

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
162 WASHINGTON AVENUE, ALBANY, NY 12231

(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

of Town Of Russell

Local Law No. 2 of the year 2006

A local law to require reimbursement to the Town for expert fees.
(Insert Title)

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

County

City

Town

Village

of Town of Russell as follows:

Section 1. Purpose.

The purpose of this local law is to require reimbursement to the Town for expert fees.

Section 2. Definitions.

APPLICANT - Any person, firm, partnership, association, corporation, company or organization of any kind who or which requests the Town Board, the Planning Board or the Zoning Board of Appeals to approve a land use application.

LAND USE APPLICATION - An application for subdivision approval, site plan approval, open development area site plan approval, an area variance, use variance, special use permit and any additional review for those as needed to comply with the New York State Environmental Quality Review Act, Environmental Conservation Law, Article 8, and regulations adopted pursuant thereto, and the Town Code, as amended.

Section 3. Retention of expert assistance; reimbursement by applicant.

- A. The Town may hire any consultant and/or expert necessary to assist the Town in reviewing a land use application, including, but not limited to, technical or engineering consultants or special legal counsel.
- B. Except as otherwise provided in the Town Code, if prior to the completion of a review of a land use application, the Town discovers the need to retain consultant and/or expert services, the applicant shall deposit with the Town funds sufficient to reimburse the Town for the reasonable costs of consultation and/or evaluation in connection with review of the application. The Town will maintain a separate escrow account for such funds.

- C. Upon receipt of such funds, the Town Supervisor shall cause the money to be placed in an account in the name of the Town and shall keep a separate record of all money so deposited and the name of the applicant and the project for which the sums were deposited.
- D. The Town's consultants and experts shall invoice the Town for services rendered in reviewing the application. The Town shall furnish a copy of each invoice received to the applicant upon receipt of the invoice by the Town.
- E. The Town shall review and audit all invoices received and shall approve payment only if such fees as are reasonable in amount and necessarily incurred by the Town in connection with a review of a land use application. For purposes of this chapter, a fee is reasonable in amount if it bears a reasonable relationship to the average charge by such an expert to the Town or others for services performed in connection with the review of a project similar to that involved in the land use application. In this regard, the Town may take into consideration the size and type of project involved in the land use application and any special conditions or considerations as the Town may deem relevant in connection with review of the particular land use applications.
- F. Contracts for the retention of experts shall be let pursuant to the purchasing policy of the Town unless the contract is one that must be competitively bid.
- G. After payment of all outstanding invoices, any funds held by the Town upon completion of a review of a land use application shall be returned to the applicant.

Section 4. Exceptions.

- A. The following developments are hereby exempt from the application of this chapter.
 - 1. Any development of land of one acre or less abutting an existing public highway.
 - 2. Any subdivision of land into four or fewer lots abutting an existing public highway.
- B. Notwithstanding anything to the contrary contained in this chapter, an applicant or developer shall not be required to reimburse the Town for any part of a fee incurred by the Town for services performed in connection with matters, including but not limited to those resulting from complaints by third parties, as to which the Town determines the applicant had no responsibility or were beyond the reasonable control of the applicant.

Section 5. Severability.

If any section, clause or provision of this chapter or the application thereof to any person is adjudged invalid, the adjudication shall not effect the other sections, clauses or provisions or the application thereof that can be sustained or given effect without the invalid section, clause or provision or application, and to this end the various sections, clauses or provisions of this chapter are declared to be severable.

Section 6. Effective date.

This local law shall take effect immediately upon its 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. 2 of 2006 of the ~~(County)~~(City)(Town)(Village) of Russell was duly passed by the Town Board on October 4, 2006 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 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not approved)(repassed after disapproval) by the _____ and was deemed duly adopted on _____ 19____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 19____. 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 _____ 19____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

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 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 19____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 19____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

* 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.

4. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of _____ 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.

5. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of _____ State of New York, having been submitted to the electors at the General Election of November _____, 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.

Teresa L. Ellis
Clerk of the County legislative body, City, Town or Village Clerk
or officer designated by local legislative body

Date: October 4, 2004

(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 ST. LAWRENCE

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 _____

Title _____

County _____
City of Russell
Town _____
Village _____

Date: _____



STATE OF NEW YORK
DEPARTMENT OF STATE
41 STATE STREET
ALBANY, NY 12231-0001

GEORGE E. PATAKI
GOVERNOR

CHRISTOPHER L. JACOBS
SECRETARY OF STATE

October 27, 2006

Cappello Linden & Ladouceur
Attorneys at Law
76 Market Street
PO Box 5153
Potsdam, NY 13676

RE: Town of Russell, Local Law 2, 2006, filed on 10/10/2006

To Whom It May Concern:

The above referenced material was received and filed by this office as indicated. Additional local law filing forms will be forwarded upon request.

Sincerely,
Linda Lasch
Principal Clerk
State Records & Law Bureau
(518) 474-2755

LL:cb

Cappello Linden & Ladouceur

Attorneys at Law

76 Market Street

Post Office Box 5153

Potsdam, New York 13676

*Francis P. Cappello
Roger B. Linden
Michelle H. Ladouceur*

*Area Code 315
Telephone 265-2747*

November 2, 2006

Ms. Tess Eells
Town Clerk
Town of Russell
P.O. Box 628
Russell, New York 13684

RE: Local Law No. 2 for the year 2006

Dear Tess:

Enclosed herewith please find the original filing receipt from the Secretary of State's office reflecting the filing of Local Law No. 2 for 2006 with their offices on October 10, 2006.

This is a vitally important document and should be kept in your archives together with all other information concerning and relating to this local law.

Very truly yours,

CAPPELLO LINDEN & LADOUCEUR


Roger B. Linden

RBL:smb

Enclosure