

# Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County  City  Town  Village  
(Select one.)

of \_\_\_\_\_ Delaware \_\_\_\_\_

Local Law No. \_\_\_\_\_ of the year 20<sup>13</sup> \_\_\_\_\_

A local law decreasing the membership of the Planning Board of the Town of Delaware,  
(Insert Title)  
Sullivan County, New York.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Be it enacted by the \_\_\_\_\_ Town Board \_\_\_\_\_ of the  
(Name of Legislative Body)

County  City  Town  Village  
(Select one.)

of \_\_\_\_\_ Delaware \_\_\_\_\_ as follows: \_\_\_\_\_

(If additional space is needed, attach pages the same size as this sheet, and number each.)

## **SECTION 1**

### **Purpose**

The Town Board of the Town of Delaware has determined that a reduction of the Planning Board from seven (7) to five (5) members pursuant to Town Law §271(7) is desirable and opportune.

## **SECTION 2**

### **Reduction of Planning Board Membership**

The Planning Board of the Town of Delaware shall henceforth consist of five (5) members.

## **SECTION 3**

### **Manner of Effecting Reduction in Planning Board Membership**

The reduction in the number of members of the Town of Delaware Planning Board from seven (7) to five (5) shall be accomplished by not filling the two (2) membership positions that are currently vacant.

## **SECTION 4**

### **Terms of Office of Current Planning Board Members and Their Successors**

The current unexpired terms of office of each of the five (5) existing members of the Planning Board shall not be affected or reduced by reason of this local law and shall remain as follows:

<u>Member</u>	<u>Expiration of Term</u>
Warren Blumenthal	December 31, 2013
Terry Zieres	December 31, 2014
Gerald Euker	December 31, 2015
David Peters	December 31, 2016
Kara McElroy	December 31, 2018

Upon expiration of the foregoing terms, the appointment of the successor member (or reappointment of such member, if applicable) shall be for a term of five (5) years. However, with respect to the position with the term ending December 31, 2018, currently held by Kara McElroy, the successor member or reappointment of the member then holding such position shall initially be for a four (4) year term and thereafter for five (5) year terms so as to achieve the result that one (1) Planning Board member's term of office shall expire each year. To the extent that the provisions of this section may be inconsistent with any provision of Town Law §271, such provision shall supercede any such inconsistent provision of Town Law §271.

**SECTION 5**  
**Effect of Invalidity**

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

**SECTION 6**  
**Effective Date**

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

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

**1. (Final adoption by local legislative body only.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20<sup>13</sup> of the ~~(County)(City)(Town)(Village)~~ Delaware was duly passed by the \_\_\_\_\_ Town Board on \_\_\_\_\_ 20<sup>13</sup>, in accordance with the applicable provisions of law.  
*(Name of Legislative Body)*

~~**2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer\*.)**~~

~~I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) (repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.  
*(Elective Chief Executive Officer\*)*~~

**3. (Final adoption by referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_.  
*(Elective Chief Executive Officer\*)*

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

~~**4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)**~~

~~I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.~~

\* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

~~5. (City local law concerning Charter revision proposed by petition.)~~

~~I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_ 20\_\_\_\_, became operative.~~

~~6. (County local law concerning adoption of Charter.)~~

~~I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 20\_\_\_\_, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.~~

**(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)**

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1 above.

\_\_\_\_\_  
Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: \_\_\_\_\_

(Seal)