

Powers and Duties of Town Officers

Laws governing officer selection:

The town supervisor serves as budget officer unless he/she appoints someone else (Town Law, Section 103[2]).

A town may have fewer than four council members under certain circumstances. (Town Law, Sections 20[1][a],[b], 60-a, and 81[2][c]).

A town with an elected highway superintendent may abolish the office of highway superintendent by local law, subject to permissive referendum requirements, if the town has a contract in force and effect with another municipality for the municipality to provide highway, road and street maintenance and repair for a period of at least five years (Town Law, Section 20[1][k]).

A town board may determine by resolution, subject to referendum requirements, that the number of town justices shall be reduced (Town Law, Section 60-a).

In a town of the Second Class, the town board may adopt a resolution abolishing the office of tax collector. If the board adopts the resolution, the duties of the tax collector will be performed by the town clerk (Town Law, Section 36).

Supervisor:

The town supervisor fills a significant role, serving in several major capacities, including: Presiding Officer (Chairperson) – The supervisor is the presiding officer at meetings of the town board (Town Law, Section 63). Town Legislator (Town Board Member) – The supervisor votes on matters before the town board as do all the other board members (Town Law, Sections 60 and 63). Town Executive and Administrator – After town board decisions have been made, it is often the supervisor who carries out the decisions. The supervisor usually receives the majority of complaints and suggestions of citizens, as well. Town Fiscal Officer – The supervisor is the treasurer of the town and generally represents the town in the conduct of its financial affairs. Chapter 2 of this publication discusses many aspects of this very important role (Town Law, Section 29). The Supervisor is an elected position with a term of 2 years

Bookkeeper:

The bookkeeper is responsible for recording A/P and A/R, reconciling bank statements, running payroll and all associated quarterly and annual reports, budget assistance, and creating and submitting the Annual Update Document to the State Comptroller's office. This is a position the functions of which can be carried out by the Supervisor or a position which can be hired out at the discretion of the Supervisor and approved by the board. The Bookkeeper in the town of Middlefield is a contractor selected by the Town Board.

Deputy Supervisor:

A town board may decide to establish the office of deputy supervisor. If it does, that official is appointed by the supervisor or by the town board if the supervisor fails to do so within five days after the establishment of the office or within five days after a vacancy occurs in the office. Any person, including a town officer, official or employee, may be appointed deputy supervisor, provided that the person appointed shall possess the same qualifications as an elective town officer. The deputy supervisor does not sit on the county board and has no vote on the town board unless the deputy is also a town board member and entitled to a vote by virtue of that office (Town Law, Section 42). The Deputy Supervisor is appointed by the Town Board.

Town Clerk:

The town clerk is also clerk of the town board but has no vote. The clerk is in charge of most town records, issues certain licenses and permits, files reports with county and State agencies as required, is involved with election administration, posts legal notices, and is, in many ways, a pivot around which the town operates (Town Law, Section 30). Middlefield's clerk also performs custodial duties for the town hall. Middlefield's clerk sets her own hours of operation and provides contact information for emergencies and death certificates which must be handled within a prescribed time period. The Town Clerk is an elected position with a term of 2 years.

Town Justice:

Town justices have jurisdiction in criminal and civil matters, and in special proceedings as conferred by law (Town Law, Section 31; Uniform Justice Court Act). Middlefield's Town justice is an elected official with a 4 year term.

Superintendent of Highways:

The town superintendent of highways is primarily responsible for the maintenance and repair of town highways and bridges, and the removal of obstructions caused by brush and snow. The Superintendent generally has the power to hire, subject to appropriations established by the town board, and direct highway department employees for the above-mentioned purposes. The salary and expenses of the superintendent and the deputy superintendent (if any), and certain other administrative expenses are paid from the general fund. Other highway expenses are generally paid from the highway fund (Highway Law, Section 141; Town Law, Section 32). The Superintendent of Highways is an elected position with a term of 2 years.

Assessor:

The assessor is charged with the responsibility of assessing real property in the town for purposes of taxation (Town Law Section 33, Real Property Tax Law Section 102[3], see generally, Real Property Tax Law Article 5, Title 1). The Assessor is appointed by the Town Board.

Board of Assessment Review:

A board of assessment review hears complaints of property owners on grievance day and may make adjustments to assessments. The board of assessment review consists of at least three but not more than five members appointed by the town board. The majority of the members cannot be officers and employees of the town. The town assessor may not serve as a board of assessment review member (Real Property Tax Law, Sections 102[3], [4], and 523). Board of Assessment Review members are appointed by the Town Board.

Town Clerk as Collector of Real Property Taxes:

The responsibility for collecting town taxes may be performed by either a tax collector or a town clerk as receiver of taxes, depending on a town's classification and structure. The taxes collected are to be turned over to the proper agencies. (Town Law, Sections 35, 36, and 37).

Town Attorney:

Any town may establish the office of town attorney, appoint an individual to serve in that position and fix the salary for that position. The individual serving as town attorney is a town officer. Towns that have established the office and appointed a town attorney may also contract with other attorneys or law firms to provide assistance to the town attorney for specific purposes. Towns that have not established the office of town attorney may contract with an outside

attorney or law firm to provide professional services and legal advice (Town Law, Section 20[2]). The Town Attorney is appointed by the Town Board.

Town Health Officer:

The areas of public health responsibility include (1) assuring an adequate local public health infrastructure, (2) promoting healthy communities and healthy behaviors, (3) preventing the spread of communicable disease, (4) protecting against environmental health hazards, (5) preparing for and responding to emergencies. PUBLIC HEALTH NUISANCES: Health Officers may conduct sanitary investigations into complaints and nuisances that may endanger public health. These may include garbage, insects, unsanitary living conditions, rodents, and safe drinking water inspections. The Town Health Officer must be a physician. The Town Health Officer is appointed by the Town Board.

(Source for previous: osc.state.ny.us Information for Town Officials)

Information Technology Officer:

The IT officer oversees the town's Internet connections and network hardware in the Town Hall, manages the town website, conducts teleconference meetings, and is responsible for security of the town's electronic communications. The Information Technology Officer is appointed by the Town Board.

Zoning Enforcement Officer:

The Zoning Enforcement Officer (ZEO) is responsible for ensuring compliance with the town's zoning laws and related regulations. The ZEO's responsibilities are:

- Review, process, and issue zoning permits in accordance with established procedures.
- Conduct on-site inspections of properties and projects to verify compliance with zoning law and permit conditions.
- Respond to complaints and inquiries from the public regarding potential zoning violations.
- Investigate alleged zoning violations, gather evidence, and initiate appropriate enforcement actions as needed.
- Provide guidance and advice to property owners, developers, and applicants on zoning regulations and compliance requirements.
- Maintain accurate records, reports, and documentation related to zoning permits, inspections, violations, and enforcement actions.
- Prepare and submit a monthly report to the Town Board
- Collaborate with the Planning board and the Zoning Board of Appeals.

The Zoning Enforcement officer is appointed by the Town Board.

Planning Board:

The Planning Board evaluates all subdivision applications and makes recommendations to the Town Board regarding their approval. The Planning Board may offer guidance to applicants on structuring their plans to align with town regulations.

Additionally, the Planning Board reviews site plans for construction projects located within 500 feet of either Otsego Lake or the Susquehanna River, ensuring that these projects adhere to environmental considerations and local regulations.

The Planning Board has responsibility to review drafts of town laws and proposed amendments to ascertain their compatibility with the town's Zoning Law and Comprehensive Plan. The Board can suggest changes to existing laws and propose new ones when deemed necessary. Planning Board members are volunteers, appointed by the Town Board, and serve for seven-year terms.

Zoning Board of Appeals:

The Zoning Board of Appeals is the town body which reviews use and area variance applications, reviews interpretations of zoning regulations and rulings made by the Zoning Enforcement Officer, and reviews Special Use Permit applications.

To appear before the Zoning Board of Appeals, an individual must meet one of the following criteria:

- Have their permit application denied by the Zoning Enforcement Officer.
- Receive a citation for a violation issued by the Zoning Enforcement Officer.
- Apply directly to the Zoning Board of Appeals for an area variance in conjunction with an application for site plan approval, special use permit, or subdivision plat approval.

ZBA members are volunteers, appointed by the Town Board, and serve for 5 year terms.

(Source: dos.ny.gov Zoning Board of Appeals Overview)

Animal Control Officer:

The Animal Control Officer has the following responsibilities:

- Seizes and impounds stray and dangerous dogs, and makes diligent efforts to locate their owners.
- Receives, investigates, and addresses public complaints related to small animal nuisances, while ensuring enforcement of local ordinances, quarantine laws, and applicable orders concerning dogs and other animals.
- Maintains records of all work performed.
- Providing required reports to the Town Board as required.

The Animal Control Officer in Middlefield is a contractor selected by the Town Board.

For further information, please refer to the Dog Licensing Law on

<https://www.middlefieldny.org/documents--forms.html>

Town Historian:

The Town Historian is part of a statewide network of local historians whose responsibility is to collect, preserve and interpret the history of our town and its residents. The Town Historian works in collaboration with the Historic Preservation Commission. The Town Historian is appointed by the Town Board.