

TOWN OF HENRIETTA

CEMETERY MAINTENANCE ASSISTANCE AGREEMENT

THIS AGREEMENT made this 14TH day of FEBRUARY, 2024 by and between Maplewood Cemetery Association, a public cemetery and New York Not-For-Profit Corporation, physically located on Middle Road in the Town of Henrietta, with a mailing address of 24 Flinton Run, Churchville, New York 14428 (hereinafter referred to as the "Cemetery") and the Town of Henrietta, a New York State Municipal Corporation, with its principal place of business at 475 Calkins Road, Henrietta, New York 14467 (hereinafter referred to as the "Town").

WITNESSETH:

WHEREAS, there presently exists upon the premises owned by the Cemetery on Middle Road, located in the Town of Henrietta, County of Monroe and State of New York, a completed and improved main roadway running through the Cemetery property; and

WHEREAS, the Cemetery is desirous of having the Town of Henrietta plow snow and salt said roadway, and assist with grading and landscaping and such other property maintenance activities as the parties may mutually agree upon; and

WHEREAS, the New York State Town Law, § 291, authorizes the Town to perform and conduct property maintenance activities for and on behalf of public cemeteries.

THEREFORE, the parties agree as follows:

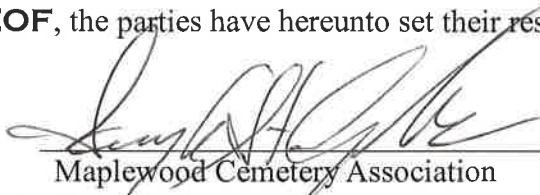
1. The Town of Henrietta shall, at intervals it deems best and in its sole discretion, remove snow and ice from the roadway and distribute salt upon said roadway in a manner consistent with its regular snow removal practices; and
2. The Cemetery will make its best efforts to ensure that motor vehicles and other obstructions are not present on said roadway, commencing November 15 and continuing through April 15 of the following year, in order to prevent the interference of said vehicles or obstructions with snow plowing operations conducted by the Town; and
3. At its option, the Town of Henrietta shall have the right but not the obligation to assist the Cemetery with grading and landscaping and such other property maintenance activities and practices as may be mutually agreed upon by the parties; and
4. The Cemetery shall indemnify and hold harmless the Town for any and all damage, including ordinary wear and tear that may occur to said roadway, any adjacent areas of said roadway, any grave markers or gravestones, and any other appurtenant improvements by virtue of the Town's property maintenance activities conducted thereon.

RECEIVED & APPROVED
TOWN OF HENRIETTA
COUNTY OF MONROE
STATE OF NEW YORK
TOWN CLERK

Further, the Cemetery shall provide the Town with a current Certificate of Insurance naming the Town as an additional insured relative to property maintenance activities upon the grounds of the Cemetery; and

5. This Agreement shall continue in full force and effect until such time as either party, upon written notice of not less than thirty (30) days, cancels this Agreement, whereupon it shall be of no further force and effect.

IN WITNESS WHEREOF, the parties have hereunto set their respective signatures to the Agreement.


Maplewood Cemetery Association
By: Gary Stockmaster


Town of Henrietta
By: Stephen L. Schultz, Supervisor

STATE OF NEW YORK

SS:

COUNTY OF MONROE

On the 8 day of February, 2024 before me personally came Gary Stockmaster, representative for Maplewood Cemetery Association, personally known to me or proved to me on the basis of satisfactory evidence to be the individual described in and who executed the foregoing instrument, and he/she/they duly acknowledged to me that he/she/they executed the same.

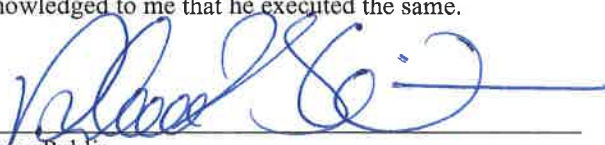

Notary Public
HEATHER VOSS
Notary Public, State of New York
Qualified in Monroe County
Reg. No. 01VO6259735
Commission Expires 04/16/2024

STATE OF NEW YORK

SS:

COUNTY OF MONROE

On the 14th day of February, 2024 before me personally came Stephen L. Schultz, representative for Town of Henrietta, personally known to me or proved to me on the basis of satisfactory evidence to be the individual described in and who executed the foregoing instrument, and he duly acknowledged to me that he executed the same.


Notary Public
REBECCA B. WIESNER
NOTARY PUBLIC, State of New York
Monroe County, No. 01W16268295
Commission Expires 9/04/2024



MAPLE-1

OP ID: DO

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

02/08/2024

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER
Regan Agency, Inc.
463 Deer Park Ave
Babylon, NY 11702
Brennan P. Regan

631-669-3434

CONTACT NAME: Brennan P. Regan

PHONE (A/C, No, Ext): 631-669-3434

FAX (A/C, No): 631-669-3035

E-MAIL ADDRESS:

INSURER(S) AFFORDING COVERAGE

NAIC #

INSURER A: Hartford Fire Insurance Co.

19682

INSURER B:

INSURER C:

INSURER D:

INSURER E:

INSURER F:

INSURED
Maplewood Cemetery Association, Inc
Gary Stockmaster
24 Flinton Run
Churchville, NY 14428

COVERAGES

CERTIFICATE NUMBER:

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WYD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	COMMERCIAL GENERAL LIABILITY						
	☐ CLAIMS-MADE ☐ OCCUR						
X	Business Owners	X		16SBAAK4704	08/28/2023	08/28/2024	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 300,000 MED EXP (Any one person) \$ 10,000 PERSONAL & ADV INJURY \$ GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ OTHER \$
	GEN'L AGGREGATE LIMIT APPLIES PER: ☐ POLICY ☐ PRO-JECT ☐ LOC						
	OTHER						
	AUTOMOBILE LIABILITY						
	☐ ANY AUTO ☐ SCHEDULED AUTOS ☐ OWNED AUTOS ONLY ☐ NON-OWNED AUTOS ONLY ☐ HIRED AUTOS ONLY						COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ OTHER \$
	UMBRELLA LIAB ☐ OCCUR EXCESS LIAB ☐ CLAIMS-MADE						EACH OCCURRENCE \$ AGGREGATE \$ OTHER \$
	DED ☐ RETENTION \$						
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY Y/N ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) ☐ N/A If yes, describe under DESCRIPTION OF OPERATIONS below						PER STATUTE ☐ OTHER ☐ E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$
							BUILDING \$ 32,400 PROPERTY \$ 1,200

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

The Town of Henrietta is listed as additional insured.

CERTIFICATE HOLDER

CANCELLATION

TOHENRI

Town of Henrietta
475 Calkins Rd
Rochester, NY 14623

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

AS ACTED UPON DURING A DULY NOTICED OPEN MEETING OF THE TOWN BOARD OF THE TOWN OF HENRIETTA, COUNTY OF MONROE, STATE OF NEW YORK, HELD AT THE HENRIETTA TOWN HALL AT 475 CALKINS ROAD, HENRIETTA, NEW YORK ON FEBRUARY 14, 2024 AT 6:00 P.M.

RESOLUTION #4-86/2024 To authorize the Supervisor to sign a Cemetery Maintenance Assistance Agreement with Maplewood Public Cemetery.

On Motion of Councilmember Barley	Seconded by Councilmember Page
--------------------------------------	-----------------------------------

WHEREAS, New York State Town Law, § 291, authorizes the Town to perform and conduct property maintenance activities for and on behalf of public cemeteries; and

WHEREAS, the Maplewood Cemetery Association, a public cemetery and New York Not-For-Profit Corporation, has requested assistance from the Town in keeping their main cemetery drive free of snow and ice; and

WHEREAS, the Town benefits by supporting public cemetery associations to maintain and manage public cemeteries.

THEREFORE, BE IT RESOLVED, that the Supervisor, on behalf of the Town of Henrietta, be hereby authorized to sign the attached agreement with the Maplewood Cemetery Association for the provision of Snow Removal and Ice Control Services, and other public works support, commencing immediately and cancelable at any time upon 30-days written notice to the other party.

Duly put to a vote:	
Councilmember Page	Aye
Councilmember Bellanca	Aye
Councilmember Barley	Aye
Councilmember Stafford	Aye
Supervisor Schultz	Aye
RESOLUTION ADOPTED	