

**Danby Town Board  
Minutes Meeting  
April 12, 2010**

**Present:**

Supervisor: Ric Dietrich  
Councilpersons: Leslie Connors, Kathy Halton, Dan Klein, Dylan Race

**Others Present:**

Town Clerk Pamela Goddard  
Code Enforcement Susan Beeners  
Highway Sup't Carl Seamon  
Bookkeeper Laura Shawley

**Members of the Public:**

Joel Gagnon, Ronda Roaring, Ames Brown, Julie Clougherty, Richard Driscoll, Representatives of the United Way (including Laura Smith, family of presenting children.

**Call to Order**

Supervisor Dietrich called the meeting to order at 6:50pm.

**Warrants:**

Highway Fund 2010, voucher #31-46 for \$172,554.41  
Moved by Klein, Second by Connors. The motion passed.  
In Favor: Connors, Halton, Klein, Race, Dietrich  
Water District Fund 2010, vouchers #12-21 for \$1,768.80  
Moved by Halton, Second by Race. The motion passed.  
In Favor: Connors, Halton, Klein, Race, Dietrich  
General Fund 2010, vouchers #140-188 for \$17,887.77  
Moved by Connors, Second by Klien. The motion passed.  
In Favor: Connors, Halton, Klein, Race, Dietrich

**Resolution No. 52 of 2010 - APPROVAL OF MINUTES**

**Resolved**, That the Town Board of the Town of Danby approve minutes of Town Board meetings and public hearing from 3/1/2010, 3/8/2010 and 3/25/2010, as amended.

Moved by Halton, Second by Dietrich. The motion passed.  
In Favor: Connors, Halton, Klein, Race, Dietrich

**Guest Speakers - United Way Grant Presentation:**

Laura Smith, Danby Youth Program Manager, introduced the five participants in the youth grant project alongwith Meg Cole, UW Director of Community programs, Lynette Schofield, and James Brown, President of United Way. Schofield described youth in tune with their community. "When they see the results of the money that they've allocated for these projects they will know, 'I had something to do with this.' I can't imagine that it gets more exciting than that. This lays the foundation for philanthropy in the future," Schofield said.

The students called up awardees and said why they awarded those grants. Five students reviewed each of three grant proposals and decided how much money to award to each grant.

- Danby Park Association was awarded \$1,000 for picnic tables and recycling bins. Julie Clougherty

accepted on behalf of the DCPA.

- Fire District and Code Enforcement was awarded \$1,400 for legible address signs to be made available to Seniors and people with disabilities. Sue Beeners accepted on behalf of Code Enforcement and the Fire District.
- \$600 was awarded for two scholarships in Applied Suicide Intervention Skills Training. Richard Driscoll accepted on behalf of Suicide Prevention.

The students, their families, and the awardees enjoyed cookies and juice in the small meeting room after the presentation in celebration of the program and these awards.

### **Privilege of the Floor:**

Ronda Roaring has gathered information about fines for dog ordinance violations in the various Towns of Tompkins County. Roaring will send detailed information to the members of the Town Board. She would like to have this issue included on the May 3 Town Board meeting agenda. She stated that, where Towns have small fines in relation to dog concerns, clerks report more complaints. In the Town of Lansing, where fines are much higher, fewer problems are claimed. Roaring believes that Danby needs to, “Get really serious about dog fines.” She also suggests community service rather than jail time for such issues.

### **Stormwater Fee Resolutions:**

Code Enforcement Officer Sue Beeners gave a short explanation of four resolutions before the Board. There were a few questions about “unlisted actions” and the use of escrow accounts for stormwater permits.

“Unlisted actions” are those which are unlikely to have an adverse impact but still warrant environmental review. Monies in escrow are held for full SWPP, used for Code Enforcement outside of normal enforcement, outside help, and attorneys fees. These accounts are administered by the Town Clerk’s office. These would be coordinated by the Bookkeeper, CEO, and Town Clerk.

Beeners is also trying to get “free advice” from the Stormwater Coalition for the MS4 application and other complicated aspects of this law.

### **Resolutions No. 53, 54, 55, and 56 of 2010 - ESTABLISHING FEES FOR STORMWATER MANAGEMENT, EROSION AND SEDIMENT CONTROL, AND OTHER ACTIVITIES**

**Resolved**, That the Town Board of the Town of Danby approve these four resolutions as a group.

Moved by Connors, Second by Dietrich. The motion passed.

In Favor: Connors, Halton, Klein, Race, Dietrich

### **Resolution No. 53 of 2010 - SEQRA DETERMINATION OF ENVIRONMENTAL SIGNIFICANCE WITH RESPECT TO ESTABLISHING FEES FOR BUILDING CODE, ZONING ORDINANCE, SUBDIVISION AND LAND DIVISION REGULATION, STORMWATER MANAGEMENT, EROSION AND SEDIMENT CONTROL, AND OTHER ENFORCEMENT ACTIVITIES (see also SEQRA Short EAF)**

**Whereas**, this action is the Adoption of a Resolution Establishing Fees for Building Code, Zoning Ordinance, Subdivision & Land Division Regulation, Stormwater Management, Erosion and Sediment Control, and Other Enforcement Activities, which Resolution would amend Resolution No. 18 of 2009; and

**Whereas**, this is an Unlisted Action for which the Town Board is acting as Lead Agency in environmental review; and

**Whereas**, the Town Board on April 12, 2010 has reviewed the Short Environmental Assessment Form and the recommendation of the Code Enforcement Officer that a negative determination of environmental significance be made for this action;

**Now, therefore it is Resolved**, that the Town Board of the Town of Danby, acting as Lead Agency in review of this Unlisted Action, makes a negative determination of environmental significance.

### **Resolution No. 54 of 2010 - ESTABLISHING FEES FOR BUILDING CODE, ZONING**

**ORDINANCE, SUBDIVISION AND LAND DEIVISON REGULATION, STORMWATER MANAGEMENT, EROSION AND SEDIMENT CONTROL, AND OTHER ENFORCEMENT ACTIVITIES**

**Whereas**, the Town Board of the Town of Danby by Resolution No. 72 of 1991, amended by Resolution No. 18 of 2009, has established fees for permits, review, and other matters related to administration and enforcement of the New York State Uniform Fire Prevention and Building Code, the Zoning Ordinance of the Town of Danby, and the Subdivision Regulations of the Town of Danby; presently entitled the Subdivision and Land Division Regulations of the Town of Danby; and

**Whereas**, the Town wishes to update such fees in conjunction with said legislation as it may be amended from time to time and to add fees associated with the Town of Danby Stormwater Management, Erosion and Sediment Control Local Law (Local Law Number 1 of 2010), Local Law No. 2 of 2010, "Stormwater Amendments to Town of Danby Zoning Ordinance," and Local Law No. 3 of 2010, "Stormwater Amendments to Subdivision and Land Division Regulations," all of which laws were adopted by the Town Board on February 8, 2010;

**Now, therefor**, it is

**Resolved**, that the fees set forth below shall supersede any other fees established by any prior resolutions of this Board for the activities described herein; and it is further

**Resolved**, that the fees set forth below shall take effect immediately; and it is further

**Resolved**, that fees for the items set forth below be calculated as follows:

**The body of Resolution No. 54 is included as Appendix A to these minutes.**

**Resolution No. 55 of 2010 - DETERMINING VARIOUS FEE RATES FOR THE REVIEW OF CERTAIN DEVELOPMENT APPLICATIONS**

**Whereas**, Resolution No 54 of 2010, "Establishing Fees for Building Code, Zoning Ordinance, Subdivision & Land Division Regulation, Stormwater Management, Erosion and Sediment Control, and Other Enforcement Activities", adopted by the Town Board of the Town of Danby on April 12, 2010 provides that certain fees may be charged by the Town to cover some town staff and personnel time and expenses, and various types of Expert Expenses as described in said resolution; and

**Whereas**, said resolution also provides that the hourly rates to be charged for Town staff for this purpose may be determined from time to time by the Town Board; now, therefore, it is

**Resolved**, that the Town Board of the Town of Danby hereby determines the following hourly rates for said purpose:

- a. Town Zoning/Code/Fire Enforcement Officer and Stormwater Management Officer/Manager: \$34.90;
- b. Town Code/Fire Enforcement Officer and Stormwater Management Officer: \$25.80; and
- c. Town Highway Superintendent: \$38.06.

**Resolution No. 56 of 2010 - CONSIDER AUTHORIZING TOWN SUPERVISOR TO EXECUTE AN AGREEMENT FOR SERVICES WITH TOMPKINS COUNTY SOIL AND WATER CONSERVATION DISTRICT WITH RESPECT TO STORMWATER MANAGEMENT ACTIVITIES**

**Resolved**, that the Town Board of the Town of Danby authorizes the Town Supervisor to execute an agreement for Services with the Tompkins County Soil and Water Conservation District for professional services in the review, approval, and inspection of Stormwater Pollution Prevention Plans related to Land Development Activities.

**The body of Resolution No. 56 is included as Appendix B to these minutes.**

**Road Excavation Law:**

This draft law needs further review and input from the Highway Superintendent and his assistant, Town Supervisor, Code Enforcement, and members of the Town Board. After some discussion, a meeting was set for Friday, April 16 starting at 9am. Kathy Halton and Leslie Connors volunteered to attend this meeting. There was a question regarding the status of this law with the other Towns adopting the same legislation. Supervisor Dietrich advised that the other Towns may have been sidetracked by other issues. Halton suggested that this question be raised at an upcoming TCCOG meeting, and that Danby proceed to

prepare the law for passage on its own.

**Delta Engineering:**

There was a question as to whether a resolution was needed to authorize the Highway Department to enter into a preliminary agreement, or negotiate terms for an agreement with Delta Engineering for develop a road assessment process, including a road evaluation database, and to draft a second set of road usage agreements and road permit laws.

This will give the Highway Department justification for putting weight limits on some roads, designating roads as seasonal use only, etc. The Highway Department will be actively involved in the assessment process. This would be useful for any type of heavy, industrial road use. It is anticipated that this will be a three-phase agreement - \$8,500 for a long term road management plan and interactive data base. For an additional \$3,000 Delta Engineering will evaluate all Town roads.

After some discussion, it was decided that a formal resolution was not needed at this time. There are some additional questions which need to be resolved before a formal contract is signed. The Town Board directed Highway Superintendent, Carl Seamon and Assistant Shawley to informally talk and negotiate with Delta Engineering and report back to the board. This report should be on the May town board agendas.

**NYSERDA Grants:**

A Town representative is needed to meet with representatives from other towns to draft a plan for how the “circuit rider” position will be used by the collaborating municipalities. Dan Klein volunteered to contact representatives from the other towns and initiate a meeting on this topic.

**dSGEIS Resolution:**

Halton presented an updated resolution, drafted to “keep pressure” on the Governor to withdraw the draft Suplimental Generic Environmental Impact Statement. Though this is similar to a previous resolution, this addresses current bills in Albany related to gas drilling activity.

**Resolution No. 57 of 2010 - RESOLUTION OF THE DANBY TOWN BOARD URGING GOVERNOR PATERSON TO WITHDRAW THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION’S (DEC’S) DRAFT SUPPLEMENTAL GENERIC ENVIRONMENTAL IMPACT STATEMENT (dSGEIS) REGARDING HIGH-VOLUME HYDRAULIC FRACTURING GAS DRILLING IN NEW YORK STATE**

**Whereas** the draft SGEIS fails to consider the cumulative effects of drilling the large number of wells envisioned by the gas industry, and

**Whereas** the draft SGEIS fails to consider the sources of the large volumes of water that this process requires for the number of planned wells, and

**Whereas** the draft SGEIS fails to address the environmental impact of the substantial length of the pipelines required to collect the natural gas, and

**Whereas** the draft SGEIS fails to propose/require drillers to have a safe method of managing natural gas drilling wastewater and hydrofracturing fluid, but leaves that task to local authorities, and

**Whereas** the DEC has neither identified the level of, nor funding required for their efforts or those of local governments to properly monitor such drilling operations, and

**Whereas** the draft SGEIS fails to address critical issues associated with water withdrawal, strict clean up liability, natural gas spill reporting, insurance coverage and unfunded local government mandates, and

**Whereas** the DEC's own documents show that existing regulations have failed to prevent or to require the clean-up of hundreds of natural gas and oil drilling problems, involving fires, explosions, polluted drinking water wells, home evacuations and massive drilling wasterwater releases, be it

**Resolved** that the Town of Danby urges Governor Paterson to withdraw the New York State Department of Environmental Conservation’s (DEC’s) draft Supplemental Generic Environmental Impact Statement (dSGEIS) regarding high-volume hydraulic fracturing gas drilling in New York State.

Moved by Halton, Second by Connors. The motion passed.

In Favor: Connors, Halton, Klein, Race, Dietrich

Copies to be sent to Governor Paterson, Judith Enck of the EPA, and Commissioner Grannis of the DEC

#### **Youth Services Resolution:**

Dan Klein presented a resolution, needing signatures by Supervisor Dietrich, providing permission for the Town of Danby to accept **\$1,310** for youth services and recreation. This will be used for Jennings Pond and Community Council for its youth programming.

#### **Resolution No. 58 of 2010 - AGREEMENT TO RECEIVE YOUTH SERVICES FUNDS**

**Resolved**, That the Town Board of the Town of Danby authorizes the Town Supervisor to sign an agreement with the Tompkins County Youth Services Program for reimbursement in the amount of \$1,310 for use in Danby Youth Recreation.

Moved by Klein, Second by Connors. The motion passed.

In Favor: Connors, Halton, Klein, Race, Dietrich

**The body of this agreement is included as Appendix C to these minutes.**

#### **Staff needs and possible budget adjustment:**

Supervisor Dietrich and Bookkeeper Shawley made a presentation about a proposed budget adjustment to be used to hire Robert Roe as Deputy Clerk/Assistant to Bookkeeper. Deputy Clerk Roe has agreed to fill this position, should the arrangement be agreed to by the Board. Both Shawley and Goddard believe that this arrangement would be helpful for both offices. Shawley has a strong need for assistance with paperwork for various day to day bookkeeping tasks. This will allow her to spend more time in financial planning and open other areas of her expertise assisting at the Highway Department.

This position would be 30 hours a week at \$12 an hour. It is proposed that Roe will work 10 hours a week as Deputy Clerk and 20 hours as Assistant to Bookkeeper. Shawley provided a detailed description of where this money would come from in the existing budget and how this money would be used. The bulk of these funds will come from the line item for "Supervisor Assistant." Approximately \$4,243 would be transferred from the "Unallocated Insurance Line."

There was some concern that Shawley will be taking a pay cut. Shawley stated that she would rather have the help than the few extra thousand dollars this year. There was a question as to whether this new position should be advertised. Supervisor Dietrich and Shawley emphasized elements of compatibility and trust. Roe is already familiar with the voucher system and has a feel for collaborative work between the offices. The proposal is to have Roe work in this position for the remainder of 2010, and then evaluate how effective it was. If this arrangement works well, it will be a formal line in the 2011 budget.

#### **Resolution No. 59 of 2010 - TOWN HALL POSITION OF DEPUTY CLERK/ASSISTANT TO BOOKKEEPER**

**Resolved**, That the Town Board of the Town of Danby allocate the funds for the position of Deputy Clerk/Assistant to Bookkeeper for the remainder of 2010, at the rate of \$12 an hour for up to 30 hours a week.

Moved by Halton, Second by Race. The motion passed.

In Favor: Connors, Halton, Klein, Race, Dietrich

#### **Legislative Report:**

Frank Proto reported on a variety of issues being dealt with at the County level. He reported that the number of topics under consideration through the County Legislature are extensive. These topics include the State and County budget, the stormwater coalition, health care initiatives and the health consortium, Alternatives to Incarceration (ATI), continuing broadband initiatives, census committee, a new statewide agriculture task force, affordable housing, and the "Property Assessed Clean Energy" (PACE) program. PACE would issue low cost municipal bonds for homeowners for clean energy improvements.

Proto reported that a housing proposal for White Hawk is in the second round of consideration for affordable housing support. Additional information is needed on their application.

Negotiations related to the county budget are taking a lot of Proto's time. Currently the budget is short \$4.5 million. The shortfall and slowness of reimbursements is hurting every agency and department in the county. The overarching concern is money.

**Assessment Review Board:**

Assessment Grievance Day is set for Thursday, May 20. This will be held at the Danby Town Hall from 3-6pm. Both applicants are available and will attend training on April 29.

**Resolution No. 60 of 2010 - CITIZEN ADVOCATES FOR GRIEVANCE DAY**

**Resolved**, That the Town Board of the Town of Danby appoints Joel Gagnon and Tom Seaney as citizen advocates to the assessment review board for grievance day.

Moved by Klein, Second by Dietrich. The motion passed.

In Favor: Connors, Halton, Klein, Race, Dietrich

**Amendment to Agreement to spend Highway funds:**

**Amendment to Resolution No. 27 of 2010 - AGREEMENT TO SPEND TOWN HIGHWAY FUNDS**

**General Repairs**, The sum of \$329,463 may be expended for General repairs upon 73.39 miles of town highways including sluices, culverts, and bridges.

Improvements. The following sums shall be set aside to be expended for the improvements of town highways;

a. The sum of \$80,000 shall be spent to improve Gunderman Road from Rte. 96B to Comfort Road. Road will be reconstructed in the worst locations, with the addition of drainage fabric and band run. The entire road will be graded, compacted, and have an oil and stone finish.

b. The sum of \$31,200 of CHIPS money to be spent on projects to be determined by the Highway Supervisor at a later date.

Moved by Klein, Second by Dietrich. The motion passed.

In Favor: Connors, Halton, Klein, Race, Dietrich

**Adjournment**

A motion to adjourn the Meeting was made at 9:33pm.

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Pamela S Goddard, Town Clerk

## Appendix A

### **Resolution No. 54 of 2010 - ESTABLISHING FEES FOR BUILDING CODE, ZONING ORDINANCE, SUBDIVISION AND LAND DEIVISON REGULATION, STORMWATER MANAGEMENT, EROSION AND SEDIMENT CONTROL, AND OTHER ENFORCEMENT ACTIVITIES**

**Whereas**, the Town Board of the Town of Danby by Resolution No. 72 of 1991, amended by Resolution No. 18 of 2009, has established fees for permits, review, and other matters related to administration and enforcement of the New York State Uniform Fire Prevention and Building Code, the Zoning Ordinance of the Town of Danby, and the Subdivision Regulations of the Town of Danby; presently entitled the Subdivision and Land Division Regulations of the Town of Danby; and

**Whereas**, the Town wishes to update such fees in conjunction with said legislation as it may be amended from time to time and to add fees associated with the Town of Danby Stormwater Management, Erosion and Sediment Control Local Law (Local Law Number 1 of 2010), Local Law No. 2 of 2010, "Stormwater Amendments to Town of Danby Zoning Ordinance," and Local Law No. 3 of 2010, "Stormwater Amendments to Subdivision and Land Division Regulations," all of which laws were adopted by the Town Board on February 8, 2010;

**Now, therefor**, it is

**Resolved**, that the fees set forth below shall supersede any other fees established by any prior resolutions of this Board for the activities described herein; and it is further

**Resolved**, that the fees set forth below shall take effect immediately; and it is further

**Resolved**, that fees for the items set forth below be calculated as follows:

#### **1. Miscellaneous Provisions.**

(a) The Town Board, Planning Board, Board of Appeals, Code Enforcement Officer, or Stormwater Management Officer, and the individual members and alternate members of each such body or Board, as applicable (each and all herein, together with the members of any such body or Board, a "Town Official"), shall not hold any public hearing, conduct any review, or take any action upon any matter or application before such Town Official, including, but not limited to, the review, approval, or issuance of any permit or endorsement, until and unless each, any, and all applicable fees and reimbursable costs and expenses (herein and together, the "Fees") have been either (1) paid to the Town, with a receipt therefor provided, or (2) paid into escrow as hereinafter set forth. Examples of such Fees may include filing fees and expenses, publication fees and expenses, mailing fees and expenses, conference and other room rental fees and expenses, service of process fees and expenses, photocopying and printing fees and expenses, transcription fees and expenses, Town staff and personnel time and expenses, and various types of Expert Expenses (as further defined below).

(b) Fees shall be calculated by the Code Enforcement Officer or Stormwater Management Officer, as applicable (herein and respectively, the "CEO" and "SMO"). Whenever they deem it desirable, the CEO or SMO may require that a reasonable initial estimated amount of Fees be paid into an escrow account managed by the Town Clerk's Office, which shall issue receipts for all deposits thereto. Such receipts shall state the purpose of the escrow and be delivered by the Town Clerk to the CEO or SMO, as applicable, to accompany any application or otherwise be and become a part of the project file. Upon final project approval or closure, as applicable, any unused balance in any escrow account shall be refunded to the person or entity who deposited such Fees.

(c) Whenever an escrow account or deposit is required the developer or applicant shall initially deposit the applicable stated or calculated sum (the "Deposit") with the Town, which sum shall be placed in a non-interest bearing account. The Town may draw down or utilize such Deposit to reimburse the Town for any applicable costs or expenses of review related to the matter or purpose of such Deposit. Upon consumption or depletion of any Deposit below 15% of the amount of the initial Deposit, the SMO or CEO may, by written notice, require an additional Deposit in an amount reasonably calculated under

applicable law. The developer or applicant shall replenish the escrow account by paying a Deposit equal to the sum stated in such notice within 15 business days of the date of delivery of such notice.

(d) No Fees paid to the Town shall be returned or refundable, regardless of whether the underlying application, permit, matter under review, or other matter for which a Fee is paid, is granted, denied, reduced in size, abandoned, or conditionally approved or rejected, unless: (1) the amount of the Fee was calculated in error; (2) this resolution specifically permits such return or refund; (3) the amount to be refunded or returned is the balance in any escrow account; or (4) such return or refund is required by a Town law or ordinance, by a New York State statute or regulation, or ordered by judicial decree.

(e) The payment of any Fees shall not relieve any person or entity from the provision of security, bonds, letters of credit, or other assurances or guarantees of payment or performance required under any ordinance, local law, law, statute, rule, regulation, or the like. Nor shall the payment of any Fees or the refund of any balance of any escrow relieve any person or entity from any promise, agreement, guarantee, warranty, or obligation to the Town or any Town Official.

(f) Whenever the amount of any Fees may or shall include the cost of any attorney, engineering, surveying, or other expert or specialized consultant's fees (herein, separately and together, "Expert Expenses"), the Town Supervisor, the CEO and/or the SMO shall reasonably estimate the anticipated costs to the Town for such Expert Expenses and charge such amount as Fees hereunder. Each, any, and all matters before the Town or any Town Official may permit the Town Supervisor, CEO, or SMO to require that Expert Expenses be or become part of any Fee or escrow amount required to be paid. Notwithstanding the foregoing, no Expert Expenses shall be charged in any amount greater than allowed by applicable law. The Town or any Town Official may standardize Fees to include the reasonable average cost of Expert Expenses.

(g) For purposes of calculating fees in any dormitory, two bedrooms shall constitute one dwelling unit.

(h) Any inspections relating to building permits requested outside of normal business hours will be billed at the rate of \$35.00 per hour (minimum charge of 2 hours) in addition to the permit fee.

## **2. Building Permit Fees.**

(a) Building permit fees for new construction shall be calculated based upon square footage of the structure. Basement area is excluded from the square footage if the basement is unfinished and not used as living quarters. When the square footage calculation cannot be readily applied, the fee will be based upon the estimated cost of the improvement as determined by the Code Enforcement Officer. Unless otherwise determined by the Code Enforcement Officer, the fees shall be calculated as follows:

### **Residential New Construction:**

All One and Two Family Residences, and Additions (exclude basements from square foot total if unfinished)	<b>25 cents/square foot*</b>
Mobile Homes on private lots, (doublewides and temporary singlewides)	<b>\$ 200.00</b>
Mobile Homes on rental lots, (doublewides and singlewides)	<b>\$ 75.00</b>
Garages, Pole Barns, Storage Buildings, Decks & Porches (note that a new residence with a garage will pay \$.25 + \$.10 per sq ft.)	<b>10 cents/square foot*</b>
Swimming Pools, (above ground and in-ground)	<b>\$ 45.00</b>
All Solid Fuel Stoves or Burning Appliances, (wood, coal, pellet, etc.) (Appliance and Chimney must be inspected by Code Enforcement Officer)	<b>\$ 25.00</b>



**Renovations and Alterations:**

All Renovations and Alterations **25 cents/square foot\***  
When the per sq. foot isn't feasible for calculation, fee will be based upon  
**\$ 4.00 per thousand\*\***

**Commercial Construction:**

Based on Estimated Cost of Construction **\$ 5.00 per thousand\*\***

**There Will Be A Minimum Fee Of \$35.00 For All Permits Unless Otherwise Noted**

- \* Square Footage is Based Upon Exterior Measurements in All Cases
- \*\* The "per thousand dollars" estimated cost of construction is determined by the Code Enforcement Officer and will include an estimated cost for labor along with materials.

(b) In the event that a building permit must be renewed, a fee equal to 50% of the original building permit fee will be charged prior to re-issuance of the permit.

(c) In the event that an application for a building permit is not approved, the applicant shall be entitled to a refund of 75 % of the fee paid.

**3. Other code enforcement inspection fees related to administration and enforcement of the New York State uniform fire prevention and Building Code.**

(a) When a Certificate of Occupancy is issued in conjunction with completion of new construction for which a building permit fee has been paid, there shall be no charge for the Certificate of Occupancy. If a Certificate of Compliance is requested independent of construction for which a building permit has been issued (e.g., an application for a certificate evidencing compliance with all applicable rules and regulations when the property changes hands) there shall be a fee of \$100.00 for the issuance of the certificate.

(b) Whenever an inspection is required related to inspection of areas of public assembly, periodic inspection of other occupancies, or an operating permit, as provided in the Town's Local Law Providing for the Administration and Enforcement of the New York State Uniform Fire Prevention and Building Code, the fee shall be \$50.00.

**4. Stormwater Management, Erosion and Sediment Control Fees.**

(a) The Town shall require any person or entity undertaking any Land Development Activity, as defined in and as regulated by Town of Danby Stormwater Management, Erosion and Sediment Control Local Law (Local Law Number 1 of 2010, herein the "Stormwater Local Law, which term shall include Local Law No. 2 of 2010, entitled "Stormwater Amendments to Town of Danby Zoning Ordinance," Local Law No. 3 of 2010, entitled "Stormwater Amendments to Subdivision and Land Division Regulations", each and all as now written or as hereafter amended or re-codified) to pay the Fees set forth below, in addition to the costs of review for Stormwater Pollution Prevention Plans ("SWPPPs"), costs of inspections, and/or maintenance expenses incurred by the Town, whether performed by the Town or by a third party for the Town, including all Expert Expenses, and any costs or expenses incurred for any further or other reviews or actions under such Stormwater Local Law, including, but not limited to, wetland delineations, site plan reviews, re-zoning matters, subdivision reviews, and other actions and reviews relating to land development activities, as so defined in such Stormwater Local Law.

(b) A non-refundable fee shall be paid along with each SWPPP application as set forth below to cover expenses related to the initial review and processing of the SWPPP application.

(c) For each SWPPP review under any Stormwater Local Law, an escrow account shall also be established as set forth below and an additional amount shall be deposited as escrow to be used by the Town to cover the the actual costs and expenses incurred by the Town in relation to the review of a SWPPP and subsequent inspections for SWPPP implementation. An escrow agreement providing for the deposit of the amounts herein set forth shall be executed by the applicant and the Deposit made in the amount set forth here or therein. Sums so deposited and not utilized in the review and inspection process shall be returned to the applicant within a reasonable period of time after final approval by the Town of SWPPP implementation. At the time of such return (or if no funds are due, within a reasonable period of time after final disposition of the SWPPP activity), the Town will provide an accounting of the expenses charged to the escrow account.

(d) Fees for Land Development Activities as defined in and as regulated by the above Stormwater Local Laws are as follows:

**Fee Schedule–Stormwater Management, Erosion and Sediment Control Plans and Related Inspections:**

**Simple SWPPP**

If Land Development Activity is not within 50 feet of any Surface Waters, Wetland, or Watercourse:  
**No Fee.**

If Land Development Activity is within 50 feet of any Surface Waters, Wetland, or Watercourse:  
**\$250.00 initial Deposit as escrow.**

**Basic SWPPP**

Non-refundable application Fee: **\$90.00**  
Review and Inspection Fee: **\$250.00 initial Deposit as escrow.**

**Full SWPPP**

Non-refundable application Fee: **\$250.00**  
Review and Inspection Fee: **\$500.00 initial Deposit as escrow.**

**All SWPPPS** – If field delineation of wetland boundaries is required, such delineation shall be performed by a certified wetlands expert. The Fee for the delineation and related Expert Expenses shall be paid by the applicant. The estimated cost for the delineation shall be deposited in escrow with the Town before the delineation will commence. The applicant, at his/her option, may directly arrange for and provide such certified wetlands delineation.

**5. Application fees related to Land Divisions, Subdivisions, Site Plans, Special Permits, and Rezonings.**

(a) A non-refundable Fee shall be paid along with each application as set forth in the Schedule of Application and Review Fees, as set forth below, to cover Fees related to the administration and processing of applications, including agenda or public hearing notices, clerical processing, and preliminary processing of the application by planning and/or engineering personnel.

(b) Whenever an application or appeal is filed with the Town for which a public hearing is required, there shall be paid simultaneously a Fee of \$75.00 to defray the costs of publishing and mailing the notice and application to appropriate parties, and the costs of transcribing the proceedings relating to the application or appeal. Such \$75.00 Fee is included in the Fee Schedule set forth below as part of the initial application fee.

(c) If the hearing continues for more than one meeting, thus necessitating re-publication and/or re-noticing, an additional Public Hearing Fee shall be paid prior to each continued hearing. If the matter continues for more than one meeting but the subsequent meetings do not require a public hearing, an

Agenda Processing Fee shall be paid prior to each additional meeting at which the matter is continued without a public hearing. In the discretion of the applicable Town Official additional Public Hearing Fees or additional Agenda Processing Fees may be waived with respect to any subsequent meetings, particularly if the continuation was necessitated by actions of the Town and not the applicant.

(d) Any of the above Fees may be waived in whole or in part, or may be modified by the Town Supervisor or the CEO, for good cause shown.

(e) In the case of **Subdivision or Site Plan** applications, the Planning Board, in its discretion, may waive all or any portion of the Fee for a final plat or final site plan approvals in those circumstances where Final Plat or Plan Approval is given simultaneously with Preliminary Plat or Plan Approval.

(f) In the case of Clustered Subdivision applications, the Fees set forth for subdivisions shall apply.

(g) In the case of applications for **Rezoning**, a basic Fee as set forth in the Fee Schedule for initial review of the general plan by staff and the Town Board shall be submitted with the initial application. When the rezoning is referred to the Planning Board for recommendation, the Fee for Site Plan Review - Preliminary Plan shall be paid prior to any further review of the general plan by the Planning Board and prior to any recommendation by the Planning Board to the Town Board. If the Town Board approves an application for rezoning upon recommendation by the Planning Board, and when specific development is proposed, the Fee for Site Plan Review - Final Plan shall be paid to cover the costs of further review by staff and the Planning Board. The Planning Board, in its discretion, may waive all or any portion of the Fee for Site Plan Review – Final Plan when there are no substantial changes from the general plan as recommended by the Planning Board and as approved by the Town Board.

(h) In the case of applications for a **Special Permit**, a basic Fee as set forth in the Fee Schedule for initial review of the general plan by staff and the Planning Board shall be submitted with the initial application. The Fee required for Site Plan Review - Preliminary Plan shall be paid prior to any further review of the application by the Planning Board. If the Planning Board approves an application for a Special Permit conditional upon approval of a final site plan or in any other circumstance where further review by the Planning Board is required after preliminary site plan approval, the Fee for Site Plan Review - Final Plan shall be paid to cover the costs of further review by staff and the Planning Board. The Planning Board, in its discretion, may waive all or any portion of the Fee for Site Plan Review – Final Plan when there are no substantial changes from the general plan as recommended by the Planning Board and as approved by the Town Board.

## **6. Review fees related to Subdivisions, Site Plans, Special Permits, and Rezonings.**

(a) A Review Fee shall be paid as set forth in the Fee Schedule set forth below. Such Fee is intended to cover part of the cost of Expert Expenses incurred by the Town in its review of the submitted application materials for Preliminary and/or Final Subdivision or Site Plan Approval.

(b) When the Review Fee set forth in the Fee Schedule is calculated on a per lot or per unit basis the Review Fee is non-refundable unless denominated as an amount to be placed in escrow.

(c) When the Review Fee is stated in the Fee Schedule to be the Actual Cost of Review, the Review Fee shall be such actual cost of conducting the review as determined and billed by the Town. The basis for calculating such cost shall be the actual costs to the Town for independent consultant services, legal services, engineering services, planning services and/or any other services or expenses of outside consultants, plus an amount intended to reimburse the Town for the time of Town staff (Code Enforcement Officer, Planning, Legal, Highway Superintendent, and others) devoted to reviewing the proposals. The amount charged for Town staff shall be determined by multiplying the number of hours devoted to the proposal times the hourly rates as determined from time to time by the Town Board for various staff positions.

(d) An escrow agreement providing for the deposit of the amounts set forth in the Fee Schedule in the form directed by the Town Supervisor shall be executed by the applicant and the Deposit made in the amount set forth in the Fee Schedule. Sums so deposited and not utilized in the review process shall be returned to the applicant within a reasonable period of time after the adoption of the last resolution finally disposing of the application (whether by granting or denial of the application). At the time of such return (or if no funds are due, within a reasonable period of time after final disposition of the application) the Town will provide an accounting of the expenses charged to the escrow account.

(e) If the review costs are estimated to exceed the amount so deposited and additional Fees are deemed necessary, the applicant shall be notified of the required additional amount by the Code Enforcement Officer and the applicant shall Deposit such sum to the escrow account.

(f) If, in the judgment of the Code Enforcement Officer, the Deposit provided for herein exceeds the anticipated reasonable review costs, the Code Enforcement Officer may adjust the Deposit to reflect the anticipated review cost.

(g) Unexpended escrow funds deposited as part of the Review Fee may be credited against Deposits due for the Inspection Fee, where such is required, upon the filing of an application for site development or the construction of improvements.

(h) For purposes of determining the amount of escrow the following shall apply:

(1) As part of the application for **Preliminary Subdivision Plat** or **Preliminary Site Plan Approval**, a preliminary estimate of the cost of improvements shall be provided by the applicant's Licensed Professional Engineer along with the other items required for a Preliminary Subdivision Plat or Preliminary Site Plan Application as set forth in the Town of Danby Land Division and Subdivision Regulations and the Town of Danby Zoning Ordinance.

(2) As part of the application for **Final Subdivision Plat** or **Final Site Plan Approval**, a revised estimate of the cost of improvements shall be provided by the applicant's Licensed Professional Engineer along with the other items required for final subdivision application as outlined in the Town of Danby Land Division and Subdivision Regulations and the Town of Danby Zoning Ordinance.

(3) In the case of **Subdivision** applications, the terms "cost of improvements", "improvement cost" or "project cost" shall mean the costs of construction of all general site improvements (whether on or off the specific site involved) to be constructed by applicant such as grading, roads, drainage improvements, Stormwater Management Practices, sewers, water lines, and other similar items, but excluding the cost of dwelling units to be constructed on the subdivided lots.

(4) In the case of **Site Plan** applications such terms shall mean the costs of construction of all site improvements (whether on or off the specific site involved) including grading, roads, drainage improvements, Stormwater Management Practices, sewers, water lines, buildings and any other improvement of any nature whatsoever to be constructed by applicant. In both cases such terms exclude land acquisition costs, architects' fees, engineering fees, and other similar non-construction costs.

(5) The estimates provided with the preliminary or final application shall be considered, along with the other items of application and anticipated review costs, in determining the amount of the review Fee escrow.

(6) An estimate of the cost of improvements provided by the applicant and not by a Licensed Professional Engineer may be accepted when, in the judgment of the CEO, such estimate is reasonably accurate. The CEO may adjust such estimate and the estimate as so revised by the CEO shall be the basis of the escrow deposit calculation.

(7) In no event shall an escrow account be established with less than a \$250 deposit, which amount shall be a minimum regardless of the amounts calculated pursuant to the Fee Schedule.

## 7. SEQRA-Related Fees.

In addition to the fees required as stated in the Fee Schedule, the Fees for review or preparation of an Environmental Impact Statement involving an application for approval or funding of an action requiring preparation or filing of a draft environmental impact statement shall be determined by the lead agency for each such application. The fees shall be based on the actual cost to the Town for reviewing or preparing the draft and final environmental impact statement, including the cost of hiring consultants and Expert Expenses, the salary time of Town employees and actual disbursements incurred as a result of the review or preparation of such impact statement, but in no event shall the fees be greater than that established in 6 NYCRR 617.17. The Town Supervisor or Code Enforcement Officer may require, prior to the commencement of the review or preparation of an environmental impact statement, a Deposit to be made with the Town in an amount reasonably estimated to cover the Fees set forth in this section.

## 8. Inspection fees related to Subdivisions, Site Plans, Special Permits, and Rezonings.

(a) In addition to the Fees provided for herein, where the inspection of on- or off-site improvements or development is required (and such inspection is not an inspection required by the New York State Uniform Fire Prevention and Building Code, (hereinafter the "Building Code") specifically provided for elsewhere in this resolution) the applicant shall reimburse the Town for the actual cost to the Town of all engineering, planning, highway inspection, legal, consulting, clerical, Code Enforcement Officer inspections and other Fees and expenses incurred by the Town during the process of inspection and review of the completion of site improvements and the fulfillment of any requirements of any regulation or resolution pertaining to development projects which have been granted **Final Subdivision or Site Plan Approval**, including Expert Expenses. The costs so incurred shall be determined by the Town and billed to the applicant. The basis for calculating such costs shall be the same as set forth above with reference to Review Fees.

(b) An escrow agreement providing for the Deposit of the amounts set forth in the Fee Schedule in the form directed by the Town Supervisor shall be executed by the applicant and the Deposit made in the amount set forth in the Fee Schedule to cover the cost of inspections and compliance review incurred:

- (1) after final approvals have been given,
- (2) in the course of building permit issuance,
- (3) during the course of construction of any improvements including buildings, roads, Stormwater Management Practices, and other improvements, and
- (4) during the course of issuing any certificates of compliance or occupancy.

(c) Along with any application for final approval of site improvement and development construction plans where final approval of such plans is required, an estimate of the cost of improvements shall be provided by the applicant's Licensed Professional Engineer in similar manner as the estimate is provided for the escrow for the review Fees. This estimate shall be used along with the other items included in the application and in the prior review process in determining the amount of inspection Fee escrow. The developer shall make the required inspection escrow Fee deposit prior to any final approval of said site improvement and development construction plans and prior to the commencement of construction of any of such improvements.

(d) All of the provisions regarding escrow accounts for review Fees shall be applicable to the escrow accounts for inspection Fees including authority to the CEO to waive the requirement that the cost of improvements be prepared by a Licensed Engineer, and to increase or decrease the required escrow amount, the definitions of costs of improvements, and the minimum Deposit.

(e) The inspection Fee shall in no case be less than \$100.

(f) The inspection Fee may be included as a portion of a letter of credit or performance guarantee, where

applicable.

(g) Where applicable or where required, no final acceptance of proposed public improvements, and no final approval of site construction or site improvements shall be made, and no Certificates of Occupancy shall be issued, until all inspection Fees have been paid or fully escrowed.

(h) The Town shall return any balance of the escrow deposit to the applicant upon final acceptance of proposed public improvements and/or final acceptance of subject site improvements together with an account of all expenses charged to the escrow fund.

## Appendix B

### **Resolution No. 56 of 2010 - CONSIDER AUTHORIZING TOWN SUPERVISOR TO EXECUTE AN AGREEMENT FOR SERVICES WITH TOMPKINS COUNTY SOIL AND WATER CONSERVATION DISTRICT WITH RESPECT TO STORMWATER MANAGEMENT ACTIVITIES**

#### **AGREEMENT FOR SERVICES BETWEEN TOWN OF DANBY AND TOMPKINS COUNTY SOIL AND WATER CONSERVATION DISTRICT**

THIS AGREEMENT, made this 12 day of April, 2010, by and between:

The Town of Danby (hereinafter called "the Town"), a municipal corporation, with offices at 1830 Danby Road, Ithaca, New York, 14850 and

Tompkins County Soil and Water Conservation District, a municipal district, with offices at 1771 Hanshaw Road, Ithaca, New York (hereinafter called "the District").

**Witness that:**

**Whereas,** the Town desires to contract with the District for the provision of professional services to review Stormwater Pollution Prevention Plans ("SWPPPs") related to Land Development Activities, and to monitor the implementation of erosion and sediment control measures in accordance with such plans as approved by the Town and as further described in Appendix A attached to this Agreement; and

**Whereas,** the District is willing to provide such professional services;

**Now therefor,** in consideration of the premises and of the several promises to be faithfully performed by the parties as hereinafter set forth, the parties to this agreement do hereby agree as follows:

1. The District, through its duly appointed employees, shall perform the services of technical support, as "Stormwater Management Technical Advisor" to the Stormwater Management Officers of the Town of Danby, on an as-needed basis, related to the review, approval, and inspection of Land Development Activities and projects conducted with Stormwater Pollution Prevention Plans ("SWPPPs") as such are defined and regulated under the Town of Danby Stormwater Management, Erosion and Sediment Control Local Law (Local Law Number 1 of 2010), Local Law No. 2 of 2010, "Stormwater Amendments to Town of Danby Zoning Ordinance," and Local Law No. 3 of 2010, "Stormwater Amendments to Subdivision and Land Division Regulations".
2. The Town agrees to retain the District for the services described herein at an hourly rate of fifty dollars (\$50.00) per hour plus mileage. This hourly rate will be subject to review by the Town Board and the District as part of considering any contract renewal. The hourly rate and the mileage will be calculated as a trip beginning and ending at the District offices. The standard federal mileage rate current at the time as adopted from time to time by the Town Board will apply.
3. The District shall submit a voucher to the Town for services and related mileage related to the performance of work described in this Agreement, with such voucher subject to review and approval by the Town Board for payment, at the regularly-scheduled meetings of the Town Board.
4. In the event that the District, in the course of work authorized by the Town Stormwater Management Officers, observes any activity by a project developer, or any agent of the developer, which is contrary to approved plans, or observes that the same has failed to implement any portion of a SWPPP or associated erosion or sediment control measure or stormwater or erosion control facility or structure according to schedule or sequence, it shall immediately notify the Town's Stormwater Management Officer.
5. It is mutually agreed that the Town, in its sole discretion, may retain the services of others for the services described herein.
6. It is mutually agreed that enforcement issues shall be the responsibility of the Town and not the District to administer and prosecute.
5. The District shall indemnify and hold harmless the Town, its officers and employees, from any and all claims or causes of action arising from the District's direction, management or control (or lack

thereof) related to the services agreed to be provided by the District herein. In addition, the District shall indemnify and hold harmless the Town, its officers and employees, from any act and all claims or causes of action arising from acts of omission or commission by the District. Such indemnification shall include, but not be limited to, attorney's fees necessarily incurred in defending against any action for which the District has agreed to provide indemnification.

6. The Town will indemnify and hold harmless the District, its officers and employees, from any and all claims or causes of action arising from the Town's direction, management or control (or lack thereof) of related to administration and enforcement of the Town Stormwater Laws cited herein. In addition, the Town shall indemnify and hold harmless the District, its officers and employees, from any act and all claims or causes of action arising from acts of omission or commission by the Town. Such indemnification shall include, but not be limited to, attorney's fees necessarily incurred in defending against any action for which the Town has agreed to provide indemnification.
7. It is mutually agreed and acknowledged that the District will be unable to provide services to the Town for construction sites that the District has already visited on behalf of the New York State Department of Environmental Conservation for a compliance inspection.
8. This Agreement shall commence effective upon execution by both parties, and shall terminate on December 31, 2010.
9. Either party may terminate this Agreement within 30 days if prior written notice is sent by Registered Mail to the addresses above. Upon termination, any unpaid balance due hereunder will be paid within 30 days; and any overpayment will be refunded within 30 days.

**TOMPKINS COUNTY SOIL & WATER  
CONSERVATION DISTRICT**

**TOWN OF DANBY**

by \_\_\_\_\_  
**CRAIG SCHUTT**, District Manager  
Date: \_\_\_\_\_

by \_\_\_\_\_  
Fredric Dietrich, Supervisor  
Date: \_\_\_\_\_

**APPENDIX A**

**General Duties of Storm Water Management Technical Advisor:**

The District, through its duly appointed employees, shall perform the services of technical support, as "Stormwater Management Technical Advisor" to the Stormwater Management Officers ("SMOs") of the Town of Danby, on an as-needed basis, related to the review, approval, and inspection of Land Development Activities and projects conducted with Stormwater Pollution Prevention Plans ("SWPPPs") as such are defined and regulated under the Town of Danby Stormwater Management, Erosion and Sediment Control Local Law (Local Law Number 1 of 2010), Local Law No. 2 of 2010, "Stormwater Amendments to Town of Danby Zoning Ordinance," and Local Law No. 3 of 2010, "Stormwater Amendments to Subdivision and Land Division Regulations".

**Typical services to be conducted upon request of the Town:**

- Provide assistance for the review of Erosion and Sediment Control Plans and Stormwater Pollution Prevention Plans for compliance with Best Management Practices as set forth in the NYS Stormwater Design Manual.
- Advise the SMOs that an engineering review for the plan may be in order, such as when structural practices are proposed
- Assist SMOs in establishing a tracking and reporting system of stormwater management systems, including post construction inspections.
- Assist SMOs in preparing quarterly reports on activities to the Danby Town Board.
- Assist SMOs in preparing compliance reports as may be required for the Danby Town Board and the New York State Dept. of Environmental Conservation.



- Assist SMOs in the development, refinement and management of inspection, review and implementation procedures related to stormwater laws.
- Recommend educational materials and activities.

Inspection Duties:

- When asked by the SMOs to make an inspection, relay technical information and direction to owners, applicants, contractors, and municipal officials in a manner understandable to each through tailoring the communication to the audience.
- Make site visits when requested to Survey for wetlands as defined in the Law and determine the proximity of any surveyed wetlands to the proposed Land Development Activity. For this purpose, Survey is defined as the process whereby the Town of Danby SMO(s) review, for the site in question,
  - a. the soil types from 1965 Soil Maps or future soil maps to determine if wetland supporting soils are present and
  - b. observes the vegetation for flora defined by Army Corps Wetlands Delineation Manual or other expert sources.If the surveyed site meets the criteria for wetland using both of these criteria, then the area defined by vegetation will be the boundaries of the wetland.
- The District may also recommend, or the applicant may choose, the retention of an independent wetlands consultant to determine the boundaries of the wetland.

## Appendix C

### AGREEMENT TO RECEIVE YOUTH SERVICES FUNDS

**Agreement**, made as of the first day of January, 2010, by and between the **COUNTY OF TOMPKINS**, a municipal corporation of the State of New York with main offices in the Tompkins County Courthouse at 125 E. Court Street, Ithaca, New York, hereinafter referred to as “the County” and **TOWN OF DANBY**, a municipal corporation of the State of New York with offices at 1830 Danby Road, Ithaca, New York, hereinafter referred to as “the Town”.

#### **Witnesseth:**

**Whereas**, the parties hereto wish to enter into an agreement to participate in the Tompkins County Youth Services Program,

**Now, Therefore**, in consideration of the promises, covenants, and agreements contained herein, the parties agree as follows:

The term of this agreement shall be from **January 1 through December 31, 2010**.

The Town agrees to provide the youth services as described in its program proposals on file at the County Youth Services Department in accordance with locally approved planning group guidelines.

Town agrees to designate and maintain an active youth planning group to perform the functions outlined in the attached Tompkins County Youth Services Department Accountability Checklist.

The Town agrees to provide the necessary record keeping and monitoring to comply with the program reporting and claiming procedures of the County.

Claims for reimbursement for payments made by the Town may be submitted monthly or quarterly. In any event the Town agrees to submit all claims within 30 days after the end of the calendar year.

The Town also agrees to submit all program reports required within 30 days after the end of the calendar year.

County’s reimbursement to the Town will not exceed the sum of **\$1,310**.

*Youth Programs through Danby Community Council - \$1,310, this amount will be reimbursed to the Town as 50% reimbursement of properly documented, allowable expenditures*

It is understood between the parties that any persons hired or contracted with by the Town are not employees of the County.

Tompkins County encourages the payment of livable wages whenever practical and reasonable.

It is the responsibility of the municipality to execute any subcontracts with other providers authorized in the Program Plan and Budget and to provide the Tompkins County Youth Services Department with a copy.

No youth shall be denied access to any county-supported program because of race, creed, color, gender, sexual orientation, national origin, disability, or ability to pay.

The Town certifies to the County that the programs and services to be provided and described herein are accessible for the handicapped in accordance with the provisions of Section 504 of the Federal Rehabilitation Act of 1973.

The Town agrees that it will comply with federal, state, county and other applicable laws regarding work under municipal contracts, matters of employment, length of hours, Workers’ Compensation and human rights, which pertain to this agreement and the services to be provided.

If any claim, action, injury, death or damage to property or persons arise as a result from performance of the locally approved youth program covered by this contract, the Town shall indemnify, hold harmless and defend Tompkins County and its officers, employees, agents and elected officials, with the exception of all actions and claims arising out of the negligence of Tompkins County.

**In Witness Whereof**, the parties hereto have executed this agreement as of the day and year first above written.

**APPENDIX A: COUNTY OF TOMPKINS  
HOLD HARMLESS & INDEMNIFICATION  
NO CONSTRUCTION (1991 EDITION)**

The Agency hereinafter referred to as Contractor, shall indemnify, hold harmless and defend Tompkins County and its officers, employees, agents and elected officials from and against any and all claims and actions brought against Tompkins County and its officers, employees, agents and elected officials for injury or death to any person or persons or damage to property arising out of the performance of this contract by the **Contractor**, its employees, subcontractors or agents with the exception of all actions and claims arising out of the negligence of Tompkins County. The Contractor shall maintain the following minimum limits of insurance or as required by law, whichever is greater.

A. Workers' Compensation and New York Disability - Statutory Coverage  
Employer's Liability - Unlimited

B. Commercial General Liability including, contractual, independent contractors, products/completed operations - Occurrence Form required.

Each Occurrence	\$1,000,000
General Aggregate	\$2,000,000
Products/Completed Operations Aggregate	\$2,000,000
Personal and Advertising Injury	\$1,000,000
Fire Damage Legal	\$ 50,000
Medical Expense	\$ 5,000

General Aggregate shall apply separately to the project prescribed in the contract.

Tompkins County and its officers, employees, agents and elected officials are to be included as Additional Insured.

C. Business Auto Coverage

Liability for Owned, Hired and Non-Owned Autos	\$1,000,000 CSL or \$ 500,000 Per Person BI \$1,000,000 Per Accident BI \$ 250,000 PD Split Limits
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Tompkins County and its officers, employees, agents and elected officials are to be included as additional insureds.

All insurance shall be written with insurance carriers licensed by the State of New York Insurance Department and have a Best's rating of A XI or better. Proof of insurance shall be provided on the Tompkins County Certificate of Insurance (copy attached) including the Contract Number. The accord Certificate of Insurance or insurance company certificate may be used for proof of Workers' Compensation and Disability. All Certificates shall contain a sixty- (60) day notice of cancellation; non-renewal or material change to Tompkins County. All Certificates must be signed by a licensed agent or authorized representative of the insurance company. Broker signature is not acceptable. Certificates of Insurance shall be submitted at the time of the bid/proposal agreement.