

LOWER SAUCON TOWNSHIP
NORTHAMPTON COUNTY, PENNSYLVANIA

ORDINANCE NO. 2011-08

AN ORDINANCE OF THE TOWNSHIP OF LOWER SAUCON, NORTHAMPTON COUNTY, PENNSYLVANIA PROVIDING FOR THE EXECUTION OF AN INTERGOVERNMENTAL COOPERATION AGREEMENT WHICH AUTHORIZES LOWER SAUCON TOWNSHIP TO JOIN WITH UPPER SAUCON TOWNSHIP, HELLERTOWN BOROUGH, AND COOPERSBURG BOROUGH AS A MEMBER OF THE SAUCON RAIL TRAIL OVERSIGHT COMMISSION FOR THE PURPOSE OF COOPERATING IN THE DEVELOPMENT, SUPERVISION AND MAINTENANCE OF THE SAUCON RAIL TRAIL RECREATIONAL FACILITY

WHEREAS, Lower Saucon Township, Upper Saucon Township, Hellertown Borough and Coopersburg Borough have entered in to a Lease Agreement with SEPTA for the purposes of leasing a rail bed owned by SEPTA to utilize as a recreational trail known as the Saucon Rail Trail; and

WHEREAS, the referenced municipalities desire to enter into an Intergovernmental Cooperation Agreement to form the Saucon Rail Trail Oversight Commission for the purpose of cooperatively planning, organizing, developing, promoting, managing, sponsoring, supervising and maintaining the Saucon Rail Trail for their respective citizens; and

WHEREAS, pursuant to the provisions of Article XV of the Pennsylvania Second Class Township Code and the Pennsylvania Intergovernmental Cooperation Act, 53 Pa.C.S.A. 2301 et seq., Lower Saucon Township is authorized to enter into an intergovernmental cooperation agreement for the within stated purpose upon the passage of an Ordinance by the Council of Lower Saucon Township.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Council of the Township of Lower Saucon, Northampton County, Pennsylvania as follows:

1. The Title and Whereas clauses of this Ordinance set forth above are incorporated herein by reference.
2. The Council of Lower Saucon Township hereby approves entering into, and executing an Intergovernmental Cooperation Agreement, a copy of which is attached hereto and incorporated herein by reference as Exhibit “A”, and which shall be filed with the minutes of the meeting at which this Ordinance was enacted, with the intent and effect that Lower Saucon Township shall be bound by the terms of the Agreement.
3. The President or Vice President of the Council, acting alone or together with the Secretary, are hereby authorized and directed on behalf of Lower Saucon Township, (i) to execute and deliver the Agreement, and (ii) to execute and deliver such additional instruments, and to take such further actions, as may be necessary or appropriate to carry forth the provisions of the Agreement and the transactions to be effected under the Agreement, including payment to the Oversight Commission of such amounts as are due by Lower Saucon Township pursuant to the Agreement.
4. All actions of any officer, agent or other representative of Lower Saucon Township heretofore taken in the pursuit of joining the Saucon Rail Trail Oversight Commission and Lower Saucon Township’s participation therein, are hereby ratified and approved in all respects.
5. As required by the provisions of the Pennsylvania Intergovernmental Cooperation Act, the following matters are specifically found and determined:
 - a. The conditions of the Agreement are set forth in the Agreement
 - b. Lower Saucon Township shall participate in the Saucon Rail Trail Oversight Commission for an initial term of six (6) years. Thereafter, further participation in, and termination of, the Agreement shall be as further set forth therein.

- c. The purpose and objectives of the Agreement are as set forth in this Ordinance and in the Agreement.
 - d. The manner and extent of financing the Agreement are that (i) no borrowing will be required by Lower Saucon Township, (ii) funds to implement Lower Saucon Township's obligations under the Agreement same shall come from normal and usual budgeted amounts for such matters, and (iii) other provisions governing the manner and extent of the financing of the Oversight Commission shall be as set forth in the Agreement;
 - e. The Oversight Commission shall be organized and governed pursuant to the terms of the Agreement.
6. The provisions of this Ordinance are severable and if any section, sentence, clause or part or provision hereof shall be held to be illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect the remaining sections, clauses, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Council of Lower Saucon Township that this Ordinance would have been enacted if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.
7. This Ordinance shall become effective five (5) days after enactment hereof.

DULY ORDAINED AND ENACTED this 16th day of November, 2011.

Attest:

Jack Cahalan
Township Manager

Glenn C. Kern
Council President