

VILLAGE OF TANNERSVILLE
LOCAL LAW NO. 3 OF 2007

A LOCAL LAW CREATING A COMMISSION OF PUBLIC WORKS

Be it enacted by the Village Board of the Village of Tannersville as follows:

I. AUTHORITY, this law is based upon the authority given to the Village of Tannersville in the Village Home Rule law article 10, The Municipal Home Rule Law Article 2, as well as the Village Law , The Local Government Law, the New York State Constitution and is the adoption of a local laws superseding Village Law, § 3-300(2) and Public Officers Law, § 3(1) relative thereto.

II PURPOSE

The purpose of CREATING A COMMISSION OF PUBLIC WORKS is to promote and protect the public health, welfare and safety by establishing policies and goals and objectives for the Department of Public Works of the Village of Tannersville by regulating, supervising, & promoting fair and uniform work rules for all employees, paid or unpaid , by planning for the future needs of the village for highways & Streets, Potable water , garbage collection and recreation.

III. DEFINITIONS

Department of Public Works : All, equipment , all matters of employees & equipment owned or used by the Village of Tannersville for the purpose of maintaining and repairing highways, roads, sidewalks, water , water delivery , flood control, repair and maintenance of the water reservoirs and all of its piping and delivery systems including the water plant. Repair and maintenance to any property , parks , buildings owned leased or maintained by the Village of Tannersville. This definition includes any former reference to “highway Department”

Employee of department of Public works: Any person firm or corporation , paid financial remuneration on a regular basis for work , or labor performed on streets, highways and sidewalks, water repairs, garbage collection, and or general maintenance of any property owned or leased by the Village of Tannersville. Including A person who sole job is to maintain or operate any equipment primarily used in the construction and maintenance of highways streets , sidewalks, water works, garbage collection and or recreation, and including a person who sole job is to maintain and repair the equipment.

UNION . Local 294 of the International Brotherhood of Teamsters

IV. THE COMMISSION The Mayor of the Village of Tannersville shall with the consent of the then Village board of Trustees, appoint a Commission of Public Works, consisting of three people each of whom must be a resident of Greene County State of New York, to have all of the authority to carry out the purpose of this law as well as the power of the commissioner in a certain Union contract with the International Brotherhood of Teamsters “The Union”

At all times the commission must have at least one elected official of the Village of Tannersville as a member.

The mayor may serve as one of the three commissioners.

The commissioners terms must be staggered over three years so that one term expires every single year. Vacancies may be filled by an appointment that is only for the unexpired term of the person who is replaced. Any term must expire on the last day of the physical year of the Village in the year in which it expires.

Nothing contained herein shall prevent the appoint of members of the Village Board of Trustees to any position created herein.

V. The “Head of Department” The Mayor must designate on a yearly basis a single commissioner to be the “Head of the Department Commissioner of public works”. Such Individual shall for all respects be empowered as the “Highway Commissioner” under a certain contract with the “Union” under the certain contract with said Union effective April 1, 2007 and until such contract expires.

Any reference to the Term “Highway Superintendant” or “Highway Commissioner” in any document , contract shall mean the “”Head of the Department Commissioner of Public Works”

The “Head of Department Commissioner” designation is a yearly appointment and must be renewed or changed at the organizational meeting or thereafter.

The person designated Head of Department” shall chair all meetings , set the agenda, and carry out the mandates of the commission, which may include the hands on supervision of any employees within his/or her jurisdiction under this Local Law.

VI Meetings and Powers of the Commission, The Head of the Commission shall call meetings at least on a monthly basis, at which a quorum of two members must be present. Among the powers of the “Commission” are to prepare and submit a budget for the various departments under its jurisdiction to the Village Board for approval,, to set staffing levels, rules and policies, work hours, for employees of the Village employed by the Public works department, not inconsistent with any work contract. The commission shall enter into all contract negotiations, with vendors and unions, however the commission shall not have the power to enter into a contract but shall submit any

contracts to the Mayor and Board of Trustees for approval. Any contract requiring public Bidding shall only be recommended in accordance with law.

The Commission shall discuss and designate policy of each of the departments and shall direct the “Head of the Department” to carry out all of its mandates in the day to day operation of the Department of Public works.

The failure of any Village employee under the Jurisdiction of the department to follow any lawful command or order, shall be grounds for discipline and or removal in accordance with the “Union” Contract.

VII SEVERABILITY; If any provision, paragraph word or section of this law is determined in a “Court of Law” to be invalid or unenforceable then it is the intent of this legislature that such remaining portions of this law shall remain in effect and valid and the law be read and interpreted so as to leave out the offending or illegal portion. The commission may investigate any matter brought to its attention in writing or otherwise regarding any act or conduct of any employee, and determine in its sole discretion whether to file formal charges with the Mayor against any employee , consistent with the employees rights to a hearing and or arbitration under the Union contract.

VIII. EFFECTIVE DATE

This local law shall take effect immediately upon filing with the Secretary of State under the General Municipal Law.