

VILLAGE OF LAKE PLACID
PUBLIC HEARING: AMEND RESIDENCY LAW

MONDAY, APRIL 15, 2013

Minutes of the Village of Lake Placid Public Hearing held on the above date beginning at 5:30 pm in the meeting room of the North Elba Town Hall, 2693 Main Street, Lake Placid, New York.

Members Present: Mayor Craig Randall, Trustee Peter Holderied, Trustee Jason Leon, Trustee Scott Monroe

Members Absent: Trustee Art Devlin

Others Present: Laurie Dudley, Attorney Janet Bliss, Treasurer Peggy Mousaw, Chuck Finley, Chris Knight, Mary Jane Colby, Justin Roy, Kresta Hanson, Gordon Kelly, Tory Hoffman, Jarrod Colby, John Fagan, Richard Boyer, Matt Marshall, Jim Wasson

Mayor Randall opened the Village Board meeting at 5:30 pm by asking everyone to stand for the Pledge of Allegiance.

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Mayor Randall – The purpose of this Public Hearing is to amend the Local Law No. 7 of 1982, Residency Law of Lake Placid. For the matter of information, the current law of 1982 says,

§75-1. Title

This local law shall be known as the Residency Law of the Village of Lake Placid

§75-2. Eligibility

- A. No person shall be eligible for a Village appointment or Village employment unless, at the time of his appointment, he is a resident elector of the Town of North Elba Election District 1, 3, or 4. If a Village employee, appointed or employed after the effective date of this Local Law, shall cease to be a resident elector of the Town of North Elba Election Districts 1, 3, or 4, his office or position shall thereupon become vacant.
- B. Where the Civil Service Law provides that non-residents are eligible for appointment, said appointments shall be subject to the appointee becoming a resident elector of the Town of North Elba Election District 1, 3 or 4 within six months following his appointment.
- C. Current employees shall not be subject to this Local Law.

Mayor Randall – The proposed change in Local Law No. 7 of 1982 is amended to read as follows:

No person shall be eligible for a Village appointment or Village employment unless at the time of appointment or hire he/she is a resident of Essex County, New York. If a Village employee, appointed or employed after the effective date for this Local Law shall cease to be a resident of Essex County, this/her office or position shall thereupon become vacant.

Where Civil Service Law provides that non-residents are eligible for appointment or employment, said appointment/employment shall be subject to the appointee/employee becoming a resident of Essex County, New York within (6) months following employment/appointment.

VILLAGE OF LAKE PLACID
PUBLIC HEARING: AMEND RESIDENCY LAW

MONDAY, APRIL 15, 2013

All terms and Conditions of Local Law No. 7 of 1982 that are inconsistent with this Local Law are hereby repealed.

Mayor Randall – The purpose of the Public Hearing is to receive comments from the public. The Board may elect later in the agenda to act on this evening's Public Hearing or they may elect to defer this to a later meeting date. That will be up to the Board subsequent to the Public Hearing. I open the Public Hearing to the floor. Please indicate your name so Laurie can get who is speaking.

Jarrold Colby – Would this pertain to Emergency Services as well; for Example, the Fire Department as a driver or a volunteer?

Mayor Randall – I don't believe it affects the volunteers of the Fire Department. That is a separate organization from the Village and I believe abides by its own By-laws and Charter. However, I do know in the Collective Bargaining Agreement for the Lake Placid Fire Drivers that there is a requirement that they reside within the Fire District that the Fire Department serves. That is a different boundary than the Village. It includes all of the Village and the surrounding Districts. If you actually drove over to Wilmington and went through the Notch you would see something that says "Wilmington Fire District"

Jarrold Colby – I am aware of the Fire District. I am curious to know if this is going to change any of that?

Mayor Randall – I don't see it changing anything because it is written into the Collective Bargaining Agreement.

Jarrold Colby – So the Fire Department and Ambulance Services are exempt from this law?

Mayor Randall – I can't speak for organizations that are not part of the Village structure. I do believe that you probably have conditions similar.

Richard Boyer – Will you go back to the part where Essex County got involved? Why not North Elba and the North Elba Districts?

Mayor Randall – This is addressing replacing an officer of the Village or any employee this Local Law says you have to live within the Village itself. You happen to live outside the Village as such you would not be qualified for employment. That is what the law says since 1982 unless you were employed previous to 1982.

Richard Boyer – When I got the job in 1972, I had to move into the Village.

Mayor Randall – That is the condition we are dealing with today. It affects how we post for positions. We have to be able to stipulate what it is. Right now it would require an individual to either reside within the Village or agree to move within the Village within six months of the date of appointment.

Jarrold Colby – Is there any reason you are going all the way to Essex County. It's a very large county. Is there any reason it can't be pushed out to the Town of North Elba? With unemployment rates the way they are, are you telling me there is nobody qualified within this Town?

VILLAGE OF LAKE PLACID
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MONDAY, APRIL 15, 2013

Mayor Randall – No, in fact the way the Municipal Law is drafted, we have a choice of either restricting it to the Village or the other option is the County. I think this discussion came up at our last meeting. The point is if we have candidates that are closely qualified you would obviously want to take the candidate that is from your own electorate.

Trustee Monroe – There is a provision in the law that doesn't say we have to go to the whole county. It says, "partially situated". I have found other municipalities that either leave the local law the way it is and put a waiver that says, if they cannot find qualified people within the Village you can expand that out to whatever you want whether it is a radius from your village or town. There is a provision that says, "partially situated". The Village of Hawthorn actually has the Town and the Village.

Jarrold Colby – That makes more sense. Essex County is not a small County.

Trustee Monroe – I agree.

Mayor Randall – Janet, can you comment on that?

Attorney Bliss – Village Law Section 3.300, Scott you have a copy in front of you, I don't read it the same as you. It says, "or to a county in which the village is wholly or partially situate". I read that to be a situation like Saranac Lake Village which is in two counties. The body of that Section 3.300 of the State Law does say if you are not going to restrict it to the village limits it goes to the county. It doesn't give you a choice of going to the Town.

Trustee Monroe – How does the Village of Hawthorn do it? They actually document this section.

Attorney Bliss – I know there are some in the law that they have exemptions in there. I don't know how they did it or if they did it prior to this being adopted. I don't know.

Trustee Leon – They would not have to behold to the New York State Constitution much like we would be? That is my confusion.

Attorney Bliss – Where does the New York State Constitution come in?

Trustee Leon – Sorry, New York State Law.

Attorney Bliss – This is a Village Law. I consulted with the Conference of Mayors and their interpretation and the opinion of the Attorney General was, #1; it was Village or County and # 2; the only way to amend this Local Law was by a Public Hearing and not a Resolution of the Village. That is the advice that we have been given.

Trustee Leon – If we went with a waiver, would we have to propose that as a local law and then vote on it?

Attorney Bliss – Describe to me what you mean by a waiver.

Trustee Monroe – It is a waiver of residency if you do not find anybody qualified in the Village.

Trustee Leon – The reasons they delineated was a lack of applicants and when it is not in the best interest of the employer and does not affect another applicant.

VILLAGE OF LAKE PLACID
PUBLIC HEARING: AMEND RESIDENCY LAW

MONDAY, APRIL 15, 2013

Attorney Bliss – The way the Local Law is drafted it would be mandatory the person be a resident of the County. You could intrinsically say, as Scott or Jarrod said, given all your druthers if somebody comes in and people equally qualified, I would think you would take somebody from the municipality where you got elected. It is mandatory in the Village Law; “Shall” is the word.

Trustee Monroe – When you say the Village Law has to go to the County, it only affects the appointed employees and has nothing to do with any other employment.

Attorney Bliss – That is correct.

Trustee Leon – To amend the Local Law and add the waiver option to open the pool of applicants if necessary sounds like it would not be an option.

Attorney Bliss – It wouldn’t be. Not the way it is currently proposed. What you could do, this applied to both appointed positions and employees, is make a distinction between the two. The appointed positions, the Treasurer, the Clerk and your Department Heads, would naturally want to live closer but you cannot include employment in this proposed local law. As we know, we’ve got Collective Bargaining agreements that differ from this and we do have other sections of the Law for emergency personnel, such as the Police Chief.

Mayor Randall – I would like to read the Haverstraw Legislation in Section 3.300 in Article 3 Section 9, “Notwithstanding any provisions of his chapter or any other general law, local law, ordinance or special act the Village Board of Trustees of the incorporated village of West Haverstraw, Rockland County may by resolution provide that the Village Clerk, Village Justice and the Village Treasurer of such Village need not be residence of said Village but must be residence of New York State.” This book is old.

Attorney Bliss – That is New York State Law. They got their exemption into the law. It is not a local law.

Trustee Monroe – They do have a Local Law of 1985 that says it is either the Town or the Village of West Haverstraw.

Mayor Randall – At this point we are still in a Public Hearing and will continue to take comments. This matter may go on for a while. It does affect how we would handle and post upcoming positions. Any other comments from the floor?

There being no further comments from the public. Mayor Randall closed the Public Hearing at 5:43 pm.

Respectfully Submitted,

Laurie Curtis Dudley, North Elba Town Clerk