

**TOWNSHIP OF TULPEHOCKEN, TOWNSHIP OF PENN
AND TOWNSHIP OF JEFFERSON,
BERKS COUNTY, PENNSYLVANIA
TOWNSHIP OF TULPEHOCKEN ORDINANCE NO. 2015-4
TOWNSHIP OF PENN ORDINANCE NO. 2019-1
TOWNSHIP OF JEFFERSON ORDINANCE NO. 5-2015**

**AN ORDINANCE OF THE TOWNSHIP OF TULPEHOCKEN,
BERKS, COUNTY, PENNSYLVANIA, THE TOWNSHIP OF
PENN, BERKS COUNTY PENNSYLVANIA AND THE
TOWNSHIP OF JEFFERSON, BERKS COUNTY,
PENNSYLVANIA AUTHORIZING THE TOWNSHIP OF
TULPEHOCKEN, THE TOWNSHIP OF PENN AND THE
TOWNSHIP OF JEFFERSON, PURSUANT TO THE
PROVISIONS OF THE SECOND CLASS TOWNSHIP CODE
AND THE INTERGOVERNMENTAL COOPERATION LAW,
TO ENTER INTO AN AGREEMENT FOR THE TOWNSHIP
OF TULPEHOCKEN TO PROVIDE POLICE SERVICES TO
THE TULPEHOCKEN AREA SCHOOL DISTRICT
JUNIOR/SENIOR HIGH SCHOOL CAMPUS LOCATED IN
THE TOWNSHIP OF JEFFERSON AND THE PENN-
BERNVILLE ELEMENTARY CENTER LOCATED IN THE
TOWNSHIP OF PENN**

WHEREAS, the Second Class Township Code, 53 Pa. C.S.A. §66507 as well as the provisions of the Pennsylvania Intergovernmental Cooperation Act, Act 177 of 1996 (53 Pa. C.S.A. §2301 et seq.) as amended, provide for 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 Township of Tulpehocken (hereinafter referred to as "Tulpehocken") is a Township of the Second Class pursuant to the laws of the Commonwealth of Pennsylvania; and

WHEREAS, as a Second Class Township, the Township of Tulpehocken is governed by the Second Class Township Code of Pennsylvania; and

WHEREAS, the Township of Penn (hereinafter referred to as "Penn") is a Township of the Second Class pursuant to the laws of the Commonwealth of Pennsylvania; and

BE IT ENACTED and ORDAINED by the Board of Supervisors of the Township of Tulpehocken, Berks County, Pennsylvania, the Board of Supervisors of the Township of Penn, Berks County and the Board of Supervisors of the Township of Jefferson, Berks County and it is hereby enacted and ordained by the authority of the same as follows:

SECTION 1. AUTHORIZATION AND AGREEMENT

A. Grant of Power.

This Ordinance is enacted pursuant to authority granted in the Pennsylvania Intergovernmental Cooperation Act, Act 177 of 1996 (53 PA. C.S.A. §2301 et seq.), as amended and the Second Class Township Code (53 P.S. §66901 et seq.), as amended.

B. Agreement.

By enactment hereof, the Board of Supervisors of the Township of Tulpehocken, the Board of Supervisors of the Township of Penn and the Board of Supervisors of the Township of Jefferson hereby approve entering into an Intergovernmental Cooperation Agreement for Police Services for the Tulpehocken Area School District Junior/Senior High School Campus located in the Township of Jefferson and the Penn-Bernville Elementary Center Campus located in the Township of Penn by the Township of Tulpehocken and authorize and direct the Chairman of the Board of Supervisors of the Township of Tulpehocken, the Township of Penn and the Township of Jefferson to execute the Intergovernmental Cooperation Agreement ("Agreement"), attached hereto as Exhibit "A," and the Secretary of each body to attest such Agreement.

C. Duration of Agreement.

The initial term of the Agreement shall commence on December 10, 2015 and shall be effective until terminated by any party upon ninety (90) days written notice or as otherwise provided.

D. Purpose and Objectives.

The School District and Tulpehocken have negotiated an Agreement whereby and whereunder Tulpehocken shall provide Police Services at the Tulpehocken School District Junior/Senior High School Campus located in the Township of Jefferson and the Penn-Bernville Elementary Center Campus located in the Township of Penn.

E. Organizational Structure.

Jefferson, Penn and Tulpehocken shall remain separate entities. The Chain of Command and responsibilities for the Tulpehocken Township Police Department shall remain with Tulpehocken. The police officers providing services under the Police Services Agreement shall remain employees of Tulpehocken and be under Tulpehocken's direction and control.

F. Real and/or Personal Property.

No transfer of ownership of personal or real property or real estate is authorized. Any personal property acquired by the Tulpehocken Township Police Department shall remain the property of Tulpehocken, unless otherwise provided.

G. Employees.

No new entity has been created by the Agreement that would require employees. The police officers involved in the Agreement shall remain the employees of Tulpehocken at all times.

SECTION 2. Repeal of Ordinances.

All ordinances or parts of ordinances conflicting or inconsistent herewith are hereby repealed.

SECTION 3. Severability.

If any article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase or word in this Ordinance, is, for any reason declared to be illegal, unconstitutional or invalid, by any Court of competent jurisdiction, this decision shall not affect or impair the validity of the Ordinance as a whole, or any other article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase, word, or remaining portion of the within Ordinance. The Board of Supervisors of the Township of Tulpehocken, the Board of Supervisors of the Township of Penn and the Board of Supervisors of the Township of Jefferson, all of Berks County, Pennsylvania, hereby declare that they would have adopted the within Ordinance and each article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase and word thereof, irrespective of the limitations, restrictions, sentences, clauses, phrases, or word that may be declared illegal, unconstitutional or invalid.

SECTION 4. Effective Date.

This Ordinance shall become effective upon the later date of December 10, 2015 or the earliest date permitted by law following the date of its enactment.

DULY ORDAINED and ENACTED as an Ordinance this 9th day of Dec, 2015.

TOWNSHIP OF TULPEHOCKEN
Berks County, Pennsylvania

By: Gary G. Dech
Chairman, Board of Supervisors

By: Richard A. Kramer
Vice Chairman, Board of Supervisors

By: Justin H. Feich
Supervisor, Board of Supervisors

Attest: Christy Flaherty
Secretary of the Township of
Tulpehocken

CERTIFICATE OF ENACTMENT

I hereby certify that the foregoing is a true and accurate copy of Ordinance No. 2015-4 adopted by the Board of Supervisors of Township of Tulpehocken, Berks County, Pennsylvania at a regular meeting held on Dec 9, 2015, pursuant to notice as required by law.

Christy Flaherty
Secretary of the Township

TOWNSHIP OF PENN
Berks County, Pennsylvania

By: [Signature]
Chairman, Board of Supervisors

By: [Signature]
Vice Chairman, Board of Supervisors

By: [Signature]
Supervisor, Board of Supervisors

Attest: [Signature]
Secretary of the Township of Penn

CERTIFICATE OF ENACTMENT

I hereby certify that the foregoing is a true and accurate copy of Ordinance No. 2015-1 adopted by the Board of Supervisors of Township of Penn, Berks County, Pennsylvania at a regular meeting held on Nov. 30, 2015, pursuant to notice as required by law.

[Signature]
Secretary of the Township

TOWNSHIP OF JEFFERSON
Berks County, Pennsylvania

By: David L. Lovell
Chairman, Board of Supervisors

By: Joel Hettrich
Vice Chairman, Board of Supervisors

By: Gary J. Mimmelpop
Supervisor, Board of Supervisors

Attest: [Signature]
Secretary of the Township of Jefferson

CERTIFICATE OF ENACTMENT

I hereby certify that the foregoing is a true and accurate copy of Ordinance No. S-2015 adopted by the Board of Supervisors of Township of Jefferson, Berks County, Pennsylvania at a regular meeting held on November 14, 2015, pursuant to notice as required by law.

[Signature]
Secretary of the Township

**INTERGOVERNMENTAL COOPERATION AGREEMENT BETWEEN
TULPEHOCKEN TOWNSHIP, BERKS COUNTY; PENN TOWNSHIP, BERKS
COUNTY AND JEFFERSON TOWNSHIP, BERKS COUNTY FOR PROVISION OF
POLICE SERVICES TO TULPEHOCKEN AREA JUNIOR-SENIOR HIGH SCHOOL
AND PENN-BERNVILLE ELEMENTARY CENTER**

THIS AGREEMENT, effective the 10th day of December, is made and entered into by and between the following parties:

TULPEHOCKEN TOWNSHIP, BERKS COUNTY ("TULPEHOCKEN"), a municipal corporation organized and existing pursuant to the Pennsylvania Second Class Township Code, 53 P.S. § 65101 et seq., with a registered address of 22 Rehrersburg Road, P.O. Box 272, Rehrersburg, Berks County, Pennsylvania 19550;

PENN TOWNSHIP, BERKS COUNTY ("PENN"), a municipal corporation organized and existing pursuant to the Pennsylvania Second Class Township Code, 53 P.S. § 65101 et seq., with a registered address of 840 North Garfield Road, Bernville, PA 19506; and,

JEFFERSON TOWNSHIP, BERKS COUNTY ("JEFFERSON"), a municipal corporation organized and existing pursuant to the Pennsylvania Second Class Township Code, 53 P.S. § 65101 et seq., with a registered address of 5 Solly Lane, P.O. Box 339, Bernville, PA 19506-8914;

BACKGROUND

WHEREAS, the Tulpehocken Area School District ("TASD"), requested proposals for the provision of police protection and services ("Police Services") for the Junior/Senior High School located in JEFFERSON, more fully described at Deed Book 2372, Page 1128, Berks County Records and for the Penn-Bernville Elementary Center located in PENN, more fully described at Deed Book 3186, Page 2241 Berks County Records (collectively "TASD Campuses");

in the performance of this Agreement and in the performance of the Police Services Agreement.

8. Any of the parties may terminate this Agreement upon ninety (90) days written notice to the other, otherwise, this Agreement shall be in effect as of the earliest date permitted under Pennsylvania law, and shall continue in effect until terminated.

9. Any notice required under this Agreement shall be sent to the following via certified mail/return receipt:

TULPEHOCKEN:

Township Secretary
c/o Tulpehocken Township
P.O. Box 272
Rehlersburg, PA 19550

With a copy to:

Christopher J. Hartman, Esquire
Hartman, Valeriano, Magovern & Lutz, PC
1100 Berkshire Boulevard, Suite 301
Reading, PA 19610

PENN:

Township Secretary
840 North Garfield Road
Bernville, PA 19506

With a copy to:

Elizabeth A. Magovern, Esquire
Hartman, Valeriano, Magovern & Lutz, PC
1100 Berkshire Boulevard, Suite 301
Reading, PA 19610

JEFFERSON:

Township Secretary
5 Solly Lane
P.O. Box 339
Bernville, PA 19506

With a copy to:

Christopher J. Hartman, Esquire
Hartman, Valeriano, Magovern & Lutz, PC
1100 Berkshire Boulevard, Suite 301
Wyomissing, PA 19610

10. This Agreement contains the full agreement of the parties, and there have been no other agreements with respect hereto. Any modification of this Agreement shall be in a writing signed by all parties.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by their duly authorized appropriate officers and their respective seals to be affixed hereunto, all as of the day and year first above written.

TULPEHOCKEN TOWNSHIP

By: Gary A. Decker
Chairman (Vice)

Attest: Christy Flaherty
Secretary

Date of Approval: 12/9/15

PENN TOWNSHIP

By: [Signature]
Chairman (Vice)

Attest: Donna M. Klopff
Secretary

Date of Approval: Nov. 30, 2015

JEFFERSON TOWNSHIP

By: David R. Louah
Chairman (Vice)

Attest: [Signature]
Secretary

Date of Approval: November 14, 2015