

INTRODUCTORY LOCAL LAW 5 of 2026
"A LOCAL LAW TO CHANGE THE OFFICE OF HIGHWAY SUPERINTENDENT
FROM AN ELECTED OFFICE TO AN APPOINTED OFFICE"

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF CHESTER AS
FOLLOWS:

Section 1. LEGISLATIVE PURPOSE AND INTENT

The Town of Chester desires to eliminate the elected position of Superintendent of Highways and replace it with an appointed position of Superintendent of Highways. By doing so, the Town Board anticipates it will be able to assert greater oversight and accountability in the operation, function, and responsibility of upkeep and maintenance of Town highways, attract a wider Applicant pool for the position of appointed Superintendent of Highways, and minimize the risk of vacancies and ensure continuity in leadership.

Section 2. STATUTORY AUTHORITY

This local law is enacted under the authority of Municipal Home Rule Law §§ 10, 22 and 23. The Town hereby expressly states its intention that this local law shall supersede any provision of the Town Law of the State of New York to the contrary, including but not limited to Town Law § 20.

Section 3. ABOLITION OF ELECTED POSITION; CREATION OF APPOINTED POSITION

A. The elected position of the Superintendent of Highways in the Town of Chester is hereby abolished, effective January 1, 2028.

B. The appointed position of the Superintendent of Highways in the Town of Chester is hereby created, effective January 1, 2028.

Section 4. TRANSFER OF DUTIES

Except as otherwise set forth in Section 6, all duties, authority and power previously vested in the elected Superintendent of Highways shall be vested in the appointed Superintendent of Highways.

Section 5. RESIDENCY REQUIREMENTS

The person holding the office of Superintendent of Highways in the Town of Chester, need not be a resident nor an elector of the Town of Chester, provided, however, that such person shall reside in Orange County or in an adjoining county within the State of New York.

Section 6. AUTHORITY OF SUPERINTENDENT; APPOINTING AUTHORITY:

A. The appointed Superintendent of Highways shall have such powers and shall perform such duties as are or hereafter may be conferred or imposed by law,

and such further duties as the Town Board may determine not inconsistent with law. Any references contained in the Code of the Town of Chester to the Superintendent of Highways shall be construed as applying to the duly appointed Superintendent of Highways.

B. The appointed Superintendent of Highways shall report monthly to the Town Board concerning the operation, financial condition and the needs of the Highway Department.

Section 7. TERM OF OFFICE AND FILLING VACANCY

The appointed Superintendent of Highways of the Town of Chester shall serve for a term of two (2) years, upon the terms and conditions determined by the Town Board, unless sooner removed by the Town Board in the manner provided for in this local law. A vacancy in the Office of Superintendent of Highways shall be filled by the Town Board for the unexpired term in the manner provided by law.

Section 8. SALARY AND REMOVAL OF HIGHWAY SUPERINTENDENT:

A. The salary of the Highway Superintendent shall be fixed by the Town Board and shall be payable in such installments and at such intervals as the Town Board shall determine, which may be modified by resolution of the Town Board from time to time.

Section 9. Chapter 16, entitled "Officers and Employees", Article I, entitled "Superintendent of Highways" is hereby repealed in its entirety and replaced to read as follows:

§ 16-1 Term of Office.

The office of the Town Superintendent of Highways shall be appointed by the Town Board beginning on January 1, 2028 and shall serve a term of two years. A vacancy in the Office of Superintendent of Highways shall be filled by the Town Board for the unexpired term in the manner provided by law.

§ 16-2 Residency Requirements

The person holding the office of Superintendent of Highways in the Town of Chester, need not be a resident nor an elector of the Town of Chester, provided, however, that such person shall reside in Orange County or in an adjoining county within the State of New York.

§ 16-3 AUTHORITY OF SUPERINTENDENT; APPOINTING AUTHORITY:

A. The appointed Superintendent of Highways shall have such powers and shall perform such duties as are or hereafter may be conferred or imposed by law, and such further duties as the Town Board may determine not inconsistent with law. Any references contained in the Code of the Town of Chester or New York State Law to the Superintendent of Highways shall be construed as applying to the duly appointed Superintendent of Highways.

B. The Town Board shall be the appointing authority for the Superintendent of Highways.

C. The appointed Superintendent of Highways shall report monthly to the Town Board concerning the operation, financial condition and the needs of the Highway Department.

Section 10. SUPERSESSION

This local law shall supersede Town Law § 20 and § 23 in its application to the office of Superintendent of Highways for the Town of Chester, Orange County, New York.

Section 11. MANDATORY REFERENDUM

This local law shall be subject to a mandatory referendum to be held at the next regularly scheduled General Election on November 3, 2026 with the following proposition:

SHALL THE POSITION OF SUPERINTENDENT OF HIGHWAYS BE CHANGED FROM AN ELECTED POSITION TO AN APPOINTED POSITION WITH A TERM OF TWO YEARS?

Section 12. SEVERABILITY

If any clause, sentence, paragraph, section or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, section, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Section 12. EFFECTIVE DATE

This local law shall take effect upon the affirmative vote of a majority of the qualified electors voting therein at such General Election on November 3, 2026, and the filing with the Office of the Secretary of State in accordance with the applicable provisions of law on January 1, 2028.