

TOWNSHIP OF MIDDLE SMITHFIELD  
MONROE COUNTY, PENNSYLVANIA

RESOLUTION # 12-2015-2

**RESOLUTION ADOPTING A POLICY AND PROCEDURE FOR AUTHORIZING THE  
MARSHALL CREEK FIRE COMPANY, BUSHKILL FIRE COMPANY AND SHAWNEE  
FIRE DEPARTMENT, TO CHARGE AND RECOUP THE COSTS OF FIRE AND  
RESCUE SERVICE**

WHEREAS, the Board of Supervisors (the "Board") of Middle Smithfield Township has authorized and designated the Marshall Creek Fire Company, the Bushkill Fire Company and Shawnee Fire Department (the "Volunteer Fire Companies"), as providers of fire-fighting services within Middle Smithfield Township (the "Township"), Monroe County, Pennsylvania; and

WHEREAS, the Volunteer Fire Companies provide fire and rescue services in the Township; and

WHEREAS, the Township annually provides funding to the Volunteer Fire Companies in order to financially support such services; and

WHEREAS, the Volunteer Fire Companies are equipped to utilize certain emergency rescue tools, equipment and materials as a means of saving lives and property; and

WHEREAS, the Volunteer Fire Companies have requested the Board to adopt procedures for the recovery of costs of said tools, equipment and materials, and the wear and tear upon such, for the cost of the specialized training required for use of such tools and equipment, and replacement of materials that are used from time to time; and

WHEREAS, insurance coverage is often available to effect the aforesaid cost recovery for training and utilization of said tools, equipment and materials used by the Volunteer Fire Companies, and

WHEREAS, the Board believes it is in the best interests of the Township and the Volunteer Fire Companies to adopt procedures for the above purposes for effecting said recovery of costs by the Volunteer Fire Companies;

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Board of Supervisors of Middle Smithfield Township, Monroe County, Pennsylvania, and it is hereby resolved as follows:

Section 1: Definitions.

As used herein, the following terms shall have the meaning indicated, unless a different meaning clearly appears from the context:

**Person** - A natural person or individual, partnership, corporation, association, firm or any other legal entity.

**Volunteer Fire Companies** - The Marshalls Creek Fire Company, the Bushkill Fire Company and Shawnee Fire Department, individually and collectively.

Section 2: Authorization of Services and Equipment.

The Board hereby authorizes the Volunteer Fire Companies to utilize tools, equipment and materials, and to provide fire-fighting, or other emergency rescue services, as authorized by law, for the purpose of saving lives and property within the Township and any other area in which the Volunteer Fire Companies, as a mutual aid provider, provides such tools, equipment and materials and services as set forth herein.

Section 3: Authorization to Recover Costs.

The Volunteer Fire Companies are hereby authorized to effect the recovery of costs of its respective services, tools, equipment and/or materials, as herein provided, from any person for whom or for whose property such services were rendered, and/or such tools, equipment and materials were used, and from any insurance carrier or person providing insurance covering such persons or property.

Section 4: Charges and Invoicing.

The Volunteer Fire Companies may charge and invoice:

(a) Any insurance carrier or other person providing insurance covering any person, vehicle, structure, business (profit or nonprofit) or other property for the cost of services provided and for the cost of utilization and/or replacement of tools, equipment and materials.

(b) Any person for whom or for whose property the Volunteer Fire Companies performs services and/or utilizes tools, equipment and/or materials, for the cost of such services rendered unto, and/or tools, equipment and materials used for, such persons or their property. Notwithstanding the foregoing, such person's financial responsibility shall be limited to the extent that the person is entitled to reimbursement from an insurance carrier or other person providing insurance covering the person. The Volunteer Fire Companies shall first invoice the person's insurance carrier or other person providing insurance covering the person, before billing the person, if the identity and contact information of the insurance carrier, or other applicable person, is known to the Volunteer Fire Companies at the time the invoice is sent.

Section 5: Schedule of Fees.

The charges and costs for the services, tools, equipment and/or materials of the Volunteer Fire Companies shall be as specified in the "Billing List", attached hereto as Exhibit "A", and incorporated herein by reference, or as may from time to time be amended by the Board of Directors of the Volunteer Fire Companies, and as approved by the Board of Supervisors.

Section 6: Interest on Unpaid Amounts; Costs of Collection.

In addition to such costs, expenses and fees, the Volunteer Fire Companies are authorized to impose interest or finance charges upon invoiced amounts not paid within thirty (30) days after the invoice date, except as to the extent prohibited by law.

In addition to such costs, expenses and fees, in the event the Volunteer Fire Companies are compelled to initiate private collection or legal proceedings to collect sums due, the Volunteer Fire Companies, in addition to all costs, expenses, fees and interest or service charges due, shall be entitled to recover in such proceeding all attorney's fees, collection agency fees, filing fees and litigation expenses reasonably incurred in the proceeding, except to the extent prohibited by law.

The Volunteer Fire Companies may engage the services of a collection agency to collect unpaid charges, and may assign any such claims to such agency.

Section 7: Severability.

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

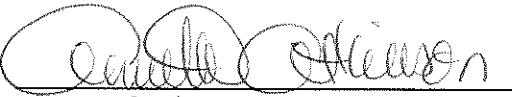
Section 8: Construction.

Any resolution conflicting or inconsistent with any of the provisions in this Resolution is hereby repealed, but only insofar as it is inconsistent.

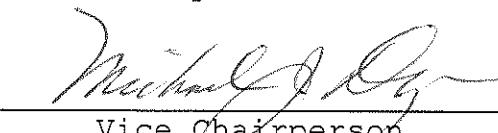
Section 9: Effective Date.

This Resolution shall be effective immediately and shall remain in effect until modified, revoked, or repealed by further Resolution of the Board of Supervisors.

RESOLVED THIS 7TH DAY OF DECEMBER, 2015, BY THE BOARD OF SUPERVISORS OF MIDDLE SMITHFIELD TOWNSHIP AT A LAWFUL SESSION DULY ASSEMBLED.



Jennifer O'Hearn  
Chairperson



Michael J. O'Day  
Vice Chairperson



Mitchell K. Manns  
Supervisor

ATTEST:



Michael J. Clewell  
Secretary

**EXHIBIT "A"**  
**to Resolution**

"Billing List" attached hereto.

## BILLING LIST

### Apparatus

Engine:	\$350.00 Per Hour
Aerial/Ladder:	\$400.00 Per Hour
Rescue:	\$300.00 Per Hour
Squad/Utility/Support:	\$150.00 Per Hour
Tanker/Tender:	\$300.00 Per Hour

### Equipment/Service

SCBA	\$50.00 Each
Hose (per 50')	\$25.00
Gas/Co Detector/Heat Gun	\$50.00 Per Use
Deodorizer	\$25.00 Per Use
Extinguisher (any class)	\$50.00 Per Use
Fire Police Services	\$50.00 Per Hour
Hand Tools	\$15.00 Each
Hydraulic Rescue Tools	\$150.00 Each
Scene Lighting	\$50.00 Per Hour
Oil Booms	\$20.00 Each
Oil Absorbent Sheets	\$10.00 Each
Oil Dry	\$35.00 Bucket
Portable Pumps	\$30.00 Hour
Power Tools	\$50.00 Each
Road Closing/Traffic Control	\$50.00 Per Hour
Salvage Covers	\$30.00 Each
Debris Cleanup/Removal	\$250.00
Flares	\$8.00 Each
Ventilation Fans	\$50.00 Each
IR Camera	\$100.00 Each
Foam	\$50.00 Per Gallon
Cribbing:	
- Passenger	\$100.00 Each
- Class B	\$200.00 Each
- Trucks – Class A	\$500.00 Each
Stabilization Struts	\$50.00 Per Use
Latex Gloves	\$2.00 Per Pair
Ladders	\$35.00 Per Use
Medical Extrication (w/ Hydraulics)	\$1,500.00 Per Patient
Generator	\$50.00 Per Hour
Hand lights	\$5.00 Per Use
Portable Pond	\$150.00 Per Use
Wetting Agent	\$25.00 Per Unit
Fire Line Tape	\$.25 per foot

**TOWNSHIP OF MIDDLE SMITHFIELD  
MONROE COUNTY, PENNSYLVANIA  
RESOLUTION NO. 12-2015-3**

**A RESOLUTION AUTHORIZING THE SUBMISSION OF A PENNSYLVANIA DEPARTMENT OF TRANSPORTATION MULTIMODAL TRANSPORTATION FUND GRANT REQUEST, DESIGNATING A TOWNSHIP OFFICIAL TO EXECUTE ALL DOCUMENTS AND AGREEMENTS IN CONNECTION WITH THE REQUESTED GRANT AND ASSIST IN OBTAINING THE REQUESTED GRANT, AND PROVIDING FOR MISCELLANEOUS MATTERS**

**WHEREAS**, the Middle Smithfield Township Board of Supervisors has determined to request a grant under the Pennsylvania Department of Transportation Multimodal Transportation Fund (the "MTF Program") for financial assistance in undertaking shared use path improvements along Route 209 within the Township (the "Project"); and

**WHEREAS**, in accordance with the MTF Grant Program requirements, the Board desires to declare its approval of the grant request for the Project, and designate a Township official authorized to execute documents and agreements and assist in obtaining the requested grant.

**NOW, THEREFORE BE IT RESOLVED**, by the Middle Smithfield Township Board of Supervisors as follows:

1. The Township is authorized to request, and does hereby request, a MTF Program grant of ***Two million nine hundred ninety two thousand seven hundred forty six dollars (\$2,992,746)*** from the Pennsylvania Department of Transportation for the Project.
2. Michael Dwyer, Township Supervisor, Public Works Director, and Treasurer, is designated as the official (the "Designated Official") to execute all documents and agreements between Middle Smithfield Township and the Pennsylvania Department of Transportation, and to facilitate and assist in obtaining the requested grant.
3. The Designated Official is authorized to send the Pennsylvania Department of Transportation a letter of commitment confirming the Township's commitment to provide matching funds of \$897,824 for the Project, as well as any additional funds necessary to complete the Project beyond those provided by the MTF Grant.
4. The provisions of this Resolution shall be severable, and if any of the provisions hereof shall be found to be invalid or unenforceable, the remaining provisions shall remain in effect.
5. This Resolution shall be effective immediately and shall remain in effect until modified or repealed by further Resolution of the Board of Supervisors.

Resolved this 7th of December 2015, by the Board of Supervisors of Middle Smithfield Township at a lawful session duly assembled.

TOWNSHIP OF MIDDLE SMITHFIELD  
BOARD OF SUPERVISORS

  
Chairperson

  
Vice Chairperson

  
Supervisor

I, Michele Clewell, duly qualified Secretary of Middle Smithfield Township, Monroe County, Pennsylvania, hereby certify that the forgoing is a true and correct copy of a Resolution duly adopted by a majority vote of the Middle Smithfield Board of Supervisors at a regular meeting held December 7, 2015 and said Resolution has been recorded in the Minutes of the Middle Smithfield Township Board of Supervisors and remains in effect as of this date.

IN WITNESS THEREOF, I affix my hand and attach the seal of Middle Smithfield Township, this 8th day of Dec., 2015.

Township of Middle Smithfield  
Monroe County, Pennsylvania

  
Michele L. Clewell, Township Secretary

