

**TOWNSHIP OF MOUNT JOY,
Lancaster County, Pennsylvania**

ORDINANCE NO. ____

339-2022

SIGNIFYING THE INTENTION AND DESIRE OF THE BOARD OF SUPERVISORS OF THIS TOWNSHIP TO ORGANIZE AN AUTHORITY FOR THE PURPOSE OF ADMINISTERING EMERGENCY MEDICAL SERVICES ON BEHALF OF THIS TOWNSHIP UNDER THE PENNSYLVANIA MUNICIPALITY AUTHORITIES ACT JOINTLY WITH THE BOROUGHES OF ELIZABETHTOWN AND MARIETTA, AND THE TOWNSHIPS OF CONOY, EAST DONEGAL, ELIZABETH, PENN, AND WEST DONEGAL, ALL IN LANCASTER COUNTY; DESIGNATING THE ENTIRETY OF THIS TOWNSHIP AS A SERVICE DISTRICT OF THE AUTHORITY; SETTING FORTH AND AUTHORIZING EXECUTION OF ARTICLES OF INCORPORATION; APPOINTING AND FIXING THE TERM OF THE FIRST MEMBER OF THE BOARD APPOINTED BY THIS TOWNSHIP; AND TAKING ALL OTHER NECESSARY ACTION.

WHEREAS, the Township of Mount Joy, Lancaster County, Pennsylvania (this “Township”) is a political subdivision (a Township of the Second Class) of the Commonwealth of Pennsylvania (the “Commonwealth”) and is governed by its Board of Supervisors (the “Board of Supervisors” or the “Board”); and

WHEREAS, pursuant to The Second Class Township Code of the Commonwealth, 53 P.S. § 66553, this Township is responsible for ensuring that emergency medical services are provided within this Township by the means and to the extent determined by this Township; and

WHEREAS, pursuant to the Municipality Authorities Act, 53 Pa.C.S. Ch. 56, as amended and supplemented (the “Act”), an authority may be created for the purpose of providing administrative services which improve the ability of the commercial establishments within a district to serve consumers; and

WHEREAS, this Township desires to determine that delegating the administration of emergency medical services within this Township to an authority will improve the ability of the commercial establishments within this Township to serve consumers, among other benefits; and

WHEREAS, this Township desires to designate the entirety of this Township as a service district of the Authority (hereinafter defined); and

WHEREAS, the Board of Supervisors desires to signify its intention to jointly organize the Authority for the purpose of administering emergency medical services on behalf of this Township, together with the Boroughs of Elizabethtown and Marietta, and the Townships of Conoy, East Donegal, Elizabeth, Penn, and West Donegal, all in Lancaster County (collectively, the “Municipalities”).

WHEREAS, the Board of Supervisors of this Township hereby enacts and ordains as follows:

SECTION 1. This Township hereby determines that delegating the administration of emergency medical services within this Township to the Authority will improve the ability of the commercial establishments within this Township to serve consumers, among other benefits, by more equitably funding and delivering essential emergency medical services to all businesses and residents within this Township.

SECTION 2. The Board of Supervisors signifies its intention and desire to jointly organize an authority for the purpose of administering emergency medical services on behalf of this Township, together with the Municipalities, to be known as the “Municipal Emergency Services Authority of Lancaster County” under the Act (the “Authority”).

SECTION 3. This Township hereby designates the entirety of this Township as a service district of the Authority.

SECTION 4. The Chairman or Vice Chairman of the Board of Supervisors and the Township Secretary, respectively, of this Township are authorized and directed to execute, on behalf of this Township, Articles of Incorporation for such Authority as attached hereto as Exhibit “A” and made a part hereof.

SECTION 5. The Chairman or Vice Chairman of the Board of Supervisors and the Secretary, respectively, of this Township jointly with proper officers of the Municipalities are authorized and directed to cause notice of the substance of this Ordinance, including the substance of the foregoing Articles of Incorporation, and of the proposed filing of such Articles of Incorporation, to be published as required by the Act.

SECTION 6. The Chairman or Vice Chairman of the Board of Supervisors and the Township Secretary, respectively, of this Township, are authorized and directed to file such Articles of Incorporation and the necessary proofs of publication with the Secretary of the Commonwealth of Pennsylvania and to do all other things necessary to effect the incorporation of such Authority, including payment of required filing fees.

SECTION 7. This Township at all times shall have one (1) appointee on the Board of the Authority for the term specified.


SECTION 8. The following named person is appointed the first member of the Board of the Authority on behalf of this Township for the following initial term of office:

<u>Name</u>	<u>Address</u>	<u>Initial Term of Office</u>
Debra Dupler	8853 Elizabethtown Road, Elizabethtown, PA 17022	1 year

SECTION 9. All ordinances and parts of ordinances inconsistent herewith are repealed.

DULY ENACTED AND ORDAINED, by the Board of Supervisors of the Township of Mount Joy, in Lancaster County, Pennsylvania, this 19th day of December, 2022, in lawful session duly assembled.

TOWNSHIP OF MOUNT JOY,
Lancaster County, Pennsylvania

By: 
(Vice) Chairman of the
Board of Supervisors

ATTEST:

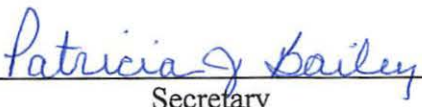

Secretary



EXHIBIT "A"

ARTICLES OF INCORPORATION

TO THE SECRETARY OF THE COMMONWEALTH OF PENNSYLVANIA:

In compliance with requirements of the Municipality Authorities Act, 53 Pa.C.S. Ch. 56, as amended and supplemented (the "Act"), and pursuant to ordinances duly enacted by the Boroughs of Elizabethtown and Marietta, and the Townships of Conoy, East Donegal, Elizabeth, Mount Joy, Penn, and West Donegal, all in Lancaster County (each, an "Incorporating Municipality," and collectively, the "Incorporating Municipalities"), expressing the intention and desire of the Incorporating Municipalities to organize an Authority jointly under the Act, said municipalities certify:

1. The name of the Authority shall be the "Municipal Emergency Services Authority of Lancaster County".

2. The Authority is formed under the Municipality Authorities Act, 53 Pa.C.S. Ch. 56, as amended and supplemented, for the purpose of providing administrative services pursuant to Sections 5602 and 5607(g) of the Act, as a delegation of each of the Member Municipalities' (hereinafter defined) statutory responsibility to ensure that emergency medical services are being provided within those municipalities.

3. As more fully set forth below and in accordance with the Act, the Authority shall be permitted to administer emergency medical services, including all such services necessary to maintain licensure as an EMS agency through the Pennsylvania Department of Health, and any closely, reasonably related services thereto (the "Services"). The Authority may exercise all powers as described in Section 5607(d) of the Act necessary or convenient for the carrying out of its purpose.

4. Each of the Incorporating Municipalities, or any municipality that later joins the Authority (collectively, the "Member Municipalities"), shall designate all or a portion of such municipality as a district to be served by the Authority (each, a "Service District").

5. Pursuant to the Act, in order to provide Services to property owners within a Service District that are paid directly to the Authority by property owners ("Fee Services"), the Authority shall first provide written notice of the proposed Services to each property owner in a Service District at least 30 days prior to a properly advertised hearing (a "Fee Services Hearing").

6. Pursuant to the Act, Fee Services may not be provided to and charges ("Charges") may not be assessed directly to property owners within a Service District if written objections representing the ownership of one-third of the benefited properties in the Service District, or property owners of the proposed district whose property valuation as assessed for taxable purposes amount to more than one-third of the total valuation of the Service District, are received by a Member Municipality within 45 days after a Fee Services Hearing (the "Objection Period") is

conducted where the plan of the Authority to impose Charges is presented (“Fee Services Plan”). The foregoing is hereinafter referred to as the “Owner Objection Process,” and owner objection to a Fee Services Plan is hereinafter referred to as “Owner Objection.”

7. Each Incorporating Municipality shall retain the right which exists under the Act to approve the initial Fee Services Plan. The Authority shall not be permitted to provide Fee Services or assess Charges in a Service District if within 45 days after the initial Fee Services Hearing is conducted, a majority vote of the governing body of an Incorporating Municipality disapproves of the initial Fee Services Plan as presented at the initial Fee Services Hearing, even if the delivery of Fee Services would effectively have been approved by property owners following the Owner Objection Process. The foregoing is hereinafter referred to as the “Municipal Objection Process,” and a municipal disapproval of a Fee Services Plan is hereinafter referred to as a “Municipal Objection.” Disapproval of the initial Fee Services Plan by either Owner Objection or Municipal Objection within an Incorporating Municipality’s Service District shall not preclude Fee Services being provided in the Service District of another Incorporating Municipality that has not received Owner Objection or Municipal Objection.

8. If either Owner Objection or Municipal Objection occurs within a Service District, the Incorporating Municipality of such Service District shall be required to withdraw from the Authority (“Municipal Withdrawal”), with withdrawal to be initiated by resolution or ordinance of such Incorporating Municipality at its earliest regular or special meeting. Following receipt by the Authority of such adopted resolution or ordinance, the Authority shall move expeditiously to complete the withdrawal process pursuant to the Act. Such withdrawal would reduce the size of the Board of the Authority by one member.

9. The Authority shall not be permitted to incur any financial or legal obligation (an “Obligation”) prior to the later of concluding the Objection Period or Municipal Withdrawal following the initial Fee Services Hearing. Specifically excluded from the definition of “Obligation” herein is any agreement to provide legal, consulting, accounting, or billing services to or for the Authority. Further, no Member Municipality shall be permitted to withdraw from the Authority after an Obligation has been incurred by the Authority unless the Authority and a Member Municipality desiring to withdraw reach agreement on such Member Municipality’s satisfaction of its allocable portion of all outstanding Obligations of the Authority. The parameters for reaching such agreement, including the method for determining the allocation of outstanding Obligations of the Authority for which a Member Municipality desiring to withdraw is responsible, shall be more expressly provided in the Bylaws established by the Authority. In any event, the Authority shall not be required to consent to the withdrawal of a Member Municipality while any Obligations remain outstanding, a right reserved to the Authority under Section 5604(c) of the Act.

10. Any municipality that is not a Member Municipality (a “Non-Member Municipality”), including any Incorporating Municipality that subsequently withdraws from the Authority, may receive Services from the Authority by contract (“Contract Services”), with compensation to the Authority paid by revenues generated by the Non-Member Municipality. So long as the cost of the Contract Services provided within a Non-Member Municipality are not billed to property owners by the Authority or by such Non-Member Municipality, the Authority shall not be required to conduct a hearing under Section 5607(d) of the Act or be subject to an Owner Objection Process.

11. By a simple majority vote of the Board of the Authority, the Authority shall be permitted to increase Charges in a given year by up to the effective Consumer Price Index for All Urban Consumers as published by the United States Bureau of Labor Statistics (“CPI-U”), but in no event by more than 5.0% if CPI-U is greater than 5.0% at the time of the proposed increase in Charges (collectively, the “Index”).

12. Either of the following shall first require a two-thirds majority vote of the Board of the Authority to be approved, and if approved, shall require a new Fee Services Hearing (a “Subsequent Fee Services Hearing”): (a) proposed increase in Charges in any Service District that is above the Index, and (b) a material diminution in the quality or scope of Services then being received by property owners in any Service District. Further, the Owner Objection Process and the Municipal Objection Process (collectively, the “Objection Processes”) as described in Sections 6 and 7 herein, respectively, shall apply to subsections (a) and (b) of this Section 12. Any Objection Processes applicable to a Subsequent Fee Services Hearing shall be limited to the proposed increase in Charges or diminution in Services presented at such Subsequent Fee Services Hearing, and not to the Fee Services and Charges in effect at the time of such Subsequent Fee Services Hearing. However, disapproval of a Subsequent Fee Services Plan by either Owner Objection or Municipal Objection within a Member Municipality’s Service District shall preclude the proposed increase in Charges or diminution in Services going into effect for any Service District.

13. After the Authority has been incorporated, any municipality that desires to join the Authority shall adopt a resolution or ordinance pursuant to the Act. If such proposed joinder is approved by the Authority, the Authority shall then conduct a properly advertised Fee Services Hearing for the proposed Service District of the joining municipality, based on the Services then being provided within the Service Districts of Member Municipalities. If there is no Owner Objection, the Authority shall proceed to complete the joinder process for the joining municipality to become a Member Municipality. Such joinder would increase the size of the Board of the Authority by one member. There is no Municipal Objection Process for a joining municipality. Charges may not be assessed within such Service District until the joinder is complete with the joining municipality having representation on the Board of the Authority.

14. In order to provide services in addition to the Services established herein, the Authority shall be required to amend these Articles of Incorporation pursuant to the Act.

15. Other than as provided in Section 12. above, actions taken by the Board of the Authority shall be approved by a simple majority vote, which shall be binding on all Service Districts, as applicable.

16. All other rules, regulations, and procedures of the Authority, if not prescribed by the Act or these Articles of Incorporation shall be as established by the Authority pursuant to its Bylaws and any policies created thereby.

17. Except as otherwise permitted by the Member Municipalities, no member of the Board or any committee of the Authority shall be compensated in any manner, as a member or as an officer of such Board or committee; provided, however, that a Board or committee member

may be reimbursed for the actual out-of-pocket expenses for seminar fees, mileage, lodging, or meals when traveling on business of the Authority beyond 50 miles of the Member Municipality.

18. No other Authority has been organized, individually or jointly, under the current Act, or the Act of the General Assembly approved May 2, 1945, P.L. 382, as amended and supplemented, known as the “Municipality Authorities Act of 1945”, or of the Act of the General Assembly approved June 28, 1935, P.L. 463, as amended and supplemented, and is in existence in or for the Incorporating Municipalities except the following:

a. Conoy Township

“Bainbridge Water Authority”

b. East Donegal Township

“East Donegal Sewer Authority”

“East Donegal Township Municipal Authority”

“Marietta-Donegal Joint Authority”

c. Elizabethtown Borough

“Elizabethtown Area Community Services Authority”

“Elizabethtown Area Water Authority”

“Elizabethtown Development Authority”

d. Marietta Borough

“Marietta-Donegal Joint Authority”

e. Mount Joy Township

“Elizabethtown Area Water Authority”

f. Penn Township

“Northwestern Lancaster County Authority”

g. West Donegal Township

“Elizabethtown Area Water Authority”

“Elizabethtown Regional Sewer Authority”

19. The incorporating municipalities of the Authority are the Boroughs of Elizabethtown and Marietta, and the Townships of Conoy, East Donegal, Elizabeth, Mount Joy, Penn, and West Donegal, all in Lancaster County, Pennsylvania.

20. The offices, names, and addresses of the members of each of the governing bodies of the Incorporating Municipalities are:

a. Conoy Township (Board of Supervisors), all located at 211 Falmouth Road, Bainbridge, PA 17502

<u>Office</u>	<u>Name</u>
Supervisor (Chairperson)	Justin Risser
Supervisor (Vice Chairperson)	Gina R. Mariani
Supervisor	Stephen L. Mohr
Supervisor	Douglas L. Hawthorne
Supervisor	S. Jay Williams

b. East Donegal Township (Board of Supervisors), all located at 190 Rock Point Road, Marietta, PA 17547

<u>Office</u>	<u>Name</u>
Supervisor (Chairperson)	Thomas M. Jones
Supervisor (Vice Chairperson)	Allen D. Esbenshade
Supervisor	Scott A. Kingsboro

c. Elizabeth Township (Board of Supervisors), all located at 423 Southview Drive, Lititz, PA 17543

<u>Office</u>	<u>Name</u>
Supervisor (Chairperson)	Jeff Burkholder
Supervisor (Vice Chairperson)	Michael S. Diehl, Sr.
Supervisor	Rodney D. May

d. Elizabethtown Borough (Council), all located at 600 South Hanover Street, Elizabethtown, PA 17022

<u>Office</u>	<u>Name</u>
Council President	J. Marc Hershey
Councilperson	Lanty Moss
Council Vice President	Philip P. Clark
Councilperson	Jeffrey K. McCloud
Councilperson	Jay Hynicker
Councilperson	Thomas Shaud
Mayor	Clarence S. Mummert, Jr.

e. Marietta Borough (Council), all located at 111 East Market Street, Marietta, PA 17547

<u>Office</u>	<u>Name</u>
Council President	Jeffrey Hudson
Council Vice President	Frederick States
Councilperson	Miles Lauver III
Councilperson	Steven DeBottis
Councilperson	William Dalzell
Councilperson	Jeffry Marsh
Councilperson	Joshua Wills
Secretary/Treasurer	Sharon Bradnick
Mayor	Rebecca Carroll-Baltozer

f. Mount Joy Township (Board of Supervisors), all located at 8853 Elizabethtown Road, Elizabethtown, PA 17022

<u>Office</u>	<u>Name</u>
Supervisor (Chairperson)	Kevin Baker
Supervisor (Vice Chairperson)	David Sweigart
Supervisor	Debra Dupler
Supervisor	Gerald G. Cole
Supervisor	Lisa Heilner

g. Penn Township (Board of Supervisors), all located at 97 N. Penryn Road, Manheim, PA 17545

<u>Office</u>	<u>Name</u>
Supervisor (Chairperson)	Ben Bruckhart
Supervisor (Vice Chairperson)	Richard Landis
Supervisor	Ronald Krause
Supervisor	Gary Stevens
Supervisor	Thomas Walsh

h. West Donegal Township (Board of Supervisors), all located at One Municipal Drive, Elizabethtown, PA 17022

<u>Office</u>	<u>Name</u>
Supervisor (Chairperson)	Douglas Hottenstein
Supervisor (Vice Chairperson)	Roger Snyder
Supervisor	Eric Kreider
Supervisor	Ralph Horne
Supervisor	Richard Gible

21. The members of the Board of the Authority shall be eight (8) in number and each incorporating municipality shall be apportioned one (1) board member.

22. The names and initial terms of office of the first members of the Board of the Authority, all located initially at 600 South Hanover Street, Elizabethtown, PA 17022, each of whom is a citizen of the respective Incorporating Municipality, are as follows:

<u>Name</u>	<u>Appointee of</u>	<u>Term of Office*</u>
Justin Risser	Conoy Township	1 year
Jeffrey L. Butler	East Donegal Township	2 years
Rodney May	Elizabeth Township	3 years
J. Marc Hershey	Elizabethtown Borough	4 years
Jeffrey Hudson	Marietta Borough	5 years
Debra Dupler	Mount Joy Township	1 year
Benjamin O. Bruckhart	Penn Township	2 years
Roger Snyder	West Donegal Township	3 years

* Although terms of office commence at the organizational first meeting of the Authority Board, each term listed shall expire at the stated number of years from the first Monday in January following the date the Articles of Incorporation are filed.

IN WITNESS WHEREOF, the Township of Conoy, in Lancaster County, Pennsylvania, has caused these Articles of Incorporation to be executed by the Chairman or Vice Chairman of its Board of Supervisors, and attested by the Secretary of the Township, and the seal of such Township to be affixed hereunto, this ____ day of December, 2022.

TOWNSHIP OF CONOY,
Lancaster County, Pennsylvania

By: _____
(Vice) Chairman of the
Board of Supervisors

ATTEST:

Secretary
(SEAL)

IN WITNESS WHEREOF, the Township of East Donegal, in Lancaster County, Pennsylvania, has caused these Articles of Incorporation to be executed by the Chairman or Vice Chairman of its Board of Supervisors, and attested by the Secretary of the Township, and the seal of such Township to be affixed hereunto, this ____ day of December, 2022.

TOWNSHIP OF EAST DONEGAL,
Lancaster County, Pennsylvania

By: _____
(Vice) Chairman of the
Board of Supervisors

ATTEST:

Secretary

(SEAL)

IN WITNESS WHEREOF, the Borough of Elizabethtown, in Lancaster County, Pennsylvania, has caused these Articles of Incorporation to be executed by the President or Vice President of its Council, and attested by the Secretary of the Borough, and the seal of such Borough to be affixed hereunto, this ___ day of December, 2022.

**BOROUGH OF ELIZABETHTOWN,
Lancaster County, Pennsylvania**

By: _____
(Vice) President of the Council

ATTEST:

Secretary

(SEAL)

IN WITNESS WHEREOF, the Township of Elizabeth, in Lancaster County, Pennsylvania, has caused these Articles of Incorporation to be executed by the Chairman or Vice Chairman of its Board of Supervisors, and attested by the Secretary of the Township, and the seal of such Township to be affixed hereunto, this ___ day of December, 2022.

TOWNSHIP OF ELIZABETH,
Lancaster County, Pennsylvania

By: _____
(Vice) Chairman of the
Board of Supervisors

ATTEST:

Secretary

(SEAL)

IN WITNESS WHEREOF, the Borough of Marietta, in Lancaster County, Pennsylvania, has caused these Articles of Incorporation to be executed by the President or Vice President of its Council, and attested by the Secretary of the Borough, and the seal of such Borough to be affixed hereunto, this ____ day of December, 2022.

**BOROUGH OF MARIETTA,
Lancaster County, Pennsylvania**

By: _____
(Vice) President of the Council

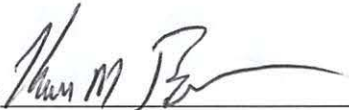
ATTEST:

Secretary

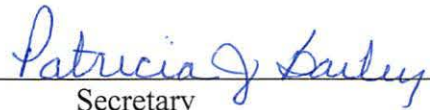
(SEAL)

IN WITNESS WHEREOF, the Township of Mount Joy, in Lancaster County, Pennsylvania, has caused these Articles of Incorporation to be executed by the Chairman or Vice Chairman of its Board of Supervisors, and attested by the Secretary of the Township, and the seal of such Township to be affixed hereunto, this ____ day of December, 2022.

TOWNSHIP OF MOUNT JOY,
Lancaster County, Pennsylvania

By:  x
(Vice) Chairman of the
Board of Supervisors

ATTEST:


Secretary



IN WITNESS WHEREOF, the Township of Penn, in Lancaster County, Pennsylvania, has caused these Articles of Incorporation to be executed by the Chairman or Vice Chairman of its Board of Supervisors, and attested by the Secretary of the Township, and the seal of such Township to be affixed hereunto, this ___ day of December, 2022.

TOWNSHIP OF PENN,
Lancaster County, Pennsylvania

By: _____
(Vice) Chairman of the
Board of Supervisors

ATTEST:

Secretary

(SEAL)

IN WITNESS WHEREOF, the Township of West Donegal, in Lancaster County, Pennsylvania, has caused these Articles of Incorporation to be executed by the Chairman or Vice Chairman of its Board of Supervisors, and attested by the Secretary of the Township, and the seal of such Township to be affixed hereunto, this ___ day of December, 2022.

TOWNSHIP OF WEST DONEGAL,
Lancaster County, Pennsylvania

By: _____
(Vice) Chairman of the
Board of Supervisors

ATTEST:

Secretary

(SEAL)

CERTIFICATE

I, the undersigned, Secretary of the Township of Mount Joy, in Lancaster County, Pennsylvania (the "Township"), certify: that the foregoing is a true and correct copy of an Ordinance of the Township, which duly was enacted by affirmative vote of a majority of all members of the Board of Supervisors at a meeting of the Board of Supervisors duly convened and held according to law on December 19, 2022, at which meeting a quorum was present; that said Ordinance duly has been recorded in the ordinance book of the Township; that said Ordinance has been duly published as required by law; and that said Ordinance is in full force and effect, without amendment, alteration or repeal, as of the date of this Certificate.

I further certify that the Board of Supervisors met the advance notice and public comment requirements of the Sunshine Act, 65 Pa.C.S. Ch. 7, as amended, by advertising said meeting, by posting prominently a notice of said meeting at the principal building of the Township or at the public building in which said meeting was held, and by providing a reasonable opportunity for public comment at said meeting, all in accordance with such Act.

IN WITNESS WHEREOF, I set my hand and affix the official seal of the Township, this 19th day of December, 2022.

Patricia J. Bailey
Secretary

