

Board of Supervisors
WAYNE COUNTY

RESOLUTION NO. 511-12: ADOPTION OF LOCAL LAW CREATING DEPARTMENT OF PUBLIC WORKS AND CREATING THE POSITION OF COUNTY SUPERINTENDENT OF PUBLIC WORKS, AND DISSOLVING THE WAYNE COUNTY HIGHWAY DEPARTMENT AND THE WAYNE COUNTY DEPARTMENT OF BUILDINGS AND GROUNDS

Mr. LeRoy presented the following:

WHEREAS, a proposed local law creating Department of Public Works and creating the position of County Superintendent of Public Works and dissolving the Wayne County Highway Department and the Wayne County Department of Buildings and Grounds was presented to the Board of Supervisors on July 17, 2012; and

WHEREAS, a public hearing on the proposed local law was held on August 13, 2012 at 10:15 a.m. in accordance with the notice of hearing duly posted and published in the manner prescribed by law; now, therefore, be it

RESOLVED, that said local law is hereby adopted to read as follows:

COUNTY OF WAYNE - STATE OF NEW YORK
LOCAL LAW NO. 5 FOR THE YEAR 2012

A local law establishing a County Department of Public Works, pursuant to Section 10 (1)(ii)(a)(1) of the Municipal Home Rule Law of the State of New York.

BE IT ENACTED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF WAYNE, AS FOLLOWS:

SECTION 1: LEGISLATIVE INTENT.

The County of Wayne owns and maintains approximately 406 miles of county owned public roadways and thoroughfares for the benefit of its residents and others traveling through the County. Additionally, the County owns numerous buildings and other public grounds used for the conduct of County business and for the benefit of County residents. Wayne County additionally owns and maintains certain lands dedicated for public use and enjoyment as parklands. Ongoing maintenance, development and improvement of these various structures, lands and improvements have heretofore been delegated and assigned to the Wayne County Highway Department and the Wayne County Department of Buildings and Grounds, which has also assumed responsibility for maintenance of County parklands. It is the intent of the County of Wayne to consolidate the various Public Works functions and duties of the County of Wayne heretofore performed by the Highway Department and the Department of Buildings and Grounds under a single County Department and administration to more efficiently and economically serve the needs of the residents of Wayne County. For this reason, a Department of Public Works is necessary to coordinate and consolidate the functions previously performed by the Wayne County Highway Department and the Wayne County Department of Buildings and Grounds.

SECTION 2: CREATION OF DEPARTMENT OF PUBLIC WORKS AND DISSOLUTION OF COUNTY HIGHWAY DEPARTMENT AND COUNTY DEPARTMENT OF BUILDINGS AND GROUNDS.

- A. Pursuant to the provisions of Section 10 of the Municipal Home Rule Law, the Wayne County Department of Public Works is hereby created. This Department shall be under the supervision and direction of a County Superintendent of Public Works, who shall be appointed by the Wayne County Board of Supervisors. The County Superintendent of Public Works shall report to the Wayne County Administrator, and shall serve at the pleasure of the Wayne County Board of Supervisors. The County Superintendent of Public Works shall be responsible for the coordination and performance of all duties heretofore assigned to and performed by the Wayne County Highway Department and the Wayne County Department of Buildings and Grounds, which departments are hereby dissolved and the functions of which are hereby transferred to and consolidated into the Department of Public Works.
- B. The salary of the County Superintendent of Public Works shall be fixed by the Board of supervisors, payable by the Wayne County Treasurer in bi-weekly installments. In addition thereto the County Superintendent of Public Works shall be paid the actual and necessary expenses incurred in the performance of his/her official duties, upon the audit of claims therefore by the Board of Supervisors in the manner provided by law.
- C. The Board of Supervisors may remove the County Superintendent of Public Works for malfeasance or misfeasance in office upon written charges, after an opportunity to be heard not less than five (5) days after the service upon the Director of a copy of such charges.
- D. The County Superintendent of Public Works shall function as the Highway Superintendent for the County of Wayne. The term of office of the County Superintendent of Public Works shall be four (4) years, unless sooner removed by the Board of Supervisors of the County of Wayne as provided herein. (See, Highway Law §100). A vacancy in the office of County Superintendent of Public Works shall be filled by the Board of supervisors for the unexpired term as prescribed by law. The position of County Superintendent of Public Works shall be an unclassified position, as defined by the Civil Service Law of the State of New York.

SECTION 3: POWERS AND DUTIES.

The County Superintendent of Public Works shall have all of the powers and duties specifically referred to in the New York State Highway Law, §102, and shall further have the power and authority to coordinate all duties and functions of the County relating to roads and highways, buildings and grounds, and parks. The County Superintendent of Public Works shall have the following specific powers and duties, in addition to those powers and that authority specifically referred to in

the New York State Highway Law, §102, and such other powers or duties as are necessarily implied within the grant of authority herein:

- A. To plan and supervise the maintenance and repair of the existing County highway system and the design and construction of new roads and bridges.
- B. To review engineering designs and the progress of current design projects.
- C. To study the need for improvement of the County Highway system and advances in methods, techniques and equipment in the civil engineering field.
- D. To direct equipment maintenance and repair programs for the Department.
- E. To direct the drawing of detailed engineering plans and to make recommendations relative to contracting with private firms as necessary.
- F. To confer with State and local officials on highway problems within the county.
- G. To ensure compliance with policy as established by the Board of Supervisors and New York State regulations.
- H. To develop, delegate and approve the preparation of specifications for and the purchase of equipment and materials.
- I. To oversee the preparation of the Department budget and to determine that necessary budget controls are maintained.
- J. To direct the preparation of Department activity records and reports.
- K. To negotiate the purchase of property for County rights of way.
- L. To approve and bear responsibility for plans for snow removal and ice control programs.
- M. To plan and supervise carpentry, plumbing, heating, electrical and mechanical repairs to buildings and equipment, whether by employees or by contractors.
- N. To assist in the technical supervision of all custodial work performed at County owned or leased facilities.
- O. To plan and prepare specifications for major alterations and repairs to buildings and equipment including electrical, plumbing and heating systems, development of grounds, and interior decoration.
- P. To act as purchasing agent for all custodial and maintenance supplies and equipment.
- Q. To inspect and otherwise exercise control over repair and alteration work performed by outside contractors.
- R. To act as technical advisor in the hiring of consultants, technicians and contractors.
- S. To make regular inspections of buildings to maintain proper cleaning and maintenance procedures and to make recommendations for improvements or new equipment.
- T. To maintain records and accounts pertaining to equipment, operation, purchase of supplies and equipment, and payments to suppliers.
- U. To prepare tentative budget estimates covering all custodial, maintenance and repair activities.
- V. To assist in hiring, training and scheduling custodial and maintenance personnel.
- W. To make a variety of oral and written reports of activities conducted by the Department.
- X. To appoint persons to the positions of employment established from time to time by the Board of Supervisors for the Department.
- Y. To remove Departmental employees in the manner provided by law.
- Z. To adopt rules and regulations, not inconsistent with law, for the conduct of the affairs and business of the Department of Public Works.

SECTION 4: LIMITATION OF POWERS.

Nothing contained herein shall be construed to give to the Department of Public Works authority over the operation of any existing departments, officers or functions of the County, other than those Offices, Officers and functions specifically enumerated herein. Nor shall the Department of Public Works have any authority over programs maintained by public or private agencies not under the jurisdiction of the County of Wayne. The final determination as to the establishment or manner of operation of any Public Works program, the funding thereof, and the extent of County participation in such shall be made by the Wayne County Board of Supervisors, with the advice of the County Administrator. The County Superintendent of Public Works shall report to the Wayne County Board of Supervisors and to the Wayne County Administrator.

SECTION 5: EFFECTIVE DATE.

This local law shall take effect when filed in the Office of the Secretary of State.

Mr. Spickerman moved the adoption of the resolution. Seconded by Mr. Groat. Upon roll call, all Supervisors voted Aye. The Chairman declared the Resolution adopted.

WAYNE COUNTY
Board of Supervisors
LYONS, NEW YORK

This is to Certify that I, the undersigned, Clerk of the Board of Supervisors of the County of Wayne, have compared the foregoing copy of resolution with the original resolution now on file in this office and which was duly adopted by the Board of Supervisors of said County at a session held on the 13th day of August 2012 and that the same is a true copy of said original and of the whole thereof.

In Witness Whereof, I have hereunto subscribed my name and affixed the official seal of the Board of Supervisors of the County of Wayne, this 13th day of August 2012.

Clerk of the Board

