

Town of New Scotland

Proposed
Local Law 1 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. 1 of 2016 of the Town of New Scotland was duly passed by the New Scotland Town Board on April 13, 2016, in accordance with the applicable provisions of law.

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 Town of New Scotland was duly passed by the New Scotland Town Board _____ 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.

3. (Final adoption by referendum.)

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 ____, 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.

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 Town of New Scotland 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.

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.

*** 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.**

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 1, above.


New Scotland Town Clerk

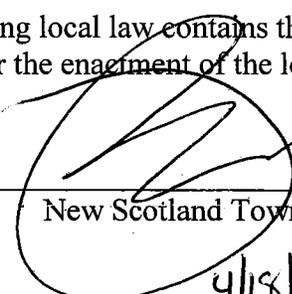
(Seal)

Date: 4/15/2016

(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.

Signature 
New Scotland Town Attorney

Date: 4/18/2016