

# Borough of Lilly

LILLY, PENNSYLVANIA

Ordinance No.: \_\_\_\_\_

*An Ordinance adopting a Joint Municipal Agreement between the Borough of Lilly and Cresson Township for the Township to Provide Police Services in and for the Borough*

## I. Background

- a. The Borough of Lilly (hereinafter "Borough") desires to provide adequate police protection and law enforcement for the citizens of the Borough and has determined it is advisable to contract with Cresson Township (hereinafter "Township") to obtain such services.
- b. Pursuant to the Borough Code, 53 P.S. §46202(35), the Borough is permitted to contract with the Township for the Township to provide such police services and pursuant to the Second Class Township Code, 53 P.S. §66904, the Township is permitted to provide such services to the Borough.
- c. The parties desire to enter into an agreement for such services February 1, 2010, and the parties desire to have a fixed annual compensation to be paid through January, 2012.
- d. The Borough and Township are permitted to enter into joint agreements for municipal services pursuant to the Intergovernmental Cooperation Act, 53 P.S. §2301, et seq., and specifically for police services pursuant to the Borough Code, 53 P.S. §46202(35), and the Township Code, 53 P.S. §66507.

## II. Now therefore, it is hereby **ORDAINED AND ENACTED** by the Council of the Borough of Lilly as follows:

- a. The background set forth above is incorporated herein by reference.

- b. The above-mentioned agreement dated January 31, 2010, the compensation accepted by the parties for 2010, 2011 and January of 2012, as presented for action to the Borough (hereinafter the "Purchase of Service Agreement"), is hereby and herein adopted. A copy of the Purchase of Service Agreement is attached hereto and incorporated herein.
- III. The conditions, duration, purposes, scope of authority, and financing arrangements of the agreement are:
- a. The Township will provide police patrol, investigative, and administrative services to the Borough of the same nature that the Township provides within the Township limits, as more particularly set forth in the Purchase of Service Agreement;
  - b. the police will be employees of the Township, controlled by the Township, and the Township will be responsible for all wages and benefits and for all supplies, insurance, supervision, equipment and communications necessary, but the Borough will appoint and accept the Township police individually as required by law to give them full authority to act in the Borough the same as if they were Borough policemen;
  - c. excluding State Police-generated fines and parking tickets, all Borough fine money will be relinquished back to the Township;
  - d. the Borough will pay the Township an annual fee of \$1,250.00 per month beginning in February of 2010 and ending in January of 2012;
- IV. The execution of any portion of the Purchase of Service Agreement by any Supervisor of the Township or officer of the Borough or Mayor is hereby ratified and confirmed, and Supervisors of the Township and the Borough officers and Mayor, as appropriate, are authorized to execute such agreements, resolutions, authorizations or other documents and take such action and make such advertisements as may be necessary to adopt, ratify and affirm all or any portion of the Purchase of Service Agreement or to implement any of its provisions, and the signatures of such Township or Borough officials shall conclusively establish that the documents they sign are the documents referred to in or authorized by this Ordinance.

- V. All Ordinances or parts of ordinances and/or resolutions inconsistent herewith are hereby repealed.

**ORDAINED AND ENACTED** this first day of June, 2010.

**BOROUGH OF LILLY**

By: Richard R. Sweeney  
Richard R. Sweeney - President

Attest: Claudine M. Falger (Seal)  
Claudine M. Falger - Secretary

**APPROVED**, this \_\_\_\_\_ day of June, 2010.

Patrick R. Podrasky  
Patrick R. Podrasky - Mayor

# Cresson Township

771 Portage Road, Cresson, PA 16630  
(814) 886-2793 or 886-7444

SCOTT DECOSKEY, Supervisor / Chairman  
GARY M. BRADLEY, Supervisor / Vice-Chairman  
LEWIS EBERHART, JR., Supervisor / Secretary-Treasurer



January 31, 2010

## Purchase of Service Agreement

### Cresson Township Municipality & Lilly Borough Municipality

A monthly agreement for Lilly Borough starting February 1, 2010 at 00:00 hours and ending on January 31, 2012 at 24:00 hours, with a provision that if Cresson Township or Lilly Borough decide to terminate this agreement they will have that right, without any liability for such termination. A written statement of termination must be submitted 30 days before effective termination of the agreement.

Beginning on February 1, 2010 at 00:00 hours Lilly Borough Municipality will be purchasing police protection from Cresson Township Municipality. The rate negotiated is \$15,000.00 per year, with a break down for twelve months. Payment submitted to Cresson Township for \$1250.00 at the beginning of each month.

All fines and reimbursements the Cresson Township Police Department may generate within the jurisdiction of Lilly Borough will be relinquished back to Cresson Township Municipality, except from revenues generated from parking tickets, however, revenues generated from parking tickets shall be relinquished back to Cresson Township.

Cresson Township Police Department will hold the responsibility of servicing the residences of Lilly Borough to the best of its ability. Cresson Township Police Department will enforce all laws governed by the Commonwealth of Pennsylvania.

Cresson Township Police Department will enforce laws governed by Lilly Borough and the ordinances established by the past and present governing bodies of Lilly Borough.

Cresson Township Police Department will conduct limited roving and stationary patrols of the borders of Lilly Borough and its streets, alleys and roadways that are within the municipality of Lilly Borough.

Cresson Township Police Chief or designee will provide a copy of the monthly activity reports of the events or occurrences. This will be a computer generated record from the Cresson Township police data collection program "Mobile Insynch". A copy of the same report will be submitted to Cresson Township Supervisors at each meeting. Cresson Township Police Chief will act as the liaison between the two municipalities as it pertains to police matters.

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LEWIS EBERHART, JR., Supervisor / Secretary-Treasurer

All business regarding the police department standards, or conditions will be relayed to the chief of police and not the officers of Cresson Township, any work standards or conditions shall be met with an agreement of the Cresson Township supervisors.

It is agreed by the Cresson Township Police, personnel shall be and will remain at all times material hereto employees of Cresson Township and not Lilly Borough, and said police shall remain ultimate authority and direction of Cresson Township and not Lilly Borough. Notwithstanding the foregoing, Cresson Township hereby agrees to indemnify and save harmless, including reasonable attorney fees for the defense any such claim arising from the conduct of the Cresson Township Police personnel or Cresson Township's management thereof while rendering services to Lilly Borough under this agreement.

Cresson Township hereby covenants and agrees to furnish insurance coverage on its personnel for all times said personnel are in Lilly borough and acting on the behalf of Lilly Borough.

This agreement will be discussed at the municipalities earliest convenience, if agreed upon, this agreement will be sealed by a signature of the political head of the municipalities of Cresson Township and Lilly Borough.

### Cresson Township Political Heads:

Scott Decoskey  
Chairman/Supervisor

Gary Bradley  
Supervisor

Lewis Eberhart  
Supervisor/ Secretary

### Lilly Borough Political Heads:

John Neznasski  
Council President

Richard Sweeney  
Council/Vice President

Francis Patterson  
Council

Regis Kinback  
Council

Paul Sklodowski  
Council

Fred Gailey Jr.

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Cresson Township Supervisor

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Cresson Township Secretary/ Treas.

  
Lilly Borough Council President

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Lilly Borough Council Member