

**Minutes of the Meeting of the Village Board of Trustees held at 7:30 p.m. at Village Hall,  
16 West Genesee Street, Baldwinsville, NY.  
February 19, 2015**

Members Present: Mayor Dick Clarke  
Trustee Bruce Stebbins  
Trustee Mark Wilder  
Trustee Ruth Cico  
Trustee Megan O'Donnell  
Trustee Mike Shepard  
Trustee Rick Presley

Others Attending – Code Enforcement Officer Gregg Humphrey; Village Clerk Maureen Butler; Police Chief Mike Lefancheck; Engineer Steve Darcangelo; and Sam Pandossi, a representative of the Public Access Channel.

The Pledge of Allegiance was recited.

**Resolution #226/2014** Moved by Trustee Cico, second by Trustee O'Donnell  
Resolved that the minutes from the Village Board meeting of February 5, 2015, be approved.

**Carried**

**Citizen's Comments**

None

**Trustee's Comments**

Trustee Wilder requested that an executive session be added to the agenda regarding a possible property transaction.

**Mayor's Comments**

Mayor Clarke:

- Requested that an executive session be added to the agenda regarding an employee contractual matter.
- Informed the board that he wrote letters to: Governor Cuomo regarding his disappointment in the decrease in CHIPS and AIM funding; Robert Demore, Director for Onondaga County Community Development, expressing his disappointment in the decrease in Community Development funding; and also Senator John DeFrancisco regarding the lack of funding in general.
- Mentioned that the village received notification from the NYS Office of the State Comptroller regarding fiscal stress scores throughout the state. The village's score is 3.3% which is significantly lower than other CNY villages and large upstate villages. Clarke is not quite sure what this encompasses but it is a compliment.
- Noted two new businesses: DeVine Designs by Gail (Florist in the Titcomb building) and Sal's Pizza (newly renovated next to Jreck Subs).
- Complimented the Department of Public Works for their snow removal efforts.

**Department Heads**

Code Officer Gregg Humphrey reminded residents to keep the snow on their own property. One should not be shoveling it into the road or on a neighbor's property. It was also noted to keep hydrants and sidewalks that are in front of your homes clear.

Village Clerk Maureen Butler stated that the 2015-2016 Village tax bills should be in resident's mailboxes on March 2<sup>nd</sup> for payment due April 1<sup>st</sup> without penalty. Butler also noted that the village election will be held on Wednesday, March 18<sup>th</sup> from 12 noon – 9:00 p.m. Incumbent Judge Huling is the only nominee for Justice.

Village Engineer Steve Darcangelo shared a conversation that he had with the NYS DOT regarding the resurfacing of West Genesee Street and East Genesee Street. It is proposed to begin the summer of 2016. He wanted to make it known that work through the business district will be done in the late evening hours.

### **Pending Business**

- **Update from Parks Committee**

Trustee Shepard stated that he will be sending the board a list of recommendations for their review and a discussion/vote will be done at the next meeting on March 5<sup>th</sup>.

### **New Business**

- **NYSDOT Highway Work Permit Application for Utility Work**

**Resolution #227/2014** Moved by Trustee Wilder, second by Trustee O'Donnell

Resolved to adopt the resolution below to obtain the new undertaking from the New York State Department of Transportation for permit issuance regarding the Highway Work Permit Application for Utility Work.

## **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 Village of Baldwinsville, (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) NYSDOT PERM 1 (rev. 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 Village of Baldwinsville agrees to the terms of this Undertaking, and has caused its execution by the authorized officer or employee.

**Carried**

- **Executive Session**

**Resolution #228/2014** Moved by Trustee Cico, second by Trustee O'Donnell  
Resolved that the board retire into executive session at 7:45 p.m.

**Carried**

**Resolution #229/2014** Moved by Trustee Presley, second by Trustee Wilder  
Resolved that the board return from executive session at 8:23 p.m.

**Carried**

- **Motion to pay bills as audited**

**Resolution #230/2014** Moved by Trustee Cico, second by Trustee O'Donnell  
Resolved to pay the bills from their proper accounts, after audit.

**Abstract #24**

- General Fund Checks #40197 - #40240 \$ 75,397.19
- Water Fund Checks #23569 - #23578 \$ 8,838.23
- Sewer Fund Checks #23132 - #23135 \$ 950.56

**Carried**

- **Adjournment**

**Resolution #231/2014** Moved by Trustee Wilder, second by Trustee Cico  
Resolved that the meeting be adjourned at 8:24 p.m., until the next village board meeting at 7:30 p.m., at Village Hall on Thursday, March 5, 2015.

**Carried**

**Respectfully submitted,**

*Maureen Butler*

Maureen Butler, Village Clerk