

# Local Law Filing

(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  Village  
(Select one.)

of Westville, NY

FILED  
STATE RECORDS

DEC 06 2017

DEPARTMENT OF STATE

Local Law No. 1 of the year 2017

A local law Prior Written Notice Statute

(Insert Title)

Notice of Highway Defects

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

County  City  Town  Village  
(Select one.)

of Westville

as follows:

A Local law providing for written notification of defects and obstructions on town highways, bridges, streets, sidewalks, crosswalks and culverts in the Town of Westville.

Be it enacted by the Town Board of the Town of Westville.

Section 1. No civil actions shall be maintained against the town or town superintendent of highways for damages or injuries to person or property sustained by reason of any highway, bridge, street, sidewalk, crosswalk or culvert being defective, out of repair, unsafe, dangerous or obstructed unless written notice of such defective, unsafe, dangerous, or obstructed condition of such highway, bridge, street, sidewalk, crosswalk or culvert was actually given the town clerk or town superintendent of highways, and there was a failure or neglect within a reasonable time after giving of such notice to repair or remove the defect, danger or obstruction complained of. No such action shall be maintained for damages or injuries to person or property sustained solely in consequence of the existence of snow or ice upon any highway, bridge, street, sidewalk, crosswalk or culvert, unless written notice thereof, specifying the particular place, was actually given to the town clerk or town superintendent of highway and there was a failure or neglect to cause such snow or ice to be removed, or to make the place otherwise reasonably safe within a reasonable time after the receipt of such notice.

Section 2. The town superintendent of highways shall transmit in writing to the town clerk within ten days after receipt thereof all written notices received pursuant to this local law and subdivision 2 of section 65-a of the Town Law. The Town clerk shall cause all written notices received pursuant to this Local Law and subdivision 2 of section

(If additional space is needed, attach pages the same size as this sheet, and number each.)

65-a of the Town Law, to be presented to the town board within ten days of the receipt thereof or at the next succeeding town board meeting whichever is sooner.

Section 3. This Local law shall supersede in its application to the Town of Westville subdivisions 1 and 3 of section 65-a of the Town Law.

Section 4. This Local Law shall take effect immediately upon filing in the Office of the Secretary of State.

(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 20 17 of the (County)(City)(Town)(Village) of Westville was duly passed by the Town of Westville Board on Nov 13 20 17, 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 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 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 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 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 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.

\* 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 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 \_\_\_\_\_ 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 \_\_\_\_\_ above.

*John F. Brady*

Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: November 13, 2017



**Written Notice of a Defect**

Town Clerk/Highway Superintendant  
Town of Westville  
936 County Route 19  
Constable, NY 12926

This notice form has been prepared to allow for complaints and observations of defects to be forwarded to the Town Board of Westville so that corrective actions can be taken.

Date \_\_\_\_\_ Time \_\_\_\_\_

Does the complaint of defect require emergency action \_\_\_\_\_ yes \_\_\_\_\_ no

**Type of Complaint/Defect (X)**

- \_\_\_\_\_ Sidewalk
- \_\_\_\_\_ Highway
- \_\_\_\_\_ Street
- \_\_\_\_\_ Culvert
- \_\_\_\_\_ Sidewalk
- \_\_\_\_\_ Crosswalk

**Detailed Description with exact location:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Submitted by: \_\_\_\_\_  
Print name and sign

Address \_\_\_\_\_

Phone Number \_\_\_\_\_



*Rec'd 11/20*

# TOWN OF WESTVILLE

936 COUNTY ROUTE 19  
CONSTABLE, NEW YORK 12926  
PHONE/FAX 518-358-0026

Town Supervisor  
Rodrigue Lauzon  
(518) 483-3772

Town Clerk  
Ann Brady  
(518) 358-0026

Highway Superintendent  
Kevin Nichols  
(518) 358-4180

Town Council  
Dean Fleury  
Brenda St. Hilaire  
Robert Reynolds  
Michael Armstrong

Town Justice  
Edwin Andrew  
(518) 358-2499

Tax Collector  
Shirley Kelly  
(518) 483-0266

Code Officer  
Robert Crossman  
(518) 358-2259

Dog Control Officer  
Kimberly Barcomb

Tax Assessor  
Roseanne Gallagher  
(518) 358-2259

November 25, 2017

Richard Edwards, Esq.  
Law Office of Walsh & Edwards  
346 West Main Street  
Malone, New York 12953

Re: Local Law #1 of 2017

Dear Mr. Edwards:

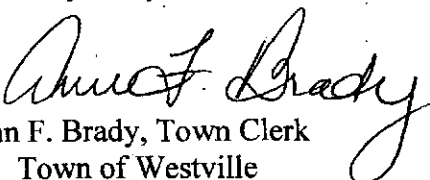
Enclosed are the following:

1. Resolution #21 of 2017 with certification of Town Clerk;
- and
2. Local Law #1 of 2017, Notice of Defect.

Please review the Local Law and follow the proper procedures to have the law filed with the New York State Department of State, Division of Corporation. Please provide my office with a receipt of the filing.

Thank you for your attention to the above.

Very Truly Yours,

  
Ann F. Brady, Town Clerk  
Town of Westville

Enclosures

cc: Rodrigue Lauzon, Town Supervisor

# Town of Westville

Town Supervisor

Rodrigue Lauzon  
518-483-3772  
Cell 315-250-5751

936 County Route 19  
Constable, New York 12926  
Phone/Fax 518-358-4180

Town Clerk

Ann Brady  
518-358-0026/9047

Highway Superintendent

Kevin Nichols  
518-483-7130/358-4180

Town Attorney

Richard Edwards  
518-483-5531

Code Officer

Robert Crossman  
518-358-2259/483-0048  
Cell 518-651-4280

Tax Collector

Shirley Kelly  
518-483-0266

Town Justice

Edwin Andrew  
518-593-2875/483-2470  
518-358-2499

Town Council

Dean Fleury 569-0095  
Michael Armstrong 358-4177  
Robert Reynolds 358-0053  
Brenda St. Hilaire 353-2782

Dog Control Officer

Kimberly Lapage  
518-651-1376

Tax Assessor

Roseanne Gallagher  
518-481-5380

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## Resolution # 21 of 2017


**Whereas;** The Town of Westville held a Public Hearing on Local Law #1 of 2017 Notice of Defect Law; on September 11, 2017

**Whereas;** The Notice of defect Law was approved at the above said meeting,

**Whereas;** The Town of Westville held Law for 60 days.

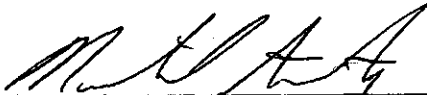
**Now, therefore, it is Hereby Resolved:** That the Town Board of Westville authorizes the Town Clerk; Ann Brady to forward the Law on to the Town of Westville Attorney; Richard Edwards for filling with the Secretary of the State of New York

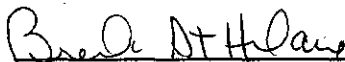
**And be it Further Resolved;** this resolution be entered into the minutes of the Westville Town Board Meeting on this the 13<sup>th</sup> Day of November 2017.

  
\_\_\_\_\_  
Rod Lauzon, Town Supervisor

\_\_\_\_\_  
Dean Fleury, Deputy Supervisor

\_\_\_\_\_  
Rob Reynolds, Town Council

  
\_\_\_\_\_  
Michael Armstrong, Town Council

  
\_\_\_\_\_  
Brenda St. Hilaire, Town Council



# TOWN OF WESTVILLE

Rodrigue Lauzon, Supervisor  
Ann Brady, Town Clerk  
Kevin Nichols, Highway Superintendent  
Robert Crossman, Code Officer  
Edwin Andrew, Town Justice

936 County Route 19  
Constable, New York 12926  
Phone/Fax 518-358-0026

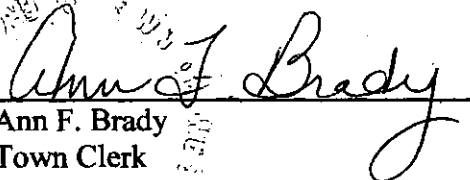
Town Council  
Dean Fleury  
Brenda St. Hilaire  
Michael Armstrong  
Robert Reynolds

## CERTIFICATION

STATE OF NEW YORK  
COUNTY OF FRANKLIN  
TOWN OF WESTVILLE

This is to certify that I, the undersigned, Clerk of the Town of Westville, have compared the foregoing copy of **Resolution # 21 of 2017** with the original now on file in this office and which was passed on this the 13<sup>th</sup> Day of November, 2017, with a majority of all the members elected to the Town Board voting in favor thereof, and that the same is a correct and true transcript of such original Resolution and the whole thereof.

**IN WITNESS WHEREOF**, I have hereunto set my hand and the official seal of the **TOWN OF WESTVILLE**, This the 13<sup>th</sup> Day of November, 2017.

  
Ann F. Brady  
Town Clerk  
Town of Westville

