

TULPEHOCKEN TOWNSHIP, BERKS COUNTY, PENNSYLVANIA

RESOLUTION NO. 2019- 7

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF TULPEHOCKEN, BERKS COUNTY, PENNSYLVANIA APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN MARION TOWNSHIP AND TULPEHOCKEN TOWNSHIP REGARDING DIRT, GRAVEL AND LOW VOLUME ROAD MAINTENANCE PROGRAM GRANTS FOR SPUR ROAD

WHEREAS, Tulpehocken Township is a political subdivision existing as a Second Class Township under the laws of the Commonwealth of Pennsylvania (hereinafter "Tulpehocken"); and

WHEREAS, Marion Township is a political subdivision existing as a Second Class Township under the laws of the Commonwealth of Pennsylvania (hereinafter "Marion"); and

WHEREAS, Tulpehocken and Marion are adjoining municipalities in the County of Berks; and

WHEREAS, as adjoining municipalities they have roads which traverse both municipalities; and

WHEREAS, specifically, Spur Road traverses both municipalities; and

WHEREAS, the Berks County Conservation District administers the Pennsylvania Dirt, Gravel and Low Volume Road Maintenance Program for Berks County in an effort to reduce pollution to nearby streams while improving the rural road network by providing funding to sites where road runoff is affecting water quality of a nearby stream or body of water.

WHEREAS, Tulpehocken and Marion recently jointly applied for and received two (2) grants through the Dirt, Gravel and Low Volume Road Maintenance Program for culvert replacement, improvement of ditches, addition of ditch outlets, improvement of road banks, improvement of road base; stormwater improvements, vegetative management and reduction of erosion issues related to Spur Road, located in Berks County, Pennsylvania (hereinafter the "Project"); and

WHEREAS, the grants were applied for and received jointly by Marion and Tulpehocken since Spur Road and the work on and around Spur Road will be located in both Tulpehocken and Marion Townships; and

WHEREAS, Tulpehocken and Marion have agreed to coordinate efforts and share certain duties necessary to effectuating the work for the Project; and

WHEREAS, Tulpehocken and Marion formalize their agreement for the Project via a Memorandum of Understanding; and

WHEREAS, the Memorandum of Understanding sets forth each municipalities duties with regards to culvert replacement, improvement of ditches, addition of ditch outlets, improvement of road banks, improvement of road base; stormwater improvements, vegetative management and reduction of erosion issues related to Spur Road; and

WHEREAS, the Memorandum of Understanding requires each municipality to approve the Memorandum of Understanding via Resolution; and

WHEREAS, the Board of Supervisors of Tulpehocken Township desires to adopt a Resolution approving the Memorandum of Understanding agreed to between the municipalities regarding the Project; and

NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors of Tulpehocken Township, Berks County, Pennsylvania, by adopting hereof that it approves the Memorandum of Understanding between the Township of Tulpehocken and Township of Marion regarding culvert replacement, improvement of ditches, addition of ditch outlets, improvement of road banks, improvement of road base; stormwater improvements, vegetative management and reduction of erosion issues related to Spur Road as attached hereto, made a part hereof and marked as Exhibit "A."

FUTHER RESOLVED, by the Board of Supervisors of Tulpehocken Township that the Chairman of the Board of Supervisors is authorized and directed to execute and deliver the Memorandum of Understanding to the Secretary of the Township to attest such Memorandum.

FURTHER RESOLVED, that if any provision, sentence, clause, section, or part of this Resolution shall for any reason be found to be unconstitutional, illegal or invalid, such determination shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Resolution, and it is hereby declared to be the intent of the Board of Supervisors of Tulpehocken Township that this Resolution would have been adopted had such unconstitutional, illegal or invalid provision, sentence, clause, section or part not been included herein.

FURTHER RESOLVED, that all Resolutions or parts of Resolutions inconsistent with this Resolution are hereby superseded.

FURTHER RESOLVED, this Resolution shall be effective immediately.

SIGNATURES ON NEXT PAGE

IN WITNESS WHEREOF, the Board of Supervisors of Tulpehocken Township has adopted this Resolution in lawful session this 12th day of June, 2019.

BOARD OF SUPERVISORS OF
TULPEHOCKEN TOWNSHIP, BERKS COUNTY,
PENNSYLVANIA

By: *Amy A. Deitz*
Chairman

Richard A Kramer
Member

Robert H. Feick
Member

Attest: *Christy Flaherty*
Secretary



CERTIFICATE

I hereby certify that the foregoing is a true and accurate copy of a Resolution of the Board of Supervisors of TULPEHOCKEN TOWNSHIP, Berks County, Pennsylvania, which was fully adopted at a public meeting held pursuant to notice as required by law on the 12th day of June, 2019.

Christy Flaherty
Secretary of Tulpehocken Township

Dated: June 12, 2019

EXHIBIT A
MEMORANDUM OF UNDERSTANDING