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LOCAL LAW No. 3

A local law amending local law number two of the county of Montgomery for the year nineteen hundred sixty-nine, 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 December 17, 1969. Passed by the local legislative body of the county of Montgomery. Filed in the office of the secretary of state January 2, 1970.

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

Section 1. Local law number two for the year nineteen hundred sixty-nine of this county 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" is hereby amended to read as follows:

There shall be a department of public works, the head of which shall be the commissioner of public works, who shall be appointed on the basis of his administrative experience and qualifications for the duties of the office. Such commissioner shall be appointed for a five (5) year term by the board of supervisors of the county of Montgomery. On January first, nineteen hundred seventy, the office of county superintendent of highways and of county engineer, if any, shall be abolished and the powers and duties of such office shall devolve upon the department of public works.

§ 2. 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.

* So in original.

(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.

§ 3. **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, district 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.

§ 4. **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.

* So in original.

§ 5. **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.

§ 6. **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.

§ 7. **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.

§ 8. **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 the board of supervisors.

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

Law 3

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**DECEMBER
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The Board was called to order at 7:30 p.m. Chairman George E. Willis gave the salute to the flag. Roll call; all members present. Supervisors George E. Willis and Francis G. ...

The hearing on the proposed local law entitled "a local law No. 2 of the year 1969 for the year 1969" for the year 1969. The Board of Supervisors of Montgomery County, New York, is authorized to publish the powers and duties of the Board of Supervisors pursuant to Section ten of the Municipal Home Rule Law of the State of New York. The hearing was opened by Supervisor ...

**MONTGOMERY COUNTY
BOARD OF SUPERVISORS**
Joseph Dylong, Clerk
18 Harrison Avenue
Amsterdam, New York

December 13, 1969

Members of the Board of Supervisors:
Pursuant to the call of Chairman George E. Willis, I am instructed to call a SPECIAL MEETING of the Board of Supervisors WEDNESDAY, DECEMBER 17, 1969 at 7:30 p.m. in the Supervisors Chambers, County Office Building, Fonda, New York.

The purpose of the meeting is to hold a public hearing at 7:30 p.m. on the proposed local law entitled "A local law fixing the salary of the Montgomery County Treasurer." A second public hearing will be held at 8:00 p.m. on the proposed local law entitled "A local law amending local law No. 2 of the County of Montgomery establishing a Department of Public Works." It will also consider the adoption of resolution authorizing the Buildings Committee to advertise for bids for structural steel for construction of a county garage adjoining the county jail and transact any other business as may properly come before the Board directly related to the above matters.

Joseph Dylong, Clerk
Board of Supervisors

**MONTGOMERY COUNTY
BOARD OF SUPERVISORS**
Joseph Dylong, Clerk
18 Harrison Avenue
Amsterdam, New York
December 15, 1969

To: Members of the Board of Supervisors
(Supplement to Letter of December 13, 1969)

County Attorney Gene L. Catena has instructed me to inform you that another matter has been added to the agenda of the SPECIAL MEETING to be held WEDNESDAY, DECEMBER 17, 1969.

To be included for consideration is a resolution providing for 25 year career retirement plan for county employees.

Joseph Dylong, Clerk
Board of Supervisors

Chairman Willis opened the public hearing at 7:35 p.m. on the proposed local law entitled "a local law fixing the salary of the Montgomery County Treasurer." When no one offered any comments, Chairman Willis closed the hearing at 7:40 p.m.

was not specified.

Chairman Willis closed the hearing at 8:10 p.m. when no one responded to an invitation for comment.

Supervisor Curtis S. Nellis explained the matter of providing a career plan for county employees. The plan provides for employees who will be able to retire after 25 years of service under the same conditions as would have been possible only after longer service. The plan will become effective December 26, 1969.

The Clerk presented the resolutions for Board action.

RESOLUTION NO. 320

Resolution Adopting Local Law, Introductory No. 3, Print No. 1 of the Year 1969 for the County of Montgomery.

Resolution by Supervisor Walrath:

WHEREAS, on December 9, 1969, a proposed local law for the County of Montgomery, entitled "A local law amending local law No. 2 of the County of Montgomery for the year 1969, 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 9th day of December, 1969, a resolution was adopted authorizing and directing a public hearing to be held by this Board of Supervisors on the 17th day of December, 1969, at 8:00 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 17th day of December, 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 the said local law, known as Local Law, Introductory No. 3, Print No. 1, of the year 1969, entitled "A local law amending local law No. 2 of the County of Montgomery for the year 1969, 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