

RESOLUTION

of the

Tompkins County Soil and Water Conservation District

Resolution No.:2016-29

Date: 5/23/2016

Entering into Memorandum of Understanding with NYS Office of Parks, Recreation and Historic Preservation (PARKS) for Hydrilla eradication services up to \$60,000.

WHEREAS, pursuant to Article 3 § 3.02 and § 3.09(15) of Parks, Recreation and Historic Preservation Law, PARKS, shall operate and maintain the state park, recreation and historic site system to conserve, protect and enhance the natural, ecological, historic, cultural and recreational resources contained therein and to provide for the public enjoyment of and access to these resources in a manner which will protect them for future generations, and enhance the natural resources within the state park, recreation and historic site system by providing habitat for various wildlife species including endangered and threatened species of fauna through practices such as ecological restoration, wetland conservation and the planting of trees, shrubs and herbaceous plants indigenous to the area which act as food and protective cover for fauna.

WHEREAS, pursuant to the mission of the Tompkins County Soil & Water Conservation District, established by the New York Soil & Water Conservation Districts, Article 2 § 5 Creation of Soil and Water Conservation Districts, to provide assistance to citizens and units of local government in making sound decisions on the management of soil, water and related natural resources based on their needs, and assist in the implementation of decision by seeking and coordinating technical and financial assistance from federal, state, and local governments, and private sources, SOIL & WATER is authorized to undertake management activities, research studies and make reports relating to conservation and to participate and cooperate with other public and private agencies having mutual interests and purposes in appropriate programs and projects intended to preserve and improve the natural resources of the state.

WHEREAS, SOIL & WATER has the capability to provide for the application and implementation of multi-agency and multi-organization projects and undertakings which may be necessary and has performed such services in the past for state agencies in cooperation with **PARKS**; and,

WHEREAS, PARKS, has requested SOIL & WATER to provide such services in order to expedite and facilitate the implementation of its Hydrilla eradication project.

WHEREAS, contract C003198 offered an initial term of April 1, 2013 to March 31, 2015 with three (3) optional annual renewals.

WHEREAS, the first renewal extended the contract term for C003198 from April 1, 2015 to March 31, 2016;

WHEREAS, the current term contract C003198 expires on March 31, 2016 and both parties wish to execute the second renewal as a zero cost item extension.

NOW, THEREFORE, be it resolved by the Tompkins County SWCD Board of Directors:

1. The term of this MOA agreement will is hereby extended from from April 1, 2016 until March 31, 2017; pending approval by the NYS Office of the State Comptroller.

2. No considerations for the 2015-16 obligations were requested by SOIL & WATER. As such, SOIL & WATER and PARKS both agree to forgo the sum of \$60,000 for NYS fiscal years 2015-16 and forward it for use in fiscal year 2016-17, which shall represent Hydrilla eradication costs within PARKS property.

3. Payment from PARKS to SOIL & WATER shall be paid upon the execution of this MOA (pending approval of the Office of the State Comptroller) and on the following schedule.

Fiscal Year 2016-2017 – May 1, 2016

4. SOIL & WATER will contract with such qualified herbicide applicators and monitoring specialists who will perform various duties related to PARKS goal of Hydrilla eradication within Allan H. Treman State Marine Park. Service provision under this contract shall include, but not be limited to, the sufficient application of herbicides at the time of year most efficacious for Hydrilla eradication.

5. Neither SOIL & WATER nor PARKS shall be obligated beyond the terms of this MOA.

6. This MOA may be amended only upon mutual written agreement of SOIL & WATER and PARKS, pending approval of the Office of the State Comptroller.

7. This MOA may be terminated upon thirty (30) days written notice by either party.

8. In the event that this MOA is terminated, all disbursements which have not been earned and are not expended shall revert to PARKS.

9. SOIL & WATER is fully qualified to perform the work in accordance with the terms of this MOA.

10. The MOA sets forth the entire understanding of the parties relating to the subject matter contained herein except as to those matters or agreements expressly incorporated herein by reference. No covenant, representation or condition not expressed herein shall be effective to interpret, change or restrict the express provisions of this MOA, which supersedes any and all prior agreements, whether written or oral, relating to the subject matter contained herein.

11. The Appendix B incorporated in the original contract is now superseded by the attached Appendix B revised May 2015. All other terms and conditions of Contract C003198 remain in full force and effect.

12. The District Manager is able to sign for this MOA.

13. This resolution shall take effect immediately.

Board Chairman Signature _____

Approvals: Dan Carey: Present- Y() N () , Vote- Y() N() Alan Teeter: Present- Y() N () , Vote- Y() N() David McKenna: Present- Y() N () , Vote- Y() N() Jim Dennis: Present- Y() N () , Vote- Y() N() Aaron Ristow: Present- Y() N () , Vote- Y() N()
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