

# Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE  
41 STATE STREET, ALBANY, NY 12231

(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~~

of Bethlehem

Local Law No. 5 of the year 2013

A local law Residency requirement for employment by the Town of Bethlehem

Be it enacted by the Town Board of the

~~County~~  
~~City~~  
Town  
~~Village~~

of Bethlehem, Albany County, New York as follows:

Section 1: Purpose. Sections of the New York State Public Officers Law and the New York State Town Law require that persons appointed to certain Town positions must be residents or electors of the Town of Bethlehem at the time of their appointment and during their tenure in office. However, state law is unclear about which positions this residency requirement covers. This local law is enacted to clearly establish the policy and law governing certain Town positions, to establish a general policy in favor of hiring Bethlehem residents for leadership positions, and to provide greater certainty to Town residents, employees and prospective employees concerning the application of a residency requirement. This law also allows for the Town Board to waive the residency requirement in cases where it may be necessary to hire an applicant with specific technical experience and knowledge, or where otherwise appropriate.

Section 2: Persons serving in the following positions shall be required to be electors of the Town of Bethlehem at the time of their appointment and during their tenure in office: Members of the Planning Board, the Zoning Board of Appeals and the Board of Assessment Review, the Town Attorney and any Assistant Town Attorneys, the Chief of Police, any Deputy Chief of Police, the Town Comptroller, the Town Engineer, the Town Historian, the Director of Emergency Management, the Director of Human Resources, any Building Inspector or Assistant Building Inspector, the Commissioner of Public Works, the Parks and Recreation Administrator, the Director of Senior Services, the Director of Management Information Services, the Director of Economic

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Development and Planning, the Director of Planning, the head of any other Town department now existing or created in the future and a member of any board of the Town.

Section 3: Employees of the Town not expressly subject to the residency requirement set forth in section 2 of this law shall not be required to be a resident of the Town at the time of their appointment or employment, except that nothing in this law is intended to alter residency requirements for elected officials.

Section 4: The Town Board may waive the residency requirement for any person or office either temporarily or for the tenure of the person in such town position.

Section 5: The Clerk of the Town Justice Court and the Deputy Court Clerks shall be electors of the Town of Bethlehem at the time of their appointment and during their tenure in office, except that the Justices of the Town Court may by their concurrence waive the residency requirement either temporarily or for the tenure of the person appointed to such position.

Section 6: This local law shall supersede in its application to the Town of Bethlehem section 3 of the Public Officers Law and section 23 of the Town Law, providing that certain Town employees must be electors or residents of the Town, and any other provision of New York Law that may be inconsistent with this local law. Nothing in this local law is intended to supersede or alter section 310 of the New York State Real Property Tax Law, which provides in part that any resident of the state, otherwise eligible for appointment as assessor, may be appointed assessor, or any provision of law requiring elected officials to be electors or residents of the Town. Additionally, nothing in this local law is intended to supersede any residency requirement contained in a collective bargaining agreement executed by the Town or any other local law of the Town.

Section 7: This law shall become effective upon filing in the office of the Secretary of State and shall apply to appointments made on or after January 31, 2014.

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