

Exhibit A

**TOWN OF UNION VALE
PROPOSED LOCAL LAW # 2 – 2022**

**A LOCAL LAW AUTHORIZING A CHANGE IN THE RESIDENCY REQUIREMENT
FOR PLANNING BOARD MEMBERS AND ALTERNATE MEMBERS**

§ -1. Findings.

Supervisor Maas and Planning Board Chair Cartalemi have advised that when vacancies occur on the Town Planning Board for Members and Alternate Members, it has been difficult to find individuals who meet the State requirement that they be ‘electors’ from Union Vale, and they asked this Board to adopt a Local Law making it possible, under certain conditions, to appoint persons who own residential real property which is at least partially in the Town of Union Vale but do not meet the ‘elector’ requirement for appointment because their primary or secondary dwelling, which is on that real property, is outside the Union Vale Town boundaries. The Town Board has determined that it is in the best interest of the Town to when necessary open these positions to a wider pool of applicants so that the positions can be filled expeditiously when open.

§ -2. Statutory Authority.

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

§ -3. Supersession of State Law.

This Chapter 69 shall supersede Town Law §23(1) in its application to the offices of Planning Board Members and Alternate Members for the Town of Union Vale.

§ -4. Residency Requirements for Planning Board Members and Alternate Members.

Although fully qualified electors of the Town of Union Vale will be given first consideration for appointment, persons appointed as Planning Board Members or Alternate Members for the Town of Union Vale need not be electors of the Town of Union Vale if such persons:

- A. Own a parcel of real property (“the Realty”) which is at least partially located in the Town of Union Vale,
- B. Have their primary or secondary dwelling on the Realty, and
- C. Are otherwise fully qualified for the position.

§ -5. Effective Date.

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

RESOLUTION OF INTRODUCTION

Supervisor Maas advised the Town Board that due to difficulties in finding qualified Union Vale residents (voters) to serve on the Planning Board, or as a Planning Board alternates, a Local Law to expand the qualifications for those appointments will be presented. Pursuant to the Municipal Home Rule Law of the State of New York, it will be necessary to hold a public hearing before adopting this Law. Councilman Durland offered the following Resolution, which was seconded by Councilman Welsh, and moved its adoption:

WHEREAS, on February 16, 2022, Councilman Durland introduced a Local Law for the Town of Union Vale, to be known as Local Law No. 2 of 2022, entitled A LOCAL LAW AUTHORIZING A CHANGE IN THE RESIDENCY REQUIREMENTS FOR PLANNING BOARD MEMBERS AND ALTERNATE MEMBERS, which Local Law shall be incorporated in Town Code Chapter §69, "Residency Requirements", which Chapter shall be renumbered accordingly.

BE IT RESOLVED, that a public hearing be held in relation to authorizing the Town Board, subject to certain conditions, to appoint Union Vale Planning Board Members and Alternate Members, who are not Town of Union Vale electors, a copy of which proposed Local Law is annexed hereto as Exhibit A, at which hearing parties in interest shall have an opportunity to be heard, to be held at the Town Hall, 249 Duncan Road, LaGrangeville, New York 12540 on March 16, 2022, at 7:00 p.m., prevailing time, and that notice of said Public Hearing shall be posted and published in the official newspaper of general circulation in the Town of Union Vale by the Town Clerk, at least five (5) days before such hearing, and that such Notice shall be in the following form:

NOTICE OF PUBLIC HEARING

TAKE NOTICE that the Town Board of the Town of Union Vale will hold a public hearing at the Town Hall, 249 Duncan Road, LaGrangeville, New York 12540 (in the Town of Union Vale) on March 16, 2022, at 7:00 o'clock p.m. prevailing time, on proposed Local Law No.2 of 2022, a Local Law of the Town of Union Vale, Dutchess County, New York, authorizing the Town Board to, under certain conditions, appoint Planning Board Members and Alternates Members who are not electors of the Town of Union Vale.

TAKE FURTHER NOTICE, that copies of the aforesaid proposed Local Law will be available for examination at the office of the Clerk of the Town of Union Vale, at the Town Hall, 249 Duncan Road, LaGrangeville, New York 12540 between the hours of 9:30 a.m. and 4:00 p.m. on all business days between the date of this Notice and the date of the Public Hearing.

TAKE FURTHER NOTICE, that all persons interested shall have an opportunity to be heard on said proposal at the time and place aforesaid.

Dated: Union Vale, New York
February 16, 2022



ANDREA CASEY
TOWN CLERK

BE IT FURTHER RESOLVED, that the adoption of this proposed Local Law, which relates to ongoing administration of Town affairs with no major reordering of priorities or programs which might affect the environment, is a Type II action requiring no environmental review.

The preceding resolution was offered by Councilman Durland, who moved its adoption, seconded by Councilman Welsh.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

Councilman Durland	Aye
Councilman Gusikoff	Aye
Councilman McGivney	Nay
Councilman Welsh	Aye
Supervisor Maas	Aye

DATED: Union Vale, New York
February 16, 2022



Andrea Casey, Town Clerk

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 Councilman Welsh, and adopted at the meeting of the Town Board, held on February 16, 2022.



Andrea Casey, TOWN CLERK