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REBECCA DEL GAIZO
TOWN CLERK
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COUNCILMAN
MARK J. BALISTRERI
COUNCILMAN
MARK CIPPERLY
COUNCILMAN
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TOWN ATTORNEY



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SOLE ASSESSOR
CHARLES GOLDEN
BUILDING AND CODE INSPECTOR
GARY K. GORDON
TOWN JUSTICE
TERRANCE A. BUCHANAN
TOWN JUSTICE

December 31, 2024

New York State Department of State
Div. of Corporations, State Records & UCC
One Commerce Plaza, 99 Washington Ave.
Albany, NY 12231-0001

To whom it may concern,

Please find enclosed Local Law No. 5 for the Year 2024 entitled, **“A Local Law Establishing Residency Requirements for the Appointed Office of Town Attorney of the Town of Brunswick.”**

If you require further information, please feel free to contact me directly.

Sincerely,

Rebecca Del Gaizo
Town Clerk

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 Brunswick

Local Law No. 5 of the year 20 24

A local law Establishing the Residency Requirements for the Appointed Office of Town Attorney of the
(Insert Title)
Town of Brunswick

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

☐ County ☐ City ☒ Town ☐ Village
(Select one:)

of Brunswick as follows:

SEE ATTACHED TEXT

(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. 5 of 2024 of
the (County)(City)(Town)(Village) of Brunswick was duly passed by the
Town Board on December 30 2024, in accordance with the applicable
(Name of Legislative Body)
provisions of law.

**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 _____ was duly passed by the
_____ on _____ 20____, and was (approved)(not approved)
(Name of Legislative Body)
(repassed after disapproval) by the _____ and was deemed duly adopted
(Elective Chief Executive Officer*)
on _____ 20____, in accordance with the applicable provisions of law.

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)
(Name of Legislative Body)
(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)
(Name of Legislative Body)
(repassed after disapproval) by the _____ on _____ 20____. Such local
(Elective Chief Executive Officer*)
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.)

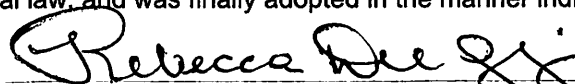
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 ____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified 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.)

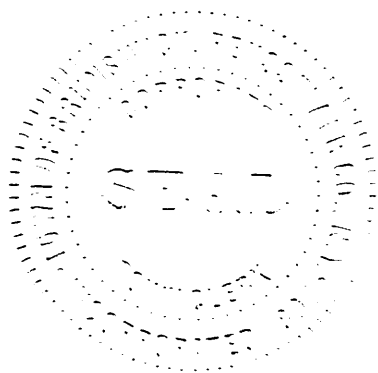
I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1 above.

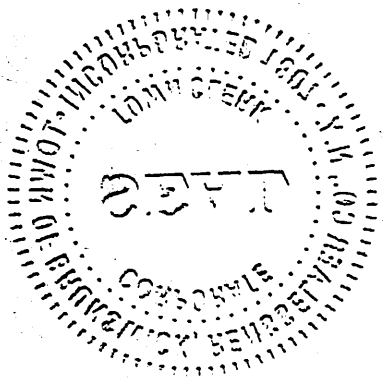


Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: 12/30/24

(Seal)





10/20/54

[Handwritten signature]

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TOWN BOARD
TOWN OF BRUNSWICK

LOCAL LAW NO. 5 OF THE YEAR 2024

A LOCAL LAW ESTABLISHING THE RESIDENCY REQUIREMENTS FOR THE
APPOINTED OFFICE OF TOWN ATTORNEY OF THE TOWN OF BRUNSWICK

(Introduced as Introductory Local Law No. 5 of the Year 2024)

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

Section 1. Title.

The title of this local law is “A Local Law Establishing the Residency Requirements for the Appointed Office of Town Attorney of the Town of Brunswick”.

Section 2. Legislative Intent.

The Town Board recognizes that Public Officers Law §3 and Town Law, §23, generally require that elected and appointed officers of the Town of Brunswick must be residents and electors of the Town of Brunswick. In order to expand the field from which the Town Attorney may be selected and appointed by the Town Board, it is the intent of this Town Board, by this local law, to supersede, and amend, those sections of law so as to provide that the person appointed to and holding the office of Town Attorney of the Town of Brunswick need not be a resident nor an elector of the Town of Brunswick, provided that such person is a resident and elector of the County of Rensselaer, State of New York, or any county in New York State adjoining Rensselaer County.

Section 3. Authority.

This local law is adopted pursuant to Municipal Home Rule Law §10(1)(i) and §10(1)(ii)(a)(1) which grants to local governments the authority to enact local laws pertaining to the qualifications of local officers, which are not inconsistent with general New York State statutes. Moreover, the Town Board recognizes that the State Legislature has, on various occasions, for various offices, in various municipalities, has amended Public Officers Law §3 and Town Law, §23 so as to create exceptions to the general residency requirements as set forth in those statutes, thereby rendering said statutes to be special laws, rather than general laws. Moreover, this Town Board recognizes that the New York State Legislature has heretofore amended §3 of the New York State Public Officers Law to add subdivision “24” thereof, which exempts any appointed officer of the Town of Greenburgh, New York, from its residency requirements, thereby allowing any appointed public officers of that town to reside anywhere in the State of New York. This amendment to Public Officers Law §3 by the State Legislature, therefore, has rendered Public Officers Law §3, in its applicability to all local appointive Town

offices, a special law, rather than a general law, since in establishing residency requirements for appointive Town officers it does not, in terms or effects, apply alike to all towns in the State of New York. Accordingly, this Town Board may supersede, and amend, Public Officers Law §3 and Town Law, §23 as regards the residency requirements for the appointed office of Town Attorney of the Town of Brunswick (see 1997 N.Y. Op. (Inf.) Att'y Gen. 11; 2000 N.Y. Op. Att'y. Gen. 1017).

Section 4. Residency Requirements for the Appointed Office of Town Attorney of the Town of Brunswick.

The person appointed to and holding the appointed office of Town Attorney of the Town of Brunswick need not be a resident nor an elector of the Town of Brunswick at the time of his or her appointment, and during his or her tenure in office, provided that such person is a resident and elector of the County of Rensselaer, State of New York, or any county in New York State adjoining Rensselaer County.

Section 5. Supersession.

This local law shall supersede and amend the residency requirements set forth in Public Officers Law §3, and §30.1.d, and Town Law §23.1(a), which require that the Town Attorney reside within and be an elector of the town in which he or she is appointed at the time of his or her appointment and during his or her tenure in office, except in towns having no resident attorney, in regard to their application to the appointed Office of Town Attorney of the Town of Brunswick.

Section 6. Inconsistency.

All other local laws and ordinances of the Town of Brunswick that are inconsistent with the provisions of this local law are hereby repealed; provided, however, that such repeal shall only be to the extent of such inconsistency, and in all other respects this local law shall be in addition to such other local laws and ordinances pertaining to the subject matter encompassed by this local law.

Section 7. Savings Clause.

Should any clause, sentence, paragraph, word, section, or part of this local law, or the application thereof to any person or circumstance, be adjudged by any court of competent jurisdiction to be unconstitutional, illegal or invalid, such judgment shall not affect, impair or invalidate the remainder thereof, or the application thereof to other persons or circumstances, but shall be confined in its operation to the clause, sentence, paragraph, word, section or part thereof directly involved in the controversy in which said judgment shall have been rendered.

Section 8. Effective Date.

This local law shall take effect immediately.

**Dated: Brunswick, New York
December 30, 2024**