

TOWN OF BRUNSWICK

PROPOSED LOCAL LAW NO. 2 FOR THE YEAR 2018

A LOCAL LAW ESTABLISHING THE RESIDENCY REQUIREMENTS FOR THE
APPOINTED OFFICE OF DEPUTY SUPERINTENDENT OF HIGHWAYS OF THE
TOWN OF BRUNSWICK

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

Section 1. Title.

The title of this local law is “A Local Law Establishing the Residency Requirements for the Appointed Office of Deputy Superintendent of Highways of the Town of Brunswick”.

Section 2. Legislative Intent.

The Town Board recognizes that Public Officers Law §3 and Town Law, §23, generally require that elected and appointed officers of the Town of Brunswick must be residents and electors of the Town of Brunswick. In order to expand the field from which a Deputy Superintendent of Highways may be selected and appointed by the Superintendent of Highways, it is the intent of this Town Board, by this local law, to supersede, and amend, those sections of law so as to provide that the person appointed to and holding the office of Deputy Superintendent of Highways of the Town of Brunswick need not be a resident or elector of the Town of Brunswick, provided that such person is a resident of the County of Rensselaer, State of New York.

Section 3. Authority.

This local law is adopted pursuant to Municipal Home Rule Law §§10(1)(i) and 10(1)(ii)(a)(1) which grants to local governments the authority to enact local laws pertaining to the qualifications of local officers. Moreover, the Town Board recognizes that the State Legislature has, on various occasions, for various offices, including that of a town Deputy Superintendent of Highways, in various municipalities, has amended Public Officers Law §3 and Town Law, §23 so as to create exceptions to the general residency requirements as set forth in those statutes, thereby rendering said statutes to be special laws, rather than general laws, insofar as the office of a town Deputy Superintendent of Highways is concerned. Accordingly, this Town Board may supersede, and amend, Public Officers Law §3 and Town Law, §23 as regards the residency requirements for the appointed office of Deputy Superintendent of Highways of the Town of Brunswick (see N.Y. Opn. Atty. Gen. (Inf.) No. 2005-5).

Section 4. Residency Requirements for the Appointed Office of Deputy Superintendent of Highways of the Town of Brunswick.

The person appointed to and holding the office of Deputy Superintendent of Highways of the Town of Brunswick need not be a resident or elector of the Town of Brunswick, provided that such person is a resident of the County of Rensselaer, State of New York.

Section 5. Supersession.

This local law shall supersede the residency requirements set forth in Public Officers Law §3 and Town Law §23 in regard to their application to the appointed office of Deputy Superintendent of Highways of the Town of Brunswick.

Section 6. Inconsistency.

All other local laws and ordinances of the Town of Brunswick that are inconsistent with the provisions of this local law are hereby repealed; provided, however, that such repeal shall only be to the extent of such inconsistency, and in all other respects this local law shall be in addition to such other local laws and ordinances pertaining to the subject matter encompassed by this local law.

Section 7. Savings Clause.

Should any clause, sentence, paragraph, word, section, or part of this local law be adjudged by any court of competent jurisdiction to be unconstitutional, illegal or invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation of the clause, sentence, paragraph, word, section or part thereof directly involved in the controversy in which said judgment shall have been rendered.

Section 8. Effective Date.

This local law shall take effect immediately.

Dated: Brunswick, New York
March , 2018