

# Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE  
162 WASHINGTON AVENUE, ALBANY, NY 12231

(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 Berkshire  
Town  
Village

FILED  
STATE RECORDS

JUN 11 2012

Local Law No. 2-2012 of the year 192012

A local law Establish a Planning Board  
(Insert Title)

DEPARTMENT OF STATE

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

County  
City of Berkshire  
Town  
Village

as follows:

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

(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. 7-7612 of 19\_\_\_\_ of the (County)(City)(Town)(Village) of Quincy was duly passed by the Board of Supervisors on May 21 192012, 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 19\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 19\_\_\_\_, and was (approved)(not approved)(repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted on \_\_\_\_\_ 19\_\_\_\_, 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 19\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 19\_\_\_\_, and was (approved)(not approved)(repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 19\_\_\_\_. 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 \_\_\_\_\_ 19\_\_\_\_, 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 19\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 19\_\_\_\_, and was (approved)(not approved)(repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 19\_\_\_\_. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 19\_\_\_\_, 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.)**

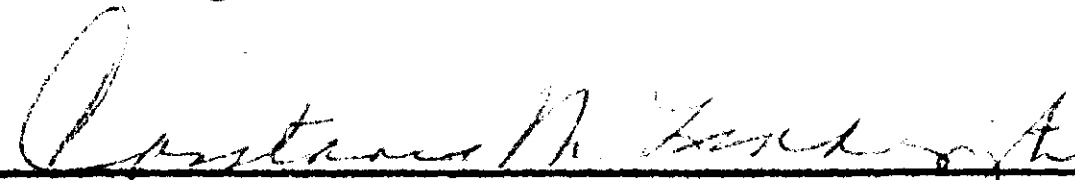
I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 19\_\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_ 19\_\_\_\_, 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 19\_\_\_\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 19\_\_\_\_, 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.



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

(Seal)

Date: June 1 2012

**(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 \_\_\_\_\_

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 \_\_\_\_\_

Title \_\_\_\_\_

County  
City of \_\_\_\_\_  
Town  
Village

Date: \_\_\_\_\_

Town of Berkshire  
Local Law # 2-2012  
Planning Board Creation

**Table of Contents:**

Section I	Purpose and Intent	Page 2
Section II	Definitions	Page 2
Section III	Provisions and Requirements	Page 2
Section IV	Exclusions	Page 2
Section V	Administration and Enforcement	Page 3
Section VI	Enforcement Procedure	Page 3
Section VII	Reference Material	Page 3
Section VIII	Severability/Invalid Segments	Page 3
Section IX	Penalties	Page 3
Section X	Effective Date	Page 3

## Section I: Purpose and Intent:

The Town of Berkshire Town Board (Town Board) hereby creates a Planning Board which shall function in the manner prescribed by New York State Town Law. The Berkshire Planning Board shall function as an advisory body, providing support to the Town Board primarily by creating, amending and interpreting local laws, but may undertake any other town matters as directed.

## Section II: Definitions:

**Alternate Member:** Any resident appointed to serve a one-year term as backup to the regular members of the Planning Board, and upon designation by the Chair, perform the duties of a regular member.

**Planning Board:** The Planning Board (The Board) of the Town of Berkshire as established by the Town Board, pursuant to the provisions of section 271 of the Town Law.

**Regular Member:** Any resident who is appointed by the Town Board to serve a five (5) year term, or fill a vacancy for the remainder of a five (5) year term, on the Planning Board.

## Section III: Provisions and Requirements:

- (a) The Board shall, in accordance with the provisions of this local law and New York State Town Law § 271 and at the direction of the Town Board, hear and report to the Town Board on any matter referred to it by the Town Board.
- (b) The members of The Board shall be residents of the Town of Berkshire and shall be appointed by the Town Board to serve for terms as prescribed by law. No person who is a member of the Town Board shall be eligible for membership on The Board.
- (c) Service on The Board shall not disqualify anyone from also serving as a member of the Tioga County Planning Board.
- (d) The Board shall adopt by-laws consistent with New York State law and the provisions in this local law as it may deem necessary to execute the provisions of this chapter, and all its resolutions and orders shall be in accordance therewith. Such by-laws shall be filed with the Town Clerk within five (5) business days of adoption.
- (e) The Town Board shall designate the Chairperson of The Board. The Board shall choose its own Vice Chairperson who shall preside in the absence of the Chairperson. In the absence of both the Chairperson and Vice Chairperson, The Board shall choose one of its members as Acting Chairperson. All meetings of The Board shall be held at the discretion of the Chairperson.
- (f) The Town Board shall require reporting of completed training and continuing education in accordance with local and state requirements.
- (g) The Town Board may establish an appropriation for The Board to cover expenses for doing business and will provide reimbursement for travel, training, or other authorized expenses. Members do not receive compensation and positions are filled as voluntary appointments.
- (h) The Town Board authorizes The Board to solicit citizens to participate in an advisory capacity to gain knowledge of particular issues or carry out assignments.

## Section IV: Exclusions: Not Applicable.

## Section V: Administration and Enforcement:

### A. Membership

1. Regular Members - There shall be five (5) regular members of The Board serving five (5) year terms. The terms shall be so fixed that one term shall expire at the end of each calendar year and no two members terms shall expire at the same time.
2. Alternate Members - There may be appointed additionally up to two alternate members of The Board. Alternate members shall be appointed by resolution of the Town Board for one year terms.
  - a. The Chairperson of The Board shall designate an alternate member who is present to substitute for a regular member in the event that a regular member is unable or unwilling to vote because of a conflict of interest, recusal, or absence.
  - b. If more than one alternate member is present at a meeting when the Chairperson is designating an alternate member to substitute for a regular member, the Chairperson shall designate the alternate member who has not served on a case or matter most recently. If that alternate member is not able or willing to vote for a reason listed in subsection V(A)(2a) above, then the Chairperson shall designate the other alternate member to serve.
  - c. To the extent this provision is inconsistent with Town Law § 271(15), it is intended to supersede such section, in accordance with Municipal Home Rule Law § 10(1)(ii)d(3). All other rights, responsibilities and procedures related to alternate members set forth in Town Law § 271 and in this local law shall apply.
3. Vacancies - If a vacancy shall occur other than by expiration of a term, the Town Board shall appoint the new member for the unexpired term.
4. Removal of members - The Town Board shall have the power to remove, after public hearing, any member of The Board for cause. Any member may be removed for non-compliance with minimum requirements related to meeting attendance, training and behavior.

### B. General Duties

1. The Board may recommend to the Town Board regulations relating to any subject matter over which they have jurisdiction. Any adoption of the recommendations by the Town Board shall be by local law or ordinance.
2. The Board shall have full power and authority to make investigations, maps, reports, and recommendations in connection therewith relating to the planning and development of the town as designated by the Town Board. The Town Board may by resolution provide for the referral of any matter or class of matters to The Board before final action is taken.

Section VI: Enforcement Procedures, Appeals, and Variance: Not Applicable.

Section VII: Severability/Invalid Segments: Should any section or provision of this Local Law contained herein or as amended hereafter be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Local Law as a whole or any part thereof other than the part declared to be invalid.

Section IX: Penalties: Not Applicable.

Section X: Effective Date: This local law shall take effect upon filing by the Secretary of State.