

Changes: Title changed from *Commissioner* to *Superintendent*; #15 rewritten

LOCAL LAW #1 OF 2021

“A LOCAL LAW TO ELIMINATE THE ELECTED POSITION OF THE SUPERINTENDENT OF HIGHWAYS AND TO ELIMINATE THE TOWN HIGHWAY DEPARTMENT AND TO CREATE THE DEPARTMENT OF PUBLIC WORKS AND THE APPOINTED POSITION OF THE OFFICE OF THE SUPERINTENDENT OF PUBLIC WORKS.”

1. **Legislative Intent:** It is the legislative intent of the Town Board to eliminate the elected position of the Superintendent of Highways and to eliminate the Town Highway Department, and to create a Department of Public Works and the appointed position of the Office of the Superintendent of the Department of Public Works.
2. **Statutory Authority:** This local is enacted under the authority of Municipal Home Rule Law §§ 10, 22 and 23. The Town Board hereby expressly states its intention that this local law shall supersede any provision of the Town Law of the State of New York to the contrary, including but not limited to Town Law §20.
3. **Purpose:** The purpose of this legislation is to foster a more orderly operation, function and responsibility of the upkeep and maintenance of Town highways and other property which is owned and/or maintained by the Town, and to attract a wider applicant pool for the position of Superintendent of the Department of Public Works by those interested in the position and its duties, but who are not interested in campaigning and running for public office.
4. **Elimination of position and department:** The elected position of Superintendent of Highways is hereby eliminated and the Town Highway Department is hereby eliminated.
5. **Creation of position and department:** The appointed position of Superintendent of the Department of Public Works is hereby created and there is hereby established a Department of Public Works of the Town of Greenwich.
6. **Transfer of functions and responsibilities:** Except as set forth in Paragraphs 9 and 15, all of the duties, authority and power previously vested in the elected Superintendent of Highways shall be vested in the appointed Superintendent of the Department of Public Works and there is hereby transferred to the Department of Public Works the functions and responsibilities of the Town Highway Department now existing, and public improvements which may hereafter be created or may come under the jurisdiction of the Town Board.
7. **Additional functions:** All other functions and duties of the Department of Public Works as may be prescribed by law, or which the Town Board may determine and which are not inconsistent with law, are or shall become functions of the Department of Public Works at the request of the Town Board.
8. **Special improvement districts:** All costs and expenses incurred by the Department of Public Works or its officers, agents and employees on behalf of a special improvement district shall be charged against such district and paid from funds duly appropriated for the purposes of such district.

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9. **Functions of Superintendent:** The Superintendent of the Department of Public Works shall have supervision of and direction over the operation and maintenance of the functions of the Department of Public Works. The Superintendent of the Department of Public Works is hereby designated as an administrative office of the Town of Greenwich for the specific purpose of allowing the Superintendent of the Department of Public Works limited enforcement powers of those provisions of the Town Code that pertain to highway construction and specifications, and public safety issues having to do with Town Highways.

10. **Appointment of Superintendent and Deputy Superintendent:** The Superintendent of the Department of Public Works shall be appointed by the Town Board and shall be in the unclassified class of civil service. The Town Board may appoint a Deputy Superintendent and said Deputy Superintendent shall have the authority to act generally for, and in place of, the Superintendent in the event of his or her unavailability.

11. **Residency requirement:** The Superintendent of the Department of Public Works need not be a resident nor an elector of the Town of Greenwich, provided, however, that such person shall reside in Washington County or in an adjoining county within the State of New York.

12. **Supervision of Superintendent and Deputy Superintendent:** The Superintendent and Deputy Superintendent, if any, of the Department of Public Works shall be responsible to the Supervisor and the Town Board.

13. **Compensation of Superintendent and Deputy Superintendent:** The Superintendent and Deputy Superintendent, if any, shall be paid such salary as the Town Board may determine.

14. **Present employees to continue:** The employees of the Town Highway Department shall continue as employees in the Department of Public Works with the same classification, pensions, retirement rights, and privileges as they had prior to such transfer; provided, however, that nothing contained herein shall deprive the Town Board of any power it now has with respect to such employees.

15. **Power to appoint and dismiss:** The Superintendent of the Department of Public Works shall, in accordance with all applicable laws, have the authority to appoint, discipline and remove all employees of the Department.

16. **Reports, capital programs and budgets:** The Superintendent of the Department of Public Works shall report monthly to the Supervisor and Town Board concerning the operation, financial condition and financial needs of the Department and shall assist the Supervisor and Town Board in the preparation of capital programs and budgets.

17. **Powers of the Town Board and Supervisor:** Except as specifically provided herein, this chapter shall not be construed as delegating or transferring to the Superintendent any power of the Supervisor or Town Board pursuant to local laws or the Town Law of the State of New York.

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18. **Severability; conflict with other provisions; repeal:**

- A. If any section, subsection or sentence of this chapter is for any reason held invalid, it shall not affect the validity of the remaining portions of this chapter.
- B. All existing local laws or ordinances of the Town shall remain in full force and effect insofar as they conflict with the provisions of this chapter, in which case the provisions of this chapter shall prevail.
- C. All ordinances or parts of ordinances, all local laws or parts of local laws, all resolutions or parts of resolutions, all rules or parts of rules and all regulations or parts of regulations heretofore adopted or passed by the Town Board conflicting or inconsistent with this chapter or any part thereof are hereby annulled or repealed.

19. **Mandatory referendum:** This chapter shall be subject to a mandatory referendum, and shall not become effective unless and until it shall have been approved by a majority of the qualified electors of the Town of Greenwich voting on a proposition therefore submitted at a special election within the Town of Greenwich.

20. **Effective date:** This chapter shall take effect on June 1, 2020, as provide by law, only if approved by the qualified electors voting upon the proposition and the subsequent filing with the Secretary of State of the State of New York.