

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

Law Filing

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

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

~~XXXXXX~~
~~XXXXXX~~
Town of
~~XXXXXX~~

Cohocton, New York

Local Law No. 1 of the year 1998

amending and superseding the application of Town Law Section 271 providing for the
(Insert Title) appointment of ad hoc temporary members to serve on the Town of
Cohocton planning board

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

of Cohocton, New York as follows:

SECTION 1. LEGISLATIVE INTENT

It is sometimes difficult to maintain a quorum on the planning board because members are ill, on extended vacation or find that they have a conflict of interest on a specific matter before the planning board. In such instance, official business cannot be conducted which may delay or impede adherence to required time lines. The use of alternate members in such instances is hereby authorized pursuant to the provisions of this local law.

SECTION 2. DEFINITIONS

- a) "Town board" means the town board of the Town of Cohocton, New York.
- b) "Planning board" means the planning board of the Town of Cohocton, New York, as established by the Town Board by local law or ordinance pursuant to the provisions of Section 271 of the Town Law.
- c) "Regular member" means an individual appointed by the Town Board to serve on the planning board pursuant to the provisions of the local law or ordinance first establishing the planning board.
- d) "Alternate member" means an individual appointed as an ad hoc temporary member of the planning board, by the Town Board, when a regular member is absent or unable to participate on an application or matter before the planning board as provided herein.

SECTION 3. SUPERSEDING AND AMENDING TOWN LAW

This local law is hereby adopted pursuant to the provisions of Section 10 of the New York State Municipal Home Rule Law and Section 10 of the New York State Statute of Local Government. It is the intent of the Town Board to supersede and amend the provisions of Section 271 of the Town Law relating to the appointment of members to town planning boards.

SECTION 4. AUTHORIZATION/EFFECT

a) The Town Board hereby enacts this local law to provide a process for appointing alternate members of the planning board. Alternate members would serve when regular members are absent or unable to participate on an application or matter before the planning board. The number of alternate members shall not exceed three (3).

b) Alternate members of the planning board shall be appointed by the Town Board for a term of two (2) years. The initial term of the alternate members following the enactment of this local law shall expire on December 31, 2000.

c) The chairperson of the planning board may designate an alternate member to substitute for a regular member for any application, matter or period of time such regular member is absent or unable to participate on an application or a matter before the planning board. When so designated, the alternate member shall possess all the powers of the regular member of the planning board. Such designation of the alternate member shall be entered into the minutes of the initial planning board meeting at which the substitution was so made.

d) Any decision or determination of the planning board which includes the vote of one or more alternate members shall have equal force and effect as determinations made solely by a vote of the regular members of the planning board.

e) All provisions of New York State law relating to planning boards member eligibility, vacancy in office, removal, compatibility of office, service on other boards, as well as any provisions of any local law relating to training, continuous education and attendance, shall apply to alternate members of the planning board.

SECTION 5. SEVERABILITY

If any provision of this local law is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, the remaining provisions of this local law shall remain in effect.

SECTION 6. EFFECTIVE DATE

This local law shall take effect upon the filing with the 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.)

(Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 1 of 19 98 the ~~(County)(City)(Town)(Village)~~ of Cohocton was duly passed by the Town Board on 19___, in accordance with the applicable provisions of law.
 (Name of Legislative Body)

(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 ___ the (County)(City)(Town)(Village) of ___ was duly passed by the ___ on ___ 19___, and was (approved)(not disapproved)(repassed after approval) 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*)

(Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. ___ of 19 ___ the (County)(City)(Town)(Village) of ___ was duly passed by the ___ on ___ 19___, and was (approved)(not disapproved)(repassed after approval) 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.

(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 ___ the (County)(City)(Town)(Village) of ___ was duly passed by the ___ on ___ 19___, and was (approved)(not disapproved)(repassed after approval) 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.

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 chairman 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.



STATE OF NEW YORK
DEPARTMENT OF STATE
ALBANY, NY 12231-0001

ALEXANDER F. TREADWELL
SECRETARY OF STATE

October 30, 1998

SULLIVAN AND LEYDEN

110 NORTH MAIN STREET
WAYLAND, NY 14572

RE: Town of Cohocton, Local Law 1, 1998, filed 10/26/98

The above referenced material was received and filed by this office as indicated. Additional local law filing forms will be forwarded upon request.

Sincerely,

A handwritten signature in black ink that reads "Janice G. Durfee". The signature is written in a cursive style with a large, prominent "J" and "D".

Janice G. Durfee
Principal File Clerk
Bureau of State Records
(518) 474-2755

JGD:ml