



## Elected or Appointed Highway Superintendent and Town Clerk

### Background, Procedures, and Considerations

1. All cities and villages in New York State appoint their Highway Superintendents and Town Clerks along with many towns (see listing below).
2. The Ulysses Town Board believes the duties of the Highway Superintendent and Town Clerk 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.
3. The elected Town Board believes the professional qualifications and accountability associated with appointed positions can 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.
4. To change these positions from elected to appointed, the Town Board must hold a public hearing, pass a local law, and organize a referendum for voters to decide if the law should go into effect.
5. 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 the State to determine the most appropriate type of appointment: renewable term appointment, or competitive with full civil service protections.
6. 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.
7. The Town Board is continuing to review the pros and cons of appointment options and will clarify its preferred type of appointment prior to the referendum.
8. A chart outlining some of the differences between elected and appointed positions appears below.

## Elected or Appointed Officials - Summary

	<b>Elected</b>	<b>Appointed</b>
<b>Qualifications</b>	<ul style="list-style-type: none"> <li>• No minimum job-related qualifications.</li> <li>• Any resident of the town can run if they are 18 years or older.</li> <li>• Qualifications are provided in campaign material.</li> </ul>	<ul style="list-style-type: none"> <li>• Town sets minimum qualifications via a job description.</li> <li>• The Town Board decides whether to require residency.</li> </ul>
<b>Accountability</b>	<ul style="list-style-type: none"> <li>• An elected official cannot be removed from office.</li> <li>• Elected officials cannot be disciplined, suspended, terminated or supervised by the Town Board or Town Supervisor.</li> <li>• Elected officials act independent of the Town Board are not restricted or regulated in the time devoted to official duties.</li> <li>• Must take oath to fulfill duties outlined in state law.</li> </ul>	<ul style="list-style-type: none"> <li>• Performance reviews are done.</li> <li>• If necessary, disciplinary action is allowed if employee is not performing his/her duties.</li> <li>• Hours are determined by the Town Board</li> </ul>
<b>Compensation</b>	<ul style="list-style-type: none"> <li>• 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.</li> </ul>	<ul style="list-style-type: none"> <li>• Salaries are set by the Town Board based on qualification and experience.</li> </ul>
<b>Public Participation</b>	<ul style="list-style-type: none"> <li>• The public chooses the official.</li> </ul>	<ul style="list-style-type: none"> <li>• The public elects the Town Board and Town Supervisor who select and oversee non-elected employees of the town.</li> </ul>
<b>Job Security</b>	<ul style="list-style-type: none"> <li>• Elected for 4-year term.</li> </ul>	<ul style="list-style-type: none"> <li>• The appointed positions can be either renewable term appointments or Civil Service. Civil Service offers strong job protections.</li> </ul>
<b>Time off</b>	<ul style="list-style-type: none"> <li>• No restrictions on amount of time taken off for vacation, or sick leave.</li> </ul>	<ul style="list-style-type: none"> <li>• Employee must adhere to the Personnel Policy for time off.</li> </ul>
<b>Financial</b>	<ul style="list-style-type: none"> <li>• The Highway Superintendent has wide latitude on spending for equipment, paving and road maintenance within limits set by Town Board.</li> </ul>	<ul style="list-style-type: none"> <li>• The Town Board works with the Highway Superintendent on capital plans and spending.</li> </ul>

**Data provided by Association of New York State Towns**

As of 2008 ~10% of ~900 towns

<b>Appointed Town Clerks</b>	<b>Appointed Superintendents of Highways</b>
1. Town of Alfred 2. Town of Angelica 3. Town of Birdsall 4. Town of Bolivar 5. Town of Brutus 6. Town of Carrollton 7. Town of Castile 8. Town of East Rochester 9. Town of Elmira 10. Town of Gates 11. Town of Geneseo 12. Town of Greece 13. Town of Henrietta 14. Town of Homer 15. Town of Horseheads 16. Town of Hunter 17. Town of Irondequoit 18. Town of Ithaca 19. Town of Lake George 20. Town of Leicester 21. Town of Lima 22. Town of Lowville 23. Town of Malone 24. Town of Montour 25. Town of Mount Kisco 26. Town of New Castle 27. Town of Perry 28. Town of Pittsford 29. Town of Pleasant Valley 30. Town of Porter 31. Town of Portville 32. Town of Ramapo 33. Town of Rhinebeck 34. Town of Salina 35. Town of Savannah 36. Town of Scarsdale 37. Town of Webster	1. Town of Alabama 2. Town of Almond 3. Town of Angelica 4. Town of Ashland (Chemung) 5. Town of Avoca 6. Town of Babylon 7. Town of Baldwin 8. Town of Bedford 9. Town of Beekman 10. Town of Bennington 11. Town of Big Flats 12. Town of Bleecker 13. Town of Blenheim 14. Town of Bolivar 15. Town of Boston 16. Town of Brighton (Monroe) 17. Town of Brunswick 18. Town of Byron 19. Town of Caledonia 20. Town of Cambria 21. Town of Camillus 22. Town of Caneadea 23. Town of Castile 24. Town of Catharine 25. Town of Cazenovia 26. Town of Chili 27. Town of Clay 28. Town of Clayton 29. Town of Cobleskill 30. Town of Colonie 31. Town of Cornwall 32. Town of Cortlandt 33. Town of Deposit 34. Town of East Greenbush 35. Town of East Rochester 36. Town of Eastchester 37. Town of Edmeston 38. Town of Elma 39. Town of Erin 40. Town of Erwin 41. Town of Fallsburg 42. Town of Forestburgh 43. Town of Franklinville 44. Town of Gates 45. Town of Geneseo

	<ol style="list-style-type: none"><li>46. Town of Genoa</li><li>47. Town of Gouverneur</li><li>48. Town of Greece</li><li>49. Town of Greenburgh</li><li>50. Town of Greene</li><li>51. Town of Guilford</li><li>52. Town of Harrison</li><li>53. Town of Hector</li><li>54. Town of Henrietta</li><li>55. Town of Highlands</li><li>56. Town of Horseheads</li><li>57. Town of Howard</li><li>58. Town of Irondequoit</li><li>59. Town of Islip</li><li>60. Town of Ithaca</li><li>61. Town of Lake George</li><li>62. Town of Lowville</li><li>63. Town of Massena</li><li>64. Town of Milo</li><li>65. Town of New Berlin</li><li>66. Town of New Castle</li><li>67. Town of Newburgh</li><li>68. Town of Niskayuna</li><li>69. Town of North Castle</li><li>70. Town of North Dansville</li><li>71. Town of North East</li><li>72. Town of North Hempstead</li><li>73. Town of Oxford</li><li>74. Town of Oyster Bay</li><li>75. Town of Penfield</li><li>76. Town of Perinton</li><li>77. Town of Perry</li><li>78. Town of Pike</li><li>79. Town of Pittsford</li><li>80. Town of Porter</li><li>81. Town of Pound Ridge</li><li>82. Town of Salina</li><li>83. Town of Sand Lake</li><li>84. Town of Scarsdale</li><li>85. Town of Schodack</li><li>86. Town of Union</li><li>87. Town of Wallkill</li><li>88. Town of Warwick</li><li>89. Town of Waterford</li><li>90. Town of Webster</li><li>91. Town of Westport</li></ol>
--	--