

The Town Board met at the Town Clerk's Office Tuesday March 31, 1896 and adjourned to Town Hall.

Present:

- Henry P. Terry Supervisor
- John Bagshaw Town Clerk
- Daniel R. Young # Justices
- Daniel A. Young # of the
- E. B. Payne # Peace.
- George F. Stackpole #

Supervisor appointed George F. Stackpole and E. B. Payne on Town Officers Bills; Daniel R. Young and Daniel A. Young on Constables and Dep. Sheriffs Bills; E. B. Payne and Daniel R. Young on Board of Health and Miscellaneous Bills.

On motion, an allowance of \$12.50 to Robert Creighton, Scavenger, was allowed.

The Excise Moneys amounting to \$1189.16 ordered paid to the Overseer of Poor.

Supervisor directed to pay to Lyman B. L'Hommedieu \$1.37 returned Lighting Tax.

The Board recommended that there be voted at Town Meeting the following appropriations, \$500. for Highways, (additional) \$500 for Board of Health; \$500 for Town Poor and \$500 or so

much thereof as may be necessary for Contingent Fund.

Supervisor reported that he had obtained opinion from Wilmot M. Smith, as follows:-

Patchogue, N. Y. Nov. 21, 1895.

Mr. Henry P. Terry,

Dear Sir,

I have examined the opinion of the Hon. A. N. Weller, Surrogate of Queens County, in regard to compensation of Town Clerks, which opinion is dated Dec. 7th, 1894.

I concur in his opinion with this exception; if he intended that his statement that the Town Clerk is entitled to Two Dollard per day for daily attendance at his office, should be applicable to all Town Clerks, I cannot agree with him.

If the Town Clerk is entitled to such compensation, it is under the provision of Section 178 of the Town Law, and as amended by Chap. 297 of the Laws of 1893, which provided as follows:- "The following Town Officers shall be entitled to compensation at the following rates" for each day actually and necessarily devoted by them to the service of the Town, in the duties of their respective offices, when no fee is allowed by law for the service. The Supervisor except when attending the Board of Supervisors, town clerks, assessors

commissioners of highways, justices of the Peace, overseers of the poor, inspectors of Election and clerk of the polls, two dollars per day, each of them."

It is undoubtedly true that the office of the Town Clerk shall be open to public access at reasonable times, but I am unable to find any provision of law which requires the clerk to leave his office open any definite hours, or require him to be in personal attendance at his office during any stated times.

It is clear that no compensation has ever been allowed in this State for the daily attendance of the Town Clerk at his office, and if such a sweeping change in the law was contemplated by the Legislature, its enactment would have been so definite and certain that there could be no mistake in its meaning.

I think this covers your inquiry.

Yours truly,

Dictated

Wilmot M. Smith.

K.

The Town Clerk stated that this was an opinion on Hon. A. N. Weller's opinion, which touched only upon certain questions and that it was not in accordance with the resolution

as passed by the Board, which resolution called for an opinion as to the duties of a Town Clerk and what fees he is entitled to for the same.

The Reports of Oliver A. Terry, Overseer of Poor, George O. Robinson, Commissioner of Highways and Supervisors account were examined and approved.

The Town Clerk read petitions praying for additional electric Street Lights and on motion the Supervisor was instructed to arrange and have a light placed at the Rail Road crossing at East Main Street; at the junction of Academy Street and Hamilton Avenue and at a suitable point between the Rail Road and the residence of Mrs. F. D. Lawrence.

Forty-two (42) Bills amounting to \$801.16 were audited of which \$571.33 was on Contingent account and \$229.83 Board of Health.

John Bagshaw
Town Clerk