

**TOWN BOARD OF THE TOWN OF DAY  
COUNTY OF SARATOGA, STATE OF NEW YORK  
Local Law No. 01 of the Year 2019**

**LOCAL LAW PERMITTING APPOINTMENT TO THE POSITION OF DEPUTY  
HIGHWAY SUPERINTENDENT FOR THE TOWN OF DAY OF AN INDIVIDUAL  
RESIDING OUTSIDE THE LIMITS OF THE TOWN OF DAY AND WITHIN THE  
LIMITS OF SARATOGA COUNTY**

*Be it Enacted by the Town Board of the Town of Day, as follows:*

**Section 1. Declaration of legislative findings.**

The Town of Day (the "Town") Town Board ("Board"), wishes to allow the highway superintendent of the Town to, if he or she sole elects, appoint an individual to the position of deputy highway superintendent who resides outside the geographical limits of the Town and within the geographical limits of Saratoga County, and wishes to adopt this local law pursuant to Municipal Home Rule Law, §§2(5) and (12), 10(1)(ii)(a)(1), Public Officers Law §§3(1) and 30(1)(d), and Town Law §23 and 32.

**Section 2. Residency Requirement for Deputy Highway Superintendent**

Notwithstanding any provision of any law to the contrary, any individual appointed to the office of deputy highway superintendent for the Town of Day shall reside in Saratoga County, New York.

**Section 3. Supersession.**

It is the specific intent of the Town Board to supersede Town Law §§23 and 32 to the extent that they conflict with this Local Law. This power is exercised pursuant to Municipal Home Rule Law, §§2(5) and (12), 10(1)(ii)(a)(1).

**Section 4. Severability.**

If any clause, sentence, paragraph, subdivision, section, or part of this Local Law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this Local Law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

**Section 5. Effective Date.**

This Local Law shall take effect upon filing with the New York State Secretary of State.