

NOTICE OF ADOPTION OF RESOLUTION

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Babylon, County of Suffolk, State of New York, at a regular meeting thereof held on the 14th day of March 2018 duly adopted a resolution, an abstract of which is as follows:

**RESOLUTION NO. 190 MARCH 14, 2018
ADOPTING LOCAL LAW NO. 5 OF 2018 AMENDING CHAPTER 44, OF THE BABYLON TOWN CODE (Department of Parks, Recreation and Cultural Affairs)**

WHEREAS, the Town Board of the Town of Babylon having duly called and held a Public Hearing at Babylon Town Hall, 200 East Sunrise Highway, Lindenhurst, New York, on the 14th day of March 2018 upon the question of enactment of Local Law No. 5 of 2018 of the Town of Babylon, Suffolk County, New York, being a Local Law amending the Code of the Town of Babylon, Chapter 44;

NOW, THEREFORE, be it

RESOLVED AND ORDAINED, by the Town Board of the Town of Babylon that Local Law No. 5 of 2018, of the Town of Babylon, Suffolk County, New York, is hereby enacted as follows and effective upon its filing with the New York State Department of State:

LOCAL LAW NO. 5 of 2018

A Local Law amending the Code of the Town of Babylon, Chapter 44.

EXHIBIT "A"

CHAPTER 44 Department of Parks, Recreation and Cultural Affairs

ADD:

§44-18 – Residency Requirements.

- A. Legislative intent. The purpose and intent of this Section is to establish residency requirements for certain appointed Town officers of the Town of Babylon who are appointed to positions of Bay Constable, Harbormaster, Park Ranger and Fire Marshall. In order to employ and maintain employment of quality appointed Town officers in these positions, the Town Board of the Town of Babylon has determined that residency of such Town officers within the State of New York would provide sufficient geographical boundaries within which to secure and maintain a pool of qualified appointed Town officers available to be appointed by the Town of Babylon as the needs for such appointments occur from time to time. The Town Board further finds and determines that limiting these appointed Town officers' residency to the Town of Babylon only is unduly restrictive and burdensome on the Town of Babylon in attempting to maintain and fill appointed Town officers vacancies as they occur within the specific positions stated above. Accordingly, the Town Board of the Town of Babylon adopts this Section for the purposes of allowing the Town to employ and maintain employment of qualified appointed Town officers to the positions of Bay Constable, Harbormaster, Park Ranger and Fire Marshall to serve the Town of Babylon and its residents.
- B. Establishment of residency requirements for appointed Town officers. Notwithstanding the provisions of Subdivision 1 of § 23 of the Town Law of the State of New York, and notwithstanding the provisions of Subdivision 1 of § 3 of the Public Officers Law, and notwithstanding the provisions of Subdivision 1 of § 3-b of the Public Officers Law or Subdivision 1d of § 30 the Public Officer's Law, in the Town of Babylon, Suffolk County, New York, all persons appointed to the positions of Bay Constable, Harbormaster, Park Ranger and Fire Marshall shall reside within the State of New York.
- C. Conflict with state statutes and authority to supersede. To the extent that any provisions of this Section are in conflict or are construed as inconsistent with the provisions of the New York State Town Law or New York State Public Officers Law, this Section supersedes, amends and takes precedence over New York State Town Law and New York State Public Officers Law pursuant to the Town's Municipal Home Rule powers pursuant to Municipal Home Rule Law §§ 10, Subdivisions 1(ii)d(3) and 1(ii)a(14), and 22 to supersede any inconsistent authority. In particular, this Section supersedes any inconsistent provisions of Town Law § 23, Subdivision 1, which provides that every officer of the Town at the time of his election or appointment and throughout his term of office must be an elector of the Town. This Section further supersedes any inconsistent provisions of Public Officer's Law § 3, Subdivision 1, which sets forth the qualification for holding public office and provides that to qualify a person must, at the time chosen, be at least 18 years of age, a citizen of the United States, a resident of the state and, in the case of a local office, a resident of the political subdivision for which he or she is appointed or within which the electors choosing him reside. It is the intent of this Section to amend § 23, Subdivision 1 of the Town Law and § 3, Subdivision 1, of the Public Officer's Law to the extent herein provided.

Dated: March 14, 2018, Town of Babylon

BY ORDER OF THE TOWN BOARD, TOWN OF BABYLON
GERALDINE COMPITELLO, TOWN CLERK