

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
41 STATE STREET, 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 PRATTSVILLE
Town _____
Village _____

STATE OF NEW YORK
DEPARTMENT OF STATE
FILED
MAR 18 2008

Local Law No. 1 of the year 2008 MISCELLANEOUS & STATE RECORDS

A local law ESTABLISHING NUMBER OF PLANNING BOARD MEMBERS
(insert title)
AND ALTERNATES AND BY-LAWS

Be It enacted by the TOWN BOARD of the
(Name of Legislative Body)

County _____
City of PRATTSVILLE as follows:
Town _____
Village _____

PLEASE SEE ATTACHED

(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. 1 of 2008 of the ~~(County)~~(City)(Town)(Village) of PRATSVILLE was duly passed by the TOWN BOARD on MARCH 10, 2008, 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 20____ of the ~~(County)~~(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____ and was (approved)(not approved)(repassed after disapproval) by the _____ and was deemed duly adopted on _____ 20____ 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 20____ of the ~~(County)~~(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____ and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 20____. 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 _____ 20____, in accordance with the applicable provisions of law.
(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 20____ of the ~~(County)~~(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.
(Elective Chief Executive Officer*)

*Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a countywide 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 20____ 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 _____ 20____, 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 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, 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.

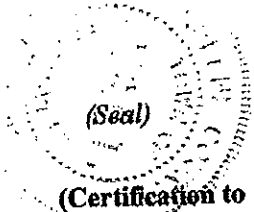
(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

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 _____ 1____, above.

Janna L. Bennett

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

Date: 3/10/08



(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.

W. H. Ruppel

Signature

ATTORNEY FOR THE TOWN

Title

County
City
Town
Village

of PRATTSVILLE

Date: 3/10/08

Local Law # 1 of the Year of 2008
TOWN OF PRATTSVILLE
PLANNING BOARD MEMBERS

Be it enacted by the Town Board of the Town of Prattsville as follows:

SECTION 1. General Governing Rules

The Planning Board of the Town of Prattsville (hereinafter referred to as the "Town") shall be governed by the provisions of all applicable state statutes, local laws, ordinances and these rules.

A. The term "Board" as used in these rules shall mean the duly appointed Planning Board of the Town.

B. The Board shall become familiar with all the duly enacted ordinances and laws of the Town under which it may be expected to act as well as with the applicable state statutes.

C. The Board shall become familiar with the community goals, desires and policies as expressed in the "Town Comprehensive Plan," and in rendering approvals, recommendations and reports shall be guided by such plan.

SECTION 2. Officers and Duties

A. The officers of the Board shall consist of a chairperson, acting chairperson and secretary.

B. **Chairperson.** The chairperson shall be designated by the Town Board. He/She shall perform all duties required by law, ordinance and these rules. He/She shall preside at all meetings of the Board. The chairperson shall decide on all points of order and procedure, subject to these rules, unless directed otherwise by a majority of the Board. The chairperson shall appoint any committees found necessary to carry out the business of the Board. The chairperson may administer oaths and compel the attendance of witnesses as necessary to carry out the business of the Board. The chairperson's signature shall be the official signature of the Board and shall appear on all decisions as directed by the Board.

C. **Acting Chairperson.** An acting chairperson shall be designated by the Town Board to serve in the absence of the chairperson. He/She shall have all the powers of the chairperson during the chairperson's absence, disability or disqualification.

D. **Secretary.** A secretary shall be designated by the Town Board. The secretary, subject to the direction of the Board and the chairperson, shall keep minutes of all Board proceedings, showing the vote of each member upon every question, or if absent or failing to vote, indicating such fact, and shall also keep records of all Board official actions.

E. **Board Members.** There shall be five Board members, including the Chairperson and the Acting Chairperson shall be appointed by the Town Board for a five year term or to fill

the balance of an unexpired term of a former member who has vacated the Board and shall not be removed except for cause after a hearing to be held by the Town Board.

F. Cause. Among other things, the following shall be prima facie proof of cause for removal by the Town Board: (A) conviction of a felony; (B) conviction of a crime involving a violation of the oath of office; or (C) more than five (5) unexcused absences from a regular or special Planning Board meeting in any twelve month period. For the purposes of this paragraph, unexcused absences are any absence for which there is no genuine medical excuse or family or personal emergency.

G. Vacancies. Should any vacancy on the Board occur for any reason, the Chairman or secretary shall give immediate notice thereof to the Town Clerk for the Town Board for the designation of a replacement.

H. Should the office of chairperson become vacant, the secretary shall add such fact to the notice required herein. The acting chairperson shall handle the duties of the chairperson until such time as the Town Board shall appoint a new chairperson.

I. Alternate Members. This local law also is enacted to provide a process for appointing "alternate" members to its Planning Board. These individuals would serve when members are absent or unable to participate on an application or matter before the Planning Board. Alternate members of the Town Board shall be appointed by the Town Board for a term of 1 (one) years.

J. All provisions of state law relating to planning board/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.

SECTION 3. Miscellaneous

A. This Local Law is hereby adopted pursuant to the provisions of section 10 of the Municipal Home Rule Law and section 10 of the Statute of Local Governments. It is the intent of the Town Board pursuant to section 10 of the Municipal Home Rule Law, to supersede the provisions of Section 271 of the Town Law relating to the appointment of alternate members to Town planning boards.

B. Compliance with State Environmental Quality Review Act. The Board shall comply with the provisions of the State Environmental Quality Review Act under article 8 of the Environmental Conservation Law and its implementing regulations as codified in 6 NYCRR section 617.

C. Conflicts with Other Laws or Regulations. In reviewing any application on any matter, the standards in any applicable local law or ordinance or state statute shall take precedence over the standards of these rules whenever a conflict occurs. In all other instances, the more restrictive rule shall apply.



STATE OF NEW YORK
DEPARTMENT OF STATE
ONE COMMERCE PLAZA
99 WASHINGTON AVENUE
ALBANY, NY 12231-0001

DAVID A. PATERSON
GOVERNOR

LORRAINE A. CORTÉS-
VÁZQUEZ
SECRETARY OF STATE

March 26, 2008

Tal G Rappleyea
Attorney at Law
4 Maple Lane
PO Box 793
Valatie NY 12184

RE: Town of Prattsville, Local Law No. 1 & 2, 2008, filed on March 18, 2008

Dear Sir/Madam:

The above referenced material was received and filed by this office as indicated. Additional local law filing forms can be obtained from our website: www.dos.state.ny.us/corp/misc.html .

Effective 1/22/08, the Department of State, State Records and Law Bureau's new address is: NYS Department of State, State Records and Law Bureau, Suite 600, 99 Washington Avenue (1 Commerce Plaza), Albany, NY 12231.

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