

On August 15, the Danby Town Board voted to begin the process of converting the position of the Danby Highway Superintendent from an elected post to an appointed, hired one. This is the second time in six years that the Town Board has initiated the process; in 2010, local voters defeated the change during the mandatory referendum that followed the Board's action.

Whether it happened by accident or via a planned effort, I am concerned that the short notice—and little information—given the public on this issue has flawed the decision-making process. Without this notice and background, **I do not think it is a good idea for the Town Board to pass a local law initiating a change at this time.** The right time will not arrive until all the questions raised by the following pro- and con- discussion have been satisfactorily answered.

I am not urging voters toward one side or the other of the issue, but I feel strongly that more information should be available to the public. The following is an attempt to present that information.

I am urging voters to attend the public hearing on Tuesday, August 30, at 7pm in Danby's Town Hall. If you find that this document raises more questions than it answers, urge the Town Board not to proceed with a local law at this time.

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New York State Town Law requires the Town Board to initiate the conversion process by passing a local law. As is the case with all local laws, the Board must offer a Public Hearing before its vote. That hearing was scheduled for Tuesday, August 30, at 7pm in Danby's Town Hall. The Town Board will then vote on the local law—in public—either immediately following the hearing or soon afterward.

NYS Town Law requires that the local law must be passed during a narrow time window ending, roughly, September 9. Since 10-day notice of the hearing was required, the Danby Town Board's action could not have been delayed much further.

If the Town Board votes to convert the Highway Superintendent's position to an appointed one, the change must be confirmed by the Town's voters. A mandatory referendum will take place during the General Election on November 8, 2016.

<i>ELECT: Some might say that, since voting on ballot propositions is spotty and voters sometimes misinterpret the "fine print", the Town Board should carefully consider public opinion before passing—or not passing—the local law.</i>	<i>APPOINT: Others might say that, since voters have the opportunity to affirm or deny the Town Board's action during the General Election, the Town Board's vote to pass a local law is little more than a procedural hurdle.</i>
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New York State Town Law establishes the position of Highway Superintendent as an elected one. This made sense at a time when the number of roads in a Town was growing. The Superintendent dealt with voters on a daily basis: deciding which properties were serviced by new roads and the maintenance of existing roads.

Today, Town roads already exist. The few that are being added, are generally added by developers who build them to the Superintendent's specification and then hand the completed road to the Town for maintenance. Voters might still call the Highway Department to report, say, potholes, but the general expectation is that the Superintendent will maintain all roads equally.

<p><i>ELECT: Danby's Highway Department has a good, though expensive, personnel structure (see below) with expertise that could support any new Superintendent. With this support in place, there is no clear reason to eliminate the voters' right to decide.</i></p>	<p><i>APPOINT: Modern road construction has become complicated and technical. There are extensive, legally mandated standards that must be followed. The modern-day Highway Superintendent is more of a Department Director than a Popular Officeholder.</i></p>
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The Town Board did not plan for timely action that would have resulted in an open dialog leading up to the Public Hearing and Mandatory Referendum. The August 15 decision met the specific requirements of NYS Town Law, but there was little or no additional notice given to voters.

<p><i>ELECT: Restricting the right to choose public officials is a divisive issue, especially when the change is not clearly documented and understood to be in the public interest.</i></p>	
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The driving argument for a change is that an elected Superintendent must be a resident of the Town of Danby, while an appointed Superintendent can be anyone at all.

<p><i>ELECT: Just because there hasn't been much interest in running for office, doesn't mean there isn't any interest...or any ability. How about starting a non-partisan search for potential candidates before of changing the law?</i></p>	<p><i>APPOINT: The pool of potential Superintendents is larger.</i></p>
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It has been noted that there isn't a Republican way or a Democratic way to run a Highway Department. The demographic divide in Danby, like Tompkins County's, is sharp and rapidly tilting toward one political party.

<p><i>ELECT: With a one-party Town Board choosing a Superintendent, members of other parties may be discouraged about their chance to give input to the process, or even about the likelihood of being selected.</i></p>	<p><i>APPOINT: The Superintendent should be hired on merit. Party politics and personalities should not be involved.</i></p>
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There is an existing system of checks and balances within Town government. Although the Highway Superintendent runs the Highway Department, the Town Board has significant control because it determines the budget...and even the Superintendent's salary. However, the Town Board does not have the right —let alone the time or expertise— to dictate day-to-day operations of the Highway Department, or to make decisions about the Department's longer-term plans.

<p><i>ELECT: Through the budget mechanism, the Town Board already can correct many errors and excesses. Other, non-financial issues can be addressed by voters during the next election, which is never more than two years distant.</i></p>	<p><i>APPOINT: Electing an inexperienced person who is responsible for spending a huge portion of the Town budget could be a recipe for disaster.</i></p>
<p><i>ELECT: A Superintendent serving at the pleasure of the Town Board might become obligated to make decisions to please the Board. For similar reasons, the neutrality of information provided by an appointed Superintendent to the Board might become suspect.</i></p>	
<p><i>ELECT: In the past, the Town Board has not acted rapidly to correct a personnel problem. If the Superintendent's position fell under Civil Service rules, correcting a problem could be even slower.</i></p>	

The Town of Danby, like many small municipalities, has an irregular record of notifying the public about, or soliciting applications for, appointive positions.

<p><i>ELECT: Past history suggests several ways in which the applicant selection process could become derailed or fail entirely.</i></p>	<p><i>APPOINT: The Town Board can invite applications from a pool that extends beyond the Town's borders, and can make a careful choice of the best applicant.</i></p>
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An item in the Ithaca Journal, about two weeks ago, mentioned that the Highway Superintendent's salary is in the \$50-60,000 range, making the Superintendent the highest-paid elected official in the Town, earning almost three times the salary of the Town Supervisor.

The (appointed) Deputy Superintendent is paid a similar salary. About half of the Town Bookkeeper's salary is paid by the Highway Department, where the Bookkeeper maintains an office and assists with management. Together, they form a support team for the Superintendent. These two positions were added in recent years. They make a formidable dent in the Town's budget. The salaries and potential overhead costs for all three positions total perhaps 15 or 20 percent of the Town's annual expenses.

It is not clear whether making the Superintendent's position an appointed one will affect the number of positions or the salaries. The Town Board has not even discussed that question this year, or considered whether an appointed, professional highway specialist would demand a higher salary, or be able to handle the tasks currently performed by the assisting personnel.

<i>ELECT: The Highway Department already has personnel in place to support an elected Superintendent who is willing to grow into the job and can learn quickly.</i>	<i>APPOINT: A professional, experienced, appointed Superintendent might allow the Department to trim its top-heavy personnel expense.</i>
<i>ELECT: In 2010, the Town Board considered the idea that hiring a professional might require flexibility —upwards— in the Superintendent's salary, in order to attract qualified applicants.</i>	

Summary

There are equally good reasons on both sides of the question. Voters will have to decide which of the reasons are most important to them personally, or make a choice based on outside preferences that may have little or nothing to do with the issue.

In 2010, the mandatory referendum showed that the Town's voters were about evenly split on this issue, and the vote was not along party lines. The Town Board has not added any new facts to the question. It failed to present the already-known facts to the public. What is the underlying reason to think the result will be different this time? Is it good governance to roll the electoral dice until the change of a few votes satisfies an agenda?

Had the Town Board developed an objective analysis of, say, cost savings or service improvements resulting from a change, it would have good justification for moving forward. Lacking this guidance, I do not think the Town Board should pass the local law. If the Town Board proceeds, I would urge voters to gather facts before affirming that law in November.