

NORTH YORK BOROUGH
YORK COUNTY, PENNSYLVANIA

ORDINANCE NO. 2023-02

AN ORDINANCE OF THE BOROUGH OF NORTH YORK AUTHORIZING THE BOROUGH TO ENTER INTO AN INTERGOVERNMENTAL COOPERATION AGREEMENT WITH MANCHESTER TOWNSHIP AND CONEWAGO TOWNSHIP, TO ESTABLISH AN INTERMUNICIPAL AGREEMENT TO COMBINE RESOURCES TO PROVIDE A JOINT AND COORDINATED COMPREHENSIVE PLAN TO BENEFIT THE RESIDENTS OF THE MUNICIPALITIES, SUBJECT TO CERTAIN TERMS AND CONDITIONS SET FORTH IN THE AGREEMENT

The Borough Council of North York Borough, York County, Pennsylvania hereby adopts and ordains this Ordinance, as follows:

RECITALS

WHEREAS, **CONEWAGO TOWNSHIP**, York County, Pennsylvania, is a township of the second class of the Commonwealth of Pennsylvania (hereinafter “Manchester”); and

WHEREAS, **MANCHESTER TOWNSHIP**, York County, Pennsylvania, is a township of the second class of the Commonwealth of Pennsylvania (hereinafter “Manchester”); and

WHEREAS, **NORTH YORK BOROUGH**, York County, Pennsylvania, is a borough of the Commonwealth of Pennsylvania (hereinafter “North York”); and

WHEREAS, Conewago Township, Manchester Township and North York Borough are sometimes herein collectively referred to for convenience as the “Municipalities” and individually as a “Municipality”;

WHEREAS, the Municipalities have negotiated and agreed to the terms of an Intermunicipal Cooperation Agreement and desire to adopt it to combine resources to provide a joint and coordinated Comprehensive Plan to benefit the residents of the Municipalities, subject to certain terms and conditions set forth in the Agreement;

NOW, THEREFORE, BE IT ORDAINED AND ENACTED, and it is hereby ordained and enacted by the Borough Council of North York Borough, York County, Pennsylvania, as follows:

SECTION 1: Adoption of Recitals. The foregoing recitals are hereby incorporated and made a part of this ordinance.

SECTION 2: Approval of the Intermunicipal Agreement. The Borough Council of North York Borough hereby authorizes the execution of the attached Intermunicipal Agreement with Conewago Township and Manchester Township having the terms consistent with the recitals adopted herein, to combine resources to provide a joint and coordinated Comprehensive Plan to benefit the residents of the Municipalities.

SECTION 3: Authorization for Adoption. This Ordinance is adopted pursuant to the Intergovernmental Cooperation Act, 53 Pa.C.S. §2301 et. seq., as amended, and the authority hereby granted shall continue as provided in the Pennsylvania Borough Code, 8 Pa. C.S. 101 et. seq., as amended, and in accordance with the terms and conditions set forth in the Intermunicipal Agreement.

SECTION 4: Implementation of Ordinance. Arrangements shall be made among the officials of the respective parties to the Intermunicipal Agreement for the purpose of implementing the undertakings in accordance with the Intermunicipal Agreement. Payments shall be as provided in the Intermunicipal Agreement.

SECTION 5: Modification of the Intermunicipal Agreement. The Intermunicipal Agreement may be modified if done in writing, signed by all parties to the Agreement, and adopted by Resolution of each municipality.

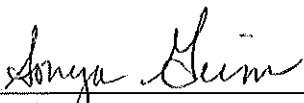
SECTION 6: All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

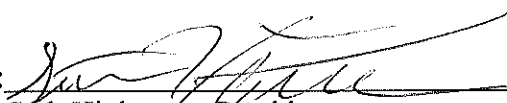
SECTION 7: This ordinance shall become effective five (5) days after passage as provided by law.

ORDAINED AND ENACTED this 11th day of April 2023.

ATTEST:

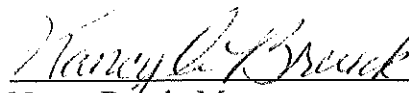
THE BOROUGH OF NORTH YORK

By: 
Sonya Grim, Secretary

By: 
Seth Hightman, President

Approved this 11th day of April 2023.

(SEAL)


Nancy Brunk, Mayor

INTERMUNICIPAL COOPERATION AGREEMENT

THIS INTERMUNICIPAL COOPERATION AGREEMENT (this "Agreement") is made by and between NORTH YORK BOROUGH, York County, Pennsylvania, and MANCHESTER TOWNSHIP, York County, Pennsylvania, and CONEWAGO TOWNSHIP, York County, Pennsylvania, collectively, the "Municipalities" or individually, "Party."

RECITALS

- A. North York Borough ("North York") is a borough organized and existing pursuant to the Borough Code, 8 Pa.C.S. §101 et seq.; and
- B. Manchester Township ("Manchester") is a township of the second class organized and existing pursuant to the Second Class Township Code, 53 P.S. §65101 et seq.; and
- C. Conewago Township ("Conewago") is a township of the second class organized and existing pursuant to the Second Class Township Code, 53 P.S. §65101 et seq.; and
- D. North York Borough, Manchester Township, and Conewago Township intend to combine resources to provide a joint and coordinated Comprehensive Plan to benefit the residents of both Municipalities, subject to certain terms and conditions set forth in this Agreement.

AGREEMENT

NOW, THEREFORE, for and in consideration of the recitals set forth above and the mutual covenants set forth herein, and intending to be legally bound hereby, the Municipalities agree as follows:

- 1. The Recitals are incorporated and made part of this Agreement.
- 2. Conewago Township, Manchester Township, and North York Borough shall engage the services of the civil engineering firm of Herbert, Rowland & Grubic, Inc. (hereafter "HRG") for the purpose of preparing a Comprehensive Plan for both Municipalities, in accordance with Article III of the Municipalities Planning Code, 53 P.S. 10301—10307 and Section 1103 of the Municipalities Planning Code, 53 P.S. 11103.
- 3. Conewago Township, Manchester Township, and North York Borough hereby agree to provide to HRG such information as required by HRG to prepare a Comprehensive Plan, including but not limited to information set forth in Section 301 of the Municipalities Planning Code, 53 P.S.10301.
 - a. Each municipality shall supply HRG with its objectives for future development, plans for land use, housing, and transportation needs of their residents.

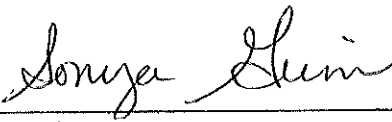
- b. Each municipality shall supply HRG with information on needs for community facilities including but not limited to municipal buildings and programs; utilities; emergency response facilities and needs; water, sewer, storm water, flood control, and related facilities; educational and library facilities; environmental and energy needs; protection of historic properties and resources; and preservation and conservation of agricultural and natural resources.
 - c. Each municipality shall supply HRG with information regarding the need for capital improvements, needs for additional regulations (particularly involving new development), municipal programming needs, and maintenance or other needs to assure continuation of municipal and utility services and programs.
 - d. In addition to the foregoing, each municipality shall supply all information required by Section 301 of the Municipalities Planning Code and such information as may be reasonably requested by HRG or the other municipality in conjunction with the preparation of the Comprehensive Plan.
4. Conewago Township, Manchester Township and North York Borough shall share the costs of the professional services to be provided by HRG in the preparation of the Comprehensive Plan as follows:
- a. Manchester Township shall pay \$62,603.80
 - b. North York Borough shall pay \$7,042.20
 - c. Conewago Township shall pay \$27,354.00
 - d. Invoices from HRG shall be paid on a pro-rata basis by the municipalities, with Conewago Township paying 28.20% of each invoice, Manchester Township paying 64.54% of each invoice, and North York Borough paying 7.26% of each invoice.
 - e. Should HRG invoices exceed a total of \$97,000.00, the municipalities hereby agree to pay the excess amounts of the invoices in the same pro-rata shares as set forth above.
5. No Party shall be held liable or otherwise responsible for the acts and/or omissions, including negligence or willful misconduct, of any other Party or any of another Party's agents, employees, directors, officers, affiliates, consultants, volunteers, and/or contractors.
6. The Municipalities are protected under the Commonwealth of Pennsylvania's Tort Claims Act (Act), and as such, cannot and shall not be held responsible or otherwise liable for those actions or inactions specifically enumerated under the Act. Based on the foregoing, each Party agrees to protect, indemnify, and hold harmless the other Parties and their officials, agents, employees, directors, officers, affiliates, consultants, volunteers and/or contractors from and against any and all damages, injuries (including bodily injury, dismemberment, and/or death), claims, liabilities, and costs (including reasonable attorneys' fees), which arise or may be suffered or incurred in whole or in part as a result of the acts or omissions of the indemnifying Party, its agents, employees, directors,

officers, affiliates, consultants, volunteers and/or contractors, and whether arising under this Agreement.

7. This Agreement is an independent contract. Nothing contained in this Agreement shall be construed to create the relationship of employer and employee among Conewago Township, Manchester Township, and North York Borough or their officials, agents or employees. The Municipalities assert that they are not in a joint venture with each other, nor do they intend to operate as a joint venture.
8. This Agreement shall be binding on the Municipalities, their successors, and assigns.
9. The Municipalities may terminate this Agreement or modify this Agreement only in a duly authorized writing executed by both Municipalities. This Agreement may not be assigned without written authorization by the non-assigning Party.
10. The Effective Date of this Agreement shall be the date of the last Party to execute this Agreement. This Agreement may be executed in counterparts, each of which shall be an original and which together shall constitute one and the same instrument.
11. Acceptance under this Agreement may be made by facsimile transmission, email using a pdf version or other electronic signature.

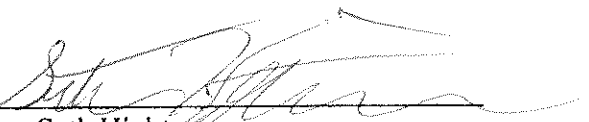
INTENDING TO BE LEGALLY BOUND, the Municipalities have executed this Agreement on the dates indicated below.

ATTEST:



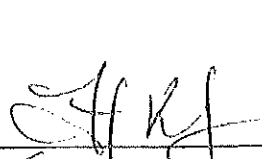
Sonya Grim
North York Borough Council Secretary

NORTH YORK BOROUGH

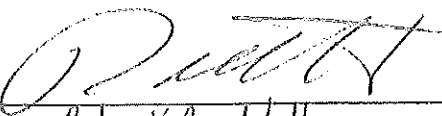
By: 

Name: Seth Highman
North York Borough Council President
Date: April 11, 2023

MANCHESTER TOWNSHIP:



Timothy R. James, Sec.

By: 

Name: Rodney K. Brandstetter
Title: Chair
Date: 3/14/23

CONEWAGO TOWNSHIP:

By: _____
Name: _____
Title: _____
Date: _____