

TOWN BOARD  
TOWN OF GERMANTOWN  
COLUMBIA COUNTY, NEW YORK

Local Law No. 1 of 2021 DRAFT

**A LOCAL LAW ELIMINATING THE ELECTED OFFICE OF SUPERINTENDENT OF  
HIGHWAYS AND ESTABLISHING THE APPOINTED OFFICE OF  
SUPERINTENDENT OF THE DEPARTMENT OF PUBLIC WORKS FOR THE TOWN  
OF GERMANTOWN**

**BE IT ENACTED** by the Town Board of the Town of Germantown as follows:

**SECTION 1. TITLE.**

This Local Law shall be entitled “A Local Law Eliminating the Elected Office of Superintendent of Highways and Establishing the Appointed Office of Superintendent of the Department of Public Works.”

**SECTION 2. AUTHORITY AND SUPERSESSION OF TOWN LAW.**

This Local Law is adopted pursuant to Municipal Home Rule §§ 10, 22, and 23. It is the intent of the Town Board to supersede any provision of the New York State Town Law, including but not limited to Town Law § 20, to the extent that it is inconsistent with this Local Law.

**SECTION 3. PURPOSE AND INTENT.**

It is the legislative intent of this Town Board to eliminate the elected office of Superintendent of Highways and replace it with an appointed office of Superintendent of the Department of Public Works. By doing so, the Town Board seeks to ensure greater oversight and accountability in operation, function and responsibility of upkeep and maintenance of Town highways and other Town-owned property, and to attract a wider applicant pool for the position of Superintendent of the Department of Public Works.

**SECTION 4. ELIMINATION OF ELECTED OFFICE; CREATION OF APPOINTED OFFICE**

- A. The elected office of Superintendent of Highways in the Town of Germantown is hereby abolished, effective January 1, 2022.
- B. The appointed office of Superintendent of the Department of Public Works in the Town of Germantown is hereby created, effective January 1, 2022.

## **SECTION 5. FUNCTIONS, DUTIES, AND POWERS OF THE SUPERINTENDENT OF HIGHWAYS.**

All functions, duties, and powers previously vested in the elected Superintendent of Highways shall be vested in the appointed Superintendent of the Department of Public Works, including those as set forth in the Town Law, Highway Law, and Local Law No. 1 of 2020 Establishing the Town of Germantown Department of Public Works.

## **SECTION 6. APPOINTMENT OF SUPERINTENDENT OF THE DEPARTMENT OF PUBLIC WORKS AND DEPUTY SUPERINTENDENT OF PUBLIC WORKS.**

- A. The Superintendent of the Department of Public Works shall be appointed by the Town Board, to serve at the pleasure of the Town Board and upon the terms, conditions, benefits, and salary set by the Town Board.
- B. The title of Deputy Superintendent of Highways is hereby amended to be Deputy Superintendent of the Department of Public Works. Such Deputy Superintendent of the Department of Public Works shall have the authority to act generally for, and in the place of, the Superintendent of the Department of Public Works in the event of their unavailability in accordance with Local Law No. 1 of 2020.

## **SECTION 7. RESIDENCY REQUIREMENTS.**

The person holding the office of Superintendent of the Department of Public Works need not be a resident nor an elector of the Town of Germantown but must reside in Columbia County or an adjoining county within the State of New York.

## **SECTION 8. SUPERVISION OF SUPERINTENDENT.**

The Superintendent of the Department of Public Works shall be responsible to the Town Supervisor and Town Board and shall report monthly to the Town Board as requested by the Supervisor or their designee concerning the operation, financial condition, and needs of the Department of Public Works.

## **SECTION 9. SEVERABILITY.**

If any section, provision, or part thereof of this local law shall be adjudged invalid or unconstitutional by a court of competent jurisdiction, such adjudication shall not affect the validity of this chapter as a whole or any section, provision or part thereof not so adjudged invalid or unconstitutional. All existing local laws, ordinances, or resolutions of the Town shall remain in full force and effect except to the extent that they conflict with the provisions of this local law in which case the provisions of this local law shall prevail.

## **SECTION 10. MANDATORY REFERENDUM.**

This local law 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 Germantown voting on the proposition submitted at a special election within the Town of Germantown.

**SECTION 11. EFFECTIVE DATE.**

This local law shall take effect January 1, 2022 upon the affirmative vote of a majority of the qualified electors voting on the proposition and the subsequent filing with the Secretary of State.