

**ORDINANCE NO. 2019-\_\_\_\_\_**

**AN ORDINANCE OF THE TOWNSHIP OF SOLEBURY, BUCKS COUNTY,  
PENNSYLVANIA APPROVING AND ADOPTING A CERTAIN  
INTERGOVERNMENTAL AGREEMENT WITH THE BOROUGH OF NEW HOPE  
REGARDING SHARED PARKS AND RECREATIONAL FACILITIES**

**WHEREAS**, Solebury Township is a Township of the Second Class; and

**WHEREAS**, pursuant to the provisions of Subchapter A of the Intergovernmental Cooperation Act, 53 Pa.C.S. §2301, et seq., local governments may enter into intergovernmental cooperation agreements with other governmental units for the exercise or performance of their respective governmental functions, powers or responsibilities upon passage of an Ordinance by its governing body; and

**WHEREAS**, Solebury Township desires to enter into an intergovernmental agreement with the Borough of New Hope regarding the sharing of Solebury Township parks and recreational facilities (“Intergovernmental Agreement”); and

**WHEREAS**, in order to enter into an Intergovernmental Agreement, the governing body of the Township must enact an Ordinance authorizing same.

**NOW, THEREFORE**, in consideration of the foregoing, **IT IS HEREBY ORDAINED** and **ENACTED** by the Board of Supervisors of Solebury Township, Bucks County, Pennsylvania, as follows:

**Section 1. Intergovernmental Agreement.** The Board of Supervisors of Solebury Township shall enter into the Intergovernmental Agreement which is attached hereto, incorporated herein, and labeled Exhibit “A,” relating to the sharing of Solebury Township parks and recreational facilities with residents of the Borough of New Hope in exchange for certain compensation and other support from the Borough of New Hope.

**Section 2. Filing and Inspection.** A copy of the Intergovernmental Agreement, in the form so presented and approved, shall be filed with the Township of Solebury and shall be made available at reasonable times to interested persons requesting such inspection.

**Section 3. Execution and Authorization.** The Township Manager is authorized to execute, attest, acknowledge, and deliver the Intergovernmental Agreement. The Township Manager is further authorized and directed to execute all documents and to do any other acts as may be necessary and proper to carry out the intent and purpose of this Ordinance.

**Section 4. Term.** The initial term of the Intergovernmental Agreement shall commence June 1, 2019, will be valid for an initial term of three (3) years and will be automatically renewable for three additional terms of one (1) year each. Either party to the Intergovernmental Agreement may terminate its participation in the Intergovernmental

Agreement by providing written notification to the other party at least thirty (30) days prior to the date of such termination.

**Section 5. Repealer.** All other provisions of the Ordinances of Solebury Township, as amended, shall remain in full force and effect. All other Ordinances or provisions of Ordinances inconsistent herewith shall be and the same are expressly repealed.

**Section 6. Severability.** The provisions of this Ordinance are severable. In the event that any provision, section, sentence, clause or portion of this Ordinance shall be held to be invalid, such invalidity shall not affect or impair any remaining provision, section, sentence, clause or portion of this Ordinance, it being the intent of the Township Board of Supervisors that such remainder shall be and shall remain in full force and effect.

**Section 7. Effective Date.** This Ordinance shall be in full force and effect five (5) days after its enactment.

**ORDAINED AND ENACTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

BOARD OF SUPERVISORS OF SOLEBURY  
TOWNSHIP, BUCKS COUNTY,  
PENNSYLVANIA

By: \_\_\_\_\_  
Mark Baum Baicker, Chair

ATTEST:

\_\_\_\_\_  
Dennis H. Carney, Township Manager/Secretary

# Exhibit “A”

**INTERGOVERNMENTAL AGREEMENT BETWEEN SOLEBURY TOWNSHIP AND  
NEW HOPE BOROUGH FOR THE USE OF RECREATIONAL FACILITIES**

This Intergovernmental Agreement ("Agreement") made this \_\_\_\_\_ day of \_\_\_\_\_, 2019 by and between **SOLEBURY TOWNSHIP**, 3092 Sugan Road, Solebury Township, PA 18963 ("Township") and the **BOROUGH OF NEW HOPE**, 123 New Street, New Hope, PA 18938 ("Borough").

**DEFINITIONS**

"Parks and Recreational Facilities" means the sites and facilities owned and maintained by the Township for recreational purposes as are included on Exhibit A attached hereto.

"Recreational Use" means any recreational activity, sport or educational use.

**RECITALS**

**WHEREAS**, the Township and the Borough share a mutual goal of providing recreational facilities to the residents of the Township and the Borough; and

**WHEREAS**, the Township has Parks and Recreational Facilities that meet the needs of the residents of the Township; and

**WHEREAS**, the Borough has limited park and recreational facilities with which to serve its residents; and

**WHEREAS**, residents of the Borough have participated for many years in Recreational Uses sponsored by the Township that utilize the Township's Parks and Recreational Facilities; and

**WHEREAS**, the Township and Borough wish to enter into a written agreement enabling Borough residents to use the Township's Parks and Recreational Facilities on the same basis as Township residents; and

**WHEREAS**, the Township and the Borough agree that the Recreational Use of the Township's Parks and Recreational Facilities by Borough residents shall be without charge to the Borough except as provided in this Agreement.

### **COVENANTS**

In consideration of the foregoing Definitions and Recitals, which are incorporated herein by reference, and of the mutual covenants and promises contained herein, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, and intending to be legally bound hereby, the Township and the Borough agree as follows:

1. The Township shall permit residents of the Borough to join in and participate in Recreational Uses sponsored by the Township at the Township's Parks and Recreational Facilities provided that Borough residents meet all program requirements for such Recreational Use as set forth by the Township, which shall be the same requirements for Township residents.

2. Borough agrees to support the Township in the Township's efforts to secure grant funds and other funding sources to finance capital improvements to Township Parks and Recreational Facilities.

3. Borough support shall include, but not be limited to, providing letters of support and committing to a portion of the mutually agreed upon local match requirements for grant applications.

4. Township shall seek grants to supplement its funding to support capital improvements to the Park and Recreational Facilities. Said improvements shall be consistent with the Township's Master Park and Recreation Plan adopted July, 2014.

5. Borough residents participating in a Township sponsored Recreational Use shall pay the same registration fee as if they were Township residents.

6. The initial term ("Initial Term") of this Agreement shall be for three years, commencing on June 1, 2019. Each year of the Initial Term shall be referred to herein as a "Contract Year."

7. Borough agrees to pay to the Township \$5,000.00 ("Annual Fee") per year for each Contract Year of the Initial Term to offset the Township's expenses for maintenance of the Parks and Recreational Facilities. Payment for the first Contract Year of the Initial Term shall be made on or before July 1, 2019. Payment for the second and third Contract Years of the Initial Term shall be made on or before June 1, 2020 and June 1, 2021, respectively.

8. This Agreement shall automatically renew for up to three (3) successive one-year periods (each, an "Extension Period") upon the same terms and conditions as the Initial Term, with payment of the Annual Fee for each Extension Period to be made on June 1 of the respective year.

9. Either party may terminate this Agreement at any time upon thirty (30) days' written notice to the other party. All such notices shall be effective upon receipt. Upon termination, the Township shall refund to the Borough, on a pro-rata basis, the Annual Fee paid for such Contract Year or Extension Period.

WITNESS BY:

\_\_\_\_\_  
Dennis H. Carney  
Township Manager

WITNESS BY:

\_\_\_\_\_  
E. J. Lee  
Borough Manager

SOLEBURY TOWNSHIP

\_\_\_\_\_  
Mark Baum Baicker  
Chair, Solebury Board of Supervisors

NEW HOPEBOROUGH

\_\_\_\_\_  
Connie Gering  
President, New Hope Council

# Solebury Township Bucks County, PA

## Legend

-  Township Boundary
-  Roads
-  Overhead Electricline
-  Solebury Township Trail
-  Delaware Canal State Park and Trail
-  Bucks County Lands
-  Commonwealth of Pennsylvania Lands
-  Privately Owned Lands
-  Solebury Twp. OpenSpace
-  Solebury Township Parks
-  New Jersey State Parks
-  New Hope/ Ivyland Railroad
-  Parcels
-  Hydric Soils
-  Streams

