the municipalities that are the parties to this agreement.

3. Upon the affirmative vote of a simple majority of the electors who vote in the May 21, 2013 election in each municipality, the terms of this joint agreement for merging governments shall take effect and the Borough of Lumber City will merge into the Township of Ferguson effective January 6, 2014.

4. The name of the newly formed SINGLE MUNICIPAL GOVERNMENT shall be the “Township of Ferguson” (hereinafter referred to as the “SINGLE MUNICIPAL GOVERNMENT”) and the territorial boundaries shall be coterminous with the Township of Ferguson and Lumber City Borough.

5. The “Township of Ferguson” shall be a Township of the Second Class for Pennsylvania Municipal classification purposes, and shall be governed by the Second Class Township Code and other laws applicable to this kind and class of municipality.

6. All elected offices of the former Borough of Lumber City shall be abolished on January 6, 2014, and all terms of office for these officers shall cease.

7. Commencing on January 6, 2014, the SINGLE MUNICIPAL GOVERNMENT shall be governed by a three (3) member board of supervisors as follows:

Name	Term
2013 Election	1/2014-1/1/2020
Donald Sheeder	1/2010-1/1/2016
Scott Blackburn	1/2012-1/1/2018

8. Commencing on January 6, 2014, the SINGLE MUNICIPAL GOVERNMENT shall have one (1) treasurer/tax collector in accordance with the Second Class Township Code. The treasurer/tax collector shall be determined as follows:

a. The treasurer/tax collector elected in the Ferguson Township municipal election of 2013 shall serve as treasurer/tax collector in the SINGLE MUNICIPAL GOVERNMENT for four (4) years commencing January 2014.

b. At the municipal election to be held in 2017, the voters of the entire area of the SINGLE MUNICIPAL GOVERNMENT shall elect one (1) treasurer/tax collector in the SINGLE MUNICIPAL GOVERNMENT for a four (4) year term commencing January 2018. Thereafter, the term of office for the treasurer/tax collector shall be four (4) years.

9. All other Boards and Commissions existing under Ferguson Township prior to January 2014 shall continue in the SINGLE MUNICIPAL GOVERNMENT within their prescribed areas and duties at the discretion of the Board of Supervisors.
10. At the time of transfer of responsibility to the SINGLE MUNICIPAL GOVERNMENT on January 6, 2014, all non-elected employees of Lumber City Borough shall be terminated.
11. At the time of transfer of responsibility to the SINGLE MUNICIPAL GOVERNMENT on January 6, 2014, all non-elected employees of the Township of Ferguson shall retain employment and be carried as employees into the SINGLE MUNICIPAL GOVERNMENT. They shall remain employees at the discretion of the Board of Supervisors consistent with legal requirements, if any.
12. All contracts, if any, in place under the Borough or Township governments shall be binding on the SINGLE MUNICIPAL GOVERNMENT until they naturally expire or are re-negotiated.

13. The governing body of Ferguson Township shall designate the primary fire and emergency service responders (Fire-Rescue and EMS) for the SINGLE MUNICIPAL GOVERNMENT."

14. All assets and liabilities of the Borough and Township at the time the SINGLE MUNICIPAL GOVERNMENT commences operations shall become an asset or a liability of the SINGLE MUNICIPAL GOVERNMENT effective January 6, 2014.

15. The SINGLE MUNICIPAL GOVERNMENT shall have a uniform system of taxation throughout the entire area to be in place commencing with the operations of the SINGLE MUNICIPAL GOVERNMENT.

16. All Ordinances of the Borough of Lumber City shall be repealed on January 6, 2014 and are replaced by the Ordinances of the Township of Ferguson with the exception of transportation related ordinances which shall remain in effect.

17. Within two (2) years following commencing of operations of the SINGLE MUNICIPAL GOVERNMENT, all Ordinances shall be made uniformly applicable and enforced throughout the entire area of the SINGLE MUNICIPAL GOVERNMENT.

18. Upon commencing of the operation of the SINGLE MUNICIPAL GOVERNMENT, all references in laws, ordinances, contracts, and other legal instruments to: Borough Council members, Borough Mayor, and/or Township Supervisors shall be deemed to refer to the Board of Supervisors of the SINGLE MUNICIPAL GOVERNMENT. Also, at that time, all references in laws, ordinances, contracts, and other legal instruments referring to the Borough or Township shall be deemed to refer to the SINGLE MUNICIPAL GOVERNMENT.

19. All rights, claims, actions, orders, ordinances, contracts, and legal or administrative proceedings of the Borough or Township shall continue, except as modified by the Board of Supervisors of the SINGLE MUNICIPAL GOVERNMENT at the discretion of the Board of Supervisors.

20. During the year 2013, the Borough and the Township government shall work closely together to affect a smooth transition into the SINGLE MUNICIPAL GOVERNMENT as is required by the Pennsylvania Municipal Consolidation or Merger Act.

21. The Borough and Township may form a transitional planning committee, which shall begin to function within two months following certification of an approved vote to establish the SINGLE MUNICIPAL GOVERNMENT. The transitional planning committee shall undertake

operational planning and process recommendations to combine services, ordinances, assets, and budgets in conformance with this joint agreement. The transitional planning committee shall be comprised of five (5) individuals. Specifically, the transitional planning committee shall be comprised of one (1) member of Borough Council, one (1) member of the Township Board of Supervisors, one (1) other individual representing the Borough and one (1) other individual representing the Township, all of whom shall be appointed respectfully by the Borough Council and the Township Board of Supervisors, and one (1) individual jointly appointed by the Borough Council and Township Board of Supervisors. Meetings and actions of the transitional planning committee shall be open under the Pennsylvania Sunshine Act. Upon commencing of the operations of the SINGLE MUNICIPAL GOVERNMENT, the Board of Supervisors of the SINGLE MUNICIPAL GOVERNMENT shall thereafter terminate the transitional planning committee through resolution at a time that is deemed appropriate in consultation with the transitional planning committee, not to exceed a period of six (6) months after the effective date of the merger.

22. This agreement shall be construed to be consistent with the provisions of the Pennsylvania Municipal Consolidation or Merger Act.

23. This agreement constitutes the entire agreement between the Borough and the Township with respect to the joint agreement for the SINGLE MUNICIPAL GOVERNMENT.

24. In the event that the electors of the Borough or Township do not approve formation of the SINGLE MUNICIPAL GOVERNMENT through their affirmative vote in each municipality, then this joint agreement shall be automatically rendered null and void.

25. All current Borough and Township property, real and personal, shall become the property of the SINGLE MUNICIPAL GOVERNMENT effective January 6, 2014.

26. The SINGLE MUNICIPAL GOVERNMENT shall have one (1) voting precinct, which shall consist of all the area within the boundaries of the SINGLE MUNICIPAL GOVERNMENT

27. The Township Board of Supervisors of the SINGLE MUNICIPAL GOVERNMENT shall have signs made and erected that designate the former Lumber City Borough as the Village of Lumber City.

Signed this 4th day of February, 2013.

FERGUSON TOWNSHIP
BOARD OF SUPERVISORS

BY: Scott Blackburn
Chairman

ATTEST:

Beth Ann Humph
Township Secretary

Signed this 4th day of February, 2013.

BOROUGH OF LUMBER CITY

BY: Doug E. Happe
President of Council

ATTEST:

Dorothy J. Gallahan
Borough Secretary

**TOWNSHIP OF FERGUSON and BOROUGH OF LUMBER CITY
CLEARFIELD COUNTY PENNSYLVANIA**

**TOWNSHIP OF FERGUSON ORDINANCE NUMBER 01-2013
BOROUGH OF LUMBER CITY ORDINANCE NUMBER 2013-1**

AN ORDINANCE OF THE TOWNSHIP OF FERGUSON, AND THE BOROUGH OF LUMBER CITY, CLEARFIELD COUNTY, PENNSYLVANIA, ("MUNICIPALITIES") APPROVING A JOINT AGREEMENT BETWEEN THE MUNICIPALITIES UNDER AUTHORITY OF THE PENNSYLVANIA MUNICIPAL CONSOLIDATION OR MERGER ACT (53 P.S. §731), AUTHORIZING A REFERENDUM ON A QUESTION OF WHETHER TO MERGE THE ABOVE MUNICIPALITIES AT THE PRIMARY ELECTION TO BE HELD ON MAY 21, 2013.

WHEREAS, Pennsylvania Act 90 of 1994 as amended, (53 P.S. §731, et seq.) the Pennsylvania Municipal Consolidation or Merger Act Section 733 and 734, establishes a procedure for the consolidation or merger of two or more municipalities into a single municipal government to be commenced by a joint agreement of the governing bodies of the municipalities; and

WHEREAS, the municipalities hereto are contemplating entering into a joint agreement for combining governments ("agreement") wherein the municipalities have agreed, inter alia, to request the Clearfield County Board of Elections to place a referendum questions upon the ballot at the next primary election as to whether the citizens of the municipalities believe a single municipal government should be created; and

WHEREAS, in order to permit the citizens such a vote, the aforesaid municipalities have followed the procedure of the Pennsylvania Municipal Consolidation or Merger Act to develop a joint agreement and place a referendum question on the election ballot for combining into a single municipal government.

Now, therefore, be it **ORDAINED** and **ENACTED** by the municipalities and it is hereby **ORDAINED** and **ENACTED** by authority of the same as follows:

1. Joint agreement and election schedule of officials.

The municipalities hereby approve the Joint Agreement for Merging Governments. A true and correct copy of said agreement is attached to

this Ordinance as Exhibit "A" and incorporated herein by reference.

2. Ballot question.

Upon adoption and execution of the Joint Agreement for Merging Governments by the municipalities, the said municipalities hereby authorize and direct the Clearfield County Board of Elections to place upon the ballot in each municipality at the primary election of May 21, 2013, the following question:

"Shall the Borough of Lumber City be merged into the Township of Ferguson, effective January 6, 2014?"

3. Signature authorization.

The municipalities hereby authorize its President of Council or Chairman of the Board of Supervisors to execute the JOINT AGREEMENT FOR MERGING GOVERNMENTS and any and all other documents necessary to effectuate the terms and provisions of the agreement and this Ordinance, all of the same to be attested by the respective secretary of the municipality.

4. Repealer.

All Ordinances or parts of Ordinances conflicting with any of the provisions of this Ordinance are hereby repealed in so far as the same affects this Ordinance.

5. Severability.

The provisions of this Ordinance shall be severable and, if any of the provisions hereof shall be held unconstitutional, void or otherwise unenforceable, such shall not affect the validity of any of the remaining provisions of said Ordinance.

6. Effective date.

Regarding the Borough of Lumber City, this Ordinance shall take effect upon signing by the Mayor following approval of Council. Regarding the Township of Ferguson, this Ordinance shall take effect five (5) days following the date on which the Board of Supervisors shall approve it.

ORDAINED AND ENACTED at a duly convened and publicly advertised meeting of the governing body this 4th day of February, 2013.

FERGUSON TOWN
BOARD OF SUPERVISORS

ATTEST: *Butter Mae Stump*
Township Secretary

BY: *Scott Blackburn*
Chairman

ORDAINED AND ENACTED at a duly convened and publicly advertised meeting of the governing body this 4th day of February, 2013.

BOROUGH OF LUMBER CITY

ATTEST: *Dorothy J. Galleher*
Borough Secretary

BY: *Dwight E. Hays*
President of Council

BY: *John A. Smith*
Mayor

Date *February 4, 2013*

COUNTY BOARD OF ELECTIONS
CLEARFIELD COUNTY & CLEARFIELD, PENNSYLVANIA



CERTIFICATE OF ELECTION

June 10, 2013

We, the undersigned, members of the County Board of Elections of Clearfield County, after tabulating the votes cast at the Municipal Primary Election held on the 21st day of May, 2013 in said County hereby certify the following vote totals:

REFERENDUM QUESTION

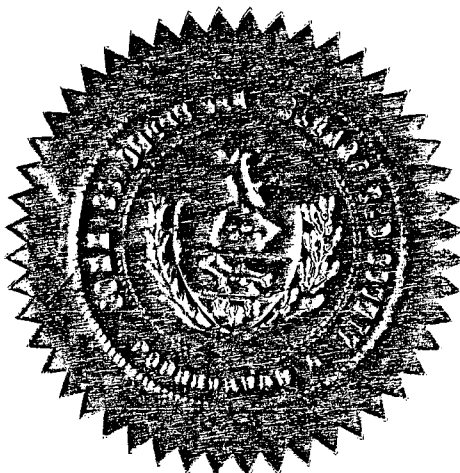
Shall the Borough of Lumber City be merged into the Township of Ferguson, effective January 6, 2014?

LUMBER CITY BOROUGH

YES – 17 NO – 4

FERGUSON TOWNSHIP

YES – 81 NO - 25



[Handwritten signatures of three members of the County Board of Elections]

County Board of Elections

ATTEST:

[Handwritten signature of Dawn L. Graham]

Director of Elections