

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 Burke

Local Law No. 1 of the year 2011

A local law Creating the position of Sole Appointed Assessor under Real Property Tax Law Sec. 328.
(Insert Title)

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

County City Town Village
(Select one:)

of Burke

as follows:

Please see attached sheet.

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

A LOCAL LAW CREATING THE POSITION OF SOLE APPOINTED ASSESSOR UNDER REAL PROPERTY TAX LAW SECTION 328

1. Purpose.

a. The Town Board of the Town of Burke finds that it is in the best interest of the taxpayers of the Town to create the position of Sole Appointed Assessor to replace its current system of Sole Elected Assessor.

2. Authority.

a. This Local Law is enacted pursuant to the provisions of § 328 of the Real Property Tax Law of the State of New York and § 10, Article 2 of the Municipal Home Rule Law of the State of New York.

3. Title.

a. The title of this Law shall be, "A LOCAL LAW CREATING THE POSITION OF SOLE APPOINTED ASSESSOR UNDER REAL PROPERTY TAX LAW SECTION 328."

4. Creation of position of Sole Appointed Assessor.

a. From and after January 1, 2012 there shall be one assessor in and for the Town of Burke, who shall be appointed in accordance with the provisions of Real Property Tax Law section 310.

5. Term of office.

a. The term of office shall be six years, in conformance with the requirements of Real Property Tax Law section 310.

6. Termination of term of office of all assessors currently in office.

a. The term of the Sole Elected Assessor of the Town of Burke currently holding office shall terminate on December 31, 2011.

7. Permissive Referendum not required.

a. The Town Board of the Town of Burke, exercising the discretion authorized pursuant to Real Property Tax Law section 328, hereby determines that this local law shall not be subject to permissive referendum.

8. Effective Date.

a. This Local Law shall take effect immediately upon filing in the Office of the New York State Secretary of State in accordance with Section 27 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. 1 of 2011 of the (County)(City)(Town)(Village) of Burke was duly passed by the Town Board of the Town of Burke on July 12, 2011, 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) *(Name of Legislative Body)* (repassed after disapproval) by the _____ and was deemed duly adopted *(Elective Chief Executive Officer*)* 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) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____ 20____. *(Elective Chief Executive Officer*)*

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) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____ 20____. Such local *(Elective Chief Executive Officer*)* 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.

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

Date: 24 AUGUST 2011

(Seal)

(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 Franklin

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.

K.F.N. Chow
Signature
Town Attorney
Title

County
City
Town of Burke
Village

Date: 24, August 2011



STATE OF NEW YORK
DEPARTMENT OF STATE
ONE COMMERCE PLAZA
99 WASHINGTON AVENUE
ALBANY, NY 12231-0001

ANDREW M. CUOMO
GOVERNOR

CESAR A. PERALES
SECRETARY OF STATE

August 29, 2011

Kevin F Nichols
Nichols Law Firm
411 East Main Street
Malone NY 12953

RECEIVED
AUG 31 2011
NICHOLS LAW FIRM PLLC
Kevin F. Nichols, Esq.

RE: Town of Burke, Local Law 1 2011, filed on August 29, 2011

Dear Sir/Madam:

The above referenced material was filed by this office as indicated. Additional local law filing forms can be obtained from our website, www.dos.state.ny.us.

Sincerely,
State Records and Law Bureau
(518) 474-2755