

Parma Town Board meeting held on Tuesday, April 21, 2015 at the  
Parma Town Hall, 1300 Hilton Parma Corners Road, Hilton, New York

**ATTENDANCE**

Supervisor	James Smith
Councilperson	Gary Comardo
Councilperson	James Roose
Councilperson	Tina Brown
Councilperson	Kyle Mullen
Highway Supt.	Brian Speer
Town Clerk	Donna K. Curry
Director of Parks and Recreation	Tom Venniro
Building and Development Coordinator	Dennis Scibetta

**OTHERS IN ATTENDANCE**

Mike Weldon, Sean Maloney, Kyle Williams, Kaitlyn Dawkins, Frances Seifert, Shawn Barron, Lon Jacobs and other members of the public.

**CALL TO ORDER**

Supervisor Smith called the meeting to order at 7:05 p.m. and lead those present in the Pledge of Allegiance to the Flag, followed by a moment of silence. Emergency exit procedures were noted.

**MINUTES – APRIL 7, 2015**

**RESOLUTION NO. 131-2015** Motion by Supervisor Smith, seconded by Councilperson Comardo, to accept the Minutes of the April7, 2015 meeting.

Motion carried: Aye 5 (Smith, Comardo, Roose, Brown, Mullen) Nay 0

**TOWN CLERK REPORT**

A letter of resignation has been received from Tim Thomas informing the Town of his resignation from the Farmland and Open Space Committee effective immediately. The Financial Report for March has been completed, filed and are available for the Town Board's review at the Board desk. The response information was sent to the Slavic Pentecostal Church Youth Minister regarding their 5K race.

**HIGHWAY DEPARTMENT REPORT**

Supt. Speer reported staff is repairing snow damage and disassembling equipment from the winter. He also reviewed a spreadsheet he prepared for the purchase of the Vactor (will refer to as the flusher/vacuum) with the use of Sewer district funds. Originally, Supt, Speer wanted to divide the cost across all the districts because there was enough money in

total to cover the cost of the purchase, but was informed by Audit and Control in Rochester this could not be done as the cost would not be evenly distributed and needed to be done as a per unit charge. They also suggest that he contact Albany and he noted that it may take some time before they would get back to us and he is not sure what they would say. He calculated the per-unit cost to be \$140.71 per unit but this will put some of the districts in arrears. There was discussion on the Flusher/Vacuum:

- It may be used for drainage some times and what options there might be to split the cost between Sewer and Drainage Funds
- A Sewer Equipment Fund be established as an option charging the sewer district properties a fee to fund on the tax bill or the building permit, builder levy
- Would other municipalities have a use for this piece of equipment and might we generate some revenue by making it available to them at the County equipment rate
- Will the work used for be at the new building phase or later in the life of the lines. Supt. Speer felt repairs tend to be for existing lines than new lines.
- With the cost (for flusher/vacuum and camera) being approximately \$75,000, a suggested split might be \$50,000 from Sewer Funds and \$25,000 from the B Fund and backfill that account as we go.
- Could the future lots expected to be built out in the approved subdivisions be used for the per-unit calculation.

Discussion moved to what equipment has been budgeted for, \$64,932 for the 2<sup>nd</sup> payment on the truck and \$41,728 for the Mini-Excavator. The trailer was approved for \$22,750 but was not part of what was budgeted. In addition, there will be another truck purchase for \$236,329 and a lease payment of approximately \$50,000 for a five year term or \$82,000 over a three year term if approval is given by the Board to purchase. There was discussion on deferring the excavator for another year. Supervisor Smith asked that Board members take time to soul search and be ready to take action at the next meeting on May 6<sup>th</sup>. The excavator is available through the National Joint Purchasing Association (NJPA). There was discussion on whether the Board would approve the purchase tonight. It was noted no information has been provided on this association or a quote. The Board would like updated quote information and the contract prior to the meeting so they have time to review. Supt. Speer said he would look into the Flusher/Vacuum sewer equipment purchase. It was suggested that discussion with the Comptroller's Office include the Finance Director so that everyone is hearing the same thing. Supt. Speer felt it might not be possible in that you call leave a message and they call you back. Everyone might not be available at the same time.

## **BUILDING DEPARTMENT REPORT**

Mr. Scibetta reported the Safety Reaction Team project has been approved by the Planning Board. The group was requested to move the target area out of the Rural Residential area and so it is entirely in the General Commercial area. The Army Corp of Engineers questioned the flood zone which limited them in being able to put the target area berm in that area. The group is prepared to do a presentation for training of Special Police and/or Court Attendants if wanted.

Mr. Scibetta informed the Town Board that approval for Walnut Grove Estates was completed in November of 2014; however the maps were not filed until after the March 15<sup>th</sup> cutoff for the tax roll. As a result the subdivision was removed from the tax roll and exists as a single parcel rather than multiple individual parcels. This resulted in a cost savings to the new owner of the development but only allows him one building permit going forward.

### **RECREATION DEPARTMENT REPORT**

Mr. Venniro reported the Spring and Summer Brochure has been completed. It is expected to be online at the end of the week and Playground program registrations start on Monday. The Senior Banquet was well attended and enjoyed by all.

Ms. Farrell will be unable to attend the Park and Recreation Society Conference and has deferred her spot to Ms. Bartell. This will also allow Ms. Bartell to be enrolled in a certification program and for Nature related activities

The Park is now open for the season. The first big event will be on May 5<sup>th</sup> for the 5K Race for Fanconia Anemia. Everything is in order for this event.

Mr. Venniro asked that an assessment of the Park be done again this year. He felt they are in good shape equipment wise but noted issues that should be addressed. These included: tree issues, the sports building roof, signage, landing at the pond, resurfacing of the skate park and the tennis courts, roofing issues at the Warming Hut, pavilions and the VFW Lodge, and roadway conditions in some areas.

With regard to staffing, applications have been received for the Park Attendant and Park Laborer positions. He noted they have held off and are now ready to start the process with the Park Laborer position. He will be hiring Mark Thrall for the Park Laborer position, to start at \$9.50 per hour and after completion of the hiring procedure start the following week. There was discussion on whether this position would be kept below a six month period. Mr. Venniro noted that by starting this position later in April than has been previously done and ending it in September not October, this objective will be met.

Councilman Mullen reported that the American Legions would like a flowering pear purchased to replace the pine tree which was lost and donated in memory of one of their members. They will reimburse the Town for the purchase and asked that this be completed.

### **PUBLIC FORUM**

Supervisor Smith asked if there was any other citizen who would like to address the Town Board with any concerns. There was no response.

### **BUSINESS ITEMS**

#### **APPOINTMENT OF TOWN JUSTICE**

**RESOLUTION NO. 132-2015** Motion by Supervisor Smith, seconded by Councilperson Roose, to appoint Richard Alexander to the position of Town Justice for the term of May 6, 2015 through December 31, 2015.

Motion carried: Aye 5 (Smith, Comardo, Roose, Brown, Mullen) Nay 0

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

**RESOLUTION NO. 133-2015** Motion by Councilperson Comardo, seconded by Councilperson Brown, to authorize the Supervisor to sign the Undertaking for the State of New York Department of Transportation.

Motion carried: Aye 5 (Smith, Comardo, Roose, Brown, Mullen) Nay 0

*See Schedule A at end of minutes*

**WORKERS COMPENSATION REFUND CHECK**

Supervisor Smith reported the Town receives a refund based on the claims submitted and the overall performance of all entities in the Upstate New York Municipal Workers Compensation Group. This year \$53,552 will go to the reserve account to build the balance in that account to cover us sufficiently for a catastrophic event and reduce our risk for any major payout.

**RESOLUTION NO. 134-2015** Motion by Councilperson Roose, seconded by Councilperson Mullen,  
WHEREAS, the Town of Parma pays Worker's Compensation insurance costs as required;  
and  
WHEREAS, from time to time the Town receives sums of money ("funds") representing a rebate of the costs paid for Worker's Compensation; and  
NOW, THEREFORE, BE IT RESOLVED:

- Sec. 1 The Town Board hereby directs the surplus of contribution check of \$53,552.00 be deposit in the Workers' Compensation Reserve Fund.  
Sec. 2 That this resolution shall take effect immediately.

Motion carried: Aye 5 (Smith, Comardo, Roose, Brown, Mullen) Nay 0

**HILTON CENTRAL SCHOOL DISTRICT MODIFIED BASEBALL FIELD USAGE AGREEMENT**

**RESOLUTION NO. 135-2015** Motion by Councilperson Mullen, seconded by Councilperson Roose, to authorize the Supervisor to enter into the Baseball Field Use Agreement with the Hilton Central School District as written.

Motion carried: Aye 5 (Smith, Comardo, Roose, Brown, Mullen) Nay 0

*See Schedule B at end of minutes*

**ROCHESTER LADY LIONS PREMIER SOFTBALL TOURNAMENT FIELD  
USAGE AGREEMENT**

This was tabled for the present as the group is looking for two skin (dirt) fields and has not yet made a decision.

**APPROVAL FOR ATTENDANCE AT THE NRPA STRATEGIC PLANNING  
WORKSHOP**

**RESOLUTION NO. 136-2015** Motion by Supervisor Smith, seconded by Councilperson Comardo, to approve the attendance of Tom Venniro at the National Recreation and Parks Association (NRPA) Strategic Planning workshop May 19 and 20, 2015.

Motion carried: Aye 5 (Smith, Comardo, Roose, Brown, Mullen) Nay 0

**AUTHORIZATION TO HIRE RECREATION SUPERVISOR**

Mr. Venniro and Recreation Commissioner, Tom Ganley, reviewed the candidates for the opening resulting from Jim Volkmar's retirement. Because there is a current civil service to select from, the candidates were chosen from that list. They are recommending the hiring of Ryan Rockefeller for the position of Recreation Supervisor. Mr. Venniro felt that his experience, numerous certifications and leadership skills were by far better than any of the other applicants they have seen. He proposed that he be brought in at the third pay step and after the six month probationary period, assuming he meets or exceeds the expectation, that he be brought up to the fourth step.

It was noted a Recreation Leader and Recreation Supervisor positions were posted for; because we were not sure which way we would go. There was discussion on whether an additional supervisory position was needed. Mr. Venniro responded this position would be responsible for overseeing such things as the senior meal program, year round sports officials, aquatics programs. Previously, there was the Recreation Director, Assistant Recreation Director and two Recreation Leaders. Now there would be Recreation Director and three Recreation Supervisors; adding another supervisory position. Supervisor Smith noted each will be filling some of the aspects of the Assistant Recreation Director by sharing some of the management matters across this staff. It was felt the background Mr. Rockefeller has would be helpful in this regard.

Further discussion and a request for an executive session resulted in the decision being postponed until later in the meeting.

**APPOINTMENT TO BOARD OF ASSESSMENT REVIEW**

**RESOLUTION NO. 137-2015** Motion by Supervisor Smith, seconded by Councilperson Comardo, to appoint Marilyn DeMeyer to the Board of Assessment Review effective immediately and to run through September 30, 2015.

Motion carried: Aye 5 (Smith, Comardo, Roose, Brown, Mullen) Nay 0

### **INFORMATIONAL ITEMS**

Supervisor Smith reminded all of the meeting date change to Wednesday, May 6, 2015 for the next Town Board meeting and the joint meeting with the Village will be on May 12, 2015.

### **LIAISON REPORTS**

\*\*Councilperson Brown reported that the Conservation Board went over the Safety Reaction Team Training Shooting range and Mike Ingham will be doing a site visit. Don Harter will do the site visit for the Webster subdivision. The Assessors' Office has mailed the reassessment letters and they are starting to set up grievance meetings. The Planning Board meeting has already been covered by Mr. Scibetta. She went to the Spencerport Chamber of Commerce meeting and there was discussion about the school budget.

\*\*Councilperson Comardo noted there has not been a Parks and Recreation Commission meeting and tomorrow is the Senior Dinner. The Farmland and Open Space Committee postponed their meeting to next week to allow them time to meet with the four or five likely candidates. The Drug Coalition met last week and the meeting centered around brainstorming the priorities. Community education is going to be the main focus of this group.

\*\*Councilperson Roose reported that at the meeting in May with the Village there will be discussion around the Special Police and he would like this on the agenda for that meeting. The Code Enforcement Officer is addressing property and abandoned/unlicensed vehicle violations at the Hess trailer park.

\*\*Councilperson Mullen reported that there was not a Zoning Board meeting because there was nothing on the agenda. On the GIS front, the County got rid of their Pictometry online and now you go right to the Pictometry site. He reported not seeing some of the things we were shown during the presentation given here and is working on what might be different or if he is missing something.

\*\*Supervisor Smith reported he is meeting with a structural engineer regarding the court room door in early May. He will be looking at the Center for Government Efficiency, which offers municipalities technical services to develop three to five year financial plans. It is hoped that they can provide a more in depth analysis that we can do internally. He had hoped to present a RFP for the solar power project but he did not receive the information yet. He is also going to be giving a very brief state of the Town of Parma at the Spencerport Chamber meeting. The Finance Director attended a training session last

week which included discussion on the Affordable Health Care Act. Of note was the difference in the rules for employers with 50 employees or less. They are significantly different than those with higher numbers of employees. Our numbers are estimated to be 48 full time equivalent employees. Paychex has been used to provide the calculation for the Town. Because this number is so close to the 50 threshold, the presenter felt that we might come under scrutiny. It was suggested that a second opinion be obtained and there was discussion about the penalties and whether they would be shared if we are not in compliance. The cost to manage especially from the administrative side is much greater if we are over the threshold. During today's department head meeting there were some questions about website management (ex. who adds stuff, who takes stuff down, etc.). It was decided that the website committee will meet to discuss open issues and identify problem areas.

### **WARRANT**

**RESOLUTION NO. 138-2015** Motion by Councilperson Brown, seconded by Councilperson Comardo, to approve payment of AOO General Fund bills, in the amount of \$64,519.37.

Motion carried: Aye 5 (Smith, Comardo, Roose, Mullen) Nay 0

**RESOLUTION NO. 139-2015** Motion by Councilperson Comardo, seconded by Councilperson Roose, to approve payment of BOO Part Town Fund bills, in the amount of \$945.04.

Motion carried: Aye 4 (Smith, Comardo, Roose, Mullen) Nay 0

**RESOLUTION NO. 140-2014** Motion by Councilperson Roose, seconded by Councilperson Mullen, to approve payment of DAO Highway, Townwide Fund bills, in the amount of \$41,202.37.

Motion carried: Aye 4 (Smith, Comardo, Roose, Mullen) Nay 0

**RESOLUTION NO. 141-2014** Motion by Councilperson Mullen, seconded by Councilperson Brown, to approve payment of DBO Highway, Part Town Fund bills, in the amount of \$6,674.35.

Motion carried: Aye 4 (Smith, Comardo, Roose, Mullen) Nay 0

**RESOLUTION NO. 142-2014** Motion by Councilperson Brown, seconded by Councilperson Comardo, to approve payment of S23, King Hamlin Sewer Fund bills, in the amount of \$405.33.

Motion carried: Aye 4 (Smith, Comardo, Roose, Mullen) Nay 0

**RESOLUTION NO. 143-2014** Motion by Councilperson Comardo, seconded by Councilperson Roose, to approve payment of TAO Trust & Agency Fund bills, in the amount of \$15,856.23.

Motion carried: Aye 4 (Smith, Comardo, Roose, Mullen) Nay 0  
Absent 1 (Brown)

The total to be paid is \$129,602.69.

**ENTER INTO EXECUTIVE SESSION**

**RESOLUTION NO. 144-2015** Motion by Councilperson Comardo, seconded by Councilperson Brown, to enter into Executive Session to discuss the employment history of two particular employees.

Motion carried: Aye 5 (Smith, Comardo, Roose, Brown, Mullen) Nay 0

The Board entered into executive session at 8:50 p.m.

**CLOSE EXECUTIVE SESSION**

**RESOLUTION NO. 145-2015** Motion by Supervisor Smith, seconded by Councilman Comardo, to close the executive session at 9:55 p.m. and return to regular session.

Motion carried: Aye 5 (Smith, Comardo, Roose, Brown, Mullen) Nay 0

**AUTHORIZATION TO HIRE RECREATION SUPERVISOR**

**RESOLUTION NO. 146-2015** Motion by Supervisor Smith, seconded by Councilman Comardo, to approve the hiring of Ryan Rockefeller for the position of Recreation Supervisor; to start in a probationary status for six months at a rate of \$17.09, completion of a review at the end of five months and the potential of an increase to the next pay grade (\$18.36) at the end of the probationary period.

Motion carried: Aye 5 (Smith, Comardo, Brown, Mullen)  
Nay 1 (Councilman Roose)

There was no further business before the Town Board, Supervisor Smith made a motion to adjourn the meeting at 9:50 p.m., seconded by Councilperson Comardo and all were in favor.

Respectfully submitted,

Donna K. Curry  
Parma Town Clerk



SCHEDULE A

**AGREEMENT FOR USE OF FIELDS FOR  
HILTON CENTRAL SCHOOL DISTRICT**

This agreement, entered into on April 21, 2015 by and between the TOWN OF PARMA, 1300 Hilton Parma Road, Hilton, New York, hereinafter referred to as the "TOWN" and the Hilton Central School District, hereinafter referred to as the "HCSD":

WHEREAS, the TOWN and the HCSD desire to promote the positive emotional and physical development and enrichment of Youth Baseball in the Parma community by supporting and providing quality facilities for baseball within the Town of Parma;

NOW, THEREFORE, it is mutually agreed by and between the parties as follows:

1. The term of this agreement shall be one year commencing on April 6, 2015 and terminating on June 30, 2015.
2. The TOWN hereby permits the use of select fields (Field #2 & #7), grass areas near select fields and the baseball batting tunnel at the Parma Town Park by the HCSD during the Monroe County Modified Baseball Season on weekdays from as early as April 6, 2015 through June 5, 2015. During this time, the HCSD will be sharing and coordinating use of specified fields and park facilities with the Spencerport Central School District Modified Baseball Teams during weekly practices and up to 12 games. The HCSD may have to provide the personnel and supplies to line specific fields if they are not able to be lined by the Parma Parks Department. The HCSD will be responsible for traffic management during games if necessary.
3. The TOWN shall determine the suitability of the fields for seasonal use with a target date of the TOWN preparing the fields by the first of May. If weather and or field conditions result in a modification to such dates, the TOWN shall notify the HCSD as soon as possible in writing via e-mail. If the TOWN determines that any field(s) is (are) unsuitable for play for the games or practices, the TOWN shall notify the HCSD as soon as possible via e-mail.
4. The TOWN shall be responsible for and assume the costs for routine maintenance of the fields, including but not limited to mowing the grass on all fields, routine fertilization, and watering, over-seeding, and other field work as needed to make

the fields ready for play. The HCSD shall use the specified TOWN fields at no charge with reference to HCSD facility usage by the Town of Parma which there is no charge for. Representatives from the HCSD and from the TOWN shall jointly inspect the fields before and after the games for wear and tear or damage, and the HCSD shall pay the TOWN for repair of such extraordinary wear and tear or damage. The amount to be paid shall be approved by both the TOWN and the HCSD; if the parties cannot agree on the amount to be paid, and then it shall be determined by a neutral third party mediator.

5. The HCSD shall assist with litter pickup of the area during and after usage of specified fields and park facilities. HCSD will provide their own trash removal or pay a \$100 fee to cover the cost of additional trash hauling.
6. The HCSD shall submit any proposals for field improvements to the TOWN by October 1<sup>st</sup> of each year, which will address safety issues, short and long term needs, priorities and necessary resources to be provided by the TOWN and/or HCSD. These projects are to be submitted to the Town Board and are subject to review and approval by the Town Supervisor, Director of Recreation and Parks, and Town Board; and they are to be within the funding level as approved by the Town Board. The HCSD shall assist in funding within its means at a dollar amount that is mutually agreed upon in writing by both the TOWN and HCSD.
7. The HCSD shall agree to carry at all times liability insurance, naming the TOWN as an additional insured and applying to all uses of the sports fields by the HCSD under this agreement, in an amount at least equal to the town's minimum standards of insurance for each occurrence of bodily injury and property damage. The TOWN shall notify the HCSD in writing what such standards are, and the HCSD shall file a copy of its insurance certificate with the TOWN each year, as soon as it becomes available and no later than 30 days prior to the event. Requirements are as follows, the certificate must:
  - Indicate the date of the event or a date range which includes the date of the event.
  - Indicate a General Liability amount of \$1,000,000 for each occurrence.

- Certificate Holder must state Town of Parma.
  - Town of Parma must be listed as additionally insured or indicate that the certificate holder is additionally insured.
8. The HCSD agrees to abide by all regulations set forth in the Town Park ordinances and any other reasonable rules or regulations which the TOWN may prescribe from time to time. The HCSD shall provide written reports of all incidents and/or accidents associated with the fields to the Parks and Recreation Director within 48 hours of such incidents and/or accidents.
9. To the fullest extent permitted by law, the HCSD and any contract vendors HCSD uses shall indemnify and hold harmless, and defend the TOWN and its agents, employees, volunteers, and elected officials from and against all claims, or actions based upon property damage, personal injury resulting from any acts, omissions, or any other matter whatsoever of the HCSD, its members, guests, and invitees, and anyone directly or indirectly employed by the HCSD while on the premises of the Parma Town Park. This agreement shall include indemnity to the TOWN for all costs, counsel fees, expenses, or any other liability whatsoever, which may be incurred by the TOWN as the result of the use of the Parma Town Park.

\_\_\_\_\_  
James M. Smith  
Parma Town Supervisor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Michael Giruzzi  
HCSD Director of PE/Athletics

\_\_\_\_\_  
Date

SCHEDULE B

PERM 1 (2/12)

**UNDERTAKING**

For the benefit of

**The New York State Department of Transportation**

In connection with work affecting state highways (For use by New York municipalities and federal agencies)



WHEREAS, the undersigned the Town of Parma ( Municipality, County, Town, City or Village, or any agency of the federal government, hereinafter referred to as "Permittee") from time to time receives permits from the New York State 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.

PERM 1 (2/12)

**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 persons supplying services or materials 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 (Municipality- County, Town, City, Village or federal agency) agrees to the terms of this Undertaking, and has caused its execution by the authorized officer or employee (attach Resolution of Approval).

\_\_\_\_\_  
Authorized Agent

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name/Title

\_\_\_\_\_  
\_(585)\_\_\_\_\_  
Phone Number

\_\_\_\_\_  
Address

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Address

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e-mail

