

# Local Law 1 of 2008

## *Alternate Planning Board and Zoning Board of Appeals Members Act*

### For the Town of Barrington

#### Section 1. SHORT TITLE AND APPLICABILITY.

The title of this local law is “Alternate Planning Board and Zoning Board of Appeals Members Act.” This local law shall apply to the appointment, terms, functions and powers of alternate members appointed to serve on the Planning Board and Zoning Board of Appeals in the Town of Barrington.

#### Section 2. DECLARATION OF POLICY

It is sometimes difficult to maintain a quorum on the Planning Board and Zoning Board of Appeals, because members are ill, on extended vacation, have work-related conflicts or find they have a conflict of interest situation on a specific matter before such Board. In such instance, official business cannot be conducted which may delay or impede adherence to required timeliness. The use of alternate members in such instance is hereby authorized pursuant to the provisions of this local law.

#### Section 3. DEFINITIONS

- A. “Planning Board” means the Planning Board of the Town of Barrington as established by the Town Board pursuant to provisions of §271 of the Town Law.
- B. “Zoning Board of Appeals” means the Zoning Board of Appeals of the Town of Barrington as established by the Town Board, pursuant to the provisions of §267 of the Town Law.
- C. “Member” means an individual appointed by the Town Board to serve on the Town Planning Board or Zoning Board of Appeals pursuant to the provisions of the local law or ordinance which first established such planning board.

- D. “Alternate Member” means an individual appointed by the Town Board when a regular member is unable to participate on an application or matter before the respective board, as provided herein.

Section 4. AUTHORIZATION/EFFECTS

- A. The Town Board of the Town of Barrington hereby enacts this local law to provide for appointing “alternate” members of the Planning Board and Zoning Board of Appeals. These alternate members would serve when permanent members are absent or unable to participate on any matter before the respective board and are expected to attend all meetings of such board.
- B. Alternate members of the Planning Board and Zoning Board of Appeals shall be appointed by the Town Board of the Town of Barrington. Alternate members shall be designated at the time of appointment by the Town Board as Alternate A and Alternate B. The initial terms of office of Alternate A shall be for five (5) years and the initial term of office for Alternate B shall be three (3) years. Terms will expire December 31<sup>st</sup> of the last year of the term. Upon expiration of such initial terms, the successive terms shall both, for Alternate A and Alternate B, be for five (5) years.
- C. The labeling of “A” or “B” to an alternate board member shall not be misconstrued as one having precedence or preference beyond the other. The label is given with the sole intent of establishing a term of office and shall have no other meaning.
- D. The Chairperson of the Planning Board or Zoning Board of Appeals may designate, on a rotating basis from among the alternate members, an alternate to substitute for a permanent member when such member is unable to participate on any matter before the board. When so designated, the alternate member shall possess all the powers and responsibilities of such permanent member of the board. Such designation shall be entered into the minutes of the initial planning board meeting at which the substitution is made.
- E. All provisions of state law relating to Planning Board or Zoning Board of Appeals member eligibility, vacancy in office, removal, compatibility of office and service on other boards, as well as any provisions of a local law/local

ordinance relating to training, continuing education, compensation and attendance, shall also apply to alternate members.

- F. When a member or an alternate member knows she/he cannot attend a meeting or knows of an agenda item that she/he cannot participate in it is the duty of that member or alternate member to notify the chairperson of that board so the chairperson can have adequate time to ensure that a quorum is established.
- G. Three board meeting absences in a twelve month period by a member or alternate member without prior notification to the chairperson and Town Clerk shall be taken as an indication to the beginning of a resignation process. A follow up written statement of the absence shall be filed with the Town Clerk by the member or alternate member.

Section 5. INCOMPATIBLE OFFICES/CONFLICT OF INTEREST

As with members, the alternate members shall hold no position in the Town of Barrington nor be permitted to act on any matter in which he/she has either directly or indirectly any personal or financial interest.

Section 6. PROCEDURES REGARDING ALTERNATE MEMBERS

The alternate member may participate in discussion of the proceedings of the Planning Board but may not vote except in the absence or disqualification of a regular member. A vote shall not be delayed in order that a regular member may vote instead of an alternate member. No more than five (5) votes shall be cast for any matter. In the event that the alternate member shall be necessary to create a Board of five (5) members for any application, the absent regular member shall not thereafter vote in any manner with respect to that application.

Section 7. SUPERSESSION OF TOWN LAW

This local law is hereby adopted pursuant to the provisions of §10 of the NYS Municipal Home Rule Law and §10 of the NYS Statute of Local Governments. It is the intent of the Town Board pursuant to §10 of the NYS Municipal Home Rule Law, to supersede the provisions of:

- (1) Section 271 of the Town Law relating to the appointment of members to the Town Planning Boards; and

- (2) Section 267 of Town Law relating to the appointment of members to the Town Zoning Board of Appeals.

Section 8. SEVERABILITY

If any part of this law shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of this law.

Section 9. EFFECTIVE DATE

This law shall take effect immediately upon being filed with the Secretary of State.

This Local Law was passed by the Barrington Town Board, Resolution 2008-68, at the Barrington Town Board Meeting of February 27, 2008 by Roll Call Vote.

Frederick Wright	Aye	
Ken Christensen	Aye	
Eileen Farnan	Aye	
Freeman Freeman	Aye	
Nate Olney	Aye	0-Noes

Barrington Town Clerk \_\_\_\_\_ Dated \_\_\_\_\_

Joy L. C. Perry