

1998-5

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE  
162 WASHINGTON AVENUE, ALBANY, NY 12231

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County  
~~City~~ of Chenango  
~~Town~~  
~~Village~~

Local Law No. 5 of the year 1998.

A local law "A County Local Law to Establish a Department of Public Works, and to Merge Therein the Highway Department and the Department of Waste Management"

Be it enacted by the Board of Supervisors of the

County  
~~City~~ of Chenango as follows:  
~~Town~~  
~~Village~~

The Personnel Committee and the Solid Waste Committee offered the following and moved its adoption:

Adopted Chenango County Local Law No. 5 of 1998

A COUNTY LOCAL LAW TO ESTABLISH A DEPARTMENT OF PUBLIC WORKS, AND TO MERGE THEREIN THE HIGHWAY DEPARTMENT AND THE DEPARTMENT OF WASTE MANAGEMENT.

BE IT ENACTED by the Chenango County Board of Supervisors as follows:

Section 1. Department of Public Works Established; Merger of Existing Departments and Transfer of Functions.

(a) There is hereby created and established the Chenango County Department of Public Works which shall have the powers, functions and duties set forth in Section 2 of this local law.

(b) The Chenango County Highway Department and the Chenango County Department of Waste Management are hereby merged into, and the functions, powers and duties of said departments without limitation, is hereby transferred to and become vested in, the Chenango County Department of Public Works.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(c) Chenango County Local Law No. 8 of 1990, which established the Chenango County Department of Waste Management, is hereby repealed.

**Section 2. Functions, Powers and Duties of the Department of Public Works.**

The Chenango County Department of Public Works shall have and exercise such functions, powers and duties as may be prescribed by the Chenango County Board of Supervisors, including but not limited to:

(a) the care, maintenance, supervision, control, construction, reconstruction, repair and improvement of all County roads, highways, bridges, culverts, and activities related to Chenango County roads and highways as provided in the laws of the State of New York including but not limited to Article V of the Highway Law of the State of New York and the regulations promulgated thereunder, and all activities heretofore performed by the Chenango County Highway Department.

(b) the operation, care, maintenance, supervision, control and improvement of the Countywide landfill in Pharsalia, New York, the two County Material Recycling Facility/Transfer Stations in North Norwich and Brisben, New York respectively, and any other County solid waste improvements which may be constructed or established, together with any and all equipment.

(c) the operation and supervision of waste management practices established within Chenango County including but not limited to recycling, source separation, administration and enforcement of County policies, administrative procedures and local laws related to waste management.

**Section 3. Director of Public Works: Qualifications and Duties.**

(a) The position of Director of Public Works is hereby created and such office shall be in the unclassified service of the civil service.

(b) The appointment of a Director of Public Works shall be for a term of six (6) years and shall be made by resolution of the Board of Supervisors, and the person so appointed shall have

such qualifications as the Board of Supervisors may require.

(c) The Director of Public Works shall be the head of the Department of Public Works, and shall have and exercise the authority, direction, general supervision and control over the department, including but not limited to the power and authority to appoint and remove officers and employees of the department and the preparation and administration of the Department budget, all in accordance with law; and such Director shall possess all of the powers and duties of a County Superintendent of Highways as now or hereafter prescribed by law, and such additional and related duties as may be prescribed by general or special law, county local law, or Board of Supervisors resolution.

**Section 4. Deputy Director of Public Works.**

(a) There is hereby created and established an office of Deputy Director of Public Works, which shall be in the exempt class of the civil service.

(b) The Deputy Director of Public Works shall, when and to the extent authorized by the Director of Public Works, have the power and authority to act generally for and in the place of the Director of Public Works.

(c) The appointment of a Deputy Director of Public Works shall be made in writing by the Director of Public Works and the same shall be filed in the Office of the Chenango County Clerk. Any such appointment may be revoked by and in the sole discretion of the Director of Public Works at any time by filing a written revocation of such appointment in the Office of the Chenango County Clerk.

**Section 5. Employees.**

(a) Upon the effective date of this law which establishes the Chenango County Department of Public Works, the employees of the former Chenango County Highway and Chenango County Waste Management Departments shall be transferred to, and be employees of, the Chenango County Department of Public Works.

(b) The Department of Public Works shall have such employees as may from time to time be authorized by the Board of Supervisors and appointed by the Director of Public Works as provided by law.

**Section 6. Construction.**

This local law shall be liberally construed to effectuate the purposes of consolidating, merging and replacing the Chenango County Highway Department and Chenango County Waste Management Department into the Chenango County Public Works Department and all powers, duties and authority heretofore exercised by such departments shall be deemed to continue and be vested in the Chenango County Department of Public Works.

**Section 7. Separability.**

If any clause, sentence, paragraph, subdivision, section or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment, decree or order shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part thereof directly involved in the controversy in which such judgment, decree or order shall have been rendered, and the remainder of this local law shall not be affected thereby and shall remain in full force and effect.

**Section 8. Effective Date.**

This local law shall take effect 12:01 A.M. on January 1st, 1999, subject to the filing requirements of the Municipal Home Rule Law.

Seconded by Mrs. Natoli

Results of a roll call vote were: Yes-2,099, No-0, Absent-166

Absent: Supervisor Dolan

The Chairman declared the Local Law duly adopted.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 5 of 1998... of the (County)(City)(Town)(Village) of Chenango was duly passed by the Board of Supervisors on December 14 19 98, in accordance with the applicable provisions of law. (Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer\*.)

I hereby certify that the local law annexed hereto, designated as local law No. of 19... of the (County)(City)(Town)(Village) of was duly passed by the on 19 , and was (approved)(not approved)(repassed after disapproval) by the (Elective Chief Executive Officer\*) and was deemed duly adopted on 19... in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. of 19... of the (County)(City)(Town)(Village) of was duly passed by the on 19 , and was (approved)(not approved)(repassed after disapproval) by the (Elective Chief Executive Officer\*) on 19... Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on 19... in accordance with the applicable provisions of law.

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 19... of the (County)(City)(Town)(Village) of was duly passed by the on 19 , and was (approved)(not approved)(repassed after disapproval) by the (Elective Chief Executive Officer\*) on 19... Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of 19... in accordance with the applicable provisions of law.

\* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

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

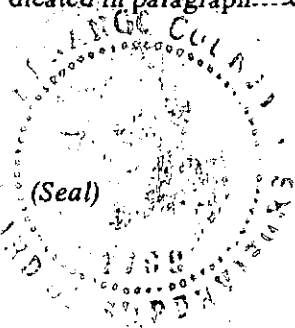
I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 19\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_ 19\_\_\_\_, 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 19\_\_\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 19\_\_\_\_, 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 \_\_\_\_\_, above.



[Signature]  
Clerk of the County legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: December 17, 1998

(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 Chenango

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.

Richard W. Burt  
Signature  
Chenango County Attorney  
Title

County  
City of Chenango  
TOWN  
Village

Date: December 17, 1998

Chenango County, SS  
Recorded on this 17th Day  
of December 98 at 2:57  
o'clock P.M.  
Local Laws  
at Page 266 examined  
Mary C. ... Clerk