

Memorandum of Agreement to Adopt a Trail Segment in the Genesee Valley State Park

By this agreement, the New York State Office of Parks, Recreation and Historic Preservation ("OPRHP"), the Friends of the Genesee Valley Greenway ("FOGVG"), and the Trail Adopter referenced below confirm and acknowledge the following:

Trail Adopter

Name of Trail Adopter _____

Trail section is located from _____

to _____

in the Town(s) _____ in _____ County.

Trail segment length: _____

Trail Adopter's Duties and Responsibilities

1. The Trail Adopter agrees to perform "routine trail maintenance" on the trail segment referenced above at the direction of OPRHP as coordinated by FOGVG. No permit is required to undertake this type of work. For the purpose of this agreement "routine trail maintenance" includes minor surface treatment and drainage enhancement, mowing, pruning, brushing and garbage removal in accordance with the Genesee Valley Greenway Management Plan. Routine trail maintenance does not include work that requires the use of heavy machinery, construction activities of any kind, and the cutting of standing trees larger than six (6) inches in diameter. Non routine trail maintenance work shall require a permit approved by OPRHP, which permit application is known as the Trail Project Conceptual Work Plan and Temporary Revocable Permit Application and is available in the OPRHP regional office. In performing routine trail maintenance. the Trail Adopter shall:

- a. Mow and cut brush to maintain the trail segment to its cleared width, minimum 12 feet wide (14 feet on sharp curves or steep slopes) and 12 feet high clearance. A minimum of two (2) mowings should occur during the growing season; one by the first week of June

and another in early August. More mowings may be needed as coordinated by the FOGVG Trail Chair.

- b. Remove blow downs where practical; report major blow downs to FOGVG Trail Maintenance Chair.
 - c. Trim vegetation surrounding gates and along roadside at trail heads to maintain slight distance.
 - d. Trim vegetation where the trail intersects with farm lanes and driveways to maintain slight distance.
 - e. Remove trash and litter.
 - l. Monitor signs, trail surface, and other capital improvements and report potential deficiencies to FOGVG Trail Maintenance Chair.
 - g. Monitor gates at trail heads and when needed sand and repaint with OSHA yellow paint supplied by OPRHP or FOGVG.
 - h. Assist in the maintenance and repair of OPRHP-approved signage or other features as directed by OPRHP and coordinated through FOGVG.
 - i. Monitor and remove debris from culverts running under the trail segment and report potential deficiencies to FOGVG Trail Maintenance Chair.
 - j. Assist in procuring in-kind donations of materials, equipment or labor for routine trail maintenance.
2. In performing the routine trail maintenance, the Trail Adopter agrees chainsaws shall only be used by volunteers who:
- a. Demonstrate completion of First Aid and CPR courses and Game of Logging 1 level course or other instructor-led chainsaw safety training approved by OPRHP; and
 - b. Wear boots with cut-resistant protection for the entire foot, gloves, safety chaps, hardhat, hearing protection and a protective face shield.
3. The Trail Adopter agrees to perform a minimum of four (4) work sessions annually or more as needed, which shall include an initial late spring work session prior to the summer season. The Trail Adopter shall submit a completed work report, including total hours worked, to the FOGVG Trail Maintenance Chair as soon as possible following each work session.
4. The Trail Adopter agrees to sign OPRHP's current Volunteer Service Agreement ("VSA") prior to commencing any routine trail maintenance work in the GVGSP. The Trail Adopter also agrees that all volunteers working on its behalf shall sign OPRHP's current VSA. Trail adopters shall submit the signed or VSAs to the FOGVG Trail Maintenance Chair. Next, the FOGVG Trail Maintenance Chair shall submit these signed VSAs to OPRHP's regional office to the attention of the OPRHP regional director. The volunteer shall be considered a "registered volunteer" upon of the signed VSA by the OPRHP regional director. Each registered volunteer may receive defense and indemnification pursuant to Public Officers Law § 17 for incidents arising out of their volunteer service. Registered volunteers agree to promptly notify OPRHP of any injuries or incidents in a timely manner. To comply with the Child Labor Law, the Trail Adopter shall require parental signature on the VSA for all volunteers under the age of 18. The

Trail Adopter shall prohibit volunteers under the age of 16 from using any machinery and from performing any work other than yard/household work activities.

5. The Trail Adopter agrees to review and follow all applicable laws, regulations and written safety procedures and protocols provided by OPRHP and FOGVG.
6. The Trail Adopter agrees to perform routine trail maintenance in a manner that respects the rights or adjacent landowners and respects and preserves the environment, natural and historic resources, and the recreational experience of others.
7. This paragraph 7 applies only to Trail Adopters that operate Snowmobile Clubs ("Snowmobiling Trail Adopters"). Snowmobiling Trail Adopters are permitted to perform these additional activities on the respective trail segment without a permit from OPRHP:
 - a. Sign the trail segment with signs in accordance with OPRHP's "Snowmobile Trail Signing" standard. Signs on trees shall be affixed with aluminum nails. The Snowmobiling Trail Adopter shall not change trail names or colors without written permission from OPRHP.
 - b. Groom the trail for snowmobiling.
 - c. Employ the standard practices approved by the Livingston County Soil and Water Conservation District in order to prevent and stabilize erosion and to prevent siltation.
 - d. Work shall be confined to the existing trail. New trail construction, rerouting of the existing trail and the development of connector trails into or over the GVGSP is prohibited.

OPRHP's Duties and Responsibilities

1. OPRHP shall:
 - a. During the period of service, provide for each registered volunteer Worker's Compensation coverage to the extent provided by law.
 - b. Erect a sign at either end of the Trail Adopter's segment that recognizes the organization or individual Trail Adopter.
 - c. Authorize the use of legally registered and insured motor vehicles on the trail **section to** assist with the performance of routine trail maintenance only.

FOGVG's Duties and Responsibilities

- I. FOGVG shall:
 - a. Assist OPRHP in the coordination of routine trail maintenance to be performed by the Trail Adopter and its volunteers.
 - b. Serve as the liaison for all administrative matters and necessary coordination under this agreement.

General Terms and Conditions

1. The term of this agreement shall be three (3) years from the date this agreement is fully executed. The agreement may be terminated by any of the three (3) parties with 30 days written notice.
2. Contacts for the Administration of this Agreement. The respective contacts listed below are the designated representatives and primary contacts for the administration of this agreement:

OPRHP Contact:

Name: _____
GVGSP Park Manager
Genesee Valley Greenway State Park
1 Letchworth State Park
Castile, NY 14427
Office (585) 493-3614
Mobile (585) 445-4726
Email address: _____

FOGVG Contact:

Name: _____
Trail Maintenance Chair
Friends of Genesee Valley Greenway
P.O. Box 42
6111 Visitor Center Road
Mount Morris, NY 14510-0042
(585) 658-2569
fogvg@frontiernetnet

Trail Adopter Contact:

Name: _____
Address: _____
Telephone: _____
Email Address: _____

3. Special terms, conditions or exceptions to this Agreement are noted below:

Signature Page

Date

Signature

Print Trail Adopter Name:

Address:

Telephone:

Email Address:

Date

Joan Schumaker, President,
Friends of Genesee Valley Greenway
P.O. Box 42
6111 Visitor Center Road
Mount Morris, NY 14510-0042
(585) 658-2569
fogvg@frontiernet.net

Date

Richard Parker
Regional Director, Genesee Region
Genesee Regional Office
1 Letchworth State Park
Castile, NY 14427
(585) 493-3600
Richard.Parker@parks.ny.gov