

**MIDDLE SMITHFIELD TOWNSHIP**  
**MONROE COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 173**

AN ORDINANCE OF THE TOWNSHIP OF MIDDLE SMITHFIELD, MONROE COUNTY, PENNSYLVANIA, SETTING FORTH AN AMENDMENT TO THE CODE OF THE TOWNSHIP OF MIDDLE SMITHFIELD, BY ADDING CHAPTER 30, INTERMUNICIPAL AGREEMENTS, ARTICLE V, INTERGOVERNMENTAL COOPERATIVE AGREEMENT FOR PLOWING AND MAINTAINING OF CERTAIN TOWNSHIP ROADS BY MIDDLE SMITHFIELD TOWNSHIP AND PRICE TOWNSHIP, TO PART I, ADMINISTRATIVE LEGISLATION.

**WHEREAS**, the Board of Supervisors of the Township of Middle Smithfield have heretofore adopted a compilation of ordinances of the Township entitled the "Code of the Township of Middle Smithfield"; and

**WHEREAS**, any and all additions, amendments, deletions, or supplements to the Code, when passed and adopted in such form as to indicate the intention of the Board of Supervisors to be a part thereof, shall be deemed to be incorporated into such Code so that reference to the Code shall be understood and intended to include such changes; and

**WHEREAS**, whenever such additions, amendments, deletions, or supplements to the Code shall be adopted, they shall thereafter be printed and, as provided hereunder, inserted in the post-bound book containing said Code as amendments and supplements thereto; and

**WHEREAS**, the Intergovernmental Cooperation Act, Act of December 19, 1996, P.L. 1158, No. 177, found at 53 Pa.C.S.A. § 2301 et seq., provides that two or more municipalities within the Commonwealth may jointly cooperate in the exercise or performance of their respective governmental functions, powers or responsibilities; and

**WHEREAS**, the Board of Supervisors of Middle Smithfield Township, Monroe County, Pennsylvania, deem it to be in the best interests of and for the general welfare of the citizens and the residents of the Township to enter into a joint agreement with the Township of Price, Monroe County, Pennsylvania, for plowing and maintenance of certain township roads situate within the confines of Middle Smithfield and Price Township; and

**WHEREAS**, Section 1506 of the Second Class Township Code, Act of May 1, 1933, P.L. 103, No. 69, as amended by the Act of November 9, 1995, P.L. 350, No. 60, found at 53 P.S. 66506, entitled "General powers", authorizes the board of township supervisors to make and adopt ordinances necessary for the proper management, care and control of the township, and the maintenance of the health and welfare of the township and its citizens; and

**WHEREAS**, Section 1507 of the said Second Class Township Code, found at 53 P.S. 66507, entitled "Intergovernmental Cooperation", authorizes the Board of Supervisors by ordinance to make agreements with other municipal corporations in performing governmental powers, duties and functions, and in carrying into effect the provisions of the said Intergovernmental Cooperation Law; and

**WHEREAS**, the Board of Supervisors has negotiated the terms and provisions of an "Intergovernmental Cooperative Agreement for Plowing and Maintaining Certain Township Roads by Middle Smithfield Township and Price Township"; and

WHEREAS, the Board of Supervisors desire to enter into that "Intergovernmental Cooperative Agreement for Plowing and Maintenance of Certain Township Roads by Middle Smithfield Township and Price Township", pursuant to the said Intergovernmental Cooperation Act; and

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Supervisors of Middle Smithfield Township, Monroe County, Pennsylvania, and it is hereby ordained and enacted by the authority of the same, to wit:

**SECTION 1: Intergovernmental Cooperative Agreement:**

Chapter 30, entitled "Inter-municipal Agreements", Article V, "Intergovernmental Cooperative Agreement for Plowing and Maintenance of Certain Township Roads by Middle Smithfield Township and Price Township", is hereby added to Part I, Administrative Legislation, of the Code of the Township of Middle Smithfield, as follows, to wit:

**ARTICLE V**

**Intergovernmental Cooperative Agreement for Plowing and Maintenance of Certain Township Roads by Middle Smithfield Township and Price Township**

**§ 30-1. Title.**

This chapter shall be known and may be cited as the "*Middle Smithfield Township Ordinance Authorizing an Intergovernmental Cooperative Agreement for Plowing and Maintenance of Certain Township Roads by Middle Smithfield Township and Price Township.*"

**§ 30-2. Approval of Agreement for Plowing and Maintenance of Certain Township Roads by Middle Smithfield Township and Price Township.**

The "Intergovernmental Cooperative Agreement for Plowing and Maintenance of Certain Township Roads by Middle Smithfield Township and Price Township", marked as Exhibit "A", attached hereto and incorporated herein by reference, is hereby approved, adopted and authorized, provided that the Township of Price, by appropriate official action, approves, adopts and authorizes the execution of the same Agreement.

**§ 30-3. Provision for Implementation Resolutions.**

The Board of Supervisors of Middle Smithfield Township may by resolution adopt procedures and regulations to implement the Agreement approved by this Ordinance, pursuant to the Intergovernmental Cooperation Act, Act of December 19, 1996, P.L. 1157, No. 177, found at 53 Pa. C.S.A. 2301 et seq.

**SECTION 2. SEVERABILITY.**

The provisions of this Ordinance shall be severable, and if any of the provisions hereof shall be found to be invalid or unenforceable, the remaining provisions of this Ordinance shall remain in effect.

**SECTION 3. REPEALER.**

All ordinances or parts of ordinances or resolutions conflicting or inconsistent with any of the provisions of this ordinance are hereby repealed insofar as same affect this ordinance.

**SECTION 4.      EFFECTIVE DATE.**

This Ordinance shall take effect five (5) days after its enactment.

ORDAINED AND ENACTED into an Ordinance at a regular meeting of the Board of Supervisors of Middle Smithfield Township, Monroe County, Pennsylvania, this \_\_\_ day of \_\_\_\_\_, 2010.

**TOWNSHIP OF MIDDLE SMITHFIELD**

\_\_\_\_\_  
SCOTT R. SCHALLER, Chairperson

\_\_\_\_\_  
MITCHELL K. MARCUS, Vice Chairperson

\_\_\_\_\_  
ROBERT F. SPANO, SR., Supervisor

[TOWNSHIP SEAL]

EXHIBIT "A"

**INTERGOVERNMENTAL COOPERATION AGREEMENT FOR PLOWING AND MAINTAINING  
OF CERTAIN TOWNSHIP ROADS BY MIDDLE SMITHFIELD TOWNSHIP AND PRICE TOWNSHIP**

THIS AGREEMENT entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2010, by and between **PRICE TOWNSHIP** of 10 Barren Road, East Stroudsburg, Pennsylvania 18301 ("Price") and **MIDDLE SMITHFIELD TOWNSHIP** of 25 Municipal Drive, East Stroudsburg, Pennsylvania 18302 ("Middle Smithfield").

WITNESSETH:

WHEREAS, the Intergovernmental Cooperation Act, Act of December 19, 1996, P.L. 1158, No. 177, 53 Pa. C.S. §2301 et seq., provides that two or more municipalities may jointly cooperate in the exercise or performance of their respective governmental functions, powers, or responsibilities; and,

WHEREAS, certain Price Township and Middle Smithfield Township roads are in close proximity to, and extend within each of the townships; and,

WHEREAS, Price and Middle Smithfield desire to authorize each other to plow and maintain certain roads actually located in the other township.

NOW, THEREFORE, each of the parties hereto intending to be legally bound hereby, do agree as follows:

(1) Employees of Price Township shall plow the Manzanedo Road located in Middle Smithfield Township; and, employees of Middle Smithfield Township shall plow a portion of the Dancing Ridge Road located in Price Township.

(2) Employees of Price Township shall plow Wooddale Road from the crossroads of Barren Road and Wooddale Road to the township line that borders each township; and, employees of Middle Smithfield shall plow the White Birch Road and Laurel Road located in Price Township.

(3) Middle Smithfield Township shall replace all of the cinder and salt mixture supply located at the Price Township Municipal Building parcel in the cinder building as soon as possible after using said

material. Middle Smithfield shall also provide a front-end loader machine during the winter months on the Price Township Municipal Building site in order to transfer the cinder and salt mixture into its own vehicles.

(4) Middle Smithfield shall replace all diesel and gasoline fuels which it uses from the pumps located on the Price Township Municipal Building site as soon after its use.

(5) This agreement shall remain in full force and effect until termination by unanimous consent of the two participating municipalities. Neither municipality may terminate this agreement unless the other municipality receives not less than sixty (60) days notice, in writing, of said termination.

(6) This agreement may be amended or modified at any time thereafter, but only by addendum to this agreement, in writing, executed by authorized members of the Board of Supervisors.

(7) This agreement shall be governed by and construed in accordance with the laws of the Commonwealth of Pennsylvania.

IN WITNESS WHEREOF, the parties hereto have caused this agreement to be executed by the duly authorized officers as of the day and year first above written.

(Signatures to this agreement are on the next page)

ATTEST:

\_\_\_\_\_  
Secretary

ATTEST:

\_\_\_\_\_  
Secretary

**PRICE TOWNSHIP**

\_\_\_\_\_  
By: \_\_\_\_\_, Chairman

**MIDDLE SMITHFIELD TOWNSHIP**

\_\_\_\_\_  
By: \_\_\_\_\_, Chairman