

N.Y. VIL. LAW § 4-412 : NY Code – Section 4-412: The board of trustees –

1. General powers of the board of trustees. a. In addition to any other powers conferred upon villages, the board of trustees of a village shall have management of village property and finances, may take all measures and do all acts, by local law, not inconsistent with the provisions of the constitution, and not inconsistent with a general law except as authorized by the municipal home rule law, which shall be deemed expedient or desirable for the good government of the village, its management and business, the protection of its property, the safety, health, comfort, and general welfare of its inhabitants, the protection of their property, the preservation of peace and good order, the suppression of vice, the benefit of trade, and the preservation and protection of public works. The board of trustees may create or abolish by resolution offices, boards, agencies and commissions and delegate to said offices, boards, agencies and commissions so much of its powers, duties and functions as it shall deem necessary for effectuating or administering the board of trustees duties and functions. b. Whenever the constitutionality of any local law, ordinance, rule or regulation of a village is brought into issue upon a trial or hearing of any civil cause of action or proceeding in any court, and the village is not a party to such action or proceeding, notice shall be served upon the village in accordance with section one thousand twelve of the civil practice law and rules. 2. Procedure for meetings. The mayor of the village shall preside at the meetings of the board of trustees as provided in section 4-400 of this article. A majority of the board shall constitute a quorum for the transaction of business, but a less number may adjourn and compel the attendance of absent members. Whenever required by a member of the board, the vote upon any question shall be taken by ayes and noes, and the names of the members present and their votes shall be entered in the minutes. The board may determine the rules of its procedure, and may compel the attendance of absent members by the entry of a resolution in the minutes, directing any peace officer, acting pursuant to his special duties, or police officer residing within the village to arrest such absent member and take him before the board of trustees to answer for his neglect. A copy of the resolution, certified by the clerk of the village, shall be sufficient authority to such officer residing in the village to arrest such absent member and bring him before the board. 3. In addition the board of trustees: (1) Drains. May, for the purpose of arresting and preventing damage to property within the village resulting from floods or erosion, construct drains, culverts, dams and bulkheads, and dredge channels, and regulate water courses, ponds and watering places within or without the village. Power and authority is hereby conferred upon the board of trustees of a village, in the name of the village, to acquire property necessary for such public improvements, whether located within or without such village, by purchase or by condemnation in the manner provided by the condemnation law. No property shall be acquired or such a public improvement constructed without the corporate limits of a village except with the consent of the governing board or body of the city, town or village in which such property is situated or such public improvement is proposed to be constructed. Such consent may only be given after a public hearing held within such city, town or village pursuant to notice published at least once and at least ten days prior to the hearing in a newspaper having general circulation in the municipality in which the hearing is to be held.

Consent given by the governing board or body by any such municipality shall not impose a liability against the city, town or village and the maintenance and repair of any such improvement shall remain the responsibility of the village making the improvement. The cost of the work, including the acquisition of property, shall be a charge against the village, except that in respect of improvements wholly within the village, or that part thereof located therein, the work may be done wholly at the expense of the village or of the owners of the property benefited, or partly at the expense of each as a local improvement. The term "property" as used in this section is defined to include lands, structures, rights in lands, including lands under water, riparian rights and any and all other things and rights usually included within the said town, and shall include also easements, rights of way, uses, leases, licenses and any and all interests in such property less than full title. (2) Banks of deposit. Shall designate in the manner provided by section ten of the general municipal law the depositaries for the deposit of all moneys received by the treasurer, clerk, receiver, and town receiver who is designated and appointed as village receiver; and may require a report by the cashier thereof to each regular meeting of the board of the amount on deposit to the credit of the treasurer and such other village officers. (3) Payment and compromise of claims. The board of trustees may pay or compromise claims equitably payable by the village, though not constituting obligations legally binding on it in those cases in which there has been a payment to the village through error or mistake and to which funds the village is not entitled, but the trustees shall have no power to waive the defense of the statute of limitations or to grant extra compensation to any public officer, servant or contractor. (4) Waste disposal. May, whenever in its judgment, the interest of the village require it, purchase or acquire by condemnation proceedings, lands for the establishment of a public waste disposal site or disposal plant within or without any such village, and prohibit the use of any other lands within the village for such purpose. But no land shall be acquired without the corporate limits of the village for such purpose without the consent of the board of trustees, town board, common council or other similar legislative body of the village, town or city in which such land is situate. (5) Sale of abandoned or lost property. May transfer to the general fund the proceeds realized from the sale of lost or abandoned property. (6) Franchises; competing light or water system. May grant rights and franchises or permission to use the streets, highways, public places or any part thereof or the space above or under them or any of them for any specific purpose upon such terms and conditions as it may deem proper and as may be permitted by law. No franchise shall be granted without a public hearing notice of which shall be given by publication in the official newspaper at least ten days before the meeting. If a village operates a municipal lighting system or water system the granting of a right or franchise in competition with such system shall be subject to a permissive referendum as defined in this chapter. (7) Acceptance of dedicated streets. Is authorized to accept the dedication of lands in the village for a public street or streets in the village. (8) Public docks. Subject to the provisions of general law, may acquire, construct, enlarge, extend or improve public docks, as a municipal purpose, within or without the corporate limits thereof and may acquire land therefor, provided however that one end of any such dock shall be within the corporate limits of the village. Before any such dock shall be acquired, constructed or extended beyond the corporate limits of the village into a town, the consent of the town board

shall be obtained. Charges for use of the facilities of any such dock may be imposed. (9) Fire protection and ambulance service. a. May contract for the furnishing of fire protection within the village with the fire department in the village or with any city, village, fire district, or incorporated fire company having its headquarters outside such village and maintaining adequate and suitable apparatus and appliances for the furnishing of fire protection in such village. The contract also may provide for the furnishing of emergency service in case of accidents, calamities or other emergencies in connection with which the services of firemen would be required, as well as in case of alarms of fire. The contract also may provide for the furnishing of general ambulance service subject, however, to the provisions of section two hundred nine-b of the general municipal law. In the event that the fire department or fire company furnishing fire protection within the village pursuant to contract does not maintain and operate an ambulance then a separate contract may be made for the furnishing within the village of emergency ambulance service or general ambulance service, or both, with any city, village or fire district the fire department of which, or with an incorporated fire company having its headquarters outside the village which, maintains and operates an ambulance subject, however, in the case of general ambulance service, to the provisions of section two hundred nine-b of the general municipal law. b. The period for which such service may be furnished under any such contract shall not exceed five years. The contract shall specify a definite sum to be paid each year for such service. No such contract shall be entered into until a public hearing has been held by the board of trustees. Notice of such hearing shall be published at least once in at least one newspaper having general circulation in the village. Such notice shall specify the time when and place where said hearing will be held, and describe in general terms the proposed contract. The first publication thereof shall be at least ten days prior to the day specified for such hearing. c. By mutual consent of the contracting parties, and after a public hearing held pursuant to notice in the manner aforesaid, any such contract heretofore or hereafter executed may be (1) amended, (2) terminated, or (3) terminated and a new contract may be entered into in lieu thereof, if the board of trustees, after such hearing, shall determine, by resolution, that it is in the public interest so to do. Such notice shall state in general terms the reason why any existing contract is to be amended or terminated, and if a new contract is to be entered into the notice shall also describe the new contract in general terms. d. The provisions of this subdivision shall not be deemed to have amended subdivision two of section two hundred nine-b or section two hundred nine-d of the general municipal law, or any other general, special or local law requiring the consent of a fire department, fire company or an emergency rescue and first aid squad to the entering into of a contract for services to be performed by such department, company or squad. e. The term "fire protection", as used in this section, includes inspections of buildings and properties in the village or portion thereof, required to be protected under a contract for fire protection pursuant to the provisions of this subdivision, for the purposes specified in and as authorized by sections eight hundred seven-a and eight hundred seven-b of the education law, subdivision four of section three hundred three of the multiple residence law, and section two hundred fourteen of this chapter. (10) Air rights and subsurface areas. May, in addition to such powers as may be granted by any other law, lease to any person, firm or corporation, for commercial or private use, the air rights over



or the subsurface area under any property of the village acquired or to be acquired for street purposes, public parking garages, parking spaces or public off-street loading facilities. Such lease may only be entered into when such air rights or subsurface areas are not needed for village purposes. Any such lease may be for a term not exceeding fifty years and may be renewed for such additional term or terms as the board of trustees may provide. Any such lease shall contain provisions requiring the lessee to construct facilities adequate to support and maintain, without interference, the village parking or off-street loading facilities being conducted by the village and in such manner as to minimize or avoid the relocation of public utility facilities and may also contain such other provisions, conditions and restrictions, including the responsibility of the lessee to excavate land or erect or construct buildings, structures, substructures or superstructures at the expense of the lessee, as the board of trustees may prescribe. Such lease must provide that title to any buildings, structures, substructures or superstructures erected or constructed by the lessee shall vest in the village at the termination of the lease. Any such buildings, structures, substructures, or superstructures, the title to which remains in the lessee, during the term of the lease, shall be deemed to be real property for purposes of taxation as defined in subdivision twelve of section one hundred two of the real property tax law. (11) Every officer, board or agency of a village shall let all contracts for public work and all purchase contracts to the lowest responsible bidder after advertisement for bids where so required by section one hundred three of the general municipal law. (12) An officer or person who assumes to create a liability or appropriate money or property of the village without authority of law, or assents thereto, is personally liable for such debt, or to the village for such money or property. Each member of a village board present at a meeting thereof when such unlawful action is taken is deemed to have assented thereto, unless he expressly dissents and requests such dissent to be entered upon the minutes of the meeting. If any person shall have heretofore appropriated or shall hereafter appropriate money or property of the village, contrary to law, and the facts in relation thereto are known to the board of trustees, and, after this section as amended takes effect, such board fail for thirty days to bring an action against such person to recover such money or property, each member of the board having such knowledge shall be guilty of a misdemeanor and liable to removal from office unless within such period of thirty days he shall file with the village clerk a written request, signed by him, requesting the bringing of, such action or shall cause to be entered upon the minutes of a meeting of the board a motion made by him for the bringing of such action, or his vote in favor of such a motion. (13) Loitering. May prohibit and punish loitering; provided however, that such ordinance or law shall only prohibit loitering for a specific illegal purpose or loitering in a specific place of restricted public access and shall therein set forth guidelines for application of such prohibitions by law enforcement officers so as to prevent arbitrary or discriminatory enforcement of such prohibitions.