

**TOWN OF COVENTRY**

**A RESOLUTION APPROVING THE ADOPTION  
OF LOCAL LAW NO. 1-2018**

At a regular meeting of the Town Board of the Town of Coventry, held at Coventry Town Hall, 1839 State Highway 235, Greene, New York on the 8th day of August, 2018, the following resolution was offered and seconded:

**WHEREAS**, the Town of Coventry scheduled a public hearing for August 8, 2018 at 7:00 p.m. for Local Law No. 1 of the year 2018 entitled "A LOCAL LAW REPEALING AND REPLACING THE TOWN'S LAW REQUIRING PRIOR WRITTEN NOTICE OF DEFECTIVE CONDITIONS PRIOR TO COMMENCEMENT OF SUIT"; and

**WHEREAS**, notice of said public hearing was duly advertised in the official newspaper of the Town and posted on the Town Clerk's sign board; and

**WHEREAS**, said public hearing was duly held at Coventry Town Hall, 1839 State Highway 235, Greene, New York on the 8th day of August, 2018 at 7:00 p.m. and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed Local Law, or any part thereof; and

**WHEREAS**, pursuant to the State Environmental Quality Review Act ("SEQRA"), it has been determined by the Town Board that adoption of the proposed Local Law constitutes a Type II Action as defined under 6 NYCRR 617.5(20) and (27); and

**WHEREAS**, the Town Board, after due deliberation, finds it in the best interest of the Town to adopt said Local Law.

**NOW, THEREFORE, BE IT RESOLVED** that the Town Board hereby adopts said local law as Local Law No. 1-2018 entitled "A LOCAL LAW REPEALING AND REPLACING THE TOWN'S LAW REQUIRING PRIOR WRITTEN NOTICE OF DEFECTIVE CONDITIONS PRIOR TO COMMENCEMENT OF SUIT", a copy of which is attached hereto and made a part hereof; and

**BE IT FURTHER RESOLVED** the Town Clerk be and hereby is directed to enter said Local Law in the minutes of this meeting and to give due notice of the adoption of said Local Law to the Secretary of State; and

**BE IT FURTHER RESOLVED** that this resolution will take effect immediately.

**CERTIFICATION**

I, Theresa Schultheis, do hereby certify that I am the Town Clerk of the Town of Coventry and that the foregoing constitutes a true, correct and complete copy of a resolution duly adopted by

the Town Board of the Town of Coventry at a meeting thereof held at the Coventry Town Hall, 1839 State Highway 235, Greene, New York on August 8, 2018. Said resolution was adopted by the following roll call vote: *John Wicks, Kathy, yes Marion, yes Dan absent Bob absent*

Supervisor Marion L. Ireland *Marion L. Ireland*  
Councilperson Kathleen Moore *Kathy Moore*  
Councilperson Robert Boudreau *Absent*  
Councilperson John Wicks *John Wicks*  
Councilperson Dan Clark *Absent*

Dated: August 8, 2018

Town of Coventry Seal

*Theresa A. Schultheis*

Theresa Schultheis, Town Clerk  
Town of Coventry

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**WHEREAS**, the Town Board, after due deliberation, finds it in the best interest of the Town to adopt said Local Law.

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**BE IT FURTHER RESOLVED** the Town Clerk be and hereby is directed to enter said Local Law in the minutes of this meeting and to give due notice of the adoption of said Local Law to the Secretary of State; and

**BE IT FURTHER RESOLVED** that this resolution will take effect immediately.

**CERTIFICATION**

I, Theresa Schultheis, do hereby certify that I am the Town Clerk of the Town of Coventry and that the foregoing constitutes a true, correct and complete copy of a resolution duly adopted by

the Town Board of the Town of Coventry at a meeting thereof held at the Coventry Town Hall, 1839 State Highway 235, Greene, New York on August 8, 2018. Said resolution was adopted by the following roll call vote: *John Wicks, Kathy, yes Marion, yes Dan absent Bob absent*

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Councilperson John Wicks *John Wicks*  
Councilperson Dan Clark *Absent*

Dated: August 8, 2018

Town of Coventry Seal

*Theresa A. Schultheis*

Theresa Schultheis, Town Clerk  
Town of Coventry

# 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 Coventry \_\_\_\_\_

Local Law No. 1 of the year 2018

A local law Repealing and Replacing the Town's Law Requiring Prior Written Notice of Defective  
(Insert Title)  
Conditions Prior to Commencement of Suit

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

County  City  Town  Village  
(Select one.)

of Coventry \_\_\_\_\_ as follows:

[See Attached]

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

TOWN OF COVENTRY LOCAL LAW NO. 1 OF THE YEAR 2018

A LOCAL LAW REPEALING AND REPLACING THE TOWN'S LAW REQUIRING PRIOR WRITTEN NOTICE OF DEFECTIVE CONDITIONS PRIOR TO COMMENCEMENT OF SUIT

Be it enacted by the Town Board of the Town of Coventry as follows:

**Section 1. Legislative Intent.**

It is the intent of this local law to update the Town of Coventry's prior written notice law by repealing and replacing the Town of Coventry's Local Law No. 2 of the year 1976, entitled "A Local Law Requiring Prior Written Notice of Defective Conditions Prior to Commencement of Suit."

It is further the intent of this Local Law to supersede subdivisions 1 and 3 of Section 65-a of the New York State Town Law.

**Section 2. Authority.**

This Local Law is adopted pursuant to Municipal Home Rule Law §10(1)(ii)(d)(3) and Town Law §65-a.

**Section 3. Repeal of Local Law No. 2 of the Year 1976.**

Local Law No. 2 of the Year 1976 is hereby repealed in its entirety.

**Section 4. Adoption of Prior Written Notice Requirement and Related Procedures.**

1. No civil action shall be maintained against the Town or Town Superintendent of Highways for damages or injuries to person or property sustained by reason of any highway, bridge 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 or culvert was actually given to the Town Clerk or Town Superintendent of Highways, and that 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; but 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 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 a 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.

2. The Town Superintendent of Highways shall transmit in writing to the Town Clerk within ten 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 4.     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. \_\_\_\_\_ of 20<sup>18</sup> of the ~~(County)(City)~~(Town)(Village) of Coventry was duly passed by the Town Board on August 8, 20<sup>18</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, 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) *(Name of Legislative Body)* (repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted *(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, 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) *(Name of Legislative Body)* (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. *(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) *(Name of Legislative Body)* (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\*)*

\* 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.



STATE OF NEW YORK  
**DEPARTMENT OF STATE**  
ONE COMMERCE PLAZA  
99 WASHINGTON AVENUE  
ALBANY, NY 12231-0001  
WWW.DOS.NY.GOV

ANDREW M. CUOMO  
GOVERNOR  
ROSSANA ROSADO  
SECRETARY OF STATE

August 24, 2018

Kelli J Gallegos  
Coughlin & Gerhart LLP  
PO Box 2039  
Binghamton NY 13902-2039

**RE: Town of Coventry, Local Law 1 2018, filed on August 22, 2018**

Dear Sir/Madam:

The above referenced material was filed by this office as indicated. Additional local law filing forms can be obtained from our website, [www.dos.ny.gov](http://www.dos.ny.gov).

Sincerely,  
State Records and Law Bureau  
(518) 473-2492



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   1   above.

*Theresa A. Schellhous*  
Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: August 8, 2018

(Seal)