

**PENN TOWNSHIP
CUMBERLAND COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2016 – 01

**AN ORDINANCE OF THE BOARD OF SUPERVISORS OF
PENN TOWNSHIP, CUMBERLAND COUNTY, PENNSYLVANIA
AUTHORIZING, APPROVING AND ADOPTING INTERGOVERNMENTAL
AGREEMENT RELATING TO COLLECTION OF GARBAGE, RECYCLABLES
AND BULK ITEMS; AND AUTHORIZING AND DIRECTING OTHER
NECESSARY AND PROPER ACTION.**

WHEREAS, the Board of Supervisors of Penn Township has the authority, pursuant to 53 P.S. § 66506, Act of May 2, 1933, P.L. 103, No. 69, as amended, to adopt any ordinance necessary for care and control of the Township and its finances;

WHEREAS, the Board of Supervisors of Penn Township has the authority, by Ordinance, pursuant to 53 P.S. Section 66507, as amended and 53 Pa. C.S.A. 2301 et. seq., to enter into agreements with other political subdivisions, in accordance with existing laws, in performing governmental powers and duties and functions and in carrying into effect provisions of law relating to subjects which are common to such political subdivisions; and

WHEREAS, the Board of Supervisors of Penn Township believes that it is the best interest of its citizens to adopt this Ordinance ratifying the Intergovernmental Cooperation Agreement with Southampton Township relating to the collection of garbage, recyclables, and bulk item collection.

NOW THEREFORE, BE IT ENACTED AND ORDAINED and it is hereby adopted by the Board of Supervisors as follows:

SECTION 1: The preamble recited above it incorporated by reference herein.

SECTION 2: The Board shall enter into the Intergovernmental Cooperation Agreement attached hereto, incorporated by reference herein, and labeled as Exhibit "A", or in substantially the same form, relating to garbage collection, recyclables and bulk item collection subject to the ratification of the Agreement by the participating municipality, Southampton Township.

SECTION 3: A copy of the Intergovernmental Cooperation Agreement in the form so presented to this meeting and so approved shall be filed with the Secretary of this Board and shall be made available for inspection at reasonable times by interested persons requesting such inspection.

SECTION 4: The Chairman of the Board and Secretary are authorized and directed to execute, to attest, to acknowledge, and to deliver the said Intergovernmental Cooperation Agreement.

SECTION 5: The proper officers of this Board are authorized and directed to execute all documents and to do all other acts as may be necessary and proper to carry out this Ordinance and the undertaking of this Board.

SECTION 6: The term of the Agreement shall commence on July 1, 2016 and shall continue through June 30, 2021.

SECTION 7: All other Ordinances or parts of Ordinances inconsistent herewith shall be and the same are expressly repealed.

SECTION 8: In the event that any provision, section, sentence, clause or portion of this Ordinance shall be held invalid, such invalidity shall not affect or impair any remaining provision, section, sentence, clause or portion of this Ordinance, it being the intent that such remainder shall be and shall remain in full force and effect.


SECTION 9: This Ordinance shall take effect as provided by law.

DULY ENACTED AND ORDAINED this 9th day of June, 2016, by the Board of Supervisors of Penn Township, Pennsylvania in lawful session duly assembled.

**PENN TOWNSHIP
CUMBERLAND COUNTY
PENNSYLVANIA**

By: 
Gary Martin, Chairman

By: 
Ken Sheaffer, Vice Chairman

By: 
Amos Seiders, Supervisor

Attest:


Vicki Knapp, Secretary

**INTERGOVERNMENTAL COOPERATION AGREEMENT RELATING TO
GARBAGE/SOLID WASTE, RECYCLING, AND BULK ITEM COLLECTION**

THIS AGREEMENT entered by and between

THE BOARD OF SUPERVISORS OF SOUTHAMPTON TOWNSHIP, Cumberland County, Pennsylvania, a Second Class Township duly organized under the laws of the Commonwealth of Pennsylvania.

AND

THE BOARD OF SUPERVISORS OF PENN TOWNSHIP, Cumberland County, Pennsylvania, a Second Township Class organized under the laws of the Commonwealth of Pennsylvania.

WHEREAS, the Boards of Supervisors of **SOUTHAMPTON TOWNSHIP** and the Board of Supervisors of **PENN TOWNSHIP** have the authority, pursuant to 53 P.S. § 66507, Act of February 1, 1966, P.L. 581, as amended, and 53 Pa. C.S.A. 2301 et seq., to enter into agreements with other political subdivisions, in accordance with existing laws, in performing government powers and duties and functions and in carrying into effect provisions of law relating to subjects which are common to such political subdivisions; and

WHEREAS, each governing board believes that it is in the best interest of its citizens to adopt this Agreement.

NOW THEREFORE, in consideration of the covenants and conditions contained in this Agreement, the parties hereto agree as follows:

1. PREAMBLE - The preamble recited above is incorporated by reference herein.
2. BACKGROUND - **SOUTHAMPTON TOWNSHIP** has entered into an Agreement with Advanced Disposal dated December 28, 2015 whereby **SOUTHAMPTON TOWNSHIP** designated Advanced Disposal as the sole collector of garbage, recyclables and bulk items for all residential properties in **SOUTHAMPTON TOWNSHIP** as well as for residential properties in any other municipalities that elect to participate. In addition, **SOUTHAMPTON TOWNSHIP** adopted Ordinance No. 2011-3 dated May 9, 2011, requiring the owners of all residential properties located in **SOUTHAMPTON TOWNSHIP** to use its designated hauler.

PENN TOWNSHIP desires to utilize the services of **SOUTHAMPTON TOWNSHIP** to administer the collection of garbage, recyclables, and bulk items, including invoicing residents of **PENN TOWNSHIP** and collecting on said invoices. **PENN TOWNSHIP** has adopted a similar Ordinance, No. 2011-4 establishing its collection program, and Ordinance 2016-1 authorizing and approving this Intergovernmental Agreement.

3. **OBLIGATIONS OF SOUTHAMPTON TOWNSHIP – SOUTHAMPTON TOWNSHIP** shall act as billing and collecting agent of **PENN TOWNSHIP** for purposes of the **PENN TOWNSHIP** mandatory collection program and shall be obligated to:

- A. Provide to Advanced Disposal a list of customers located in **PENN TOWNSHIP** that are subject to the collection program;
- B. Receive from Advanced Disposal the invoice relating to collection in **PENN TOWNSHIP**, and paying the same;
- C. Invoice all residents of **PENN TOWNSHIP** that elect full service garbage collection a total of \$46.47 per quarter, or \$42.00 per quarter for senior services, if applicable, said totals relating to the amount that **SOUTHAMPTON TOWNSHIP** pays to Advanced Disposal per customer per quarter, plus compensation set forth in paragraph 5A below, (\$4.00 per quarter) for **SOUTHAMPTON TOWNSHIP**, plus a \$2.00 administration fee per quarter to be paid to **PENN TOWNSHIP**;
- D. Invoice all residents of **PENN TOWNSHIP** that purchase trash bags a total of \$3.50 per bag, of which \$0.50 of the price for each bag to be retained by **SOUTHAMPTON TOWNSHIP** as compensation;
- E. Collect on all invoices referenced in subparagraph (C) and (D) above;
- F. Maintain separate records for **PENN TOWNSHIP** accounts and provide copies of records to it on a quarterly basis; and
- G. Pay to **PENN TOWNSHIP** the administration fees described above, at the end of each quarter.

4. **OBLIGATIONS OF PENN TOWNSHIP – PENN TOWNSHIP** is obligated as follows:

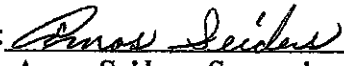
- A. Provide to **SOUTHAMPTON TOWNSHIP** the list of **PENN TOWNSHIP** residents who are subject to the mandatory collection program;
- B. Pursue and pay for any collection efforts and costs regarding delinquent accounts;
- C. Subsequent to the initial distribution of totes by the hauler to deliver totes to customers and on a case by case basis; and
- D. Compensating **SOUTHAMPTON TOWNSHIP** in accordance with Paragraph 5 below.

ADOPTED and **EXECUTED** this 9th day of June, 2016 by the Board of Supervisors of Penn Township, Pennsylvania in lawful session duly assembled.

**PENN TOWNSHIP
CUMBERLAND COUNTY
PENNSYLVANIA**

By: 
Gary Martin, Chairman

By: 
Ken Sheaffer, Vice Chairman

By: 
Amos Seiders, Supervisor

Attest:


Vicki Knepp, Secretary