

**TOWN OF LAFAYETTE
LOCAL LAW NO. 3 OF THE YEAR 1990**

**A LOCAL LAW TO CREATE AN EXCEPTION
FOR THE RULE OF INCOMPATIBILITY OF OFFICE**

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

SECTION 1.0 Statutory Authorization and Purpose

1.1 Statutory Authorization

The people of the State of New York have in the New York State Constitution, Article IX., Section 2, delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry.

1.2 Statement of Purpose.

It is the purpose of this Local Law to promote the public health, safety, and general welfare, and to help assure an adequately trained labor force for the operation of heavy highway equipment in the Town of LaFayette by authorizing an elected town councilman to function as a Town Highway Department employee operating such heavy highway equipment.

1.3 Legislative Findings.

- (a) Operators of certain heavy highway equipment must be specially trained and licensed to operate such equipment.
- (b) There is a shortage of such trained and licensed operators of heavy equipment in the Town of LaFayette. (c) Nunzio Vadala possesses the necessary training and licenses to operate such heavy highway equipment.
- (d) Nunzio Vadala has been a part-time employee of the Town of LaFayette Highway Department for the last eleven years. His chief duties as an employee of the Town of LaFayette Highway Department have been the operation of heavy highway equipment, for which he is trained and license.
- (e) Nunzio Vadala was elected a Town Councilman for the Town of LaFayette effective January 1, 1990.
- (f) The Town of LaFayette Highway Superintendent has diligently attempted to hire other trained and licensed operators of heavy highway equipment and has been unable to do so because too few persons are willing to serve and too few persons possess the required training and licenses.

SECTION 2.0 General Provisions

2.1 Nunzio Vadala may hold both the office of the Town Councilman for the Town of LaFayette and the position of Town of LaFayette Highway Department employee simultaneously in abrogation of common law.

2.2 This Local Law is to be liberally construed to allow Nunzio Vadala to perform his duties both as a Town Councilman for the Town of LaFayette

and as a part-time employee of the Town of LaFayette Highway Department.

- 2.3 This Local Law is intended to establish the exception to the common law provided in paragraph 2.1 from 12:01 a.m. January 1, 1991 until 12:00 midnight December 31, 1993.
- 2.4 This Local Law shall become effective as provided in Section 27 of the Municipal Home Rule Law.