RESOLUTION NO. 136 OF 2024 OF THE WEBSTER TOWN BOARD TO ENACT A LOCAL LAW TO AMEND ARTICLE VI OF CHAPTER 56 OF THE WEBSTER TOWN CODE PERMITTING A TOWN ENGINEER TO RESIDE ANYWHERE IN MONROE COUNTY OR IN AN ADJOINING COUNTY WITHIN THE STATE OF NEW YORK

At a special meeting of the Town Board of the Town of Webster, Monroe County, New York, held at the Town Board Meeting Room, 1002 Ridge Road, in the Town of Webster, New York on the 28th day of March, 2024, at 6:30 p.m., there were present:

Supervisor Thomas J. Flaherty
Councilman John J. Cahill
Councilwoman Ginny L. Nguyen
Councilwoman Jennifer S. Wright
Absent:
Councilwoman Patricia T. Cataldi

The following Resolution was offered by Supervisor Flaherty and moved its adoption;

WHEREAS, the Town Board has the authority pursuant to Article 2 of the New York State Municipal Home Rule Law, to adopt and amend local laws, consistent with the N.Y. S. Constitution and general State laws, in relation to their property, affairs or government and in relation to the powers, duties, qualifications, number and other terms and conditions of employment of their officers and employees; and

WHEREAS, it is in the interest of the Town to further expand the pool of applicants for the important position of Town Engineer or engineer for the Town, and to permit the Town Board to be able to appoint those qualified persons of their choice, regardless of whether they are residents of the Town of Webster or of other political subdivisions; and

WHEREAS, it is both in the public interest and required by law that a Public Hearing be held to consider the proposed amendment of the Webster Town Code; and

WHEREAS, a Notice of Public Hearing was published in the *Webster Herald* March 20, 2024, and posted on the Town Clerk's Bulletin Board at 1000 Ridge Road, Webster, New York and Town's website; and

WHEREAS, the Public Hearing on the proposed new Local Law was held by the Webster Town Board on March 28, 2024, at 6:30 p.m., and all interested persons having had an opportunity to be heard at the Public Hearing; and

WHEREAS, a short form Environmental Assessment Form (EAF) for the proposed action has been prepared, and has been submitted to the Town Board and reviewed by the Town Board; and

WHEREAS, it is in the public interest to enact the aforesaid Local Law:

NOW, THEREFORE, BE IT RESOLVED:

1. That the Town Board hereby determines that based upon the information in the EAF and other available information, the proposed action is designated a TYPE II action under the New York State Environmental Quality Review Act (SEQRA), as it will not have a significant effect on the environment within the meaning of SEQRA, and involves official acts of a ministerial nature involving no exercise of discretion and routine or continuing agency administration and management, and does not require the preparation of an environmental impact statement and therefore no further review under the New York Environmental Conservation Law, Article 8, is necessary.

2. That a Local Law be adopted to set forth the effect of Code changes by amending a certain chapter and section of the Webster Town Code, such Local Law to be designated as:

LOCAL LAW NO. 3 OF 2024

Part to be repealed is ~~struck through~~.

Article VI of Chapter 56 of the Webster Town "**Town Engineer**" is amended as follows:

§56-30 Authority.

This article is adopted pursuant to Municipal Home Rule Law §10[1](i) and [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 has made numerous amendments to Public Officers Law §3 and Town Law §23 expanding the residency requirements for various appointed public officers and officials in towns within the State of New York, thereby rendering Public Officers Law §3 and Town Law §23 special laws with respect to any appointed town officer [See cf N.Y. Ops. Atty. Gen. (Inf.) No. 2000-5.]

§56-31 Supersession.

This article shall supersede any provisions of Town Law §§20 and 23 in their application to the office(s) of Town Engineer for the Town of Webster.

§56-32 Residency requirements.

A. The person holding the office or position of Town Engineer in the Town of Webster need not be a resident nor an elector of the Town of Webster at the time of appointment; provided, however, that such person shall reside in the county in which such town is located or an adjoining county within the State of New York.

~~B. In the event the office or position of Town Engineer is deemed to be a Competitive Class position by the Civil Service Commission;, the appointee shall become a resident and elector of the Town of Webster within six months of such permanent appointment from the appropriate civil service list.~~

3. This Local law shall take effect immediately upon the appropriate filing as required by law.

4. The Town Clerk is hereby authorized and directed to take such action as may be necessary to carry this Resolution into effect.

Seconded by Councilwoman Wright and duly put to a vote, which resulted as follows:

VOTE ON MOTION:

Supervisor Thomas J. Flaherty	AYE
Councilwoman Patricia T. Cataldi	ABSENT
Councilman John J. Cahill	AYE
Councilwoman Ginny L. Nguyen	AYE
Councilwoman Jennifer S. Wright	AYE

MOTION CARRIED

Enter: March 28, 2024

Dorothy M. Maguire

DOROTHY M. MAGUIRE
Town Clerk
Town of Webster

State Of New York
County of Monroe
Town of Webster

This will certify that I have examined the within exhibit and find it to be an exact copy of the original which is filed in the office of the Town Clerk of the Town of Webster, Monroe County, New York.

Dorothy M. Maguire
Town Clerk

Seal

Date April 01 2024