

Town of New Scotland

Local Law 2 of the Year 2013

A local law creating a Department of Public Works and a Commissioner of Public Works.

Be it enacted by the Town Board of the Town of New Scotland as follows:

Section I. Purpose and Findings

The Town of New Scotland has determined that it is in the best interests of the Town to create a Department of Public Works and to transfer or assign certain functions and duties currently being performed by other Town employees to the Commissioner of Public Works. This new position is intended to create efficiencies, reduce costs (including the costs of outside consultants and vendors), and provide a better level of service for the residents of the Town. A Commissioner of Public Works is necessary to coordinate long range planning of the Town's infrastructure and oversee maintenance. A review of the roles of a number of Town employees has shown that overlapping responsibilities have caused inefficiencies that will be eliminated by the appointment of a Commissioner of Public Works with authority to oversee and coordinate the work.

Section II. Authority

This law is enacted by the Town Board of the Town of New Scotland pursuant to its authority under Section 10 of the Municipal Home Rule Law, and the authority granted to adopt Local Laws under Article IX of the New York State Constitution and the General Municipal Law.

Section III. Title

This law shall be known as the "Town of New Scotland Department of Public Works Law."

Section IV. Establishment of the "Department of Public Works"

There is hereby established in the Town of New Scotland, Albany County, New York, a Department of Public Works. The Department of Public Works shall have jurisdiction and responsibility for the operation, performance and management of such Town functions and operations as the Town Board shall from time to time designate; provided; however, that no duties, powers or responsibilities designated by State law as belonging to the statutory position

of Superintendent of Highways shall be assigned or transferred to the Department of Public Works.

Section V. Commissioner of Public Works

- A. There is hereby created the office of Commissioner of Public Works, who shall be appointed by the Town Board. The Commissioner of Public Works shall be the principal executive officer and administrative head of the Department of Public Works. The Commissioner shall be appointed on the basis of administrative experience and qualifications for the duties of such office and such additional standards as may from time to time be established by resolution of the Town Board. The Commissioner shall have the powers and duties assigned by the Town Board. The Commissioner shall be the head of the Department of Public Works with such powers as shall be necessary for the proper administration of the Department of Public Works consistent with applicable laws. The Commissioner shall serve at the pleasure of the Town Board, and his office shall be in the unclassified civil service.
- B. In the absence of the Commissioner of Public Works, as in the case of the Commissioner's inability to act for any reason, the Supervisor shall, with the consent of the Town Board, have the power to designate a person to act in the Commissioner's behalf and to exercise all of the powers conferred by this chapter.
- C. The Commissioner shall be a resident of the County of Albany.

Section VI. Continuing Responsibility of Special Districts for Payments and Charges

Except as expressly provided in this Local Law, this law shall not in any manner change the present provisions of law in effect in the Town, by reason of any provisions of any state statute or otherwise, relating to the parcels of real property presently responsible for the payment of real property taxes for maintenance, operation and capital cost of any improvement district or other district of the Town. Except as herein expressly provided, all of the charges for the foregoing shall continue to be assessed in the same manner as if this chapter had not been adopted, and the bookkeeping procedures of the Department of Public Works shall be adjusted to accommodate the provisions for tax payments for such items in the same manner as if all of the items were being performed by individual departments, districts or agencies of the Town. Except as otherwise specifically provided in this chapter, all costs and expenses lawfully incurred by the Department of Public Works on behalf of any special district or improvement or other district agency of the Town or on behalf of any special Town project shall be charged against such district or project and paid from the funds duly appropriated for the purpose of such district or project.

Section VII. Status of Employees

The employees of the Town performing functions which are hereby transferred to the Department of Public Works, shall be continued as employees of the Department of Public Works with the same classification, salary, benefits, pensions and retirement rights and privileges as they had immediately prior to such transfer. The Town Board shall have the right to hire, fire and discipline employees in the Department of Public Works.

Section VIII. Powers of Town Board

- A. Except as herein specifically provided, nothing herein contained shall be construed to delegate or transfer any power of the Town Board as provided by the New York State Town Law or by the New York State Municipal Home Rule Law or other powers which may be lawfully exercised by said Board.
- B. The Town Board shall establish or set the rates for fees for services rendered by the Department of Public Works.

Section IX. Powers of Town Supervisor/Superintendent of Highways

Nothing herein contained shall be construed to delegate or transfer any power of the Town Supervisor contained in the New York State Town Law or any other powers which may be lawfully exercised by said Supervisor or otherwise curtail, abolish or transfer the statutory duties of the Town Supervisor. Nothing herein shall be construed to delegate or transfer any of the statutory powers of the Town Highway Superintendent to the Commissioner of Public Works, or otherwise curtail, abolish or transfer the statutory duties of the Town Highway Superintendent.

Section X. Oath of Office

Before entering upon the duties of the office, the Commissioner of Public Works shall take and file with the Town Clerk an oath of office.

Section XI. Severability

If any word, phrase or part of this law shall be declared invalid or unconstitutional, the same shall be severed and separate from the remainder of the law, and said remainder shall continue in full force and effect.

Section XII. Effective Date

This local law shall be effective upon filing with the Secretary of State.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the Town of New Scotland was duly passed by the _____ on _____ 20____, and was (approved) (not approved) (repassed after disapproval) by the _____ on _____ 20____.

Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____, 20____, in accordance with the applicable provisions of law.

5. (City local law concerning Charter revision proposed by petition.)

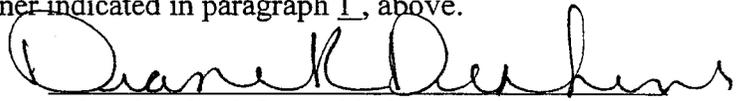
I hereby certify that the local law annexed hereto, designated as local law No. ____ of 20 ____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____, 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. ____ of 20 ____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November ____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1, above.


New Scotland Town Clerk

(Seal)

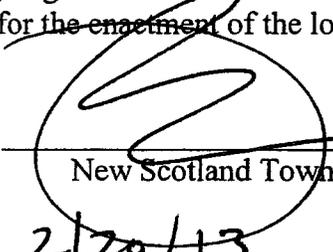
Date: 2/19/13

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF ALBANY

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Signature


New Scotland Town Attorney

Date:

2/20/13

Young / Sommer LLC

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RECEIVED

FEB 21 2013

TOWN CLERK

Writer's Telephone Extension: 244
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February 20, 2013

State Records and Law Bureau
Department of State
41 State Street
Albany, New York 12231

Re: Town of New Scotland - Local Law No. 2 of the Year 2013

Dear Sir or Madam:

Please find enclosed for filing the original Local Law No. 2 of the Year 2013 of the Town of New Scotland which was adopted by the Town Board on February 13, 2013 and entitled:

“Town of New Scotland Local Law 2 of the Year 2013 – A local law creating a Department of Public Works and a Commissioner of Public Works”

Please date stamp the duplicate copy of this letter and the Local Law and return them in the enclosed envelope. Thank you for your courtesy and cooperation. If you have any questions, please feel free to contact the undersigned.

Very truly yours,

YOUNG/SOMMER LLC

J. Michael Naughton

JMN/las
Enclosure

cc: Hon. Thomas Dolin
Diane Deschenes, Clerk