

(Please Use this Form for Filing your Local Law with the Secretary of State)

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

~~County~~

~~City~~

~~Town~~

~~Village~~

Delaware

Local Law No. .... 5 ..... of the year 19 91 .....

A local law . TO SUPERSEDE THE PROVISIONS OF SECTION 20(2)(a) AND SECTION 27 OF THE TOWN LAW  
OF THE STATE OF NEW YORK, PERMITTING COMPENSATION BE PAID TO THE TOWN ATTORNEY IN  
ADDITION TO A FIXED SALARY. <sup>(insert title)</sup>

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

~~County~~

~~City~~

~~Town~~

~~Village~~

of

Delaware

as follows:

## Section 1. ADDITIONAL SERVICES AND COMPENSATION

(a) The provisions of Section 20(2)(a) and Section 27 of the Town Law of the State of New York are hereby superseded, pursuant to Section 10 of the Municipal Home Rule Law of the State of New York, as the same shall apply to the office of Town Attorney of the Town of Delaware, County of Sullivan, State of New York.

(b) The Town Board of the Town of Delaware shall fix the salary for the Town Attorney and any Assistant Town Attorney for their regularly performed duties. By resolution duly adopted, the Town Board may pay an additional hourly rate for the performance of specified services in excess thereof. Such additional services shall include, but not be limited to, the formation of special districts, related services in any sewer, water or other district in excess of routine duties performed for the Town, extensive litigation, legal services related to grants, labor relations and tax certiorari proceedings.

(c) The services performed and the amount of time spent shall be properly documented by the Town Attorney. Payment shall be made only upon the submission of a voucher in accordance with Town procedures therefor.

(d) Payments for such additional services shall not be considered compensation for the purposes of the New York State Retirement System.

Section 2. SEVERABILITY: If any clause, sentence, subdivision, paragraph, section, or part of this local law is adjudged by any court of competent jurisdiction to be invalid, such judgment shall be confined in its operation to the clause, sentence, subdivision, paragraph, section or part thereof directly involved in the controversy in which said judgment shall have been rendered.

Section 3. REPEALER: Any ordinance, local law or part thereof conflicting with the provisions of this local law shall be and the same are hereby repealed so far as the same affects this local law.

Section 4. WHEN EFFECTIVE: This local law shall take effect immediately upon its being enacted and the filing of a certified copy hereof as required by law.

(Complete the certification in the paragraph which applies to the filing of this local law and strike out the matter therein 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. 5 of 19 91 of the ~~County~~ City of Delaware was duly passed by the Town Board (Name of Legislative Body) on April 11 19 91 in accordance with the applicable provisions of law.

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

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 19 \_\_\_\_\_ of the ~~County~~ City of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ (Name of Legislative Body) on \_\_\_\_\_ 19 \_\_\_\_\_ not disapproved and was approved by the \_\_\_\_\_ Elective Chief Executive Officer\* repassed after disapproval and was deemed duly adopted on \_\_\_\_\_ 19 \_\_\_\_\_, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 19 \_\_\_\_\_ of the ~~County~~ City of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ (Name of Legislative Body) on \_\_\_\_\_ 19 \_\_\_\_\_ not disapproved and was approved by the \_\_\_\_\_ Elective Chief Executive Officer\* repassed after disapproval on \_\_\_\_\_ 19 \_\_\_\_\_. Such local law was submitted to the people by reason of a mandatory referendum, and received the affirmative vote of a majority of the qualified electors voting permissive general thereon at the special election held on \_\_\_\_\_ 19 \_\_\_\_\_, in accordance with the applicable annual provisions of law.

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

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 19 \_\_\_\_\_ of the ~~County~~ City of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ (Name of Legislative Body) on \_\_\_\_\_ 19 \_\_\_\_\_ not disapproved and was approved by the \_\_\_\_\_ Elective Chief Executive Officer\* repassed after disapproval on \_\_\_\_\_ 19 \_\_\_\_\_. Such local law was subject to a permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 19 \_\_\_\_\_ 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 chairman of the county legislative body, the mayor of a city or village or the supervisor of a town where such officer is vested with 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 19 ..... of the City of ..... having been submitted to referendum pursuant to the provisions of ~~§36~~<sup>§37</sup> 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 ~~general~~<sup>special</sup> election held on ..... 19..... 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 19..... of the County of ..... State of New York, having been submitted to the Electors at the General Election of November ....., 19....., 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 of 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 ..... above.

  
Clerk of the ~~County of Delaware~~ ~~Town of Delaware~~

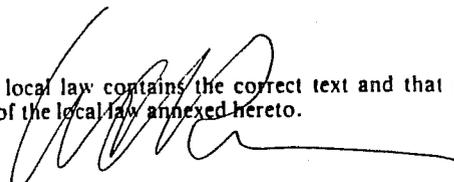
Date: April 17, 1991

(Seal)

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized Attorney of locality.)

STATE OF NEW YORK  
COUNTY OF SULLIVAN

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

  
.....  
Signature  
.....  
Town Attorney  
.....  
Title

Date: April 17, 1991

~~County~~  
~~City~~ of Delaware  
~~Town~~  
~~Municipality~~

