

Parma Town Board meeting held on Tuesday, February 19, 2013 at the
Parma Town Hall, 1300 Hilton Parma Corners Road, Hilton, New York.

ATTENDANCE

Supervisor	Carm Carmestro
Councilperson	James Smith
Councilperson	Gary Comardo
Councilperson	James Roose
Councilperson	Tina Brown
Highway Supt.	Brian Speer
Recreation Director	Steve Fowler
Building Inspector	Jack Barton

OTHERS IN ATTENDANCE

Dog Control and Code Enforcement Officer Art Fritz, Village Liaison Larry Speer, Former Town Board Member Ken Blackburn, Gary and Phoebe Shadders, Kirk and Marcos Palozzi, Helen Ives, Mike Weldon, Mike Clark, Kenneth Mullen, Kyle Mullen, Court Officer Attendant Joseph Silivestro and numerous other members of the public who did not sign in.

CALL TO ORDER

Supervisor Carmestro called the meeting to order at 6:32p.m. and lead those present in the Pledge of Allegiance to the Flag, followed by a moment of silence. Emergency exit procedures were noted.

PUBLIC FORUM

Supervisor Carmestro asked if there was any citizen present who would like to address the Town Board on any topic not on the agenda. There was no response.

MINUTES – FEBRUARY 5, 2013

RESOLUTION NO. 71-2013 Motion by Councilperson Smith, seconded by Councilperson Roose, to accept the Minutes of the February 5, 2013 meeting.

Motion carried: Aye 5 Nay 0

TOWN CLERK REPORT

The following notices have been received and posted: Notice of Intent to Become Lead Agency from the Town of Greece for proposed rezoning changes; Monroe County

Planning Board regarding an informational meeting on March 7, 2013 at Monroe Community Hospital Conference Room A on the Proposed Capital Improvements Program for 2014-2019; and the 30-day notice for Inclusion of Viable Agricultural Lands in Monroe County Agricultural Districts.

The Supervisors Financial Reports have been submitted to the Town Clerk and are available for review by the Town Board and will be filed in my office after you have reviewed.

Notification has been received for a request to the Liquor Authority to alter the application of Brewski's On Premise Alcoholic Beverage License.

A request has been received to have a personal bounce house on-site during a pavilion rental on June 8, 2013 for a birthday party. It was felt the insurance company should be contacted to see if the requirements needed for a commercial vendor would apply here. Our insurance company will be contacted for further input.

HIGHWAY DEPARTMENT REPORT

Supt. Speer reported that the Monroe County Department of Transportation has identified three bridges in need of preventative maintenance. Under the Transportation Improvement Program (TIP), an application for funding will be made for bridge work on West Beach Drive over East Creek, Butcher Road over Black Creek and Silent Meadows Drive over Northrup Creek. The total estimated cost is \$1.4 million and the Town's portion will be 5%, roughly \$71,000. He has raised two concerns. First is the Town obligated at this point and the answer was that we are not at this time. The second was whether all three bridges would have to be done as one project or if they could be split out. He is concerned about access for the West Beach residents as there would be no other way to access the end of the road. The Butcher Road project is similar in structure as the bridge projects just completed. There was further discussion on options especially for the West Beach project. Notice has also been received from the New York State Department of Transportation for bridge maintenance on Parma Center Road over Salmon Creek. It was felt that this should be researched to gather information and design would not begin until 2015 and construction in 2016.

BUILDING DEPARTMENT REPORT

Mr. Barton provided photos of the placards which have started to be placed on buildings with structural problems. The placards are red squares with symbols indicating the structural condition and/or interior hazards exist. The solid red square means the structure has normal structural conditions. The red square with a white diagonal slash means that structural or interior hazards exist and fire-fighting or rescue operations should be conducted with extreme caution. A red placard with a white X indicates structural or interior hazards exist to a degree that consideration should be given to limit firefighting to the exterior, with entry only when a known life hazard exists.

Monroe County Soil and Water has contacted the Town regarding the report done here in 2011. It assessed green infrastructure and low impact development through review of our Code. They would like to come out to review their recommendations which include less impervious surface areas and more “green” infrastructure. They have asked to sit with representatives from the Town which will include the Highway Superintendent, Building Department representative and the Town Engineers to look at how we can incorporate some of the recommendations. He noted that we made some changes at the end of last year, such as parking space size. He would like to contact them to set up a time to review these recommendations to help us go forward.

Mr. Barton addressed the Town Board regarding 4618 Ridge Road West. It was noted a proposed resolution was discussed to allow the Town Attorney to take action in Supreme Court during a Town Board meeting in January. At that time the Town Board determined that an additional period of time would be allowed (to February 19, 2013) to meet the requirements before approving a resolution to commence action to correct. He is asking the Town Board to address the resolution again tonight. He noted there has been some action taken: some permits have been picked up; plans were submitted a week and a half ago for the modification for the variance received from New York State; a permit was picked up for the bathroom requirements; but no inspections have been requested.

Councilperson Comardo noted that the Board set the deadline, they have been given plenty of time and we have been addressing these issues for some time. He suggested the Board stay with their original intention and move on it legally.

Councilperson Roose clarified that the operating permit could not be issued because of the bathroom requirements and this would shut down the snow sledding operation. He also inquired if there was any work being done. Mr. Barton responded it is not clear if work is being done as they have not called for an inspection. There was a discussion on the progress. Councilperson Roose is not in favor of not allowing them to operate. He felt they have spent a great deal of money even though they have not progressed in the direction Mr. Barton has asked them to.

Mr. Barton reported the owner was informed of the February 19th compliance date through our attorney and no response has been provided. There was a lengthy discussion on what had transpired since the January meeting. It included that extensions have been granted, that a permit signifies what inspections are needed; there are two open stop work orders that are over a year old for work done without permits which include one for a door installed on the southeast corner and a second for a rolling shutter door over the revolving door, fire lane signage, a request for a zoning compliance letter which could not be responded to because of these open items; not meeting bathroom facility requirements; and associated fire safety concerns. Councilperson Roose questioned the door installations and the building department’s role in inspection of them. Building department staff responded that these were safety issues and referenced building codes.

Councilperson Roose felt that because a permit has now been applied for more time should be considered. He did not feel the operation should be shut down. Councilperson Smith noted that the Board drew the line in the sand last time when they agreed to extend

the time in January. Supervisor Carmestro asked Mr. Barton to go to the site tomorrow to see if any work has been started. If no work has been started, then legal action should be commenced. Councilperson Comardo noted there have been ongoing problems for a couple of years and it is state code that is not being met not just local policies.

AUTHORIZATION FOR LEGAL ACTION

RESOLUTION NO. 72-2013 Motion by Councilperson Smith, seconded by Councilperson Comardo, to authorize Attorney for the Town, Secru & Secru, LLP to initiate an action or proceeding in the name of the Town of Parma against Doug Miller, K & K Property Ventures, LLC on jurisdiction, to prevent, restrain, enjoin, correct, or abate any violation of, or to enforce, any provision of the Uniform Code, Town Code Chapter 24 titled Building Code Administration, or any term or condition of any building permit, certificate of occupancy/certificate of compliance, temporary certificate, stop-work order, operating permit, compliance order, or other notice or order issued by the Code Enforcement Officer pursuant to any provision of Town Code Chapter 24. In particular, but not by way of limitation, where the construction or use of a building or structure is in violation of any provision of the Uniform Code, the Energy Code, Town Code Chapter 24, or any stop-work order, compliance order or other obtained under the Uniform Code or Town Code Chapter 24, and action or proceeding may be commenced in the name of this Town, in the Supreme Court or in any other court having the requisite jurisdiction, to obtain an order directing the removal of the building or structure or an abatement of the condition in violation of such provisions.

Motion carried: Aye 4 Nay 1 Voting Nay Councilperson Roose

RECREATION DEPARTMENT REPORT

Mr. Fowler was unable to attend the meeting due to illness. He provided a report which included: Acknowledgement of Luis Martinez Perez, a SUNY Brockport recreation major, who will be completing an internship with the Recreation Department this semester.

February break offerings are currently in process.

The Spring Program Brochure has been distributed and registrations begin on March 4th.

The Recreation Department has solidified the Senior 55+ Day Trip Schedule for 2013 and destination sheets are available at the Recreation Office.

The next community special event will be Breakfast with the Easter Bunny on March 16th.

MISCELLANEOUS REPORTS

LIBRARY REPORT

Library Director, Becky Tantillo, reported that the library is now in touch with patrons via Facebook, Twitter and Pintrest. She also provided a copy of the Friends of the Parma Public Library newsletter which includes information on Library offerings and upcoming events and comes out semi-annually.

VILLAGE LIAISON REPORT

Village Trustee, Larry Speer, reported the Village Board gave approval to CGI Communications to create a video which would highlight the advantages of living and working in Hilton. It will be viewable on the Village's website and on Relocate.org. Area businesses and organizations will be contacted for how to participate in this program.

BUSINESS ITEMS

DOG KENNEL – TOWN OF HAMLIN

Dog Control Officer, Art Fritz, reported that the Town of Hamlin has space available to kennel dogs that in the past have been sent to Lollipop Farm. State law requires that seized dogs be placed in the Town's official kennel within 24 hours. There would be an annual fee of \$2,000 which will give the Town two dedicated kennels for our use. Dogs would be held for the required three days per our code and for an additional seven days while the dog is up for adoption by the Hamlin Dog Control Officer. If the dog is not adopted then it would be taken to Lollipop by the Hamlin Dog Control Officer. The owners of dogs picked up will have to pay all the associated fees pay for any vet fees incurred and license the dog if it is not already with the Town of Parma. The cost to use Lollipop and the expense in time and travel will be greatly reduced. Councilperson Comardo noted this would be financially neutral or positive. Councilperson Brown noted the average cost is \$2,600. There have been response and other ongoing issues with Lollipop and alternatives have been looked at for some time. The proposed agreement will require \$1,000 at the onset and the remaining \$1,000 in July. The agreement will be reviewed in 6 months and any issues can be addressed during the breaking in period. Mr. Fritz will get the agreement drawn up. A handout with information on the process for dog owners; addressing legal matters for the contract and having an invoice schedule were items mentioned to be addressed. The matter will be addressed at the next Town Board meeting.

TIME WARNER CABLE – 2013 TAX PAYMENT

RESOLUTION NO. 73-2013 Motion by Councilperson Smith, seconded by Councilperson Roose, to accept \$4,839.19 from Time Warner Cable and pay \$755.51 as a credit from franchise fees paid to the Town of Parma for the full payment of the 2013 Town & County tax bills for Time Warner Cable tax account numbers:

264001	500.00-0-258./HILT	\$168.67
264089	500.00-2-580./BKPT	\$ 35.21
264089	500.00-2-580./HILT	\$399.05

264089	500.00-2-580./SPEN	\$152.58
	Total	\$755.51

Motion carried: Aye 5 Nay 0

SKATEBOARD EVENT

Gary Shadders and his daughter were present to request use of the Town Hall Park on May 25, 2013 for a 2 Mile Push Race to benefit RocCity Skate Park. Mr. Shadders described the event to the Town Board and provided a packet with information for the Town Board. In response to questions asked by the Board he reported that there will be 30-50 participants in the race and a skateboard trick contest. They range in age from 14-50 years old. All participants are required to sign up on their website and sign a waiver. They want to have food and skateboard vendors and will be soliciting sponsors. They are hoping for a festive type of atmosphere. There will be no charge to those that attend but participants will be charged and there will be raffles for items that sponsors donate. He estimated that there would be 500 people in attendance and there would be no alcohol. They would like to have a DJ. Questions raised included how long the roadways would have to be blocked off, scheduling the race earlier so that some pavilions could still be made available to the public; reserve parking for the court at the front of the Town Hall, notifications to the public that the Park would not be available that morning; plan for licensed traffic control, and the need to meet our insurance requirements. There was also discussion on just using the north side of the park after the race is finished so the remaining portion of the event is held in that section of the park. The Board was polled on whether they would consider having this event at the Park. They were in agreement to continue if the issues raised are addressed and would like Mr. Shadders to come back to the next Town Board meeting to address these concerns. In the meantime, the Hess and Burritt Pavilions will be on hold for that day and the logistics for the costs involved will be looked at.

RESOLUTION RECREATION VAN REPLACEMENT

RESOLUTION NO. 74-2013 Motion by Councilperson Brown, seconded by Councilperson Comardo,
WHEREAS, the Town of Parma is facilitating the process of replacing the 1998 Ford 12 passenger van; and
WHEREAS, the New York State Office of Governmental Services has secured a contract for municipalities to purchase a comparable vehicle;
THEREFORE be it resolved that the Town utilizes the New York state contract process to purchase a 2013 Ford E350 12 passenger van with New York State specification package from Van Bortel Ford of 71 Marsh Road East Rochester, NY 14445 for the established price of \$22,995.17; and
FURTHERMORE payment for this vehicle will come from the Recreation T0033 Fund Account.

Motion carried: Aye 5 Nay 0

**RESOLUTION NEW YORK STATE DEPARTMENT OF
TRANSPORTATION UNDERTAKING**

RESOLUTION NO. 75-2013 Motion by Councilperson Roose, seconded by Councilperson Smith, to warrant an undertaking by the Town of Parma for the New York State Department of Transportation.

Motion carried: Aye 5 Nay 0

See the end of the minutes for the full text of the Undertaking

AUDIT QUOTES

Quotes were obtained from the following CPA firms to perform an annual audit on the Supervisor and Town Clerk records for 2012 and the required audit for the bridge projects:

William S. Bailey, CPA, PFS, CFP \$10,000
Raymond F. Wager, CPA, P.C. \$ 9,500

It was noted that three quotes were sought but one entity did not respond.

RESOLUTION NO. 76-2013 Motion by Supervisor Carmestro, seconded by Councilperson Smith, to authorize the performance of an audit for the Town of Parma on the Supervisor and Town Clerk records for the fiscal year ending 2013 and a single audit compliance by Raymond F. Wager, CPA, P.C. for \$9,500.

Motion carried: Aye 5 Nay 0

**MONROE COUNTY SNOW AND ICE CONTROLS AGREEMENT –
AMENDMENT #10 FOR 2012-2013**

RESOLUTION NO. 77-2013 Motion by Councilperson Smith, seconded by Councilperson Roose, to accept the Snow and Ice Agreement Amendment #10 with Monroe County for the 2012-2013 season for a total estimated payment to the Town of \$286,803.39.

Motion carried: Aye 5 Nay 0

**AGREEMENT TO EXTEND INDEXED LUMP SUM
MUNICIPAL SNOW AND ICE AGREEMENT WITH NEW YORK STATE**

The amount to be received by the Town has been adjusted to \$246,678.01, down from \$278, 589 the prior year. This is a decrease of \$32,026.

RESOLUTION NO. 78-2013 Motion by Councilperson Brown, seconded by Councilperson Comardo, to accept the Amendment to Change the Estimated Expenditure for Snow and Ice Agreement with New York State for the Indexed Lump Sum Contract; authorize the Town Supervisor to enter into the agreement which will increase the amount that the Town

will be reimbursed to \$246,678.01 for the 2012/2013 season; and extend the contract through June 30, 2015.

Motion carried: Aye 5 Nay 0

ESTABLISH CAPITAL RESERVE ACCOUNT FOR SALT SHED PROJECT

RESOLUTION NO. 79-2013

Motion by Councilperson Smith, seconded by

Councilperson Roose, to

WHEREAS, the Town of Parma (hereinafter the "Town"), the Village of Hilton (hereinafter the "Village"), the Hilton Central School District (hereinafter the "School District") and the Hilton Parma Fire District (hereinafter the "Fire District") have agreed to construct a municipal joint salt shed (hereinafter the Joint Salt Shed) per Inter-municipal Agreement between the Town of Parma, the Village of Hilton, the Hilton Central School District and the Hilton Parma Fire District and approved by Parma Town Board Resolution No. 61-2013 on February 5, 2013; and

WHEREAS, the Town, as lead agency, solicited sealed bids which were opened and read aloud on December 17, 2012; reviewed by the project engineer, LaBella Associates, who recommended the Town accept the low bidder, Gudabri, Inc., for the General Construction portion of the project and to reject the electrical work and site work bids in favor of having the Town of Parma Highway Department and the Village of Hilton Department of Public Works perform that work; and

WHEREAS, the Town accepted the recommendation of LaBella Associates and awarded the Construction portion of the project to the low bidder, Gudabri, Inc., on February 5, 2013 per Resolution No. 59-2013 and rejected the Electrical Work and Site Work bids in favor of having the Town of Parma Highway Department and the Village of Hilton Department of Public Works perform that work on February 5, 2013 per Resolution 60-2013; and

WHEREAS, the Town, has identified the need to establish a capital project fund for the Town of Parma's portion of the cost to construct a municipal joint salt shed.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

RESOLVED, that there is hereby established a capital project fund to be known as the "Capital Project Fund HH" (hereinafter "Project Fund"). The purpose of this Project Fund is the construction of a Joint Salt Shed for use by the Town of Parma, the Village of Hilton, the Hilton Central School District and the Hilton Parma Fire District.

The estimated maximum cost of such capital improvement is \$632,538 of which the Town of Parma will be responsible for \$490,830. The remaining \$141,708.00 will be provided for according to the terms of an Inter-municipal Agreement between the Town of Parma, the Village of Hilton, the Hilton Central School District and the Hilton Parma Fire District and approved by Parma Town Board Resolution No. 61-2013 on February 5, 2013.

The chief financial officer is hereby directed to transfer \$490,830 from A Unappropriated Unreserved Funds to Capital Project Fund HH to fund this project.

Upon completion of the capital project and all revenues have been received and all expenditures paid, the Parma Town Board shall pass a resolution closing the project, describing how moneys remaining, if any, are to be distributed according to statutory requirements and grant obligations, if applicable.

This resolution shall take effect immediately.

Motion carried: Aye 5 Nay 0

MISCELLANEOUS

None

LIAISON REPORTS

** Councilperson Brown noted that everything that she needed to report has already been covered.

**Councilperson Comardo reported the next Zoning Board meeting is this Thursday. He also noted there had been three code enforcement letters sent out since the last meeting.

**Councilperson Smith reported he attended the Historical Society meeting which included a presentation on Ontario Beach Park which was the equivalent of Coney Island from 1890-1920 for upstate New York. There has also been a lot of activity at the museum with changing of displays to make the museum more user friendly. He attended the Farmland and Open Space Committee. They are expected to present the Right to Farm Law to Mr. Barton soon after which the process for approval will begin. Scott Copey will be presenting to the Nature Conservancy in Lodi, New York tomorrow requesting co-funding for a DEC project in the Town of Parma adjacent to Braddock Bay. There may be funding for another round of grants for farmland protection this year. He developed the Agreement for the Cyclocross event and has sent it off to that group.

There has been damage to the athletic fields and damage to the barricades between the back parking lots. Significant work will be needed to fix or to replace the barricades and to repair the vandalized athletic fields. Security cameras are being looked into. An ad will be placed to hire Park Attendant staff for the upcoming season. Staff is using the newly purchased salt spreader. The zero turn mower purchase will not be discussed tonight.

**Councilman Roose reported there was not much at the Planning Board meeting.

WARRANT

RESOLUTION NO. 80-2013 Motion by Councilperson Brown, seconded by Councilperson Comardo, to approve payment of AOO General Fund bills, in the amount of \$66,251.98.

Motion carried: Aye 5 Nay 0

RESOLUTION NO. 81-2013 Motion by Councilperson Comardo, seconded by Councilperson Smith, to approve payment of BOO Part Town Fund bills, in the amount of \$2,884.16.

Motion carried: Aye 5 Nay 0

RESOLUTION NO. 82-2013 Motion by Councilperson Smith, seconded by Councilperson Roose, to approve payment of DAO Highway, Townwide Fund bills, in the amount of \$132,629.37.

Motion carried: Aye 5 Nay 0

RESOLUTION NO. 83-2013 Motion by Councilperson Roose, seconded by Councilperson Brown, to approve payment of DBO Highway, Part Town Fund bills, in the amount of 1,551.10.

Motion carried: Aye 5 Nay 0

RESOLUTION NO. 84-2013 Motion by Councilperson Brown, seconded by Councilperson Comardo, to approve payment of HDO Town Bridges Fund bills, in the amount of \$72,300.20.

Motion carried: Aye 5 Nay 0

RESOLUTION NO. 85-2013 Motion by Councilperson Comardo, seconded by Councilperson Smith, to approve payment of SDO Townwide Drainage, in the amount of \$45.52.

Motion carried: Aye 5 Nay 0

RESOLUTION NO. 86-2013 Motion by Councilperson Smith, seconded by Councilperson Roose, to approve payment of TAO Trust & Agency Fund bills, in the amount of \$1,401,993.20.

It was noted this includes payments to the fire districts for taxes collected.

Motion carried: Aye 5 Nay 0

The total to be paid is \$1,677,655.53.

ENTER INTO EXECUTIVE SESSION

Supervisor Carmestro noted the Town Board would be entering into an executive session and there would be no further Town business conducted.

RESOLUTION NO. 87-2013 Motion by Councilperson Comardo, seconded by Councilperson Brown, to enter into Executive Session to discuss current litigation.

Motion carried: Aye 5 Nay 0

A member of the audience asked the reason for the executive session. It was responded the session would be for the soccer fields and Article 78 litigation. There was a short recess while people exited the meeting. The Board entered into Executive session at 7:50 p.m.

CLOSE EXECUTIVE SESSION

RESOLUTION NO. 88-2013 Motion by Councilperson Smith, seconded by Councilperson Brown, to close the Executive Session at 9:15 p.m. and return to regular session.

Motion carried: Aye 5 Nay 0

There being no further business before the Town Board, Councilperson Comardo made a motion to adjourn the meeting at 9:15 p.m., seconded by Councilperson Smith.

Respectfully submitted,

Donna K. Curry
Parma Town Clerk

UNDERTAKING WITH
NEW YORK STATE DEPARTMENT OF TRANSPORTATION

WHEREAS, the undersigned Town of Parma (hereinafter referred to as "Permittee") from time to time receives permits from the State of New York Department of Transportation (hereinafter referred to as the "NYSDOT") and otherwise conducts activities and operations upon highways and/or within right-of-way controlled by the State of New York for such purposes as the obstruction, installation, construction, maintenance and/or operation of facilities; and

WHEREAS, Permittee's access and operation upon state right-of-way is conditioned upon compliance with Highway Law Sections 52, 103, 203 and/or 234, including the conditions that Permittee assume all responsibility for (a) the temporary control of all modes of traffic (including motorized and non-motorized travel) affected by Permittee's operations, (b) complete restoration of state facilities to their condition prior to permitted use or activity, and (c) all claims, damages, losses and expenses,

NOW THEREFORE, in relation to all operations and/or actions undertaken within state right-of-way, Permittee hereby agrees to the following terms and conditions:

1. **Permit Applications.** Excepting only activities undertaken to protect public safety because of emergency conditions or incidents, Permittee shall provide timely written notice to NYSDOT of operations or activities affecting state

right-of-way. Under normal circumstances, a minimum of five business days notice shall be provided. Notification of emergency activities shall be provided to NYSDOT as soon as practicable after the activity. The Permittee shall apply for project-specific permits for activities not allowed under any existing annual permit. Such application shall identify proposed project locations, desired dates/hours, proposed work/activities, traffic control, and site restoration.

2. **Applicable Rules, Regulations & Conditions.** Permittee shall comply with all of the laws, rules and regulations applicable to construction, maintenance activities and operations and shall further comply with such terms and conditions that may be imposed by NYSDOT in connection with permitted activity or operations. Temporary Traffic Control, highway safety appurtenances, and restoration of state facilities shall be completed in accordance with NYSDOT regulations and standards.
3. **Site Restoration.** Permittee shall, at its own expense, promptly complete the work allowed under each permit and, within a reasonable time, restore State property damaged by its work/activities to substantially the same or equivalent condition as existed before such work was begun as determined by the Commissioner or his/her designee. In the event that the Permittee fails to so restore damaged State property within what the Commissioner deems to be a reasonable time, the Commissioner, after, giving written notice to the Permittee, may restore the property to substantially the same or equivalent condition as existed before the Permittee's work/activities, in which case, Permittee agrees to reimburse the reasonable expenses in connection therewith.
4. **Payment & Release of Liens.** Permittee shall be responsible for the payment of all costs and materials relating to its work in the public right-of-way, and agrees to defend and save harmless NYSDOT against any and all lien claims made by person supplying services or material to Permittee in connection with Permittee's work.
5. **Indemnity.** In addition to the protection afforded to NYSDOT under any available insurance, NYSDOT shall not be liable for any damage or injury to the Permittee, its agents, employees, or to any other person, or to any property, occurring on the site or in any way associated with Permittee's activities or operations, whether undertaken by Permittee's own forces or by contractors or other agents working on Permittee's behalf. To the fullest extent permitted by law, the Permittee agrees to defend, indemnify and hold harmless the State of New York, NYSDOT, and their agents from and against all claims, damages, losses and expenses, including but not limited to, claims for personal injuries, property damage, wrongful death, and/or environmental claims and attorney fees arising out of any such claim, that are in any way

associated with the Permittee's, activities or operations under any and all permits issued using this Undertaking.

FURTHERMORE, Permittee hereby warrants that the obligations of this Undertaking are backed by the full faith and credit of Permittee. Permittee may insure or bond any of the obligations set forth herein, or may rely upon self-insurance, budgeted funds, or funds for general operations.

This Undertaking shall be applicable to all permitted activities and operations undertaken after the date of execution and work initiated while this Undertaking is in effect. This Undertaking may be revoked by the Permittee or rejected by NYSDOT upon thirty days written notice but will continue to apply to all permitted activities/operations that were permitted by virtue of this Undertaking. Unless terminated for the purpose of future activities/operations, this Undertaking shall have a term of twenty (20) years and shall be kept on file to facilitate the issuance of future permits to which it will apply.

IN WITNESS WHEREOF, the Town of Parma agrees to the terms of this Undertaking, and has caused its execution by the authorized officer or employee.

Authorized Agent

Date

Print Name / Title

Address

Phone number

Address

e-mail