

LOCAL LAW No. 2

A local law establishing a department of public works and prescribing the powers and duties thereof, pursuant to section ten of the Municipal Home Rule Law of the state of New York.

Became a law November 12, 1969. Passed by the local legislative body of the county of Montgomery. Filed in the office of the secretary of state November 17, 1969.

Be it enacted by the board of supervisors of the county of Montgomery as follows:

Section 1. **Powers and duties.** The commissioner of public works shall:

(a) Have all the powers and duties of a county engineer and a county superintendent of highways pursuant to the Highway Law or other applicable law.

(b) Have charge and supervision of the design, construction and alterations of the county buildings, parking fields, drives, walks, docks, marinas, parks and recreational facilities, preserves, beaches, erosion or reforestation projects, and such other structures and facilities in the nature of public works under the jurisdiction of the county.

(c) Have charge and supervision of maintenance, repair and alterations of buildings owned or leased by the county, parking fields, drives, walks, docks, marinas, parks and recreational facilities, preserves, beaches and other lands and structures and facilities in the nature of public works under the jurisdiction of the county, including custodial care.

(d) Have such powers and duties in relation to county facilities for drainage, flood control, sanitation, sewerage, small water sheds or water supply.

(e) Furnish engineering and other services to the board of supervisors, the department of planning, if any, and when directed by the board of supervisors to the other county departments.

(f) Have charge of and have the duty of performing such other functions concerning county property, public works and other matters as the board of supervisors, from time to time, may direct.

§ 2. Divisions of the department. (a) There shall be the following divisions within the department of public works; division of highways, bridges and structures; division of buildings and grounds; division of engineering; division of reforestation and such other division or divisions as may be created within the department by local law or resolution of the board of supervisors. The commissioner may appoint and assign a deputy to each division who shall act for and on behalf of the commissioner with respect to such division. It shall be the duty of each division head while holding such position to carry out the function of such division as provided by local law or by directives of the commissioner. Such division head shall be subject to reassignment or transfer by the commissioner to other duties within the department.

(b) The commissioner of public works may delegate to one or more of his deputies specific powers and duties of the commissioner of public works, including those which he has as a county engineer or as a county superintendent of highways, and may revoke such delegations. Such delegations and revocations shall be in writing and shall set forth the specific power or powers, duty or duties so delegated or revoked. Such written delegations or revocations shall be filed with the clerk of the board of supervisors and if powers or duties so delegated or revoked are those which the commissioner of public works has as a county engineer or as a county superintendent of highways, a duplicate of such written delegation or revocation shall be filed with the state superintendent of public works. The acts performed by such deputies pursuant to such delegations shall have the same effect in law as if performed by the commissioner of public works.

(c) Within the appropriations provided therefor, and when authorized by the board of supervisors, the commissioner of public works may employ such special engineering, architectural or other technical consultant services and incur such expenses as may be necessary for the performance of any of the duties of his office.

(d) The commissioner of public works and any consultant, deputy, assistant or employee of the department when authorized by him may enter upon any public or private lands within the county for the purpose of making any surveys, examinations or investigations necessary or desirable for the exercise of the powers or the performance of the duties of the department.

(e) The commissioner of public works may contract, subject to the approval of the board of supervisors, with any municipal, dis-

trict or public benefit corporation for public works services. The costs and expenses incurred as well as charges for central facilities and administrative services relating thereto shall be borne proportionately by each such contracting party as agreed upon.

§ 3. **Division of highways, bridges and structures.** (a) The division of highways, bridges and structures shall be headed by a deputy commissioner who shall be appointed on the basis of his experience in highway construction and maintenance and who shall, to the extent that the commissioner of public works shall designate the same in writing, have all the powers and duties vested in and imposed upon a county superintendent of highways or a county engineer by law. He shall have such other duties as may be prescribed by local law, ordinance or resolution of the board of supervisors or by direction of the commissioner of public works.

(b) Except as the provisions of the Highway Law conflict, such provisions shall apply to and define the powers, duties and obligations to the commissioner of public works, or of his designated deputy, when exercising any of the powers or performing any of the duties of a county superintendent of highways or a county engineer.

(c) The statements and reports required to be filed with the New York State department of public works by the Highway Law shall also be filed with the board of supervisors.

(d) The commissioner of public works may with the approval of the board of supervisors, permit the rental, with or without operator, of or by or from another county or by or from any municipal, district or public benefit corporation, upon such terms as may be agreed upon, but with the payment to the county of not less than the hourly rate as fixed by the New York State superintendent of public works for the rental or hiring of such machinery, tools or equipment with or without operator by the county. All sums obtained by the county pursuant to any terms agreed upon shall be deposited in the county road machinery fund.

§ 4. **Division of buildings and grounds.** (a) The division of buildings and grounds shall be headed by a deputy commissioner who shall be appointed on the basis of his administrative experience and his qualifications for the duties of his office. Such deputy commissioner shall:

(1) Have charge of the necessary preservation, maintenance and repair of all buildings and grounds owned or leased by the county which are held, used and/or operated by the county for county purposes, except (a) lands and buildings under the jurisdiction of the division of highways, bridges and structures; the division of parks and recreation, if any; the department of airport and (b) custodial care of the technical institute, jail or penitentiary, if any; the department of airport.

(2) Have charge and control of all janitors, caretakers, engineers and any other employees connected with the care and maintenance of county buildings and grounds except as otherwise provided in this section. He may make such rules and regulations

governing such employees as he shall deem proper, subject to the approval of the commissioner of public works.

(3) Perform such other duties and make such reports as are required by the commissioner of public works.

§ 5. **Division of engineering.** (a) The division of engineering shall be headed by a deputy commissioner who shall be appointed on the basis of his administrative experience and his qualifications for the duties of his office. He shall be eligible to be licensed by the state of New York to practice professional engineering.

(b) Such deputy commissioner shall (1) have charge and supervision of all officers and employees of the department of public works performing professional engineering, surveying and related engineering services for the county except division heads of said department; (2) upon the request of the commissioner of public works, assign such officers and employees from the division of engineering as may be needed by other divisions of the department of public works to work on projects designated by such commissioner; (3) upon the request of the board of supervisors, perform such professional engineering, surveying and related engineering services as may be required by other county administrative units; (4) oversee and supervise the design and construction of all county capital projects of every name and nature. The authority and responsibility of such deputy commissioner to oversee and supervise the design and construction of all county capital projects of every name and nature is and shall be deemed to be a part of any contract entered into by the county or any of its administrative units or authorized agencies, including but not limited to, contracts entered into by the department of public works and/or any other administrative unit of the county with any other governmental unit, private contractor or any combination thereof.

(c) Such deputy commissioner shall perform such other related duties and make such reports as are required by the commissioner of public works.

§ 6. **Division of reforestation.** (a) The division of reforestation shall be headed by a deputy commissioner who shall be appointed on the basis of his administrative experience and the qualifications for the duties of his office.

(b) Such deputy commissioner shall have charge of and exercise such duties and obligations with respect to county forests, reforestation, landscaping, fish, wildlife, and other kindred activities. He shall consult with and advise the commissioner of public works and any division under same and when directed by the commissioner of public works, any other county administrative unit, or authorized agency requesting his service in the selection, planting, care and maintenance of trees, shrubbery and plantings on any property owned or operated by the county.

§ 7. **Rules, regulations and charges.** (a) Except as otherwise provided, the board of supervisors shall have the power by resolution or ordinance to establish such charges, rules and regulations

as may be formulated and recommended to such board by the commissioner of public works, to provide for use by the public of facilities under the jurisdiction of the department of public works, and to provide for the enforcement thereof. Any such rules, regulations or charges so established shall become valid upon their being filed with the clerk of the board of supervisors and the commissioner of public works.

(b) The commissioner of public works may make such other rules and regulations necessary or desirable for the conduct of his office which shall become valid upon their being filed with th3* board of supervisors.

§ 8. This local law shall take effect as of January first, nineteen hundred seventy.

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a considerable amount of State-local government coordination in connection with the proposed Susquehanna Expressway, you may already be familiar with the project. However, the views of contact agencies are formally being solicited by the State Department of Transportation.

It is not necessary for you or your organization, whichever the case may be, to take a position for or against a particular location alternate; rather the Department seeks the advice and expertise of other organizations to determine the positive or negative impacts of different alternatives upon the environment and the area's needs.

A reply to this office stating your views and comments on the proposed Interstate project is requested by December 1, 1969. It is recognized that the time allowed for your review is somewhat less than would normally be desirable, due to the necessity for meeting the time limit for completion of the Interstate System as established by Federal regulations.

A "Notice of Opportunity for a Corridor Public Hearing" for the portion of Interstate Route 88 within your area was published in local newspapers early in September. A copy of the text of this notice is enclosed.

Very truly yours,
 D. H. Ruddy
 Dist. Planning Engineer

RESOLUTION NO. 279
 Resolution Relating to Claims and Audits.

Resolution by Supervisor Mead:
 RESOLVED, that the reports of the several committees of this Board of Supervisors in relation to claims under their jurisdiction which were allowed either in full or in part or disallowed by said committee at this meeting of the Board of Supervisors be received, adopted, spread on the minutes of this meeting and printed in the proceedings of this Board; and that the amounts allowed in said reports to the various claimants therein named be and the same hereby are, ordered paid.

Seconded by Supervisor Bien and duly adopted upon roll call, all members present (16) voting aye.

Absent 2 - Supervisors Bush and Luft.
 Dated: Fonda, N.Y., November 12, 1969.

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

RESOLUTION NO. 280
 Resolution Adopting Local Law, Introductory No. 1, Print No. 1, for the Year 1969, for the County of Montgomery.

Resolution by Supervisor Walrath:
 WHEREAS, on October 29, 1969, a proposed local law for the County of Montgomery, entitled "A local law repealing local law No. 2 of the year 1964 establishing a department of highways," was presented to the Board of Supervisors for consideration, and

WHEREAS, on the 29th day of October, 1969, a resolution was adopted authorizing and directing a public hearing to be held by this Board of Supervisors on the 12th day of November, 1969, at 2:00 P.M., at the New County Office Building, Fonda, N.Y., in the Supervisors' Chambers, and

WHEREAS, notice of such hearing on such proposed local law was duly published as required by law and the said hearing having been duly held on the 12th day of November, 1969, 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. 1, Print No. 1, for the year 1969, entitled "A local law repealing local law No. 2 of the year 1964 establishing a department of highways," be, and it hereby is, adopted and approved, 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 the County of Montgomery, one certified copy thereof in the office of the State Comptroller and three certified copies thereof in the office of the Secretary of the State of New York.

Seconded by Supervisor Mead and duly adopted upon roll call, all members present (16) voting aye.

Absent 2 - Supervisors Bush and Luft.
 Dated: Fonda, N.Y., November 12, 1969.

JOSEPH DYLONG
 Clerk, Board of Supervisors
 GENE L. CATENA
 County Attorney
 cc: County Treasurer
 County Clerk
 State Comptroller
 Secretary of State (3)

RESOLUTION NO. 281
 Resolution Adopting Local Law, Introductory No. 2, Print No. 1 of the Year 1969 for the County of Montgomery.

Resolution by Supervisor Walrath:
 WHEREAS, on October 29, 1969, a proposed local law for the County of Montgomery, entitled "A local law establishing a department of public works 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 29th day of October, 1969, a resolution was adopted authorizing and directing a public hearing to be held by this Board of Supervisors on the 12th day of November, 1969, at 2:00 P.M. at the New County Office Building, Fonda, N.Y., in the Supervisors' Chambers, and

WHEREAS, notice of such hearing on such proposed local law was duly published as required by law and the said hearing having been duly held on the 12th day of November, 1969, 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 of the year 1969, entitled, "A local law establishing a department of public works 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 approved, 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 the County of Montgomery, one certified copy thereof in the office of the State Comptroller and three certified copies thereof in the office of the Secretary of the State of New York.

Seconded by Supervisor Mead and duly adopted upon roll call, all members present (16) voting aye.

Absent 2 - Supervisors Bush and Luft.

Dated: Fonda, N.Y., November 12, 1969.

JOSEPH DYLONG

Clerk, Board of Supervisors

GENE L. CATENA
County Attorney

cc: County Treasurer
County Clerk
State Comptroller
Secretary of State (3)

RESOLUTION NO. 282

Resolution Approving Expenditures for Susquehanna Expressway Hearing Testimony.

Resolution by Supervisor Pitcher:

WHEREAS, it is in the public interest that Montgomery County develop an arterial highway network which would considerably increase its surface transportation capabilities with regard to the northeastern region of the United States more specifically with Saratoga Springs, the state of Maine, Binghamton and Washington, and

WHEREAS, early in 1970 a public hearing will be held by the New York State Department of Transportation concerning the proposed Binghamton-Albany Susquehanna Expressway, and

WHEREAS, it is in the public interest that Montgomery County substantially participate at this public hearing since the said Susquehanna Expressway is directly related to the aforementioned major arterial network, and

WHEREAS, said testimony should be based on substantial research and presented at the public hearing with proper large-scale graphics, and

WHEREAS, such a study would continue to be of benefit to the County after the public hearing, and

WHEREAS, this Board of Supervisors has publicly acclaimed its concern relative to the proposed Susquehanna Expressway on September 16, 1969 by Resolution No. 233, and

WHEREAS, the Department of Planning and Development does not have

the technical staff nor the graphics and report producing capabilities to produce the desired results in the limited time available.

NOW, THEREFORE, be it and it hereby is

RESOLVED, that the Commissioner of Planning and Development is hereby authorized to negotiate an agreement with a qualified consultant not to exceed \$7,000.00, said agreement to require the consultant to perform satisfactory services in accord with the foregoing and consisting generally of (a) basic required research, (b) proper analysis, (c) proper graphics and (d) written report, and it is further

RESOLVED, that the Chairman of this Board is hereby authorized and directed to sign the aforementioned agreement upon the approval of the Montgomery County Planning Board, and it is further

RESOLVED, that the following budget item transfer be made:

\$7,000.00	FROM	
290 County		650 Contingent
General		Fund General
	TO	
73 Planning		400 Other
Department		Expenses

and it is further

RESOLVED, that the Montgomery County Treasurer be, and he hereby is, authorized to pay as directed upon proper vouchers approved and certified for services rendered.

Seconded by Supervisor Dybas and duly adopted upon roll call, all members present (16) voting aye.

Absent 2 - Supervisors Bush and Luft.

Dated: Fonda, N.Y., November 12, 1969.

JOSEPH DYLONG

Clerk, Board of Supervisors

GENE L. CATENA
County Attorney

cc: County Treasurer
Glenn Mathiasen

Approved by the Finance Committee,
Fonda, N.Y., November 12, 1969.

RALPH PITCHER,

Chairman

MICHAEL SAGARESE
RAYMOND J. DYBAS
HAROLD L. PHILBROOK
CURTIS S. NELLIS
WALDEMAR S. RAYMOND

RESOLUTION NO. 283

Resolution Assuming Responsibility for Home Relief in the City of Amsterdam, New York.

Resolution by Supervisor Philbrook:

RESOLVED, that pursuant to Section 72 of the Social Services Law of the State of New York, this Board of Supervisors hereby assumes full responsibility for Home Relief heretofore the responsibility of the City of Amsterdam, and hereby directs that the cost of assistance and care of said Home Relief for which the said City of Amsterdam has been responsible shall be a charge in the Montgomery County Public Welfare District, effective as of January 1, 1970, and it is further

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