

**Town of Danby
Town Board Meeting
August 9, 2010**

6:30 Public Hearing: Highway Superintendent Elected/Appointed

7:00 Town Board Meeting

Pledge of Allegiance

Approval of Minutes; July 6 & 12, 2010

Warrants

Additions to Agenda

7:15 Privilege of the Floor

7:30 Business:

Action Items:

Highway Superintendent - Resolution, Schedule Referendum

Budget Process - discussion of worksheets and future planning

Salt Barn - approve process/spending

Conservation Advisory Council - application process

Reports:

Town Hall Repairs, update

Oasis Neighbors, Response to Code questions

CEO Beeners, report on activities/Community Forum idea

8:35 County Legislative report - Frank Proto (15 minutes)

Other Committees

PROPOSED RESOLUTION NO. ___ OF AUGUST 9, 2010 – CONSIDER ADOPTION - PROPOSED LOCAL LAW NO. 5 OF 2010 CHANGING FROM AN ELECTED TOWN HIGHWAY SUPERINTENDENT TO AN APPOINTED TOWN HIGHWAY SUPERINTENDENT

WHEREAS, the Town Board of the Town of Danby is considering adoption of proposed Town of Danby Local Law Number 5 of 2010, *Changing from an Elected Town Highway Superintendent to an Appointed Town Highway Superintendent*; and

WHEREAS, the Town Board on August 2, 2010, that the Town Board of the Town of Danby, acting as Lead Agency in SEQRA environmental review of this action, finds that it is a Type II action under 6 NYCRR 617.5 (20) and (27) and needs no further environmental review; and

WHEREAS, the Town Board on August 9, 2010 has held Public Hearing on this proposed local laws, which Public Hearing was duly noticed in the Ithaca Journal;

NOW, THEREFORE, IT IS

RESOLVED, that the Town Board of the Town of Danby hereby adopts Town of Danby Local Law Number 5 of 2010 Changing from an Elected Town Highway Superintendent to an Appointed Town Highway Superintendent, which Local Law is incorporated into this Resolution; and it is

FURTHER RESOLVED, that the Town Board schedules a public referendum with respect to adoption of said local law for November 2, 2010.

TOWN OF DANBY LOCAL LAW #5 OF 2010
Changing from an Elected Town Highway Superintendent
to an Appointed Town Highway Superintendent

A Local Law providing for the abolition of the elective office of Town Highway Superintendent and the creation of the appointive office of the Town Highway Superintendent of the Town of Danby.

Be it enacted by the Town of Danby as follows:

- Section 1.** Pursuant to Municipal Home Rule Law, §10, the Town of Danby hereby abolishes the Elective Office of Town Highway Superintendent; the abolition of said office to take effect at the expiration of the term of office of the present incumbent on December 31, 2011.
- Section 2.** The elective office of Town Highway Superintendent of the Town of Danby is hereby abolished as of January 1, 2012.
- Section 3.** The appointive office of Town Highway Superintendent of the Town of Danby is hereby created as of January 1, 2012.
- Section 4.** At the biennial Town election succeeding the effective date of this local law, no Town Highway Superintendent shall be elected, and upon the expiration of the term of the Town Highway Superintendent for whom no successor shall be elected, the Town Board shall appoint a Town Highway Superintendent who shall hold office for a term of two years, commencing with the first day of January succeeding the expiration of the term of office of the elective Town Highway Superintendent, January 1, 2012.
- Section 5.** If a Town Highway Superintendent cannot or does not complete the appointed term, the Town Board will appoint someone to fill the remainder of the Town Highway Superintendent's term.
- Section 6.** This Local Law shall supersede the provisions of Town Law, §24 relating to the terms of office for the Town Superintendent of Highways of the Town of Danby.
- Section 7.** This Local Law is subject to mandatory referendum according to the provisions of Municipal Home Rule Law, §23.
- Section 8.** 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.