

**TULPEHOCKEN TOWNSHIP, BERKS COUNTY, PENNSYLVANIA**

**RESOLUTION NO. 2020-9**

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF TULPEHOCKEN, BERKS COUNTY, PENNSYLVANIA AUTHORIZING THE TOWNSHIP TO ENTER INTO AN INTERMUNICIPAL COOPERATION AGREEMENT WITH MARION TOWNSHIP REGARDING THE STORAGE OF ROAD DE-ICING SALT AS AUTHORIZED BY THE PROVISIONS OF THE SECOND CLASS TOWNSHIP CODE AND THE INTERGOVERNMENTAL COOPERATION LAW**

**WHEREAS**, the Pennsylvania Intergovernmental Cooperation Act, 53 Pa.C.S.A. §2301, *et. seq.* and the Pennsylvania Second Class Township Code, 53 P.S. § 65101, *et seq.*, authorize intergovernmental cooperation between and among municipalities of Pennsylvania in the exercise or performance of their respective governmental functions, powers and responsibilities and authorize the adoption of joint agreements as may be deemed appropriate for such purposes; and

**WHEREAS**, the Board of Supervisors of Tulpehocken Township, Berks County, Pennsylvania ("Tulpehocken") have reached an agreement with Marion Township, Berks County, Pennsylvania ("Marion"), for Marion to store road de-icing salt at the salt shed owned by Tulpehocken located behind the Tulpehocken Township Municipal Building, 22 Rehrersburg Road, Rehrersburg, Pennsylvania 19550; and

**WHEREAS**, pursuant to the authority afforded them, the Board of Supervisors of Tulpehocken Township and Marion Township desire to enter into a written intergovernmental agreement for Marion's storage of the road de-icing salt at Tulpehocken's salt shed.

**NOW, THEREFORE, BE IT RESOLVED**, by the Board of Supervisors of the Township of Tulpehocken, Berks County, Pennsylvania as follows:

**SECTION 1. Authorization and Agreement.**

A. **Grant of Power.** This Resolution is adopted pursuant to authority granted in the Pennsylvania Intergovernmental Cooperation Act, Act 177 of 1996, 53 Pa.C.S.A. §2301 *et seq.* and the Pennsylvania Second Class Township Code, 53 P.S. § 65101, *et seq.*

B. **Intermunicipal Cooperation Agreement.** By adoption of this Resolution, the Tulpehocken Township Board of Supervisors hereby authorizes Tulpehocken to: (1) enter into an Intergovernmental Cooperation Agreement with Marion (the "Agreement") regarding the storage of Marion's road de-icing salt at the salt shed owned by Tulpehocken located behind the Tulpehocken Township Municipal Building, 22 Rehrersburg Road, Rehrersburg, Pennsylvania 19550, and (2) execute the Agreement, a copy of which is attached hereto as Exhibit "A" and incorporated herein by reference.

C. **Duration of the Term of the Agreement.** The term of the Agreement is for one (1) year with automatic one (1) year renewals and shall commence upon execution of the Agreement and shall be effective until terminated by either party upon ninety (90) days written notice prior to the expiration of the current one (1) year term, or as otherwise provided in the Agreement.

D. **Purpose and Objective of the Agreement.** Tulpehocken and Marion have agreed that Marion shall be permitted to store up to three (3) loads of road de-icing salt (equaling approximately twenty-three (23) to twenty-five (25) tons per load), or a greater quantity upon agreement between the parties, at the salt shed owned by Tulpehocken located behind the Tulpehocken Township Municipal Building, 22 Rehrersburg Road, Rehrersburg, Pennsylvania 19550. Said de-icing salt shall be used solely for municipal purposes.

E. **Financing.** Tulpehocken and Marion shall each be responsible for their own costs and expenses related to the Agreement and there shall be no cost to Marion for the storage of the road de-icing salt at the salt shed.

F. **Organizational Structure.** Tulpehocken and Marion shall remain separate entities, but shall cooperate regarding the storage of road de-icing salt.

G. **Real and/or Personal Property.** No transfer of ownership of personal or real property or real estate is authorized by the Agreement.

H. **Employees.** No new entity has been created by the Agreement that would require hiring employees.

**SECTION 2. Repeal of Resolutions.** All Resolutions or parts of Resolutions inconsistent with this Resolution are hereby superseded.

**SECTION 3. Severability.** 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 impact 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.

**SECTION 4. Effective Date.** This Resolution shall become effective immediately.

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IN WITNESS WHEREOF, the Board of Supervisors of Tulpehocken Township has adopted this Resolution in lawful session this 8<sup>th</sup> day of July, 2020.

BOARD OF SUPERVISORS OF TULPEHOCKEN  
TOWNSHIP, BERKS COUNTY, PENNSYLVANIA



By: *Gary A. Dech*  
Chairman

*Richard A Kramer*  
Member

*Scott H. Feick*  
Member

Attest: *Christy Glebocki*  
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 8<sup>th</sup> day of July, 2020.

  
Secretary of Tulpehocken Township

Dated: July 8, 2020