

Public Hearing Notice

Please take notice that a public hearing will be held by the Village of Springville Board of Trustees on Monday, October 21, 2024 at 7:01 pm at 65 Franklin St in the Boardroom for the purposed Local Law 1 of 2024 – changes to Chapter 20. Officers and Employees. Proposed changes are on the village web site www.villageofspringvilleny.com.

Timothy Michaels
Mayor

“This institution is an equal opportunity provider and employer.”

Chapter 20. Officers and Employees

Article II. Clerk and Treasurer

[Adopted 11-19-1979 as Ch. 25, Art. II, of the 1979 Code; amended in its entirety 8-16-1999 by L.L. No. 6-1999^[1]]

~~[1] *Editor's Note: This local law also provided that the offices of the Village Clerk and the Village Treasurer shall hereafter be filled for terms of two years commencing at the expiration of the terms of those offices at the time of adoption of said law. This law was subject to permissive referendum. No valid petition requesting such referendum was filed as of September 16, 1999.*~~

§ 20-3. Clerk's term of office.

(4) four

The term of office of the Village Clerk is established at ~~two~~ years.

§ 20-4. Treasurer's term of office.

(4) four

The term of office of the Village Treasurer is established at ~~two~~ years.

Chapter 20. Officers and Employees

Article IV. Village Administrator

[Adopted 7-12-1999 by L.L. No. 5-1999]

§ 20-6. Purpose; position established.

In order to provide economical and efficient overall direction and coordination of the day-to-day activities of the Village of Springville, to provide centralized direction of Village employees, to provide for the management of the Village office, to reduce the administrative detail performed by the Mayor and Trustees and to occasion the Mayor and Trustees a greater opportunity for the proper consideration of policy matters, the position of Village Administrator is hereby established for the Village of Springville.

§ 20-7. Appointment; term; compensation.

Unless otherwise provided by resolution of the Board of Trustees, the Village Clerk-Treasurer shall be the Village Administrator and shall serve in such capacity at the pleasure of the Board of Trustees. The position shall be exempt, unclassified or noncompetitive. Compensation shall be fixed by the Board of Trustees.

§ 20-8. Accountability; Acting Village Administrator.

The Village Administrator shall report to and be under the supervision of the Mayor and the Board of Trustees. During the absence or disability of the Village Administrator, the Mayor, with the approval of the Board of Trustees, may designate any properly qualified person as Acting Village Administrator.

§ 20-9. Powers and duties.

Subject to the approval, direction and control of the Mayor and Trustees, or in those instances where approval, direction and control is, by applicable law, reserved to the Mayor, then, under the approval, direction and control of the Mayor, and in accordance with such law and such policies, orders, rules, regulations, resolutions, ordinances and local laws as may be promulgated or adopted by the Board of Trustees, the Village Administrator shall:

- A. Coordinate the activities of all Village departments.
- B. Coordinate the work of all Village employees through their department heads and implement the personnel policies, orders, rules, regulations, resolutions, ordinances and local laws of the Village.
- C. After consulting with department heads, recommend appointments, promotions or dismissals of Village employees in accordance with applicable policies, orders, rules, regulations, resolutions, ordinances and local laws of the Village.

- D. Oversee the administration of the policies, orders, rules, regulations, resolutions, ordinances and local laws of the Village and other applicable laws in an efficient and impartial manner.
- E. When so designated by the Mayor, prepare, as budget officer, the tentative budget according to law.
- F. Ensure fiscal responsibility and modern accounting practices.
- G. Regularly report the financial condition of the Village to the Board of Trustees and periodically recommend needed action.
- H. With department heads and authorized personnel, supervise and coordinate the process of purchasing all materials, supplies and equipment and the letting of all bids and contracts.
- I. Conduct a continuing study of all functions and activities of the Village for the purpose of devising ways and means of obtaining greater efficiency and economy.
- J. Consult with appropriate Village officers and employees in the preparation of policies, orders, rules, regulations, resolutions and local laws.
- K. Recommend for adoption such measures as the Administrator may deem necessary, appropriate or expedient for the health, safety or general welfare of Village residents or for the improvement of the delivery of governmental services.
- L. Attend all meetings of the Board of Trustees and Village commissions and provide information relevant to agenda items.
- M. Keep Village residents informed of Village policies, procedures and plans for the delivery of governmental services.
- N. Oversee the expeditious, correct and appropriate responses to inquiries by Village residents and other interested persons concerning Village government, operations and services.
- O. Maintain liaison with other governments and administrative agencies but not in substitution of the Mayor or Trustees as the official representative of the Village.
- P. Perform and discharge such other duties and responsibilities as may, from time to time, be assigned by the Mayor and Trustees.

§ 20-10. Effect on existing positions.

Nothing herein shall be deemed or construed as abolishing, transferring, limiting or curtailing in any way any powers, duties or responsibilities of the Mayor or Trustees or other Village officer or employee such as are prescribed by the laws, rules and regulations of the State of New York or by the policies, orders, rules, regulations, resolutions, ordinances or local laws of the Village of Springville.

Chapter 20. Officers and Employees

Article V. Residency

[Adopted 8-11-2003 by L.L. No. 7-2003]

§ 20-11. Purpose.

The Board of Trustees of the Village of Springville recognizes that emergency situations arise which require employees of the Village to be near their place of employment and to assume the continuation of public services to protect the health, safety, and general welfare of the people. Through adoption of this article, the Village Board of Trustees makes a legislative determination that those who live in or near the Village take a greater interest in promoting the public safety and health of our residents and have a greater interest in the future of this community than do others. The Board of Trustees further declares that such a quality is desirable for its employees and considers that residency by its employees within a required residency area will assure continuation of essential public services by well-motivated employees. It is also determined that permitted residency in an area larger than the area of the Village itself is desirable because the Village will be able to select from a greater number of qualified prospective employees. The Board of Trustees determines that the public need is sufficient to require that employees hired or promoted after the effective date of this article be residents of the residency area.

§ 20-12. Definitions.

As used in this article, the following terms shall have the meanings indicated:

RESIDENCY

The actual principal domicile of an individual, where he or she normally sleeps and maintains usual personal and household effects and is the individual's motor vehicle and tax filing address.

RESIDENCY AREA

~~The Erie County towns of Boston, Colden, Collins, Concord, Eden, Holland, North Collins and Sardinia.~~

§ 20-13. Residency of Village employees.

Except as otherwise provided by law, the Board of Trustees hereby establishes a residency requirement for all employees of the Village. Every person employed by the Village of Springville on or after the effective date of this article shall, as a qualification of employment, become a resident of the residency area within six months of the date of initial service for the Village of Springville. During the time of service of any employee, he or she shall have continuous residency in the residency area.

§ 20-14. Residency upon promotion.

All employees promoted by the Village of Springville on or after the effective date of this article shall be or, within six months of such promotion, shall become a resident of the residency area.

§ 20-15. Notice and posting.

A copy of this article shall be provided to each employee upon his or her initial appointment or promotion. However, a failure to do so shall not affect the application of this article to any employee. A copy of this article shall be posted in all locations normally used for employee communications.

§ 20-16. Investigation of residency.

- A. Should it be alleged that an employee is not in compliance with § 20-13 or 20-14 of this article, the Village Clerk may initiate a hearing by providing the employee with written notice of his or her alleged violation and shall allow the employee seven calendar days in which to respond. If there is a failure to respond, or if, in the judgment of the Village Clerk, the response is not sufficient to satisfy the requirement of this article, the Village Clerk shall set a date to hear the charge of nonresidence. The employee shall be sent a notice of the hearing date at least 15 days prior to the hearing. A record of the hearing shall be made. Should an employee establish residency to the satisfaction of the Village Clerk prior to the hearing date, it shall result in a cancellation of the hearing authorized by this section.
- B. To conduct the hearing, the Village Clerk may in writing designate an individual who for the purpose of the hearing shall be vested with all the powers of the Village Clerk and who shall refer the hearing record and his or her recommendations to the Village Clerk for review and decision. Should the Village Clerk determine that an employee is a nonresident in violation of this article, the employee shall be notified in writing that he or she has been deemed to have voluntarily resigned from the employment as of the date of the determination. Upon reestablishing residency, an individual having so resigned may apply for reinstatement to his or her former position and shall be reinstated if the position is vacant.

§ 20-17. Waiver of requirements.

- A. In the event that the Board of Trustees determines that it is in the best interest of the Village of Springville to do so, the provisions of § 20-13 or 20-14 may be waived with respect to an incumbent or incumbents of a particular job title or titles in accordance with the following standards:
 - (1) Lack of applicants. The requirement of residency may be waived in those instances where the Village has difficulty hiring or promoting the most qualified person because of its residency requirement.
 - (2) Necessity for nonresidence. The requirement of residency may be waived in those instances where it is determined that residency is not in the best interest of the municipality.
- B. Such a waiver shall not in any way affect the application of § 20-13 or 20-14 of this article with respect to any other job title or titles or any future incumbents of the same title or titles.

§ 20-18. Conflict with state law.

The provisions of this article are intended to be subordinate to conflicting provisions of the Public Officers Law, the Village Law, the Civil Service Law and any other general law of the State of New York relating to residency of employees, except in those cases where such general laws may be superseded by local law; in those cases, the provisions of this article are intended to supersede any such conflicting provisions contained in the general state law.

§ 20-19. Severability.

In the event that this article or any provision of it shall be deemed by a court to be in conflict with a provision of the New York State Constitution or with a provision of a general law, or if adherence to or enforcement of any section of this article shall be restrained by a court, the remaining provisions of this article shall not be affected.