

ORDINANCE NO. 2017-004

**AN ORDINANCE OF HILLTOWN TOWNSHIP  
AUTHORIZING THE APPROPRIATE OFFICERS OF  
HILLTOWN TOWNSHIP TO ENTER INTO AN  
INTERGOVERNMENTAL AGREEMENT WITH OTHER  
BUCKS COUNTY MUNICIPALITIES FOR HOUGH  
ASSOCIATES TO COLLECT 2017-2021 RESIDENTIAL  
AND COMMERCIAL RECYCLING DATA AND PREPARE  
A MULTI-MUNICIPAL PENNSYLVANIA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION 904 RECYCLING  
PERFORMANCE GRANT APPLICATION**

**WHEREAS**, the Pennsylvania Intergovernmental Cooperation Law, 53 Pa. C.S.A. §2301, *et seq.*, as well as Section 1507 of the Pennsylvania Second Class Township Code and Section 1202(34) of the Pennsylvania Borough Code authorize townships and boroughs, respectively, to enter into agreements with other municipalities in order to cooperate in performing governmental powers, duties and functions and in carrying into effect provisions of law relating to said subjects which are common to such political subdivisions; and

**WHEREAS**, Hilltown, Plumstead and East Rockhill Townships and Dublin Borough, all of Bucks County, have determined that it is in the best interests of their residents to cooperate in obtaining Hough Associates services in filing a multi-municipal Pennsylvania Department of Protection 904 Recycling Performance Grant Application; and

**WHEREAS**, the Board of Supervisors of Hilltown Township has determined that it is in the best interests of the residents of Hilltown Township to cooperate with other Bucks County municipalities in obtaining Hough Associates' services in connection with the multi-municipal grant application for each year from 2017-2021; and

**WHEREAS**, the Pennsylvania Intergovernmental Cooperation Act requires that each municipality cooperating with other municipalities enact an ordinance authorizing its officers to enter into an Intergovernmental Agreement that sets forth the terms and conditions of cooperation with other municipalities; and

**WHEREAS**, Hilltown Township desires to authorize its appropriate officers to enter into an Intergovernmental Agreement with other Bucks County municipalities for obtaining Hough Associates' services in connection with the multi-municipal grant application for each year from 2017-2021 pursuant to the terms of the Agreement;

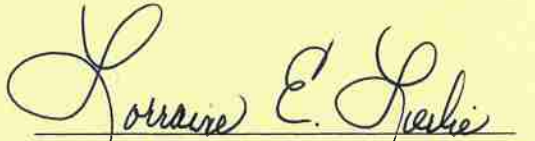
**NOW, THEREFORE**, be it, and it is hereby **ORDAINED** by the Board of Supervisors of Hilltown Township, and it is hereby **ENACTED** and **ORDAINED** by authority of same as follows:

1. The appropriate officers of Hilltown Township are hereby authorized to enter into an Intergovernmental Agreement with other Bucks County municipalities to obtain Hough Associates' services in connection with the multi-municipal grant application for each year from 2017-2021. A true and correct copy of the Intergovernmental Agreement, which is adopted hereby, is attached hereto as Exhibit "A" and incorporated herein by reference.

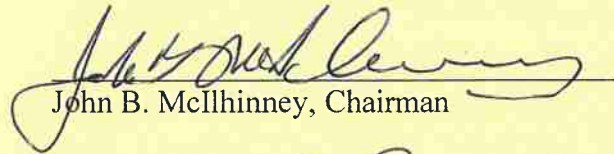
This Ordinance shall be effective five (5) days after its legal enactment.

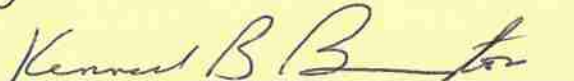
ENACTED and ORDAINED this 11<sup>TH</sup> day of SEPTEMBER, 2017.

ATTEST:

  
Lorraine E. Leslie, Township Manager

HILLTOWN TOWNSHIP  
BOARD OF SUPERVISORS

  
John B. McIlhinney, Chairman

  
Kenneth B. Bennington, Vice-Chairman

  
James C. Groff, Supervisor

**Inter Municipal Agreement Authorizing Hough Associates to Collect 2017-2021 Residential and Commercial Recycling Data and Prepare a Multi-Municipal PA DEP 904 Recycling Grant Application for Dublin Borough, East Rockhill Township, Hilltown Township, and Plumstead Township.**

Dublin Borough, East Rockhill Township, Hilltown Township, and Plumstead Township hereby enter an Inter Municipal Agreement authorizing Hough Associates to collect 2017-2021 recycling data and file PA DEP 904 Recycling Performance Grant Applications with Hilltown Township as the lead municipality.

Hough Associates will:

- Deliver recycling data collection forms to all haulers operating in participating municipalities
- Prepare and mail recycling data collection forms to major commercial entities in participating municipalities
- Prepare and mail recycling education information to commercial and institutional entities in each participating municipality
- Collect the recycling data reported for 2017-2021 in both hard copy and in computer database
- Collect recycling residue rates or market certificates for use as supporting documentation
- File the 2017-2021 Bucks County Recycling Survey due in February 2017-2021 for participating municipalities
- File multi-municipal Section 904 Recycling Performance Grant Application to DEP before the filing deadlines
- In the event of a DEP audit, Hough Associates will defend the application at no cost

Dublin Borough, East Rockhill Township, Hilltown Township, and Plumstead Township agree to provide Hough Associates with a current list of commercial entities that operate in each municipality. Each municipality agrees to provide a letter identifying Hough Associates as its authorized recycling data collector.

Dublin Borough, East Rockhill Township, Hilltown Township, and Plumstead Township agree to pay Hough Associates their individual fee schedule for these services.

\_\_\_\_\_  
Accepted by Dublin Borough

\_\_\_\_\_  
Date

\_\_\_\_\_  
Accepted by East Rockhill Township

\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Accepted by Hilltown Township

8.11.2017  
\_\_\_\_\_  
Date

\_\_\_\_\_  
Accepted by Plumstead Township

\_\_\_\_\_  
Date

## INTERGOVERNMENTAL AGREEMENT

### AUTHORIZING HOUGH ASSOCIATES TO COLLECT 2017-2021 RESIDENTIAL AND COMMERCIAL RECYCLING DATA AND PREPARE A MULTI-MUNICIPAL PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL PROTECTION 904 RECYCLING PERFORMANCE GRANT APPLICATION

**THIS AGREEMENT**, by and between Dublin Borough, Plumstead Township, Hilltown Township and East Rockhill Township (hereinafter collectively the "Participating Municipalities").

### BACKGROUND

**WHEREAS**, Hough Associates (hereinafter "Hough") is a professional consultant that assists municipalities in collecting recycling data and preparing Pennsylvania Department of Environmental Protection (hereinafter "PADEP") recycling performance grant applications; and

**WHEREAS**, the Participating Municipalities all contract with Hough to collect recycling data and prepare their respective annual PADEP recycling performance grant applications; and

**WHEREAS**, the Participating Municipalities wish to pursue a multi-municipal PADEP 904 recycling performance grant application for the years 2017-2021 (hereinafter referred to as the "Project"); and

**WHEREAS**, the Participating Municipalities have each separately contracted with Hough for Hough to collect the data and prepare the multi-municipal PADEP 904 recycling performance grant application for the Project for the years 2017-2021; and

**WHEREAS**, "The Borough Code", 8 Pa.C.S.A. §1202(24), and "The Second Class Township Code", 53 P.S. §66507, as well as the provisions of 53 Pa. C.S.A. §2301, ET. seq., provide for intergovernmental cooperation between and among municipalities in the exercise or performance of their respective governmental functions, powers, and responsibilities and authorize joint agreements as may be deemed appropriate for such purposes; and

**WHEREAS**, the Participating Municipalities wish to enter into an

Intergovernmental Agreement providing for intergovernmental cooperation for the retention of Hough to perform the Project for the calendar years 2017-2021 in the best interests of the residents of the Participating;

**NOW, THEREFORE,** in consideration of the premises set forth above and intending to be legally bound hereby, the Participating Municipalities do agree as follows:

1. The Participating Municipalities hereby appoint Hough to collect 2017-2021 recycling data and file PA DEP 904 Recycling Performance Grant Applications for the calendar years 2017-2021.
2. Hilltown Township shall serve as the coordinating municipality for the Project.
3. Each Participating Municipality shall contract directly with Hough and pay Hough directly to perform the services, as described below, necessary to complete the Project.
4. Hough shall perform the following services in connection with the Project:
  - a. Deliver recycling data collection forms to all haulers operating in four municipalities;
  - b. Prepare and mail recycling data collection forms to major commercial entities;
  - c. Collect the recycling data reported for 2017-2021 in both hard copy and on computer database;
  - d. Collect recycling residue rates or market certificates use in the grant application;
  - e. File the 2017-2021 Bucks County Recycling Survey due in February of each year of the project;
  - f. File the Recycling Performance Grant Application to PADEP before the filing deadlines;
  - g. Calculate the awards for each municipality and as a group; and
  - h. In the event of a PADEP audit, Hough Associates will defend the application at no cost to the Participating Municipalities.
5. The Participating Municipalities will provide Hough with a current list of commercial entities that operate in each municipality.
6. Each Participating Municipality agrees to provide a letter identifying Hough Associates as its authorized recycling data collector.
7. Each Participating Municipality shall be responsible for its own out-of-pocket costs and its own solicitor's fees with regard to review of this Agreement, its separate agreement with Hough and preparation and adoption of an Ordinance

authoring each Participating Municipality to enter into this Agreement.

8. If at any time, a Participating Municipality wishes to end its participation in the Project, it shall give thirty (30) days written notice to Hilltown Township that it no longer wishes to participate.

9. Any additional municipality that wishes to become a party to this Agreement and participate in the Project shall be admitted by a two-thirds (2/3) vote of the Participating Municipalities.

10. This Agreement shall be construed in accordance with the laws of the Commonwealth of Pennsylvania.

11. This Agreement represents the entire agreement between the parties hereto. Any amendment to this Agreement shall be in writing and must be signed by all parties hereto in order to be valid and enforceable.

12. This Agreement may be executed in counterparts; each Intergovernmental Agreement signed by a Participating Municipality shall become a part of the whole Intergovernmental Agreement and shall bind that Participating Municipality to the terms of this Agreement.

**INTENDING** to be legally bound hereby, the Participating Municipality hereby sets forth the hand and seal of its Chairman/President and Manager on the date set forth herein below.

*The remainder of this page is intentionally blank and is followed by the signature page of the Participating Municipalities..*

ATTEST:

PLUMSTEAD TOWNSHIP  
BOARD OF SUPERVISORS

By: \_\_\_\_\_  
Nicholas Lykon, Secretary

By: \_\_\_\_\_  
Daniel Hilferty, Chairman

ATTEST:

DUBLIN BOROUGH  
COUNCIL

By: \_\_\_\_\_  
Secretary

By: \_\_\_\_\_  
Jeffrey Sharer, President

ATTEST:

HILLTOWN TOWNSHIP  
BOARD OF SUPERVISORS

By: *Gorraine Keefe*  
Secretary

By: *Jack McIlhinney*  
Jack McIlhinney, Chairman

ATTEST:

EAST ROCKHILL TOWNSHIP  
BOARD OF SUPERVISORS

By: \_\_\_\_\_  
Marianne K. Morano, Secretary

By: \_\_\_\_\_  
David Nyman, Chairman

## Five Year Agreement Authorizing Hough Associates to Collect Residential and Commercial Recycling Data and Prepare PA DEP 904 Recycling Grant Applications for Hilltown Township

Hilltown Township authorizes Hough Associates to collect recycling data for calendar years 2017, 2018, 2019, 2020 and 2021. Hough Associates will prepare joint grant applications with other municipalities provided that they agree to work together by Inter-Municipal Agreement. Hough Associates will file individual applications for the Hilltown Township if it does not want to participate in joint applications.

Hough Associates will:

- Prepare and mail annual data collection forms to haulers for reporting the recycling tonnage collected in Hilltown Township and to identify where these recyclables were processed.
- Prepare and mail annual forms to recycling markets for reporting recycling residue rates.
- Contact all haulers and markets that did not respond to the mailing.
- Compile the annual recycling data reported to the Township and to Hough Associates in both hard copy and on a computer database. Data will be retained for 4 years following each filing.
- Prepare and file the annual Bucks County Recycling Survey Report due in February.
- Prepare and mail annual commercial recycling education to Township businesses.
- Analyze the benefits of a joint grant application with other Bucks County municipalities.
- Prepare and file the 904 Recycling Performance Grant Application forms for Hilltown Township or a joint application with other municipalities on or before DEP's filing deadlines.

Hilltown Township will provide Hough Associates with annual update of the commercial entities that operated in the Township for use in data collection and the recycling education mailing.

Hilltown Township agrees to pay Hough Associates a fixed price of \$8,000 per year for these services. Hilltown Township may take a 2% discount (\$7,840) if paid by January 15. The fixed payments are due according to the following schedule:

- \$4,000 January 31
- \$4,000 July 31

  
Accepted by Hilltown Township

9-11-2017  
Date

\_\_\_\_\_  
Accepted by Hough Associates

\_\_\_\_\_  
Date