

LOCAL LAW NO. 1 OF 2021

**RE: A LOCAL LAW TO ESTABLISH THE RESIDENCY REQUIREMENTS
FOR THE APPOINTED OFFICE OF DEPUTY HIGHWAY
SUPERINTENDENT OF THE TOWN OF MIDDLETOWN**

BE IT ENACTED by the Town Board of the Town of Middletown as follows:

SECTION I. TITLE: A local law to establish the residency requirements for the appointed office of deputy highway superintendent for the Town of Middletown.

SECTION II. Authority: This local law is adopted pursuant to Municipal Home Rule Law, §10[1][ii][a][1] that grants to local governments the authority to enact local laws regarding the qualifications of local officers. Furthermore, this local law recognizes that the State Legislature amended Public Officers Law, §3 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 cf N.Y. Op. Atty. Gen. (Inf.) No. 91-37).

SECTION III. Supersession: This local law shall supersede Town law, §23(1) in its application to the office of deputy highway superintendent for the Town of Middletown.

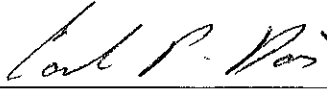
SECTION IV. Residency: Residency requirements for the position of the deputy highway superintendent for the Town of Middletown: The person holding the office of deputy highway superintendent in the Town of Middletown need not be a resident nor an elector of the Town of Middletown, provided, however, that such person shall reside in the county in which such town is located within a five (5) mile radius of the Town of Middletown.

SECTION V. Inconsistency: All other local laws and ordinances of the Town of Middletown that are inconsistent with the provisions of this local law are hereby repealed; provided however, that such repeal shall only be to the extent of such inconsistency and in all other respects this local law shall be in addition to such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 law or ordinances regulating and governing the subject matter covered by this local law.

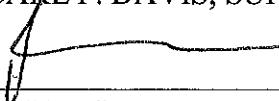
SECTION VI. Savings Clause: If any clause, sentence, paragraph, word, section or part of this local law shall be adjudged by any court of competent jurisdiction to be unconstitutional, illegal or invalid, such judgment shall not affect, impair or invalidate the remainder, thereof, but shall be confined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

SECTION VII. Effective Date: This local law shall take effect upon filing with the Secretary of State.

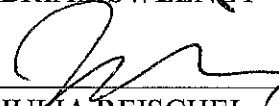
BE IT ENACTED this 12th day of May, 2021 by the Town Board of the Town of Middletown, Delaware County, New York.



CARL P. DAVIS, SUPERVISOR Aye Nay



BRIAN SWEENEY Aye Nay



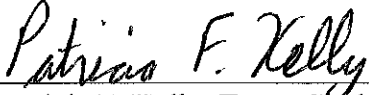
JULIA REISCHEL Aye Nay

Aye/Nay
CHRISTOPHER DABRITZ
Councilperson Christopher Dabritz was absent.



NELSON DELAMETER Aye Nay

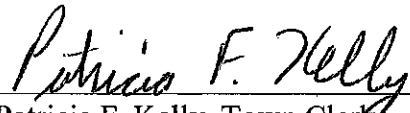
ATTEST:



Patricia F. Kelly, Town Clerk

I hereby certify that the local law annexed hereto, designated as Local Law No. 1 of 2021 of the Town of Middletown was duly passed by the Town Board on May 12th, 2021, in accordance with the applicable provisions of law.

I further certify that I have compared the preceding law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law as adopted.



Patricia F. Kelly, Town Clerk

