

CRANBERRY TOWNSHIP TRAFFIC SIGNAL MAINTENANCE AGREEMENT

THIS AGREEMENT, entered into this 5th day of March, 2007 by and between

Borough of Seven Fields, situate in the County of Butler, Commonwealth of Pennsylvania, by and through its Borough Council

AND

CRANBERRY TOWNSHIP, a Township of the Second Class, situate in the County of Butler, Commonwealth of Pennsylvania, by and through its Board of Supervisors.

WHEREAS, The Borough of Seven Fields and Cranberry Township have determined that the coordination of traffic signals along Route 19 (SR 0019) will serve the interests of the residents of the municipalities and those traveling between the municipalities; and

WHEREAS, The Borough of Seven Fields has ownership of several traffic signals located along the State Route 228 corridor; and

WHEREAS, Cranberry Township has ownership of certain traffic signals west of the Seven Fields Borough line on State Route 228 which are a part of a coordinated timing system operated and maintained by Cranberry Township; and

WHEREAS, The Borough of Seven Fields and Cranberry Township desire the traffic signals located within the Seven Fields Borough borders along State Route 228 corridor to be incorporated into the coordinated traffic system for the State Route 228 corridor within Cranberry Township.

WHEREAS, those three (3) traffic signals within Seven Fields Borough are located at the following intersections:

1. Rt. 228 and Castlecreek Dr Ext.
2. Rt. 228 and Castlecreek Dr.
3. Rt. 228 and Seven Fields Blvd.

NOW THEREFORE, with the intent to be legally bound and in consideration of the mutual covenants contained herein, the parties agree as follows:

1. System Oversight
 - a. Borough of Seven Fields shall pay to Cranberry Township an annual amount

of \$5040.00 for Cranberry Township to perform routine signal maintenance and system oversight activities on three (3) traffic signals. Said amount shall be due and payable on February 1st, and annually thereafter.

- b. The annual maintenance fee will be re-evaluated every January of the new calendar year.
- c. Any new signals will be added at 1/n of the annual amount prorated by the month. Where n is the current number of traffic signal in the agreement.
- d. The following services will be considered as routine signal maintenance and system oversight which will be performed on an annual basis;
 - 1. Visual Inspection
 - 2. Operational Status:
 - a. Timer
 - b. Loop Amplifiers
 - c. Wireless Connection / communication
 - d. MMU/ Conflict Monitor
 - e. Bus Interface Unit
 - f. Pre-Emption system
 - 3. Coordination Status

3. Call-Out Reactive Maintenance

- a. Cranberry Township will provide on-call services to the Borough of Seven Fields
- b. The following minor services will be considered as reactive signal maintenance which will be performed on an on-call basis; labor Included.
 - 1. Repair of Physical Damage (example...loose head)
 - 2. Electrical Damage (example ... lightning)
 - 3. Flash Condition
 - 4. Dark Condition

c. Materials and Parts:

All materials and parts required to repair or maintain a traffic signal will be the responsibility of the Seven Fields Borough. Purchase of said parts will be direct billed to the Seven Fields Borough. Any elective parts exceeding \$500.00 in value shall be pre-approved by a Borough designee.

Designee a- Tom Smith
b- _____

d. Call Out Procedures:

The Borough of Seven Fields shall notify Cranberry Township of the need for call out service and reactive signal maintenance through the following means:

During normal working hours (7:00 a.m. 3:30 p.m.):

1. Call (724) 776-4806 x1500 - Public Works Operations Center
-Cell phone (724) 316-0360 Traffic Operations
2. Call Butler County 911

After hours, weekends, and Holidays:

1. Call Butler County 911
2. Call (724) 287-7769 - Butler Communications Center

d. Emergency Back-up

Should Cranberry Township be unavailable or unreachable for call-out reactive maintenance the Borough of Seven Fields must utilize their back up contracted service provider, to be determined

Phone # _____

e. Catastrophic Repairs:

All catastrophic repairs required due to natural disaster, vehicular knock downs or complete controller cabinet failure will not be covered under this agreement. The Borough of Seven Fields must contract with a traffic signal maintenance company. Cranberry Township will oversee and assist as necessary.

4. Indemnification

The Parties hereto acknowledge and agree that Borough of Seven Fields shall maintain care, custody and control of the traffic signals located within their boundaries, and that Cranberry Township shall provide the routine maintenance and call-out reactive maintenance for the traffic signal as a contractor for Borough of Seven Fields. The Borough of Seven Fields shall protect, indemnify and save harmless Cranberry Township and its supervisors, officers, employees, attorneys and agents from any and all liabilities, suits, actions, claims, demands, losses, expenses and costs of every kind and nature (including costs of defense and attorneys= fees) incurred by, or asserted or imposed against, Cranberry Township and its supervisors, officers, employees, attorneys and agents, or any of them, by reason of any accident, injury (including death) or damage to any person or property which occurs or is alleged to have occurred in connection with the

operation of the traffic signal referenced herein.

7. Severability

If any provisions of this Agreement or portions thereof or application thereof to any person or entity shall, to any extent be held invalid, inoperative, or unenforceable, the remainder of this Agreement, or the application of such provision or portion thereof due any other persons or circumstances, shall not be affected thereby; and this Agreement shall be enforced consistent with the intent of the parties.


8. This Agreement shall be construed in accordance with the laws of the Commonwealth of Pennsylvania.

9. This Agreement may not be amended, modified, or terminated at any time unless in writing, duly executed and acknowledged by all parties thereto. Either party shall provide at least thirty (30) days advance written notice of intent to terminate this Agreement. In the event this Agreement is terminated prior to the end of a calendar year, Borough of Seven Fields shall receive a credit towards payments due under Sections 1(d) and 2(a), on a pro rata basis.

Signed and sealed this 5th day of March, 2007.

ATTEST:

CRANBERRY TOWNSHIP



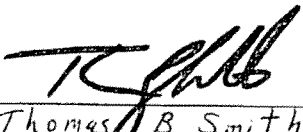
Jerry A. Andree
Township Manager/Secretary



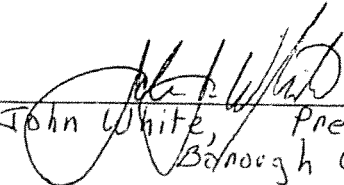
Chairman

ATTEST:

BOROUGH OF SEVEN FIELDS



Thomas B. Smith
Borough Manager



John White, President
Borough Council

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ORDINANCE NO. 70

BOROUGH OF SEVEN FIELDS
BUTLER COUNTY, PENNSYLVANIA

AN ORDINANCE OF THE BOROUGH OF SEVEN FIELDS, BUTLER COUNTY, PENNSYLVANIA, AUTHORIZING THE BOROUGH TO ENTER INTO AN INTERGOVERNMENTAL COOPERATION AGREEMENT WITH ADAMS TOWNSHIP AND CRANBERRY TOWNSHIP TO JOINTLY UPGRADE, MAINTAIN AND COORDINATE THE VARIOUS TRAFFIC SIGNALS ON STATE ROUTE 228.

WHEREAS, pursuant to the Intergovernmental Cooperation Act, 53 Pa. C.S.A. §2301, et seq., and the Borough Code of Pennsylvania, the Borough of Seven Fields is authorized to enter into joint cooperation agreements with other local governments for the performance or exercise of governmental functions, powers and responsibilities; and

"WHEREAS, the Borough Council of the Borough of Seven Fields desires to enter into an Intergovernmental Cooperation Agreement with the Townships of Adams and Cranberry to jointly upgrade, maintain and coordinate the various traffic signals along State Route 228; and

NOW, THEREFORE, pursuant to the authority conferred upon it by the Borough Code of Pennsylvania, the Borough Council of Seven Fields, Butler County, Pennsylvania, do hereby ENACT AND ORDAIN the following:

SECTION 1.

Borough of Seven Fields is hereby authorized to enter into an Intergovernmental Cooperation Agreement with Adams Township and Cranberry Township to jointly upgrade, maintain and coordinate the various traffic signals along State Route 228, in a form acceptable to the Borough Solicitor.

SECTION 2.

The appropriate Borough of Seven Fields officials are hereby authorized to execute said Intergovernmental Cooperation Agreement with Adams Township and Cranberry Township to jointly purchase, upgrade, maintain and coordinate the various traffic signals along State Route 228, and to take any and all actions necessary to effectuate the same.


SECTION 3.

All prior ordinances are hereby repealed in whole or in part to the extent inconsistent herewith.

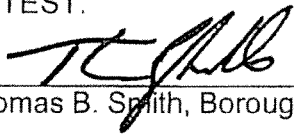
ORDAINED AND ENACTED INTO LAW by the Borough Council of
Seven Fields in lawful session assembled this 26th day of February,
2007.

BOROUGH OF SEVEN FIELDS

By: _____


Borough Council President

ATTEST:


Thomas B. Smith, Borough Manager

(SEAL)

ORDINANCE NO. 2007-375
TOWNSHIP OF CRANBERRY
BUTLER COUNTY, PENNSYLVANIA

AN ORDINANCE OF CRANBERRY TOWNSHIP, A SECOND CLASS TOWNSHIP, BUTLER COUNTY, PENNSYLVANIA, AUTHORIZING THE TOWNSHIP TO ENTER INTO AN INTERGOVERNMENTAL COOPERATION AGREEMENT WITH ADAMS TOWNSHIP AND THE BOROUGH OF SEVEN FIELDS TO JOINTLY UPGRADE, MAINTAIN AND COORDINATE THE VARIOUS TRAFFIC SIGNALS ON STATE ROUTE 228.

WHEREAS, pursuant to the Intergovernmental Cooperation Act, 53 Pa. C.S.A. §2301, et seq., as well as, section 1507 of the Pennsylvania Second Class Township Code, Cranberry Township is authorized to enter into joint cooperation agreements with other local governments for the performance or exercise of governmental functions, powers and responsibilities; and

WHEREAS, the BOARD OF SUPERVISORS of the TOWNSHIP desires to enter into an Intergovernmental Cooperation Agreement with Adams Township and the Borough of Seven Fields to jointly upgrade, maintain and coordinate the various traffic signals along State Route 228; and

NOW, THEREFORE, pursuant to the authority conferred upon it by the Second Class Township Code of Pennsylvania, Cranberry Township, Butler County, Pennsylvania, does hereby ENACT AND ORDAIN the following:

SECTION 1.

Cranberry Township is hereby authorized to enter into an Intergovernmental Cooperation Agreement with Adams Township and the Borough of Seven Fields to jointly upgrade, maintain and coordinate the various traffic signals along State Route 228, in the form attached as Exhibit A and subject to the approval of the Township Solicitor as to form.

SECTION 2.

The appropriate Township officials are hereby authorized to execute said Intergovernmental Cooperation Agreement with Adams Township and the Borough of Seven Fields to jointly purchase, upgrade, maintain and coordinate the various traffic signals along State Route 228, and to take any and all actions necessary to effectuate the same.

SECTION 3.

If any chapter, section, subsection, paragraph, sentence, or phrase of any ordinance conflicting with the provisions of this ordinance shall and the same is hereby repealed to the extent of such conflict.


Ordained and enacted this 1st day of February, 2007, BY THE BOARD OF SUPERVISORS of the Township of Cranberry.

ATTEST:

CRANBERRY TOWNSHIP



Jerry A. Andree, Township Manager/Secretary



John W. Milius, Chairman
Board of Supervisors

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