

## **INTRODUCTORY LOCAL LAW #3 of 2019**

**“A LOCAL LAW TO CHANGE THE OFFICE OF HIGHWAY SUPERINTENDENT FROM AN ELECTED OFFICE TO AN APPOINTED OFFICE”**

1. **LEGISLATIVE INTENT:** The Town of Fremont desires to eliminate the elected position of Superintendent of Highways and replace it with an appointed position of Superintendent of Highways.
2. **STATUTORY AUTHORITY:** This local law is enacted under the authority of Municipal Home Rule Law §§ 10, 22 and 23. The Town hereby expressly states its intention that this local law shall supersede any provision of the Town Law of the State of New York to the contrary, including but not limited to Town Law § 20.
3. **PURPOSE:** The purpose of this local law is to abolish the elected position of Superintendent of Highways and replace it with an appointed position of Superintendent of Highways in the Town of Fremont.
4. **ABOLITION OF ELECTED POSITION; CREATION OF APPOINTED POSITION:** The elected position of the Superintendent of Highways in the Town of Fremont is hereby abolished, effective January 1, 2020. The appointed position of the Superintendent of Highways in the Town of Fremont is hereby created, effective January 1, 2020.
5. **TITLE:** This local law shall be incorporated in the Town of Fremont Code as a new Chapter thereof to be entitled “The Office of the Appointed Superintendent of Highways”.
6. **TRANSFER OF DUTIES:** Except as set forth in Section 9, all duties, authority and power previously vested in the elected Superintendent of Highways shall be vested in the appointed Superintendent of Highways.
7. **RESIDENCY REQUIREMENTS:** The person holding the office of Superintendent of Highways in the Town of Fremont, need not be a resident nor an elector of the Town of Fremont, provided, however, that such person shall reside in Steuben County or in an adjoining county within the State of New York.
8. **SUPERSESSSION:** This local law shall supersede Town Law § 23(1) in its application to the office of Superintendent of Highways for the Town of Fremont, Steuben County, New York.
9. **AUTHORITY OF SUPERINTENDENT; APPOINTING AUTHORITY:**
  - (a) The appointed Superintendent of Highways shall have such powers and shall perform such duties as are or hereafter may be conferred or imposed by law, and such further duties as the Town Board may determine not inconsistent with law. Any references contained in the Code of the Town of Fremont to the Superintendent of Highways shall be construed as applying to the duly appointed Superintendent of Highways.
  - (b) The Town Board shall be the appointing authority for all employees of the Town of Fremont Highway Department.

10. **TERM OF OFFICE AND FILLING VACANCY:** The appointed Superintendent of Highways of the Town of Fremont shall serve for a term of two (2) years, upon the terms and conditions determined by the Town Board, unless sooner removed by the Town Board in the manner provided for in this local law. A vacancy in the Office of Superintendent of Highways shall be filled by the Town Board for the unexpired term in the manner provided by law.

11. **SALARY AND REMOVAL OF HIGHWAY SUPERINTENDENT:**

(a) The salary of the Highway Superintendent shall be fixed by the Town Board and shall be payable in such installments and at such intervals as the Town Board shall determine, which may be modified by resolution of the Town Board from time to time.

(b) The Town Board may remove the Highway Superintendent for malfeasance or misfeasance in office upon written charges presented to the Town Board in the form of one or more affidavits. The Highway Superintendent shall have an opportunity to appear before the Town Board and be heard. Copies of any such charges shall be served upon the Highway Superintendent accused thereby at least ten (10) days before his/her appearance before the Town Board.

12. **MANDATORY REFERENDUM:** This local law shall be subject to a mandatory referendum to be held at the next regularly scheduled General Election on November 5, 2019.

13. **EFFECTIVE DATE:** This local law shall take effect upon the affirmative vote of a majority of the qualified electors voting therein at such General Election on November 5, 2019, and the filing with the Office of the Secretary of State in accordance with the applicable provisions of law, on January 1, 2020.