

COPY

MENDON AGREEMENT

This Agreement, made the ____ day of _____, effective as of **January 1, 2021**, between the TOWN BOARD OF THE TOWN OF MENDON, County of Monroe and State of New York, hereinafter referred to as the "Town", and the VILLAGE OF HONEOYE FALLS, County of Monroe and State of New York, a municipal corporation, hereinafter referred to as the "Village".

WITNESSETH:

WHEREAS, there has been duly established in the Town of Mendon a Fire Protection District No. 1, embracing territory in said Town adjacent to the said Village of Honeoye Falls, as such district and duly adopted by the Town Board of said Town on October 16, 1939, and

WHEREAS, following a public hearing duly called by the Town, a resolution was adopted by the Town authorizing a contract with the Village for fire protection to said district on the terms and provisions herein set forth, and

WHEREAS, this contract has been duly authorized by the Village, and consented to pursuant to Section 209d of the General Municipal Law by the Volunteer Fire Department of the Village of Honeoye Falls, and

WHEREAS, the Village has heretofore furnished protection to said protection district by virtue of a written contract with the Town, which contract will expire on the **31st day of December, 2020** and the parties having now agreed upon the terms of a new contract, including its terms, conditions and geographical limits.

NOW, THEREFORE, the Town does engage the Village to furnish fire protection to said district, and the Village agrees to furnish such protection in the following manner, to wit:

1. The fire department of the Village shall at all times during the period of this Agreement be subject to call for attendance upon any fire occurring in such district, and when notified by alarm of a fire within the district, such department shall respond and attend upon the fire without delay with one or more companies and with suitable ladder, pumping and hose apparatus of the Village. Upon arriving at the scene of the fire, the firemen of the Village attending shall proceed diligently and in every way reasonable to the extinguishment of the fire, and the saving of life and property in connection therewith.

2. In consideration of furnishing fire protection during the period **January 1, 2021** through **December 31, 2021**, the Town shall pay to the Village the sum of **Two hundred and thirty-two thousand , three hundred and seventy two dollars and ten cents, (\$ 232,372.10)** Payment in full, to be made no later than **March 15, 2021**.

3. The Village further agrees that all apparatus shall be in good workable condition and repair for the furnishing of protection as herein provided. In the event of damage to or destruction of the apparatus and vehicles used for fire protection by reason of accidents, calamities or other unforeseen events or their employment elsewhere by virtue of the public emergency laws of the State of New York and/or Federal Government, and/or events connected therewith, the Village shall proceed with reasonable speed and diligence to replace or repair such apparatus and shall notify in writing the Town Clerk of such damage, destruction or employment elsewhere under said emergency laws of the State of New York and/or Federal Government.

4. It is further understood and agreed between the parties that the Village shall in no way be held responsible for delay in reaching the scene of a fire because of impassable roads, circumstances or conditions over which it had no control or for failure to extinguish a fire after reasonable effort.

5. Members of the Volunteer Fire Department of the Village engaged in the performance of their duties upon answering or attending upon any call provided by this contract shall have the same rights, privileges, and immunities as if providing the same in the Village of Honeoye Falls.

6. It is further understood and agreed between the parties that on and after the date of this Agreement, this Agreement shall be considered the only contract in force between the parties for the furnishing of fire protection.

7. It is mutually understood between the parties that the alarm system used by the Village of Honeoye Falls Volunteer Fire Department is activated electronically by the Fire Dispatching Service of the County of Monroe, 911 Emergency Service.

8. In further consideration of the sums due from the Town by reason of this contract, the Village does hereby assume all liability for the benefits due or to become due by reason of the Volunteer Firemen's Benefit Law or related laws as they now exist or may be amended, to any member of the Volunteer Fire Department of Honeoye Falls or other person rendering assistance thereto arising from or by reason of the performance of any duties required by this contract, and the Village agrees to indemnify the Town for any payment of benefits required of the Town by reason of such services. The Village will at all times maintain on file with the Town Clerk certificates of insurance reflecting coverage for the liability for benefits assumed hereby.

9. In further consideration of the sums due from the Town by reason of this contract, the Village does further hereby assume responsibility for all damage to such of its equipment as may be incurred in the performance of this contract.

10. It is the responsibility of the Town and Town does hereby agree to notify the Monroe County 911/Emergency Communication Center of any and all changes, additions, alterations and modifications to the roadways, streets, highways, drives and alleys, including name and number changes, within the Town covered by this contract. One of the purposes of this provision is to provide current addresses of buildings within the contract area so the Village can respond directly to any fire and emergency calls. Notice shall be in writing and shall be given to the Monroe County 911/Emergency Communication Center, c/o County Office Building, 39 West Main Street, Rochester, New York 14614, also a copy of the notice shall be sent to the Village Clerk of Honeoye Falls, 5 East Street, Honeoye Falls, New York 14472.

IN WITNESS WHEREOF, the parties have duly executed and delivered this Agreement the day and year first above written.

TOWN BOARD OF THE TOWN OF MENDON

VILLAGE OF HONEOYE FALLS

BY: _____
Supervisor

BY: _____
Richard B. Milne, Mayor

Town Councilman

Stanley Worboys, Jr., Trustee

Town Councilman

Shari Stottler, Trustee

Town Councilman

Dan Harris, Trustee

Town Councilman

Jacqueline Main Trustee

ATTEST:

ATTEST:

Town Clerk

Village Clerk

STATE OF NEW YORK)
COUNTY OF MONROE) SS:

On the _____ day of _____, 2020, before me, the subscriber, personally appeared _____

_____ of the Town of Mendon, County of Monroe, State of New York, to me personally known to be the Supervisor and Town Councilmen of the Town of Mendon, County of Monroe County, State of New York, and the same persons described in and who executed the foregoing Agreement, and they severally acknowledged that they executed the same as such.

Notary Public

STATE OF NEW YORK)
COUNTY OF MONROE) SS:

On the _____ day of _____, 2020, before me, the subscribers, personally appeared Richard B. Milne, Stanley Worboys, Jr., Shari Stottler, Dan Harris and Jacqueline Main of the Village of Honeoye Falls, County of Monroe and State of New York, to me personally known to be the Mayor and Trustees of the Village of Honeoye Falls, County of Monroe, State of New York, and the same persons described in and who executed the foregoing Agreement, and they severally acknowledged that they executed the same as such.

Notary Public

MENDON CONTRACT

The undersigned, Secretary hereof, does hereby certify that the following resolution was duly moved, seconded and unanimously passed at a regular meeting of the Honeoye Falls Fire Department held at its meeting rooms in the Village of Honeoye Falls, New York, on _____.

"RESOLVED, that the Honeoye Falls Fire Department consents to the execution of the within Contract by the Village of Honeoye Falls, New York, and will perform and execute Firematic duties in accordance with the terms thereof within the Town of Mendon, County of Monroe, State of New York, as described in said Contract."

Secretary
Honeoye Falls Fire Department

