

Bedford Hills, New York  
January 6, 2009

The Town Board of the Town of Bedford held a public hearing on January 6, 2009 at the Town Offices, 321 Bedford Road, Bedford Hills, New York to consider Local Law #01-2009, a local law to amend Chapter 104 of the Code of the Town of Bedford regarding street openings. The hearing was called to order at 7:47 P.M. by Supervisor Roberts.

<b>Present:</b>	Lee V. A. Roberts	:Supervisor
	Peter Chryssos	:Councilman
	Francis Corcoran	:Councilman
	Chris Burdick	:Councilman
	David Gabrielson	: Councilman
	Lisbeth Fumagalli	: Town Clerk
	Nancy Tagliaferro	:Town Attorney
	Kevin Winn	: Commissioner of Public Works
	Jeffrey Osterman	: Director of Planning
	Christian Menzel	: Chief of Police
	Edward J. Ritter	: Town Comptroller
	Marcy Marchiano	: Asst. to Supervisor

And approximately two (2) residents/observers.

Proof of Publication was presented and ordered filed. The public notice was published in the Bedford Pound Ridge Record Review on December 19, 2008.

Mr. Winn explained the proposed changes to the Code of the Town of Bedford, which is to remove the fees from the Code to the fee schedule and to update the Code to reflect the recent changes in the highway department.

Mrs. Roberts opened the floor to public comment and there were none.

On a motion by Mrs. Roberts, seconded by Mr. Gabrielson, the following motion was ADOPTED

Ayes: Roberts, Chryssos, Corcoran, Gabrielson, Burdick  
Nays: None  
Absent: None

RESOLVED that the public comment period of the public hearing to amend Chapter 104 of the Code of the Town of Bedford regarding street openings be closed.

On a motion by Mrs. Roberts, seconded by Mr. Chryssos, the following motion was ADOPTED

Ayes: Roberts, Chryssos, Corcoran, Gabrielson, Burdick  
Nays: None  
Absent: None

RESOLVED that the Town Board does hereby adopt the following local law:

LOCAL LAW NO. 1 - 2009 TO AMEND CHAPTER 104 OF THE TOWN CODE

BE IT RESOLVED, that the Town of Bedford Amends Chapter 104 of the Code of the Town of Bedford regarding Street Openings:

BE IT ENACTED by the Town Board of the Town of Bedford as follows:

Section 1. Chapter § 104-3 of the Code of the Town of Bedford entitled “Bond in lieu of deposit for public utility companies” is amended to read as follows:

§ 104-3 Bond in lieu of deposit for public utility companies.

Public utility companies making twelve (12) applications or more per year may, in lieu of the deposit hereinafter mentioned, deposit with the Town of Bedford its bond or a surety company

bond approved as to form, manner of execution and sufficiency by the Town Board of the Town of Bedford, which bond shall be retained as security for the faithful performance by the applicant of all the terms, agreements, covenants and conditions of the permit on the applicant's part to be done or performed, which said bond shall be in an amount to be determined by the [~~Superintendent of Highways~~] **Commissioner of Public Works**, but in no case shall the face amount of the bond be less than [~~five thousand dollars (\$5,000.)~~] **ten thousand dollars (\$10,000)**.

Section 2. Chapter § 104-4 of the Code of the Town of Bedford entitled “Resolution guaranteeing performance of municipality in lieu of deposit” is amended to read as follows:

§ 104-4 Resolution guaranteeing performance of municipality in lieu of deposit.

Any city, village, town, public improvement district or other municipality may, in lieu of making the cash deposit hereinafter mentioned, file with the [~~Superintendent of Highways~~] **Commissioner of Public Works** a certified copy of a resolution duly adopted by the governing board of such municipality, which said resolution shall guarantee faithful performance by said municipality of all the terms, agreements, covenants and conditions as set forth in the permit. Said resolution shall be effective for the remainder of the calendar year in which it is adopted.

Section 3. Chapter § 104-6 of the Code of the Town of Bedford entitled “Hours and days restricted” is amended to read as follows § 104-5 Emergencies.

§ 104-6 Hours and days restricted.

In any residence district, no operation authorized under this Article shall be permitted on **Saturday or Sunday**, or before [~~8:00 a.m. or after 5:00~~] **7:00 a.m. or after 3:30 p.m.** on other days. In any business or industrial district, no operation authorized under this Article shall be conducted on Sunday, except where otherwise permitted by law. The [~~Superintendent of Highways~~] **Commissioner of Public Works**, in his discretion, may vary or modify the application of this provision as occasion and/or necessity may demand.

Section 4. Chapter § 104-7 of the Code of the Town of Bedford entitled “Application and approval procedure” is amended to read as follows

§ 104-7 Application and approval procedure.

A. Application for a permit under this Article shall be made to the [~~Superintendent of Highways~~] **Commissioner of Public Works** in writing, in duplicate, for each such operation and shall contain the following information:

- (1) The full name and address of the applicant.
- (2) The full name and address of the owner or owners of the property in front of which the operation is to be performed.
- (3) The location by street address, if any, of the property in front of which the operation is to be performed and the Tax Map designation of the same.
- (4) A statement of the proposed operation and the size thereof and purpose thereof.
- (5) The date or dates when the proposed operation is to be commenced, and the date or dates when the operation is to be completed.
- (6) The type of pavement or surface to be disturbed.
- (7) A sketch of the proposed operation.
- (8) The estimated maximum quantity to be excavated and/or removed, and the estimated part thereof that will be used for regrading or filling.
- (9) The rehabilitation proposed.
- (10) The estimated cost of the entire proposed operation.

(11) The location, if any, of any tiles or drainage system or water mains, or other public utility conduits, etc., which may be within the area of the proposed operation.

(12) Any additional information which may be reasonably required by the [~~Superintendent of Highways~~] **Commissioner of Public Works**.

(13) A signed statement by the applicant that said applicant agrees to perform the proposed operation for which the permit may be granted, in full and strict compliance and in accordance with the conditions of the permit, if issued, and any and all provisions of the Town Law and other applicable statutes and ordinances of the Town of Bedford, and the rules and regulations of the [~~Highway~~] **Public Works** Department of the Town of Bedford.

B. Upon receipt of the application, as herein provided for in Subsection A hereof, the [~~Superintendent of Highways~~] **Commissioner of Public Works** shall act thereon by issuing or refusing to issue a permit. No permit shall be issued by him except where there is compliance with the provisions of this Article and all other laws and ordinances, and rules and regulations of the Highway Department of the Town of Bedford. Such permit, when issued, shall be effective for such period of time, not to exceed thirty (30) consecutive calendar days, to be specified thereon by the Superintendent of Highways. Such specified period of time may be extended for the completion of the operation, if so requested in writing by the permittee prior to the expiration date thereof, for such additional period or periods of time authorized by said Superintendent of Highways.

**Section 5. Chapter 104-8 of the Code entitled “Fees and deposits” is hereby amended to read as follows:**

§ 104-8 Fees and deposits.

No permit for an operation shall be issued by the [~~Superintendent of Highways~~] **Commissioner of Public Works** until the applicant therefor shall have first paid to the [~~Superintendent of Highways~~] **Commissioner of Public Works**, in cash or by check payable to the order of the Town of Bedford:

~~[A. A fee of ten dollars (\$10.) to cover the cost of issuing the permit and the supervision and the inspection of the operation done in connection therewith.~~

~~B. A deposit in an amount to be determined by the Superintendent of Highways, computed at the rate of twenty dollars (\$20.) per square yard of said surface to be disturbed, and, if and when machinery is used in connection with an operation and there is the likelihood of damage or injury to areas other than the specific location of the operation, a deposit of an additional amount may be required; said additional amount shall be determined by the Superintendent of Highways, computed at the rate of twenty dollars (\$20.) per square yard of the area affected. Said deposit shall be retained by the town for the duration of the period of maintenance as herein defined. The "period of maintenance" shall be considered as a period of six (6) months after the date of final completion, as determined by the Superintendent of Highways, of the operation to be done pursuant to the terms of the permit; except, however, that in the event that the termination of said six-month period shall fall within the months of December, January, February, March or April, then and in that event, the period of maintenance shall be considered as extending to the first day of May next ensuing; and the permittee shall be responsible for the entire operation and shall keep every portion of the same in good order and repair during the entire period of maintenance.]~~

**A. A fee is determined by the Board of the Town of Bedford and promulgated in the Town of Bedford Fee Schedule to cover the cost of issuing the permit and the supervision and the inspection of the operation done in connection therewith. The Fee schedule and corresponding street opening permit fees contained therein shall be updated from time to time by the Board of the Town of Bedford and approved by resolution.**

**B. A security deposit in an amount to be determined by the Board of the Town of Bedford and promulgated in the Town of Bedford Fee Schedule shall be required for each and every street opening permit as determined by the Commissioner of Public Works. Said deposit shall be retained by the town for the duration of the period of maintenance as herein defined. The “period of maintenance” shall be considered as a period of six (6) months after the date of final completion, as determined by the Commissioner of Public**

**Works, of the operation to be done pursuant to the terms of the permit; except, however, that in the event that the termination of said six-month period shall fall within the months of December, January, February, March or April, then and in that event, the period of maintenance shall be considered as extending to the first day of May next ensuing; and the permittee shall be responsible for the entire operation and shall keep every portion of the same in good order and repair during the entire period of maintenance. Security deposits that remain unclaimed after 18 months of the permit approval date become the property of the Town of Bedford.**

C. Upon the failure or default by the permittee of or in any of the terms, agreements, covenants and conditions of the permit on the permittee's part to be done, to be performed or to be completed, said deposit may be used by the town for any expense incurred by the town by reason of such failure or default on the part of the permittee, and any balance left, after the expense caused by such failure or default, as determined and certified by the [~~Superintendent of Highways~~] **Commissioner of Public Works**, has been paid and deducted from the amount of the deposit, shall be refunded to the permittee **if claimed within eighteen months of the approval date.**

**Section 6. Chapter 104-9 entitled “Insurance.” is hereby amended to read as follows:**

§ 104-9 Insurance.

A. Amount. No permit for an operation under this Article shall be issued by the [~~Superintendent of Highways~~] **Commissioner of Public Works** until the applicant therefor shall have first placed on file with said [~~Superintendent of Highways~~] **Commissioner of Public Works**, without cost to the town, satisfactory evidence [~~of public liability insurance in an amount of not less than fifty thousand dollars (\$50,000.) for any one (1) person and not less than one hundred thousand dollars (\$100,000.) for any one (1) accident, and of property damage insurance in an amount of not less than five thousand dollars (\$5,000.) for any one (1) accident and not less than twenty-five thousand dollars (\$25,000.) aggregate, and satisfactory evidence that said insurance has been approved as to form, correctness and adequacy by the Town Attorney of the town, to ensure the town against any loss, injury or damage arising out of the granting of the permit or from any negligence of said applicant, his servants, agents or employees in connection with the operation or with any and all work related thereto~~] **of the following types of coverage and limits of liability:**

**1. Commercial General Liability (CGL) coverage with limits of Insurance of not less than \$1,000,000 each occurrence and \$2,000,000 Annual Aggregate.**

**a) If the CGL coverage contains a General Aggregate Limit, such General Aggregate shall apply separately to each project.**

**b) CGL coverage shall be written on ISO Occurrence from CG 00 011093 or a substitute form providing equivalent coverage and shall cover liability arising from premises, operations, independent contractors, product-completed operations, and personal and advertising injury, blanket contractual including injury to subcontractors' employees.**

**c) Town of Bedford and their agents, officers, directors and employees shall be included as additional insured on the CGL, using ISO Additional Insured Endorsement CG 20 10 1185 or an endorsement providing equivalent or broader coverage to Town of Bedford and their agents, officers, directors and employees. The coverage must be underwritten by an Insurance Company with at least ‘A 7’ Best rating as defined by A.M. Best. Coverage for the additional insured shall apply as Primary and Non-Contributing Insurance before any other insurance or self-insurance, include any deductible, maintained by, or provided to, the additional insured's.**

**d) The applicant and/or contractor shall maintain CGL coverage for itself and all additional insured for the duration of the project and maintain Completed Operations coverage for itself and each additional insured for at least 2 years after completion of the Work.**

**2) Automobile Liability**

a) **Business Auto Liability with limits of at least \$1,000,000 each accident.**

b) **Business Auto coverage must include coverage for liability arising out of all owned, leased, hired and non-owned automobiles.**

c) **Town of Bedford and their agents, officers, directors and employees shall be included as insured on the auto policy.**

**3) Workers Compensation and Employers Liability.**

a) **Employers Liability Insurance limits per statutory requirements.**

4) **The applicant shall not sublet any part of his work without assuming full responsibility for requiring similar insurance from his subcontractors and shall submit satisfactory evidence to that effect to the Town of Bedford. Each such insurance policy, except the Workers' Compensation Policy, shall include The Town of Bedford and their agents, officers, directors and employees as an additional insured.**

5) **Certificates shall provide that 30 days written notice prior to cancellation be given to the Town of Bedford. Policies that lapse and/or expire during the term of occupancy shall be re-certified and received by Town of Bedford no less than 30 days prior to cancellation or renewal.**

**6) Indemnification and Hold Harmless**

**To the fullest extent permitted by law, applicant and/or contractor will indemnify and hold harmless the Town of Bedford, its officers, representatives, agents and employees from and against any and all claims, suits, liens, judgments, damages, losses and expenses, including reasonable legal fees and all court costs and liability (included statutory liability) arising in whole or in part and in any manner from injury and/or death of person or damage to or loss of any property resulting from the acts, omissions, breach or default of applicant and/or contractor, its officers, directors, agents, employees and subcontractors, in connection with the performance of any work by or for applicant and/or contractor pursuant to any contract, Purchase Order and/or related Proceed Order. Applicant and/or contractor will defend and bear all costs of defending any actions or proceedings brought against the Town of Bedford, their officers, representatives, agents and employees, arising in any employee of the applicant and/or contractor and shall not be limited in any way by an amount or type of damage, compensations, or benefits payable under any applicable workers' compensation, disability benefits or other similar employees benefit act.**

**The applicant and/or contractor shall expressly permit the Town of Bedford to pursue and assert claims against the applicant and/or contractor for indemnity, contribution and common law negligence arising out of claims for damages for death and personal injury.**

B. Duration. Such insurance hereinabove referred to shall remain in force throughout the effective period of the permit and/or any authorized extension or extensions thereof and shall carry an endorsement to the effect that the insurance company will give at least ten (10) days' prior written notice to the Town of Bedford of any modification or cancellation of any such insurance and shall contain a clause to the effect that termination of said insurance shall be without prejudice to the right of the Town of Bedford to make claim or claims thereafter for any loss or damage sustained as a result of any act or acts committed or omitted during the term of said insurance.

**Section 7. Chapter 104-10 entitled "Protection of existing structures and traffic." is hereby amended to read as follows:**

§ 104-10 Protection of existing structures and traffic.

A. Existing structures. No work shall be commenced in connection with an operation for which a permit has been granted under the provisions of this Article until the permittee shall have given written notice of the issuance of such a permit at least twenty-four (24) hours prior to the commencement of such work to the owner or lessee of any pipes, conduits or other structures lying upon, over or under the surface of the area wherein the operation is to be performed pursuant to the permit issued hereunder or to the person, firm or corporation having the custody,

control, care or maintenance of said pipes, conduits or other structures, and said permittee shall file with the [~~Superintendent of Highways~~] **Commissioner of Public Works** proof of the service of said written notice herein referred to. The permittee shall at all times during the performance of the work on said operation, at his own expense, preserve, support, maintain in operation and protect and safeguard from injury or damage such pipes, conduits or other structures, and in case of injury or damage, shall restore the same, at his own cost and expense, to the same condition as they were prior to the commencement of the work on said operation, and in the event of the failure of the permittee to comply with the provisions of this section, such injuries and damages may be corrected and repaired by the owner thereof, his agents or employees, and the cost thereof and all damages sustained shall be paid by the permittee.

B. Traffic. Unless otherwise authorized by the [~~Superintendent of Highways~~] **Commissioner of Public Works**, traffic shall be maintained at all times during the progress of the operation being performed under the permit, and the permittee shall have due regard for the safety of all traffic and the public and shall:

(1) Erect and maintain suitable barricades, fences and/or guardrails around the area of operation during the work on said operation and shall arrange the same in such a manner as to cause a minimum of inconvenience, hazard and delay to any and all traffic.

(2) Suitably place, install and maintain adequate warning flags or signs and lighted red lamps or flares.

(3) Provide a watchman, if deemed necessary by the [~~Superintendent of Highways~~] **Commissioner of Public Works** and if so ordered by the [~~Superintendent of Highways~~] **Commissioner of Public Works**, in accordance with his directions and instructions.

(4) Designate and furnish competent persons to direct and expedite traffic, by means of lights or flags, when necessary, to minimize inconvenience, hazard and delay to any and all traffic.

(5) Arrange and conduct the work in connection with said operation so as to make possible the removal completely of any obstructions to any and all traffic on Saturdays, Sundays and holidays, if so required by the [~~Superintendent of Highways~~] **Commissioner of Public Works**.

**Section 8. Article II, Chapter 104-11 entitled “Permit required.” is hereby amended to read as follows:**

§ 104-11 Permit required.

No driveway entrances and exits and no alteration, change, relocation or reconstruction of existing driveway entrances and exits, subsequently herein referred to as an "operation," shall be constructed by owners and occupants of property abutting on town highways for any purpose whatsoever, until a written **street opening** permit therefor has been duly issued as herein provided and in accordance with the procedures set forth in §§ 104-13, 104-14 and 104-15.

**Section 9. Article II, Chapter 104-12 entitled “Bond in lieu of deposit for contractors.” Is hereby amended to read as follows:**

§ 104-12 Bond in lieu of deposit for contractors

A contractor may, in lieu of the deposit hereinafter mentioned, deposit with the Town Board its bond or a surety company bond, approved as to form, manner of execution and sufficiency, by the Town Board of the Town of Bedford, which bond shall be retained as security for the faithful performance by the applicant of all the terms, covenants and conditions of any permit under this Part obtained by the applicant for a period of one (1) year from the date of the filing of said bond or surety company bond, which bond shall be in an amount to be determined by the [~~Superintendent of Highways~~] **Commissioner of Public Works**, but in no case is the face amount of the bond to be less than [~~three thousand dollars (\$3,000.-)~~] **ten thousand dollars (\$10,000).**

**Section 10. Article II, Chapter 104-13 entitled “Application and approval procedure, contents of permit.” Is hereby amended to read as follows:**

§ 104-13 Application and approval procedure; contents of permit.

A. Application for a permit under this Article shall be made to the [~~Superintendent of Highways~~] **Commissioner of Public Works** in writing in duplicate for each such operation and shall contain the following information:

- (1) The full name and address of the applicant.
- (2) The full name and address of the owner or owners of the property in front of which the operation is to be performed.
- (3) The full name and address of the owner or owners of the property for whom the operation is to be performed.
- (4) The location by street address, if any, of the property in front of which the operation is to be performed and the Tax Map designation of the same.
- (5) A statement of the proposed operation and the size thereof and purpose thereof.
- (6) The date or dates when the proposed operation is to be commenced and the date or dates when the operation is to be completed.
- (7) A sketch of the proposed operation, including a profile from the crown of the road to the property line.
- (8) The location, if any, of any tiles or drainage system or water mains or other public utility conduits, etc., which may be within the area of the proposed operation.
- (9) Any additional information which may be reasonably required by the Superintendent of Highways.
- (10) A signed statement by the applicant that said applicant agrees to perform the proposed operation for which the permit may be granted in full and strict compliance and in accordance with the conditions of the permit, if issued, and any and all provisions of the Town Law and other applicable statutes and ordinances of the Town of Bedford, and the rules and regulations of the [~~Highway~~] **Public Works** Department of the Town of Bedford.
- (11) The proposed location of the entry of said driveway onto the town highway.

B. Upon receipt of the application as herein provided for in Subsection A hereof, the [~~Superintendent of Highways~~] **Commissioner of Public Works** shall act thereon by issuing or refusing to issue a permit. No permit shall be issued by him except where there is compliance with the provisions of this Article and all other laws and ordinances, and rules and regulations of the [~~Highway~~] **Public Works** Department of the Town of Bedford. Such permit, when issued, shall be effective for such period of time, not to exceed thirty (30) consecutive calendar days, to be specified thereon by the [~~Superintendent of Highways~~] **Commissioner of Public Works**. Such specified period of time may be extended for the completion of the operation, if so requested in writing by the permittee prior to the expiration date thereof, for such additional period or periods of time authorized by said [~~Superintendent of Highways~~] **Commissioner of Public Works**.

C. Said permit, when issued, shall contain the following conditions to be complied with by the permittee:

- (1) That the proposed driveway at the point of entrance on the town highway shall have the optimum of sight distance, both vertical and horizontal.
- (2) That the grade, width and drainage of said proposed driveway shall minimize any possible damage or injury to the town highway and shall be such as to provide the maximum safety for all traffic on the town highway in the area of the entrance of said proposed driveway on said town highway.
- (3) Any additional requirements which may be imposed by the [~~Superintendent of Highways~~] **Commissioner of Public Works** for the preservation of the town highway at the point of entrance of the proposed driveway onto the town highway and for minimizing hazards and dangers to the traffic on said public highway.

**Section 11. Article II, Chapter 104-14 entitled “Inspections, issuance of certificate of compliance.” is hereby amended to read as follows:**

§ 104-14 Inspections; issuance of certificate of compliance.

Upon notification by the permittee of the completion of the proposed driveway, the ~~[Superintendent of Highways]~~ **Commissioner of Public Works** shall inspect said driveway to determine that its completion is in accordance with the permit. When the ~~[Superintendent of Highways]~~ **Commissioner of Public Works** is satisfied that the conditions of such permit have been met, he shall issue a certificate of compliance. There shall be no use of such driveway for any purpose other than the construction until such certificate of compliance has been issued. No certificate of occupancy shall be issued by the Building Inspector of the Town of Bedford if a permit for driveway construction has been issued until such certificate of compliance has also been issued.

**Section 12. Article II, Chapter 104-15 entitled “Fees and deposits.” Is hereby amended to read as follows:**

§ 104-15 Fees and deposits.

No permit for an operation shall be issued by the ~~[Superintendent of Highways]~~ **Commissioner of Public Works** until the applicant therefor shall have first paid to the ~~[Superintendent of Highways]~~ **Commissioner of Public Works** in cash or by check payable to the order of the Town of Bedford:

A. A fee ~~[of twenty dollars (\$20.)]~~ **as determined by the Town Board and promulgated in the Town’s Fee Schedule** to cover the cost of issuing the permit and the supervision and inspection of the work done in connection with said operation. **The amount of the fee shall be periodically reviewed by the Town Board and the payments so required shall be updated and approved by resolution accordingly.**

B. A deposit in an amount to be determined by the ~~[Superintendent of Highways computed at the rate of twenty dollars (\$20.) per square yard of the surface of any street, highway, sidewalk, sidewalk area or public place, including]~~ **Commissioner of Public Works, and approved by the Town Board via resolution shall be required whenever there is a chance that the surface of any street, highway, sidewalk, sidewalk areas or public place may be damaged by the permittee. This includes** drainage ditches, gutters, culverts, pipes, curbs or curbing, which may be disturbed, injured or damaged in connection with an operation hereunder, and if and when machinery is used in connection with an operation and there is a likelihood of damage or injury to areas other than the specific location of the operation, a deposit of an additional amount may be required; said additional amount shall be determined by the ~~[Superintendent of Highways, computed at the rate of twenty dollars (\$20.) per square yard of the area affected]~~ **Commissioner of Public Works, and approved by the Town Board via resolutions. The amount of the deposit shall be periodically reviewed by the Town Board and the payments so required shall be updated and approved by resolution accordingly.**

C. Such deposit shall be retained by the town until a certificate of compliance shall have been issued by the ~~[Superintendent of Highways]~~ **Commissioner of Public Works** as hereinbefore provided in § 104-14. **Deposits remaining unclaimed by the permittee after 18 months from the issuance of the permit became the property of the Town of Bedford.**

D. Upon the failure or default by the permittee of or in any of the terms, agreements, covenants and conditions of the permit on the permittee's part to be done, to be performed or to be completed, said deposit may be used by the town for any expense incurred by the town by reason of such failure or default on the part of the permittee, and any balance left, after the expense caused by such failure or default, as determined and certified by the ~~[Superintendent of Highways]~~ **Commissioner of Public Works**, has been paid and deducted from the amount of the deposit, shall be refunded to the permittee.

**Section 13. Article III, Chapter 104-16 entitled “Prohibitions.” Is hereby amended to read as follows:**

§ 104-16 Prohibitions.

The deposit of any **snow, ice, dirt, filth, waste or rubbish as well as the planting of trees, shrubs, or the erection of any wall, fence, building structure, lighting fixtures, camera, alarm system, irrigation system, drainage or utility structure or system or apparatus, device or materials** in any street, highway, sidewalk, sidewalk area or public place, or encumbering thereof by any encroachment of buildings, structures, **landscaping structures and excavation or otherwise, or any act which in any manner damages or injures a town highway or interferes or obstructs in any manner** ~~[the drainage and]~~ **the sight distance, snow removal access, drainage or access to drainage and utility** other uses of the highway for municipal purposes and for use by the public and traffic thereon are hereby prohibited. **In addition, the deposit of water in any street, highway, sidewalk, sidewalk area or public places between October 15 and April 15 is prohibited.**

**Section 14. Article III, Chapter 104 is amended to include a new Section as follows.**

**§ 104-16.1 Prohibitions. Substances injurious to pavements or dangerous to traffic.**

**It shall be unlawful for any person to spill, pour, place or deposit or allow to drip, fall or run upon the pavement or sidewalk of any street, alley or other public place any brine, chemical, oil, grease, water or other liquid or substance which will tend to disintegrate the pavement or make it slippery or otherwise dangerous for pedestrians, horses or vehicles.**

**Section 15. Article IV, Chapter 104-17 entitle “Penalties for offenses” is hereby amended to read as follows.**

§ 104-17 Penalties for offenses.

A. Notwithstanding any other provisions of this Part, any person who violates or causes or participates in any violation of the provisions of Article I, Article II and Article III shall, upon conviction thereof, be guilty of a violation and be subject to a fine not exceeding two hundred fifty dollars (\$250.) or by imprisonment for not more than fifteen (15) days, or by both such fine and imprisonment.

B. Whenever any person shall have been notified in writing by the ~~[Superintendent of Highways]~~ **Commissioner of Public Works** that he is violating the provisions of Article I, Article II or Article III or of any permit or extension thereof issued hereunder, or is served with a summons or warrant accusing him thereof, each day that he shall continue such violation after such notification or service shall constitute a separate offense punishable by a like fine or penalty.

C. Notwithstanding the penalties herein provided, the Town Board may maintain an action or proceeding in the name of the town in a court of competent jurisdiction to compel compliance with, or to restrain by injunction, the violation of any provision of this Part.

D. The foregoing provisions for the enforcement of the regulations in this Part are not exclusive, but are in addition to any and all other laws applicable thereto.

**Section 16. Article V, Chapter 104-19 entitled “Written notice required prior to civil action.” is hereby amended to read as follows:**

§ 104-19 Written notice required prior to civil action.

No civil action shall be maintained against the town or town employees or the ~~[Superintendent of Highways]~~ **Commissioner of Public Works** or Superintendent of Recreation and Parks for damages or injuries to persons or property sustained by reason of any defect in or snow or ice upon its highways, streets, roads, bridges, culverts, sidewalks, walkways, hiking trails, parks, parking lots or parking areas, unless written notice thereof, specifying the particular place, was actually given to the Town Clerk or to the Town ~~[Superintendent of Highways]~~ **Commissioner of Public Works** or to the Town Superintendent of Recreation and Parks and there was a failure to remove such snow or ice or to make the place reasonably safe within a reasonable time after receipt of such notice.

**Section 17. Article V, Chapter 104-20 entitled “Duties of Town ~~[Superintendent of Highways]~~ Commissioner of Public Works, Superintendent of Recreation and Parks and Town Clerk.” Is hereby amended to read as follows:**

January 6, 2009 – Public Hearing - continued

§ 104-20 Duties of [~~Superintendent of Highways~~] **Commissioner of Public Works,**  
Superintendent of Recreation and Parks and Town Clerk.

The Town Superintendent of Highways and the Town Superintendent of Recreation and Parks shall transmit in writing to the Town Clerk, within five (5) days after the receipt thereof, of written notice received by them pursuant to this Part and Subdivision 2 of § 65-a of the Town Law. The Town Clerk shall cause all written notices received by him or her pursuant to this Part to be presented to the Town Board, within five (5) days of the receipt thereof, or at the next succeeding Town Board meeting, whichever shall be sooner.

Section 18. This Local Law shall become effective upon filing with the Office of the Secretary of State.

[ - - - - - ] – deleted material

**Bold - added material**

On a motion by Mrs. Roberts, seconded by Mr. Chryssos, the following motion was ADOPTED

Ayes: Roberts, Chryssos, Corcoran, Gabrielson, Burdick

Nays: None

Absent: None

RESOLVED that the public hearing to amend Chapter 104 of the Code of the Town of Bedford regarding street openings be closed.

The hearing was adjourned at 7:53 P.M.

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Lisbeth Fumagalli, Town Clerk