LOCAL LAW NO. 1 OF 1962
COUNTY OF OTSEGO, NEW YORK

A LOCAL LAW ESTABLISHING A DEPARTMENT OF HIGHWAYS AND PRESCRIBING THE POWERS AND DUTIES THEREOF, PURSUANT TO SECTION 301 OF THE COUNTY LAW

BE IT ENACTED by the Board of Supervisors of the County of Otsego as follows:

Section 1. For the purpose of carrying out the provisions of the Highway Law in respect to the construction and maintenance of highways, roads and bridges and the control of snow and ice thereon within the County, there is hereby established a department of county government to be know as the Department of Highways of the County of Otsego.

Section 2. The head of said department shall be the County Superintendent of Highways, appointed pursuant to the provisions of Section 100 of the Highway Law, whose salary shall be fixed by the Board of Supervisors of the County of Otsego, payable by the County Treasurer in semi-monthly installments, and who shall be paid in addition thereto the actual and necessary expenses incurred in the performance of his official duties, including a mileage allowance for the miles actually and necessarily traveled on official business by the use of his own automobile as fixed by said Board, upon the audit of duly verified claims therefore by said Board. Said Board of Supervisors may remove such County Superintendent of Highway for malfeasance in office upon written charges, after an opportunity to be heard not less than five days after the service upon such Superintendent of Highways of a copy of such charges.

Section 3. The term of office of such County Superintendent of Highways shall be four years, unless sooner removed by the Board of Supervisors as above provided, or by the Department of Public Works as provided in the Highway Law. A vacancy in the office of County Superintendent of Highways shall be filled by the Board of Supervisors for the unexpired term as prescribed by law.

Section 4. The County Superintendent of Highways shall have and perform all of the powers and duties conferred on county superintendents of highways by the Highway Law, the General Municipal Law, the Vehicle and Traffic Law, and any other general special law, and shall perform such additional and related duties as may be prescribed and directed by the Board of Supervisors of the County of Otsego. He shall have the supervision and control of all persons employed in the Department of Highways.

Section 5. The County Superintendent of Highways may appoint qualified persons to the positions of employment established from time to time by the Board of Supervisors of the County of Otsego for the department of highways, including those persons who have heretofore held positions of the same grade by employment of the County Superintendent of Highways, and who are now qualified for such positions under the Civil Service Law, and such appointments shall be deemed a continuation of the services of said persons in said respective positions.

Section 6. The County Superintendent of Highways, with the approval of the Board of Supervisors of the County of Otsego, may appoint for a term not extending beyond the term of office of said County Superintendent of Highways, and at pleasure remove the Deputy County Superintendent of Highways. Such deputy shall act for and have all the powers and duties of such County Superintendent of Highways during his inability to act as such County Superintendent of Highways, or during the regular or approved vacation
period of such County Superintendent of Highways.

Section 7. Subject to the written approval of the Highway Committee of the Board of Supervisors of the County of Otsego the County Superintendent of Highways shall, within the amount appropriated for that purpose, appoint and employ such other persons as may be necessary for the construction and maintenance of county roads and bridges and the control of snow and ice thereon and the maintenance of the county garage, and fix the salary and compensation of such employees.

Section 8. The County Superintendent of Highways may procure at the expense of the County of Otsego a blanket undertaking from any duly authorized corporate surety covering the officers, clerks, and employees in the Department of Highways indemnifying the County of Otsego against losses through the failure of the officer, clerks and employees covered thereunder faithfully to perform their duties or to account properly for all moneys or property received by virtue of their positions or employment.

Section 9. The County Superintendent of Highways, with the approval of the Highway Committee of the Board of Supervisors of the County of Otsego, may adopt rules and regulations, not inconsistent with law, for the conduct of the affairs and business of the Department of Highways.

Section 10. This Local Law shall take effect on the 20th day after it shall have been adopted, and certified copies thereof have been filed as required by Section 306 of the County Law.

Adopted: 10/3/62 by motion; Effective: 10/23/62
Section 7. The validity of such bonds may be contested only if:
1) Such bonds are authorized for an object or purpose for which said County is not authorized to expend money, or
2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
3) Such bonds are authorized in violation of the provisions of the Constitution.

Section 8. This resolution, which takes effect immediately, shall be published in full in the Freeman’s Journal and the Worcester Times, the official newspapers of said County, together with a Clerk’s notice in substantial conformity with Section 81.00 of the Local Finance Law.

Mr. Rathbun seconded the resolution.
Mr. Gilday moved that the rules be suspended and the resolution acted upon at this time.
Mr. Dunn seconded the motion of Mr. Gilday.
Motion carried.
The roll was called on the adoption of the resolution and resulted as follows:
Total: 26; Ayes: 26; Noes: None; Absent: Mr. Webb.
The Chairman declared Resolution No. 85 unanimously adopted.

Mr. Green moved that a vote be taken on the adoption of Local Law No. 1 of the year 1962 of the County of Otsego, New York, introduced September 5, 1962, and part of the record of that day’s proceedings.

Mr. Mitchell seconded the motion of Mr. Green.
Motion carried.
The roll was called on the adoption of Local Law No. 1 of 1962 and resulted as follows:
Total: 26; Ayes: 26; Noes: None; Absent: Mr. Webb.
The Chairman declared Local Law No. 1 of 1962 unanimously adopted.

All the general business of the Board having been transacted, the Chairman declared the Board adjourned until Monday, November 12, 1962, at ten o’clock in the forenoon.