

## LEGAL NOTICE

The Borough Council of the Borough of Kennett Square will hold a public meeting on Monday, August 7, 2017 at 7:00 PM to consider enactment of an ordinance authorizing the Borough to establish a multi-municipal regional commission for fire and emergency management services.

The meeting will be held at the Red Clay Room, Kennett Fire Company No.1, 423 Dalmatian Street, Kennett Square, PA. The public is invited to attend and comment. The Borough of Kennett Square is committed to ensuring that all members of the public are afforded equal access and the ability to participate in public meetings. The Borough will provide reasonable accommodations consistent with the Americans with Disabilities Act, upon a written request submitted to the Borough Secretary at least 7 days in advance of the meeting.

The proposed ordinance may be examined or obtained during regular business hours at the offices of *The Kennett Paper*, 250 N. Bradford Avenue, West Chester, PA; and at the Kennett Square Borough Hall, 120 Marshall Street, Kennett Square, PA. An attested copy of the ordinance has been sent to the Chester County Law Library, 201 W. Market Street, West Chester, PA, and the Bayard Taylor Memorial Library (Kennett Library), 216 E. State Street, Kennett Square, PA. The proposed ordinance is also available on the Borough's website at [www.kennettsq.org](http://www.kennettsq.org).

A summary of the proposed ordinance setting forth all the provisions in reasonable detail is as follows:

**AN ORDINANCE AUTHORIZING THE BOROUGH OF KENNETT SQUARE TO ENTER INTO AN INTERGOVERNMENTAL COOPERATION AGREEMENT WITH THE TOWNSHIPS OF EAST MARLBOROUGH, KENNETT, NEWLIN, PENNSBURY, AND POCOPSON, CHESTER COUNTY FOR THE PURPOSE OF ESTABLISHING THE KENNETT FIRE AND EMS REGIONAL COMMISSION.**

Section 1: Section 1 authorizes the Borough to enter into an intergovernmental cooperation agreement.

Section 2: Section 2 authorizes the President of Borough Council to execute the agreement and any other required documents.

Section 3: Section 3 ratifies the prior actions of the Borough and its representatives related to the agreement.

Section 4: Section 4 authorizes the Borough to take all actions necessary to carry out the purpose of the ordinance and agreement.

Section 5: Section 5 makes specific findings and determinations regarding the agreement.

Section 6: Section 6 authorizes the conditions for the commission to commence operations.

Section 7: Section 7 confirms the public and governmental purposes of the commission.

Section 8: Section 8 contains a savings clause.

Section 9: Section 9 is a severability clause.

Section 10: Section 10 provides the effective date of the ordinance.

**Marc D. Jonas, Esq. Solicitor**  
**Borough of Kennett Square**

**BOROUGH of KENNETT SQUARE**

**County of Chester, Pennsylvania**

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**ORDINANCE NO. – *to be assigned after enacted***

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**AN ORDINANCE AUTHORIZING THE BOROUGH OF KENNETT SQUARE TO ENTER INTO AN INTERGOVERNMENTAL COOPERATION AGREEMENT WITH THE TOWNSHIPS OF EAST MARLBOROUGH, KENNETT, NEWLIN, PENNSBURY, AND POCOPSON, CHESTER COUNTY FOR THE PURPOSE OF FORMING, ESTABLISHING THE KENNETT FIRE AND EMS REGIONAL COMMISSION.**

Pursuant to the authority set forth in the Pennsylvania Intergovernmental Cooperation Act, 53, Pa.C.S.A. §2301 *et seq.* (the “Act”), the Council of the Borough of Kennett Square does hereby enact and ordain as follows:

**Section 1. AUTHORIZATION**

The Borough Council does hereby approve and authorize entering into an intergovernmental cooperation agreement entitled the *Kennett Fire and EMS Region Inter-Municipal Cooperation Agreement* (together with all attachments thereto, the “Agreement”), a copy of which is attached to this Ordinance as Appendix “A” and incorporated herein by reference, with the intent and effect that the Borough shall be bound by the Agreement.

**Section 2. EXECUTION**

The President of the Borough Council is hereby authorized and directed on behalf of the Borough: (i) to execute and deliver the Agreement; and (ii) to execute and deliver such additional documents and instruments, and to take such further actions, as may be necessary or appropriate to carry out the Agreement and the actions to be effected under the Agreement, including the payment of amount, as may be due from time to time from the Borough under the Agreement.

**Section 3. RATIFICATION**

All actions of any officer, agent or other representative of the Borough heretofore taken pursuant to the establishment of the Kennett Fire and EMS Regional Commission (the “Commission”) and/or the Borough’s participation therein are hereby ratified and approved in all respects.

#### **Section 4. NECESSARY ACTS**

The Borough is hereby authorized to take such actions as may be necessary or appropriate to carry out the purposes of this Ordinance and of the Agreement.

#### **Section 5. PENNSYLVANIA INTERGOVERNMENTAL COOPERATION ACT**

This Ordinance is adopted pursuant to the authority granted in the Act and, as required thereby, the following matters are specifically found and determined:

- (a) The conditions of the Agreement are as set forth in the Agreement;
- (b) The duration of the Agreement is as set forth in the Agreement;
- (c) The purpose and objectives of the Agreement and the powers and scope of authority delegated in the Agreement are as set forth in this Ordinance and in the Agreement.
- (d) The manner and extent of financing the Agreement is through the municipal contributions set forth in Section 6 of the Agreement.
- (e) The organizational structure of the Commission shall be as set forth in its Articles of Incorporation and Bylaws (as the same may be amended from time to time in accordance therewith, the "Bylaws"), each as attached to the Agreement.
- (f) All property, real or personal, of the Commission shall be acquired, managed, licensed, or disposed of under the authority and supervision of the Commissioners in accordance with the terms of the Agreement and the Bylaws.
- (g) The Commission is empowered to enter into contracts for insurance, including policies of group insurance and employee benefits for its employees pursuant to the Agreement.

#### **Section 6. EXISTENCE AND OPERATION OF THE COMMISSION**

The Commission shall come into existence and is authorized to commence operations under this Ordinance and in accordance with the Agreement immediately upon (i) at least four (4) municipalities' duly executing and delivering the Agreement and (ii) the filing of the Articles of Incorporation of the Commission substantially in the form attached to the Agreement.

**Section 7. IMMUNITIES**

The services rendered, the actions taken, and the obligations and expenditures made by the officials, employees, and agents of the Commission shall be deemed to be for public and governmental purposes, and all immunities from liabilities enjoyed by the Borough and its officials and employees within its boundaries shall extend to the Borough and the Commission and their respective officials and employees in connection with their participation in the services and activities contemplated by, related to, arising out of, or in connection with the Agreement outside the Borough’s boundaries within the Commission’s jurisdiction.

**Section 8. REPEALER OF ORDINANCES**

Any ordinance or part of ordinances of the Borough conflicting with the provisions of this Ordinance are hereby repealed insofar as they are inconsistent with this Ordinance’s provisions, except to the extent superseded by statutory law governing the Borough.

**Section 9. SEVERABILITY**

If any provision of this Ordinance is, for any reason declared to be illegal, unconstitutional or invalid, by any court of competent jurisdiction, this decision shall not affect or impair the validity of the Ordinance as a whole or the remaining portions thereof. The Borough Council hereby declares that it would have adopted this Ordinance irrespective of the portion that may be declared illegal, unconstitutional or invalid.

**Section 10. EFFECTIVE DATE**

This Ordinance shall become effective immediately.

**DULY ORDAINED** and **ENACTED** this \_\_\_\_ day of \_\_\_\_\_, 2017, by the Borough Council of the Borough of Kennett Square, Chester County, Pennsylvania, in lawful session duly assembled.

**BY:** \_\_\_\_\_  
Danilo P. Maffei  
Borough Council President

**ATTEST:**

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Karen L. Scherer  
Borough Secretary

[BOROUGH SEAL]

**APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

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Matthew W. Fetick  
Mayor