

FAIRVIEW TOWNSHIP

ORDINANCE NO. 2014 - 3

AN ORDINANCE OF FAIRVIEW TOWNSHIP PURSUANT TO THE PROVISIONS OF 53 PA. C.S.A. § 2301, ET SEQ., AUTHORIZING INTER-GOVERNMENTAL COOPERATION WITH THE COUNTY OF ERIE AND OTHER MUNICIPALITIES THAT ARE MEMBERS OF THE ERIE AREA COUNCIL OF GOVERNMENTS WITH RESPECT TO ACQUISITION, INSTALLATION AND MAINTENANCE OF RADIO-BASED TRAFFIC SYSTEM SIGNAL PREEMPTION INTERSECTION EQUIPMENT TO ASSIST IN TIMELY DELIVERY OF EMERGENCY SERVICES; SETTING FORTH THE TERMS OF SUCH AUTHORIZATION AND DELEGATION; APPROVING THE INITIAL AGREEMENT AND AUTHORIZING FUTURE AMENDMENT TO INCLUDE ADDITIONAL MUNICIPALITIES AND INTERSECTIONS TO BE SERVED.

WHEREAS, various Erie County municipalities have assisted in the timely and safe delivery of emergency services by implementing “Radolite” or “Relco” systems at street intersections to give priority to vehicles delivering emergency services; and

WHEREAS, equipment from such systems has become dated and does not appear to be susceptible to updates or significant repair; and

WHEREAS, participating municipalities have conducted investigation and believe that replacement of outdated equipment with radio-based traffic signal preemption intersection equipment is a proper and cost-efficient way of providing intended protections to vehicles delivering emergency services; and

WHEREAS, the Townships of Fairview, Harborcreek, Lawrence Park, Millcreek and Summit have jointly solicited proposals for such equipment, have committed

funding to the project, have secured financial assistance by LECOM and Millcreek Community Hospital, have secured additional funding via the County of Erie subject to several requirements that are addressed in the proposed inter-governmental cooperation agreement and have identified those intersections within the participating Municipalities most in need of the new equipment; and

WHEREAS, the General Assembly of the Commonwealth of Pennsylvania, at 53 Pa. C.S.A. § 2301, et seq., has authorized local governments to enter into agreements involving intergovernmental cooperation; and

WHEREAS, for the foregoing reasons, the Board of Supervisors has determined that Fairview Township should join in that Inter-Governmental Agreement essentially in the form of the draft attached to this Ordinance to arrange for improvements in the system of safe and prompt delivery of emergency services; and

WHEREAS, said Agreement anticipates and supports future amendments to include additional municipalities and arrange for additional intersections to be served in the future, all in a manner consistent with the Agreement now proposed, as it may in the future be amended; and

WHEREAS, the enabling statute requires that a local government adopt an appropriate ordinance prior to entering into intergovernmental cooperation.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Supervisors of Fairview Township, Erie County, Pennsylvania, and it is hereby enacted and ordained as follows:

1.01. The conditions of agreement with respect to acquisition and installation of radio-based traffic signal preemption equipment are as follows:

- A. It is the intention of this Township that the Participating Municipalities in the attached Agreement and the County of Erie cooperate in the acquisition of radio-based traffic signal preemption intersection equipment (receivers) to serve as many of those intersections identified in appendices to said Agreement as may be amended as is practicable.
- B. Duties for solicitation of bids, consideration of bids, contract administration, administration and accounting of funds raised and expended and future addition of participating municipalities, intersections to be upgraded and future maintenance of all equipment shall be as set forth in the proposed Inter-Governmental Agreement.
- C. The Municipality in which each improved intersection is located shall be responsible for the care, maintenance and repair of such equipment upon its first being placed in operation.
- D. The duration of the terms of the agreement is intended to be permanent.
- E. Neither the Townships nor the County of Erie is responsible for establishing any structural organization to implement the agreement.

1.02. The Board of Supervisors shall have authority to enter into new or amended intergovernmental cooperation agreements with the County of Erie, the municipalities that are parties to the initial agreement and/or with additional municipalities wishing to join in the system created by this Agreement, such amendatory agreements being authorized by this Ordinance and not requiring future approval by ordinance.

1.03. The Emergency Vehicle Preemption System Cooperation Agreement attached hereto, is hereby approved, The Board of Supervisors shall have authority to approve future amendatory agreements consistent with this Agreement without the need for an authorizing ordinance.

1.04. If any section, subsection, sentence, clause, phrase or portion of this Ordinance or its application to any person, property or circumstances is for any reason held invalid or unconstitutional by any court, such holding shall not be construed to affect the validity of any of the remaining provisions of this Ordinance or its application, for such portion shall be deemed as a separate, distinct and independent provision from the remaining provisions which shall be and remain in full force and effect. It is hereby declared the legislative intent that this Ordinance would have been adopted had such valid or unconstitutional provision of its application not been included herein.

1.05. All Ordinances or parts of any Ordinances inconsistent herewith are hereby repealed.

ENACTED AND ADOPTED by the Fairview Township Board of Supervisors

this 6th day March, 2014.

Attest:

FAIRVIEW TOWNSHIP BOARD OF
SUPERVISORS

By _____
Chairman

By _____

By _____

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