

**BOROUGH OF ALBURTIS  
LEHIGH COUNTY, PENNSYLVANIA**

Ordinance No. 527

(Duly Adopted February 11, 2015)

AN ORDINANCE AUTHORIZING THE BOROUGH OF ALBURTIS TO ENTER INTO AN INTERGOVERNMENTAL COOPERATION AGREEMENT WITH THE BOROUGHES OF EMMAUS AND MACUNGIE AND THE TOWNSHIPS OF LOWER MACUNGIE, LOWER MILFORD, AND UPPER MILFORD TO UPDATE AND REVISE THE SOUTHWESTERN LEHIGH COUNTY COMPREHENSIVE PLAN AND COORDINATE NEW PARTNER-SPECIFIC PLANS FOR PARKS, RECREATION AND OPEN SPACE, AGRICULTURAL CONSERVATION, TRANSPORTATION, INFRASTRUCTURE, AND ECONOMIC DEVELOPMENT, INCLUDING PROCEDURES FOR A STEERING COMMITTEE, THE ENGAGEMENT OF THE LEHIGH VALLEY PLANNING COMMISSION TO PROVIDE CONSULTING SERVICES, PAYMENTS BY EACH MUNICIPALITY TOWARDS THE COSTS OF THE PROJECT, THE APPLICATION FOR STATE GRANT FUNDS AND ADMINISTRATION OF GRANT FUNDS AND BILLINGS OF MUNICIPALITIES, DEVELOPMENT OF THE PLAN, PUBLIC HEARINGS, AND AMENDMENT OF THE AGREEMENT.

**WHEREAS** the Boroughs of Alburdis, Emmaus, and Macungie and the Townships of Lower Macungie, Lower Milford, and Upper Milford (the “**Participants**”) desire to undertake an intergovernmental cooperative project (the “**Project**”) to update and revise their multi-municipal comprehensive plan (the Southwestern Lehigh County Regional Comprehensive Plan) to satisfy the requirements of the Pennsylvania Municipalities Planning Code, 53 PA. STAT. ANN. § 10101 *et seq.*, and coordinate new partner-specific plans for parks, recreation, and open space, agricultural conservation, transportation, infrastructure, and economic development; and

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

**SECTION 1.** Chapter 6, Article III of the Alburtis Codified Ordinances (relating to Intergovernmental Cooperation—Multi-Municipal Comprehensive Planning) is amended by adding the following new Section 6-306 after existing Section 6-305:

**§ 6-306 Intergovernmental Cooperation Agreement to Revise and Update Multi-Municipal Comprehensive Plan.**

The Borough of Alburtis shall enter into an Intermunicipal Agreement with the Boroughs of Emmaus and Macungie and the Townships of Lower Macungie, Lower Milford, and Upper Milford in the form attached to Ordinance 527 as **Exhibit A**, which is incorporated into this Article 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.

**SECTION 2.** The attached **Exhibit A** is incorporated into this Ordinance by reference.

**DULY ORDAINED** and **ENACTED** by the Borough Council of the Borough of Al-  
burtis, this 11<sup>th</sup> day of February, 2015, in lawful session duly assembled.

**BOROUGH COUNCIL  
BOROUGH OF ALBURTIS**

---

Steven R. Hill, President

Attest:

---

Sharon Trexler, Borough Manager

**AND NOW**, this 11<sup>th</sup> day of February, 2015, the above Ordinance is hereby AP-  
PROVED.

---

Kathleen Palmer, Mayor

Exhibit "A"

INTERMUNICIPAL AGREEMENT

THIS AGREEMENT made this \_\_\_\_ day of \_\_\_\_\_, 2015, by and between the BOROUGHS of MACUNGIE and ALBURTIS and EMMAUS 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 update and revise the existing SOUTHWESTERN LEHIGH COUNTY REGIONAL COMPREHENSIVE PLAN (the "Plan") and coordinate new partner-specific plans for parks, recreation and open space, agricultural conservation, transportation, infrastructure and economic development to procure a shared and coordinated approach to planning, in accordance with the requirements of the Pennsylvania Municipalities Planning Code (MPC), and

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

1. The above purpose clause is hereby made a part of this agreement by this reference.
2. The Participants shall form a Steering Committee consisting of no more than three (3) members from each municipality from among (1 Elected Official, 1 Planning Commissioner, 1 appointed representative, and 1 staff member). 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 each municipality's Planning Commission, governing body and the Lehigh Valley Planning Commission, in accordance with §302 of the MPC.

Exhibit "A"

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

4. The Participants hereby authorize the Steering Committee to engage the LEHIGH VALLEY PLANNING COMMISSION (the "Consultant") to provide consulting services to execute the Project at a cost not to exceed that set forth in paragraph (5a) below.

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

|                |      |              |
|----------------|------|--------------|
| Project Cost   |      | \$180,000.00 |
| DCED Grant     |      | \$90,000.00  |
| LVPC Grant     |      | \$15,000.00  |
| Macungie       |      | \$12,500.00  |
| Alburtis       |      | \$12,500.00  |
| Emmaus         |      | \$12,500.00  |
| Lower Macungie |      | \$12,500.00  |
| Upper Milford  |      | \$12,500.00  |
| Lower Milford  |      | \$12,500.00  |
| All Sources    | 100% | \$180,000.00 |

5b. The Participants are applying for grant monies from Lehigh County in the amount of \$30,000.00. In the event that grant monies are received from Lehigh County, each Participant's cost share shall be reduced equally. Any additional funds awarded the Participants to update the Plan, through grants or appropriations, shall be distributed equally to each of the Participants to reduce their cost share.

6. The Lehigh Valley Planning Commission agrees to accept responsibility for applying for and administering the DCED grant funds and monthly billing to each Participant of remaining balance due.

Exhibit "A"

7. The Steering Committee shall update the Plan and shall forward the updated Plan to 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 Zoning Ordinances of the Participants, as well as the Comprehensive Plans for Lehigh and Northampton Counties in the preparation of the Plan update.

10. The Participants shall commence public hearings within ninety (90) days of receipt of the final draft 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:  
Title:

Date: \_\_\_\_\_

BOROUGH OF EMMAUS

\_\_\_\_\_  
Name:  
Title:

Date: \_\_\_\_\_

Exhibit "A"

BOROUGH OF MACUNGIE

\_\_\_\_\_  
Name:  
Title:

Date: \_\_\_\_\_

LOWER MACUNGIE TOWNSHIP

\_\_\_\_\_  
Name:  
Title:

Date: \_\_\_\_\_

LOWER MILFORD TOWNSHIP

\_\_\_\_\_  
Name:  
Title:

Date: \_\_\_\_\_

UPPER MILFORD TOWNSHIP

\_\_\_\_\_  
Name:  
Title:

Date: \_\_\_\_\_

LEHIGH VALLEY PLANNING COMMISSION

\_\_\_\_\_  
Name:  
Title:

Date: \_\_\_\_\_