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## FACSIMILE TRANSMISSION RECORD

**DATE:** February 5, 2016

**Number of Pages:** 3 + cover

**TO:** Hrabchak, Gebo & Langone, P.C.

**Fax No:** 315-788-6085

**ATTN:** Mark Gebo, Esq./Diane

**FROM:** Linda Lauber

**RE:** Town of Leyden

**FAXED**  
2/5/16  
10:00 AM

### MESSAGE:

**Diane:** Attached please find the Local Law 2 of 1995 for the Town of Leyden that we discussed. If you need anything else, please let me know. Thanks!

*Linda*

### CONFIDENTIALITY NOTICE

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(Please Use this Form for Filing your Local Law with the Secretary of State)

Text of law should be given as amended. Do not use brackets for matter to be eliminated and do not use italics for new matter.

County:

City of Leyden  
Town  
Village

Local Law No. 2 of the year 19 95

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

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

County

City of Leyden  
Town  
Village

as follows:

Section 1. No civil actions shall be maintained against any 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 to the town clerk or town superintendent of highways, and there was a failure or neglect within a reasonable time after the 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 highways and there was 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 five days after the 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 65-a of the Town Law, to be presented to the town board within five days of the receipt thereof or at the next succeeding town board meeting whichever shall be sooner.

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

Section 4. This local law shall take effect immediately upon its filing in the office of the Secretary of State.



(Complete the certification in the paragraph which applies to the filing of this local law and strike out the matter therein which is not applicable.)

(Final adoption by local legislative body only.)

1. I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 19 95  
County  
City  
of the Town of Leyden was duly passed by \_\_\_\_\_ Town Board  
x Village  
(Name of Legislative Body)  
on August 24, 19 95 in accordance with the applicable provisions of law.

(Passage by local legislative body with approval or no disapproval by Elective Chief Executive Officer or repassage after disapproval.)

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

(Final adoption by referendum.)

3. I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 19 \_\_\_\_\_  
County  
City  
of the Town of \_\_\_\_\_ was duly passed by the \_\_\_\_\_  
Village  
(Name of Legislative Body)  
on \_\_\_\_\_ 19 \_\_\_\_\_ not disapproved  
and was approved by the \_\_\_\_\_  
repassed after disapproval Elective Chief Executive Officer  
on \_\_\_\_\_ 19 \_\_\_\_\_. Such local law was submitted to the people by reason of a  
mandatory referendum and received the affirmative vote of a majority of the qualified electors voting  
permissive referendum and received the affirmative vote of a majority of the qualified electors voting  
general  
thereon at the special election held on \_\_\_\_\_ 19 \_\_\_\_\_, in accordance with the applicable provisions of law.

(Subject to permissive referendum and final adoption because no valid petition filed requesting referendum.)

4. I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 19 \_\_\_\_\_  
County  
City  
of the Town of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_  
Village  
(Name of Legislative Body)  
\_\_\_\_\_ 19 \_\_\_\_\_ not disapproved  
and was approved by the \_\_\_\_\_ on \_\_\_\_\_  
repassed after disapproval Elective Chief Executive Officer  
\_\_\_\_\_ 19 \_\_\_\_\_. Such local law being subject to a permissive referendum and no  
valid petition requesting such referendum having been filed, said local law was deemed duly adopted on  
\_\_\_\_\_ 19 \_\_\_\_\_, 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 chairman of the board of supervisors, the mayor of a city or village or the supervisor of a town, where such officer is vested with power to approve or veto local laws or ordinances.

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

5. I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 19 \_\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of ~~§ 36~~ <sup>§ 37</sup> 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 <sup>special</sup> ~~general~~ election held on \_\_\_\_\_ 19 \_\_\_\_\_ became operative.

(County local law concerning adoption of Charter.)

6. I hereby certify that the local law annexed hereto, designated as Local Law No. \_\_\_\_\_ of 197 \_\_\_\_\_ of the County of \_\_\_\_\_, State of New York, having been submitted to the Electors at the General Election of November \_\_\_\_\_, 19 \_\_\_\_\_, 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 of 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 Ward*

Clerk of the Board of Supervisors, City, Town or Village Clerk or Officer  
designated by Local Legislative Body

Elizabeth Ward, Town Clerk

Date: December 7 1995

(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 Oneida

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.

*Richard J. Warren*  
(Title of Officer) Richard J. Warren, Town attorney

~~County~~

~~City~~

~~Town~~

~~Village~~

of Leyden

Date: December 7 1995