

RESOLUTION 90-¹¹⁹~~117~~

A RESOLUTION OF THE TOWNSHIP OF HOPEWELL, BEAVER COUNTY, PENNSYLVANIA, APPROVING DISTRIBUTION BY THE GREATER ALIQUIPPA TRANSIT AUTHORITY OF SURPLUS AND REBATE FUNDS ACCRUED IN OPERATING YEARS 1981-82 THROUGH 1984-85.

WHEREAS, the Greater Aliquippa Transit Authority experienced operating surplus in the years 1981-82 through 1984-85, and

WHEREAS, the Greater Aliquippa Transit Authority ceased operations and has voted to disband following distribution of these surplus monies, and

WHEREAS, a public meeting was held on Wednesday, August 29, 1990 by the Greater Aliquippa Transit Authority Board of Directors to discuss it's plan for distribution, and

WHEREAS, the proposed plan for distribution has been submitted to the Hopewell Township Board of Commissioners for it's review and approval.

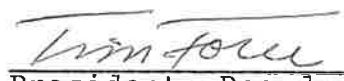
NOW THEREFORE BE IT RESOLVED that the Hopewell Township Board of Commissioners, Beaver County, Pennsylvania hereby approves the distribution plan as outlined in correspondence dated September 7, 1990 from the Greater Aliquippa Transit Authority's Solicitor Daniel M. D'Antonio and attached hereto as Exhibit A.

ADOPTED THIS 11th day of September, 1990

HOPEWELL TOWNSHIP
BOARD OF COMMISSIONERS

WITNESS


Manager/Secretary


President, Board of
Commissioners

CONTE, COURTNEY & MELTON
ATTORNEYS AT LAW
300 NINTH STREET
CONWAY, PENNSYLVANIA 15027-1696

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September 7, 1990

Mr. Tim Force
Chairman
Board of Commissioners
Township of Hopewell
Clark Boulevard
Aliquippa, PA 15001

Re: Distribution of GATA's Surplus and Rebate Funds

Dear Mr. Chairman:

Pursuant to the action taken at the public meeting held on Wednesday, August 29, 1990, GATA's Board of Directors submits for your consideration the enclosed plan of distribution for surplus monies accrued in operating years 1981-82 through 1984-85. These funds have been maintained in interest bearing accounts since GATA ceased active operations and are now ready for dispersal. Please note that the figures proposed are subject to some slight adjustments pending the payment of GATA's final expenses (legal and accounting fees, etc.).

Page 1 of the proposal demonstrates the percentage of funding received by GATA from its respective sources in each of its operating years. The percentage of contribution which was received from a source is determinative of the percentage of the surplus to be returned to the source from this distribution.

Page 2 of the proposal breaks down the surplus accrued in each operating year and the interest earned thereon. Also broken down is the distribution of the surplus and interest per year per funding source.

Page 3 contains the proposed distribution of monies that were obtained from gasoline tax rebates. The Board of Directors has taken the position that these rebate funds are the property of

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GATA and, as such, must be distributed in accordance with Section 14 of the Municipality Authorities Act of 1945, as amended, 53 P.S. §317. This section requires that, upon termination, the property of the authority passes to the municipalities which created it. Therefore, distribution of these rebate funds are being made only to the City of Aliquippa and the Townships of Center and Hopewell.

Page 4 contains the Board's proposal for final distribution of the surplus funds. The Urban Mass Transportation Agency (UMTA) and PennDOT have indicated that they are not making any claim to the surplus monies. The Board has taken the legal position that UMTA and PennDOT's waiver of any claim they may have to these funds reverts ownership of these funds to GATA and, therefore, pursuant to the aforementioned Section 14, as amended, 53 P.S. §317, as GATA's property, these funds are being distributed only to the municipalities which make up the Authority. The Board has also taken the moral position that, since the taxpayers of Aliquippa, Center and Hopewell were required to finance both GATA and BCTA (although only receiving service from GATA) through local and county tax dollars while the remainder of Beaver County contributed to only BCTA through county taxes, fairness dictated that the benefit of this small windfall be limited to those three communities.

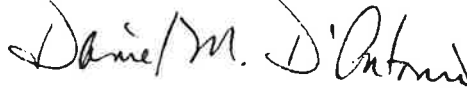
Please review the proposed distribution and indicate your acceptance or rejection of the same by having the duly designated official execute the appropriate space below and return it to me within thirty (30) days of the date of this correspondence. By executing the acceptance below, be advised that your governing body is also agreeing to protect, indemnify and hold harmless GATA, its directors and/or officers, past and/or present, from any claim or action brought on account of, arising out of, or in any way related to the distribution of these surplus and rebate funds to the extent of the sum received by you plus any costs of defense, including, but not limited to, any attorney's fees, incurred by GATA or its directors and/or officers, past and/or present. Failure by your governing body to respond within this thirty (30) day period will be deemed by GATA to be an acceptance of the proposed distribution and the terms herein.

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If you have any questions regarding any of the above or the enclosed, please direct them to the undersigned or to George Glomb, President of the Board of Directors. Mr. Glomb can be reached at telephone number (412) 375-2482.

Your cooperation in this matter is greatly appreciated.

Very truly yours,



Daniel M. D'Antonio
Solicitor
Greater Aliquippa Transit Authority

cc: George Glomb
Keith R. McMillen, Esquire

ACCEPTED

REJECTED

By: Tim Force

By: _____

President

Title

Title

September 11, 1990

Date

Date

G.A.T.A. Contributions Allocation

	<u>%</u>	<u>1981-82</u>	<u>%</u>	<u>1982-83</u>	<u>%</u>	<u>1983-84</u>	<u>%</u>	<u>1984-85</u>
UMTA	34.4	\$140,220	21.5	\$78,000	26.8	\$78,000	31.0	\$106,000
PENN DOT	43.7	\$177,783	51.9	\$188,498	40.0	\$116,116	40.8	\$139,711
LTV	10.8	\$43,762	12.5	\$45,000	15.5	\$45,000	13.1	\$45,000
LOCAL #1211	2.4	\$9,900	2.7	\$9,900	3.4	\$9,900	2.9	\$9,900
HOPEWELL	2.4	\$9,900	2.7	\$9,900	3.4	\$9,900	2.9	\$9,900
CENTER	2.4	\$9,900	2.7	\$9,900	3.4	\$9,900	2.9	\$9,900
ALIQUIPPA	2.4	\$9,900	2.7	\$9,900	3.4	\$9,900	2.9	\$9,900
BEAVER COUNTY	1.5	<u>\$5,823</u>	3.3	<u>\$12,000</u>	4.1	<u>\$12,000</u>	3.5	<u>\$12,000</u>
TOTAL		<u>\$407,188</u>		<u>\$363,098</u>		<u>\$290,716</u>		<u>\$342,311</u>

G.A.T.A. Surplus Distribution

	<u>%</u>	<u>1981-82</u>	<u>%</u>	<u>1982-83</u>	<u>%</u>	<u>1983-84</u>	<u>%</u>	<u>1984-85</u>	<u>TOTAL</u>
UMTA	34.4	\$6,082.85	21.5	\$1,104.84	26.8	\$3,849.31	31.0	\$14,231.54	\$25,268.54
PENN DOT	43.7	\$7,727.34	51.9	\$2,667.04	40.0	\$5,745.24	40.8	\$18,730.54	\$34,870.16
LTV	10.8	\$1,909.73	12.5	\$642.35	15.5	\$2,226.28	13.1	\$6,013.97	\$10,792.33
LOCAL #1211	2.4	\$424.39	2.7	\$138.75	3.4	\$488.35	2.9	\$1,331.34	\$2,382.83
HOPEWELL	2.4	\$424.39	2.7	\$138.75	3.4	\$488.35	2.9	\$1,331.34	\$2,382.83
CENTER	2.4	\$424.39	2.7	\$138.75	3.4	\$488.35	2.9	\$1,331.34	\$2,382.83
ALQUIPPA	2.4	\$424.39	2.7	\$138.75	3.4	\$488.35	2.9	\$1,331.34	\$2,382.83
BEAVER COUNTY	1.5	\$265.21	3.3	\$169.58	4.1	\$588.88	3.5	\$1,606.77	\$2,630.44
TOTAL		<u>\$17,682.69</u>		<u>\$5,138.81</u>		<u>\$14,363.11</u>		<u>\$45,908.18</u>	<u>\$83,092.79</u>

G.A.T.A. SURPLUS

<u>YEAR</u>	<u>SURPLUS</u>	<u>PRESENT VALUE</u>
1981-82	\$11,598.75	\$17,682.69
1982-83	\$3,540.50	\$5,138.81
1983-84	\$10,286.16	\$14,363.11
1984-85	\$34,052.13	\$45,908.18
TOTAL	<u>\$59,477.54</u>	<u>\$83,092.79</u>

GASOLINE TAX REBATE
Hopewell, Aliquippa and Center Qualify

Closing Balance 8/22/90	\$10,505.91
Aliquippa	\$3,501.97
Hopewell Twp.	\$3,501.97
Center Twp.	<u>\$3,501.97</u>
TOTAL	<u><u>\$10,505.91</u></u>

G.A.1.A
SURPLUS ALLOCATION

	State & <u>Federal Share</u>	Total	Gasoline <u>Rebate</u>	Total <u>Distribution</u>
LTV	\$10,792.33	\$10,792.33		\$10,792.33
LOCAL #1211	\$2,382.83	\$2,382.83		\$2,382.83
HOPEWELL	\$2,382.83	\$20,846.23	\$23,229.06	\$3,501.97
CENTER	\$2,382.83	\$20,846.23	\$23,229.06	\$3,501.97
ALIQUIPPA	\$2,382.83	\$18,446.24	\$20,829.07	\$3,501.97
BEAVER COUNTY	\$2,630.44	\$2,630.44		\$2,630.44
TOTAL	\$22,954.09	\$60,138.70	\$83,092.79	\$10,505.91
				\$93,598.70

State Share \$34,870.16
Fed. Share \$25,268.54

Total \$60,138.70

Allocation of State & Federal Shares

Aliquippa was given GATA Auto @ \$2,400

Total \$60,138.70

\$2,400.00 Hopewell Auto Share
\$2,400.00 Center Auto Share
\$55,338.70 / 3 = \$18,446.23

	Auto Share	Tot. Allocation St. & Fed. Share
Aliquippa	\$18,446.24	\$18,446.24
Hopewell	\$18,446.23	\$2,400.00
Center	<u>\$18,446.23</u>	<u>\$2,400.00</u>
		\$20,846.23

Total \$55,338.70 \$4,800.00 \$60,138.70