

TOWN OF WEST SENECA



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TOWN SUPERVISOR  
SHEILA M. MEEGAN  
TOWN COUNCIL  
EUGENE P. HART  
WILLIAM P. HANLEY, JR.

TO: The Honorable Town Board

FROM: John J. Fenz, Esq.  
Town Attorney

DATE: July 23, 2015

RE: Erie County Society for the Prevention of Cruelty to Animals  
Service Agreement

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Kindly adopt a resolution authorizing the Supervisor to execute the attached agreement, on behalf of the Town of West Seneca (the "Town"), whereby Erie County Society for the Prevention of Cruelty to Animals ("SPCA") agrees to coordinate; adoption; euthanization; and, disposal services of dogs.

JUL 27 2015

## AGREEMENT

THIS AGREEMENT made this      day of July      , 2015 by and between the Town of West Seneca New York (the "Town") and the Erie County Society for the Prevention of Cruelty to Animals, a not-for-profit corporation having an office located at 205 Ensminger Road, Tonawanda, New York 14150 (the "SPCA").

### WITNESSETH

WHEREAS, the Town and the SPCA desire to enter into a contract after statutory holding period as per New York State Agricultural and Markets Law, the seized dog may be offered for adoption according to New York State Agricultural and Markets Law, Article 7 and Article 26. During this Agreement, the SPCA will only be accepting stray dogs that can be considered as safe adoption candidates after they have been held the legal holding period as determined by NYS Agriculture and Markets laws. Your Town will be responsible for identifying dogs who are behaviorally unsound, suffering irredeemably, or dangerous with people or other animals, and should proceed with humane euthanasia at the veterinary facility of your choice.

Now, therefore, the parties hereto mutually covenant and agree as follows:

1. The term of this agreement shall be one year ending December 31 2015 and shall be automatically and continuously renewed for a succeeding year until the Town or the SPCA provides written notice to the other, at least thirty (30) days prior to the commencement of the succeeding year, of its desire to terminate this Agreement.
2. The euthanasia shall be committed by registered Licensed Animal Health Technicians employed by the SPCA.
3. An injection of sodium pentobarbital shall be used to humanely euthanize all dogs.
4. The Town agrees to pay the SPCA the following fees for services rendered pursuant to this Agreement:
  - a) An adoption fee of ten dollars (\$10.00) per dog.
  - b) A euthanasia fee of fifteen (\$15.00) per dog.
  - c) A crematory and disposal fee of fifteen (\$20.00) per dog.
  - d) If the services of the SPCA are required, there will be a \$20.00 per hour charge.
5. The Town and the SPCA each agree to cooperate and assist the other in fulfilling the terms of this Agreement.
6. The parties hereto represent and warrant to each other that they each have the full right, power and authority to enter into this Agreement.
7. This Agreement may only be modified or amended through the written consent of both parties hereto.
8. The SPCA agrees that it shall, to the fullest extent permitted by law, hold harmless and indemnify the Town      and any other facility owner, and their respective agents, officers and employees, from and against all claims, suits, damages, defense and other legal costs and expenses of any kind, arising

out of, resulting from, caused by, or in any way related to the negligence of the SPCA.

In witness whereof, the parties hereto have caused their hands and seals to be hereunto affixed the day and year first above written.

TOWN OF WEST SENECA ("Town")

By: \_\_\_\_\_

Its: \_\_\_\_\_

ERIE COUNTY SOCIETY FOR THE  
PREVENTION OF CRUELTY TO  
ANIMALS ("SPCA")

By: \_\_\_\_\_

Executive Director