

Town of New Scotland
Proposed
Local Law A of the Year 2016

A local law amending the Planning Board and Zoning Board Term Limits.

Be it enacted by the Town Board of the Town of New Scotland as follows:

Section I. Purpose and Findings

The Town of New Scotland adopted: (1) Local Law No. 3 of the Year 2010; and (2) Local Law No. 2 of the Year 2011, which laws amended certain provisions of the Town Code, and imposed term limits for Planning Board and Zoning Board of Appeals members, respectively. Due to the limited number of qualified candidates who are willing to serve as members of the boards and the overall population of the Town, the Town Board has found that the term limits can be unduly restrictive. To retain qualified members of the Planning Board and Zoning Board of Appeals who would otherwise be ineligible to serve, the Town Board has determined that the Town Code should be amended to allow a procedure for making exceptions to the term-limit rules in certain circumstances on the affirmative vote of a supermajority of the Town Board.

Section II. Authority

This law is enacted by the Town Board of the Town of New Scotland pursuant to its authority to adopt Local Laws under Article IX of the New York State Constitution, Article 18 of the General Municipal Law, and the Municipal Home Rule Law.

Section III. Amendments

A. Section 190-89 of the Town Code of the Town of New Scotland is hereby amended by adding the following subparagraph (G) to § 190-89:

(G) Notwithstanding the provisions of Section 190-89(D) of the Town Code to the contrary, if, in the opinion of the Town Board, reappointment of a member of the Planning Board who has served two full terms (ten years) is in the best interest of the public, given the member's qualifications and experience, the Town Board may, by a supermajority vote, reappoint the Planning Board member whose term has expired for an additional term or terms. A supermajority

vote requires the affirmative vote of four of the five members of the Town Board.

B. Section 190-70 of the Town of New Scotland Town Code is hereby amended by adding subparagraph (F) to § 190-70:

(F) Notwithstanding the provisions of Section 190-70(D) to the contrary, if, in the opinion of the Town Board, reappointment of a member of the Zoning Board who has served two full terms (ten years) is in the best interest of the public, given the member's qualifications and experience, the Town Board may, by a supermajority vote, reappoint a member of the Zoning Board of Appeals whose term has expired for an additional term or terms. A supermajority vote requires the affirmative vote of four of the five members of the Town Board.

Section IV. Severability

If any word, phrase or part of this law shall be declared invalid or unconstitutional, the same shall be severed and separate from the remainder of the law, and said remainder shall continue in full force and effect.

Section V. Effective Date

This local law shall be effective upon filing with the Secretary of State.

Section VI. Repeal of Other Laws

All local laws in conflict with provisions of this Local Law are hereby superseded.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. ____ of 20__ of the Town of New Scotland was duly passed by the New Scotland Town Board on _____ 20__, in accordance with the applicable provisions of law.