*** § 73. Alteration of town boundaries.** 1. A petition signed, and acknowledged or proved, or authenticated in the manner provided in article six for the purpose of altering the boundary lines or the division of a town may be filed as herein provided. The petition shall describe the boundaries with common certainty and shall be accompanied by a map or survey showing the alteration proposed. The petition shall be signed, and acknowledged or proved, or authenticated by electors of each town affected as provided in section eighty-one of this chapter. The petition shall contain a statement of all town indebtedness and the reasons for the change.

2. The petition shall be filed with the clerk of the board of supervisors of the county not less than one hundred twenty days preceding a biennial town election. The board of supervisors shall fix a date for a public hearing thereon and the clerk of said board of supervisors shall prepare a notice of such hearing which shall recite the filing of the petition and the description of the proposed alteration. The notice shall be delivered to the town clerk of each town affected thereby, who shall cause the same to be published in a newspaper published in the town, or if none, in a newspaper having circulation in such town, once a week for four successive weeks next preceding the hearing and who shall also cause a copy of the notice to be posted on the sign-board of the town maintained pursuant to subdivision six of section thirty of this chapter at least four weeks next preceding the hearing. In the event that the town maintains a website, such information may also be provided on the website. The cost of publication and posting shall be a town charge and due proof thereof shall be filed with the clerk of the board of supervisors at or before the hearing.

3. The public hearing may be held either before the board of supervisors or a standing or special committee of the board designated for the purpose. A report of proceedings before a committee shall be filed with the clerk of the board of supervisors within ten days after the public hearing. After such public hearing and upon the evidence given thereat, the board of supervisors may by a resolution adopted by a two-thirds vote of the total voting power of the board grant the

petition and provide for the submission of a proposition to the electors of each town affected. A copy of the determination of the board of supervisors duly certified by the clerk of the board shall be filed in the office of the town clerk of each town affected. No county, city or village boundary shall be altered under or pursuant to the provisions of this section.

4. The form of the proposition and the certificate thereof shall be in the manner provided in article three of the county law. When a town is to be divided, the board of supervisors shall determine the proposed name of each new town.

5. The proposition shall be submitted to the qualified electors of each town affected at the next biennial town election occurring not less than forty days after the adoption of the resolution of the board of supervisors. All provisions of the election law not inconsistent with this chapter shall apply to the submission of the proposition and to the canvass of the vote and certification of the result. If a majority of the votes cast on such proposition be in the affirmative, the proposition shall be adopted and the town or towns shall consist of the territory as so altered or divided.

6. The clerk of the board of supervisors shall cause a copy of the petition together with a copy of such map or survey, to be filed within sixty days after the adoption of the proposition with the secretary of state and state comptroller, and with the county clerk of the county.

* NB This section partially repealed by chapter 73/64. Certain provisions were retained by opinion of the Atty. Gen. (Inf.) October 1, 1981;(Inf.) 195/1975; and (Inf.) 143/1977.