

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding is made by and between The Town of Sterling, 1290 State Route 104A, Sterling, New York 13156 (“Town”), CNY Scrap Processing, LLC, 2411 Wetmore Road, Branchport, New York 14418 (“CNY Scrap”), and Carrier Salvage & Recycling, LLC, 2440 Wetmore Road, Branchport, New York 14418 (“Carrier”), each a party hereto and collectively the “Parties” to the Memorandum of Understanding, the terms of which are as follows:

WHEREAS, the Town is a municipal corporation located in the County of Cayuga, State of New York, and has its office for conducting business located at 1290 State Route 104A, Sterling, New York 13156; and

WHEREAS, since approximately May 25, 2011, CNY Scrap has owned property known as 14725 State Route 104, Martville, New York, 13111 (hereinafter “the Property”), and operates a scrap processing facility and junk yard on the Property; and

WHEREAS, the Property consists 19.62 acres in total, and contains three parcels identified by the tax identification numbers 19.00-1-33, 19.00-1-35.111, and 19.00-35.112; and

WHEREAS, on or about February 24, 2015, CNY Scrap commenced a lawsuit against the Town in Cayuga County Supreme Court (Index #2015-206) wherein it challenged a Cease and Desist order issued by the Town’s Code Enforcement Officer with respect to scrap processing activities at the Property (“the Litigation”); and

WHEREAS, on or about October 14, 2020, the Parties agreed to discontinue the Litigation and executed a “Settlement Agreement and Release” (“Settlement Agreement”) a copy of which is attached hereto as Exhibit “A”, wherein the parties agreed, *inter alia*, that

CNY Scrap and Carrier would be permitted to use the property located at 14725-14735 State Route 104 as a Junkyard, as that term is defined in the Town's 2014 Land Use Regulations, as amended, and for those activities, including, and scrap processing activities, described in the April 27, 2020 letter from Peter Rolph, Esq. attached to the Settlement Agreement, in those areas of the property historically used for such activities, so long as they maintained compliance with the terms stated in the Settlement Agreement relative to hours of operation, scope of activities, maintenance of the property, etc.; and

WHEREAS, the Parties wish to clarify the terms of the Settlement Agreement to reflect the intention of the Parties when it was negotiated and executed that its terms and conditions apply to all three parcels (tax identification numbers 19.00-1-33, 19.00-1-35.111, and 19.00-35.112) and to remove any ambiguity regarding its interpretation;

NOW, THEREFORE, the Parties have reached the following understanding:

1. In the interest of further amplifying and clarifying the terms and scope of the aforementioned Settlement Agreement, without adding or removing any of the terms or conditions stated in the Settlement Agreement, and without altering or amending any of the terms or conditions stated in the Settlement Agreement, the parties now state their agreement and affirmation that the Settlement Agreement and its various terms and conditions shall apply and do apply to the entire Property, consisting of the aforementioned three parcels identified by the following tax identification numbers: 19.00-1-33; 19.00-1-35.111; and 19.00-35.112.

2. More specifically, CNY and Carrier may continue to use the Property consisting of the aforementioned three parcels (tax ID numbers 19.00-1-33, 19.00-1-35.111, and 19.00-35.112) in a manner consistent with its long historical use, for the purposes of operating a scrap processing facility and junkyard, subject to provisions of the Scrap Processing Law (New York

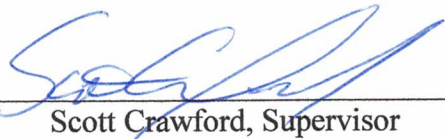
General Business Law Section 69), Junkyard Law (New York General Business Law Section 136), and such other rules and regulations of the Town of Sterling and/or the State of New York that may apply.

3. By Resolution dated 11/20/2023, 2023, a copy of which is attached hereto and incorporated by reference, the Sterling Town Board agreed to execute this Memorandum of Understanding and authorized the Town Supervisor to execute same on behalf of the Town.

Dated: 11/20/2023, 2023

TOWN OF STERLING

CNY SCRAP PROCESSING, LLC


By: Scott Crawford, Supervisor

By: _____

CARRIER SALVAGE &
RECYCLING, LLC

By: _____