

TOWN OF ERWIN

ADOPT – A – HIGHWAY AGREEMENT

The Town of Erwin, having offices at 310 Town Center Road, Painted Post New York, hereafter called the “Town” and the organization known as the following and using the mailing address of:

Hereafter called the “Group”, recognize the need for and desirability of a more attractive and litter free Town Highway R.O.W. segment as described in the Highway Work Permit, hereafter known as the “Segment”, and are entering into this agreement to enable the Group to contribute toward the effort of maintaining the appearance for the Segment. By signing below, the Group acknowledges the hazardous nature of the activity and agrees to the following terms and conditions:

- The Group will be adopting a _____ mile stretch of _____ Road, from _____ to _____, such to be known as the Segment.
- This Agreement shall be for a two (2) year period commencing on _____ 20____ and terminating at 12:01 a.m. _____ 20____.
- The Town will furnish and erect “Adopt-A-Highway” signs at the beginning and end of each adopted highway segment.
- No work of any nature will be performed in the travel lanes.
- The Group will not pick up litter on or from private property outside of the Town Right-of-Way. The Right-of-Way is generally 25’ from the center of the road.
- No participants’ vehicles may be parked on the travel lanes or shoulders of the road.
- Activities permitted roadside maintenance nature including, and limited to, litter pickup, except as modified by the Town Manager.
- The Group will organize and supervise all activities.
- The Group will organize and conduct a “Safety Briefing”. Each day that work is done in the adopted area, a designated safety person must review the safety checklist and have participants sign the safety signature sheet. The designated safety person’s sole responsibility must be assuring the safety of the workers and the traveling public. The Town will provide a representative to present the safety briefing for the first meeting and after that a designated person from the Group will conduct such briefings.
- All participants must attend the safety briefing before participating in the field activity. The briefings should be held on-site to ensure that all participants are in attendance.
- All participants must wear Town approved safety gear including shirts or vests and hard hats. The Town will provide shirts or vest and hard hats. The Group may also provide itself with Town approved safety gear.

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- Litter picked up will be placed in garbage bags provided by the Town, tied and left on the outside edge of the road shoulder, Town crews will pick up and dispose of said litter when notified by the Group.
- The Group will conduct activities at a frequency which will enhance the attainment of the goal which is to provide a park like appearance along the adopted facility. Except as modified by the Town Manager, minimum frequency of pick up along traveled roadways is two (2) times a year, at rest areas and scenic overlooks, the maximum frequency of pick up is monthly. The first pick up will occur in the April-May “spring cleanup” time period.
- The Group will be required to show evidence of liability insurance.

Notwithstanding any other provisions of the Agreement, if in the sole judgment of the Town, it is determined that the Group or organization is not meeting the terms and conditions of the Agreement, upon 30 days’ notice, or summarily if based upon unsafe activity, the Town may terminate the Agreement as otherwise provided therein and take such other action as it deems appropriate.

The Town recognizes the Group as the adopting organization for the segment; the Group accepts the responsibility of picking up litter on the adopted facility and or promoting a litter free environment in the community for the term of this Agreement.

The relationship of the Group to the Town arising out of this Agreement shall be that of an independent contractor. Any and all members or employees of the Group under this agreement, shall be considered agents of the Group, and all claims arising under the Workers’ Compensation Law of the State of New York on behalf of said employees while so engaged, and any act or omission on the part of the Group employees while so engaged, in any of the work or services provided or rendered herein, shall be the sole obligation and responsibility of the Group. The Group shall secure Workers’ Compensation Insurance, for the benefit of, and keep insured during the life of this Agreement, such employees engaged therein as are required to be insured by the provisions of the Workers’ Compensation Law.

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HOLD HARMLESS CLAUSE

As an Independent Contractor, we shall hold harmless the Town of Erwin and representatives thereof from any and all suits, actions or claims of any kind brought on account of any injuries or damages sustained by any person or property in consequence of any neglect in safeguarding contract work, or on account of any act or omission by the contractor or his employees, or from any claims or amounts arising or recovered under any law, ordinance, regulation or decree.

Leader of Group/Organization (Please Print Name)

Signature of Group/Organization

Group/Organization Adopt-A-Highway Coordinator
(Please Print Name)

Signature of Group/Organization Leader

Group/Organization Coordinators e-mail

Group/Organization Coordinators Address

Group/Organization Coordinators Night Time

Group/Organization Coordinators Day Time Phone

Town Manager

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SAFETY BRIEFING GUIDELINES

- 1) **ALL PARTICIPANTS** must never participate in horseplay.
- 2) **ALL PARTICIPANTS** must be at least 18 years of age.
- 3) **ALL PARTICIPANTS** always face oncoming traffic, must never walk on guide rail and may not lean over bridge railing.
- 4) **ALL PARTICIPANTS** will wear a safety shirt or vest and hard hat at all times during the operation.
- 5) **ALL PARTICIPANTS** shall be clothed as to protect themselves during the operation (i.e., pants, sturdy, close toe shoes, no crocs, gloves, etc.)
- 6) **ALL PARTICIPANTS** shall not be on the roadway or shoulder at any time during the operation.
- 7) **ALL PARTICIPANTS** shall not park their vehicles along roadway or shoulder during the operation.
- 8) **ALL PARTICIPANTS** DEET is a chemical that will repel ticks. For more information on Lyme Disease Prevention, do a search on the World Wide Web.
- 9) **ALL PARTICIPANTS** shall never touch red bags marked “INFECTIOUS” or “BIOHAZARD”.
- 10) **ALL PARTICIPANTS** that come across any dead deer during the operation, **DO NOT TOUCH\OR MOVE**. Note animals location and report same to Town Office.
- 11) **ALL PARTICIPANTS** will not reach into places they cannot see, such as holes.
- 12) **ALL PARTICIPANTS** shall never pickup needles, syringes or other drug paraphernalia.
- 13) **ALL PARTICIPANTS** shall report all accidents to the Town on the next business day.
Call the Town (607) 962-7021. Report that you are doing Adopt-A Highway work, leave name, phone number, road and a brief description of the accident Town office.
- 14) **ALL PARTICIPANTS** may keep any recyclable items (i.e., money, soda bottles, tin cans, etc.)
- 15) **ALL PARTICIPANTS** should consider warm up exercises prior to starting. Stretching exercises may help.
- 16) **ALL PARTICIPANTS** work zone signs must be in place. Place work signs approximately 50 feet beyond the Adopt-A-Highway sign, where practical.
- 17) **ALL PARTICIPANTS** upon completion of safety briefing, will sign **SAF-14** form (OSHA Training Record). The safety briefing instructor will complete the upper part of the form and return it to the Town of Erwin for adopted section. **And also sign a general release form.**

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[illegible]

FORM SAF- 14

INSTRUCTIONS: PREPARE FORM IN DUPLICATE

This form is to be completed by the person who conducts the training. The original is to be maintained at the appropriate employee work location to be presented upon request to an OSHA Inspector. Forward the copy to the Regional Safety Representative if Regional employee or to the Employee Safety and Health Section for a M.O. employee, upon completion of the training.

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ADOPT - A - HIGHWAY GENERAL RELEASE FORM

ACKNOWLEDGEMENT OF STATUTORY LIMIT ON LIABILITY

The undersigned hereby acknowledges and understands that Transportation Law Section 14 (29) provides as follows:
"Notwithstanding any inconsistent provision of law, the Town and its employees shall not be held liable for damages suffered by any person resulting from the actions or activities of such volunteers or groups"

SIGNATURE	PRINT NAME OF SIGNATORY