October 13, 2026

VIA CERTIFIED MAIL AND EMAIL

Clarence Public Library
Three Town Place
Clarence, NY 14031
Phone: 716-741-2650

RE: Incorporation of Terms into Clarence Public Library Contract(s)

To Whom It May Concern,

This letter is sent on behalf of the New York State Office for People With Developmental Disabilities ("OPWDD") regarding Clarence Public Library website (https://www.buffalolib.org/locations-hours/clarence-public-library) and the terms and conditions set forth in Exhibit A (the "Terms").

New York State Law subjects the State to certain requirements when procuring or contracting with outside entities, including municipalities, regardless of the size and scope of the contract. The Court of Claims Act and New York State Finance law section 41 include strict liability provisions. As such, all New York State required terms, including the terms detailed below, are hereby formally incorporated by reference into the Terms attached hereto and shall supersede any and all other conflicting or inconsistent terms that may be present in the executed agreements or any related documents.

> "OPWDD and the State are self-insured for their general liability exposure, workers compensation and automobile liability. In accordance with Article II of the New York Court of Claims Act, they shall be liable for damage or injury arising from negligent actions caused solely by an officer of OPWDD or the State or its employees acting within the scope of their respective employment, and the State's self-insured funds could be drawn down if: (i) a judgment of liability is made under the provisions of the New York Court Claims Act, or (ii) in the case of small claims, an acknowledgement of liability has been made by the Attorney General and the Comptroller of the State of New York. The State's obligation with respect to any such claims are subject to the availability of lawful appropriations, as required by Section 41 of the New York State Finance Law. This

Contract or Terms shall be enforced and construed in accordance with applicable New York State laws."

We trust that Clarence Public Library will acknowledge and uphold these incorporated terms as binding. We have attached the relevant exhibits for your review and reference.

Should you have any questions or require further clarification, please do not hesitate to contact me.

Sincerely,

Rachel DeCapita

Rachel A. DeCapita
Senior Attorney
(518) 474-7406
Rachel.a.decapita@opwdd.ny.gov

**Enclosures:** Exhibit A: Clarence Public Library Terms

# EXHIBIT A

# Clarence Public Library Meeting Room Policy

## Purpose of the Meeting Room

The meeting rooms at the Clarence Public Library are intended for programs and activities conducted or sponsored by the Clarence Public Library. Secondarily, the meeting rooms serve as a host location for community informational services and for programs or meetings of organizations engaged in educational, cultural, intellectual or charitable activities of interest and/or benefit to the community. These events must be nonpartisan and nonsectarian: Meetings must be conducted in the absence of affiliation or bias towards a particular political group or religious ideology. This includes, but is not limited to, political campaigns, political candidate meet and greets, and services of worship. Furthermore, the meeting rooms are not to be used for profit making or private events.

*Programs that are planned by the library or the library system take precedence over meetings of the outside groups. The library reserves the right to preempt the use of the meeting space for library purposes upon two (2) weeks' notice to the organization which had requested that space.

*If there is any question concerning the eligibility of the group to use the meeting room, the matter will be placed before the Board of Trustees, which has the authority to make all policy decisions.

## Reserving the Meeting Room

Formal application for the use of a meeting room is made with the library director or a designated member of the staff. An individual responsible for the meeting must complete and sign an application form. An application must be on file for all meeting room uses. A new application must be submitted each year, or when a different person assumes responsibility for the group.

No reservation is final until a fully completed and signed application is on file. Any change of meeting dates must be approved by the Library Director or a designated member of the staff and the Library must be given advance notice of any cancellations or any changes in set up or other requirements.

Rooms will be assigned on a first come first serve basis, based upon the group's size, requirements, and meeting availability. Room assignments are subject to change. In fairness to the many groups requesting use of the meeting rooms, reservations will not be taken more than three (3) months in advance and reservations may be limited in frequency and time range of usage.

# Meeting Room Rules of Use

1. All meetings must be open to the public.

2. No admission fee or required donation shall be charged.
3. No products, services or memberships may be advertised, solicited or sold. Library premises may not be used to promote any specific agency. However, at the discretion of the Library Director or Clarence Public Library Board of Trustees, the following will be permissible at Library-sponsored programs:
    a. Fundraising to benefit the Library and/or sponsored programs by the Friends of the Clarence Public Library or other library-related groups.
    b. The sale of books and other items by author activities as part of a library program.
4. Meeting rooms are available only during the library's normal hours of operation. Programs should be planned so that the meeting space will be vacated at least 15 minutes before closing time.
5. The applicant must check in and out with a staff member.
6. The applicant must inform the library in advance of a cancellation or any changes in set up or other requirements.
7. Meetings must be conducted so they do not disturb library operations. The applicant is responsible for managing orderly behavior of all attendees. Adult supervision is required for any group of minors. Applicants and program participants are expected to conform to the *Clarence Public Library's Rules of Conduct*, copies of which are available upon request.
8. Smoking (of any kind) and alcoholic beverages are not permitted. No refreshments may be served without the approval of the Library Director or member of the library staff.
9. Meeting rooms must be left in orderly, clean condition. Tables and chairs must be returned to the positions in which they were found.
10. The applicant accepts liability for either damage to library facilities or loss of library property. Any damage or additional cleaning fees will be assessed to the reserving organization/individual(s). Organizers may be asked to remove garbage from the room. Persons using the facility may not attach decorations, displays, adhesives, etc. to any surface.
11. No games of chance may be played.
12. Any use of Library audiovisual material or other equipment must be pre-approved.
13. The library will provide no storage space and assumes no responsibility for equipment or personal articles belonging to applicants or their guests. Library personnel will not move or rearrange heavy equipment.
14. All publicity is the responsibility of the applicant and must clearly identify the sponsoring organization. The location of the library may be publicized, but the library telephone number may not be placed on publicity, as the library is not a source of information concerning the event. Neither the name nor the address of the library may be used as the official address or the headquarters of an organization. No deliveries are to be made unless someone is present to accept them.
15. The following disclaimer must be included in all publicity materials: The views expressed are solely those of the author/speaker/presenter and do not necessarily reflect the views of, and should not be attributed to the Clarence Public Library.
16. A copy of all publicity materials must be submitted to the Library together with the Clarence Public Library Meeting Room Application. It is understood that deviation from the materials submitted with the Application could warrant the meeting to be canceled by Library personnel.

17. The Clarence library does not discriminate on the basis of disability in any of its programs and services. It is the responsibility of the organization using the meeting room to provide reasonable accommodations for person with disabilities (e.g. assistive listening devices, interpreters, etc., when and if possible) as required by the Americans with Disabilities Act.
18. Library personnel must have free access to the meeting rooms at all times. The library retains the right to monitor, including video monitor, all meetings conducted on the premises to ensure compliance with its regulations.
19. Violation of any of the Library's rules shall be grounds for denial of future use of meeting space. If new information becomes available that any meeting is in conflict with the above regulations or the Clarence Public Library's Rules of Conduct, permission to meet may be rescinded by the Library Director.
20. Room capacity limits are pursuant to Fire Code, but are subject to change based on health and safety requirements.

***By signing the application for use of the meeting room you agree to abide by all library policies, including the Clarence library's Rules of Conduct. Failure to comply with this agreement, may result in the suspension of your group's privilege***

*Approved by the Clarence Board of Trustees, Oct. 27, 2014, Amended February 25, 2019, Amended April 25, 2022, Amended June 23, 2025*
***Amended June 22, 2026***

This Agreement is subject to and hereby incorporates by reference the terms and conditions set forth in the Incorporation of NYS Terms Letter dated October 13, 2026 (the "NYS Letter"). In the event of any conflict, inconsistency, or ambiguity between the provisions of this Agreement and the NYS Letter, the terms and conditions of the NYS Letter shall control and take precedence.

# Clarence Public Library
# Meeting Room Reservation Form - 2026

**Organization Information**
PLEASE PRINT

Group Name: WNYDDSO

Contact Person: Colleen DeMarco-Senior Recreation Therapist

Address: 274 South Transit Street Lockport, NY 14094

Day/ Evening Phone: 585-735-5298

Purpose of room use: Recreation Therapy activities

**Although wireless Internet is available, the library cannot be held responsible for service availability or performance.**

**As contact person for my organization, I have read and agree to the terms for using the "Clarence Public Library Meeting Room Policy."**

Signature: Colleen M DeMarco Date: October 27, 2026

**A new application must be completed annually or if the Contact Person changes.**

**STAFF USE ONLY**

**Equipment**

| | | |
|---|---|---|
| □Projection screen | □Lectern/Microphone | □CD player |
| □Flat Screen TV | □ Digital Projector | □ Extension cord |
| □TV w/ VCR/DVD | □Dry erase board | □ Display easel |
| __Adult Tables | __ Children's Tables | _____ |
| __ Adult chairs | __Children's Chairs | _____ |

**STAFF USE ONLY**

**Room Reservations**

**All reservations must be entered on the calendar**

**No reservations more than 3 months in advance**

End time no later than 15 minutes before closing.

Day Date

Start/End times

Expected attendance

Note

Room 1 2 Both

~♦♦♦~

Day Date

Start/End times

Expected attendance

Note

Room 1 2 Both

~♦♦♦~

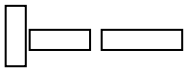
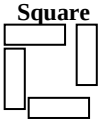
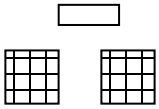
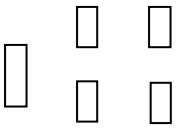
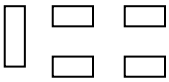
Day Date

Start/End times

Expected attendance

Note

**Common Room Arrangements**

| | | |
|---|---|---|
| **T**<br><br>3to 5 tables,<br>15 to 24 chairs | **Square**<br><br>4 to 6 tables,<br>12 to 18 chairs | **Auditorium**<br><br>Seats up to 40, 50, or 100<br>depending on room used |
| **Classroom**<br><br>4 - 8 tables, 12 - 24 chairs | **Seminar**<br><br>4 to 6 tables,<br>24 to 36 chairs | **Other** |

Approved by:

Librarian Date

Room 1 2 Both

~♦ ♦ ♦~

Day Date

Start/End times

Expected attendance

Note

Room 1 2 Both

~♦ ♦ ♦~

Day Date

Start/End times

Expected attendance

Note

Room 1 2 Both

~♦ ♦ ♦~

Day Date

Start/End times

Expected attendance

Note

Room 1 2 Both

~♦ ♦ ♦~

*Rev. 8-2026*