SECTION 30

Powers and duties of town clerk

Town (TWN) CHAPTER 62, ARTICLE 3

§ 30. Powers and duties of town clerk. The town clerk of each town: 1.
Shall have the custody of all the records, books and papers of the town.
He shall attend all meetings of the town board, act as clerk thereof,
and keep a complete and accurate record of the proceedings of each
meeting, and of all propositions adopted pursuant to this chapter.
Immediately after adoption he shall enter into a book to be known as the
"ordinance book" a copy of every ordinance adopted by the town board,
specifying the date of adoption thereof. In addition, he shall act as
secretary of the board of commissioners of any improvement district when
so designated by such board of commissioners. He shall keep a complete
and accurate record in his office as town clerk of all proceedings of
every board of commissioners of improvement districts in said town. The
town clerk shall record all deeds of conveyances in the office of the
clerk of the county in which the property is located and thereafter file
the same in the town clerk's office. The cost and necessary expenses
incurred in the recording of such deeds in the county clerk's office
shall be a town charge.

1-a. Shall enter daily in a suitable book or books a record of all
moneys received by him, and shall deposit all such moneys not later than
the third business day after the total thereof exceeds the sum of two
hundred fifty dollars.

2. He shall file all certificates or oaths and other papers required
by law to be filed in his office.

3. He or she shall certify to the county clerk within twenty days
after their appointment, the names of all appointive town officers,
except inspectors of election, with their respective post-office
addresses, the date of their appointment and expiration of term of
office. He or she shall also on or before the tenth day of January in
each year, file a certificate with the department of audit and control
specifying the names of all town officers, whether elected or appointed,
excepting inspectors of election, and file a certificate with the
commissioner of taxation and finance specifying the names of all town
assessors, with their respective post-office addresses, the date of
their appointment or election and the expiration of term of office.

4. Whenever a vacancy shall occur or exist in any town office, the
town clerk shall immediately notify the county clerk of such vacancy,
specifying the name of the officer, the office in which the vacancy
occurred and the date when the same became vacant. Within five days
after such vacancy is filled, the town clerk shall file with the county
clerk and the department of audit and control and, if the vacancy was in
the office of assessor, with the commissioner of taxation and finance, a
certificate specifying the name and address of the person filling the
vacancy, together with the term for which elected or appointed. In the
case of a person appointed to fill a vacancy in the office of town
justice, the town clerk shall file a duplicate certificate with the
chief administrator of the courts. If a vacancy shall occur or exist in
the office of town clerk, the supervisor shall notify the county clerk
of such vacancy and the date when such office became vacant.

5. He shall deliver to the supervisor, before the annual meeting of
the board of supervisors of the county in each year, certified copies of
all propositions adopted by the town since the last annual meeting of
the board of supervisors.

6. At the expense of the town he or she shall procure and affix on or
near the main entrance to his or her office a sign-board with the name
of the town followed by the words "town clerk's office" in plain
characters thereon with sufficient space immediately below for posting
thereon the legal notices of the town. Such sign-board and, in any town
that maintains a regularly and routinely updated website and utilizes a
high speed internet connection, an electronic version of such sign-board
shall be one of the public places upon which any legal notice may be
posted. Towns which maintain a regularly and routinely updated website
and utilizes a high speed internet connection shall, to the extent
practicable, maintain an electronic version of such sign-board and shall
post a link to the electronic version of the sign-board on its homepage.
An electronic version of such sign-board shall include a town website
page designed or intended to provide electronic access to public
notices. A town shall not be required to maintain an electronic
sign-board pursuant to this subdivision should the town incur additional
costs in order to comply.

7. He shall issue all licenses or permits, whenever and in the manner
required by this chapter or by any other law and collect all fees
therefor, except as provided in section one hundred thirty-seven of this
chapter.

8-a. Any town in the county of Ontario may, by resolution of the town
board and upon agreement with the board of supervisors of such county,
authorize the town clerk of such town to provide for the care and
protection of any road dedication books in his possession by placing
them in the custody of the county clerk for filing and storage in a safe
place and for such purpose the board of supervisors of Ontario county is
hereby authorized to make such provision as may be necessary for the
care and preservation of such road dedication books in the office of
such county clerk.

9. Except in towns where the office of town comptroller has been
created the town clerk, when required by resolution of its town board,
shall countersign all checks required to be signed by the supervisor.

10. (a) The town clerk may appoint, and at his or her pleasure remove,
a first deputy town clerk, who shall serve without compensation from the
town unless otherwise provided by the town board. Such compensation may
be in addition to any other compensation he or she may receive as a town
officer, town official or town employee. The town clerk shall establish
the duties and responsibilities of the first deputy town clerk and such
first deputy town clerk shall possess the powers and perform the duties
of the town clerk during the absence or inability to act of the town
clerk, or during a vacancy in the office of town clerk. Before he or she
shall perform any function as such, the first deputy town clerk shall
take and file the constitutional oath of office and execute and file an
official undertaking in the manner prescribed in section twenty-five of
this article.

In addition, the town clerk may appoint, and at his or her pleasure
remove, up to two additional deputy town clerks whose duties and
responsibilities shall be established by the town board. The town board,
in its discretion, may delegate to the town clerk the authority to
establish the duties of the additional deputy town clerks. Any such
additional deputy town clerks shall serve without compensation from the
town, unless otherwise provided by the town board. Such compensation may
be in addition to any other compensation he or she may receive as a town
officer, town official or town employee. Before he or she shall perform
any function as such, the additional deputy town clerk shall take and
file the constitutional oath of office and if required by the town
board, execute and file an official undertaking in the manner prescribed
in section twenty-five of this article.

(b) In the event that the town clerk is absent or unable to act and
there is no duly appointed and qualified first deputy town clerk present
and able to act, the town board may appoint as deputy town clerk any
person other than a member of the town board; provided, however, that
such person be qualified as provided in section three of the public
officers law and section twenty-three of this article. If the town board
shall provide compensation for such deputy town clerk, such compensation
may be in addition to any other compensation he or she may receive as a
town officer, town official or town employee. Such deputy town clerk
shall hold office at the pleasure of the town board and in no event for
longer than the duration of such absence or incapacity of the town
clerk.

10-a. Where a town has not established the office of receiver of taxes
and assessments, the town clerk shall collect water rates and sewer
rents unless the town board has designated another officer or employee
to make such collections.

11. The town clerk shall have such additional powers and perform such
additional duties as are or hereafter may be conferred or imposed upon
him by law, and such further duties as the town board may determine, not
inconsistent with law.