

**TOWNSHIP OF TULPEHOCKEN, TOWNSHIP OF MARION AND
TOWNSHIP OF BETHEL
BERKS COUNTY, PENNSYLVANIA**

**TULPEHOCKEN TOWNSHIP ORDINANCE NO. 2018-1
MARION TOWNSHIP ORDINANCE NO. 2018-1
BETHEL TOWNSHIP ORDINANCE NO. 2018-4**

AN ORDINANCE OF THE TOWNSHIP OF TULPEHOCKEN, BERKS COUNTY, PENNSYLVANIA, THE TOWNSHIP OF MARION, BERKS COUNTY, PENNSYLVANIA AND THE TOWNSHIP OF BETHEL, BERKS COUNTY, PENNSYLVANIA AUTHORIZING THE TOWNSHIP OF TULPEHOCKEN, THE TOWNSHIP OF MARION AND THE TOWNSHIP OF BETHEL PURSUANT TO THE PROVISIONS OF THE SECOND CLASS TOWNSHIP CODE AND THE INTERGOVERNMENTAL COOPERATION LAW TO ENTER INTO AN AGREEMENT AUTHORIZING THE COOPERATION OF THE THREE MUNICIPALITIES IN PERFORMING THE OBLIGATIONS OF A MULTI-MUNICIPAL COMPREHENSIVE RECREATION, PARK AND OPEN SPACE AND GREENWAY PLAN PLANNING GRANT INCLUDING AUTHORIZING THE TOWNSHIP OF TULPEHOCKEN TO MANAGE THE FUNDS RECEIVED PURSUANT TO THE GRANT

WHEREAS, Section 1507 of the Second Class Township Code of the Commonwealth of Pennsylvania, 53 Pa. C.S. §66507, and the Pennsylvania Intergovernmental Cooperation Act, 53 Pa.C.S.A. §2301, et seq., as amended, 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, Section 1507 of the Second Class Township Code, 53 Pa. C.S. §66507, and the Pennsylvania Intergovernmental Cooperation Act, 53 Pa.C.S.A. §2301, et seq., as amended, further provide that the Board of Supervisors must make such agreements by ordinance; and

WHEREAS, the Township of Tulpehocken ("Tulpehocken") is a Second Class Township in the Commonwealth of Pennsylvania; and

WHEREAS, the Township of Marion ("Marion") is a Second Class Township in the Commonwealth of Pennsylvania; and

WHEREAS, the Township of Bethel ("Bethel") is a Second Class Township in the Commonwealth of Pennsylvania; and

WHEREAS, as Second Class Townships Tulpehocken, Marion and Bethel are governed by the Second Class Township Code of Pennsylvania; and

WHEREAS, pursuant to Section 2205 of the Second Class Township Code of the Commonwealth of Pennsylvania, 53 Pa. C.S. §67205, Townships of the Second Class may join

with any one or more municipal corporations to acquire, create, equip, maintain and operate any park or recreation area to serve residents of the township under the Intergovernmental Cooperation Law; and

WHEREAS, Tulpehocken, Marion and Bethel Townships jointly applied for and were awarded a grant in the amount of \$32,500.00 from the Commonwealth of Pennsylvania Department of Conservation and Natural Resources ("DCNR") to prepare a Multi-Municipal Comprehensive Recreation, Park and Open Space and Greenway Plan; and

WHEREAS, the work for which the grant is to be utilized is to include a written and bound report of the plan; and

WHEREAS, pursuant to the terms of the grant each municipality is required to contribute funds equal to one-third of the total amount of the grant as a local match of the amount of the grant, or approximately \$10,834.00 per municipality; and

WHEREAS, the municipalities desire the funds, the grant and the matching funds, to be deposited into one central account from which invoices can be paid; and

WHEREAS, the municipalities desire Tulpehocken to manage the funds; and

WHEREAS, the grant agreement places other obligations upon the municipalities; and

WHEREAS, to allow for management of the grant funds and other obligations under the grant, the Board of Supervisors of Tulpehocken, Marion and Bethel Townships desire to enter into an Intergovernmental Cooperation Agreement; and

WHEREAS, in accordance with the Second Class Township Code and the Intergovernmental Cooperation Law of Pennsylvania, Tulpehocken, Marion and Bethel Townships are required to enact an Ordinance authorizing their entry into an Intergovernmental Cooperation Agreement to allow for management of the grant funds and other obligations.

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 Marion, Berks County, Pennsylvania and the Board of Supervisors of the Township of Bethel, Berks County, Pennsylvania 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 of the Commonwealth of Pennsylvania, 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 Marion and the Board of Supervisors of the Township of Bethel hereby approve entering into an Intergovernmental Cooperation Agreement for the purpose of management of funds and other obligations provided for in the Multi-Municipal Comprehensive Recreation, Park and Open Space and Greenway Plan Planning Grant ("Grant") and authorize and direct the Chairman of the Board of Supervisors of the Township of Tulpehocken, the Board of Supervisors of the Township of Marion and the Board of Supervisors of the Township of Bethel 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 September 1, 2018 and shall be effective until terminated by any party upon ninety (90) days written notice or as otherwise provided or upon expiration of the terms and obligations of the Grant.

D. Purpose and Objections.

The municipalities have been awarded a Multi-Municipal Comprehensive Recreation, Park and Open Space and Greenway Plan Planning Grant to prepare a Multi-Municipal Comprehensive Recreation, Park, Open Space and Greenway Plan for Tulpehocken, Bethel and Marion Townships, Berks County for which the funds and obligations are required to be managed.

E. Organizational Structure.

Tulpehocken, Marion and Bethel shall remain separate entities. The Planning provided for by the Grant will be overseen by members of Recreation Planning Study Committee ("Committee") to which each Township has appointed members.

F. Real and/or Personal Property.

No transfer of ownership of personal or real property or real estate is authorized.

G. Employee

No new entity has been created by the Agreement that would require employees. The members of the Committee are volunteers and shall not be considered employees.

H. Finances.

The financing of the Agreement shall be by the funds from the Grant and the matching funds each municipality has allocated. The funds shall be managed by representatives of Tulpehocken Township.

SECTION 2. Repeal of Ordinances.

Any ordinance or part of ordinances conflicting with the provisions of this Ordinance are hereby repealed insofar as they are inconsistent with this Ordinance's provision.

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 Marion and the Board of Supervisors of the Township of Bethel 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 at the earliest date permitted by law.

SIGNATURES ON NEXT PAGE

ENACTED AND ORDAINED as an Ordinance of Tulpehocken Township, Berks County, Pennsylvania, this 8th day of August, 2018.

BOARD OF SUPERVISORS OF
TULPEHOCKEN TOWNSHIP,
BERKS COUNTY, PENNSYLVANIA



Gary A. Leck

Chairman

Richard A. Kramer

Member

Robert A. Beck

Member

ATTEST:

Christy Flaherty

Secretary

CERTIFICATE OF ENACTMENT

I hereby certify that the foregoing is a true and accurate copy of Ordinance No. 1-2018 adopted by the Board of Supervisors of Tulpehocken Township, Berks County, Pennsylvania at a regular meeting held on August 8, 2018, pursuant to notice as required by law.

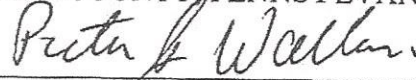
Dated: August 8, 2018

Christy Flaherty

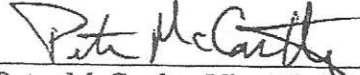
Township Secretary

ENACTED AND ORDAINED as an Ordinance of Marion Township, Berks County, Pennsylvania, this 26th day of July, 2018.

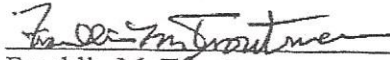
BOARD OF SUPERVISORS OF
MARION TOWNSHIP,
BERKS COUNTY, PENNSYLVANIA



Peter I. Wallace, Chairman

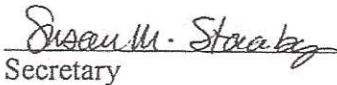


Peter McCarthy, Vice Chairman



Franklin M. Troutman

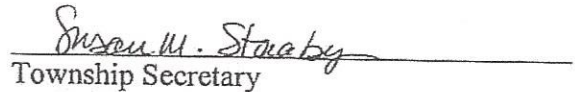
ATTEST:


Secretary

CERTIFICATE OF ENACTMENT

I hereby certify that the foregoing is a true and accurate copy of Ordinance No. 2018-1 adopted by the Board of Supervisors of Marion Township, Berks County, Pennsylvania at a regular meeting held on July 26, 2018, pursuant to notice as required by law.

Dated: July 26, 2018


Township Secretary

ENACTED AND ORDAINED as an Ordinance of Bethel Township, Berks County, Pennsylvania, this 16 day of July, 2018.

BOARD OF SUPERVISORS OF
BETHEL TOWNSHIP.
BERKS COUNTY, PENNSYLVANIA

Jacob C. Meyer
Chairman
[Signature]
Member
[Signature]
Member

ATTEST:

[Signature]
Secretary

CERTIFICATE OF ENACTMENT

I hereby certify that the foregoing is a true and accurate copy of Ordinance No. 04-2018 adopted by the Board of Supervisors of Bethel Township, Berks County, Pennsylvania at a regular meeting held on 7/16, 2018, pursuant to notice as required by law.

Dated: 7/16/2018

[Signature]
Township Secretary