

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

~~County~~

~~City~~ of New Scotland

~~Town~~

~~Village~~

Local Law No. 1 of the year 2005

A local law authorizing the appointment of alternate members to the
(Insert Title)
Planning Board and Zoning Board of Appeals

Be it enacted by the Town Board of the
(Name of Legislative Body)

~~County~~

~~City~~ of New Scotland

~~Town~~

~~Village~~

as follows:

(If additional space is needed, attach pages the same size as this sheet, and number each.)

Section 1. Short Title and Applicability.

Alternate Planning Board and Zoning Board of Appeals Members Act. This Local Law shall apply to the appointment, terms, functions and powers of Alternate Members appointed to serve on the Planning Board and Zoning Board of Appeals in the Town of New Scotland.

Section 2. Purpose.

It is sometimes difficult to ensure that the full membership of the Planning Board and Zoning Board of Appeals is available for meetings of the respective Boards. On occasion, individual Members are unable to participate due to illness, being out-of-town, some unforeseen event or a conflict of interest involving a specific matter before such Board. In such instances, the Board on which the unavailable Member serves may be unable to conduct official business or must conduct its business with fewer than all Members.

A Member's absence can impede the ability of a Board to adhere to required timelines and affect an applicant's probability of obtaining a favorable decision. To decrease the number of occasions when less than a full Board is available to conduct official business and to lessen the impact of Members absences, the use of Alternate Members is hereby authorized pursuant to the provisions of this Local Law.

Section 3. Definitions.

- A. "Planning Board" means the Planning Board of the Town of New Scotland.
- B. "Zoning Board of Appeals" means the Zoning Board of Appeals of the Town of New Scotland.
- C. "Member" means an individual appointed by the Town Board to serve on the Planning Board or Zoning Board of Appeals pursuant to the New York State Town Law.
- D. "Alternate Member" means an individual appointed by the Town Board to serve on the Planning Board or Zoning Board of Appeals pursuant to this Local Law.

Section 4. Authorization/Effect.

- A. The Town Board of the Town of New Scotland hereby enacts this Local Law to provide a process for appointing Alternate Members to its Planning Board and Zoning Board of Appeals.

B. Alternate Members shall participate in official Board business, at the designation of the Chairperson of the Board to which the Alternate Members are appointed, when a full-time Member of the respective Board is absent or unable to vote on a particular application or matter. When so designated, an Alternate Member shall possess all the powers and responsibilities of a Member of the Board and the participation of the Alternate Member shall be entered into the meeting minutes.

C. All provisions of state law relating to Planning Board/Zoning Board of Appeals Member eligibility, vacancy in office, removal, compatibility of office and service on other boards, as well as any provisions of a local law/local ordinance relating to training, continuing education, compensation and attendance, shall also apply to Alternate Members.

D. Alternate Members of the Planning Board and Zoning Board of Appeals shall be appointed by the Town Board for a term of 1 year, which term shall terminate on December 31st of each year.

Section 5. Compensation.

Notwithstanding any other provision of this law, Alternate Members to the Planning Board and Zoning Board of Appeals shall be compensated at a rate to be set by the Town Board by Resolution.

Section 6. Compliance with Town Law.

This Local Law is hereby adopted pursuant to the Municipal Home Rule Law.

Section 7. Severability.

If any provisions of this Local Law are held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, the remaining provisions of the Local Law shall remain in effect.

Section 8. Effective Date.

This Local Law shall take effect upon filing with the New York State Secretary of State.

(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. 1 of 2005 of the ~~(County)~~(City)(Town)(Village) of New Scotland was duly passed by the Town Board on April 13, 2005, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)(repassed after disapproval) by the _____ and was deemed duly adopted on _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 20____. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph _____, above.

Diane P. Deschene

Clerk of the County legislative body, City, Town or Village Clerk or officer designated by local legislative body

(Seal)

Date: 4/27/05

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF Albany

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

L. Michael Mackey

Signature L. Michael Mackey

Town Attorney
Title

~~COUNTY~~
~~CNY~~ of New Scotland
Town
~~VILLAGE~~

Date: 4/27/05