

**(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.

**Town of** \_\_\_\_\_ **Ghent** \_\_\_\_\_

**Local Law No.** \_\_\_\_\_ **1** \_\_\_\_\_ **of the year 2021**

**Local Law** A Local Law amending the Code of the Town of Ghent, Chapter 40 Planning Board and Zoning Board of Appeals, Section 40-8 Retention of experts by Board, to clarify that the right to retain experts does not extend to legal counsel and to expressly reserve to the Town Board the exclusive authority to appoint legal counsel to represent the Town and any of its boards.

**Be it enacted by the** \_\_\_\_\_ **Town Board** \_\_\_\_\_ **of the**

**Town of** Ghent \_\_\_\_\_ **as follows:**

**Section 1. ENACTMENT**

The Code of the Town of Ghent, Chapter 40, Section 40-8, is amended and restated as follows:

§ 40-8 Retention of experts by Board.

In connection with any application before the Town of Ghent Planning Board, the Planning Board is hereby authorized and empowered to retain any expert who the Planning Board, in its sole discretion, deems necessary in order to properly review and evaluate the proposed application, including an engineer, for which the cost of same shall be borne by the applicant. In this regard, the Planning Board may require such costs to be paid in advance and may deny an application upon failure of the applicant to make such payment in a timely manner. Notwithstanding anything to the contrary contained herein, only the Town Board shall have authority to appoint, retain, and remove legal counsel to represent the Town or any of its boards.

**Section 2. LEGISLATIVE AUTHORITY; SUPERSESSION OF STATE LAW.**

This Local Law is enacted pursuant to the authority of Law 365 of the Laws of 1976 which added a new Subparagraph (3) to Paragraph d of Subdivision 1 of § 10 of the Municipal Home Rule Law, authorizing a Town to adopt a local law which amends or supersedes 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 § 10, unless there is a state legislative restriction on such amendment or supersession. It is the intent of the Ghent Town Board to supersede § 271,

Subdivision 2, of the Town Law as it relates to appointment of experts and consultants, including attorneys, in Section 40-8 of the Code of the Town of Ghent.

**Section 3. EFFECTIVE DATE.**

This local law shall take effect once it is duly filed with the Secretary of State of New York in accordance with the provisions of the General Municipal Law.

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(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. 1 of 2021 of the Town of Ghent was duly passed by the Town Board on \_\_\_\_\_ 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 \_\_\_\_\_ (Name of Legislative Body) \_\_\_\_\_ disapproval) by the \_\_\_\_\_ and was deemed duly adopted on \_\_\_\_\_, 20\_\_\_\_, \_\_\_\_\_ (Elective Chief Executive Officer\*) 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 20\_\_\_\_ of the (County) (City) (Town) (Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_, 20\_\_\_\_, and was (approved)(not approved) (repassed after \_\_\_\_\_ (Name of Legislative Body) \_\_\_\_\_ disapproval) by the \_\_\_\_\_ on \_\_\_\_\_, 20\_\_\_\_. Such local law was \_\_\_\_\_ (Elective Chief Executive Officer\*) 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 (approved)(not approved) (repassed after \_\_\_\_\_ (Name of Legislative Body) \_\_\_\_\_ disapproval) by the \_\_\_\_\_ on \_\_\_\_\_, 20\_\_\_\_. \_\_\_\_\_ (Elective Chief Executive Officer\*)~~

~~Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_, \_\_\_\_\_, in accordance with the applicable provisions of law.~~

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\*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 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 \_\_\_\_\_, \_\_\_\_\_, 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

(Seal) Date: \_\_\_\_\_

(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 COLUMBIA

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 Matthew D. Cabral  
\_\_\_\_\_  
Town Attorney  
Title  
County  
City  
Town of \_\_\_\_\_ Ghent  
Village  
Date: \_\_\_\_\_