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7-1-90

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County ~~City~~ of Shuturn
Town ~~Village~~

Local Law No. 1 of the year 19 90

A local law Notice of Defect Law
(Insert title)

Be it enacted by the Shuturn Town Board of the
(Name of Legislative Body)

County ~~City~~ of Shuturn as follows:
Town ~~Village~~

(If additional space is needed, please attach sheets of the same size as this and number each)

LIABILITY OF THE TOWN OF SHERBURNE, TOWN SUPERINTENDENT OF
HIGHWAYS, OTHER OFFICER, AGENT, EMPLOYEE OR APPOINTEE OF
THE TOWN OF SHERBURNE, NEW YORK

1. No action or special proceeding shall be prosecuted or maintained against the Town of Sherburne, the Town of Sherburne Superintendent of Highways, other officer, agent, employee or appointee of the Town of Sherburne for personal injury, wrongful death or damage to real or personal property alleged to have been sustained by reason of the negligence or wrongful act of such Town of Sherburne or the Town of Sherburne Superintendent of Highways, other officer, agent, employee or appointee of the Town of Sherburne for the defective, unsafe, out-of-repair, dangerous or obstructed condition, including the existence of snow, ice, loose gravel or other foreign substance thereon, of any Town owned, leased or otherwise controlled property of any kind, including but not limited to streets, roads, highways, sidewalks, bridges, lands, culverts, sluices, street or traffic control signs, poles, standards, gravel pits, driveways, building and other structures, equipment, disposal sites, streams or bodies of water, drains, parks, playgrounds, recreation areas, tennis courts, swimming pools, wading pools, pavilions, water lines, sewer lines and utilities either above ground or underground, unless written notice thereof was actually given to the Town of Sherburne Clerk or Town of Sherburne Superintendent of Highways previously thereto and there was a failure or neglect within a reasonable time after the giving of such notice to repair or remove such condition complained of.
2. Such written notice shall contain the name and address of the person giving such notice, date of existence and condition complained of.
3. The Town of Sherburne Superintendent of Highways, other officer, agent, employee or appointee of the Town of Sherburne shall transmit in writing to the Town of Sherburne Clerk within ten days after the receipt thereof of all written notices received by said Town Clerk pursuant thereto.

4. Record keeping requirements pertaining to such notices, including preservation of the notices, shall be as set forth in Section 65-a of the Town Law of the State of New York as amended from time to time or other statutes amendatory thereto.
5. Nothing herein shall be construed as enlarging in any way the liability of the Town of Sherburne, Town of Sherburne Superintendent of Highways, other officer, agent, employee or appointee of the Town of Sherburne.
6. Nothing herein shall be deemed in any way to alter or amend the time limitations nor service requirements of Section 50-E through 50-i of the General Municipal Law of the State of New York as same now exists or may be hereafter amended.
7. If any clause, sentence, phrase, paragraph, subdivision, section, rule or part of this ordinance shall be adjudged by any court or agency of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, phrase, paragraph, subdivision, section rule or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Regular meeting of the Sherburne Town Board was held Wed. May 16, 1990 at 7 p.m.

Present: Sup. Maltzan, Town Clerk McDaniel, Councilmen Conley, Record, Zucchi, Highway Supt. Newman, Councilwoman Kiernan.

Joseph Mezza appeared before the Board. He lives on North Road in the Town of Sherburne and complained on the conditions of the road, road ditches, and junk cars. Supt. Newman will repair the roads as soon as possible. No action could be taken on the junk cars.

Public hearing on the Defect Law, Local Law No.1, 1990 Town of Sherburne was held. No one appeared at the Public hearing as advertised.

Motion by Zucchi and seconded by Conley that the Defect Law Local Law No.1 Town of Sherburne be approved. Carried.

Ed Meyers, chairman of the Sherburne Planning Board was present and explained the work done by the Board during the past month. He reviewed the plot of land on Stone House Road which will be subdivided into 13 parcels, also the Greseck property which may be subdivided into 27 parcels.

The bills were read. Motion by Kiernan and seconded by Record that the bills be paid. Carried.

Harry Conley, member of the Sherburne Review Board stated that on assessment Review Day the board handled 5 cases.

A letter from Business Services Company was read stating they wished to know if the Board want to take a \$200.00 service charge on the new copier purchased from them. The Board decided not to enter into this contract.

A tour of the Town Board was set for Wed. May 23, 1990 at 9a.m. at the Town Highway Garage.

Motion by Zucchi and seconded by Kiernan that the Town advertise for bids for fuel oil.

Motion by Zucchi and seconded by Kiernan that the Model Junk Storage Law, Local Law No.2, 1990, Town of Sherburne, be adopted with revisions. Carried.

Motion by Zucchi and seconded by Conley that a Public Hearing be held June 20, 1990 at 7p.m. in regard to Local Law #2, Town of Sherburne, Model Junk Storage Law. Carried.

Motion to adjourn. Carried.

John McDaniel
Town Clerk

(NEWSPAPER LEGAL NOTICE)

NOTICE OF PUBLIC HEARING ON PROPOSED
TOWN OF SHERBURNE ORDINANCE

NOTICE IS HEREBY GIVEN that pursuant to Section 130 of the Town Law of the State of New York, a public hearing will be held by the Town Board of the Town of Sherburne, Chenango County, New York, at the Town Board meeting room of the Town Building, Sherburne, in the Town of Sherburne on the 16 day of MAY, 1990 at 8:00 P.M. for the purpose of considering the adoption of an ordinance as follows:

"That no action or special proceeding be brought against the Town of Sherburne officers, agents, employees or appointees thereof relating to a defect or defective condition of any Town road, streets, highways, sidewalks, or other Town owned, leased or controlled property, including snow or ice thereon unless prior written notice shall have first been given to the Town of Sherburne specifying such defect or defective condition and the place of same and also providing for record keeping of such notices and conditions by the Town Clerk."

Dated: Town of Sherburne, New York

4/18/90