

ROLES AND RESPONSIBILITIES OF TOWN BOARDS AND HIGHWAY SUPERINTENDENTS

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Town Highway Superintendent



- ▣ Town Law, §20 requires towns to have a town highway superintendent
- ▣ Exception:
 - The town may eliminate the office of town highway superintendent by local law subject to permissive referendum, where the town has had an agreement to have another municipality to manage the town road system for at least five years.

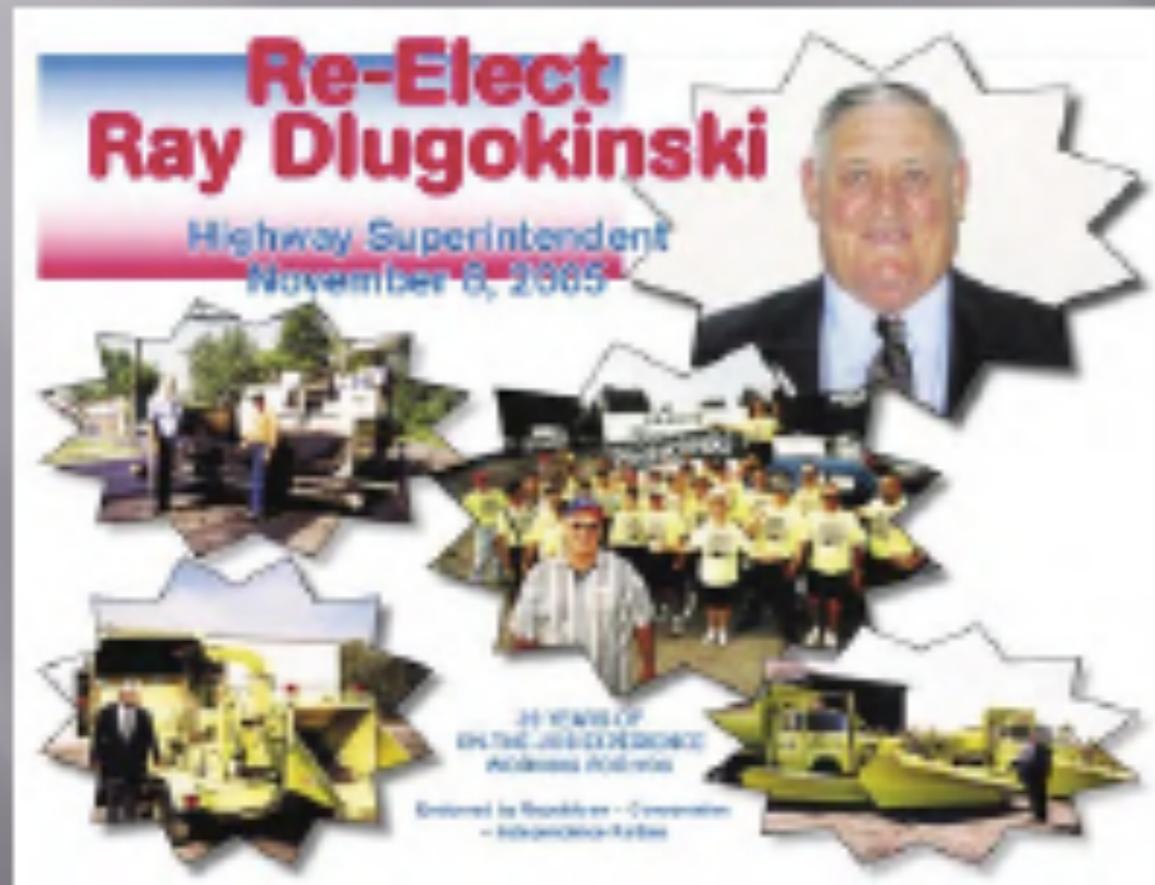
Town Highway Superintendent

- ▣ Highway Superintendent is either elected or appointed
- ▣ Town Law, §20 provides for an elected Town Highway Superintendent
- ▣ Municipal Home Rule Law, §§10; 23 authorizes the town board to adopt a local law, subject to a mandatory referendum, changing the office from elected to appointed.

Town Highway Superintendent

APPROXIMATELY 90%
ARE ELECTED

APPROXIMATELY 10%
ARE APPOINTED



Term of office



Town Law, §24 provides for a two (2) year term of office

Town Board may lengthen term up to four (4) years:

- Resolution subject to mandatory referendum
- Must be adopted at least 150 days prior to the next biennial election (Town Law, §24-a) or
- Local Law subject to a mandatory referendum adopted at least 60 days before the general election (Municipal Home Rule Law, §§10; 23)

Approximately 50% of Towns have extended the term of the Town Highway Superintendent to four (4) years

Qualifications

- The Town Highway Superintendent must, at the time of his election or appointment and throughout his term of office, be an elector (i.e. resident) of the town



Qualifying for office

- Before entering upon the duties of the office, and within 30 days after commencement of their term of office, the Highway Superintendent, whether elected or appointed, must
 - A. Oath of Office
Take and subscribe the constitutional oath of office, which must be filed in the Town Clerk's office; and
 - B. Official Undertaking
Execute and file in the town clerk's office an official undertaking – a bond guaranteeing the faithful performance of the office
- The Town Board must approve the form, amount and the sureties on the undertaking.

Highway Superintendent Salary

- ▣ The Superintendent's salary must be fixed by the Town Board (Town Law §§25, 27)
- ▣ Compensation is a town charge - chargeable to the general fund (Town Law §§ 102, 103; 1966 N.Y. Op. Atty. Gen. No. 55)
- ▣ Local Law, subject to a Mandatory Referendum, required to decrease salary during term of office (Op St Comp No. 2006-5)
- ▣ Local Law subject to a permissive referendum to increase above the amount published in the notice for the hearing on the preliminary budget (Town Law, §27)
- ▣ Town Board can not withhold salary (34 Opns St Comp, 1978 No. 78-974 p 194)

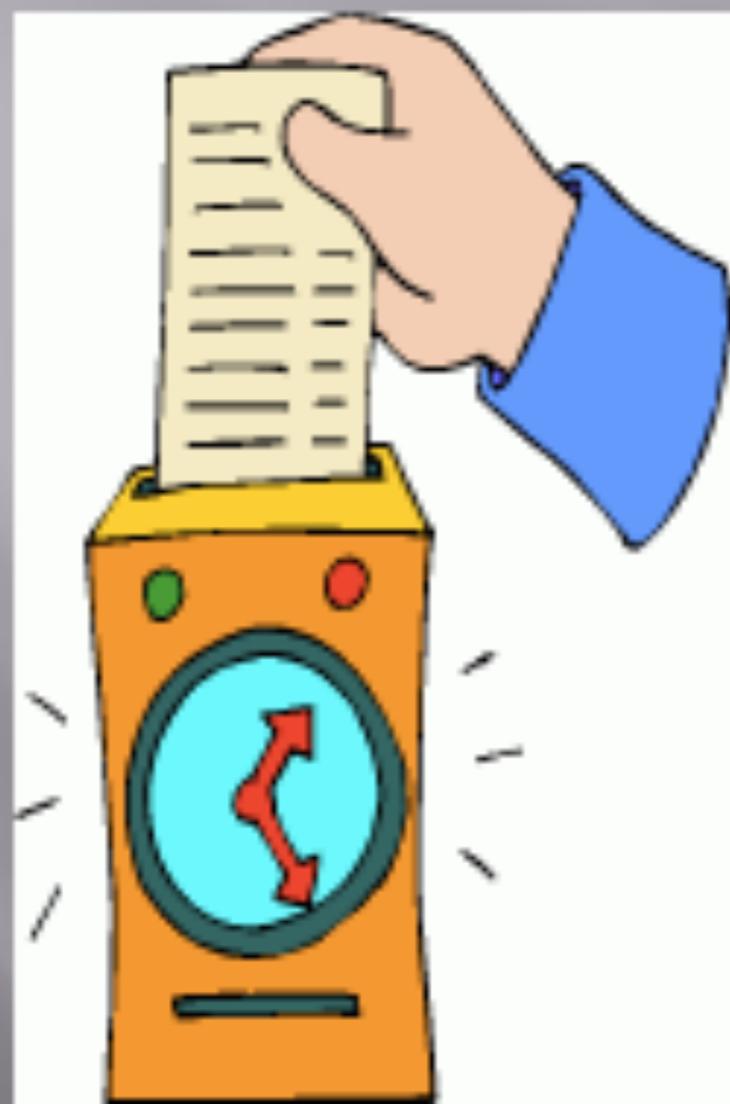


Working Superintendent

- ▣ Town Board cannot require the Elected Highway Superintendent to perform labor related functions (Opns St Comp, No. 81-168)
- ▣ Elected Highway Superintendent can decide to run the department administratively and utilize a Forman to monitor work crews (Opns St Comp, 1981 No. 81-168)



Elected Highway Superintendent



- Not restricted or regulated in the time devoted to official duties (24 Opns St Comp, 1968, p 88)
- Not restricted in the amount of vacation or sick leave taken (24 Opns St Comp, 1968, p 88)
- Does not accrue vacation or sick leave credit to be claimed as payment upon separation from service (24 Opns St Comp, 1968, p 88)
- Not eligible for overtime compensation (Opns St Comp, No. 78-129)
- Cannot be disciplined, suspended or terminated by the Town board (1974 N.Y. Op. Atty. Gen. No. 122)

Appointed Highway Superintendent

- Town Board may set reasonable regular work hours for appointed officials (Opns St Comp, 1980 No. 80-416)
- Town Board may provide paid leave (Opns St Comp, 1980 No. 80-416)
- Town Board may adopt a policy authorizing appointed highway superintendent to receive sick, personal and vacation leave and to cash in unused time for cash upon retirement (Opns St Comp, 1980 No. 80-416)
- Possibly authorized for overtime compensation (Opns St Comp, 1980 No. 80-416)

Authority



- ▣ The Highway Superintendent's authority is derived from state law and town board resolution
- ▣ The only functions that a Highway Superintendent may perform are those expressly or by implication authorized or required by law, regulation or town board resolution (Open St Comp, 1991 No. 91-45)

Highway Superintendent (example, proposed by Town of Ulysses)

DISTINGUISHING FEATURES OF THE CLASS: This is the chief administrative position responsible for planning, directing and supervising the activities and operation of the Highway Department, which include the construction, improvement, repair, care, and maintenance of designated highways, parks, bridges, sidewalks, walkways, sluices, waterways, culverts for drainage, water and sewer systems within the Town. Work is performed in accordance with the policies of the Town Board, and other duties and powers as may be conferred by Town Law, General Municipal Law, Highway Law and Public Officers Law; or the rules and regulations of the Department of Transportation including the powers and duties exercised or performed by highway Commissioners. The Highway Superintendent shall have the duties and powers conferred upon him by law, including Town Law Section 32 and Highway Law section 140. Position requires considerable exercise of independent judgement. The Highway Superintendent has the responsibility for hiring, supervising, and discharging all employees of the department. Attendance at night meetings required. Highway Superintendent is a Town Officer and is appointed by the Town Board for a term commencing the first day of January next succeeding the next biennial town election. Incumbent does related work as required.

TYPICAL WORK ACTIVITIES: (includes but not limited to)

- Directs operations and maintenance of the Highway Department, which includes Highways, Parks, Trails, Water and Sewer operations, Storm Water, Buildings and Grounds;
- Collaborates with Engineer for the Town for technical issues including appointment of technical staff;
- Directs development of the department's capital improvement program and projects for approval;
- Aids in coordination of joint projects with other departments, governments, residents, and agencies;
- Provides leadership in maintaining good and effective public relations related to town facilities;
- Responds to constituents' inquiries related to the infrastructure and Highway Department services;
- Maintains and is responsible for any department petty cash fund approved by the Town;
- Directs management of department records, documents, and equipment;
- Brings action in the name of the town against any person or corporation, to protect and enforce the rights of the public according to law;
- Provides technical assistance to the Town Board and other boards, committees, officials and staff from other departments;
- Monitors compliance with federal, state and town laws, regulations, codes and policies;
- Assists the Town in developing and implementing Town Emergency Plan and Safety Plans; Prepares and maintains annual departmental budget according to the town board guidelines and Town Law;
- Determines personnel requirements and is responsible for the appointment and discharge of staff in compliance with state and local civil service laws and in coordination with the Town Board;
- Assigns, evaluates, disciplines, trains and supervises staff;
- Formulates and implements departmental policies and procedures;

FULL PERFORMANCE KNOWLEDGE, SKILLS, ABILITIES AND PERSONAL CHARACTERISTICS :

- Thorough knowledge of the practices, techniques, tools, equipment, materials and safety precautions of highway construction, snow removal, maintenance and repair;
- Working knowledge and experience as heavy equipment operator, mechanic or construction craft person;
- Ability to plan, organize, and coordinate complex and diverse phases of public works project and programs;
- Ability to compose correspondences, reports, and maintain records;
- Working knowledge of governmental organization and budgetary procedures;
- Knowledge of federal, state, and town laws, regulations, and ordinances;
- Ability to supervise and direct the work of others;
- Ability to read and interpret engineering plans and specification;
- Ability to establish and maintain effective working relationships with other public officials, contractors, engineers, architects, lawyers and the general public;
- Ability to be firm, tactful, courteous and use good judgment;
- Ability to maintain confidentiality;
- Ability to communicate effectively, orally and in writing;
- Ability to understand and carry out complex oral and written instructions;
- Possession of high professional standards, integrity and honesty;
- Ability to use personal computers, and have working knowledge of MS Word and MS Excel;
- Ability to prepare operating budgets; equipment replacement plans and bid specifications;
- Physical condition commensurate with the demands of the position.

SUGGESTED MINIMUM QUALIFICATIONS:

- A.** Graduation from a regionally accredited or New York State registered college or university with a Bachelor's Degree in construction technology, public works, public administration, or a closely related field, and two years of experience in construction technology, public administration, or highway maintenance, or a closely related field, with at least one year being in a supervisory position; OR
- B.** Graduation from a regionally accredited or NYS registered college or university with an associate's degree in construction technology, public works, public administration, or a closely related field, and four years of experience in construction technology, public administration, or highway maintenance, or a closely related field, with at least two years being in a supervisory position; OR
- C.** Graduation from high school or possession of a high school equivalency diploma and seven years of experience in construction technology, public administration, or highway maintenance, or a loosely related field, with at least two years being in a supervisory position; OR

An equivalent combination of training and experience as defined the limits of (A) (B) AND (C) above.

PAY:

Between \$52,000 and \$62,000, commensurate with experience.

SPECIAL NOTES:

- Take and subscribe the constitutional oath of office and file such in either the Town or County Clerk's office, before assuming duties.
- The Highway Superintendent is a public officer and therefore must be a citizen of the United States, pursuant to Section 3.1 of the New York State Public Officers Law.

- Must be a resident of the Town of Ulysses or any town adjoining the Town of Ulysses within six months of appointment and throughout the appointment.
- Filing of the Ethics Disclosure Statement as specified in the Personnel Policy.
- Possession of a valid NYS Driver's license and clear driving record is required and must be maintained during appointment. Class B is required within six months of appointment.
- Responsiveness to Town constituents and Town Board during emergencies and highly pressurized circumstances. Must be available for emergency situations

Town Clerk (example, proposed by Town of Ulysses)

DISTINGUISHING FEATURES OF THE CLASS: This is a major administrative position responsible for planning, supervising and directing the operation of the Town Clerk Department. Work is performed in accordance with the policies of the Town Board and requires considerable exercise of independent judgment especially as it relates to the administration of Town Law, General Municipal Law, Public Officers Law, Real Property Tax Law, and Town of Ulysses local laws and ordinances. Town Clerk shall also have such powers and perform such additional duties as are or may be conferred or imposed upon him/her by law, including Town Law Section 30, and such further duties as the Town Board may determine, not inconsistent with the law. The Town Clerk is a Town Officer and is appointed by the Town Board for a two (2) year term commencing the first day of January next succeeding the next Town election (effective____; TB Resolution____). Attendance at a number of meetings, including evenings, is required. The Town Clerk is authorized to appoint and terminate staff of the department, and prepares and monitors the department budget and Town Clerk and Tax Receiver checking accounts and related work as required.

TYPICAL WORK ACTIVITIES: (Including, but not limited to.)

- Is the custodian of all Town records as the Records Management Officer, and is the Freedom of Information Officer;
- Attends all Town Board meetings and some other meetings when there is a quorum of the Town Board;
- Oversees the transcription of accurate minutes of the Town Board, Planning Board and Zoning Board of Appeals;
- Prepares meeting information and documentation for board members;
- Maintains a bulletin board of notices relating to resolutions, ordinances, local laws, public hearing and referenda;
- Provides professional assistance to citizens and community organizations on matters pertaining to duties and policies of the Town;
- Provides assistance to any and all Town of Ulysses boards, committees and officials;
- Provides leadership in maintaining good and effective public relations;
- Provides leadership and has the primary responsibility for the records management program;
- Oversees and has primary responsibility for the advertisements of legal notices for the Town;
- Issues licenses or permits under Town Ordinances or Local Laws and files local laws adopted by the Town Board with the Secretary of State;
- Maintains a record of all ordinances and local laws passed by the Town Board;
- Issues Licenses and Permits under State Laws;
- Issues Environmental Conservation Law Licenses;
- Issues Marriage and Dog Licenses;
- Issues Parking Permits for disabled persons;
- Provides notification of Vacancies of Office;
- Administers oaths of office as necessary
- Assigns, reviews and evaluates the work of department staff, including appointing and terminating staff; Performs statutory duties related to fiscal functions;
- Collects permit fees and other miscellaneous fees payable to the town;
- Is the Receiver of Taxes in the collection of town and county taxes, water rates, and sewer rentals; Compiles reports and statistical information;
- Makes tax searches for attorneys and property owners;
- Composes routine correspondences and answers information requests;
- Maintains town website;
- Ensures the office of the Town Clerk has service during normal office hours;
- Performs a variety of clerical tasks including coordinating conference room scheduling;
- Performs fiscal accounting in coordination with the Budget Officer.
- Performs duties associated with water district administration

FULL PERFORMANCE KNOWLEDGE, SKILLS, ABILITIES AND PERSONAL CHARACTERISTICS:

Excellent administrative and supervisory skills; therefore, the ability to plan and supervise the work of others;
Working knowledge of personal computers and applicable software;
Working knowledge of electronic records management and indexing;
Ability to establish and maintain productive working relationships with others including residents, other Town staff and board members;
Ability to communicate effectively both orally and in writing;
Ability to follow and understand complex oral and written instructions;
Initiative; integrity; resourcefulness; good judgment; team player;
Ability to apply governmental budgetary principles and practices in preparing the department's operating budget;
Ability to compose correspondence and reports and maintain records;
Ability to maintain confidentiality;
Knowledge of town municipal government highly desirable;
Shows a commitment to continued professional development;
Physical condition commensurate with the demands of the position.

SUGGESTED MINIMUM QUALIFICATIONS:

EITHER:

a. Graduation from a regionally accredited or New York State registered four year college with a Bachelors degree in public or business administration or related field **and** at least two (2) years of full time paid (or the equivalent part-time and or volunteer) experience in public administration or business administration, two years of which must have been in a supervisory capacity; **OR**

b. Graduation from a regionally accredited or New York State registered two year college with an Associates degree in public administration or business administration or related field **and** at least four (4) years of full time paid (or the equivalent part-time and or volunteer) experience in public or business

administration, two years of which must have been in a supervisory capacity; **OR**

c. Graduation from High School or a High School equivalency diploma **with** at least some additional college level business courses, specialized seminars or workshops, **and** at least six (6) years of full time paid (or the equivalent part time and or volunteer) experience in public or business administration, two years of which must have been in a supervisory capacity; **OR**

OR

Any equivalent combination of training and experience as described in (a), (b), or (c) above.

SPECIAL REQUIREMENTS:

- Must be a resident of the Town of Ulysses or contiguous municipality within 6 months of appointment.
- Take and subscribe to the constitutional oath of office, and file such in the Town or County Clerk's office before assuming any duties. (Town Law section 25.)
- File Ethics Policy requirements related to Town of Ulysses Code of Ethics found in the Personnel Policy.
- Notary Public license required within 6 months of appointment.