

MARCELLUS TOWN BOARD AGENDA
November 10, 2016

CALL TO ORDER

SALUTE TO FLAG

PUBLIC HEARING – TAX CAP OVERRIDE

PUBLIC HEARING – 2017 BUDGET

- I. Accept Town Clerk's minutes of previous meetings.
- II. Approve monthly activity
- III. Old Business
- IV. New Business
 - A) Bid Packets for Demolition of Paper Mill
 - B) Local Law – Adopt Tax Cap Override
 - C) Set Dates for Upcoming Meetings
 - D) CNY SPCA Contract
 - E) Appointment for Negotiation of Highway Union
 - F) Adopt 2017 Budget

Discussion Agenda

- A. Items from the Board
 - Limerick Street – No Parking Signs
- B. Items from the Floor

Adjournment

NOTE: This is a tentative agenda and is subject to change.

Future Meeting Dates:

Workshop Meeting – Monday, November 28, 2016 – 5:00 – Town Hall
Planning/Zoning Meeting – Monday, December 5, 2016 – 7:00 – Town Hall
Town Board Meeting - Monday, December 12, 2016 - 7:00 – Town Hall

Office Closed – Friday, November 11, 2016 – Veteran's Day

Office Closed – Thursday, Nov. 24 and Friday, Nov. 25, 2016 – Thanksgiving Holiday



REQUEST FOR PROPOSAL

DRAFT

BUILDING DEMOLITION PROGRAM

To: [CONTRACTOR] * Via Email *

Copy: John Houser, Codes Enforcement Officer

From: Joe Durand, P.E.

Re: Building Demolition Program
REQUEST FOR PROPOSAL
Former Martisco Paper Co.
4747 North Street, Marcellus, New York
TDK Project No.: 2015002-05

Date: November 1, 2016

The Town of Marcellus is requesting a proposal from your firm to demolish the existing building located at 4747 North Street and to properly grade and prepare the site in a manner consistent with the Town's requirements further described as follows:

BID INFORMATION

FOR THE CONTROLLED BUILDING DEMOLITION

**Former Martisco Paper Co.
4747 North Street (NYR 174), Town of Marcellus
Onondaga County, New York**

BACKGROUND:

The Town of Marcellus has determined that the 2-story steel-framed structure located at 4747 North Street, Town of Marcellus, New York (Tax Map # 013.-02-43.3) is in fact an unsafe structure and is

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a threat to the health and safety of the public. The Town Board adopted a resolution to condemn and demolish the privately-owned building.

Therefore, it is requested that your company provide the Town of Marcellus a bid, consistent with Town and corresponding State and federal agency requirements, as applicable. The bid is requested to be received by no later than **Friday, November 18, 2016 at 12:00 PM.**

Address Your Proposal To:

John Houser
Town of Marcellus Code Enforcement Office
24 East Main Street
Marcellus, New York 13108

Phone: (315) 673-3269

Email: codes@marcellusny.com

With Electronic Copy To:

Joe Durand, P.E.
TDK Engineering Associates, P.C.
19 Genesee Street
Camillus, NY 13031

Phone: (315) 672-8726

Email: jdurand@tdkengineering.com

BID INFORMATION

1. **General Overview:** It is anticipated that the designated contractor is familiar with the Town of Marcellus's demolition requirements. As this is a Public Works project, New York State Department of Labor minimum prevailing wage rates will apply [VERIFY W/TOWN & ATTY]. General information is provided on the attached project demolition drawings and described in more detail below.

The objective is to remove the building elements down to the perimeter foundation and/or lower concrete slab level and to leave the site in as safe condition as practical consistent with the requirements of the New York State Building. Grades are to be left at elevations that remain protective of both State Route 174 and the existing Nine Mile Creek shoreline. To accomplish this objective, note the following:

- a. *Pre-Demolition Survey:* A pre-demolition building survey¹ has been conducted and results indicate the presence of asbestos containing materials (ACM) within the northwest corner of the building. This area will require asbestos abatement prior to the commencement of demolition activities. This is to inform your firm that you are responsible for properly addressing the abatement, as well as coordinating the third-party air monitoring to ensure that the work is completed in accordance with all federal, State and local requirements. This includes all notifications and corresponding fees.

The pre-demolition survey also included a lead-based paint inspection report². Based on analytical testing, the building components identified as having the presence of lead are considered non-hazardous and do not require specialized handling or land-fill considerations. Please refer to the attached reports for additional information.

- b. *Road (Shoulder) Protection:* Currently, the contractor shall include a separate price to furnish and install the specified guide rail system along Route 174. There is a potential that the State DOT will ultimately provide this system.
- c. *Nine Mile Creek & Dam Protection:* This section of Nine Mile Creek includes a dam. The elevation difference between the upper and lower reaches is about 12 feet, but water is currently discharging through the lower spillway, as well as through the race that extends beneath the former mill foundation at an unspecified location(s). Caution needs to be exercised to protect the stream system at all times.
- d. *Fill Requirements:* It is anticipated that a fill program will be required to transition site grades from the south toward the north over an elevation difference of about 12 feet. The final limits will be contingent on the field conditions that result from the demolition effort and the volume of rubble that remains for site fill. The contractor shall provide a quote for providing 1,500 cubic yards of select (DOT-rated) fill as well as any alternate hard fill source that they may be willing to use. Note that any non-DOT certified quarry source will require analytical testing consistent with the requirements of this RFP. Unit prices for each fill material source shall also be provided.
- e. *Alternate Stream Embankment Stabilization Work:* The proposed demolition plans indicate an additional demolition and stream bank restoration program. The Town is requesting a separate quote for completing this work. If the option is selected, the Town will be responsible for coordinating the permitting program with the applicable agencies.

¹ *Pre-Demolition Building Survey*, prepared by Churchill Environmental, Inc., dated 8/25/2016

² *Lead-Based Paint Inspection Report*, prepared by Envirollogic of New York, Inc., dated 8/23/2016

The proposed demolition work and resulting grades are intended to provide general safety provisions for the site. Pedestrian traffic will be largely undeterred, as it is today. It is TDK's understanding that trespassing upon private property will remain the responsibility of the property owner. Project coordination is anticipated through TDK for the review of bids and site activities.

2. **General Demolition Program Requirements:** The building and interior debris will be removed and concrete, masonry and brick perimeter foundation/ wall material will be crushed. Remaining building rubble and imported fill will be used to stabilize the perimeter walls. Final grades will likely result in the existing southern slab-on-grade (or portion thereof) remaining and the lower foundation level filled to grade such that surface water drains from south to north toward the creek with an outfall discharge point along the north end of the former loading dock. Additional guidelines and requirements are summarized as follows:
- All work shall be consistent with the Town of Marcellus and State and federal agencies, as applicable. The contractor shall be responsible for processing all notifications, and related paperwork. At a minimum, the following notices/permits are anticipated:
 - Town of Marcellus – demolition permit
 - State DOT – ROW work permit, including traffic safety & maintenance plan
 - State Department of Labor, including related notification fees and satisfying payroll certification requirements associated with prevailing wage rate compliance, as applicable.
 - A State-licensed asbestos abatement contractor shall perform all abatement work associated with the friable ACM identified in the attached pre-demolition building survey.
 - A State-licensed asbestos demolition contractor shall perform all demolition, site and waste disposal work, including dust control provisions.
 - Building debris left from the asbestos demolition will be disposed of in accordance with federal, State and local requirements.
 - A third-party air monitoring consultant shall be retained by the Town, but site management/scheduling efforts will be coordinated through the demolition contractor.

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3. **Access:** Access is available from North Street (NYR 174) at the north end of the building. [Refer to the site location map provided on the attached *Demolition Plan (Sheet DM-1)*].
- The southern parking lot access and embankment area along Nine Mile Creek has failed and under this contract, is to be left protected and undisturbed. The appropriate agencies have been notified of the situation.
 - It is anticipated that demolition activities will require temporary shoulder and/or lane closures on North Street (NYR 174) as demolition progresses. This work will involve a right-of-way work permit from the NYSDOT.
 - A Work Zone Traffic Control plan (WZTC) has been prepared and traffic safety provisions shall be included in the bid [Refer to Sheet TC-1 for additional information].
 - It is understood that the magnitude of the physical road work may vary. The contractor is responsible for maintaining safe vehicle and pedestrian traffic adjacent to the Work Zone at all times during their site work consistent with the requirements of the State DOT.
 - All existing utility services to the building have been terminated. However, the existing utilities to remain along Route 174 and related infrastructure shall be appropriately protected at all times. Photo documentation in this regard is highly recommended.
 - Due to existing sub-slab conditions, the contractor should be aware that there could be cavities beneath the building associated with former water power raceways. Caution should be exercised with the use of heavy demolition equipment.
4. **Adjacent Dam & Property Protection:** There are no buildings within the immediate vicinity of the site that will require protection during the demolition process. However, Nine Mile Creek is located adjacent to the site's western boundary and appropriate measures shall be taken to protect the waterway and the existing dam that is located immediately west of the building.
- Provide appropriate erosion and sediment control to protect Nine Mile Creek from sediment-laden stormwater run-off. Additionally, no tracking of sediment/debris shall be allowed from the site. Photo documentation of the site prior to demolition is highly recommended.

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5. **Permitting & Agency Notifications:** Regulatory agencies that have been contacted to review the scope of work include the U.S. Army Corps of Engineers, the U.S. Fish & Wildlife, the State DEC and the County Soil & Water Conservation Service.

At a minimum, the designated contractor shall obtain a Building/Demolition Permit from the Town (to include payment of the permit fee, as applicable) and provide proof of all necessary insurance(s) in the amounts stipulated by the ~~Town (JED)~~ (see attached form). Unless instructed otherwise, the insurance certificates will also list the Town of Marcellus as additional insured.

- Provide estimated schedule of a start and finish date.
- The contractor shall obtain a NYSDOT right-of-way work permit that requires the implementation of a traffic safety and maintenance plan. The DOT permit fee shall be included in the bid (allow \$550).
- Asbestos project notification shall be posted on the jobsite per New York State Department of Labor (DOL) requirements.
- An asbestos project notification fee shall be paid to the State of New York and included in the bid.
- An Asbestos project notification shall also be made to the U.S. Environmental Protection Agency.
- Dig Safely New York (DSNY-811) shall be re-called at least 2 business days prior to the commencement of work (not including the call day).

6. **Salvage Effort:**

- The contractor's quote shall consider salvaging any re-usable steel or similar re-cycling opportunities.

7. **Building Demolition Requirements:**

- Mandatory asbestos abatement of the materials identified in the pre-demolition survey shall be performed by a State-licensed abatement contractor prior to the commencement of demolition activities.
- Remove all miscellaneous building debris including processing equipment, mechanical, electrical and plumbing-related junk debris to the limits indicated on the plan.

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- Remove all wood/timbers, roofing material, wall sheathing and non-salvageable metal from building limits.
- Dispose of all demolition debris consistent with federal, State and local requirements.
- Fill the existing sanitary holding tank with flowable fill. Tank is estimated to be approximately 6 feet in diameter and 6 feet deep [~ 6-7 cubic yards of material].
- Note that upon the successful completion of the asbestos abatement, all demolition debris may be handled as typical C&D material. The contractor shall identify which landfill(s) non-salvageable building materials will be transported to within the submitted bid documents.
- The following building materials shall be re-used on site as hard fill to achieve the proposed grades identified on the *Grading and Drainage Plan (Sheet GD-1)*: Concrete masonry units, bricks, cast-in-place concrete, asphalt pavement, stone and gravel.
- All concrete slabs not located on grade shall be demolished and used as hard fill within voids located below finished grade.
- The contractor shall assume that one layer of separation geotextile fabric shall be provided between existing and proposed fill layers. Separation fabric (Mirafi 500X or equal) shall be provided between building fill and imported material.
- Fill limits are generally defined by the top of the western building foundation wall/lower slab-on-grade elevation and the western shoulder of NYR 174. Some field adjustments should be expected. Refer to *Sheet GD-1* for detailed grading and drainage information.

8. Final Site Requirements:

- It is anticipated that additional imported fill material will be required to achieve the proposed grades identified on the *Grading and Drainage Plan (Sheet GD-1)*.
- Provide select structural fill (NYSDOT Item No. 304.12: Type 2 Sub-base) in order match the ground surface of the disturbed area with existing roadside grade as/if needed. Mound for settlement and compact with conventional equipment.
- Unless the contractor selects the fill source from a DOT-approved quarry, all sources of imported fill material shall be sampled and tested prior to placement at the subject

project site. The contractor shall provide the Project Engineer with documentation from an approved laboratory providing the results of the following analysis:

- Volatile Organic Compounds (VOCs)
- Semi-Volatile Organic Compounds (SVOCs)
- Polychlorinated biphenyls (PCBs)
- Metals
- Pesticides

The number of samples and the analytical program shall be consistent with the DEC's *DER-10 - Technical Guidance for Site Investigation and Remediation*, May 2010.

- Please note that the Town of Marcellus reportedly has fill material available comprised of both asphalt millings and roadside ditch clearing cuttings located near the Town garage property. This may be used as an alternate material source provided it meets the testing requirements cited previously. The material will be sampled and tested by the Town and available for use by the designated contractor as/if needed.
- Upon final placement, top fill material with four inches of topsoil, seed, and mulch over compacted fill. Note that imported top soil is also subject to the sampling and analysis requirements.
- Contractor shall provide unit costs for all fill and aggregate material within submitted bid documents. For quotation purposes, assume that 1,500 cubic yards of material will be required from an off-site source. For any non-DOT approved material, allow \$2,750 for acceptance testing program.

9. Insurance Requirements:

The Contractor agrees that, upon execution of the agreement and throughout its entire effective period, Contractor, and any Sub-Contractor, shall maintain the following insurance, with limits and conditions not less than those specified on the Certificate of Insurance form.

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CERTIFICATE OF INSURANCE

THIS CERTIFIES to the Town of Marcellus, 24 E. Main Street, Marcellus, New York 13108

That the following described policies have been issued to, and are in force now for:

NAME & ADDRESS _____

OF INSURED _____

COVERING BID REF.# **Former Martisco Paper Mill Co. Controlled Building Demolition**

<u>Kind of Insurance</u>	<u>Company and Policy #</u>	<u>Expiration Date</u>	<u>Limits of Liability</u>
(X) Workers' Compensation	On NYS Mandated Form		Statutory
(X) Disability Benefits Law			Statutory
(X) Comprehensive General Liability	Need policy in Owner's & Engineer's name or day binder		OCC of \$1,000,000 Agg. \$2,000,000
(X) Comprehensive Auto Liability			CSL of \$2,000,000
(X) Umbrella			\$2,000,000
(X) Owners Protective Liability			OCC of \$2,000,000 Agg. \$2,000,000
(X) Property Insurance (all risk)			\$ _____

The above described policies provide the following features or contain the following features or contain the following provisions required by contract by endorsement for this project:

1. The above policies will not expire and/or non-renew, be canceled for any reason or restricted in coverage until at least thirty days (30) days prior written notice has been given, by certified mail, to the Town of Marcellus, New York 13108.
2. The Comprehensive General Liability policy specifically includes premises/operations, products/completed operations, blanket broad form contractual, and independent contractor's liability coverage.

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3. Personal injury liability coverage is provided under bodily injury liability insurance.
4. Broad form property damage coverage is provided.
5. Coverage for explosion, collapse and underground hazards is included under the property damage liability.
6. The above described policies have been endorsed as necessary to provide the limits of liability indicated.
7. Automobile liability coverage applies to owned, non-owned, and hired automobiles.
8. The General Liability, Property and Umbrella policies have been endorsed to include Owner, Engineer and Engineer's Consultants as additional insureds, on an unrestricted primary and non-contributory basis.
9. Property Insurance (if required by contract) insures against the perils of fire and extended coverage and includes "all risk" insurance for physical loss and damage including theft, vandalism and malicious mischief, collapse and water damage and further includes damages, losses and expenses arising out of or resulting from any insured loss or incurred in the repair or replacement of any insured property (including but not limited to fees and charges of engineers, architects, attorneys and other professionals). Coverage is also provided for portions of the work stored on and off the site or in transit when such portions of the work are to be included in an Application for Payment.
10. The property coverage afforded under the property insurance policy permits the waiver of subrogation rights by the insureds.
11. The Certificate includes all the coverages required under the Contract Documents (even if not specifically set forth herein).

Name of Insurance Agency

Phone Number

Address of Insurance Agency

Date

Signature of Authorized Representative

Printed Name of Authorized Representative

BID ALTERNATE #1
[Southern Embankment Stabilization Program]

General: A separate quotation is being requested for removing an existing laid-up concrete panel (i.e., scrap concrete sidewalk sections) retaining wall along the southern embankment. Although this scope of work is beyond the building demolition program, the Town may consider an alternate demolition program to leave a completely stabilized site.

The area would be re-graded from the stream edge up to Route 174. The work would require cooperation with the State DOT, the DEC and the Army Corps of Engineers, at a minimum. The Town would be responsible for coordinating the permit process.

The appropriate stabilization measures would be comprised of a 10-foot wide strip of medium stone fill over a geotextile fabric along the stream bank length, as well as the use of a geotextile fabric in the uphill areas to promote faster stabilization and vegetative growth. More specifically, note the following:

- Remove approximately 115 lineal feet of stacked concrete panels being utilized as a retaining wall in an area located between the southwest corner of the building's foundation wall and the retaining wall comprised of rip-rap filled gabion baskets located within the NYSDOT right-of-way immediately south of the site.
- The concrete and stone that comprise the retaining wall shall be removed from the site and properly disposed of in accordance with State and local regulations.
- Re-grade the former limits of the retaining wall by providing a uniform slope between the creek's eastern edge of water and the western shoulder of NYR 174. Refer to Sheet GD-1.1 for detailed grading and drainage information.
- Provide select structural fill (NYSDOT Item No. 304.12; Type 2 Subbase) in order match the ground surface of the disturbed area with existing roadside grade as/if needed. Mound for settlement and compact with conventional equipment.
- Upon final placement, top fill material with four inches of topsoil, seed, and mulch and appropriately secured Anti-Wash 2,000 square feet of Anti-Wash Geojute stabilization fabric.
- Contractor shall provide unit costs for all fill and aggregate material within submitted bid documents.

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- The Town will be responsible for obtaining permits from the U.S. Army Corps of Engineers and/or the NYSDEC.
- Note that the installation of a turbidity curtain will be required to protect the waterway of Nine Mile Creek during shoreline work. Additional erosion and sediment control (ESC) practices (e.g. silt fence, erosion control eels, etc.) will also be required up-gradient of the creek. ESC features will require continual relocation as grading limits and stabilized soil locations will continue to change as the site work progresses.

Additional Considerations:

- *Unit Costs:* As suggested previously, since there will be quantities of imported fill material, the contractor should provide unit pricing and be responsible for providing copies of material haul receipts.
- All disposal documentation requirements such as transporter identification and weight tickets etc., need to be turned into the Project Engineer by the end of the job.

Comments and Questions: Please direct all requests for information and/or scheduling a site visit to John Houser (codes@marcellusny.com; 315-673-3269).

Please sign the acknowledgement below and attach a copy of this Request for Proposal to your bid document.

CONTRACTOR: Scanlon Trucking

Attn: Patrick Scanlon

ADDRESS:

3499 Slate Hill Rd,

Marcellus, New York 13108

Phone: (315) 447-5641

Fax: (315) 673-1434

Email: psca540651@earthlink.net

Acknowledgement: _____

Date: _____

**RESOLUTION
MARCELLUS TOWN BOARD**

November 10, 2016

The following resolution was offered by Councilor _____, who moved its adoption, seconded by Councilor _____, to wit:

WHEREAS, pursuant to the provisions of the Municipal Home Rule Law, Proposed Local Law 3 of the Year 2016 entitled, "A Local Law Overriding the Tax Levy Limit Established in General Municipal Law §3-C in the Town of Marcellus" was presented and introduced at a regular meeting of the Town Board of the Town of Marcellus held October 13, 2016; and

WHEREAS, the Town Board held a public hearing to consider said Proposed Local Law 3 of the year 2016 on November 10, 2016, and proof of publication of notice of such public hearing, as required by law, having been submitted and filed, and all persons desiring to be heard in connection with said proposed local law having been heard, and said Proposed Local Law having been in the possession of the members of the Town Board of the Town of Marcellus in its final form in the manner required by Section 20 of the Municipal Home Rule of the State of New York; and

WHEREAS, the Town Board has previously determined the enactment of Proposed Local Law 3 of the Year 2016 to be an Unlisted action pursuant to the State Environmental Quality Review Act (SEQRA), and has further determined that it will have no significant effect on the environment, thus concluding the SEQRA review process; and

WHEREAS, it is in the public interest to enact said Proposed Local Law 3 of the Year 2016.

NOW, THEREFORE, it is

RESOLVED AND DETERMINED, that the Town Board of the Town of Marcellus, Onondaga County, New York, does hereby enact Proposed Local Law 3 of the Year 2016 as Local Law 3 of the Year 2016 as follows:

**TOWN OF MARCELLUS
LOCAL LAW NO. 3 OF THE YEAR 2016**

**A LOCAL LAW TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN
GENERAL MUNICIPAL LAW § 3-c IN THE TOWN OF MARCELLUS**

Be it enacted by the Town Board of the Town of Marcellus as follows:

SECTION 1 LEGISLATIVE INTENT

It is the intent of this local law to override the limit on the amount of real property taxes that may be levied by the Town of Marcellus pursuant to General Municipal Law § 3-c, and to allow the Town of Marcellus to adopt a budget for the fiscal year beginning January 1, 2017, and ending December 31, 2017, that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law § 3-c.

SECTION 2 AUTHORITY

This local law is adopted pursuant to subdivision 5 of General Municipal Law § 3-c, which expressly authorizes the Marcellus Town Board to override the tax levy limit by the adoption of a local law approved by vote of at least 60% of the Marcellus Town Board.

SECTION 3 TAX LEVY LIMIT OVERRIDE

The Town Board of the Town of Marcellus, County of Onondaga, is hereby authorized to adopt a budget for the fiscal year 2017 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law § 3-c.

SECTION 4 SEVERABILITY

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation or circumstance shall be adjudicated by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, subdivision or part of this Local Law or in its application to the person, individual, firm, or corporation or circumstance directly involved in the controversy in which such judgment or order shall be rendered.

SECTION 5 EFFECTIVE DATE

This Local Law shall take effect immediately upon filing with the Secretary of State.

The question of the adoption of the foregoing resolution was duly put to a vote and upon roll call, the vote was as follows:

Chris Hunt	Councilor	Voted	Yes/No
Kevin O'Hara	Councilor	Voted	Yes/No
John Cusick	Councilor	Voted	Yes/No
Laurie Stevens	Councilor	Voted	Yes/No
Karen Pollard	Supervisor	Voted	Yes/No

The foregoing resolution was thereupon declared duly adopted.

DATED: November 10, 2016

Meeting – November 10, 2016

Upcoming dates for Meetings:

Workshop - Nov. 17, 2016 – Cancel

Workshop – Monday, November 28, 2016 – 5:00 pm

Town Board Meeting – Monday, December 12, 2016 – 7:00 pm

Workshop/ Year End Meeting – Thursday, December 29, 2016 – 5:00 pm.

Organization Meeting – Tuesday, January 3, 2017 at 5:00 pm.



CENTRAL NEW YORK SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS
5878 EAST MOLLOY ROAD, SYRACUSE, NY 13211
Administration Offices (315) 454-4479
Cruelty Investigation (315) 454-3469
Development (315) 454-8787
Education (315) 454-0409
Fax (315) 454-4908
www.cnyspca.org

RECEIVED

OCT 13 2016

MARCELLUS TOWN CLERK

October 7, 2016

Town Supervisor
TOWN OF MARCELLUS
24 East Main Street
Marcellus, NY 13108

RE: Cruelty Contract 2017

Dear ~~Supervisor~~ *Howard*,

Enclosed, you will find the Cruelty Contract for 2017. Please review and return to my attention by January 1, 2017. The CNY SPCA will continue to provide Cruelty Investigations for the Town until January 1, 2017.

If we do not receive a signed agreement by said date, your municipality will have decided not to receive Animal Cruelty Services by the CNY SPCA. We look forward to continuing our service with you.

If you have any questions or concerns, please contact Terri Para at 315-254-7489 or myself at 315-857-8929. Thank you for your time and cooperation.

Sincerely,

Nick Pirro
Interim Executive Director

THIS AGREEMENT, made this 1st day of January 2017, by and between the TOWN OF MARCELLUS a municipal corporation in the State of New York, hereinafter called the "MUNICIPALITY" and the CENTRAL NEW YORK SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS", a charitable corporation organized and existing under the laws of the State of New York, having it's office and principal place of business at 5878 East Molloy Road, in the Town of Dewitt, County of Onondaga, and State of New York, hereinafter called "CNYSPCA".

WITNESSETH

The CNYSPCA in consideration of the payment to it by the Municipality of certain sums of money to be paid in the manner and at the times hereinafter particularly described, hereby covenants and agrees that:

That the CNYSPCA will promptly respond to, investigate violations of and enforce provisions of Article 26 of the Agriculture and Markets Law of the State of New York which are reported to it by the Municipality and which are occurring within the boundaries of the Municipality. Such services will include as necessary seizure of, removal and shelter of any animal found to be the subject of a violation of the above referenced law.

The CNYSPCA shall bill the Municipality on an annual basis for services rendered herein.

The Parties agree that the total amount to be paid by the TOWN OF MARCELLUS for all services of the CNYSPCA to be provided under this agreement on an annual basis of \$559.00. Payment shall be due in 30 days of sign agreement.

The CNYSPCA shall have the absolute right to terminate this agreement and such action shall not be deemed a breach of contract. The CNYSPCA may terminate this agreement with 30 days noticed delivered or mailed to the Municipality.

The CNYSPCA is insured for acts or omissions of its employees with proof of insurance to be provided upon the execution of this contract.

IN WITNESS WHEREOF, the parties have caused their seals to be affixed hereunto and this Agreement to be signed by their duly authorized officers the day and year first written below.

DATED: _____

TOWN OF MARCELLUS

By: _____

Title: _____

DATED: _____

**CENTRAL NEW YORK SOCIETY FOR THE
PREVENTION OF CRUELTY TO ANIMALS**

By: _____

Nick Pirro, Interim Executive Director