

# The Township of East Hanover Dauphin County, Pennsylvania

Ordinance No. 2015-03

AN ORDINANCE OF THE TOWNSHIP OF EAST HANOVER, DAUPHIN COUNTY, PENNSYLVANIA, AUTHORIZING ENTRY INTO AN INTERGOVERNMENTAL COOPERATION AGREEMENT TO CREATE AND REVISE A REGIONAL CHESAPEAKE BAY POLLUTANT REDUCTION PLAN ("REGIONAL PLAN") AND INTERACT WITH REGULATORY AGENCIES REGARDING MUNICIPAL SEPARATE STORM SEWER SYSTEM ("MS4") PERMITS.

## WITNESSTH:

**WHEREAS**, the Township of East Hanover (the "Township") has the authority, pursuant to 53 Pa. C.S.A. § 66506 and 53 Pa. C.S.A. 2301 *et seq.*, to enter into agreements with other political subdivisions, in accordance with existing laws, in performing government powers and duties and functions and in carrying into effect provisions of law relating to subjects which are common to such political subdivisions; and

**WHEREAS**, all municipalities that hold a Pennsylvania Department of Environmental Protection ("DEP") MS4 Permit are required to prepare and implement a Chesapeake Bay Pollutant Reduction Plan ("CBPRP"); and

**WHEREAS**, certain Best Management Practices ("BMPs") designed to control stormwater and improve water quality are required to be implemented as part of a CBPRP, and can require significant planning and capital expenditures; and

**WHEREAS**, municipal cooperation to develop a Regional Plan will effectuate the cost effective planning of BMPs to annually reduce nitrogen, phosphorus, and sediment discharges into surface water; and

**WHEREAS**, the Township, in conjunction with Capital Region Council of Governments ("CapCOG") and other regional municipalities, desire to create a Regional Plan as an alternative to each of the local government units developing its own CBPRP; and

**WHEREAS**, the Pennsylvania Intergovernmental Cooperation Law, 53 Pa.C.S.A. § 2301, *et seq.*, authorizes municipalities to enter into agreements to cooperate in the performance of their respective functions, powers, or responsibilities; and

**WHEREAS**, the Township desires to enter into such an agreement with CapCOG, Borough of Wormleysburg, East Pennsboro Township, Hampden Township, Lower Paxton Township, and Penbrook Borough (collectively, including the Township, referred to as the "Parties") and the Parties believe that entering into said agreement would be in the best interest of their respective citizens and residents.


**NOW THEREFORE,** IT IS HEREBY ORDAINED AND ENACTED and an Intergovernmental Cooperation Agreement is approved, in consideration of the various covenants, promises, and conditions hereinafter set forth, it is hereby authorized and agreed by, between, and among the Parties as follows:

1. The above recitals are deemed to be integral to this Ordinance and are incorporated herein by reference hereto.
2. The Township hereby enters into the Intergovernmental Cooperation Agreement, attached hereto as Exhibit "A," and authorizes its officers to execute the same.
3. The Parties have a mutual interest in complying with guidelines enumerated in the individual MS4 Permits, PA Watershed Implementation Plan, the EPA regulations, and, in general, the restoration of the Chesapeake Bay Watershed and commit to work together in a cooperative manner to prepare a Regional Plan(s) that identifies methods to reduce the annual amount of nitrogen, phosphorus, and sediment entering surface waters throughout the CapCOG area as efficiently as possible.
4. Each individual party shall designate a primary voting representative and an alternate to serve as the contact person(s) on all matters related to the Regional Plan.
5. Each individual party shall contribute ten thousand dollars (\$10,000.00) to be remitted to the CapCOG upon receipt of invoice. This amount shall not be reduced through donations or grants.
6. Donations and grants received shall be allocated toward implementation of BMPs outlines in the Regional Plan in Phase II of the overall project.
7. The term of the Intergovernmental Cooperation Agreement shall be until such time as the Regional Plan has been approved.
8. Each individual party shall bear its own fees and costs in connection with or incurred, related to the matters between it and relating to the Agreement.
9. If any sentence, clause, section, or part of this Ordinance is for any reason found unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts hereof. It is hereby declared the intent of the Board of Supervisors of the Township of East Hanover that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included therein.
10. This Ordinance shall take effect on October 21, 2015.

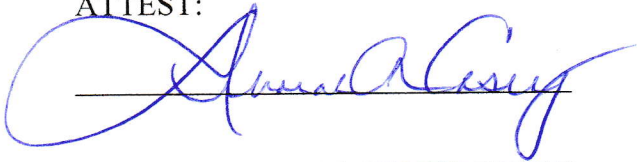
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ENACTED AND ORDAINED, this 20<sup>th</sup> day of October, 2015.

Board of Supervisors of the  
Township of East Hanover, Dauphin  
County, Pennsylvania

By:   
Keith Espenshade  
Chairman, Board of Supervisors

ATTEST:



Deb Casey, Secretary