



**Department of State  
Corporations, State Records & UCC**

New York State  
Department of State  
**DIVISION OF CORPORATIONS,  
STATE RECORDS AND  
UNIFORM COMMERCIAL CODE**  
One Commerce Plaza  
99 Washington Ave.  
Albany, NY 12231-0001  
dos.ny.gov

**Local Law Filing**

Pursuant to Municipal Home Rule Law §27

Local Law Number ascribed by the legislative body of the local government listed below:

\_\_\_\_\_ of the year 20 26

Local Law Title: To Repeal Local Law 3 of 2016 relating to conflicts of interest for the position of cemetery supervisor

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

County     City     Town     Village  
*(Select one)*

of Lyme \_\_\_\_\_ as follows on the attached pages:  
*(Name of Local Government)*

**For Office Use Only**

Department of State Local Law Index Number: \_\_\_\_\_ of the year 20 \_\_\_\_\_

(The local law number assigned by the Department of State for indexing purposes may be different from the local law number ascribed by the legislative body of the local government.)

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## Local Law Filing

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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 ascribed as local law number \_\_\_\_\_ of 20<sup>26</sup> of the ~~(County)(City)~~(Town)(Village) of Lyme was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20<sup>26</sup> 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, ascribed as local law number \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_ and was *(Name of Legislative Body)* (approved)(not approved)(repassed after disapproval) by the \_\_\_\_\_ *(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, ascribed as local law number \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_ and was *(Name of Legislative Body)* (approved)(not approved)(repassed after disapproval) by the \_\_\_\_\_ *(Elective Chief Executive Officer\*)* 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, ascribed as local law number \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_ and was *(Name of Legislative Body)* (approved)(not approved)(repassed after disapproval) by the \_\_\_\_\_ *(Elective Chief Executive Officer\*)* 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.

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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 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.

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**Local Law Filing**

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

I hereby certify that the local law annexed hereto, ascribed as local law number \_\_\_\_\_ of 20 \_\_\_\_ of the City of \_\_\_\_\_ having 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 thereto, ascribed as local law number \_\_\_\_\_ 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 the paragraph \_\_\_\_\_<sup>1</sup> above.

(Seal)

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

\_\_\_\_\_  
(Date)

# 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 Town Board of the Town of Lyme

FILED  
STATE RECORDS

AUG 03 2016

DEPARTMENT OF STATE

Local Law No. 3 of the year 2016

A local law Relating to conflicts of interest for the position of cemetery supervisor.  
(Insert Title)

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

County  City  Town  Village  
(Select one.)

of Lyme as follows:

Article I. - Authority. The Town Board of the Town of Lyme, pursuant to the authority granted it under Article 4 of the Town Law and Sections 10 and 20 of the Municipal Home Rule Law of the State of New York, hereby enacts as follows:

Article II. - Statement of Purpose and Finding. The Town Board of the Town of Lyme hereby finds that despite diligent efforts it has been unable to fill the position of cemetery supervisor. One of the Town Board Members is willing to fill such a position which is a paid position. It would be otherwise improper to allow a Town Board Member to be appointed to this paid position under the White-hall Doctrine based on the case of (Wood v. Town of Whitehall, 120 Misc. 124, affd. 206 App. Div. 786). Further that under General Municipal Law Article 18, such appointment might be viewed as a conflict of interest. It is the purpose of this local law to supersede the Whitehall Doctrine and the general rule of incompatibility as set forth in that case as well as the conflict of interest provisions set forth in Article 18 of the General Municipal Law in order to appoint a Town Board member to the paid position of cemetery supervisor. The Town Board of the Town of Lyme hereby finds that it would be in the public interest to do so as the Town of Lyme is in a rural area and no other qualified residents are known to exist. The Town Board member who has volunteered to take this position has previously held this position and is knowledgeable about the duties of this position and has the ability to carry them out. In the past this Town Board Member has occupied this position. The Town Board does not wish to have the Town Board Member resign from their position in order to take the position of supervisor. The Town Board believes the public interest will be served by this local law.

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

Article III. - Enactment. The Town Board of the Town of Lyme hereby enacts as follows:

A. This local law shall supersede the common law doctrine of incompatibility and the common law White-Hall doctrine with respect to the office of Town Council Person and Cemetery Supervisor.

B. Any local law or ordinance of the Town of Lyme that is inconsistent with the provisions of this local law are hereby repealed; provided however, that such repeal shall only be to the extent of such inconsistency and in all respects this local law shall be in addition to such other local laws or ordinances regulating and governing the subject matter of this local law.

C. Upon the effective date of this local law the Town Board may appoint a Town Council Person to the position of Cemetery Supervisor.

Article IV. - Severability. If any part of this Chapter shall be found to be void, voidable, or unenforceable for any reason whatsoever, it shall not affect the validity or enforceability of any remaining section or provision of this Chapter.

Article V. - Effective Date. This local law shall take effect immediately upon filing with 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. 3 of 2016 of the (County)(City)(Town)(Village) of Lyme was duly passed by the Town Board on July 13 2016, in accordance with the applicable provisions of law.  
(Name of Legislative Body)

~~**2. (Passage by local legislative body with approval, no disapproval or passage 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.~~  
(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 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\_\_\_\_.~~  
(Name of Legislative Body)  
(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) (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 2 above.

*Kim Wallace*

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

Date: July, 25, 2016

(Seal)