

LOCAL LAW - 2025

A Local Law Amending Village Code Chapter 121 entitled “Streets and Public Places within Article II entitled “Work Within Village Rights-of-Way”” as follows:

BE IT ENACTED, by the Board of Trustees of the Inc. Village of East Williston as follows:

Section 1. Amending Chapter 121, Article II entitled “Work Within Village Rights-of-Way” as follows (with the language added denoted by underlining, and the language removed struck through):

§ 121-3. Applicability.

The following regulations and conditions pertaining to permits for work within the rights-of-way and upon Village roads shall apply to the Village of East Williston.

§ 121-4. Permit required; application; fees.

- ~~A.~~ Any person, firm, public utility, municipality and/or municipal subdivision desiring to perform any work on the Village right-of-way, and upon Village roads including overhead, surface or underground facility, tree trimming or the like, shall apply for a permit upon forms prescribed by the Village. ~~Within incorporated villages and cities, permits must be obtained from such municipalities prior to making application for a county permit.~~
- B. Each applicant shall, with the filing of a permit application, submit a check or money order (made payable to the Village of East Williston) ~~for the fifty dollars~~ a nonrefundable application fee of \$500.00 for any work, other than a street opening. This fee may be changed by resolution of the Board of Trustees.
- C. Each applicant shall, with the filing of a permit application, submit drawings as prescribed in § 121-5.
- D. Upon receipt of the permit, the permittee shall submit a check or money order for the restoration deposit in the amount prescribed in § 121-6.
- ~~E.~~ ~~Upon receipt of the permit, the permittee shall also submit a check or money order for estimated supervision costs to ensure conformity and aesthetic compatibility at the rate of~~
~~\$50 per hour, which amount may be either an additional amount or included in the restoration deposit as determined by the Village Clerk.~~
- F. Street opening fee and restoration deposit. The fee for opening on to a road shall be \$250.00 : (1) \$2,500.00 for the excavation of a “bell hole” within a Village road of less than four feet by four feet in dimension unless modified or waived at the discretion of the supervisor of the Department of Public Works; and (2) \$3,500.00 for the excavation of any opening in a Village road in excess of four feet by four feet in dimension unless modified or waived at the discretion of the supervisor of the Department of Public Works . An additional restoration deposit of \$3,500.00 shall be provided with any street opening unless modified or waived at

the discretion of the supervisor of the Department of Public Works. The maximum amount of the road opening fee and restoration deposit may be changed by resolution of the Board of Trustees. The permittee must complete the work and satisfactorily restore the area by the use of an approved contractor with paving of the impacted area being installed curb to curb. The restoration deposit will then be refunded, less direct overhead cost of the Village. If the Village is forced to complete the work, by failure of the permittee to do so within the time stipulated in the permit, or upon the permittee's failure to do so after 10 days' notice by the Village, the costs incurred by the Village, will be computed and charged to the permittee. If the restoration deposit is insufficient to cover these costs, the permittee shall pay the difference, upon receipt of a bill from the Village.

\$250. ~~[Added 9-8-2003 by L.L. No. 4-2003]~~

§ 121-5. Permit application plan.

- A. Copies; details. Each applicant shall file two copies of plans, of a scale not less than one inch equals 40 feet, with a minimum size of 8 1/2 inches by 11 inches and a maximum size of 22 inches by 32 inches, showing the proposed work and existing features, such as right-of-way lines, pavement, curbs, walks, trees, signs, poles, subsurface lines, etc., in detail.
- B. Cross sections of trench area.
 - (1) Cross sections of the trench area, showing details of construction and restoration, are to be shown.
 - (2) Typical section shall include:
 - (a) Existing pavement type, joints and pavement thickness.
 - (b) Restoration material type, identified by standard county specifications, item numbers, and limits of restoration.
- C. Investigations. The permittee shall make any subsurface investigations (borings, cores) required to determine pavement types and thickness, location of utilities, clearances, etc.
- D. Tree removal or trimming. Where tree removal or trimming is proposed it must be clearly shown on the plans. Restoration of landscaping shall be specified.
- E. Maintenance of existing facilities. Proposed maintenance of existing Village facilities is to be indicated by the permittee. Included are support of pipes, cleaning draining systems, and maintenance of flow in existing drainage and sanitary systems.

§ 121-6. Deposits and charges for projects other than street openings.

- A. Restoration deposit.
 - (1) The restoration deposit will be \$3,500.00 unless modified or waived at the discretion of the supervisor of the Department of Public Works ~~ealeulated by the Village after submission of the permit application and a review of plans as submitted by the~~

applicant. The issuance of a permit will be contingent upon the applicant furnishing the Village with a check or money order for the restoration deposit. The maximum amount of the restoration deposit may be changed by resolution of the Board of Trustees.

~~(2) The amount of said restoration deposit, other than utility companies, will be \$1,000.~~

(3) The permittee must complete the work and satisfactorily restore the area by the use of an approved contractor. The restoration deposit will then be refunded, less direct overhead cost of the Village.

(4) If the Village is forced to complete the work, by failure of the permittee to do so within the time stipulated in the permit, the costs incurred by the Village, including supervision costs, will be computed and charged to the permittee. If the restoration deposit is insufficient to cover these costs, the permittee shall pay the difference, upon receipt of a bill from the Village.

B. Refund. Upon satisfactory completion of work by the applicant, the Village will then refund the restoration deposit to the permittee.

§ 121-7. Insurance.

A. Public liability; amount. Applicants shall provide, at no cost to the Village, satisfactory evidence of public liability insurance protecting the Village and any other municipal corporation within whose boundaries the permit applies against any loss, injury or damage arising out of the granting of the permit or from any negligence or fault of said applicant, his agents, or employees in connection with work performed under the permit. Said insurance shall be in an amount of not less than \$1,000,000 for each occurrence for General Liability and Automobile Liability. The permittee shall require that their General Liability and Automobile Liability be amended to include the Incorporated Village of East Williston, all elected and appointed officials, employees and volunteers on a primary and non-contributory basis. Acord Liability Certificate with copies of the additional insured endorsements are required. Note: required liability limits may be changed by the changed by resolution of the Board of Trustees.

B. Workers Compensation and NYS Disability: Statutory Coverage must be provided.

Required Form for Workers Comp: C105.2 – certificate of NYS Workers Compensation Insurance Coverage OR if you are insured with the State Insurance Fund, form SI-26.3 – State Insurance Fund Certificate of Workers Compensation Insurance

Required Form for NYS Disability: DB120.1 – Certificate of Disability Benefits

Insurance

C. Term. The insurance shall continue in force for the full term of the permit. Such evidence of insurance shall provide 10 days' prior notice, in writing to the Village, of cancellation or modification of such insurance, by registered or certified mail.

D. Safety precautions. Permittees authorized to conduct operations on or within the Village right-of-way shall use all required and necessary precautions for the safety and protection of the public, Village personnel, construction employees and private and public property

on or adjacent to such work.

§ 121-7A. HOLD HARMLESS/INDEMNIFICATION AGREEMENT

The applicant/contractor shall indemnify, defend and hold the Incorporated Village of East Williston and all appointed and elected officials, employees and volunteers of the Incorporated Village of East Williston harmless against any claim of liability or loss including the cost of defense for personal injury or property damage resulting from or arising directly or indirectly out of, or resulting from, the permit holder's or Licensee's operations within the Municipality/Village, including losses arising out of the negligent acts or omissions of the contractor, its servants or agents, and any subcontractors, its servants or agents. The indemnification provided by this Agreement shall be a continuing right to indemnification and shall survive the expiration or termination of this Agreement.

§ 121-8. Safety codes.

The permittee, his or her agents and employees shall strictly comply with the following:

- A. Industrial Code Rule 23, State of New York, Department of Labor, Bureau of Standards and Appeals, titled "Protection of Persons Employed in Construction and Demolition Work."
- B. United States Department of Labor, Bureau of Labor Standards, "Safety and Health Regulations for Construction," as promulgated in accordance with the Occupational Safety and Health Act of 1970, Public Law 91-596, 84 Stat. 1590, Laws of 91st Congress, 2nd Session.
- C. Industrial Code Rule 53, State of New York, Department of Labor, Bureau of Standards and Appeals, as relates to "Construction and Demolition Operations At or Near Underground Facilities."

§ 121-9. Emergency openings.

If it becomes necessary to enter upon a Village road for the purpose of making emergency repairs, any person, firm, public utility, municipality and/or municipal subdivision may do so forthwith, provided that within 24 hours of the time of making such opening (Saturdays, Sundays or holidays not included) an application for a permit is made therefor pursuant to this article.

§ 121-10. Notifications.

- A. The permittee shall notify the Village Clerk at least 48 hours prior to commencing work, except emergency work.
- B. Work must start within 30 days from the date of the permit and be satisfactorily restored within 90 days thereafter, unless otherwise extended, in writing, by the Village Clerk.
- C. The permittee shall notify utility companies with facilities in the work area before starting work. Permission from such utilities must be obtained before doing work affecting their

utilities.

- D. The permittee shall notify the Village Clerk at least 48 hours prior to final restoration work.

§ 121-11. Maintenance of traffic and protection of the public.

The following work procedures and construction practices shall be adhered to in order to assure proper maintenance of traffic:

- A. Hours restricted. Work hours will normally be between ~~7:30 a.m.~~ 8:00 a.m. and 5:00 p.m. from Monday through Friday and between 9:00 a.m. and 2:00 p.m. on Saturday and at the discretion of the Village Clerk. This does not apply to an emergency work.
- B. Traffic control devices. In those areas where work performed by the permittee interferes with vehicular or pedestrian traffic, the permittee shall place and maintain traffic control devices pursuant to the provisions of §§ 1680 and 1682 of the New York State Vehicle and Traffic Law, which require that all traffic control associated with maintenance, repair, and construction, within the highway limits, shall be carried out in accordance with standards set forth in the New York State Manual of Uniform Traffic Control Devices, latest edition. The Village reserves the right to order the correction of any unsafe condition or the installation of additional signs, lights, temporary pavement, plating, or other traffic control devices or to order the removal of any and/or all obstructions to traffic.
- C. Traffic control plan. The permittee may be required to submit with the permit application a traffic control plan showing all provisions for maintaining, protecting and/or detouring traffic. Such plan shall show, but not be limited to, all sign locations, sizes, colors, barricades, flashing lights, flagmen, traffic cones, pavement markings, etc., and all in accordance with the above-referenced New York State Requirements.
- D. Notification of police and fire departments. Whenever a traffic lane is closed or traffic is required to use other than its normal lanes, the local police precinct or department and fire department must be notified in advance by the permittee.

§ 121-12. Details of construction.

All procedures and materials shall be in conformance with the latest edition of the Nassau County Specifications for Construction of Highways and Bridges and the Nassau County Traffic Signal Specifications as prepared by Nassau County Department of Public Works.

- A. If required by the county, a schedule of operations shall be submitted by the permittee.
- B. No county road shall be closed without prior written approval of the Commissioner of Public Works.
- C. No trench areas shall be left open after working hours.
- D. A space at least four feet wide shall be maintained at all times on the side of the right-of-way for the safe use by pedestrians. The use of barricades along the pavement area will be required for this purpose where work is being progressed in the sidewalk area.
- E. Open trench areas shall be kept as short as possible consistent with the installations involved.

- F. In no case shall sidewalks or pavements be removed or broken unless all subsequent activities needed to complete the permit work proceed without delay thereafter. Where concrete pavement is broken and left in place prior to removal, these pavement areas shall be surfaced with a temporary asphalt pavement before opening to traffic.
- G. Every precaution shall be taken to prevent the marring of and damages to structures such as pavements, curbs, sidewalks, etc., adjoining the work as follows:
 - (1) Timber planks shall be used to support steel-treaded mobile equipment, and timber blocks or planks shall be placed under all outriggers used to stabilize excavating and other mechanical equipment.
 - (2) Loose stones, broken concrete, sand, dirt, debris, etc., shall be swept up daily from the areas adjoining the work.
 - (3) Under no circumstances shall the mixing of mortar or concrete or storage of asphalt be permitted directly on unprotected surfaces adjacent to the work.
- H. Immediately following saw cutting, all residue shall be flushed, broomed and removed from adjoining surfaces.
- I. All possible care shall be taken to prevent undermining of the adjoining pavements, and the use of driven sheeting may be required to prevent such undermining. Any such undermining shall be deemed sufficient reason for the issuance of orders to remove additional pavements.
- J. The permittee shall have a competent representative at the site while the work is being progressed to ensure adherence to the conditions of the permit.
- K. The permittee shall provide and maintain temporary pavements with hot asphalt mixes flush with the grades of the adjoining surfaces until final restoration.
- L. No transverse cut shall exceed 10 feet in length at any one time, unless otherwise authorized by the Village.
- M. No more than 10 feet of roadway width may be blocked by construction, truck loading or unloading or by construction material and barricades at any one time.
- N. Within an intersection, no opening may at any time exceed 10 feet in length measured on its longest side. Access to driveways shall be provided at all times.
- O. All existing traffic signs temporarily removed for construction shall be carefully stored and must be reinstalled as work is completed.
- P. Pavement restoration shall conform to the following requirements:
 - (1) Compaction. Soil density tests of compacted backfill shall be taken by an independent laboratory engaged by the permittee. Certified copies of the results shall be supplied to the county prior to pavement replacement. Maximum density is defined as the maximum dry weight density in pounds per cubic foot, as determined by the ASHTO- T180 designation.

- (2) Stone and asphalt base pavement replacement.
 - (a) Pavements shall be cut back a minimum of six inches on each side of the excavation as necessary to avoid ragged edges on the restored area. The area to be restored shall be increased as necessary to avoid residual strips of existing pavement of less than three feet in the smaller dimension.
 - (b) The pavement used for restoration shall have a thickness at least equal to that which it replaces. Base courses shall conform to the New York State Specifications for Dense Base. Binder and top course shall match adjacent existing pavements.
- (3) Concrete base and finished concrete pavement.
 - (a) Longitudinal openings.
 - [1] The entire panel width must be removed and replaced. Ends of panel must be saw cut if not at a transverse joint.
 - [2] In no case shall any portion of the existing panel that is less than six feet from a transverse joint be left in place.
 - [3] When concrete base panels with asphalt overlays are to be removed, the asphalt shall be cut back a minimum of six inches onto the adjacent panels to provide a smooth vertical edge.
 - (b) Transverse openings.
 - [1] Transverse openings shall be saw cut 90° to the longitudinal joints.
 - [2] Pavement replacement shall be a minimum of two feet on both sides of the trench, and a total minimum of six feet wide by width of panel.
 - [3] In no case shall any portion of the existing panel that is less than six feet in length from a transverse joint or existing crack be left in place.
 - [4] Where openings are skewed cross the pavement, the concrete replacement must be carried straight across each panel and not staggered.
 - (c) Where the existing pavement is reinforced, or contains joint supports, the removal of the pavement shall be performed in such a manner as to allow projection of six inches of the reinforcement and the undisturbed joint supports into the replacement area. If such is not feasible, the permittee shall indicate proposed corrective measures for the approval of the county. Replacement concrete shall be Type II, and entrained with additives, such as will assure compressive strength cores of 2,500 pounds per square inch (psi) in 48 hours. The concrete shall be of the same thickness as the adjacent undisturbed concrete.
 - (d) With the approval of the Village, asphalt concrete base may be used as a replacement for adjacent concrete base on longitudinal cuts only. Where asphalt concrete is used, it shall be two inches thicker than the concrete it replaces.

Section 2. Authority.

The Board of Trustees of the Village of East Williston is authorized to adopt this local law pursuant to Article IX of the New York State Constitution, the Municipal Home Rule Law, the relevant provisions of the Village Law of the State of New York, and the general power vested with the Village of East Williston to promote the expedient resolution of planning issues in the Village.

Section 3. Severability.

If any section, subsection, clause, phrase or other portion of this Local Law is, for any reason, declared invalid, in whole or in part, by any court, agency, commission, legislative body or other authority of competent jurisdiction, such portion shall be deemed a separate, distinct and independent portion. Such declaration shall not affect the validity of the remaining portions hereof, which other portions shall continue in full force and effect.

Section 4. Effective Date.

This local law shall take effect immediately upon filing with the Secretary of State.