

TOWN OF ULYSSES

LOCAL LAW NO. 5 FOR THE YEAR 2023

**A LOCAL LAW CREATING A NEW CHAPTER 40 OF THE TOWN CODE
ENTITLED “PUBLIC WORKS DEPARTMENT”**

Be it enacted by the Town Board of the Town of Ulysses as follows:

Section 1. The Town Code shall be amended by adding the following Chapter:

Chapter 40 Public Works Department

§ 40-1 Creation of Public Works Department.

Pursuant to New York State Town Law § 64(21-a), there is hereby created in the Town of Ulysses a Public Works Department.

§ 40-2 Transfer of functions, property, equipment, employees and budgetary appropriations.

- A. The functions, property, equipment, employees and budgetary appropriations. of the Highway Department, all engineering functions, property, equipment and budgetary appropriations, and all water district functions, property, equipment, employees and budgetary appropriations, are hereby transferred to the Public Works Department.
- B. All employees transferred as provided herein shall be continued as employees of the Public Works Department with the same classification, salary, benefits, pensions and retirement rights and privileges as they had immediately prior to such transfer.

§ 40-3 Responsibilities.

- A. The Public Works Department's responsibilities shall include the Town's highway functions, along with responsibilities for the construction, improvement, repair, care, and maintenance of the Town's parks, trails, walkways, sidewalks, highways, bridges, sluices, waterways, culverts for drainage, water and sewer facilities, buildings, grounds and other Town facilities, and stormwater management. The Public Works Department shall have such other responsibilities, not inconsistent with law, as may be assigned by the Town Board.
- B. In addition, the Department of Public Works shall provide all services required or desirable in order to enable the Director of Public Works to fulfill any duty or responsibility imposed upon such official, whether or not in his/her capacity as Town Highway Superintendent, by this chapter or by any other local law, ordinance or regulation of the Town, by any lawful directive of the Town Board, or by any statute or regulation of the State of New York.
- C. Notwithstanding the foregoing, this chapter shall not prohibit the Town Board from providing for construction of any public building, street, highway, road or other facility by public contract.

§ 40-4 Administrative head.

- A. The elected Town Highway Superintendent shall be the administrative head of the Public Works Department, shall hold office as such administrative head, shall have the powers and duties of a highway superintendent pursuant to the New York State Highway Law, Town Law and other applicable laws and regulations, and shall have such powers as are necessary for the proper administration of the Department of Public Works consistent with applicable laws. The Highway Superintendent shall hold the Town's informal administrative title of "Director of Public Works," and they may use the titles of "Director of Public Works," "Highway Superintendent" and/or "Director of Public Works/Highway Superintendent."
- B. During the absence or inability of the Director of Public Works/Highway Superintendent to act for any reason, the Deputy Highway Superintendent will assume the roles, powers, and responsibilities of the Highway Superintendent only as afforded by law, including but not limited to New York Highway Law, Articles VII and VIII.
- C. The Director of Public Works/Highway Superintendent may appoint an Acting Director of Public Works who will be responsible for managing the Department of Public Works when the Director is absent or unable to act for any reason. The Acting Director of Public Works title and designation may be assigned to a current employee appointed in the role of Deputy Highway Superintendent, or may be an additional full- time position as created by the Town Board. The Director's designation of an Acting Director of Public Works must be ratified by the Town Board. The Acting Director of Public Works will be responsible for the day-to-day administrative roles, powers, and responsibilities of the Director in the Director of Public Works/Highway Superintendent's absence.

§ 40-5 Salary of administrative head.

The salary of the Director of Public Works/Highway Superintendent shall be fixed annually by the Town Board, and such moneys shall be paid out of the general fund of the Town as the Town Board shall direct, or from any improvement or benefit district of the Town pursuant to New York Town Law § 202-a, Subdivision 7, and shall not be a charge, in whole or in part, upon any item of the Highway Fund. The salary may be shown in any budget or notice relating to such budget under the classification of either Highway Superintendent or Director of Public Works.

§ 40-6 Reservation of Powers.

- A. Nothing within this chapter shall be construed to deprive the Town Board of any power it now has, or may under this chapter or otherwise have, with respect to the hiring, firing, disciplining and fixing salaries of employees. Further, nothing within this chapter shall be construed to delegate, transfer or curtail any power of the Town Board that may otherwise be lawfully exercised by said Board.
- B. Nothing within this chapter shall be construed to delegate, transfer or curtail any power of the Town Supervisor that may otherwise be lawfully exercised by said Supervisor.

Except as hereinabove amended, the remainder of the Code of the Town of Ulysses shall remain in full force and effect.

Section 4. Severability

The provisions of this Local Law are severable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid, unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words, or parts of this local law or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this local law would have been adopted if such illegal, invalid, or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and as if such person or circumstance, to which the local law or part thereof is held inapplicable, had been specifically exempt therefrom.

Section 5. Effective Date

This Local Law shall take effect immediately upon filing with the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.