

MIDDLESEX TOWNSHIP
CUMBERLAND COUNTY, PENNSYLVANIA

ORDINANCE NO. 11-2008

AN ORDINANCE AUTHORIZING THE TOWNSHIP OF MIDDLESEX
TO ENTER INTO AN INTERGOVERNMENTAL COOPERATION AGREEMENT
FOR THE CONSTRUCTION, OPERATION AND MAINTENANCE OF A JOINT
PUBLIC COMPOSTING FACILITY WITH NORTH MIDDLETON TOWNSHIP.

BE IT ENACTED AND ORDAINED by the Board of Supervisors of the Township of
Middlesex, Cumberland County, Pennsylvania, and it is hereby enacted and ordained by the
authority of the same as follows:

SECTION 1: SHORT TITLE

This Ordinance shall be known and may be cited as the Joint Composting Facility
Agreement Ordinance.

SECTION 2: LEGISLATIVE INTENT AND APPLICABILITY

The background of this Ordinance and the legislative intention of the Board of
Supervisors in enacting it are as follows:

- A. The Township of Middlesex ("Middlesex") is a township of the second class.
- B. The Act of December 19, 1996, P.L. 1158, No. 177, referred to as the
Intergovernmental Cooperation Law, 53 C.S. § 2301, et seq., provides that local governments
may jointly cooperate in the exercise or in the performance of their respective governmental
functions, powers or responsibilities.
- C. Middlesex and North Middleton Township ("North Middleton") desire to
establish a joint composting facility on land owned by Middlesex to serve the residents of both
municipalities.

D. The Board of Supervisors determines that it is in the best interest of the public health, safety and welfare of its citizens to construct, operate, maintain and participate in the cooperative composting facility.

SECTION 3: TERMS OF THE AGREEMENT

A. The conditions of participation, duration, purpose and objectives of the Agreement, including the powers and scope of authority delegated therein, manner and extent of financing, organizational structure necessary to implement the Agreement and manner in which real and personal property will be acquired, managed and disposed of are set forth in the Intermunicipal Agreement Between North Middleton Township and Middlesex Township for the Construction and Operation of a Joint Composting Facility ("Agreement"), a copy of which Agreement is attached to this Ordinance as Exhibit "A" and incorporated herein as if set forth in full in this Ordinance.

B. In addition to required funding under the terms of the Agreement, any additional funds for implementation and performance of the Agreement may be appropriated by the Board of Supervisors as it shall determine, in its sole discretion, from time to time.

C. Real and personal property may be acquired, managed or disposed of under this Ordinance.

D. Each party has the power to enter into contracts for policies of group insurance and employee benefits, including social security, for all of its employees, including those whose duties further the purposes of the Agreement.

SECTION 4: AUTHORITY TO ENTER AGREEMENT

The Chairman of the Board of Supervisors of Middlesex is hereby authorized to execute all documents and perform all actions necessary to cause the Township to enter the Agreement.

SECTION 5: SEVERABILITY

If any sentence, clause, phrase or section of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, phrases, section or parts of this Ordinance.

It is hereby declared as the intention of the Board of Supervisors that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, phrase, section or part thereof had not been included therein.

SECTION 6: REPEALER

Any other Ordinance or parts thereof inconsistent with this Ordinance be and are hereby expressly repealed.

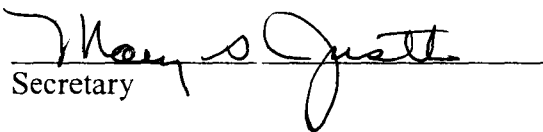
SECTION 7: EFFECTIVE DATE

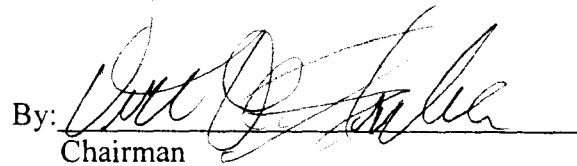
This Ordinance shall become effective as provided by law. The Agreement shall be effective upon the effective date of the Intergovernmental Cooperation Ordinance later enacted by the parties.

ENACTED AND ORDAINED this 26th day September, 2008.

ATTEST:

TOWNSHIP OF MIDDLESEX


Secretary

By: 
Chairman