

At a regular meeting of the Town Board of the Town of Almond, County of Allegany, State of New York, held at the Municipal Building, 1 Marvin Lane, Almond, New York, on June 18, 2019 at 6:00 P.M. there were

PRESENT:	Dawn Wildrick-Cole	Supervisor
	Daniel Hegarty	Deputy Supervisor/Councilperson
	Lawrence Perry	Councilperson
	Jo-Anne Freeland	Councilperson
	Bryan Snyder	Councilperson

ABSENT:

ALSO PRESENT:	Town Clerk	Michelle Stevens
---------------	------------	------------------

A public hearing was held before the Town Board at 6:00 P.M. to hear all persons interested in the matter of a proposed resolution to approve the adoption of Introductory Local Law No. 2 of 2019, entitled “A Local Law to Change the Offices of Town Clerk and Tax Collector From Elective Offices to Appointive Offices.” The Supervisor explained how the proposed local law would operate and the reasons why the Town Board is considering adopting it. The Board members answered questions from those present for the public hearing. Following the question and answer period the Supervisor declared the public hearing to be closed.

Following the close of the public hearing the Town Board considered the adoption of the proposed local law for which the public hearing had earlier been held. After considering and addressing all comments, both in opposition and in support of the proposed local law, the Supervisor asked for a motion that the proposed resolution be adopted. The following resolution was offered by Dawn Wildrick-Cole, who moved its adoption, and seconded by Jo-Anne Freeland:

WHEREAS, the Town Board of the Town of Almond believes that it is in the best interest of the Town to adopt a local law changing the offices of Town Clerk and Tax Collector from elective offices to appointive offices in the Town of Almond, and

WHEREAS, this proposed local law would change the offices of Town Clerk and Tax Collector from elective offices to appointive offices, as authorized in Town Law, Section 20, and

WHEREAS, the said proposed local law shall be effective on January 1, 2019 upon filing as required by law and only after approval by the electors of the Town as directed by the Town Board after the general election to be held on November 5, 2019;

WHEREAS, a public hearing has been conducted regarding this local law;

NOW THEREFORE BE IT:

RESOLVED AND DETERMINED, pursuant to the provisions of Town Law, Article 3, Section 20, and subject to the requirement of a mandatory referendum to be held at the general election on November 5, 2019, that the Town Board of Almond enact Introductory Local Law No. 2 of 2019, a local law to change the offices of Town Clerk and Tax Collector from elective offices to appointive offices in the Town of Almond, which local law shall provide as follows:

Section 1. Offices of Town Clerk and Tax Collector to be Appointive. Section 20 of the Town Law is amended to provide that the Town Clerk and Tax Collector for the Town of Almond shall be appointed by the Town Board.

Section 2. Salary and Removal of Town Clerk and Tax Collector.

(a) The salary of the Town Clerk and Tax Collector shall be fixed by the Town Board and shall be payable in such installments and at such intervals as the Town Board shall determine.

(b) The Town Board may remove the Town Clerk and Tax Collector for malfeasance or misfeasance in office upon written charges presented to the Town Board in the form of one or more affidavits. The Town Clerk and Tax Collector shall have opportunity to appear before the Town Board and be heard. Copies of any such charges shall be served upon the Town Clerk and

Tax Collector accused thereby at least ten (10) days before his/her appearance before the Town Board.

Section 3. Term of Office and Vacancy of Town Clerk and Tax Collector. The Town Clerk and Tax Collector shall hold office for a term of two (2) years, unless sooner removed by the Town Board in the manner provided herein. A vacancy in the Office of the Town Clerk and/or Tax Collector shall be filled by the Town Board for the unexpired term in the manner provided by law.

Section 4. Severability. If any provision or provisions of this local law are for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this local law.

Section 5. Referendum. This local law shall be submitted to the voters for their approval at the general election scheduled to be held on November 5, 2019.

Section 6. Effective date. This local law shall not be effective unless a majority of the votes cast on the proposition submitted to the voters be in the affirmative and until this local law is thereafter filed in the Office of the Secretary of State, as required by law, at which time this local law shall become effective on January 1, 2020.

BE IT FURTHER RESOLVED that the Town Clerk is directed to have printed and posted notice of the adoption of Introductory Local Law No. 2 of 2019 at the meeting of June 18, 2019, subject to a mandatory referendum, and further notice that the proposition will be voted on at the General Election on November 5, 2019 between the hours of 6:00 A.M. and 9:00 P.M. in the respective election districts of the Town, and further, the qualifications of voters relating to propositions as required under Town Law Section 20, and be it further

RESOLVED that the mandatory referendum shall be held at the General Election on the 5th day of November, 2019, to vote on the following proposition:

PROPOSITION BALLOT

Shall the following Proposition duly adopted by the Town Board of the Town of Almond, be approved:

Proposition 1:

Shall the positions of Town Clerk and Tax Collector for the Town of Almond be changed from elected to appointed positions?

Following discussion the foregoing resolution was called to a roll call vote by the Town Supervisor, which vote resulted as follows:

<u>Dawn Wildrick-Cole</u>	voting	<u>AYE</u>
<u>Daniel Hegarty</u>	voting	<u>AYE</u>
<u>Lawrence Perry</u>	voting	<u>AYE</u>
<u>Jo-Anne Phillipson-Freeland</u>	voting	<u>AYE</u>
<u>Bryan Snyder</u>	voting	<u>AYE</u>

The Supervisor declared the resolution to be duly adopted and directed the Town Clerk and Town Attorney to have the legal notice of the adoption of the resolution and mandatory referendum requirement published and posted as required by the Town Law.

STATE OF NEW YORK }
 } SS.:
COUNTY OF ALLEGANY }

I, the undersigned, Michelle Stevens, Town Clerk of the Town of Almond, Allegany County, New York, DO HEREBY CERTIFY:

That I have compared the annexed extract of the minutes of the regular meeting of the said Town Board including the resolution contained therein, held on June 18, 2019 with the original thereof on file in my office, and that the same is a true and correct transcript therefrom and of the whole of said original so far as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that all members of said Board had due notice of said meeting, and that, pursuant to Section 104 of the Public Officers Law (Open Meetings Law), said meeting was open to the general public, and that I duly caused a public notice of the time and place of said meeting to be given to the following newspapers and/or other news media:

<u>Newspaper and/or other news media</u>	<u>Date given</u>
--	-------------------

Hornell Evening Tribune	
-------------------------	--

and that further notice of the time and place of such meeting was given to the public by posting such notice in the following places on the following dates, and by giving such notice as follows:

<u>Location of posted notice</u>	<u>Date given</u>
----------------------------------	-------------------

Town Clerk's Bulletin Board	
Town Website	

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Town of Almond this date, _____, 2019.

TOWN SEAL

MICHELLE STEVENS
Town Clerk
Town of Almond