

# ATTORNEY

## Local Law No. 1 of the Year 1978

### A Local Law amending and Superseding the Application of Town Law Section 23 to the Office of Town Attorney of the Town of Kirkwood

Adopted February 7, 1978

Be it enacted by the Town Board of the Town of Kirkwood as follows:

#### Section 1. Authority

This local law is enacted pursuant to the authority of Chapter 365 of the Laws of 1976 which added a new subparagraph (3) to paragraph d of subdivision 1 of section 10 of the Municipal Home Rule Law authorizing towns to adopt a local law which may amend or supersede any provision of the Town Law in relation to the property, affairs or government of the town or in relation to any of the other enumerated subject matters in such section 10, unless there is a State legislative restriction on such amendment or supersession.

#### Section 2. Eligibility of Town Attorney and Deputy Town Attorney (Amended December 30, 2003 by LL No.19–2003)

Section 23 of the Town Law is hereby amended and superseded in its application to the Town of Kirkwood to provide that the Town Attorney and Deputy Town Attorney of the Town of Kirkwood at the time of his/her appointment and throughout his/her term of office need not be an elector of the Town of Kirkwood so long as he/she is a resident of the County of Broome of the State of New York. A new sentence is hereby inserted at the end of Section 23 of the Town Law to read and provide as follows: “The Town Attorney and Deputy Town Attorney of the Town of Kirkwood at the time of his/her appointment and throughout his/her term of office need not be an elector of the Town of Kirkwood so long as he/she is a resident of the County of Broome of the State of New York.”

#### Section 2A. Compensation of Town Attorney and Deputy Town Attorney (Added Dec. 29, 1981 by LL No. 5-1981) (Amended Dec. 30, 2003 by LL No. 19–2003)

Sections 20(2) and 27 of the Town Law are hereby amended and superseded in their application to the Town of Kirkwood to provide as follows:

(a) The Town Attorney and Deputy Town Attorney shall be compensated by a fixed salary for the following services:

- (1) Attending regular and special meetings and work sessions of the Town Board of the Town of Kirkwood and regular and special meetings of the town Planning board and Zoning Board of Appeals, and furnishing legal advice to said Boards during said meetings and work sessions.
- (2) Preparing ordinances, resolutions and local laws for consideration by the Town Board.
- (3) Preparing and reviewing contracts to which the Town is a party.
- (4) Reviewing competitive bidding documents and bids.
- (5) Furnishing legal interpretations and opinions concerning the Town Ordinances and Local Laws and other Town legislation.
- (6) Preparation of legal notices relating to public hearings concerning the

budget, zoning ordinance amendments, fire protection contracts, completion of real estate tax assessment rolls, zoning board hearings, planning board hearings, and other matters.

- (7) Filing an annual report with the New York State Comptroller concerning tort claims pending against the Town; preparing other reports required by law.
- (8) Furnishing legal advice to Town officers, Town Board members, and Town boards such as zoning board of appeals, planning board and tax assessment board of review
- (9) Assistance in preparation of assessment rolls for Town sewer and water districts.
- (10) Assistance to Commissioner of Public Works regarding special improvement districts.
- (11) Review of deeds of dedication relating to proposed Town highways.
- (12) Miscellaneous legal matters.

(b) The Town Attorney and Deputy Town Attorney shall be compensated at an hourly rate to be set from time to time by the Town Board for the performance of legal services not listed above which do not occur on a regular basis regarding which the town Board requests the Town Attorney's assistance or Deputy Town Attorney's assistance, such as legal services relating to:

- (1) Establishment of new special districts or new extensions to existing special districts, or expansion of facilities of special districts.
- (2) Litigation commenced by the Town.
- (3) Litigation commenced against the Town where there is no insurance providing the cost of defense to the Town.
- (4) Compensation for services performed hereunder shall be made pursuant to the voucher method upon submission of such documentation as the Town Board may require.
- (5) Compensation for services performed hereunder shall be made pursuant to the payroll method so that all of such payments shall be subject to payroll withholdings. The Town shall make social security contributions in connection therewith, and the Town shall take all of those payments into account in calculating the Town Attorney's and Deputy Town Attorney's salary which is the basis for the Town's contribution on behalf of the Town Attorney and Deputy Town Attorney to the New York State Employee's Retirement System.

SECTION 3. This local law shall take effect February 7, 1978.