

RESOLUTION 24-03

EMERGENCY RESOLUTION TO REQUEST PAYMENT FROM UNION AND GOSHEN TOWNSHIPS TO SATISFY AGREEMENT TO JOINTLY FUND PURCHASE OF A NEW TANKER FIRE TRUCK FOR THE VILLAGE OF MECHANICSBURG FIRE DEPARTMENT ENTERED INTO DECEMBER OF 2021

**WHEREAS,** The Village of Mechanicsburg fire department continues to operate with aging vehicles, and therefore has a need to explore options for replacing such vehicles to ensure reliable service; and

**WHEREAS,** In late 2021, both Goshen and Union Townships maintained long-running relationships and contract agreements with the Village of Mechanicsburg to provide Fire and EMS services to each Township's residents; and

**WHEREAS,** all three entities recognized the imminent need to replace the current 1993 Tanker Fire Truck owned by the Village of Mechanicsburg; and

**WHEREAS,** Goshen Township, Union Township and the Village of Mechanicsburg therefore entered into a binding agreement in late 2021 to each pay one-third (1/3) of the cost of a new Tanker Fire Truck expected to have a total cost of \$424,326; and

**WHEREAS,** all three entities have regularly acknowledged the existence and validity of said agreement and have affirmed that monies have been set aside in preparation for their required and pending payments; and

**WHEREAS,** said agreement recognizes that payments from all three entities would be due one month prior to delivery, expected to be 23 months from placement of the vehicle being ordered; and

**WHEREAS,** said agreement contains no provisions requiring a current contract or working relationship between parties at the time payment is required and no provisions allowing for cancellation of the agreement or refusal to pay the agreed-upon share by any of the three entities for any reason; and

**WHEREAS,** the Village of Mechanicsburg has received an invoice from Sutphen for the Tanker Truck on April 24, 2024 with a total amount due of \$419,682.09;

**NOW THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE VILLAGE OF MECHANICSBURG, OHIO, THAT:**

Section 1: The Village of Mechanicsburg is requesting immediate payment from both Goshen Township and Union Township in the amount of \$139,894 each made payable to either Sutphen Corporation or the Village of Mechanicsburg

Section 2: Due to the absence of any such provision in the agreements between each Township and the Village of Mechanicsburg, said payments should not be delayed or withheld by either Township due to current contract status, contract negotiations or any other reason whatsoever.

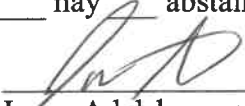
Section 3: For the public health and safety of the residents of Union Township and for the public health and safety of the residents of Mechanicsburg, this Resolution is passed as an emergency.

Vote Designating Emergency : Vote:  yea \_\_\_ nay \_\_\_ abstain

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Vote Regarding Resolution: Vote:  yea  nay  abstain

Date: 5/20/24

  
\_\_\_\_\_  
Jason Adelsberger, Mayor

Date: 5-20-24

  
\_\_\_\_\_  
Roger Brake, Clerk of Council

**RESOLUTION 24-03**

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**WHEREAS**, said agreement recognizes that payments from all three entities would be due one month prior to delivery, expected to be 23 months from placement of the vehicle being ordered; and

**WHEREAS**, said agreement contains no provisions requiring a current contract or working relationship between parties at the time payment is required and no provisions allowing for cancellation of the agreement or refusal to pay the agreed-upon share by any of the three entities for any reason; and

**WHEREAS**, as stated in the agreement, any payment delay or attempted cancellation of this agreement will cause significant expense and liability for all three entities involved; and

**WHEREAS**, the Village of Mechanicsburg has received an invoice from Sutphen for the Tanker Truck on April 24, 2024 with a total amount due of \$419,682.09;

**NOW THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE VILLAGE OF MECHANICSBURG, OHIO, THAT:**

Section 1: The Village of Mechanicsburg is requesting immediate payment from both Goshen Township and Union Township in the amount of \$139,894 each made payable to either Sutphen Corporation or the Village of Mechanicsburg

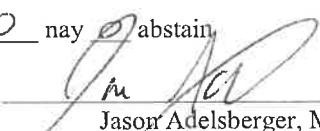
Section 2: Due to the absence of any such provision in the agreements between each Township and the Village of Mechanicsburg, said payments should not be delayed or withheld by either Township due to current contract status, contract negotiations or any other reason whatsoever.

Section 3: For the public health and safety of the residents of Union Township and for the public health and safety of the residents of Mechanicsburg, this Resolution is passed as an emergency.

Vote Designating Emergency : Vote: 6 yea 0 nay 0 abstain

Vote Regarding Resolution: Vote: 6 yea 0 nay 0 abstain

Date: 5-20-24

  
Jason Adelsberger, Mayor

Date: 5-20-24

  
Roger Brake, Clerk of Council

## **Resolution 24-04**

### **Emergency Resolution Regarding Further Discussions with Union Township Regarding Fire/EMS Services provided by Village of Mechanicsburg**

**WHEREAS**, previous discussion between the Mechanicsburg Mayor and the Union Township Trustees indicated mutual understanding and support of the Mechanicsburg plan to upgrade Fire/EMS services; and

**WHEREAS**, multiple Council members were in attendance at previous meetings between the Union County Township Trustees and the Mechanicsburg Mayor, where the specific plans were presented, and those Council members were also of the belief that there was understanding and agreement between the parties; and

**WHEREAS**, the Mechanicsburg plan to upgrade Fire/EMS services involved termination of the current contract and establishing a new contract between Mechanicsburg and Union Township for provision of fire/EMS services; and

**WHEREAS**, the current plan specified a payment of \$60,000 per year from Union Township to Mechanicsburg for provision of fire/EMS services while the proposed upgraded plan specifies a payment of \$200,000 000 per year from Union Township to Mechanicsburg for fire/EMS services; and

**WHEREAS**, acting in the belief that mutual understanding and support had been established between Mechanicsburg and Union Township, Mechanicsburg sent a letter to the Union Township Trustees, referencing the previously-discussed plan, stating the desire to continue working together, proposing a new contract with an annual payment of \$200,000 to start on March 15, 2024, and terminating the current contract with Union Township effective March 14, 2024; and

**WHEREAS**, unforeseen developments and communication difficulties have now arisen between Mechanicsburg and Union Township Trustees regarding establishment of the proposed new contract; and

**WHEREAS** from the time of the contract cancellation to present, as a good-faith measure, Mechanicsburg has continued to provide fire/EMS services in accordance with the terms of the contract previously terminated on March 14, 2024; and

**WHEREAS**, representatives of the Village of Mechanicsburg believe that resolving any issues or misunderstandings regarding the provision of fire/EMS services is an urgent and time-critical matter for both the service recipients (Union Township and other areas of service) and the service providers (Mechanicsburg):

**NOW THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE VILLAGE OF MECHANICSBURG, OHIO, THAT:**

Section 1: The Mechanicsburg Village Council hereby directs the Mayor or his authorized designees to work with the Union Township Trustees to attempt to resolve any issues impeding adoption and implementation of the proposed new contract.

Section 2: The Mechanicsburg Village Council hereby directs the Mayor to deliver a copy of this Resolution to the Union Township Trustees by or before May 28, 2024.

Section 3: The fire/EMS contract between Union Township and Mechanicsburg was terminated on March 15, 2024, in order to replace with the new contract, per previous discussions. When Union Township was no longer willing to go along with the previously-discussed plan, Mechanicsburg, as a good-faith gesture, continued to provide all Fire/EMS services as if the contract was indeed still in effect. However, this cannot continue indefinitely. Accordingly, if a new contract relating to provision of Fire/EMS services has not been established between the 2 parties by July 2, 2024, the Mechanicsburg Village Council hereby directs the Mayor to deliver an updated letter to the Union Township Trustees, formally terminating all fire/EMS services as of July 3, 2024.

Section 4: This Resolution in no way acts as a waiver or dismissal of any previous contracts relating to joint purchase of large fire equipment , nor does this act as a waiver or dismissal of any claims for payment of fire/EMS Services previously provided.

Section 5: For the public health and safety of the residents of Union Township and for the public health and safety of the residents of Mechanicsburg, this Resolution is passed as an emergency.


**Vote Designating Emergency :**

**Vote:**  yea \_\_\_ nay \_\_\_ abstain

**Vote Regarding Resolution:**

**Vote:**  yea \_\_\_ nay \_\_\_ abstain

Date: 5/20/24

  
\_\_\_\_\_  
Jason Adelsberger, Mayor

Date: 5-20-24

  
\_\_\_\_\_  
Roger Brake, Clerk of Council