

 **DRAFT**

LOCAL LAW FILING

New York State Department of State
Division of Corporations, State Records and Uniform Commercial Code
One Commerce Plaza, 99 Washington Avenue
Albany, NY 12231-0001

(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 of Gorham
Village

Local Law No. **3** of the year **2024**

A Local Law Abolishing the Elective Office of Highway Superintendent and Creating the Appointed Office of Highway Superintendent of the Town of Gorham, New York

(Insert Title)

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

County
City
Town of Gorham as follows:
Village

Section 1. Pursuant to the Municipal Home Rule Law §10, the Town Board hereby abolishes the elective office of the Town Superintendent of Highways, as of the date this local law takes effect.

Section 2. The appointive office of Town Superintendent of Highways is hereby created, as of the date this local law takes effect.

Section 3. Upon the effective date of this local law, the Town Board shall appoint a Town Superintendent of Highways who shall hold office until the first day of January next succeeding the date of appointment of such Superintendent of Highways. Thereafter, appointments of the Superintendent of Highways shall be for a term of one (1) year.

Section 4. This Local Law shall supersede Town Law §20(1)(a)(b) with respect to the mode of selection of the Highway Superintendent.

Section 5. This Local Law is subject to mandatory referendum according to the provisions of Municipal Home Rule Law §23.

Section 6. Special Election

This local law, because it is subject to a mandatory referendum, shall be submitted for the approval of the electors at a special election, such special election to be held in the Town of Gorham not less than sixty days after the Town Board's adoption of this local law. The Town Board shall fix the date of the special election by separate resolution.

Section 7: Effective Date

This Local Law shall take effect 30 calendar days after being filed with the Secretary of State and after a majority of the qualified electors voting thereon approve this local law in accordance with the requirements of section §23 of the Municipal Home Rule Law.

(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__ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____, 20__, in accordance with the applicable provisions of law.

2. ~~(Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer¹.)~~

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.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. ____ of 2025 of the Town of Gorham was duly passed by the Gorham Town Board on _____, 2024. 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 thereon at the special election held on _____, 2025, 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.

¹ 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 2005 of the City of _____ 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.

Town Clerk

(Seal)

Date: _____

DRAFT

**TOWN OF GORHAM
RESOLUTION 33-2024**

**AUTHORIZING ADOPTION BY THE TOWN BOARD OF THE TOWN OF GORHAM OF
LOCAL LAW NO. 3 OF 2024**

WHEREAS, a resolution was duly adopted by the Town Board of the Town of Gorham for a public hearing to be held by said Town Board on October 2, 2024, at 7:00 p.m. at Gorham Town Hall, 4736 South Street, Gorham, New York, to hear all interested parties on a proposed Local Law to abolish the elective office of Highway Superintendent and create the appointed office of Highway Superintendent of the Town of Gorham, New York; and

WHEREAS, notice of said public hearing was duly advertised in the official newspaper of the Town of Gorham, on Thursday September 26, 2024 and all other notices required by law to be given were properly served, posted or given; and

WHEREAS, said public hearing was duly held on October 2nd, 2024, at 7:00 p.m. at the Gorham Town Hall, 4736 South Street, Gorham, New York, and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said Proposed Local Law, or any part thereof; and

WHEREAS, the Town Board of the Town of Gorham, after due deliberation, finds it in the best interest of the Town of Gorham to adopt said Local Law.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Gorham hereby adopts said Local Law No. 3 of 2024, entitled, "A Local Law Abolishing the Elective Office of Highway Superintendent and Creating the Appointed Office of Highway Superintendent of the Town of Gorham, New York", a copy of which is attached hereto and made a part of this resolution, and be it further

RESOLVED, that this Local Law is subject to mandatory referendum according to the provisions of Municipal Home Rule Law §23.

I, Darby L. Perrotte, Town Clerk of the Town of Gorham do hereby certify that the aforementioned resolution was adopted by the Town Board of the Town of Gorham on October 2, 2024 by the following vote:

	<u>Aye</u>	<u>Nay</u>
Dale C. Stell	_____	_____
Jake Chard	_____	_____
Phil Curtis	_____	_____
Brian Lazarus	_____	_____
Chrissy Watkins	_____	_____

Dated: October 2, 2024

Darby L. Perrotte, Town Clerk

SEAL

DRAFT

**TOWN OF GORHAM
RESOLUTION 34-2024
SCHEDULING A SPECIAL ELECTION
RELATIVE TO THE APPROVAL OF LOCAL LAW 3 OF 2024**

WHEREAS, on the 2nd day of October, 2024 the Town Board of the Town of Gorham adopted a Resolution approving Local Law 3 of 2024 that would abolish the elective office of Highway Superintendent and create the appointed office of Highway Superintendent of the Town of Gorham, New York; and

WHEREAS, pursuant to the New York State Municipal Home Rule Law, said local law is subject to a mandatory referendum; and

WHEREAS, the said local law established that the mandatory referendum would occur at a special election to be held not less than sixty days after the Town Board’s adoption of this local law.

NOW, THEREFORE, BE IT RESOLVED, as follows;

Section 1. That a Special Election of the electors of the Town of Gorham qualified to vote for the elective office of Town of Gorham Highway Superintendent is hereby authorized and directed to be held on the ___ day of _____, 2024 between the hours of 12:00 p.m. (noon) and 8:00 p.m. for the purpose of voting by ballot on the proposition hereinafter set forth.

Section 2. The Notice of such Special Election shall be substantially by the following form.

**LEGAL NOTICE OF SPECIAL TOWN ELECTION
ON PROPOSITION OF WHETHER TO APPROVE
LOCAL LAW NO. 3 OF 2024 ENTITLED
“A LOCAL LAW ABOLISHING THE ELECTIVE OFFICE OF
HIGHWAY SUPERINTENDENT AND CREATING THE APPOINTED OFFICE OF
HIGHWAY SUPERINTENDENT OF THE TOWN OF GORHAM, NEW YORK”**

NOTICE OF SPECIAL ELECTION

NOTICE IS HEREBY GIVEN, that a Special Election of the qualified electors of the Town of Gorham (County of Ontario, State of New York) will be held on the ___ day of _____, 2025 at the Gorham Town Hall, 4736 South Street, Gorham, New York. Said polling place will be kept open between the hours of 12:00 p.m. (noon) and 8:00 p.m. for the purpose of voting by ballot upon the following proposition:

PROPOSITION NO. 1

“Shall the action of the Town Board of the Town of Gorham in approving Local Law No. 3 of 2024 entitled “A Local Law Abolishing the Elective Office of Highway Superintendent and Creating the Appointed Office of Highway Superintendent of the Town of Gorham, New York” be approved?”

Section 3. All of the qualified electors of the Town of Gorham shall be qualified to vote at such special election.

Section 4. The Town Clerk is hereby ordered and directed to give notice of such election by publication thereof in the Town’s official newspaper, such publication to be at least 10 days prior to the date of such Special Election, and by posting on the Town’s official sign board a copy of such notice at least ten (10) days before such special election.

Section 5. The following individuals, who have been previously designated as election inspectors and ballot clerks for general election purposes, are hereby designed to act as election inspectors and ballot clerks for this special election as indicated below:

Sharon Gage, Don Sloth, Karen Kuhn, Fran Colf

Section 6. The Town Clerk is hereby ordered and directed to prepare printed ballots in sufficient quantity for use at said Special Election, and also to prepare for the use of the election officials the necessary oaths and certificates of election, and also to procure and deliver to such election office any and all necessary paraphernalia for the proper conduct of such election.

Section 7. This Resolution shall take effect immediately.

BY ORDER OF THE TOWN BOARD OF THE TOWN OF GORHAM

I, Darby L. Perrotte, Town Clerk of the Town of Gorham do hereby certify that the aforementioned resolution was adopted by the Town Board of the Town of Gorham on _____, 2024, by the following vote:

	<u>Aye</u>	<u>Nay</u>
Dale C. Stell	_____	_____
Jake Chard	_____	_____
Phil Curtis	_____	_____
Brian Lazarus	_____	_____
Chrissy Watkins	_____	_____

Dated: _____, 2024

Darby L. Perrotte, Town Clerk

SEAL