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**COOLBAUGH TOWNSHIP
MONROE COUNTY
RESOLUTION NO. 2015-08**

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF COOLBAUGH TOWNSHIP
ACCEPTING AND AUTHORIZING THE ADMISSION OF BARRETT TOWNSHIP AS
A MEMBER MUNICIPALITY OF THE POCONO MOUNTAIN REGIONAL POLICE
COMMISSION**

WHEREAS, Barrett Township, Monroe County, Pennsylvania, has stated its desire and intent to join the **Pocono Mountain Regional Police Commission** (“PMRPC”), and has consented to be bound by the *Agreement on Pocono Mountain Regional Police* dated November 19, 1996 as amended (the “Agreement”), and other governing documents, as currently amended.

WHEREAS, paragraph 11 of the Agreement provides that new member municipalities may join the PMRPC “upon application to and acceptance by the PMRPC and the governing bodies of at least two-thirds (2/3) of the then existing Participants,” and upon Barrett Township’s consent to be bound by the terms of the 1996 Agreement.

WHEREAS, the PMRPC was created to strengthen existing police services for the participating municipalities, especially in the areas of administration, supervision, training, investigation, patrol and specialty services.

WHEREAS, Barrett Township and the PMRPC have entered into a Memorandum of Understanding setting forth their mutual understanding as to the administrative process of merging the operations, pensions, and personnel upon the joinder becoming effective.

WHEREAS, Barrett Township has obtained all necessary third party approvals for merging its existing pension fund with that of the PMRPC, which is a pre-condition to the joinder becoming effective.

WHEREAS, certain provisions of the 1996 Agreement as amended require amendment in order to fully effectuate Barrett Township's joinder and participation, and Member Municipalities have indicated that they are willing to adopt those amendments in conjunction with the joinder of Barrett Township.

NOW THEREFORE, BE IT RESOLVED this 6th of July, 2015, by the Board of Supervisors of Coolbaugh Township as follows:

A. Approval of Admission of Barrett Township. The Board of Supervisors hereby approved the admission of Barrett Township to the PMRPC pursuant to paragraph 11 of the 1996 Agreement, as amended.

B. Amendment of the 1996 Agreement. The Board of Supervisors hereby approves the Amendment to the 1996 Agreement on Pocono Mountain Regional Police dated November 19, 1996 as set forth in Ordinance No. 124-2015 intended for adoption July 6, 2015.

RESOLVED AND ENACTED, this ____ day of July, 2015.

COOLBAUGH TOWNSHIP BOARD OF SUPERVISORS

Chairperson

Secretary

Attest: _____

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ORDINANCE NO. 124-2015

AN ORDINANCE OF THE COOLBAUGH TOWNSHIP BOARD OF SUPERVISORS AUTHORIZING THE ENTRY INTO AN INTERGOVERNMENTAL COOPERATION AGREEMENT WITH TOBYHANNA TOWNSHIP, TUNKHANNOCK TOWNSHIP, BARRETT TOWNSHIP AND MOUNT POCONO BOROUGH TITLED AMENDMENT TO 1996 AGREEMENT ON POCONO MOUNTAIN REGIONAL POLICE DATED NOVEMBER 19, 1996, AS AMENDED BY ADDING BARRETT TOWNSHIP AS A MEMBER MUNICIPALITY TO THE POCONO MOUNTAIN REGIONAL POLICE COMMISSION AND PROVIDING FOR ADDITIONAL REVISIONS IN RELATION THERETO

WHEREAS, the Coolbaugh Township Board of Supervisors is authorized under the provisions of the Pennsylvania Intergovernmental Cooperation Act, 53 Pa.C.S.A. §2301 et seq. (the "Act") to enter into agreements with other political subdivisions for the purpose of carrying out essential governmental functions; and

WHEREAS, Coolbaugh Township ("Township") entered into the November 19, 1996 Agreement of the Pocono Mountain Regional Police, as amended, establishing and governing the Pocono Mountain Regional Police Commission; and,

WHEREAS, the Township now intends to enter into an intergovernmental cooperation agreement with Tobyhanna Township, Tunkhannock Township, Barrett Township and Mount Pocono Borough in order to add Barrett Township to the Pocono Mountain Regional Police Commission and said Amendment to 1996 Agreement on Pocono Mountain Regional Police dated November 19, 1996 shall be in a form substantially similar to the attached Exhibit "A";

NOW THEREFORE, it is hereby *ENACTED* and *ORDAINED* as follows:

Section 1. AUTHORIZATION OF ENTRY INTO INTERGOVERNMENTAL COOPERATION AGREEMENT. The proper officers of the Township are hereby authorized and directed to execute and deliver on behalf of the Township, Amendment to 1996 Agreement on Pocono Mountain Regional Police dated November 19, 1996 (the "Amendment"), in substantially the form attached hereto as Exhibit "A", with respect to the addition of Barrett Township into the Pocono Mountain Regional Police Commission and additional related revisions to the existing November 19, 1996 Agreement of the Pocono Mountain Regional Police, as amended.

Section 2. AUTHORIZATION OF FURTHER ACTION. The proper officers of the Township are hereby authorized and directed to take all such actions, execute, deliver, file and/or record all such documents, publish all notices and otherwise comply with the provisions of this Ordinance and the Act insofar as the transaction contemplated by this Ordinance, in the name and on behalf of the Township.

Section 3. CODE OF ORDINANCES, TOWNSHIP OF COOLBAUGH TO BE AMENDED. Chapter 1, Administration and Government, Part 9 (new), of the Code of Ordinances,

Township of Coolbaugh shall be amended accordingly to incorporate this Ordinance.

Section 4. SEVERABILITY. In case any one (1) or more of the provisions contained in this Ordinance or in the Amendment pursuant hereto shall for any reason be held to be invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any other provision of this Ordinance or of said Amendment, and this Ordinance or said Amendment shall be construed and enforced as if such invalid, illegal or unenforceable provision had never been contained herein.

Section 5. REPEALER. All Ordinances and parts of Ordinances heretofore adopted, to the extent that the same are inconsistent in any manner herewith, are hereby repealed.

Section 6. EFFECTIVE DATE. This Ordinance shall take effect on the earliest date permitted by law.

ENACTED AND ORDAINED this _____ day of _____, A.D., 2015.

ATTEST:

**COOLBAUGH TOWNSHIP
BOARD OF SUPERVISORS**

Lynn Kelly, Secretary

William Weimer

Juan A. Adams

Lynn Kelly

Robert M. Zito

Fred Pope

EXHIBIT "A"

**AMENDMENT TO 1996 AGREEMENT ON POCONO MOUNTAIN REGIONAL
POLICE DATED NOVEMBER 19, 1996**

This Amendment to the 1996 Agreement on Pocono Mountain Regional Police dated November 19, 1996 ("Agreement") is entered into this ___ day of ____, 2015, by and between TOBYHANNA TOWNSHIP, TUNKHANNOCK TOWNSHIP, COOLBAUGH TOWNSHIP, and MOUNT POCONO BOROUGH, all of Monroe County, Pennsylvania (hereinafter collectively the "Participants").

The Participants hereby agree to amend the Agreement as set forth herein:

1. This Amendment shall become effective upon the occurrence of both of the following events: (1) the admission of Barrett Township as a Participant to the Pocono Mountain Regional Police Commission ("PMRPC"), and (2) unanimous approval of this Amendment by the existing Participants.

2. Paragraph 2 of the Agreement is amended to provide that the total number of commissioners is increased to eleven (11), with one (1) commissioner representing Barrett Township. The following new sub-paragraph in paragraph 2 is hereby adopted:

J. The representative from Barrett Township shall be an elected member of the Barrett Township Board of Supervisors.

3. Notwithstanding anything in paragraph 13 to the contrary, Barrett agrees that it is not entitled to withdraw from the PMRPC for three (3) years from the date its admission is effective (subject to the notice requirements of paragraph 13).

4. Notwithstanding anything in paragraphs 7, 13, 15 or elsewhere in the Agreement to the contrary, Barrett Township shall not acquire any ownership of the real estate or facilities where the Pocono Mountain Regional Police Department ("PMRPD") is housed, and shall have no obligations regarding the financing of the real estate. As a result, annual assessed contributions shall be adjusted for Barrett Township accordingly. If Barrett withdraws while the other member municipalities still own the real estate, Barrett shall not be entitled to any

compensation relating to the value of the real estate, and if the PMRPC dissolves under paragraph 15 while Barrett is still a member municipality, its equitable share shall be adjusted to exclude any compensation relating to the value of the real estate.

5. Notwithstanding anything in paragraphs 7, 13, 15 or elsewhere in the 1996 Agreement to the contrary, officers being transferred from the Barrett Township Police Department to the PMRPD shall have their pension benefits and contributions determined as separately agreement in the Memorandum of Understanding between the PMRPC and Barrett dated _____ (“MOU”) until otherwise determined by the amendment to the 1996 Agreement.

6. In lieu of any initiation fee similar to that charged to Coolbaugh Township in paragraph 12.A of the Agreement, Barrett shall contribute certain property and apparatus to the PMRPD, as provided in the MOU.

7. The provision in the (undated) Addendum to Pocono Mountain Regional Police Agreement (providing for a tenth commissioner to act as a second representative for Tunkhannock), that provides: “No other changes to the total number or composition (i.e., the total number of representatives from each municipality) shall be made without the unanimous approval of all parties to the Agreement” is hereby revoked. All amendments to the Agreement shall require the assent of at least two-thirds (2/3) of all Participants, as provided in paragraph 16. For the avoidance of confusion: the terms “Participants” and “parties” as used in the Agreement are synonymous and refer to the member municipalities acting through their respective governing bodies.

[signatures follow on next page]

IN WITNESS WHEREOF, the Participants hereto have executed the same effective the date first listed above.

TOBYHANNA TOWNSHIP:

By: _____
[title]

Attest: _____

MOUNT POCONO BOROUGH:

By: _____
[title]

Attest: _____

TUNKHANNOCK TOWNSHIP:

By: _____
[title]

Attest: _____

COOLBAUGH TOWNSHIP:

By: _____
[title]

Attest: _____

JOINED AND ADOPTED BY:

BARRETT TOWNSHIP:

By: _____
[title]

Attest: _____