

## RESOLUTION NO. 2023-29

### **A RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF WEST READING, BERKS COUNTY, PENNSYLVANIA AUTHORIZING THE BOROUGH TO ENTER INTO AN INTERGOVERNMENTAL COOPERATION AGREEMENT WITH THE BOROUGH OF WYOMISSING FOR COOPERATIVE SHARING OF ROAD MAINTENANCE EQUIPMENT AND MANPOWER**

#### **Background**

WHEREAS, the Borough of West Reading (“West Reading Borough”), and the Borough of Wyomissing (“Wyomissing Borough”) are municipal corporations organized as Boroughs under the laws of the Commonwealth of Pennsylvania and governed by the Borough Code, 8 Pa.C.S. §101 *et. seq.* (collectively, the “Boroughs”); and

WHEREAS, the Boroughs recognize the benefits of jointly and cooperatively sharing road maintenance equipment and manpower for the construction, repair, maintenance and upkeep of their respective roads, streets, highways, and other infrastructure; and

WHEREAS, the Boroughs agree that working together on certain road, street, highway, and other infrastructure construction, repair, maintenance, and upkeep projects as may be agreed upon are in the best interest of their residents and will promote public health, safety, and welfare; and

WHEREAS, the Boroughs desire to formalize their aforementioned mutual understanding by entering into an Intergovernmental Cooperation Agreement for Cooperative Sharing of Road Maintenance Equipment and Manpower (“Agreement”) providing, *inter alia*, that they will share their municipal road maintenance equipment and manpower for certain road, street, highway, and other infrastructure construction, repair, maintenance, and upkeep projects as may be agreed upon by them; 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, under the Pennsylvania Intergovernmental Cooperation Act, Act 177 of 1996, 53 Pa.C.S. § 2301, *et seq.*, as amended (“Act”), the Boroughs may enter into the Agreement upon the adoption of this Resolution by each Borough Council.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of West Reading as follows:

1. Background. The Background of this Resolution as set forth above is incorporated by reference herein.

2. Purpose. The purpose of this Resolution is to enable West Reading Borough to enter into the Agreement, which is incorporated by reference herein and attached hereto as Exhibit "A."

3. Authorization. The Council of the Borough of West Reading hereby authorizes the execution of the Agreement. Upon the Agreement being fully executed by both Boroughs, each Borough shall include a copy of that fully executed Agreement in their minutes of the public meeting when this Resolution was adopted.

4. Execution. The President of the Borough Council and the Borough Secretary are hereby expressly authorized and directed on West Reading Borough's behalf to: (i) execute and then deliver a copy of the Agreement to Wyomissing Borough; and (ii) process, execute, and deliver any such additional notices, document, or instruments, and to take such further actions, as may be necessary or appropriate to carry forth the Agreement.

5. Ratification. All actions of any officer, agent or other representative of West Reading Borough heretofore taken in the pursuit of and in furtherance of the provisions of the Agreement are hereby ratified and approved in all respects.

6. Necessary Acts. West Reading Borough is hereby authorized to take such other action as may be necessary or appropriate to carry out the purposes of this Resolution and the Agreement.

7. Pennsylvania's Intergovernmental Cooperation Act. This Resolution is adopted pursuant to the authority granted by and in accordance with the requirements of the Act.

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 be included herein.

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

SIGNATURES ON NEXT PAGE

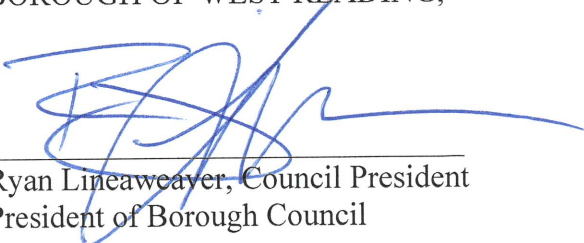
**EXHIBIT A**

**INTERGOVERNMENTAL COOPERATION AGREEMENT  
FOR COOPERATIVE SHARING OF ROAD MAINTENANCE EQUIPMENT AND  
MANPOWER**

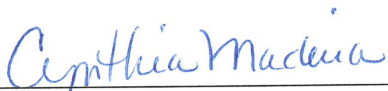
IN WITNESS WHEREOF, the Borough Council of the Borough of West Reading has adopted this Resolution in lawful session this 21<sup>st</sup> day of November 2023.

BOROUGH OF WEST READING,

By:

  
\_\_\_\_\_  
Ryan Lineaweaver, Council President  
President of Borough Council

Attest:

  
\_\_\_\_\_  
Cynthia Madeira, Borough Secretary

Examined and approved this 21<sup>st</sup> day of November 2023.

  
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Samantha Kaag, Mayor