



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

GEORGE E. PATAKI
GOVERNOR

May 27, 2004

RANDY A. DANIELS
SECRETARY OF STATE

Sullivan & Leyden, PC
110 North Main Street
Wayland, NY 14572

RE: Village of Cohocton, Local Law 1, 2004, filed on 5/13/2004

To Whom It May Concern:

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

Sincerely,
Linda Lasch
Principal Clerk
State Records & Law Bureau
(518) 474-2755

LL:cb

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

STATE OF NEW YORK
DEPARTMENT 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.

FILED
MAR 30 2004

MISCELLANEOUS
& STATE RECORDS

~~County~~
~~City~~ of Cohocton
~~Town~~
~~Village~~

Local Law No. 1 of the year 2004

A local law establishing a Joint Planning Board with the Village of Cohocton
(Insert Title)

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

~~County~~
~~City~~ of Cohocton as follows:
~~Town~~
~~Village~~

LOCAL LAW 1 OF 2004

TOWN OF COHOCTON AND VILLAGE OF COHOCTON JOINT PLANNING BOARD

Section 1. Creation, appointment and organization of Joint Planning Board

A Joint Planning Board pursuant to General Municipal Law Articles 5-G and 5-J is hereby created by the governing boards of the Town and Village of Cohocton. Said Board shall consist of five (5) members appointed and organized in the following manner:

Two members shall be appointed by the Board of Trustees of the Village of Cohocton and two members shall be appointed by the Town Board of the Town of Cohocton and one member shall be appointed jointly by both the Board of Trustees of the Village and the Town Board of the Town.

The original Joint Planning Board shall be appointed as follows: the Town Board of the Town of Cohocton shall appoint two members, one each for terms of one and three years. The Board of Trustees of the Village of Cohocton shall appoint two members, one each for terms of two and

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

four years. The Town Board of the Town of Cohocton and The Board of Trustees of the Village of Cohocton shall jointly appoint one member for a term of five years. Upon the expiration of the terms of the original members, successors shall be appointed by the same Board, or jointly by the Boards, as appointed the original members for a term of five years. Terms shall run from January 1 through December 31.

Vacancies shall be filled by the appointment of replacement members by the same Board, or jointly by the Boards, as appointed the member leaving office to fill the unexpired term of that member.

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

This section 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 Governments. It is the intent of the Board of Trustees of the Village of Cohocton, pursuant to Section 10 of the New York Municipal Home Rule Law, to supersede the provisions of Section 7-712 and 7-718 of the New York State Village Law relating to the appointment of members.

The number of alternate members shall be two. One member shall be appointed by the Board of Trustees of the Village of Cohocton and one member shall be appointed by the Town Board of the Town of Cohocton.

Alternate members originally appointed shall be appointed as follows: the Town Board of the Town of Cohocton shall appoint one member for a term of five years. The Board of Trustees of the Village of Cohocton shall appoint one member for a term of five years. Upon the expiration of the terms of the original members, successors shall be appointed by the same Board as appointed the original member for a term of five years. Terms shall run from January 1 through December 31.

Vacancies shall be filled by the appointment of replacement members by the same Board as appointed the member leaving office to fill the unexpired term of that member.

No person who is a member of the Village Board or the Town Board shall be eligible for membership on such Joint Planning Board.

Any member of the Joint Planning Board may be appointed for one (1) or more successive terms. The appointing authority of an individual member shall have the power to remove a member pursuant to the appropriate sections of Article 7 of the Village Law or Article 16 of the Town Law, for cause and after a public hearing.

The Joint Planning Board shall elect, from the appointed members, except alternate members, one member to serve as Chairperson. The Joint Planning Board shall elect, from the appointed

members, except alternate members, one member to serve as Vice-Chairperson. **The Joint Planning Board shall select one or more persons to act as recording secretary of the Joint Planning Board.** The Chairperson and Vice-Chairperson shall serve one (1) year terms, and may be re-elected to serve successive terms. The recording secretary shall serve a one- (1) year term. The Village and Town Clerks shall be notified of the members selected to serve as Chairperson, Vice-Chairperson, and Secretary. The Village and Town Clerks shall administer the required Oaths of Office.

Section 2. Minimum requirements for Joint Planning Board members

Each Joint Planning Board member is required to complete three (3) hours of New York State land use training within twenty-four (24) months of appointment, and not less than twelve (12) hours of such training during each five (5) year term. At the discretion of the appointing person or body, failure to comply with this requirement may be grounds for removal from the Joint Planning Board. Training records shall be maintained by the Secretary, and a copy provided to the Village and Town Clerks.

Each Joint Planning Board member shall be required to attend fifty (50) percent of the scheduled meetings in each calendar year. At the discretion of the appointing person or body, failure to attend the required number of meetings without good cause may be grounds for removal from the Joint Planning Board. Attendance records shall be kept by the Secretary, and a copy provided to the Village and Town Clerks.

Section 3. Powers and duties of the Joint Planning Board

The Joint Planning Board shall prescribe such rules for the conduct of its affairs as may be necessary to carry out its duties, and its conduct shall be in accord therewith.

All meetings of the Joint Planning Board shall be held at the call of the Chairperson and at such times as a majority of the members of the full Board may determine. The Chairperson, or in his or her absence, the Vice-Chairperson may designate an alternate member to substitute for a member when such member is unable to participate on an application or matter before the Board. When so designated, the alternate member shall possess all the powers and responsibilities of such member of the Board.

The Chairperson shall supervise the affairs of the Joint Planning Board, shall preside at meetings of the Board and shall appoint such committees of such size as may be necessary, to carry out the purposes of the Joint Planning Board. The Chairperson shall be an ex-officio member of all committees so appointed.

The Vice-Chairperson shall perform such duties as may be delegated by the Chairperson. In the absence or disability of the Chairperson, the Vice-Chairperson shall perform the duties and exercise all the powers of the Chairperson.

The Secretary shall be responsible for the recording and keeping of the minutes, decisions, and other records as are required by this Local Law, and other duties as may be delegated by the Chairperson.

In the absence of the Secretary, the Joint Planning Board shall select a temporary Secretary to perform the duties of the Secretary.

All meetings shall be conducted in accord with any by-laws or guidelines governing or established by the Joint Planning Board and any guidelines established by the Chairperson, or in his or her absence, the Vice-Chairperson, in consideration of the matter(s) at hand. All meetings of the Joint Planning Board shall be open to the public.

The Joint Planning Board shall keep minutes and records of its proceedings, findings and official actions and shall record the vote of each member upon every question put to a vote or absent or failing to vote, indicating such fact. When an alternate member substitutes at a meeting, this fact shall be entered into the minutes. All decisions of the Joint Planning Board shall be recorded in the minutes. An official copy of the minutes of the Joint Planning Board shall be filed with the Village Clerk and Town Clerk.

The concurring vote of a majority of the full membership of the Joint Planning Board shall be required to constitute an official action by the Board. A tie vote or a favorable vote by a lesser number than the required majority shall be deemed a negative vote. No meeting or hearing of the Board shall be held in the absence of a quorum.

No member of the Joint Planning Board shall sit in hearing, deliberation or vote on any matter in which he or she is personally or financially interested. Said member shall not be counted by the Joint Planning Board in establishing the quorum for such matter.

The Joint Planning Board shall have all of the duties and powers prescribed by State Law and by the zoning or local laws of the Village and Town of Cohocton respectively.

Section 4. Miscellaneous

This Local Law shall be deemed to supersede any other Local Laws to the extent other local laws may be inconsistent herewith.

Upon the effective date of this Local Law, the existing Planning Boards of the Town and Village of Cohocton shall be abolished and all matters currently pending before such Boards shall be transferred to the Joint Planning Board.

If any part of this Local Law should be judicially declared to be invalid, void, unconstitutional or unenforceable, all unaffected portions hereof shall survive such declaration and this Local Law shall remain in full force and effect as if the invalid portion had not been enacted.

This Local Law shall become effective upon filing with the Secretary of State of New York, as required by the Municipal Home Rule Law.