

Mrs. Bradley asked what "safer off-system roads" meant.

Mr. Moore explained that these are county roads and town roads off the system which have federal funding.

Mr. Greco requested the privilege of the floor for Mr. Sanford.

Mr. Sanford felt that \$100,000 was a lot of money just to move the road at Burnhams Corners 200 yards; he also said he felt that to just realign the road would not solve the problems here.

Mr. Moore said it would start at the top of the hill, putting the intersection straight across and adding a caution light, and that this had been previously requested by Mr. Healey.

Mr. Healey said this had been one of the recommendations of the Town of Potsdam's Master Plan; he also said there was a house at the intersection which has been run into several times. He also said that by moving the intersection back from the high bank will not eliminate all the problems, and he thought Mr. Cooke should try to get the State to widen the distance at the same time the intersection is being changed.

Mr. Sanford also felt that \$20,000 was a lot just to hang a caution light.

Mr. Moore said it was \$7,000 four years ago.

On a voice vote, Resolution No. 100—78 was carried unanimously.

#### RESOLUTION NO. 101—78

**RESOLUTION SETTING DATE OF PUBLIC HEARING ON  
PROPOSED LOCAL LAW NO. 7 FOR THE YEAR 1978,  
ENTITLED, "A LOCAL LAW REQUIRING NOTICE BEFORE  
CIVIL ACTION CAN BE MAINTAINED AGAINST THE  
COUNTY OF ST. LAWRENCE OR SUPERINTENDENT  
OF HIGHWAYS OF SAID COUNTY"**

**By Mr. Moore, Chairman, Transportation Committee**

WHEREAS, on this 10th day of April, 1978, Legislator Lloyd Moore introduced proposed Local Law No. 7 for the year 1978, and

WHEREAS, it will be necessary to set a date for a public hearing on said proposed local law,

NOW THEREFORE BE IT RESOLVED, that a public hearing shall be held in May 8, 1978 at 6:15 P.M. in the Board of Legislators' Chambers, Court House, Canton, New York before the St. Lawrence County Board of Legislators, in relation to proposed Local Law No. 7 for the year 1978, and

BE IT FURTHER RESOLVED, that the Clerk of the Board of Legislators is hereby directed to prepare a notice of said public hearing, to cause the publication of a copy of said notice in each of the two newspapers which have been officially designated by the Board to publish "local laws" and to post a notice on the bulletin board in the Clerk's office in the County Court House at Canton, New York; both publication and posting to be made at least five days before said hearing.

On a motion made by Mr. Moore, seconded by Mr. Lemieux, Resolution No. 101—78 was carried unanimously.

Mr. Hess pointed out that in the first paragraph of the proposed local law, it should spell out to whom written notice should be given.

LOCAL LAW NO. 7 FOR THE YEAR 1978

A LOCAL LAW REQUIRING NOTICE BEFORE CIVIL ACTION  
CAN BE MAINTAINED AGAINST THE COUNTY OF ST.  
LAWRENCE OR SUPERINTENDENT OF HIGHWAYS  
OF SAID COUNTY

Be it enacted by the Board of Legislators of St. Lawrence County as follows:

**Section 1.** No civil action shall be maintained against the County of St. Lawrence (hereinafter referred to as "County") or Superintendent of Highways for damages or injuries to persons or property (including those arising from the operation of snowmobiles) sustained by reason of any highway, bridge, culvert, highway marking, sign or device, or any other property owned, operated or maintained by the County of St. Lawrence, being defective, out of repair, unsafe, dangerous or obstructed unless written notice is given to the County Superintendent of Highways of such defective, unsafe, dangerous or obstructed condition of such highway, bridge, culvert, highway marking, sign or device, or other highway property owned, operated or maintained by the County of St. Lawrence and that there was a failure or neglect within a reasonable time after the giving of such notice to repair or remove the defect, danger or obstruction complained of; and no such action shall be maintained for damages or injuries to persons or property sustained solely in consequence of the existence of snow or ice upon any highway, bridge, culvert or any other property owned by the County of St. Lawrence unless written notice thereof, specifying the particular place, was actually given to the Superintendent of Highways and there was a failure or neglect to cause such snow or ice to be removed or to make the place otherwise reasonably safe within a reasonable time after the receipt of such notice.

**Section 2.** No civil action shall be maintained against the County of St. Lawrence and/or the Superintendent of Highways of the County of St. Lawrence for damages or injuries to persons or property sustained by reason of any defect in the sidewalks of the County of St. Lawrence or in consequence of the existence of snow or ice upon any of its sidewalks, unless such sidewalks have been constructed or are maintained by the County of St. Lawrence or the Superintendent of Highways of said county pursuant to statute, nor shall any action be maintained for damages or injuries to persons or property sustained by reason of such defect or in consequence of such existence of snow or ice unless written notice thereof, specifying the particular place, was actually given to the Superintendent of Highways of the County of St. Lawrence and there was a failure or neglect to cause such defect to be remedied, such snow or ice to be removed, or to make the place otherwise reasonably safe within a reasonable time after the receipt of such notice.

**Section 3.** The Superintendent of Highways of the County of St. Lawrence shall keep an index record, in a separate book, of all written notices which the Superintendent of Highways shall receive of the existence of a defective, unsafe, dangerous, or obstructed condition in or upon, or of any accumulation of ice and snow upon any highway, bridge, culvert or a sidewalk, or any other property owned by the County of

St. Lawrence or by any improvement district, which record shall state the date of the receipt of the notice, the nature and location of the condition stated to exist, and the name and address of the person from whom the notice is received. The record of such notice shall be preserved for a period of five (5) years from the date it is received.

**Section 4.** Nothing contained in this law shall be held to repeal or modify or waive any existing requirement or statute of limitations which is applicable to those causes of action but, on the contrary, shall be held to be additional requirements to the rights to maintain such action nor shall anything herein contained be held to modify any existing rule of law relative to the question of contributory negligence, nor to impose upon the County of St. Lawrence, its officers and employees any greater duty or obligation than that it shall keep its streets, sidewalks and public places in a reasonably safe condition for public use and travel.

If any clause, sentence, phrase, paragraph or any part of this law shall for any reason be adjudged finally by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this law but shall be confined in its operation and affect to the clause, sentence, phrase, paragraph or part thereof directly involved in the controversy or action in which such judgment shall have been rendered. It is hereby declared to be the legislative intent that the remainder of this section would have been adopted had any such provisions not been included.

**Section 5.** This local law shall take effect immediately upon its passage by the Board of Legislators of the County of St. Lawrence and its filing with the Secretary of State.

**RESOLUTION NO. 102—78**

**AUTHORIZING THE CHAIRMAN TO SIGN AN AGREEMENT  
WITH THE BLACK RIVER-ST. LAWRENCE  
ECONOMIC DEVELOPMENT COMMISSION**

**By Mr. Hess, Chairman, Economic Development Committee**

WHEREAS, St. Lawrence County has appropriated the sum of \$3,890 in the 1978 budget in Account #6421.560, and

WHEREAS, these funds have been designated for the purpose of the Black River-St. Lawrence Economic Development Commission, and

WHEREAS, such Commission has submitted an agreement to St. Lawrence County for the year 1978 for the expenditure of said funds,

NOW THEREFORE BE IT RESOLVED, that the Chairman of St. Lawrence County Board of Legislators is hereby authorized to sign said agreement, and

BE IT FURTHER RESOLVED, that the St. Lawrence County Treasurer's office is authorized to release the sum of \$3,890 at such time the Chairman signs the agreement with Black River-St. Lawrence Economic Development Commission.

Mr. Hess moved for adoption of this resolution, seconded by Mr. LaBaff.

Mr. Hess explained that this covers our portion of the economic planning report and because of the economic development plan being in existence, we are eligible for an extra 10 percent over the 7 percent grant

Mrs. Bradley asked how many coroners are up for election this year.

Mr. Palm replied he thought Dr. Dodds is due for re-election.

Mr. Smith said as a member of last year's Health Committee, he had supported the study of the medical examiner system, and also supported the program of \$200 per autopsy. He assumed that the autopsies were being done as necessary.

Chairman Abrams asked the Clerk of the Board if any communications had been received on this matter.

Mr. Collins replied that the only letter received was that from Dr. Dodds.

Chairman Abrams then called for a Roll Call Vote.

Resolution No. 112—78 was declared defeated by Chairman Abrams following the Roll Call vote which resulted as follows: 8 Yes votes; 13 No votes (Messrs. Smith, Kilcoyne, Lemieux, Peters, Moore, Greco, Livingston, Cooke, Bell, LaBaff, Bixby, Burns, and Abrams); 1 Absent (Mr. Herzog).

**RESOLUTION NO. 113—78**

**ADOPTING LOCAL LAW NO. 7 FOR THE YEAR 1978  
By Mr. Moore, Chairman, Transportation Committee**

WHEREAS, Local Law No. 7 for the Year 1978 was introduced at the meeting of the St. Lawrence County Board of Legislators on April 10, 1978, and

WHEREAS, a Public Hearing was conducted by the Chairman of the Board of Legislators on May 8, 1978,

NOW THEREFORE BE IT RESOLVED, that Local Law No. 7 for the Year 1978 is hereby adopted.

Mr. Moore moved for the adoption of Resolution No. 113—78, seconded by Mr. Peters.

Chairman Abrams asked County Attorney Palm to explain the necessity of this local law to the general public.

Mr. Palm explained that an amended section of the General Municipal Law, approximately a year ago, put in a provision that on notice of claim against a municipality you could have no condition precedent to liability for certain defects; and then a clause was also inserted that if you have a local law that requires actual notice that becomes the condition precedent to suit. This local law is just another safety precaution to cut down on suits against the County.

Chairman Abrams declared Resolution No. 113—78 carried after a Roll Call Vote resulting as follows:

		Yes	No	Absent	Abstain
District 1	Legislator Thompson	x			
District 2	Legislator Smith	x			