

TOWN BOARD OF THE TOWN OF FORT ANN
COUNTY OF WASHINGTON, STATE OF NEW YORK
Local Law ___ of 2008

A LOCAL LAW PROVIDING FOR THE CREATION
OF THE PLANNING BOARD AND ESTABLISHING
REQUIREMENTS FOR PLANNING BOARD MEMBERS

Be it enacted by the Town Board of the Town of Fort Ann, as follows:

Section 1. Title and Authority.

This Local Law shall be known as "A Local Law Providing for the Creation of the Planning Board and Establishing Requirements for Planning Board Members." The Town Board has determined that in order promote the public health, safety and welfare of the Town, the Town shall hereby reconstitute the Planning Board and establish attendance and training requirements. This Local Law is adopted pursuant to NYS Town Law § 271, and NYS Municipal Home Rule Law § 10.

Section 2. Planning Board Composition and Membership.

- A. There shall be reconstituted herein, a Town Planning Board consisting of seven members appointed by the Town Board in accordance with § 271 of the NYS Town Law. All appointments and reappointments shall be made such that the terms of no two members shall expire at the end of the same calendar year. Appointments and reappointments, and the terms thereof, shall be made by resolution of the Town Board in a manner determined by the Town Board to accomplish the purpose of this chapter. Any person appointed to fill an unexpired term of a member shall be entitled to serve for the remainder of the unexpired term. Any member may be removed by the Town Board for cause after an opportunity for hearing. The terms of the existing Planning Board members comply with the foregoing, and as such, the current appointment of said members shall continue as provided for above.
- B. Compensation. The Town Board shall set compensation for all Planning Board members annually as part of the annual Town budget.
- C. Designation of Chairman. The Chairman of the Planning Board shall be designated by the Town Board or, on failure to do so, shall be elected from and by its own members.

- D. Experts and staff. Pursuant to section 10 of the NYS Municipal Home Rule Law the Town Board is superceding section 271(b) of the NYS Town Law authorizing and empowering the Planning Board to employ experts, clerks, and a secretary and to pay for their services, and to provide for such other expenses as may be necessary and proper, not exceeding in all the appropriation that may be made for such Board. The Town Board shall have the exclusive power and authority to employ experts, clerks and a staff and to pay for their services and to provide for such other expenses as may be necessary and appropriate.

Section 3. Attendance and Training Requirements.

- A. The State of New York and the Town of Fort Ann has recognized the importance of training for members of the Planning Board in § 271 of the NYS Town Law.
1. Each member of the Planning Board shall be required to attend a minimum of four hours of training relevant to the responsibilities of the Board within one year of appointment to such Board, and each member shall be required to attend a minimum of four hours of additional training in each and every calendar year succeeding the year of appointment. Prospective Board members shall be advised of these requirements.
 2. The costs of training shall be a Town charge, and members of the Planning Board shall be reimbursed for the cost of the training, provided such training and attendant costs have been approved in advance by the Town Board.
 3. Approved training sessions which relate to the duties of members of the Planning Board shall be established by resolution of the Town Board.
 4. Noncompliance with the Town's minimum requirements for training shall be proper cause for removal from the Planning Board.
- B. Members appointed to the Planning Board shall be required to attend all meetings thereof, subject to excused absences. Any member of the Planning Board having unexcused absences for three meetings in one calendar year shall be proper cause for removal.

Section 4. Removal of Planning Board Members from Office.

- A. The Town Board shall have the power to remove any member of the Planning Board for cause, including noncompliance with attendance and annual training requirements set forth in Section 3 above.
- B. Upon receipt of a written notice of removal, a member of the Planning Board shall have 20 days to serve a written request on the Town Clerk for a public hearing. Upon timely receipt of a written request for a public hearing by the Town Clerk, the Town Supervisor shall, within 10 days of receipt of said written request, appoint a hearing officer, who shall promptly schedule a date for hearing. The hearing shall be scheduled on a date within 45 days of the date of the notice of removal or at some other date mutually convenient to the parties.
- C. Unless otherwise mutually agreed by the parties, the hearing shall be conducted on consecutive business days until concluded. The hearing officer shall not be bound by the formal rules of evidence. At the conclusion of the hearing, the hearing officer shall promptly issue a written decision and serve the same on all parties, who shall be bound thereby.
- D. In the event the Town Clerk does not receive a timely written request for a hearing, the removal from office of any Planning Board member shall be effective on the twenty-first (21st) day after his or her receipt of a written notice of removal.

Section 5. Rules and Regulations.

The Planning Board may adopt rules and regulations in respect to procedure before it and in respect to any subject matter over which it has jurisdiction under this Local Law or any other statute, after a public hearing by the Planning Board and subject to the approval of the Town Board.

Section 6. Repealer.

Any and all local laws, resolutions or ordinances or parts of local laws, resolutions, or ordinances in conflict with any part of this Local Law are hereby repealed in its entirety.

Section 7. Severability.

If any clause, sentence, paragraph, subdivision, section, or part of this Local Law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this Local Law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 8. Effective Date.

This Local Law shall take effect upon filing with the New York State Secretary of State.