

**NORTH MIDDLETON TOWNSHIP  
CUMBERLAND COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 2008-09**

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

BE IT ENACTED AND ORDAINED by the Board of Supervisors of the Township of North Middleton, 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 North Middleton ("North Middleton") 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 North Middleton Township 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.

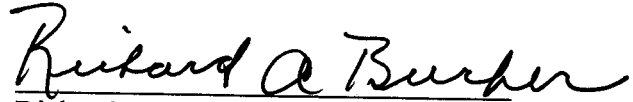
ADOPTED AND ORDAINED this 6 day of November, 2008.

ATTEST:



Township Secretary

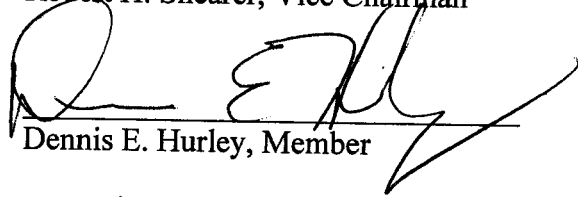
NORTH MIDDLETON TOWNSHIP  
BOARD OF SUPERVISORS



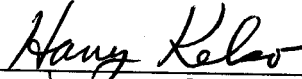
Richard A. Bucher, Chairman



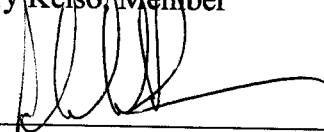
Robert H. Shearer, Vice Chairman



Dennis E. Hurley, Member



Harry Kelso, Member

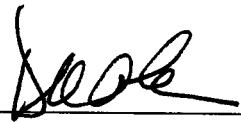


Robert A. Reisinger, Member

CERTIFICATE

I, the undersigned, Secretary of the Township of North Middleton, Cumberland County, Pennsylvania (the "Township"), certify that: the foregoing is a true and correct copy of an Ordinance of the Board of Supervisors of the Township (the "Board"), which duly was enacted by affirmative vote of a majority of the members of the Board at a meeting held on November 6, 2008; said Ordinance duly has been recorded in the Ordinance Book of the Township; said Ordinance duly has been published as required by law; and said Ordinance remains in effect, unaltered and unamended, as of the date of this Certificate.

IN WITNESS WHEREOF, I set my hand and affix the official seal of the Township, this 7 day of November, 2008.

  
\_\_\_\_\_  
Secretary

(SEAL)

## PUBLIC NOTICE

The Board of Supervisors of North Middleton Township will hold a hearing to take public comment on proposed Ordinance No. 2008-09 entitled AN ORDINANCE AUTHORIZING THE TOWNSHIP OF NORTH MIDDLETON TO ENTER INTO AN INTERGOVERNMENTAL COOPERATION AGREEMENT FOR THE CONSTRUCTION, OPERATION AND MAINTENANCE OF A JOINT PUBLIC COMPOSTING FACILITY WITH MIDDLESEX TOWNSHIP during their regularly scheduled Board of Supervisors meeting at 6:35 p.m. on Thursday, November 6, 2008, or any other time which the Public Hearing may be continued by the Board of Supervisors, at the North Middleton Township Municipal Building, 2051 Spring Road, Carlisle, Pennsylvania 17013.

The proposed Ordinance is for the purpose of authoring the Township of North Middleton to enter into an Intergovernmental Cooperation Agreement for the construction, operation and maintenance of a joint public composting facility with Middlesex Township.

At the conclusion of the public comment scheduled at the regularly scheduled Board of Supervisors meeting at 6:35 p.m. on Thursday, November 6, 2008, or any other time to which the public hearing is continued by the Board of Supervisors, the North Middleton Township Board of Supervisors will consider passage of proposed Ordinance No. 2008-09, entitled AN ORDINANCE AUTHORIZING THE TOWNSHIP OF NORTH MIDDLETON TO ENTER INTO AN INTERGOVERNMENTAL COOPERATION AGREEMENT FOR THE CONSTRUCTION, OPERATION AND MAINTENANCE OF A JOINT PUBLIC COMPOSTING FACILITY WITH MIDDLESEX TOWNSHIP. The proposed Ordinance is for the purpose of authoring the Township of North Middleton to enter into an Intergovernmental Cooperation Agreement for the construction, operation and maintenance of a joint public composting facility with Middlesex Township. The proposed Ordinance contains a severability clause, continuation date and an effective date. A copy of the proposed Ordinance as drafted, may be examined without charge or obtained for a charge not greater than the cost thereof at the North Middleton Township Municipal Building, 2051 Spring Road, Carlisle, Pennsylvania 17013, during regularly scheduled business hours. In addition, the North Middleton Code and Zoning Ordinances reflecting the proposed changes are also of record at the Cumberland County Law Library and have been provided to the Sentinel newspaper and the Sentinel newspaper is in possession of a complete copy of the amendments and Ordinance. Interested citizens are invited to attend the above-referenced meeting of North Middleton Township.

Mark W. Allshouse, Esquire  
Solicitor for North Middleton Township

# PROOF OF PUBLICATION

State of Pennsylvania, County of Cumberland

Erica Peterson, Classified Manager, of The Sentinel, of the County and State aforesaid, being duly sworn, deposes and says that THE SENTINEL, a newspaper of general circulation in the Borough of Carlisle, County and State aforesaid, was established December 13<sup>th</sup>, 1881, since which date THE SENTINEL has been regularly issued in said County, and that the printed notice or publication attached hereto is exactly the same as was printed and published in the regular editions and issues of THE SENTINEL on the following day(s):  
October 13, 20, 2008

## COPY OF NOTICE OF PUBLICATION

### PUBLIC NOTICE

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Mark W. Alishouse, Esquire  
Solicitor for North Middleton Township

Affiant further deposes that he/she is not interested in the subject matter of the aforesaid notice or advertisement, and that all allegations in the foregoing statement as to time, place and character of publication are true.

Erica Peterson

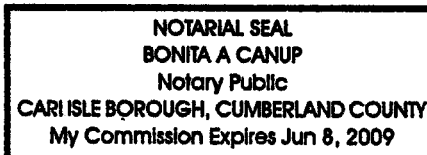
Sworn to and subscribed before me this

22<sup>nd</sup> day of October, 2008.

Bonita A. Canup

Notary Public

My commission expires:



September 30, 2008

The Sentinel  
457 East North Street  
P.O. Box 130  
Carlisle, PA 17013

Attention: Legal Advertising

Re: North Middleton Township  
Proposed Ordinance No. 2008-09  
Request for Advertisement/Public Notice

Dear Sir or Madam:

Kindly publish the attached public notice for Proposed Ordinance No. 2008-09 in the legal notice section of The Sentinel on the weeks of October 13, 2008 and October 20, 2008. Please contact my office to verify receipt of this publication. I have included herewith a complete copy of the Proposed Ordinance for your records. Please forward your bill for advertising along with proof of publication of the same directly to:

Ms. Deborah A. Ealer, Township Manager  
North Middleton Township  
2051 Spring Road  
Carlisle, PA 17013

Very truly yours,

Deborah A. Ealer, Manager

Enclosure



# NORTH MIDDLETON TOWNSHIP

2051 Spring Road, Carlisle, PA 17013-1059

OFFICE (717) 243-8550 • FAX (717) 243-1135 • POLICE (717) 243-7910

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Attention: Librarian  
Cumberland County Law Library  
Cumberland County Courthouse  
1 Courthouse Square  
Carlisle Pa. 17013

Date: October 7, 2008

RE: Proposed Ordinance #2008-09

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Dear Sir or Madam:

Attached you will find a copy of Proposed Ordinance #2008-09. Public hearing for Ordinance #2008-09 will be held November 6, 2008, at the North Middleton Township Building, at 6:35 pm. Being the current Codes Enforcement Officer and Permit Official, I hereby attest that this is a true and correct copy of the proposed ordinance.

Paul M. Fegley

A handwritten signature in cursive script that reads "Paul M. Fegley".

Codes Enforcement Officer  
North Middleton Township