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.