

Resolution Number 2013-06
Hamiltonban Township, Adams County, Pennsylvania

**A RESOLUTION AUTHORIZING THE ENTRY INTO AN AGREEMENT BETWEEN
HAMILTONBAN TOWNSHIP AND FOUNTAINDALE VOLUNTEER FIRE
DEPARTMENT FOR THE USE OF THE HAMILTONBAN TOWNSHIP FUELING
STATION**


WHEREAS, Hamiltonban Township, Adams County, Pennsylvania, intends to enter into an agreement between Hamiltonban Township and the Fountaindale Volunteer Fire Department for the fire company's use of the Hamiltonban Township fueling station located at the Municipal Maintenance Building at 31 Carrolls Tract Road, Fairfield, PA, and

WHEREAS, Per the agreement, Hamiltonban Township will invoice the Fountaindale Volunteer Fire Department for the fuel used on a monthly basis, and

WHEREAS, The Fountaindale Volunteer Fire Department and Hamiltonban Township entered into an agreement on February 5, 2013, attached hereto.


NOW, THEREFORE, be it resolved that the Board of Supervisors of Hamiltonban Township does hereby adopt this resolution this 5th day of February, 2013 at its regularly scheduled meeting which was duly convened in accordance with the law.

ATTESTED BY:

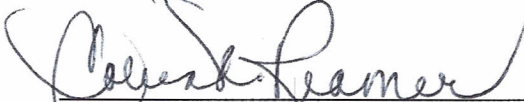


Deborah K. Feiler
Secretary/Treasurer

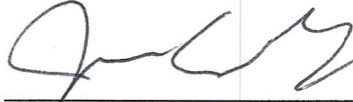
Board of Supervisors
Hamiltonban Township



Chairman Robert L. Gordon



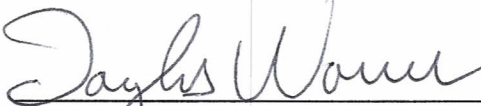
Vice Chairman Coleen N. Reamer



Supervisor James E. Grinder



Supervisor Harry Rood



Supervisor Douglas W. Woerner

**AGREEMENT BETWEEN HAMILTONBAN TOWNSHIP, ADAMS COUNTY AND
FOUNTAINDALE VOLUNTEER FIRE DEPARTMENT, ADAMS COUNTY FOR THE
USE OF THE HAMILTONBAN FUELING STATION AND ITS BILLING PROTOCOL**

THIS AGREEMENT ("Agreement") is made and entered this 8 day of MARCH, 2013 by and between Hamiltonban Township, a Pennsylvania Township of the Second Class with principal offices at 23 Carrolls Tract Road, Fairfield, Pennsylvania, 17320 and Fountaindale Volunteer Fire Department located at 1340 Old Waynesboro Road, Fairfield, Pennsylvania, 17320.

WHEREAS, the parties have agreed to participate in a joint use agreement of the Hamiltonban Township fueling station located at 31 Carrolls Tract Road, Fairfield, PA, 17320 for the fueling of the fire company's vehicles. By entering into said agreement both parties agree that it is beneficial to the residents of Hamiltonban Township and the operations of the Fountaindale Volunteer Fire Department to utilize one central location for fueling, and

WHEREAS, the parties have agreed to established rules and regulations for the use of the facility, and

WHEREAS, the parties are authorized to enter into this Agreement upon adoption of said Agreement by Resolution of the Hamiltonban Township Board of Supervisors and by Motion of the Fountaindale Volunteer Fire Department, and

WHEREAS, the parties intend this Agreement to commence upon the effective date of this Agreement or by the last mutually agreed upon Agreement.

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

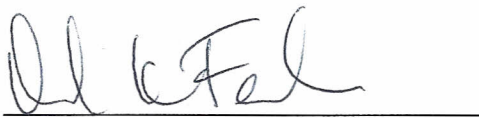
1. The above recitals are incorporated by reference.
2. Hamiltonban Township agrees to invoice the fuel usage via monthly billings.
3. Fountaindale Volunteer Fire Department agrees to make payment of monthly fuel costs within thirty (30) days and reimbursement of any notified damages within sixty (60) days.
4. Hamiltonban Township agrees to annual cost bidding for products and to maintain the equipment.
5. Gate and access keys will be made available to all authorized personnel from the Fountaindale Volunteer Fire Department. The Hamiltonban Township Secretary/Treasurer is solely authorized to make copies of the fueling station keys with approval from the Hamiltonban Township Board of Supervisors.
6. Fountaindale Volunteer Fire Department shall provide a current list of volunteers/members and vehicles that are authorized to utilize the site. It shall be the sole responsibility of the Fountaindale Volunteer Fire Department to maintain a current listing with the Hamiltonban Township Secretary/Treasurer.
7. Any fuel consumption deemed to have been drawn by unauthorized personnel who have not been immediately reported as dismissed to the Hamiltonban Township Secretary/Treasurer shall become the responsibility of the Fountaindale Volunteer Fire Department.

8. Any negligence or misuse of equipment by a member of the Fountaindale Volunteer Fire Department shall be the responsibility of the Fountaindale Volunteer Fire Department for reimbursement to Hamiltonban Township. Any legal action against said member/volunteer as a result of that reimbursement shall be the responsibility of the Fountaindale Volunteer Fire Department.
9. The terms of this Agreement shall be five (5) years commencing upon the date of the mutually signed Agreement.
10. Thereafter, the Agreement may be extended or amended by written agreement, duly signed by both parties, mutually agreed to by Resolution of the Hamiltonban Township Board of Supervisors and by Motion of the Fountaindale Volunteer Fire Department.
11. The parties agree that Hamiltonban Township shall maintain accurate financial records relating to the operation of the fueling station and this Agreement, records shall be subject to annual audit in conjunction with all other Hamiltonban Township accounts, and the Fountaindale Volunteer Fire Department shall have the right to inspect fueling records during regular business hours with notice to the Hamiltonban Township Secretary/Treasurer.
12. This Agreement is executed and shall be construed in accordance with the laws of the Commonwealth of Pennsylvania, and shall be binding upon and inure to the benefit of the parties hereto, their successors and assigns.
13. This Agreement represents the entire agreement between the parties and may not be amended except by written agreement duly signed by both parties.
14. If any paragraph of this Agreement or any part of any paragraph herein shall be held unlawful, invalid or unenforceable, that part shall be deemed deleted and without prejudice to the lawfulness, validity and enforceability of the remaining paragraphs and parts hereof.

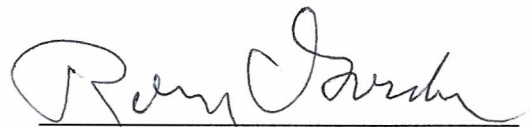
IN WITNESS WHEREOF, the parties hereto have caused this agreement to be executed on the date of the Resolution by Hamiltonban Township and the Motion by the Fountaindale Volunteer Fire Department.

Attest:

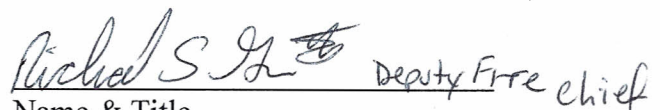
Hamiltonban Township
Board of Supervisors



Deborah K. Feiler
Secretary/Treasurer



Robert L. Gordon
Chairman



Name & Title
Fountaindale Volunteer Fire
Department