

# MEMO

To: The Honorable Town Board

From: Tina M. Hawthorne, Town Attorney

Date: December 28, 2021

Subject: Shared Services Agreement with Cheektowaga

---

Kindly approve and authorize the Supervisor to execute the attached Shared Services Agreement with Cheektowaga for the use of a snowplow provided by Cheektowaga to the Town of West Seneca. This is a direct result of the fire that occurred at the Highway garage recently.

**SHARED SERVICES AGREEMENT BETWEEN THE TOWN OF  
CHEEKTOWAGA AND THE TOWN OF WEST SENECA**

**THIS AGREEMENT** dated December \_\_\_\_\_, 2021 between the Town of Cheektowaga, NY herein after referred to as "provider" and the Town of West Seneca, NY herein after referred to as "recipient" hereby agrees as follows:

1. The Town of Cheektowaga shall provide a snowplow with a front plow, side plow, and salter to the Town of West Seneca for its sole and exclusive use for the terms set forth below.
2. The recipient's employees shall remain under full supervision and control of the recipient. The parties shall remain fully responsible for their own employees for all matters, including but not limited to salary, insurance, benefits and workers compensation.
3. If the borrowed equipment is damaged or otherwise needs repair arising out of or in connection with the recipient's use, the recipient shall be responsible for such repairs.
4. The Town of West Seneca agrees to defend and indemnify the Town of Cheektowaga for any and all claims arising out of the recipient's acts or omissions under this agreement. The Town of West Seneca shall hold the Town of Cheektowaga harmless from and indemnify it for any judgement of a court of competent jurisdiction to the extent attributable to the negligence of the Town of West Seneca or of their offices or employees when acting in the course and scope of their employment.
5. The term of this agreement shall terminate on March 31, 2022. The parties will endeavor to provide no less than thirty (30) days notice of its intent to extend this agreement. Either party may revoke this agreement by providing thirty (30) days written notice of such revocation. Upon revocation, any outstanding obligations of the parties must be satisfied within thirty (30) days of the date of such revocation.

**TOWN OF CHEEKTOWAGA**

**TOWN OF WEST SENECA**

\_\_\_\_\_  
Diane Benczkowski, Supervisor

\_\_\_\_\_  
Gary Dickson, Town Supervisor