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CESAR A. PERALES  
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December 30, 2014

David B Geurtsen  
Conboy McKay Bachman  
407 Sherman sTreet  
Watertown NY 13601

**RE: Town of Lorraine, Local Law 3 2014, filed on December 29 2014**

Dear Sir/Madam:

The above referenced material was filed by this office as indicated. Additional local law filing forms can be obtained from our website, [www.dos.ny.gov](http://www.dos.ny.gov).

Sincerely,  
State Records and Law Bureau  
(518) 473-2492

# CONBOY, MCKAY, BACHMAN & KENDALL, LLP

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Watertown Office

December 24, 2014



NYS Department of State  
Division of Corporations, State Records  
and Uniform Commercial Code  
One Commerce Plaza  
99 Washington Avenue  
Albany, NY 12231-0001

RE: Town of Lorraine Local Law No. 3 of 2014  
Our File No. 35980.0008

Dear Ladies/Gentlemen:

I am enclosing the above-referenced Local Law for filing, along with the DOS-0239-f-l form (pages 2, 3, and 4 of 4) as signed by the Town Clerk on December 16, 2014.

Please provide proof of filing to the undersigned at our Watertown offices in the enclosed self-addressed stamped envelope.

Thank you for your attention to this matter.

Very truly yours,

CONBOY, MCKAY, BACHMAN & KENDALL, LLP


David B. Geurtsen

DBG:mem  
Enclosures

**Town of Lorraine**

**Local Law No. 3 of 2014**

**A Local Law Altering the Residence Requirements of  
Appointed Positions of the Town of Lorraine**



**Vincent W. Moore**  
Supervisor



**Debra Larock**  
Town Clerk

**December 16, 2014**

**TOWN OF LORRAINE  
LOCAL LAW NO. 3 FOR THE YEAR 2014**

A local law altering the residency requirements of appointed positions of the Town of Lorraine.

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF LORRAINE, NEW YORK AS FOLLOWS:

**Section 1. Short Title and Applicability**

- A. This local law shall be known as Local Law No. 3 of 2014.
- B. This local law shall alter the residency requirements of appointed positions of the Town of Lorraine.

**Section 2. Purpose**

In order to ensure that the offices of Public Health Officer, Zoning Board of Appeals, Tax Assessor, Development Officer and Junkyard Enforcement Officer are filled by professionals of excellent ability and competency, and as the population of the Town is not sufficient in all instances and at all times to provide qualified professionals to fill these positions, it is necessary to have the ability to draw candidates from as large a geographic area as possible. Whether a candidate for these offices is or is not a resident or an elector of the town will not affect the performance of his or her duties and the attainment of the ultimate goals of professionalizing town management, increasing efficiency and decreasing costs to taxpayers. Therefore, it may be prudent and necessary in certain cases to appoint persons residing outside the Town to positions within the Town Government, namely, the positions of Public Health Officer, Zoning Board of Appeals members, Tax Assessor, Development Officer and Junkyard Enforcement Officer, and such other appointed positions as may be hereafter designated.

**Section 3. Terms**

- A. Appointed positions may be awarded to persons who do not meet residency requirements following advertising of said position in the official newspaper of the Town and on the Town website, and/or after formal interviews of applicants, and upon approval of any appointment by a majority vote of the Town Board. The positions affected by this local law shall be Public Health Officer, Zoning Board of Appeals members, Tax Assessor, Development Officer and Junkyard Enforcement Officer, and such other appointed positions as may be hereafter created.
- B. Notwithstanding any provision of any general, special or local law to the contrary, the Public Health Officer, Zoning Board of Appeals members, Tax Assessor, Development Officer and Junkyard Enforcement Officer need not be residents of the Town, or County of Jefferson, however such persons shall be residents of the State of New York.

1 **Section 4. Legislative Authority; Supersession of Statute; Residency**  
2

- 3 A. This local law is adopted pursuant to the provisions of § 10 of the Municipal Home  
4 Rule Law of the State of New York, which grants to local governments the authority  
5 to enact local laws pertaining to the qualifications of local government officers which  
6 are not inconsistent with general state statutes. In addition, the New York State  
7 Legislature's amendment of Public Officers Law § 3, expanding the residency  
8 requirements for appointed public officers in various towns and counties thereby  
9 renders that section of Public Officer's Law a special law with respect to any  
10 appointed Town Officer, and allows Towns to alter the residency requirements for  
11 appointed officials(see Opinion of Attorney General, No. 91-37)  
12
- 13 B. This local law shall supersede § 3 of the Public Officers Law of the State of New  
14 York and § 23, Subdivision 1, of the Town Law of the State of New York in their  
15 application to the Town of Lorraine for the position of Public Health Officer, Zoning  
16 Board of Appeals members, Tax Assessor, Development Officer and Junkyard  
17 Enforcement Officer, whereby such provisions otherwise require the Public Health  
18 Officer, Zoning Board of Appeals members, Tax Assessor, Development Officer and  
19 Junkyard Enforcement Officer to be a resident/elector of the town.  
20  
21  
22

23 **Section 5. Repealer**  
24

25 All ordinances, local laws, and regulations heretofore adopted in conflict with this  
26 local law are hereby repealed.  
27

28 **Section 6. Severability**  
29

30 If any clause, sentence, paragraph, section or part of this local law shall be adjudged  
31 by any court of competent jurisdiction to be invalid, said judgment shall not affect,  
32 impair, or invalidate the remainder thereof, but shall be confined in its operation to  
33 the clause, sentence, paragraph, section or part thereof directly involved in the  
34 controversy at which said judgment shall be rendered.  
35

36 **Section 7. Effective Date**  
37

38 This local law shall take effect immediately upon filing in the office of the Secretary of  
39 State.

# Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County  City  Town  Village  
(Select one:)

of Lorraine

Local Law No. 3 of the year 2014

A local law A Local Law Altering the Residence Requirements of Appointed Positions of the Town of  
(Insert Title)  
Lorraine

Be it enacted by the Town Board of the  
(Name of Legislative Body)

County  City  Town  Village  
(Select one:)

of Lorraine as follows:

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 3 of 2014 of the ~~(County)(City)(Town)(Village)~~ of Lorraine was duly passed by the Town Board on December 11 2014, in accordance with the applicable provisions of law.  
*(Name of Legislative Body)*

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer\*.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the ~~(County)(City)(Town)(Village)~~ of Lorraine was duly passed by the Town of Lorraine Board on December 11 2014, and was (approved)(not approved) (~~repassed after disapproval~~) by the Town Supervisor and was deemed duly adopted on December 11 2014, in accordance with the applicable provisions of law.  
*(Elective Chief Executive Officer\*)*

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the ~~(County)(City)(Town)(Village)~~ of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) (~~repassed after disapproval~~) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_.  
*(Elective Chief Executive Officer\*)*

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the ~~(County)(City)(Town)(Village)~~ of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) (~~repassed after disapproval~~) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

\* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

**5. (City local law concerning Charter revision proposed by petition.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_ 20\_\_\_\_, became operative.

**6. (County local law concerning adoption of Charter.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 20\_\_\_\_, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

**(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)**

I further certify that I have compared the preceding local 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, and was finally adopted in the manner indicated in paragraph 1 above.

Debra L. Salzer  
Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: December 14, 2014

(Seal)