

A workshop was held by the Town Board of the Town of Moreau on December 7, 2010 in the Town of Moreau Office Building, 61 Hudson Street, South Glens Falls, New York, for the purpose of discussing a proposed notice of defects law.

Supervisor Jenkins called the workshop to order at 6:40 p.m.

The Town Clerk called the roll.

**Town Board Members Present**

Tom Cumm	Councilman
Bob Prendergast	Councilman
Gina LeClair	Councilwoman
Todd Kusnierz	Councilman
Preston Jenkins	Supervisor

**Town Board Members Absent**

None

**Also Present:** Jeanne Fleury, Town Clerk; Joe Patricke, Building Inspector/Code Enforcement Officer; Vince Sporrer, Town Resident

This workshop was being held to discuss a proposed repeal and replacement of the “Notice of Defects” section of the current “Street and Sidewalks” Chapter 121 of the Town code.

Councilman Kusnierz began by asking if this was all new language in the proposed law.

Joe Patricke replied no. Joe Patricke explained that the Town code on streets and sidewalks has a small section that covers defects and this proposed law would expand that section.

Councilman Kusnierz asked why they were considering a modification to the code.

Joe Patricke replied that there was an incident that did not result in a claim, but a law of this type would have covered the Town in the event that a claim had been filed. As a result of the incident he reviewed the current code and thought it should be updated. The last time it was updated was in 1978.

Councilman Kusnierz stated that some of the new language puts a greater onus on the Town, as far as, liability. He was referring to Section 121-13 that would require the Town Clerk to notify the Town Board in writing within five (5) days of receipt of a notice of defect. It was his opinion that if the Town Clerk failed to notify the Town Board within five (5) days of a notice of defect having been filed then the Town could be on the hook, as far as, liability. He asked why they would consider language that could potentially weaken the Town’s position.

Joe Patricke replied that this language was taken from Town Law Section 65-a.

Councilman Cumm noted that a defect would have to be fixed within a reasonable amount of time per the language in the proposed law and not five (5) days. The five (5) days is for the Town Clerk to notify the Board of a notice of defect having been filed.

Councilman Kusnierz said if they were just recodifying the State’s law then that was different.

Joe Patricke said he would check on this.

A motion was made by Councilman Cumm and seconded by Councilman Prendergast to adjourn the workshop on the proposed Notice of Defects Law at 6:50 p.m.

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Roll call vote resulted as follows:

Councilman Cumm	Yes
Councilman Prendergast	Yes
Councilwoman LeClair	Yes
Councilman Kusnierz	Yes
Supervisor Jenkins	Yes

The workshop was adjourned.

Respectfully submitted,

Jeanne Fleury  
Town Clerk