

**BOROUGH OF WEST READING,
BERKS COUNTY, PENNSYLVANIA**

RESOLUTION NO. 2021-14

A RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF WEST READING, BERKS COUNTY, PENNSYLVANIA, AUTHORIZING THE BOROUGH TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE BOROUGH OF WYOMISSING, BERKS COUNTY, PENNSYLVANIA, REGARDING THE USE OF PUBLIC PICKLEBALL COURTS AND PUBLIC TENNIS COURTS

WHEREAS, pursuant to the Borough Code of Pennsylvania, 8 Pa.C.S. §1202(24), as well as the Pennsylvania Intergovernmental Cooperation Act, 53 Pa. C.S. §2301 *et seq.*, the Borough of West Reading may agree with the authorities of other local governments for cooperation in performing governmental powers, duties, and functions; and

WHEREAS, the Borough Code and the Pennsylvania Intergovernmental Cooperation Act authorize the Borough to enter into such an agreement by adopting a resolution approving a written document setting forth the terms of such agreement; and

WHEREAS, the Borough Council of the Borough of West Reading desires to cooperate with the Borough of Wyomissing to allow the residents of Wyomissing to use the public pickleball courts located within West Reading, and to allow the residents of West Reading to use the public tennis courts located within Wyomissing, and to enter into an agreement titled “Intergovernmental Cooperation Agreement Between Wyomissing Borough and West Reading Borough Regarding the use of Public Pickleball Courts and Public Tennis Courts” (the “Agreement”), a copy of which is attached hereto as “Exhibit A” and incorporated herein, which Agreement sets forth the terms to be made applicable to such intergovernmental cooperation; and

WHEREAS, the Agreement provides that Wyomissing shall allow residents of West Reading to access and use any public tennis court located within Wyomissing in accordance with any Rules and Regulations of Wyomissing that may exist, and that West Reading shall allow residents of Wyomissing to access and use any public pickleball court located within West Reading in accordance with any Rules and Regulations of West Reading that may exist; and

WHEREAS, the Agreement provides that each of the Boroughs shall be responsible for maintenance of its own playing courts at its own expense; and

WHEREAS, the Agreement is effective until it is terminated by a party by providing thirty (30) days written notice to the other party.

NOW, THEREFORE, BE IT RESOLVED, that the Borough Council of the Borough of West Reading, Berks County, Pennsylvania, hereby authorizes the intergovernmental cooperation between the Borough of West Reading and the Borough of Wyomissing as set forth in the “Intergovernmental Cooperation Agreement Between West Reading Borough and Wyomissing Borough regarding the use of Public Pickleball Courts and Public Tennis Courts”, hereby approves

such Agreement, and hereby authorizes the execution of said Agreement by the officers of West Reading Borough.

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 Borough Council of the Borough of West Reading 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.

IN WITNESS WHEREOF, the Borough Council of the Borough of West Reading has adopted this Resolution in lawful session this 17th day of August, 2021.

BOROUGH OF WEST READING,

By:



Jack Gombach, Council President

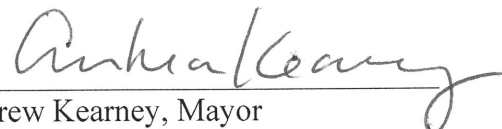
Attest:



Cynthia Madeira, Borough Secretary

[SEAL]

Examined and approved this 17th day of August, 2021.



Andrew Kearney, Mayor

Exhibit A

**INTERGOVERNMENTAL COOPERATION AGREEMENT BETWEEN WYOMISSING
BOROUGH AND WEST READING BOROUGH REGARDING THE USE OF PUBLIC
PICKLEBALL COURTS AND PUBLIC TENNIS COURTS**

THIS AGREEMENT made this 10th day of August, 2021, by and between the BOROUGH OF WYOMISSING, a municipal corporation governed by the Borough Code, 8 Pa.C.S. §101 et. seq., and having its office at 22 Reading Boulevard, Wyomissing, Berks County, Pennsylvania 19610 ("Wyomissing") and the BOROUGH OF WEST READING a municipal corporation governed by the Borough Code, 8 Pa.C.S. §101 et. seq., and having its office at 500 Chestnut Street, West Reading, Berks County, Pennsylvania 19611 ("West Reading")(Wyomissing and West Reading, together, referred to hereinafter as the "Boroughs").

WHEREAS, through a donation, West Reading has renovated its public tennis courts into public pickleball courts; and

WHEREAS, because of the aforementioned renovations, there are no public tennis courts located within West Reading; and

WHEREAS, several public tennis courts are located within the Borough Wyomissing; and

WHEREAS, Wyomissing residents enjoy using the public pickleball courts located in West Reading; and

WHEREAS, Wyomissing and West Reading desire to enter into an agreement to allow the residents of West Reading to use the public tennis courts located within Wyomissing, and to allow the residents of Wyomissing to use the public pickleball courts located within West Reading; and

WHEREAS, pursuant to the Pennsylvania Intergovernmental Cooperation Act, 53 Pa. C.S. §2301, *et seq.*, the governing body of two or more local governments may make agreements with other municipalities to jointly cooperate in performing governmental functions, powers, and responsibilities; and

WHEREAS, the Boroughs are political subdivisions existing as Boroughs under the laws of the Commonwealth of Pennsylvania; and

WHEREAS, pursuant to the Borough Code, 8 Pa.C.S. §1202(24), the Borough Council of each of the Boroughs is authorized to enter into agreements with other municipal corporations to perform governmental powers, duties and functions; and

WHEREAS, Wyomissing and West Reading desire to enter into an agreement formalizing their cooperation regarding the performance of the governmental powers, duties and functions related to the use of Wyomissing tennis courts and West Reading pickleball courts; and

WHEREAS, the parties hereto have taken all such municipal action as is necessary to enter into this Agreement and desire to reduce their understanding into written form.

NOW, THEREFORE, the parties hereto, INTENDING TO BE LEGALLY BOUND
HEREBY, agree as follows:

1. The above section and the "Whereas" clauses therein are incorporated herein by reference as though set forth in full.
2. West Reading shall allow residents of Wyomissing to access and use any public pickleball court located within West Reading. Such use shall be in accordance with any Rules and Regulations of West Reading that may exist.
3. Wyomissing shall allow residents of West Reading to access and use any public tennis court located within Wyomissing. Such use shall be in accordance with any Rules and Regulations of Wyomissing that may exist.
4. Each of the Boroughs shall be responsible for maintenance of its own playing courts at its own expense.
5. This Agreement shall remain in full force and effect until the Agreement is terminated. Wyomissing or West Reading can terminate this Agreement by providing thirty (30) days written notice to the other party.
6. This Agreement may not be amended, modified, altered or changed in any respect whatsoever, except by a further Agreement duly approved and executed by the parties hereto

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands this 10th day of August, 2021.

COUNCIL FOR THE
BOROUGH OF WEST READING
BERKS COUNTY, PENNSYLVANIA

By: [Signature] (SEAL)
President

Attest: Cynthia Madonia
Secretary

COUNCIL FOR THE
BOROUGH OF WYOMISSING
BERKS COUNTY, PENNSYLVANIA

By: [Signature] (SEAL)
President

Attest: [Signature]
Secretary

