

**TOWNSHIP OF LOWER NAZARETH  
NORTHAMPTON COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 224-04-18**

**AN ORDINANCE AUTHORIZING LOWER NAZARETH TOWNSHIP TO EXECUTE A SETTLEMENT AGREEMENT BY AND AMONG LOWER NAZARETH TOWNSHIP, BATH BOROUGH, HANOVER TOWNSHIP, AND COLONIAL REGIONAL POLICE COMMISSION FOR THE WITHDRAWAL OF BATH BOROUGH FROM THE COLONIAL REGIONAL POLICE COMMISSION EFFECTIVE 12:00 A.M. ON JULY 1, 2018; AUTHORIZING THE COLONIAL REGIONAL POLICE COMMISSION TO EXECUTE A POLICE SERVICES AGREEMENT BY AND BETWEEN BATH BOROUGH AND COLONIAL REGIONAL POLICE COMMISSION FOR LIMITED POLICE SERVICES FROM COLONIAL REGIONAL POLICE DEPARTMENT AS SPECIFIED IN SAID POLICE SERVICES AGREEMENT; AND AUTHORIZING THE COLONIAL REGIONAL POLICE COMMISSION TO EXECUTE A MEMORANDUM OF UNDERSTANDING BY AND AMONG BATH BOROUGH, COLONIAL REGIONAL POLICE COMMISSION AND COLONIAL REGIONAL POLICE ASSOCIATION RELATIVE TO BATH'S WITHDRAWAL FROM COLONIAL REGIONAL POLICE COMMISSION EFFECTIVE 12:00 A.M. ON JULY 1, 2018.**

WHEREAS, Lower Nazareth Township ("Lower Nazareth") is a political subdivision of the Commonwealth of Pennsylvania, situated in Northampton County, Pennsylvania; and

WHEREAS, the Borough of Bath ("Bath") is a Pennsylvania borough duly organized pursuant to the Borough Code, 8 Pa. C.S. Section 101 et seq.; and

WHEREAS, Hanover Township ("Hanover") is a political subdivision of the Commonwealth of Pennsylvania, situated in Northampton County, Pennsylvania; and

WHEREAS, Bath, Hanover and Lower Nazareth collectively created the Colonial Regional Police Commission ("CRPC") and its Colonial Regional Police

Department pursuant to Articles of Agreement made May 10, 1995, amended December 7, 1998; and

WHEREAS, Bath, Hanover and Lower Nazareth updated and revised the Articles of Agreement made May 10, 1995, amended December 7, 1998, via the Amended Articles of Agreement made March 12, 2013 (the "Articles"); and

WHEREAS, the Articles replaced the Articles of Agreement made May 10, 1995, amended December 7, 1998, and the Articles of Agreement made May 10, 1995, amended December 7, 1998, have no further force or effect; and

WHEREAS, CRPC owns, governs and operates the Colonial Regional Police Department ("CRPD") pursuant to the Articles; and

WHEREAS, Bath, Hanover and Lower Nazareth are members of CRPC pursuant to the Articles; and

WHEREAS, pursuant to Article XII, Section A of the Articles, Bath timely provided written notice of Bath's intent to withdraw its membership in CRPC effective as of January 1, 2019, in accordance with the Articles; and

WHEREAS, Bath, Hanover, Lower Nazareth and CRPC desire Bath's withdrawal from CRPC effective at 12:00 A.M. on July 1, 2018, pursuant to the terms and conditions of a Settlement Agreement; and

WHEREAS, Bath, Hanover, Lower Nazareth and CRPC desire to enter into said Settlement Agreement which form "Settlement Agreement" is attached hereto as Exhibit "1" and incorporated herein by reference; and

WHEREAS, pursuant to Paragraph 3 of the Settlement Agreement, CRPD shall turn over to the District Attorney of Northampton County all criminal investigations arising within Bath's geographical limits that have not resulted in the filing of criminal charges on or before June 30, 2018, however, in the event the

District Attorney of Northampton County does not accept the foregoing investigations, CRPD shall provide contract police services to Bath for the foregoing investigations and criminal charges arising therefrom (if any) pursuant to the terms and conditions of a Police Services Agreement by and between Bath and CRPC; and

WHEREAS, pursuant to Paragraph 3 of the Settlement Agreement, for criminal cases arising in Bath's geographical limits filed by CRPD in court on or before June 30, 2018, CRPD shall provide contract police services to Bath pursuant to the terms and conditions of said Police Services Agreement by and between Bath and CRPC; and

WHEREAS, said Police Services Agreement by and between Bath and CRPC is the form "Police Services Agreement" attached as Exhibit "A" to the Settlement Agreement; and

WHEREAS, CRPC recognizes the Colonial Regional Police Association (the "Association") as the exclusive collective bargaining representative for the officers of CRPC consisting of all full-time police officers, except the Chief of Police and the Deputy Chief of Police; and

WHEREAS, Bath, CRPC and the Association desire to enter into the form "Memorandum of Understanding" attached as Exhibit "B" to the Settlement Agreement which Memorandum of Understanding recognizes Bath's withdrawal from CRPC effective at 12:00 A.M. on July 1, 2018, pursuant to the terms and conditions of the Settlement Agreement.

WHEREAS, Lower Nazareth desires to approve the terms and conditions of the Settlement Agreement and authorize the execution of the Settlement Agreement; and

WHEREAS, Lower Nazareth desires that Colonial Regional Police Commission approve the terms and conditions of the Police Services Agreement and Memorandum of Understanding attached hereto.

NOW, THEREFORE, BE IT AND IT IS HEREBY ORDAINED by the Board of Supervisors of Lower Nazareth Township as follows:

1. Lower Nazareth approves the terms and conditions of the Settlement Agreement attached hereto as Exhibit "1" and incorporated herein by reference, and authorizes Township officials to execute said Settlement Agreement.


2. Lower Nazareth approves the terms and conditions of the Police Services Agreement attached as Exhibit "A" to said Settlement Agreement and the Memorandum of Understanding attached as Exhibit "B" to said Settlement Agreement, and authorizes its representative on the Colonial Regional Police Commission to vote to approve execution thereof.

3. This Ordinance shall be effective immediately.

DULY ORDAINED This 11<sup>th</sup> day of April, 2018, by the Board of Supervisors of Lower Nazareth Township.

**LOWER NAZARETH TOWNSHIP**

**ATTEST:**

  
**TAMMI DRAVECZ, Secretary**

**BY:**   
**MARTIN BOUCHER, Vice Chairman**