

## RESOLUTION OF ADOPTION

Councilman Durland offered the following Resolution, which was seconded by Supervisor Maas, who moved its adoption:

WHEREAS a Local Law was introduced by the Town Board of the Town of Union Vale as Local Law # 2 – 2021 entitled A LOCAL LAW AUTHORIZING A CHANGE IN THE RESIDENCY REQUIREMENT FOR DEPUTY TOWN CLERK; and

WHEREAS, a public hearing in relation to said local law was held on July 15, 2021 at 7:00 p.m., Prevailing Time; and

WHEREAS, notice of said public hearing was given pursuant to the terms and provisions of the Municipal Home Rule Law of the State of New York; and

WHEREAS, said local law has been on the desks of the members of the Town Board of the Town of Union Vale for at least seven (7) days, exclusive of Sunday; and

NOW, THEREFORE, BE IT RESOLVED that the following local law is hereby enacted: TOWN OF UNION VALE LOCAL LAW # 2 - 2021 entitled A LOCAL LAW AUTHORIZING A CHANGE IN RESIDENCY FOR THE DEPUTY TOWN CLERK:

Section 1. **The Union Vale Town Code is modified to add a new Chapter 69 entitled “RESIDENCY REQUIREMENT” as follows**

### **§ 69-1. Findings.**

The Town Clerk has indicated to the Town Board that although she would like to fill the position of Deputy Town Clerk with residents of the Town, she can sometimes have difficulty doing so. Accordingly, the Town Clerk has asked the Town Board to pass a local law that will grant her the authority to hire an individual to fill the position of Deputy Town Clerk with an individual who does not reside in the Town so that the position does not remain vacant. The Town Board has determined that it is in the best interest of the Town to open this position to a wider pool of applicants so that the position can be filled expeditiously when open.

### **§ 69-2. Statutory authority.**

This article is adopted pursuant to Municipal Home Rule Law § 10(1)(ii)(a)(l) that grants to local governments the authority to enact local laws regarding the qualifications of local officers.

Furthermore, this article recognizes that the State Legislature amended Public Officers Law § 3 by adding a new Subdivision (24) expanding the residency requirements for any appointed public office in the Town of Greenburgh, Westchester County, thereby rendering Public Officers Law a special law with respect to any appointed town officer [see N.Y. Op. Atty. Gen. (Inf.) No. 91-37].

**§ 69-3. Supersession of state law.**

This article shall supersede Town Law § 23(1) in its application to the office of Deputy Town Clerk for the Town of Union Vale.

**§ 69-4. Residency requirements for Deputy Town Clerk.**

The person holding the office of Deputy Town Clerk in the Town of Union Vale need not be a resident nor an elector of the Town of Union Vale; provided, however, that such person shall reside in the county in which such town is located or an adjoining county within the State of New York.

Section 2. Effective Date

This Local Law shall take effect upon adoption by the Town Board and file date of NYS Secretary of State in accordance applicable provisions of law, and specifically Article 3, §27 of Municipal Home Rule Law.

The foregoing Resolution was duly put to a vote which resulted as follows:

The foregoing Resolution was duly put to a vote which resulted as follows:

|                     |     |
|---------------------|-----|
| Councilman Frazier  | Aye |
| Councilman Durland  | Aye |
| Councilman McGivney | Aye |
| Councilman Welsh    | Aye |
| Supervisor Maas     | Aye |

DATED: Union Vale, New York  
August 19, 2021

  
\_\_\_\_\_  
ANDREA CASEY, TOWN CLERK

Ayes 5 Noes 0 Resolution No. 21-30

I, Andrea Casey, Town Clerk of the Town of Union Vale DO, HEREBY CERTIFY that the foregoing is a true copy of a resolution offered by Councilman Durland, seconded by Supervisor Maas and adopted at the meeting of the Town Board, held on August 19, 2021.

  
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Town Clerk, Union Vale – Andrea Casey