

(Please Use this Form for Filing your Local Law with the Secretary of State)

Text of law should be given as amended. Do not use brackets for matter to be eliminated and do not use italics for new matter.

County
~~City~~ of Montgomery
~~Town~~
~~Village~~

Local Law ~~No.~~ Print No. 1 of the year 19 64
Intro. No. 2

A local law "A Local Law establishing a department of Highways and prescribing
(Insert title)
the powers and duties thereof, pursuant to section ten of the Municipal
Home Rule Law of the State of New York"

Be it enacted by the Board of Supervisors of the
(Name of Legislative Body)

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

SECTION 1. For the purpose of carrying out the provisions of the Highway Law in respect to the construction and maintenance of highways, roads and bridges and the control of snow and ice thereon within the County, there is hereby established a department of county government to be known as the department of highways of the County of Montgomery.

SECTION 2. The head of said department shall be the county superintendent of highways, appointed pursuant to the provisions of section one hundred of the Highway Law, whose salary shall be fixed by the board of supervisors of the County of Montgomery, payable by the County Treasurer in semi-monthly installments, and who shall be paid in addition thereto the actual and necessary expenses incurred in the performance of his official duties, including a mileage allowance for the miles actually and necessarily traveled on official business by the use of his own automobile as fixed by said board, upon the audit of duly verified claims therefor by said board. Said board of supervisors may remove such county superintendent of highways for malfesance or misfesance in office upon written charges, after an opportunity to be heard not less than five days after the service upon such superintendent of highways of a copy of such charges.

(If additional space is needed, please attach sheets of the same size as this and number each)

SECTION 3. The term of office of such county superintendent of highways shall be four years, unless sooner removed by the board of supervisors as above provided, or by the department of public works as provided in the Highway Law. A vacancy in the office of county superintendent of highways shall be filled by the board of supervisors for the unexpired term as prescribed by law.

SECTION 4. The county superintendent of highways shall have and perform all of the powers and duties conferred on county superintendents of highways by the Highway Law, the General Municipal Law, the Vehicle and Traffic Law, and any other general or special law, and shall perform such additional and related duties as may be prescribed and directed by the board of supervisors of the County of Montgomery. He shall have the supervision and control of all persons employed in the department of highways.

SECTION 5. The county superintendent of highways may appoint qualified persons to the positions of employment established from time to time by the board of supervisors of the County of Montgomery for the department of highways, including these persons who have heretofore held positions of the same grade by employment of the county superintendent of highways, and who are now qualified for such positions under the Civil Service Law, and such appointments shall be deemed a continuation of the services of said persons in said respective positions.

SECTION 6. The county superintendent shall have the power to remove departmental employees under the procedure set forth in Civil Service Law, Section 75.

SECTION 7. The county superintendent of highways, with the approval of the board of supervisors of the County of Montgomery, may appoint for a term not extending beyond the term of office of said county superintendent of highways and at pleasure remove, one of the principal engineers employed in the department of highways, deputy county superintendent of highways, to serve

without additional compensation. Such deputy shall act for and have all the powers and duties of such county superintendent of highways during his inability to act as such county superintendent of highways, or during the regular or approved vacation period of such county superintendent of highways.

SECTION 8. Subject to the written approval of the highway committee of the board of supervisors of the County of Montgomery, the county superintendent of highways shall within the amount appropriated for that purpose, appoint and employ such other persons as may be necessary for the construction and maintenance of county roads and bridges and the control of snow and ice thereon and the maintenance of the county garage, and fix the salary and compensation of such employees.

SECTION 9. The county superintendent of highways may procure at the expense of the County of Montgomery a blanket undertaking from any duly authorized corporate surety covering the officers, clerks and employees in the department of highways indemnifying the County of Montgomery against losses through the failure of the officers, clerks and employees covered thereunder faithfully to perform their duties, or to account properly for all moneys or property received by virtue of their positions or employment.

SECTION 10. The county superintendent of highways, with the approval of the highway committee of the board of supervisors of the County of Montgomery, may adopt rules and regulations, not inconsistent with law, for the conduct of the affairs and business of the department of highways.

SECTION 11. This Local Law shall take effect when filed in the office of the Secretary of State.

ash on Hand July 31, 1964 3,854.49
\$17,860.98

of Public Welfare and the Mont. County Treasurer were dis-
and will appear in the August report under Disbursements.

Respectfully submitted,
Montgomery County Probation Dept.
BURDETT L. FICK,
Probation Officer In Charge

or Krupczak that the report be received, adopted, spread on
ceedings and filed.
sor Pitcher.

Montgomery
OF HISTORY
HIVES
House
N. Y.
1964
visors
ounty Department
es collected in fees
uly 31, 1964, forty-
enty cents (\$47.70),
en turned over to

Supervisors of the Counties of Mont-
gomery, Fulton, Schenectady, Albany
and Rensselaer.

AYES: Alderman, Campbell, Koziol,
McGrattan, Rutkowski, Sardonina, Sliva
and Swart.

NOES: Alderman, Waterstreet.

ADOPTED, July 7, 1964

Motion by Supervisor Krupczak that
the report be received, adopted, spread
on minutes, printed in proceedings and
filed.

RESOLUTION NO. 164

Resolution Adopting Local Law, In-
troductory No. 2, Print No. 1 for
the Year 1964 for Montgomery
County.

WHEREAS, on July 14, 1964, a pro-
posed Local Law for the County of
Montgomery entitled "A Local Law es-
tablishing a department of Highways
and prescribing the powers and duties
thereof, pursuant to section ten of the
Municipal Home Rule Law of the State
of New York", was presented to the
Board of Supervisors for consideration,
and

WHEREAS, on the 14th day of July,
1964 a resolution was adopted authoriz-
ing and directing a public hearing to be
held by this Board of Supervisors on
the 11th day of August, 1964 at 3:00
P.M. at the Supervisors' Chambers in
the Old Court House in the Village of
Fonda, New York, and

WHEREAS, notice of such hearing on
such proposed Local Law was duly pub-
lished as required by law and the said
hearing having been duly held on the
11th day of August, 1964, at the time
and place appointed, and the Board of
Supervisors having filed its minutes of
said hearing.

NOW, THEREFORE, be it, and it
hereby is

RESOLVED, that said Local Law
known as Local Law, Introductory No.
2, Print No. 1 for the year 1964, and
titled "A Local Law establishing a de-
partment of Highways and prescribing
the powers and duties thereof, pursuant
to section ten of the Municipal Home
Rule Law of the State of New York",

be and it hereby is adopted and approv-
ed, and it is further

RESOLVED, that the Clerk of the
Board of Supervisors of Montgomery
County be and he hereby is authorized,
empowered and directed to file one
certified copy thereof with the County
Clerk of Montgomery County, two certi-
fied copies thereof in the office of the
State Comptroller and three certified
copies thereof in the office of the Sec-
retary of the State of New York.

Seconded by Supervisor Dimond and
duly adopted upon roll call, all members
present (18) voting aye.

Dated: Fonda, N. Y., August 11, 1964.

JOSEPH DYLONG
Clerk, Board of Supervisors
GENE L. CATENA
County Attorney

RESOLUTION NO. 165

Resolution Appointing John A. Pepe
Montgomery County Superintendent
of Highways Pursuant to Local
Law No. 2 for the Year 1964.

Resolution by Supervisor Sandy:

RESOLVED, that pursuant to Local
Law No. 2 for the year 1964 adopted by
this Board of Supervisors on August
11, 1964, and entitled "A Local Law
establishing a Department of Highways
and prescribing the powers and duties
thereof, pursuant to Section Ten of the
Municipal Home Rule Law of the State
of New York", John A. Pepe, presently
serving as the Acting Superintendent of
Highways of Montgomery County, be and
he hereby is appointed Montgomery
County Superintendent of Highways
under and pursuant to the terms and
provisions of the said Local Law, com-
mencing from the date hereof to Decem-
ber 31, 1964, at his present salary of
\$10,050.00, to be paid in equal monthly
installments by the County Treasurer of
Montgomery County.

Seconded by Supervisor Dimond and
duly adopted upon roll call, all members
present (18) voting aye.

Dated: Fonda, N. Y., August 11, 1964.

JOSEPH DYLONG
Clerk, Board of Supervisors
GENE L. CATENA
County Attorney
cc: John A. Pepe
County Treasurer

Approved by the Highway Committee,
Fonda, N. Y., August 11, 1964.

LEWIS D. SANDY,
Chairman
FRANCIS G. DIMOND
PHILO WALRATH
CURTIS S. NELLIS
MAYLON LUFT

Approved by Finance Committee, Fon-
da, N. Y., August 11, 1964.

MAYLON LUFT,
Chairman
SAMUEL H. ANDERSON
LEWIS D. SANDY
CURTIS S. NELLIS
JOSEPH P. BIENIEK

County of Mont-
DEPARTMENT OF
Fonda, N. Y.
August 3, 1964

Hon. Gene L. Catena
Montgomery County Attor-
ney
77 E. Main Street
Amsterdam, New York

Dear Gene:
It will be greatly appri-
ated if you would prepare a resolution
to be adopted by the Board of Super-
visors on August 11, 1964 meet-
ing at the Town of Mohawk
County, New York, to
lease certain land
from, sand, gravel and st-
one needed for county high-
ways. The lands are owned by
the Town of Mohawk, Mont-
gomery County, New York.

Because of the scarcit-
of gravel in certain sections
of the county, I have felt for some-
time that it is necessary for a
county owned or leased sand
and gravel pit. I have
inspected the lands with
the Highway Committee
and find the quality and
quantity of sand and gravel
located on our county owned stone
quarries operated sand and gravel
pits to be an asset and money
saver to the county.

It is my recommendati-
on that a contract be prepared
with Mr. Nare. I have
attached a description of the lands
and conditions satisfactory
to Nare, and the Highway
Committee which are to be part of
the contract.

If you are in need of more
information regarding this matter, do
not hesitate to ask.

Very truly yours,
John A. Pepe
County Highway
Commissioner
County of Mon-

RESOLUTION NO. 166

Resolution Authorizing Clerk
of Board of Supervisors
Lease Agreement with

Resolution by Supervisor
SANDY:
WHEREAS, John A.
Pepe, Superintendent of High-
ways of Montgomery County, has re-
cently acquired by lease of cer-
tain land in the Town of Mon-
tgomery County and own-
ing the same to Nare for the purpose of
obtaining sand, gravel, fill ma-
terial for highway purpos-
es.

WHEREAS, in the
opinion of the said John A.
Pepe, the acquisition of this
land for the purpose of this
County of Montgomery for
otherwise, and

WHEREAS, the said John A.
Pepe has offered to execute a lease
agreement for a period of five
years with a renewal clause for
five (5) years at an ann-

IN JESUS NA