

TOWNSHIP OF CENTRE
Berks County, Pennsylvania

ORDINANCE NO. 41-1990

AN ORDINANCE OF THE TOWNSHIP OF CENTRE, BERKS COUNTY, PENNSYLVANIA, AUTHORIZING AND EMPOWERING THE APPROPRIATE OFFICERS OF THIS TOWNSHIP TO EXECUTE ON BEHALF OF THIS TOWNSHIP AN INTERGOVERNMENTAL COOPERATIVE AGREEMENT WITH THE BOROUGH OF CENTERPORT AND THE TOWNSHIP OF TILDEN, BERKS COUNTY, PENNSYLVANIA AND THIS TOWNSHIP PROVIDING FOR THE USE AND BENEFIT OF THE RESIDENTS, TAXPAYERS AND OTHERS OF THE BOROUGH OF CENTERPORT AND THE TOWNSHIP OF TILDEN, POLICE PROTECTION AND SERVICES RENDERED BY CENTRE TOWNSHIP AS THEREIN ENUMERATED.

WHEREAS, it is the desire of the Borough of Centerport and the Township of Tilden, Berks County, Pennsylvania and the Township of Centre, Berks County, Pennsylvania, to have the Township of Centre provide police protection and services for the use and benefit of the residents, and taxpayers of the Borough of Centerport and the Township of Tilden within the budgetary constraints of the Borough of Centerport and the Township of Tilden; and

WHEREAS, the Borough of Centerport and the Borough of Tilden, Berks County, Pennsylvania and the Township of Centre, Berks County, Pennsylvania, have determined a need for uniformity and continuity in the enforcement of laws and ordinances, within the boundaries of the Borough of Centerport and the Township of Tilden and the neighboring Township of Centre.

NOW, THEREFORE, in consideration of the above recitals, the BOARD OF SUPERVISORS of the TOWNSHIP OF CENTRE, Berks County, Pennsylvania, enacts and ordains and it is hereby enacted and ordained, as follows:

SECTION 1. The Borough of Centerport and the Township of Tilden, Berks County, Pennsylvania for economic reasons has agreed to enter into a written agreement with the Township of Centre, Berks County, Pennsylvania, whereby the Township of Centre would provide police protection and service for the use and benefit of the residents, and taxpayers of the Borough of Centerport and the Township of Tilden.

SECTION 2. The written agreement referred to in Section 1 of this Ordinance terminates on December 31, 1990.

SECTION 3. The purpose and objectives of the written agreement referred to in Section 1 of this Ordinance is to provide police protection and service for the use and benefit of the residents, and taxpayers of the Borough of Centerport and the Township of Tilden.

SECTION 4. The manner and extent of financing the written agreement referred to in Section 1 of this Ordinance is as follows:

A. All costs to the Township of Centre, Berks County, Pennsylvania, to provide the police protection and services referred to in the said written agreement shall be paid from the charges imposed by the Township of Centre upon the

THIS INTERGOVERNMENTAL COOPERATION AGREEMENT made and executed this 10TH day of JANUARY, ¹⁹⁹⁰~~1989~~, by and between TOWNSHIP OF CENTRE, a township of the second class, organized and existing under the laws of the Commonwealth of Pennsylvania, having its principal office at Tower Road, Centre Township, Berks County, Pennsylvania, herein called "Centre",

and

TOWNSHIP OF TILDEN, a township of the second class, organized and existing under the laws of the Commonwealth of Pennsylvania, with its principal office in Tilden Township, Berks County, Pennsylvania, herein called "Tilden"

and

BOROUGH OF CENTERPORT, a borough incorporated and existing under the laws of the Commonwealth of Pennsylvania, having its principal office at Centerport, Berks County, Pennsylvania, herein called "Centerport".

WITNESSETH:

WHEREAS, Centerport and Tilden has requested that Centre, Tilden and Centerport enter into an agreement to provide certain police protection and services in and for the use and benefit of the residents, taxpayers and others of Centerport and Tilden, all as hereinafter set forth; and

WHEREAS, Centre has advised Centerport and Tilden of its willingness to enter into an agreement to provide certain police protection and services in and for the use and benefit of the

residents, taxpayers and others of Centerport and Tilden, all as hereinafter set forth; and

1. Tilden and Centerport shall pay to Centre, for police services the following:

All police services shall be paid at the rate of Twenty Two and 00/100 Dollars (\$22.00) per hour. Payments shall be made monthly after submission of invoices. Services for January shall be billed in February and payment shall be approved at the municipal meeting next following submission of the invoice. Any dispute over any invoice shall be resolved promptly between the contracting municipalities. All undisputed invoice amounts shall be paid as provided while disputed items are being resolved.

2. Centre police department's primary responsibility is to provide police services in Centre Township. However, by entering into this Agreement, with the knowledge and consent of the Supervisors of Centre, Centre police department agrees to maintain a police force adequate to provide to Tilden and Centerport, police services of a nature, quality and quantity similar to those provided for Centre, giving priority to Centre only under such emergency circumstances as may make it impossible to serve Tilden or Centerport at the same time. Centre Police Chief or his delegate shall present a written monthly report to Tilden and Centerport. Centre police department will not investigate or enforce any Tilden or Centerport Ordinance unless the Ordinance is authorized by the Borough Code, the Township

Borough of Centerport and the Township of Tilden pursuant to the terms and provisions of the said written agreement; and

B. All costs to the Borough of Centerport and the Township of Tilden, Berks County, Pennsylvania, to obtain the police protection and services referred to in the said written agreement shall be paid to the Township of Centre, Berks County, Pennsylvania, from the general funds of the Borough of Centerport and the Township of Tilden without the necessity of borrowing monies to pay for such police protection.

SECTION 5. The organizational structure necessary to implement the written agreement referred to in Section 1 of this Ordinance is as follows:

A. Borough of Centerport and the Township of Tilden, Berks County, Pennsylvania, shall delegate, transfer and assign to the Township of Centre, the power and authority of the Borough of Centerport and the Township of Tilden to provide police protection and services within the boundaries of Borough of Centerport and the Township of Tilden.

B. Township shall provide police protection and services for the use and benefit of the residents, and taxpayers of the Borough of Centerport and the Township of

Tilden, within the boundaries of Borough of Centerport and the Township of Tilden.

C. The police officers of the Township of Centre, Berks County, Pennsylvania, in providing police protection and services for the use and benefit of the residents, and taxpayers of the Borough of Centerport and the Township of Tilden, within the boundaries of the Borough of Centerport and the Township of Tilden, shall be under the exclusive supervision and control of the Township of Centre, acting through its Chief of Police. In keeping with sound administrative and governmental practices, no employee or elected official of the Borough of Centerport and Township of Tilden shall direct, give orders to, or in any way interfere with the Chief of Police of the Township of Centre, or his/her subordinates, in carrying out the terms and provisions of the said written agreement.

The Borough of Centerport and the Township of Tilden, shall appoint a representative who shall meet regularly with the Chief of Police of the Township of Centre for the purpose of communicating, on a regular basis, the concerns of the parties hereto relating to the performance or non-performance of the said written agreement. In the event a disagreement should arise between the parties of the said written agreement concerning the performance or non-performance of the terms thereof, the aid parties shall

Code, the Vehicular Code or the Crimes Code. Police functions will not include any work which should properly be performed by an Ordinance or Code Enforcement Officer such as Zoning, Building Codes and matter of this nature.

3. All scheduling of police work and police patrols will be done by Centre Police Chief. All requests for special services must be made to the Centre Police Chief or in absence of the Chief, the Supervisor who has agreed to review police matters.

4. All radio fees for county communication must be paid by the separate municipalities. Police calls will be handled by the County dispatcher.

5. Centerport and Tilden shall delegate, transfer and assign unto Centre, Centerport's and Tilden's power and authority to provide police protection and services for Centerport and Tilden and to enforce certain laws of the Commonwealth of Pennsylvania and certain Ordinances of Centerport and Tilden within the boundaries of Centerport, and Tilden all as hereinafter enumerated in Paragraphs 3 of this Agreement.

6. For the purpose of performing such services and functions, every Centre police officer shall have all of the powers and authority conferred by law on police officers of Centerport and Tilden while engaged in performing services for Centerport and Tilden.

7. The police officers of Centre are employed by and under the exclusive supervision and control of Centre. Centerport

and Tilden acknowledge that the Chief of Police of Centre is the Chief Administrative Officer of Centre Police and that, in keeping with sound administrative and governmental practice, no employee or elected official of Centerport or Tilden shall direct, give orders to, or in any way interfere with the performance of duties of the Centre police officers while in the course of their duty. All authorized requests for police assistance on behalf of either the Centerport counsel or Tilden board of supervisors, other than requests of an immediate or emergency nature, will be directed through the Centre police chief.

8. This agreement shall be effective from January 1, 1990, to December 31, 1990.

9. This agreement may only be terminated for failure to carry out police duties on a continued basis, otherwise the agreement shall remain in force until December 31, 1990. If, Tilden and Centerport wish to continue with the police services beyond December 31, 1990 then Centre must be notified prior to October 15, 1990, and parties will negotiate new agreement for the following year.

10. That the within Agreement shall be binding upon the respective parties hereto and upon their successors and assigns.

11. This Agreement shall become effective upon the enactment of the Ordinance, attached hereto and marked as Exhibit "A" hereof by the Board of Supervisors of Centre and Tilden, Berks County, Pennsylvania; upon the enactment of the Ordinance attached

attempt to resolve any such difference through a meeting of, and discussion by, a committee comprised of representatives of the Township of Centre and the Borough of Centerport and the Township of Tilden.

SECTION 6. The appropriate officers of the Township of Centre, Berks County, Pennsylvania are empowered and authorized to execute on behalf of the Township of Centre the written agreement referred to in Section 1 of this Ordinance.

Section 7. This Ordinance shall be effective immediately or the earliest date allowed by law.

DULY ENACTED AND ORDAINED this 10TH day of JANUARY, ¹⁹⁹⁰~~1989~~ by the BOARD OF SUPERVISORS of the TOWNSHIP OF CENTRE, Berks County, Pennsylvania, duly assembled in a lawful public meeting.

TOWNSHIP OF CENTRE, BERKS COUNTY,
PENNSYLVANIA

By: Albert W. Brunkhage Sr.
Chairperson, Board of Supervisors

By: Richard J. ...
Member, Board of Supervisors

By: Harold A. Spat
Member, Board of Supervisors

Attest:

Berge C. Seifert
Secretary

(SEAL)

hereto and marked as Exhibit "B" hereof by the Council of Centerport, Berks County, Pennsylvania and thereafter upon the execution of this Agreement by the parties hereto.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed the date aforesaid, to be effective after authorization by adoption of Ordinance No. 41-1990 of Centre and Ordinance No. 73 of Tilden and by Ordinance No. 95 of Centerport, by the respective Governing Bodies of said Municipalities.

The parties hereto agree to respectively adopt ordinances approving this agreement and authorizing the execution thereof by the proper officials and directing that the municipal seals be affixed hereto.

BOARD OF SUPERVISORS OF
CENTRE TOWNSHIP

Albert W. Benkerage Sr.
Chairman

Harold A. Spatz
Supervisor

John L. Hammond
Supervisor

BOARD OF SUPERVISORS OF
TILDEN TOWNSHIP

Wellington R. Ketter
Chairman

Gary L. Wilhelm
Supervisor

Earl L. Katzman

Supervisor

BOROUGH OF CENTERPORT

By: Irvin C. Henry
President of Council

Attest: Ruth A. Borkey
Secretary

Approved this 28th day of December
1989

James F. Wagner
Mayor