



# SIDEWALK COMMITTEE

## JANUARY 15, 2014

Present: Robert Stevens, Laurie Boldis, Sandy Carlin, Sharon Weed  
Laura Johnson, Trustee Liaison; James Tornatore, Mayor; Scott  
Kasmarcik, Code Enforcement Officer

Absent: Sindy Morse

Guest: Sandy Kasmarcik

R. Stevens called meeting to order @ 7:00 PM.

R. Stevens reviewed with J. Tornatore (1) Village responsible for snow removal & mowing on IDA property at railroad tracks; whose responsibility is it to provide maintenance for sidewalks? Or install new sidewalks? J. Tornatore to check with IDA. (2) is agricultural land use exempt from installing/maintaining sidewalks? (two areas noted in Village) J. Tornatore to check with Planning (Elaine Jardine). (3) does DOT own the sidewalk at Village business on state route 38? Past history is DOT ripped up sidewalks for the road, then trees & sidewalks replaced, but under the state's easement but no ownership assumed. Property owner maintains DOT owns sidewalks. Does deed need to be reviewed?

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J. Tornatore reviewed the last Village Board meeting wherein a Village resident had FOIL request for the wording of the oath of office with respect to adhering to federal and NYS constitution. J. Tornatore stated the federal has no rights of entry but the NYS constitution gives right to create local laws, codes & ordinances. J. Tornatore stated the Village resident's request was in conjunction with the Sustainable Development organization that looks at government encroachment with respect to freedoms. Some Village residents object to codes, and CEO coming onto property for enforcement. J. Tornatore stated that some state court cases have been reviewed by the CEO, himself, DPW, Clerk & Village attorney. J. Tornatore complimented the Village CEO for being very proactive, being professional in a non-aggressive manner, and having safety as a priority.

R. Stevens reviewed the history of the sidewalk issue with guest Sandy Kasmarcik with respect to 1982 and 2007 surveys of Village residents. Village code was established with a 2014 compliance deadline for sidewalk compliance (repair and/or installation), but that date has been moved back. There has been various CEO officers over the years, and application of sidewalk code has been inconsistent. Surveys had about 20% responses. Therefore, the current committee is looking at areas again from past committees to determine if sidewalks are practical or not. This committee also sensitive to the issue of financially installing/maintaining sidewalks and does not want to place burdens on owners; the committee desires to accomplish the goals of providing safety for walkers who walk in the streets where sidewalks are absent or in bad condition, but some areas are not feasible. Any improvements will increase the value of the property and the community's value & attraction for home buyers and businesses.

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R. Stevens also reviewed that some grants have been missed in past, i.e. DOT, but does not think a municipality would be eligible to administer a grant for private property owners.

*R. Stevens summarized that the committee's goal is to advise how to apply the law in a reasonable manner.*

CEO Kasmarcik had handout of ADA policy of 5' sidewalks.

R. Stevens stated this is difficult to implement due to physical issues and is not practical in this village setting.

S. Carlin works with ADA design & construction and said ADA policy applies to businesses, not residential.

The Village DPW Supervisor had contacted DJ Concrete regarding current costs; Village code is specific to type of concrete for sidewalks.

R. Stevens stated the next step for the committee would be another survey to all property owners.

Discussion around the issue of Village ownership or homeowner ownership? Issue of Village taking over repair and hiring contractor, or Village doing repairs itself at prevailing wages? Village taking over installation? Owners taxed as a group? Owners taxed individually? There was discussion around issue of maintenance versus repair – (maintenance meaning keeping clear of snow/ice etc) Village or owner?

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The past survey was reviewed for changes and a sample survey will be reviewed at next meeting.

R. Stevens adjourned meeting at 8:45 PM.

Kathy McCall  
Account Clerk Typist

*NEXT MEETING Wednesday  
February 19<sup>th</sup> @ 7 PM in  
NOBLE ROOM*