

**BOROUGH OF ALBURTIS
LEHIGH COUNTY, PENNSYLVANIA**

Ordinance No. 394

(Duly Adopted March 27, 2002)

AN ORDINANCE AUTHORIZING THE BOROUGH OF ALBURTIS TO ENTER INTO AN INTERGOVERNMENTAL COOPERATION AGREEMENT WITH THE BOROUGH OF MACUNGIE AND THE TOWNSHIPS OF LOWER MACUNGIE, LOWER MILFORD, AND UPPER MILFORD TO JOINTLY DEVELOP A MULTI-MUNICIPAL COMPREHENSIVE PLAN, AND ANOTHER AGREEMENT WITH THE SAME MUNICIPALITIES AND ALSO THE COUNTY OF LEHIGH IN ORDER TO OBTAIN A GRANT FROM THE COUNTY OF LEHIGH TO HELP FUND THE MULTI-MUNICIPAL COMPREHENSIVE PLAN; AUTHORIZING THE BOROUGH OF MACUNGIE TO APPLY FOR A STATE GRANT TO COVER ONE-HALF OF THE PROJECT'S COST; AND ALLOCATING \$9,490.00 OF BOROUGH RESOURCES TO THE COST OF THE PROJECT.

WHEREAS the Boroughs of Macungie and Alburtis and the Townships of Lower Macungie, Lower Milford, and Upper Milford (the "**Participants**") desire to undertake an intergovernmental cooperative project (the "**Project**") to create a multi-municipal comprehensive plan that will satisfy the requirements of the Pennsylvania Municipalities Planning Code, 53 PA. STAT. ANN. § 10101 *et seq.*; and

WHEREAS the Borough of Alburtis desires to participate in the Project under the terms and conditions set forth in the Agreement attached to this Ordinance as **Exhibit A** (the "**Agreement**"); and

WHEREAS the Pennsylvania Department of Community and Economic Development makes available grants-in-aid to such projects through the Land Use Planning and Technical Assistance Program; and

WHEREAS the Participants desire to obtain a grant from the County of Lehigh under the terms and conditions set forth in the Agreement attached to this Ordinance as Exhibit B (the "**County Grant Agreement**"); and

WHEREAS intergovernmental cooperation between the Participants is authorized under 53 PA. CONS. STAT. §§ 2301-2316;

NOW, THEREFORE, be it **ORDAINED** and **ENACTED** by the Borough Council of the Borough of Alburtis, Lehigh County, Pennsylvania, as follows:

§ 1. Intergovernmental Cooperation Agreement for the Project. The Borough of Alburtis shall enter into an Agreement with the Borough of Macungie and the Townships of Lower Macungie, Lower Milford, and Upper Milford in the form attached to this Ordinance as **Exhibit A**, which is incorporated into this Ordinance by reference, *provided that* the governing bodies of the other participating municipalities shall also approve the execution of the Agreement. The President (or Vice President) of Borough Council is hereby authorized and directed to execute the Agreement on behalf on the Borough upon the approval of the Agreement by all of the participating municipalities.

§ 2. Intergovernmental Cooperation Agreement for a County Grant. The Borough of Alburtis shall enter into an Agreement with the County of Lehigh, the Borough of Macungie, and the Townships of Lower Macungie, Lower Milford, and Upper Milford in the form attached to this Ordinance as **Exhibit B**, which is incorporated into this Ordinance by reference, *provided that* the governing bodies of the other participating political subdivisions shall also approve the execution of the Agreement. The President (or Vice President) of Borough Council is hereby authorized and directed to execute the Agreement on behalf on the Borough upon the approval of the Agreement by all of the participating municipalities.

§ 3. Application for State Grant. The Borough of Alburtis hereby authorizes the Borough of Macungie to make application on behalf of the Borough of Alburtis for a

grant from the Pennsylvania Department of Community and Economic Development to finance one-half of the cost of the project described in the Agreement.

§ 4. Financial Contribution. In accordance with the Agreement, Borough Council hereby allocates municipal resources in the amount of Nine Thousand Four Hundred Ninety Dollars (\$9,490.00) to the project described in the Agreement.

DULY ORDAINED and **ENACTED** by the Borough Council of the Borough of Alburtis, this 27th day of March, 2002, in lawful session duly assembled.

BOROUGH COUNCIL
BOROUGH OF ALBURTIS

Steven R. Hill, President

Attest:

Melanie Hansen, Secretary

AND NOW, this 27th day of March, 2002, the above Ordinance is hereby **APPROVED**.

Russell J. Afflerbach, Mayor

Exhibit A

AGREEMENT

THIS AGREEMENT made this ____ day of _____, 2002, by and between the BOROUGHS of MACUNGIE and ALBURTIS and the TOWNSHIPS of LOWER MACUNGIE, LOWER MILFORD and UPPER MILFORD (the “Participants”) for the undertaking of a cooperative planning project (the “Project”).

WHEREAS, the goal of the Project is to create a multi-municipal comprehensive plan (the Plan) that will meet the requirements of the Pennsylvania Municipalities Planning Code (MPC), take advantage of new opportunities provided in the MPC to municipalities who create multi-municipal plans and create general consistency between municipal plans and the County comprehensive plan; and

NOW, THEREFORE, it is agreed among the parties hereto that;

1. The above purpose clauses are hereby made a part of this agreement by this reference.
2. The Participants shall form a Steering Committee consisting of no more than four (4) members from each municipality. Notwithstanding the foregoing, each Participant shall have one vote with respect to the content of the Plan. All decisions shall be unanimous. Final adoption of the Plan shall be the province of the governing bodies of each municipality, following review and comment by its Planning Commission and by the Lehigh Valley Planning Commission, in accordance with § 302 of the MPC.

3. The Participants shall provide available data and reports to the Steering Committee which are relevant to the preparation of the Plan.

4. The Participants hereby authorize the Steering Committee to engage Urban Research and Development Corporation (the “Consultant”) to provide consulting services to execute the Project at a cost not to exceed that set forth in paragraph (5) below.

5a. The Participants shall share in the cost of the Project according to the following percentages and up to and including the following maximum amounts. Any additional costs are the responsibility of the Participant incurring them.

Project cost		\$94,900.00
State grant	50.0%	\$47,450.00
Macungie	10.0%	\$9,490.00
Alburtis	10.0%	\$9,490.00
Lower Macungie	10.0%	\$9,490.00
Lower Milford	10.0%	\$9,490.00
Upper Milford	10.0%	\$9,490.00
All sources	100.0%	\$94,900.00

5b. The Participants are applying for grant monies from Lehigh County in the amount of \$23,725.00. In the event that grant monies are received from Lehigh County, each Participant shall be reimbursed \$4,745.00 of each Participant’s contribution.

6. The Borough of Macungie agrees to accept responsibility for applying for state grant funds and for administering both the grant funds and each Participant's contribution. One half of each Participant's contribution shall be paid to, and the grant money shall be committed to, the Borough of Macungie before the Consultant commences work. The remaining portion of each Participant's contribution shall be paid to the Borough of Macungie on or before January 15, 2003.

7. The Steering Committee shall develop the Plan and shall forward the plan to be the governing bodies of each municipality.

8. The Steering Committee shall develop the Plan to be compatible across the municipal boundaries of the Participants.

9. The Steering Committee shall give due consideration to the Comprehensive Plans for Lehigh and Northampton Counties in the preparation of the Plan.

10. The Participants shall commence public hearings within ninety (90) days of receipt of the Plan to solicit public opinion and shall then act upon the Plan pursuant to the MPC.

11. Changes to this intergovernmental agreement must be mutually agreed to by the parties hereto and confirmed in writing prior to performance of said changes.

IN WITNESS WHEREOF and intending to be legally bound hereby, the parties hereto have set their hands and seals as indicated below.

ATTEST.

BOROUGH OF ALBURTIS

Name: _____ Date: _____
Title:

BOROUGH OF MACUNGIE

Name: _____ Date: _____
Title:

LOWER MACUNGIE TOWNSHIP

Name: _____ Date: _____
Title:

LOWER MILFORD TOWNSHIP

Name: _____ Date: _____
Title:

UPPER MILFORD TOWNSHIP

Name: _____ Date: _____
Title:

Exhibit B

MULTI-MUNICIPAL COMPREHENSIVE PLAN GRANT AGREEMENT

WHEREAS, the BOROUGHS OF ALBURTIS and MACUNGIE, the TOWNSHIPS OF LOWER MACUNGIE, LOWER MILFORD, and UPPER MILFORD (“Municipalities”) desire to prepare and adopt a multi-municipal comprehensive plan (the “Plan”); and

WHEREAS, in consideration for the preparation and adoption of a multi-municipal plan under the Pennsylvania Municipalities Planning Code (MPC) that is consistent with the County Comprehensive Plan, the COUNTY OF LEHIGH (the “County”) is offering a matching reimbursement grant.

NOW THEREFORE, it is agreed among the parties hereto that:

- I. The above purpose clauses are hereby made a part of this agreement by this reference.
2. The County shall reimburse the Municipalities 25% of the cost of preparing and adopting the Plan up to a maximum of \$23,725.00, provided that:
 - a. The Plan in draft form is submitted to the Lehigh Valley Planning Commission for consistency review at the 50% and 75% stages of completion.
 - b. The Plan is adopted by the Municipalities within three (3) years of execution of the agreement.
 - c. The Plan is prepared and adopted in accordance with the MPC.

d. The Plan is determined by the Lehigh Valley Planning Commission to be consistent with the County Comprehensive Plan.

e. The Plan and all related published material and announcements include the following statement: "This project is supported by a grant from the County of Lehigh."

3. The Municipalities are advised that they may only implement the Plan by revising relevant ordinances and implementing cooperative agreements.

4. Changes to this intergovernmental agreement must be mutually agreed to by the parties hereto and confirmed in writing prior to performance of said changes.

IN WITNESS HEREOF, and intending to be legally bound hereby, the parties hereto have set their hands and seals as indicated below.

Attest: BOROUGH OF ALBURTIS

Date: By: _____
Title:

Attest: BOROUGH OF MACUNGIE

Date: By: _____
Title:

Attest: LOWER MACUNGIE TOWNSHIP

Date: By: _____
Title:

Attest:

LOWER MILFORD TOWNSHIP

Date:

By: _____

Title:

Attest:

UPPER MILFORD TOWNSHIP

Date:

By: _____

Title:

Attest:

COUNTY OF LEHIGH

Date:

By: _____

Title: Lehigh County Executive