

AN ORDINANCE SIGNIFYING THE JOINT DESIRE AND INTENTION OF THE MUNICIPAL AUTHORITIES OF THE TOWNSHIP OF WASHINGTON AND THE BOROUGH OF LILLY, BOTH MUNICIPALITIES OF THE COMMONWEALTH OF PENNSYLVANIA, AND BOTH SITUATED IN CAMBRIA COUNTY, TO ENTER INTO A JOINT COOPERATION AGREEMENT FOR ROAD MAINTENANCE AS AUTHORIZED BY 53 P.S. §§481 et. seq..

Be it enacted the Council of the Borough of Lilly, and it is hereby ordained and enacted by the authority of the same, as follows:

WHEREAS it is the joint desire and intention of the municipal authorities of the Township of Washington and the Borough of Lilly to enter into a cooperation agreement for road maintenance; and

WHEREAS the above described municipalities are contiguous geographic areas, the Borough of Lilly being completely surrounded by the Township of Washington; and

WHEREAS the two municipalities each contribute significant portions of their budgets to the care and maintenance of public roadways within their own geographic limits; and

WHEREAS the two municipalities each own different types of road maintenance equipment, the Township having chosen to place more emphasis on heavy equipment due to its many mountain and rural roadways and the Borough has emphasized maintenance equipment due to its predominately urban streets; and

WHEREAS that certain roads, located in each municipality could be maintained in a safe condition at less expense if the municipalities could avail themselves of equipment and operators of the neighboring municipality.

NOW THEREFORE BE IT AGREED that effective immediately upon the passage of this ordinance and signing of an agreement containing the herein-after mentioned provisions, by the duly authorized officials of both municipalities hereinabove named, after due consideration of their respective governing bodies at a regularly scheduled public meeting, and upon the advice and consent of their respective solicitors, that the Borough of Lilly and the Township of Washington agree as follows that:

1. The Roadmaster of Washington Township shall have authority to request the assistance of equipment and operators of Lilly Borough to perform work on certain Township roads when in his sole discretion he determines that such work on Township roads could be better accomplished with the assistance of Lilly Borough equipment and operators. He shall also have authority to honor requests for assistance from Lilly Borough.

2. The Commissioner of Streets of Lilly Borough shall have the authority to request the assistance of equipment and operators of Washington Township to perform work on certain Borough streets when in his sole discretion he determines that such work on Borough streets could be better accomplished with the assistance of Washington Township equipment and operators. He shall also have the authority to honor and supply request for assistance to Washington Township.

3. Any work performed pursuant to this Agreement shall be at the direction and control of the Commissioner or Roadmaster of the municipality in which the work is being performed.

4. Any operator performing such work shall be compensated by the municipality for which he is a regular employee and covered by applicable insurances for that municipality.

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5. The Washington Township Roadmaster may request assistance and the Lilly Borough Street Commissioner may grant assistance on Township roads selected by the Roadmaster.

6. The Lilly Borough Street Commissioner may request assistance and the Washington Township Roadmaster may grant assistance on Borough Streets selected by the Street Commissioner.

7. The Roadmaster and Street Commissioner shall keep accurate records on a daily basis of all assistance requested and assistance given. Hours shall be adjusted each year during the months of October and November, so that in any year there is an equal amount of work given and requested for each municipality.

8. This Agreement shall continue from year to year unless terminated by official action of either municipality. In the event of termination a municipality owing the other return services shall endeavor to supply those services as soon as possible following official action to terminate.

9. The adoption of this ordinance is deemed necessary for the benefit and preservation of the public health, peace, comfort and general welfare, and will increase the prosperity of the people of the Borough of Lilly and the Township of Washington in Cambria County Pennsylvania.

10. That this ordinance shall become effective upon final passage.

If any provision or application of this ordinance is held illegal, unconstitutional or invalid, such holding shall not affect the remaining provisions. It is the legislative intent of Council that such ordinance would have been adopted if such illegal provision had not been included.

Passed at a regular meeting held on the _____ day of March, 1986.

BOROUGH OF LILLY

Hugh B Conroy
President of Council

ATTEST:

Melvin P. Barlik
Secretary

Approved this 4th day of March, 1986.

Francis J. Klayko
Mayor

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