

Local Law No. 1 of 2025

A Local Law to Establish a Town Constabulary in the Town of Highland, Subject to Voter Approval

Be it enacted by the Town Board of the Town of Highland, County of Sullivan, State of New York, as follows:

Section 1. Legislative Intent

The purpose of this Local Law is to establish a Town Constabulary to assist in the enforcement of local laws, preserve public order, and perform public safety functions as authorized by the Town Board, pursuant to New York Town Law § 20 (1) (b). The Town Board finds that re-establishing a constabulary would serve the best interests of the residents of the Town of Highland, but desires to submit this question to the voters for approval pursuant to the Municipal Home Rule Law.

Section 2. Establishment of Town Constabulary

Upon approval of this Local Law by a majority of the qualified electors voting thereon at a general election, the Town of Highland shall establish a Town Constabulary. The Constabulary shall consist of one or more constables appointed by the Town Board, who shall be designated as peace officers pursuant to Criminal Procedure Law § 2.10(1) and shall serve under the direction of the Town Board.

Section 3. Powers and Duties

The powers and duties of the Town Constabulary shall include all those enumerated in Town Law § 39 and CPL § 2.20, including:

1. Enforcement of local laws and ordinances;
2. Service of civil and criminal process when authorized by law;
3. Assisting in the preservation of public order at town meetings and public events;
4. Providing security at municipal buildings and facilities;
5. Attending proceedings of the Justice Court so as to maintain order, assist the Justices and those who have business before the court.
6. Providing security for the Tax Collector and other town officials as requested.
7. Escorting prisoners to jail and to court, and having them processed.
8. Performing such other duties as may be lawfully assigned by the Town Board.

All constables shall be subject to such training, certification, and operational procedures as may be established by the Town Board in accordance with New York Criminal Procedure Law (CPL) § 2.30 or other applicable state law.

Section 4. Budget and Oversight

The Town Board shall appropriate such funds as may be necessary for the operation of the Town Constabulary and shall have oversight over appointments, discipline, training, and administrative matters related to the Constabulary.

Section 5. Defense and Indemnification

A constable, whether or not acting pursuant to his special duties, who lawfully exercises any of the powers conferred upon him or her pursuant to § 2.30 of the CPL shall be deemed to be acting within the scope of his or her public employment for purposes of defense and indemnification rights and benefits that he or she may be otherwise entitled to under provisions of § 50-K of the General Municipal Law, § 17 or § 18 of the Public Officers Law, or any other applicable section of law.

Section 6. Residency

Pursuant to Municipal Home Rule Law § 10(I)(ii)(a)(I), local governments have the authority to enact local laws regarding qualifications of local officers. It is the purpose of this section to modify the requirements of § 23 of the Town Law and § 3 of the Public Officers Law, which sections require that the Constable be a resident and elector within the Town. This section shall supersede Town Law § 23(l) in its application to the offices of Constable for the Town of Highland. The person holding the office of Constable in the Town of Highland need not be a resident nor an elector of the Town of Highland; provided, however, that such person shall reside in Sullivan County or an adjoining county within the State of New York.

Section 7. Discharge and/or discipline

The Town Constable of the Town of Highland shall serve at the pleasure of the Town Board of the Town of Highland and may be discharged without cause. In addition, the Town Board of the Town of Highland can impose any reasonable discipline to an appointed Town Constable following the notification of the cause for such discipline and a reasonable opportunity to be heard before the Town Board of the Town of Highland.

Section 8. Referendum and Effective Date

This Local Law shall not take effect unless and until approved by a majority of the qualified electors of the Town of Highland voting on a proposition for its approval at the general election to be held on November 4, 2025, in accordance with Municipal Home Rule Law § 24 and Election Law Article 4.

The proposition to be submitted to the voters shall read as follows:

Proposition No. 1: Establishment of a Town Constabulary

Shall the Town of Highland establish a Town Constabulary, to consist of appointed constables with peace officer status, for the purpose of enforcing local laws, preserving public order, and performing other duties as authorized by the Town Board?

Section 9. Severability If any section, clause, or provision of this Local Law is held to be invalid or unconstitutional, such determination shall not affect the validity of any other part of this Local Law.

Section 10. Filing A copy of this Local Law shall be filed with the Secretary of State in accordance with the Municipal Home Rule Law.

Section 11. A "Yes" vote indicates support for the re-establishment of the constabulary, which means that if the proposition passes, the Town Board will be obligated to re-establish the constabulary. A "No" vote indicates opposition to the proposed change, which means that if the proposition fails, the existing law or constitutional provision will remain unchanged.

Town of Highland, NY

Proposed Ballot Proposition

Proposition No. 1: Establishment of a Town Constabulary

Shall the Town of Highland establish a Town Constabulary, to consist of appointed constables with peace officer status, for the purpose of enforcing local laws, preserving public order, and performing other duties as authorized by the Town Board?

☐ Yes ☐ No