



PLANNING BOARD BYLAWS

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I. Preamble

The Berkshire Town Planning Board is empowered to perform planning work as authorized under the Town Law of the State of New York and Town of Berkshire Local Law No. 2 of 2012, Planning Board Creation. The following shall be the BY-LAWS for the conduct of business. Within these BY- LAWS, the Berkshire Town Planning Board is referred to as The Board.

II. Organization

A. Membership

1. Composition: The Board shall consist of five (5) regular members and as many as two (2) alternate members appointed by the Berkshire Town Board. In addition, the following may sit as ex officio members: the Town of Berkshire Supervisor or delegate, the Superintendent of Highways, the Code Enforcement Officer, and a Tioga County Planning Board Member.
2. Qualifications: The five (5) regular and two (2) alternate members must be residents of the Town of Berkshire and should be willing to represent the best interests of the community.
3. Terms:
 - a. The five (5) regular members shall serve for terms of five (5) initial years with reappointments at additional five (5) year consecutive terms as desired and authorized. Any vacancy shall be filled for the unexpired term by the Berkshire Town Board. Each appointment starts on January 1 and no two terms shall expire in the same year.
 - b. The alternate members are assigned to one (1) calendar year terms.
4. Responsibilities: Each member shall:
 - a. Sign the Oath of Office with the Town Clerk when initially appointed.
 - b. Execute their duties in a professional manner and in the best interests of the Town of Berkshire and The Board at all times.
 - c. Respond promptly to all communications, including e-mail or other forms of electronic communication.
 - d. Abide by the Town of Berkshire Code of Ethics.
 - e. Be fully prepared for board meetings by reviewing relevant documents in advance and completing tasks assigned at prior meetings.
 - f. Attend meetings as outlined in Section IV. Meetings- subsection D, Attendance.

B. Officers

The executive officers of The Board shall be: Chairperson, Vice-Chairperson, and Secretary. The Board shall annually elect, from its regular members, persons to hold the offices of Chairperson and Vice-Chairperson; and from all members a person to hold the office of Secretary. In addition, The Board may name such other officers as it deems necessary. In the absence of the Chairperson and Vice-Chairperson, the Board may appoint a chairperson pro-tempore for the meeting. In the absence of the Secretary, another member will be assigned by the Chair to fulfill the duties of the secretary for that meeting.

1. Chairperson: The Chairperson shall:
 - a. Prepare the agenda for The Board meetings and notify members prior to regular and special meetings.
 - b. Preside at all meetings and hearings of The Board.
 - c. Assure membership is fully staffed and utilize alternate members as needed.
 - d. Appoint committee members and chairpersons.
 - e. Be an ex officio member of all committees.
 - f. Be the authorized spokesperson for The Board. Typically this refers to attending Town Board meetings and other relevant meetings pertaining to planning activities. Some delegation to other members of this duty is acceptable.
 - g. Approve all financial transactions.
 - h. Perform such other duties as may be required.
2. Vice-Chairperson: The Vice-Chairperson shall:
 - a. Perform all the duties of the Chairperson in case of his/her absence.
 - b. Perform other such duties as may be required.
3. Secretary: The Secretary shall:
 - a. Keep the records of The Board including the minutes of all meetings, public hearings, and proceedings.
 - b. Prepare and distribute drafts of meeting minutes prior to the next meeting.
 - c. Present copies of all meeting minutes approved by The Board to the Berkshire Town Board.
 - d. Maintain records of all training sessions attended by The Board members.
 - e. Maintain records of all work requests received from the Town Board.
 - f. Perform other such duties as may be required.
4. County Planning Board Representatives: The town is allocated one position on the Tioga County Planning Board. The Board shall recommend to the Town Board appointment, preferably of a member of The Board, to a regular term of three years as County Planning Board Representative. The County Planning Board Representative shall:
 - a. Attend all meetings of the Tioga County Planning Board
 - b. Provide monthly updates to The Board and the Town Board of county planning activities.
5. Other Officers: Other officers shall have such authority and perform such duties as may be assigned by The Board.
6. Vacancies: If an executive office position shall become vacant, The Board shall approve, at the next regular meeting, a successor to hold the office position for the remainder of the year.

C. Committees

1. Formation: The Board shall form such committees as it may find necessary. The members thereof shall be appointed by the Chairperson, with majority approval, and need not be limited to members of The Board.
2. Limitation: No committee shall take final action on any matter unless specifically authorized by The Board to do so.
3. Citizen Participation: Any committee may solicit advice and counsel from citizens who are not members of The Board.

III. Powers & Duties

Pursuant to New York State Town Law and to the Local Laws and resolutions of the Town of Berkshire, The Board shall:

- A. Organize itself to carry out responsibilities, primarily as a support unit to the Berkshire Town Board. That generally requires performing research and other activities necessary to establish guidelines (local laws and ordinances) to insure the health and welfare of the community based on direction of the Town Board.
- B. Advise the Berkshire Town Board and make recommendations on its own initiative or upon request. Submit new local laws or revisions to existing ones and other supporting documents for Town Board review and approval. Communications between the Town Board and The Board should be in writing (excluding oral discussions at Town Board meetings).
- C. Local Laws should be reviewed and revised, if necessary, within 10 years of the last revision and the Town of Berkshire Local Law list kept current. The official copy of all local laws is maintained by the Town Clerk. For convenience, a copy of each law shall be maintained in the Town Hall, and an electronic version stored on the Town of Berkshire web site at <http://www.berkshirenny.net/>.
- D. Consider matters relating to Town or county planning.
- E. Serve as liaison between the public and the Town Government.
- F. Collaborate with Town departments and other agencies relating to planning matters.
- G. Perform an annual review of the town's Permit Fee Schedule
- H. Attend training sessions in a manner that meets annual New York State continuing education requirements.

IV. Meetings

A. Schedule

1. Annual Organizational Meeting: An annual organizational meeting shall be held in December. At the discretion of the chairperson, this meeting may be either the regular December meeting or a special meeting. At this meeting The Board shall:
 - a. Elect the executive officers of The Board for the coming year.
 - b. Formulate recommendations to the Town Board regarding appointments to offices or positions that are vacant or will become vacant in the New Year.
 - c. Establish the place, dates, and times for regular meetings.
 - d. Review and update the Planning Board By-Laws
2. Regular Meetings: Regular meetings of The Board shall be held pursuant to decisions made at the annual organization meeting unless otherwise changed by The Board and public notification posted as required by law. Normally meetings are held the first Tuesday of the month at 6:30 PM in the Town Hall. If the regular meeting date falls on a legal holiday or is cancelled due to emergency, the meeting shall be held the following week unless otherwise determined by the Chairperson. Meetings normally last two hours.

3. Special Meetings: The Chairperson or a majority of the voting members may call a special meeting. Notice thereof shall be posted in advance as required by the Open Meetings Law and shall specify the matter(s) to be considered at the meeting. The Board may schedule work sessions as needed to complete projects.
4. Executive Sessions: The Board may meet in a closed or executive session as prescribed by New York State law. Any official action shall be made only in open session.

B. Proceedings

Robert's Rules of Order shall govern The Board's proceedings except as specified otherwise by these by-laws.

1. Voting: The voting membership shall be the five (5) appointed regular members of The Board. The Chairperson can designate an alternate member to act as a regular member when less than five (5) regular members are in attendance at any meeting, in which case the alternate member assumes full voting duties. Any proposed action shall require a majority of three (3) for passage. Ex officio members shall not be entitled to vote.
2. Quorum: A quorum shall consist of at least three (3) of the voting members of The Board.
3. Visitors: Visitors at a meeting may enter into discussion or present petitions in the manner and for a time period determined by the Chairperson.

C. Minutes

Minutes shall be kept of all meetings. The Secretary will assume this responsibility, but if absent, another member shall be appointed to take notes and coordinate creation of the meeting minutes with the Secretary. The minutes of any meeting shall not be considered officially released until formally approved by The Board at the next scheduled meeting. All approved minutes will be submitted to the Town Board.

D. Attendance

The regular Board members are expected to attend all regular and any other scheduled Planning Board meetings and work sessions, and must notify the Chairperson if they are unable to attend. Alternate members are also encouraged to attend all meetings. Failure to attend three (3) Board meetings in a calendar year without advance notification to the Chairperson constitutes grounds for dismissal from The Board by the Town Board.

V. Training

Board Members are expected to participate in training exercises that prepare them to perform their duties and satisfy the New York State requirement of four hours per year of continuing education. (See New York State Department of State website:

www.dos.state.ny.us/lgss/mandatorytraining.htm.) The Town Board will review training activities each year and determine if the efforts meet state guidelines. Pre-approved training expenses will be reimbursed by the Town Board.

VI. Amendments

These by-laws were adopted at the organizational meeting of The Board on January 1, 2019, and shall be amended only by a majority vote of the membership.

Signed: _____

Kenneth Ceurter, Chairperson