

**BOROUGH OF BRYN ATHYN
MONTGOMERY COUNTY, PENNSYLVANIA**

RESOLUTION 2024-03

**A RESOLUTION OF THE COUNCIL OF THE BOROUGH OF BRYN ATHYN
APPROVING AN INTERGOVERNMENTAL COOPERATION AGREEMENT WITH
LOWER MORELAND TOWNSHIP TO CREATE A JOINT FIRE AND EMERGENCY
SERVICES DEPARTMENT**

WHEREAS, the Borough of Bryn Athyn (“Bryn Athyn”) is a home rule municipality, operating under the Borough of Bryn Athyn Home Rule Charter (the “Home Rule Charter”), which became effective on January 1, 1978; and

WHEREAS, prior to January 1, 1978, Bryn Athyn was a borough operating under the Pennsylvania Borough Code and other applicable laws; and

WHEREAS, section 43.2-204 of the Home Rule Charter provides, in relevant part, that “all powers of the Municipality . . . unless otherwise specifically set forth in this charter shall be vested in the Municipal Council, hereinafter referred to in this charter as ‘Council;’” and

WHEREAS, section 43.2-201 of the Home Rule Charter provides that “[t]he Municipality shall have, and at all times may exercise any power and may perform any function not specifically denied it by the Constitution of Pennsylvania, by this charter or by the General Assembly of Pennsylvania;” and

WHEREAS, section 43.2-202 of the Home Rule charter provides, in relevant part, that “[a]t no time and in no respect shall the Municipality have less power and authority than it would have had, had it not adopted this charter, except to the extent that this charter in itself may limit any specific power or authority now or hereafter granted by the Constitution of laws of Pennsylvania;” and

WHEREAS, section 1202(56) of the Pennsylvania Borough Code, in relevant part, grants to boroughs the specific power “[t]o ensure that fire and emergency medical services are provided within the borough by the means and to the extent determined by the borough, including the appropriate financial and administrative assistance for these services;” and

WHEREAS, section 43.2-204 of the Home Rule Charter provides that “[t]he Municipality may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with the United States of America or any agency thereof, and/or the Commonwealth of Pennsylvania and any political subdivision or agency thereof, and may accept services from or provide services to any such entity; and

WHEREAS, section 43.2-204 of the Home Rule Charter permits Bryn Athyn to enter into agreements pursuant to the Intergovernmental Cooperation Act, 53 Pa. C. S. Ch.23 Subchapter A to perform governmental powers, duties and functions; and

WHEREAS, the Council of the Borough of Bryn Athyn has determined that it is in the Borough's best interests to establish a joint fire and emergency services department with Lower Moreland Township to provide both fire services and emergency services to Borough residents.

NOW, THEREFORE, the Council of the Borough of Bryn Athyn does hereby **RESOLVE** as follows:

1. An Intergovernmental Cooperation Agreement between the Borough of Bryn Athyn and Lower Moreland Township to establish a joint fire and emergency services department, in the form attached hereto and made a part hereof and marked **Exhibit "A"** (the "Agreement") shall be and hereby is authorized.

2. The President of the Council of the Borough of Bryn Athyn is hereby authorized to execute the Agreement on behalf of the Borough, thereby binding the Borough to the terms of the Agreement.

3. This Resolution shall be effective as of the date adoption by the Council of the Borough of Bryn Athyn.

RESOLVED and **ADOPTED** by the Council of the Borough of Bryn Athyn this ___ day of _____, 20__.

BOROUGH OF BRYN ATHYN

Attest:

Victoria S. Trost, Secretary

By: _____
Jeffrey E. Elsing, President
Borough Council

Kenneth Schauder, Mayor

EXHIBIT “A”

**INTERGOVERNMENTAL COOPERATION AGREEMENT FOR A JOINT FIRE AND
EMERGENCY SERVICES DEPARTMENT FOR LOWER MORELAND TOWNSHIP
AND BRYN ATHYN BOROUGH**

THIS AGREEMENT is entered into this _____ day of _____, 2024, by and between Lower Moreland Township, 640 Red Lion Road, Huntingdon Valley, PA 19006, and Bryn Athyn Borough, 2835 Buck Road, Huntingdon Valley, PA 19006.

WHEREAS, Lower Moreland Township (“Township”) and Bryn Athyn Borough (“Borough”) established the office of Chief of Emergency Services to coordinate and oversee all emergency services within both Lower Moreland Township and Bryn Athyn Borough pursuant to Resolution No. 23-01 of the Township and Resolution 2023-02 of the Borough; and

WHEREAS, the Township and Borough approved a Memorandum of Understanding (“MOU”) creating the office of Chief of Emergency Services and establishing an Emergency Services Committee thereby establishing a funding formula and administrative oversight for the office; and

WHEREAS, the Huntingdon Valley Fire Company currently services Lower Moreland Township for fire services and the Bryn Athyn Fire Company currently services Bryn Athyn Borough for fire services as well as emergency medical services for both Lower Moreland Township and Bryn Athyn Borough with both providing automatic mutual aid fire response to each municipality; and

WHEREAS, the Township and Borough desire to establish a joint Fire and Emergency Services Department (“Department”) under the supervision of the Chief of Emergency Services to coordinate and oversee all fire and emergency medical services within Lower Moreland Township and Bryn Athyn Borough; and

WHEREAS, while the two Fire Companies shall continue to operate independently under the oversight and coordination of the Chief of Emergency Services, the two municipalities will continue to strive towards a joint operations model for fire and EMS services; and

WHEREAS, pursuant to the provisions of Ch. 23, Subchapter A, Intergovernmental Cooperation, of the General Local Government Code, 53 PA.C.S. 2301, et seq., local governments may enter into intergovernmental cooperation agreements upon the passage of a Resolution by the respective governing bodies.

NOW, THEREFORE, the Township and Borough, intending to be legally bound, do hereby establish a joint Fire and Emergency Services Department under the supervision of the Chief of Emergency Services and hereby agree as follows:

1. The above recitals are incorporated herein by reference.
2. Term. This agreement shall continue until terminated by either party upon providing six (6) months written notice to the other party.
3. There is hereby established a joint municipal department which shall be known as the Lower Moreland/Bryn Athyn Fire and EMS Department (the “Department”).

4. Purposes. The purpose of the Department is to provide both fire services and emergency medical services to Lower Moreland Township residents and Bryn Athyn Borough residents through the coordination and management of the existing Bryn Athyn Fire Company (“BAFC”) and the existing Huntingdon Valley Fire Company (“HVFC”), both as those two fire companies are presently constituted or as they may hereafter be combined, merged or reconstituted.

5. Supervision. The Department shall be under the supervision and management of the Chief of Emergency Services.

6. Financing of the Department. The financing of the Department shall be in accordance with the funding formula for the office of Chief of Emergency Services for the Borough and Township as set forth in the MOU, which is adopted herein by reference.

7. Organizational Structure. The Department shall be under the supervision and direction of the Chief of Emergency Services who shall supervise and coordinate the fire and emergency medical services of both Huntingdon Valley Fire Company and Bryn Athyn Fire Company and shall provide guidance and recommendations to the Township and Borough regarding fire protection and emergency medical services in both communities. In the event that the Chief is unable to provide supervision to HVFC and BAFC, or in the event of a vacancy in the Chief position, the existing officers of the fire companies shall assume operational and supervisory control.

8. Acquisition of Real or Personal Property. Both the Township and Borough retain the right, jointly or severally, to acquire, manage or dispose of real or personal property necessary to provide fire-fighting and emergency services; but neither municipality shall have the right to acquire, manage, or dispose of real or personal property owned by, or hereafter acquired by, either of the fire companies, without the express, written consent of that fire company.

9. Insurance. Both the Township and Borough retain their respective power to enter into contracts of insurance deemed necessary for the Department. Where such insurance is mutually agreed upon by the Township and the Borough, funding thereof shall be in accordance with the funding formula set forth in the parties MOU.

10. Compliance. The Department shall comply with all applicable federal, state and local laws, statutes, ordinances, regulations and laws.

11. Effective date. This agreement shall be effective upon adoption of an Intergovernmental Cooperation Resolution by both parties.

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THE PARTIES HERETO, intending to be legally bound hereby, do hereunto set the signatures of their duly authorized representatives on the date and year first above written.

LOWER MORELAND TOWNSHIP

Attest:

Christopher R. Hoffman, Secretary

By:

Denise A. Kuritz, President
Board of Commissioners

BOROUGH OF BRYN ATHYN

Attest:

Victoria S. Trost, Secretary

By:

Jeffrey E. Elsing, President
Borough Council