

PROPOSED:

TOWN OF CAROLINE, NEW YORK, LOCAL LAW NO. 3 OF THE YEAR 2018

A LOCAL LAW PROVIDING FOR THE ABOLITION OF THE ELECTED POSITION OF HIGHWAY SUPERINTENDENT AND THE CREATION OF THE APPOINTED POSITION OF HIGHWAY SUPERINTENDENT OF THE TOWN OF CAROLINE

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

SECTION 1.

This local law is enacted pursuant to Municipal Home Rule Law §§10, 22 and 23. This local law shall supersede any provisions of the Town Law of the State of New York to the contrary, including, but not limited to, Town Law §20 with respect to the method of selection of the Highway Superintendent in the Town of Caroline, and any other provision of the Town Law or the Highway Law providing for or referring to the creation of the elected position of Highway Superintendent.

SECTION 2.

The elected position of the Highway Superintendent in the Town of Caroline, New York is hereby abolished, effective January 1, 2020. The appointed position of Highway Superintendent in the Town of Caroline, New York is hereby created, effective January 1, 2020.

SECTION 3.

Commencing January 1, 2020, the Highway Superintendent of the Town of Caroline shall be the person appointed by the Town Board of the Town of Caroline.

SECTION 4.

The appointed Highway Superintendent shall have such powers and shall perform such duties as are or hereafter may be conferred or imposed by law, and such further duties as the Town Board determines, consistent with applicable law.

SECTION 5.

This local law shall be subject to a mandatory referendum pursuant to the provisions of §23 of the Municipal Home Rule Law at the general election to be held on November 6, 2018.

SECTION 6.

This local law shall supersede or repeal any prior inconsistent Local Law.

SECTION 7.

The provisions of this local law are severable. If any court of competent jurisdiction decides that any section, clause, sentence, part or provision of this local law is illegal, invalid, or unconstitutional, such decision shall not affect, impair, or invalidate any of the remaining sections clauses, sentences, parts, or provisions of the Local Law.

SECTION 8.

This local law shall take effect after the affirmative vote of a majority of the qualified electors voting thereon at the general election on November 6, 2018, and the filing with the Secretary of State in accordance with the applicable provisions of law.

Resolution 111 of 2018

A motion was made by Mark Witmer and seconded by Irene Weiser to move ahead with **Local Law to Change the Caroline Highway Superintendent Position from Elected to Appointed Office.**

Ms. Weiser believes that putting this forward is an interesting way to obtain community activity and interest in the process; Mr. Fracchia asks that everyone (the public) have an open mind so we are all working in the best interest of the people of the Town of Caroline; Mr. Snow admires the process of elections and participating in the process of voter approvals, and is not in favor of this action.

Adopted: Witmer: Aye; Fracchia: Aye; Weiser: Aye; Snow: Nay; Barber: Absent

Introduction of Local Law to Change the Caroline Town Clerk Position from an

Elected to Appointed Office

PROPOSED:

TOWN OF CAROLINE, NEW YORK, LOCAL LAW NO. 4 OF THE YEAR 2018

A LOCAL LAW PROVIDING FOR THE ABOLITION OF THE ELECTED POSITION OF TOWN CLERK AND THE CREATION OF THE APPOINTED POSITION OF TOWN CLERK OF THE TOWN OF CAROLINE

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

SECTION 1.

This local law is enacted pursuant to Municipal Home Rule Law §§10, 22 and 23. This local law shall supersede any provisions of the Town Law of the State of New York to the contrary, including, but not limited to, Town Law §20 with respect to the method of selection of the Town Clerk in the Town of Caroline, and any other provision of the Town Law providing for or referring to the creation of the elected position of Town Clerk.

SECTION 2.

The elected position of the Town Clerk in the Town of Caroline, New York is hereby abolished, effective January 1, 2020. The appointed position of Town Clerk in the Town of Caroline, New York is hereby created, effective January 1, 2020.

SECTION 3.

Commencing January 1, 2020, the Town Clerk of the Town of Caroline shall be the person appointed by the Town Board of the Town of Caroline.

SECTION 4.

The appointed Town Clerk shall have such powers and shall perform such duties as are or hereafter may be conferred or imposed by law, and such further duties as the Town Board determines, consistent with applicable law.

SECTION 5.

This local law shall be subject to a mandatory referendum pursuant to the provisions of §23 of the Municipal Home Rule Law at the general election to be held on November 6, 2018.

SECTION 6.

This local law shall supersede or repeal any prior inconsistent Local Law.

SECTION 7.

The provisions of this local law are severable. If any court of competent jurisdiction decides that any section, clause, sentence, part or provision of this local law is illegal, invalid, or unconstitutional, such decision shall not affect, impair, or invalidate any of the remaining sections clauses, sentences, parts, or provisions of the Local Law.

SECTION 8.

This local law shall take effect after the affirmative vote of a majority of the qualified electors voting thereon at the general election on November 6, 2018, and the filing with the Secretary of State in accordance with the applicable provisions of law.

Resolution 112 of 2018

A motion was made by Mark Witmer and seconded by Irene Weiser to move ahead with **Local Law to Change the Caroline Town Clerk Position from Elected to Appointed Office.**

Adopted: Witmer: Aye; Fracchia: Aye; Weiser: Aye; Snow: Nay; Barber: Absent

Resolution 113 of 2018

A motion was made by Mark Witmer and seconded by John Fracchia to hold an Information Session at the Agenda Meeting on August 7, 2018 at 7:00PM, and a Public Hearing at the Business Meeting on August 15, 2018 at 7:00PM regarding the two Local Laws. Discussion followed regarding the residency requirements that will be listed – are we going to limit applicants to Town Residents? This will be decided by the August 15 meeting then will have a Board vote at the September 4th or September 12th Meeting. If approved, the item would be in the ballot for the general election in November (must be submitted by October 1st to the Board of Elections).

Please note that the original proposed local laws brought to the board contained local law numbers for 2018. A proposed local law does not receive a local law number until it has been passed/adopted and is being turned into NYS for filing. The local law numbers 3 and 4 will be requested to be removed at the Tuesday, August 7th meeting to make the proposed local laws accurate. And resolutions 111, 112 and 113 refer to “Local Laws”, these resolutions should contain the wording “proposed local laws” and should be referred to as such in the resolutions. It will be requested that the board rescind resolutions 111, 112 and 113 and bring forward a corrected version containing the proper wording “proposed local laws”.

Marilou Harrington-Lawson, CMC

Town Clerk, Town of Caroline