

**ELECTED OR APPOINTED
HIGHWAY SUPERINTENDENT AND TOWN CLERK
Background, Procedures, and Considerations**

All cities and villages in New York State appoint their Highway Superintendents and Town Clerks along with (as of 2020) 92 towns. A growing number of towns are moving in this direction as technical requirements and administrative knowledge become more important.

It is generally thought that Highway Superintendent and Town Clerk positions are fundamentally apolitical. All residents need and deserve safe roads and bridges, efficient snow removal, as well as high quality customer service when paying bills or requesting information from the Town and efficient records management provided by the most qualified and responsive public officials.

The elected Town Board is determined by the town's constituency and should set professional qualifications and accountability standards associated with appointed positions to ensure quality of public service for all residents and assure that its team of professionals can work together to achieve goals set by those elected to represent the people of the Town.

To change these positions from elected to appointed, the Town Board must hold a public hearing, pass a local law, and organize a mandatory referendum, at which voters will decide if the law should go into effect or not.

Although Town Law allows towns, through a referendum to determine whether the Highway Superintendent and Town Clerk will be elected or appointed, if the voters approve having an appointed position, the Tompkins County Personnel Department works with the Town and State to determine the most appropriate type of appointment: renewable term appointment or competitive with full Civil Service protections.

One option the Town will need to consider is whether to require its Highway Superintendent and Town Clerk to be Town residents or whether to waive residency requirements and invite qualified applicants from adjacent towns to apply, which will give our town a wider pool of professional applicants to choose from.

The Town Board can review pros and cons of appointment options and clarify its preferred type of appointment prior to the referendum.

A chart outlining some of the differences between elected and appointed positions appears below.

Elected or Appointed Officials- Summarized

	ELECTED	APPOINTED
Qualifications	<ul style="list-style-type: none"> • No minimum job-related qualifications by law • Any resident of the town can run if they are 18 years or older • Qualifications are provided in campaign material 	<ul style="list-style-type: none"> • Town sets minimum qualifications via a job description • The Town Board decides whether to require residency
Accountability	<ul style="list-style-type: none"> • An elected official cannot be removed from office unless they break the law in the course of their duties. • Elected officials cannot be disciplined, suspended, terminated or supervised by the Town Board or Town Supervisor. • Elected officials act independent of the Town Board are not restricted or regulated in the time devoted to official duties. • Must take oath of office. • No requirement to work on site at the Highway Department. 	<ul style="list-style-type: none"> • Performance reviews are done. • If necessary, disciplinary action is allowed if employee is not performing his/her duties in a way acceptable to the Town Board and Town residents. • Hours of employment are determined by the Town Board. • A requirement to be on site while performing the duties on Highway Superintendent may be implemented.
Compensation	<ul style="list-style-type: none"> • Salaries for elected officials are set by the Town Board and cannot be reduced or withheld during the term of office unless a referendum is held. 	<ul style="list-style-type: none"> • Salaries are set by the Town Board based on qualifications and experience.
Public Participation	<ul style="list-style-type: none"> • Some voters choose the official. 	<ul style="list-style-type: none"> • The Public elects four Town Councilpersons and a Town Supervisor who select and oversee non-elected employees of the town based on performance and resident input.
Job Security	<ul style="list-style-type: none"> • Elected for a 2-year term. 	<ul style="list-style-type: none"> • The appointed positions can be either renewable term appointments or Civil Service. Civil Service provides strong job protections.
Time Off	<ul style="list-style-type: none"> • No restrictions on amount of time taken off for vacation, sick leave, or other. 	<ul style="list-style-type: none"> • Employee must adhere to the Personnel Policy for time off.
Financial	<ul style="list-style-type: none"> • The Highway Superintendent has wide latitude on spending for equipment, paving and road maintenance within limits set by Town Board. 	<ul style="list-style-type: none"> • The Town Board works with the Highway Superintendent on capital plans and spending based on legal requirements, budgetary needs and resident input.

LOCAL LAW No. _____ of the Year 2020

**A LOCAL LAW ABOLISHING THE ELECTIVE OFFICE OF HIGHWAY SUPERINTENDENT
AND CREATING THE APPOINTED OFFICE OF HIGHWAY SUPERINTENDENT
OF THE TOWN OF ENFIELD, NEW YORK**

Be It Enacted by the Town Board ("Board") of the Town of Enfield, New York ("Town") as follows:

Article I. Pursuant to the Municipal Home Rule Law §10, the Town hereby abolishes the elective office of the Town Highway Superintendent ("Superintendent"), effective at **(the end of the day, December 31st, 2020).**

Article II. The elective office of Superintendent is hereby abolished as of **(the end of the day, December 31st, 2020).**

Article III. The appointive office of Superintendent is hereby created as of **(the first day of the year following the General Election at which this Local Law was codified by a majority of the voters in a Mandatory Referendum, January 1, 2021)**

Article IV. At the biennial town election succeeding the effective date of this Local Law, no Superintendent shall be elected, and upon codification of this Local Law abolishing the office of elected Superintendent for whom no successor shall be elected, the Board shall appoint a Highway Superintendent who shall hold office for a term of two (2) years, commencing **(January 1, 2021), the first day of January succeeding the abolition of the office of the elective Superintendent.**

Article V. This Local Law shall supersede Town Law §20(1)(a)(b) with respect to the mode of selection of the Highway Superintendent.

Article VI. This Local Law is subject to mandatory referendum according to the provisions of Municipal Home Rule Law §23.

(Shall Local Law No. _____ of 2020 entitled "Local Law Abolishing the Elective Office of the Highway Superintendent and Establishing the Appointed Office of Highway Superintendent of the Town of Enfield" be approved?)

Article VII. This Local Law shall take effect immediately upon filing with the Secretary of State and after approval of a majority of the electors voting thereon in accordance with the requirements of Municipal Home Rule Law §23.

LOCAL LAW No. _____ of the Year 2020

A LOCAL LAW ABOLISHING THE ELECTIVE OFFICE OF HIGHWAY SUPERINTENDENT
AND CREATING THE APPOINTED OFFICE OF HIGHWAY SUPERINTENDENT
OF THE TOWN OF ENFIELD, NEW YORK

BE IT ENACTED by the Town Board ("Board") of the Town of Enfield, New York ("Town") as follows:

Article I. Pursuant to the Municipal Home Rule Law §10, the Town hereby abolishes the elective office of the Town Highway Superintendent, effective at the expiration of **(the term of office of the present incumbent at the end of the day, December 31st 2021.**

Article II. The elective office of Superintendent is hereby abolished as of **(the term of office of the present incumbent at the end of the day, December 31st 2021.**

Article III. The appointive office of Superintendent is hereby created as of **(January 1, 2022, the first day of January succeeding the first biennial town election held after the effective date of this Local Law).**

Article IV. At the biennial town election succeeding the effective date of this Local Law, no Superintendent shall be elected, and upon the expiration of the term of the elected Superintendent for whom no successor shall be elected, the Board shall appoint a Superintendent who shall hold office for a term of two (2) years, commencing **(January 1, 2022), the first day of January succeeding the expiration of the term of office of the elective Superintendent.**

Article V. This Local Law shall supersede Town Law §20(1)(a)(b) with respect to the mode of selection of the Highway Superintendent.

Article VI. This Local Law is subject to mandatory referendum according to the provisions of Municipal Home Rule Law §23.

(Shall Local Law No. _____ of 2020 entitled "Local Law Abolishing the Elective Office of the Highway Superintendent and Establishing the Appointed Office of Highway Superintendent of the Town of Enfield" be approved?)

Article VII. This Local Law shall take effect immediately upon filing with the Secretary of State and after approval of a majority of the electors voting thereon in accordance with the requirements of Municipal Home Rule Law §23.

LOCAL LAW No. _____ of the Year 2020

**A LOCAL LAW ABOLISHING THE ELECTIVE OFFICE OF TOWN CLERK
AND CREATING THE APPOINTED OFFICE OF TOWN CLERK OF
THE TOWN OF ENFIELD, NEW YORK**

Be It Enacted by the Town Board ("Board") of the Town of Enfield, New York ("Town") as follows:

Article I. Pursuant to the Municipal Home Rule Law §10, the Town hereby abolishes the elective office of the Town Clerk ("Clerk"), effective at **(the end of the day, December 31st, 2020).**

Article II. The elective office of Town Clerk is hereby abolished as of **(the end of the day, December 31st, 2020).**

Article III. The appointive office of Town Clerk is hereby created as of **(the first day of the year following the General Election at which this Local Law was codified by a majority of the voters in a Mandatory Referendum, January 1, 2021)**

Article IV. At the biennial town election succeeding the effective date of this Local Law, no Town Clerk shall be elected, and upon codification of this Local Law abolishing the office of elected Town Clerk for whom no successor shall be elected, the Board shall appoint a Town Clerk who shall hold office for a term of two (2) years, commencing **(January 1, 2021), the first day of January succeeding the abolition of the office of the elective Town Clerk.**

Article V. This Local Law shall supersede Town Law §20(1)(a)(b) with respect to the mode of selection of the Town Clerk.

Article VI. This Local Law is subject to mandatory referendum according to the provisions of Municipal Home Rule Law §23.

(Shall Local Law No. _____ of 2020 entitled "Local Law Abolishing the Elective Office of the Town Clerk and Establishing the Appointed Office of Town Clerk of the Town of Enfield" be approved?)

Article VII. This Local Law shall take effect immediately upon filing with the Secretary of State and after approval of a majority of the electors voting thereon in accordance with the requirements of Municipal Home Rule Law §23

LOCAL LAW No. ____ of the Year 2020

A LOCAL LAW ABOLISHING THE ELECTIVE OFFICE OF TOWN CLERK
AND CREATING THE APPOINTED OFFICE OF TOWN CLERK OF
THE TOWN OF ENFIELD, NEW YORK

Be It Enacted by the Town Board ("Board") of the Town of Enfield, New York ("Town") as follows:

Article I. Pursuant to the Municipal Home Rule Law §10, the Town hereby abolishes the elective office of the Town Clerk ("Clerk"), effective at the expiration of **(the term of office of the present incumbent at the end of the day, December 31st 2021.**

Article II. The elective office of Town Clerk is hereby abolished as of **(the term of office of the present incumbent at the end of the day, December 31st 2021.**

Article III. The appointive office of Town Clerk is hereby created as of **(January 1, 2022, the first day of January succeeding the first biennial town election held after the effective date of this Local Law).**

Article IV. At the biennial town election succeeding the effective date of this Local Law, no Town Clerk shall be elected, and upon the expiration of the term of the elected Town Clerk for whom no successor shall be elected, the Board shall appoint a Town Clerk who shall hold office for a term of two (2) years, commencing **(January 1, 2022), the first day of January succeeding the expiration of the term of office of the elective Town Clerk.**

Article V. This Local Law shall supersede Town Law §20(1)(a)(b) with respect to the mode of selection of the Town Clerk.

Article VI. This Local Law is subject to mandatory referendum according to the provisions of Municipal Home Rule Law §23.

(Shall Local Law No. ____ of 2020 entitled "Local Law Abolishing the Elective Office of the Town Clerk and Establishing the Appointed Office of Town Clerk of the Town of Enfield" be approved?)

Article VII. This Local Law shall take effect immediately upon filing with the Secretary of State and after approval of a majority of the electors voting thereon in accordance with the requirements of Municipal Home Rule Law §23.

Local Law No. _____ Of the Year 2020

**LOCAL LAW INCREASING THE TERM OF OFFICE OF THE
TOWN SUPERVISOR FROM TWO (2) to FOUR (4) YEARS**

BE IT ENACTED: by the Town Board of the Town of Enfield, as follows:

Section 1- Purpose- The purpose of this Local Law is to extend the term of the elected office of the Enfield Town Supervisor from two (2) to four (4) years. The Town Board recognizes that the Office of Town Supervisor is a full-time position and the Board believes an extended term will provide greater continuity to the office and thus believes the extended term is in the public's best interest.

Section 2- Statutory Authority

This Local Law is adopted pursuant to the provisions of the Municipal Home Rule Law Sections 10(1)(ii)(a) and 23 (2)(e) of the State of New York.

Section 3- Increase n Term of Office

The term of office of the elected Town Supervisor shall be four years. Such four year term shall apply to the person elected after January 1, 2021 provided a proposition submitted pursuant to **Section 4** below is approved.

Section 4- Mandatory Referendum

This Local Law is adopted subject to a Mandatory Referendum and shall be submitted for approval of the qualified voters of the Town of Enfield at the General Election to be held on November 3rd. 2020. A proposition in the following form shall be included in the ballot at such General Election and the increased term of office shall not take effect until the next election held after January 1, 2021, and only upon such proposition being approved by the majority vote of the qualified voters voting thereon.

(Shall Local Law No. ____ of 2020 entitled "Local Law Increasing the Term of Office of the Town Supervisor from two (2) Years to four (4) Years" be approved?)

Section 4- Supersession

This Local Law shall supersede Town Law §24 relating to the term of office for Town Supervisor of the Town of Enfield.

Section 5- Effective Date

This Local Law shall become effective upon January 1, 2021 upon being filed in the office of the Secretary of State after approval by the qualified voters.