

RESOLUTION NO. 153

2021

**AUTHORIZING THE ACCEPTANCE BY THE CITY OF SCRANTON BY KEYSTONE SANITARY LANDFILL OF A JOHN DEERE BOMAG BW ASPHALT ROLLER 120SL5-861880441449 PER SOURCEWELL CONTRACT #032119-BAI FROM FIVE STAR EQUIPMENT.**

WHEREAS, Keystone Sanitary Landfill (Keystone) Waste Disposal Agreement with the City of Scranton in February of 1990; ("Settlement Agreement"); and

WHEREAS, said Settlement Agreement contained a "life of the landfill" provision which granted the City of Scranton the option to extend the Agreement for the life of the landfill; and

WHEREAS, on or about October 27, 2000, the City of Scranton notified Keystone that it would be electing to take option granted in the Settlement Agreement, paragraph 2.10, "Waste Disposal Agreement, as approved by Council in File of Council No. 22 of 1990" ("Election of Option"); and

WHEREAS, pursuant to the Election of Option, the City elected to keep the present tipping fee of forty-three dollars and twenty-five cents (\$43.25) per ton for the disposal of the City's municipal waste for the remaining life of the landfill, which was understood to be thirty (30) years; and

WHEREAS, on October 27, 2000, Keystone accepted and agreed to the City's Election of Option and agreed to donate equipment to the City in value of \$100,000 per year, commencing in 2000 and continuing for the life of the Settlement Agreement dated February 18, 1990; and

WHEREAS, correspondence between Keystone and the City of Scranton reflecting the Election of Option is attached hereto as Exhibit A, B and C; and

WHEREAS, the City of Scranton would like to accept the donation of said John Deere BOMAG BW Asphalt Roller with a Sourcewell Cooperative Contract #032119-BAI and with a stated value of \$22,586.00; proof of the same attached hereto as Exhibit D; and

**NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SCRANTON AS FOLLOWS:**

- A. That the City of Scranton accept from Keystone a gift of a John Deere BOMAG BW 120SL5-861880441449 Asphalt Roller per Sourcewell Cooperative Contract #032119-BAI pursuant to the October 27,2000 commitment; and
- B. That the Mayor of the City of Scranton and other appropriate City officials are authorized to execute any and all necessary documents to effectuate the

Introduced in Council on above date and referred to Committee on April 13, 2021

PUBLIC WORKS

*J. Reed*

City Clerk

Scranton, Pa., April 20, 2021

Committee on Public Works reports favorably on the within resolution.

*Kyle Donohue*  
Chairman

**CERTIFIED COPY**

*J. Reed*  
City Clerk

acceptance of the John Deere BOMAG BW 120SL5-861880441449 Asphalt Roller described herein.

**SECTION 1.** If any section, clause, provision or portion of this Resolution shall be held invalid or unconstitutional by any Court of competent jurisdiction, such decisions shall not affect any other section, clause, provision or portion of this Resolution so long as it remains legally enforceable minus the invalid portion. The City reserves the right to amend this Resolution of any portion thereof from time to time as it shall deem advisable in the best interest of the promotion of the purposes and intent of this Resolution, and the effective administration thereof.

**SECTION 2.** This Resolution shall become effective immediately upon approval.

**SECTION 3.** This Resolution shall not serve as an amendment, acknowledgment, novation, addition, supplementation or replacement to any agreement to which the City is a party, including Settlement Agreement described herein or any other agreement with Keystone.

**SECTION 4.** This Resolution is enacted by the Council of the City of Scranton under the authority of the Act of the Legislature, April 13, 2971, Act No. 62, known as the "Home Rule Charter and Optional Plans Law", and any other applicable law arising under the laws of the State and Pennsylvania.

Passed by the Council  
April 20, 2021

Receiving the Affirmative votes of Council Persons  
Schuster, McAndrew, Rothchild, Donahue, Gaughan

Negative NONE

William Gaughan  
President *dk*

Approved 4/21/2021  
Paul J. Conetti Mayor  
L. Reed City Clerk  
Certified Copy