

# Franklin Township

Erie County, PA

## JOINT MUNICIPAL PLANNING COMMISSION

### Ordinance No. 1 of 2003

#### **AN ORDINANCE AUTHORIZING THE CREATION OF THE EDINBORO BOROUGH, FRANKLIN TOWNSHIP AND WASHINGTON TOWNSHIP JOINT MUNICIPAL PLANNING COMMISSION.**

WHEREAS, the Board of Supervisors of Franklin Township together with the governing bodies of the municipalities of Washington Township and the Borough of Edinboro recognize a need for a coordinated, comprehensive approach to land use planning, subdivision and land development issues in order to maintain our rural character and the quality of life our residents' desire;

WHEREAS, these three municipalities have agreed that a regional forum is necessary to further the discussion and actions necessary;

WHEREAS, if this region does not properly manage the current and anticipated growth, the municipalities recognize that the region's quality of life will diminish; and

WHEREAS, after due and timely notice by publication, as required by law; due and timely review by the Franklin Township Planning Commission and the Erie County Department of Planning, as required by law; and having held a public hearing on the proposed ordinance

NOW, THEREFORE, the Board of Supervisors does hereby enact and ordain an Ordinance establishing the Edinboro Borough, Franklin Township and Washington Township Joint Municipal Planning Commission, hereinafter known as "Joint Planning Commission" or just, "Commission", as follows:

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#### Section 1. Creation

Franklin Township shall join with the municipalities of Edinboro Borough and Washington Township to create the Edinboro Borough, Franklin Township and Washington Township Joint Municipal Planning Commission, hereinafter known as "Joint Planning Commission," as per the guidelines set forth under Article XI of the Pennsylvania Municipalities Planning Code as amended. 53 P.S. 11101, et seq.

#### Section 2. Purpose

The three municipalities of the Edinboro Lake area have come to recognize that issues associated with growth and development, such as, but not limited to, traffic congestion, air and water pollution, and loss of open space, should be discussed with adjoining municipalities. The three municipalities further recognize that current and anticipated growth, if not properly managed, will lead to the diminution of the region's quality of life. The three municipalities hereby embark on a course of action to create a joint planning commission to recommend to the governing bodies of the Borough of Edinboro, Franklin

Township, and Washington Township a multi-municipal comprehensive plan for all three participating municipalities in accordance with all applicable sections of the Pennsylvania Municipalities Planning Code.

### Section 3. Powers and Duties

The Joint Planning Commission shall have the responsibility to prepare and make recommendation for a multi-municipal comprehensive plan for the three participating municipalities. To this end, the powers and duties of the Joint Planning Commission are as follows:

- A. To prepare a multi-municipal joint comprehensive plan pursuant to Article XI of the Pennsylvania Municipalities Planning Code.
- B. To represent the interest of their respective municipalities, and to cast one vote per municipality on all matters that require action.
- C. To make advisory recommendations only.
- D. To be guided by the procedures of the Joint Planning Commission which procedures and guidelines are attached to, made a part hereof and marked Attachment A.
- E. Not to usurp or preempt the powers, duties and obligations of the individual municipalities' planning commissions and zoning hearing boards.
- F. To reserve to the appropriate and designated entities of each individual participating municipality all remaining powers and duties provided to planning commissions pursuant to the Pennsylvania Municipalities Planning Code.
- G. To utilize any employees of any participating municipality to make special surveys or studies requested by the Joint Planning Commission upon approval of said participating municipality.

#### Section 3.1

The municipalities may extend the powers and duties of the Joint Planning Commission by ordinance of all participating municipalities.

### Section 4. Membership

The Joint Planning Commission shall be comprised of the following member municipalities: Edinboro Borough, Franklin Township and Washington Township.

- A. The governing body of each municipality shall appoint one voting member to the Joint Planning Commission. The appointed voting member from each municipality shall at the time of appointment to the Joint Planning Commission and throughout the duration of his/her service on the Joint Planning Commission be a local elected official. Members of the Joint Planning Commission shall serve without salary but may be paid expenses incurred in the performance of their duties. The Joint Planning Commission shall elect a chairperson, vice chairperson, and secretary-treasurer whose terms shall not exceed one year and who shall be eligible for re-election. The Joint Planning Commission may create and fill other offices as it may determine.
- B. Each municipality shall also appoint two advisors to the Joint Planning Commission who shall have the right to attend and to speak during all meetings but shall not have the right to vote. One such advisor shall be a member of the municipal planning commission. The

other such advisor shall be either a municipal staff person or a resident of the municipality who is not a municipal employee.

- C. Each municipality in a timely fashion is responsible for insuring full representation on the Joint Planning Commission and must fill any vacancy in a timely and reasonable manner.
- D. The term of each appointed voting member shall be for three (3) years, although initially, the terms shall be staggered with the initial voting member from Edinboro Borough appointed for a one-year term, the initial voting member from Franklin Township for a two-year term, and the initial voting member from Washington Township for a three year term.

#### Section 5.      Withdrawal

Any participating municipality may withdraw from the Joint Planning Commission after six (6) months formal notice. Formal notice must be submitted in writing with the consent of the respective governing body authorizing withdrawal from the Joint Planning Commission. Upon receiving notice that a municipality wishes to withdraw from the Joint Planning Commission, the governing bodies of the remaining municipalities shall promptly schedule a meeting to consider whether the remaining municipalities wish to continue with the Joint Planning Commission. Municipalities who choose to withdraw shall be responsible for their share of costs for the six (6) months of formal notice.

#### Section 6.      Quorum

A quorum of the Joint Planning Commission shall be considered achieved when two (2) voting members are present.

#### Section 7.      Administration and Expenditure of Funds

The Joint Planning Commission shall prepare an annual budget and may seek appropriate funds for its deliberation. The Joint Planning Commission may seek federal, state and county grants and funds to offset the cost of operation and the recommendations presented for the preparation of the Edinboro Borough, Franklin Township and Washington Township Joint Municipal Comprehensive Plan. All budgeted and non-budgeted revenue or expenditure items shall be approved by unanimous consent of the voting members of the Joint Planning Commission.

#### Section 8.      Funding Formula

Prior to the beginning of each year's activities and functions, the Joint Planning Commission shall request of each participating municipality funding for the coming year based upon a formula which reflects the proposed activities and work products as they relate to the various participating municipalities. The request for funds shall be for costs minus any in-kind services and grants that may be applicable. See Attachment B of this ordinance, attached hereto and made part hereof, for the agreed sharing of costs pertaining to PADCED LUPTAP Contract No. C000000050, the grant underlying creation of the Joint Planning Commission.

Section 9. Miscellaneous

- A. The Joint Planning Commission may, with the consent of all of the participating governing bodies, receive grants from the Federal, State, or County Government or from individuals or foundations, and shall have the authority to contract therewith.
- B. The Joint Planning Commission may appoint such employees and staff and provide such salaries and benefits as it deems necessary for its work and contract with planners and other consultants for the services it may require, all in accordance with and limited by its funding and financial situations.
- C. The Joint Planning Commission may also perform planning services for any municipality which is not a member thereof and may charge fees for the work.
- D. The Joint Planning Commission may prepare and sell maps, reports, bulletins or other materials and establish reasonable charges therefore.
- E. The Joint Planning Commission may provide (with the approval of each respective municipality) planning assistance and do planning work, including surveys, land use studies, urban renewal plans, technical services, and other elements of comprehensive planning programs, for any municipalities within the area. For this purpose, the Joint Planning Commission may, with the consent of all the governing bodies, accept any funds, personnel or other assistance made available by the Federal, State, or County Government or from individuals or foundations and, for the purpose of receiving and using Federal, State, or County planning grants for provisions of urban planning assistance, the Joint Planning Commission may enter into contracts regarding the acceptance or use of the funds of assistance.
- F. All purchases and contracts shall be performed in compliance with the statutory requirements governing competitive bidding and execution of contracts that govern like purchases and contracts performed by the participating municipalities.

Section 10. Severability

The provisions of this Ordinance are severable, and if any section, sentence, clause, part or provision hereof shall be held illegal, invalid, or unconstitutional by a Court of competent jurisdiction, such decision of the Court shall not affect or impair the remaining sections, sentences, clauses, parts or provisions of this Ordinance. It is hereby declared to be the intent of this Council that this Ordinance would have been adopted even if such illegal, invalid or unconstitutional section, sentences, clause, part of provision had not been included herein.

Section 11. Effective Date

This Ordinance shall be effective five (5) days after enactment by all of the participating municipalities. BE IT ORDAINED AND ENACTED by \_\_\_\_\_ on this \_\_\_\_\_ day of \_\_\_\_\_, 2003.

**APPROVAL PAGE**  
**FRANKLIN TOWNSHIP ORDINANCE NO. 1 OF 2003**

FRANKLIN TOWNSHIP  
BOARD OF SUPERVISORS

\_\_\_\_\_  
JOHN J. SACHAR  
Chairman

\_\_\_\_\_  
C. JARRETT MILLER  
Vice-Chairman

\_\_\_\_\_  
DAVID G. HENDERSON  
Supervisor

Attest:

\_\_\_\_\_  
BONNIE J. BERNHARDT  
Secretary/Treasurer

I hereby certify that the foregoing Ordinance was advertised in the Albion News on the \_\_\_\_\_ day of \_\_\_\_\_, 2003, a newspaper of general circulation in the municipality and was duly enacted and approved as set forth at the regular meeting of the Franklin Township Board of Supervisors held on the \_\_\_\_\_ day of \_\_\_\_\_, 2003.

\_\_\_\_\_  
BONNIE J. BERNHARDT  
Secretary/Treasurer

# Franklin Township

Erie County, PA

## JOINT MUNICIPAL PLANNING COMMISSION

### Ordinance No. 1 of 2003

#### ATTACHMENT A

#### RULES GOVERNING THE OPERATION OF THE EDINBORO BOROUGH, FRANKLIN TOWNSHIP AND WASHINGTON TOWNSHIP JOINT MUNICIPAL PLANNING COMMISSION

##### ARTICLE I

- 1.1 The name of the organization shall be the Edinboro Borough, Franklin Township and Washington Township Joint Municipal Planning Commission, hereinafter "Joint Planning Commission".

##### ARTICLE II Authorization

- 2.1 Authorization for the establishment of the Joint Planning Commission is set forth in the Pennsylvania Municipalities Planning Code and the ordinances adopted by the participating municipalities of Edinboro Borough, Franklin Township, and Washington Township.

##### ARTICLE III Powers and Duties

- 3.1 The powers and duties contained herein have been delegated to the Joint Planning Commission by the participating member governing bodies by ordinance and in accordance with the within rules.
- 3.2 The Joint Planning Commission shall have the responsibility to prepare and make recommendations to the participating municipalities relative to a multi-municipal comprehensive plan, all in accordance with the applicable sections of the Pennsylvania Municipalities Planning Code and the laws of the Commonwealth of Pennsylvania.
- 3.3 In the preparation of recommendations relative to the multi-municipal comprehensive plan, the members of the Joint Planning Commission shall represent the interests of their respective municipalities.
- 3.4 The recommendations of the Joint Planning Commission shall be advisory only.
- 3.5 The Joint Planning Commission shall not usurp or pre-empt the powers, duties and obligation of the individual municipal planning commissions and zoning hearing boards and other municipal bodies.

##### ARTICLE IV Membership

- 4.1 The Joint Planning Commission shall be comprised of the following municipalities: Edinboro Borough, Franklin Township, and Washington Township.

- 4.2 The governing body of each municipality shall appoint one voting member to the Joint Planning Commission. The appointed voting member from each municipality shall at the time of appointment to the Joint Planning Commission and throughout the duration of his/her service on the joint Planning Commission be a local elected official. Members of the Joint Planning Commission shall serve without salary but may be paid expenses incurred in the performance of their duties. The Joint Planning Commission shall elect a chairperson, vice-chairperson, and secretary-treasurer whose terms shall not exceed one year and who shall be eligible for re-election. The Joint Planning Commission may create and fill other offices as it may determine.
- 4.3 Each municipality shall also appoint two advisors to the Joint Planning Commission who shall have the right to attend and to speak during all meetings but shall not have the right to vote. One such advisor shall be a member of the municipal planning commission. The other such advisor shall be either a municipal staff person or a resident of the municipality who is not a municipal employee.

## ARTICLE V Officers

- 5.1 Officers Generally
- 5.1.1 Number, Qualifications and Designation. The officers of the Joint Planning Commission shall be a chairperson, vice-chairperson, and secretary-treasurer, each of whom is to serve for a term of one (1) year and until a successor has been selected and qualified or until his or her earlier death, resignation or removal. The chairperson, vice-chairperson, and secretary-treasurer shall be voting members of the Joint Planning Commission.
- 5.2 The positions of chairperson, vice-chairperson, and secretary-treasurer must be held by voting members representing different member municipalities.
- 5.3 Secretary-Treasurer. The secretary-treasurer shall keep the minutes and records of the Joint Planning Commission and, with the assistance of such staff as is available, shall prepare the agenda of regular and special meetings and, under the direction of the chairperson, provide notice of all meetings to Joint Planning Commission members, arrange proper and legal notice of hearings, attend to correspondence of the Joint Planning Commission, and perform such other duties as are normally carried out by the secretary-treasurer. The secretary-treasurer or assistant secretary-treasurer shall have or provide for the custody of the funds and other property of the Joint Planning Commission; shall collect and receive all monies and funds of the Joint Planning Commission; shall deposit all funds in his/her custody as treasurer in such banks or other places of deposit as the Joint Planning Commission may from time to time designate; shall, whenever so required by the Joint Planning Commission or the participating municipalities, render an accounting showing all transactions as the treasurer and financial condition of the Joint Planning Commission; and, in general, shall discharge such other duties as may, from time to time, be assigned by the Joint Planning Commission or the chairperson.
- 5.4 The chairperson shall preside at all meetings and hearings of the Joint Planning Commission and all officers shall have the duties normally conferred by parliamentary usage on such officers. The vice-chairperson shall serve in the absence of the chairperson.
- 5.5 Any officer may resign at any time upon written notice to the Joint Planning Commission. The resignation shall be effective upon receipt thereof by the Joint Planning Commission or at such subsequent time as may be specified in the notice of resignation.
- 5.6 The Joint Planning Commission may secure the fidelity of any or all of its officers by bond or otherwise.

- 5.7 The Joint Planning Commission may, from time to time, elect such other officers and appoint such committees, employees or other agents as the business of the Joint Planning Commission may require, including one or more assistant secretary-treasurers, who shall hold office for such period, have such authority and perform such duties as are provided in these regulations and as the Joint Planning Commission may from time to time determine.
- 5.8 An officer of the Joint Planning Commission may be removed by the Joint Planning Commission for cause, including but not limited to failure to perform duties of office, performing duties of office in a significantly incorrect manner, or performing duties of office in an illegal manner.
- 5.9 Vacancies. The vacancy in any office because of death, resignation, removal, disqualification or any other cause shall be filled by the Joint Planning Commission and, if the office is one for which these rules prescribe a term, shall be filled for the unexpired portion of the term.

## ARTICLE VI Selection of Officers

- 6.1 At the first official meeting of the newly created Joint Planning Commission, the election of officers shall be held in accordance with the rules. Officers elected at the first official meeting of the Joint Planning Commission shall serve for the remainder of the year in which they were elected and for the following calendar year and until a successor has been selected and qualified or until his or her earlier death, resignation or removal.
- 6.2 Officers shall serve for a one-year term, and may succeed themselves for a second one-year term. No officer may serve in the position in which he or she was elected for more than two consecutive terms.
- 6.3 Once the inaugural term for chairperson or vice-chairperson or secretary-treasurer, has expired, that position must be filled by a voting member from a municipality other than the one from which the position was previously filled. Further, no municipality may have its voting member repeat as chairperson or vice-chairperson or secretary-treasurer until all the participating municipalities have been represented in that leadership position at least once.
- 6.4 Officers vacancies shall be immediately filled by the Joint Planning Commission. The replacement shall serve the remainder of the term. Any partial term so served shall be considered a full term for the purposes of Section 6.2.

## ARTICLE VII Meetings

- 7.1 Regular meetings will be held on a mutually agreed upon day and time, and shall be properly advertised. In the event of a conflict with holidays or other events, a majority of voting members at any meeting may change the date of said meeting.
- 7.2 All meetings shall be open to the general public.

## ARTICLE VIII The Hiring of Staff or Professional Consultants

- 8.1 Within the limits imposed upon it by the funds available and designated for its use, the Joint Planning Commission may employ such staff or personnel and enter into contracts with consultants as it sees fit to aid in its work.



ARTICLE IX  
Order of Business

- 9.1 The order of business at regular meetings shall be:
- A. Call to Order and Pledge of Allegiance
  - B. Roll Call
  - C. Reading of Minutes
  - D. Public Comments & Questions
  - E. Communications & Bills
  - F. Reports of Officers
  - G. Old Business
  - H. New Business
  - I. Adjournment
- 9.2 A motion from the floor must be made and passed in order to dispense with any item on the agenda.

ARTICLE X  
Amendments

- 10.1 These rules may be amended or repealed or new rules may be adopted only by a unanimous vote of the participating municipalities adopted by appropriate resolutions by the governing bodies. Any change in these rules shall take effect when adopted unless otherwise provided in the resolution affecting the change.

ARTICLE XI  
Miscellaneous

- 11.1 Each participating municipality shall, upon written request, have the right to examine, in person or by agent or attorney, the books, records of accounts, minutes, grants, applications for funding, etc., and all business records of the Joint Planning Commission and to make copies or extract therefrom. In every instance where an attorney or other agent is the person who seeks the right of inspection, the demand shall be accompanied by a verified power of attorney or other writing that authorizes the attorney or other agent to so act on behalf of the participating municipality. The demand shall be directed to the Joint Planning Commission to the attention of the Joint Planning Commission's chairperson.
- 11.2 The Joint Planning Commission shall keep a record of its resolutions, transactions, findings and determinations, which shall be a public record.

The undersigned secretary-treasurer of the Joint Planning Commission certifies that these rules were duly adopted on the \_\_\_\_\_ day of \_\_\_\_\_, 2003.

\_\_\_\_\_  
Secretary-Treasurer

# Franklin Township

Erie County, PA

## JOINT MUNICIPAL PLANNING COMMISSION

### Ordinance No. 1 of 2003

#### ATTACHMENT B

#### LOCAL MATCH SHARING AGREEMENT AMONG EDINBORO BOROUGH, FRANKLIN TOWNSHIP AND WASHINGTON TOWNSHIP – PADCED LUPTAP PROJECT CONTRACT NO. C000000050

The governing bodies of Edinboro Borough, Franklin Township and Washington Township hereby agree that the total of the column “CASH FUNDS” as set forth in Work Element Cost Summary, Land Use Planning and Technical Assistance Program (LUPTAP), Contract Appendix B, Contract No. C000000050, attached hereto and made part hereof, in the amount of \$13,500, shall be provided as matching grant funds as follows:

<u>Municipality</u>	<u>Matching Funds</u>
Edinboro Borough	\$ 4,500
Franklin Township	\$ 4,500
Washington Township	\$ 4,500
Total	\$13,500

The respective municipalities shall provide their matching funds pursuant to the terms and conditions of Contract No. C000000050.