

Town of Romulus continues reviewing legal options for sidewalks.

November 27, 2013

Addressing the issue of sidewalks in the Town of Romulus, [Town Supervisor David] Kaiser reported that the previous administration accepted the roads.

"Unknown to us until the properties were researched recently, the properties at Lakeshore Landing were surveyed to the sidewalks rather than to the center of the road. Our [attorney, Steven Getman](#), researched NYS law on roads and sidewalks as a result of a complaint from at least one resident that the town should remediate the problem created by a tree causing a sidewalk to rise."

Getman presented his findings.

"The issue: one resident has a tree which is causing certain liabilities for the town and argues that the town should undertake responsibility for the repair of the sidewalks in the interest of public safety. The resident opposes the removal of sidewalks and/or trees. Other residents may or may not have conflicting viewpoints. What are the responsibilities of the town with regard to sidewalks and trees?"

Getman said generally, the care of sidewalks and trees is imposed upon the Highway Superintendent. It is his duty to remove broken sidewalks and overhanging branches and trees which prove to be dangerous. However, the town does not have to assume responsibility if there is an injury as borne out by referenced law. If the town wishes to completely give up being in the tree and sidewalk business, they could tear out the trees and the sidewalks or have the residents establish side walk districts at which time the residents would be completely responsible. The town board can pass a local law establishing policy that the homeowner is responsible for the maintenance of his sidewalk as well as its liability.

A lively discussion ensued. It was most commonly felt that the town should remove the offending trees. The Town Highway Department has already yellow-marked damaged sidewalks. It was felt that the offending sidewalk sections should be removed, with responsibility for that sidewalk to be turned over to the home owner.

Source: [Ithaca Times](#)

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