

**TOWN OF NORTH EAST
LOCAL LAW NO. 1 OF 2016**

BE IT ENACTED by the Town Board of the Town of North East as follows:

SECTION 1. TITLE

This local law shall be entitled “A Local Law Establishing Training Requirements and Attendance Requirements for Members and Alternate Members, if any, of the Planning Board and Zoning Board of Appeals for the Town of North East” (“the Town”).

SECTION 2. PURPOSE AND INTENT

A. The Town Board of the Town of North East (hereinafter “the Town Board”) finds that appropriate training and regular attendance of the Zoning Board of Appeals (hereinafter “the ZBA”) and Planning Board members is essential to the proper functioning of said Boards.

B. The Legislature of the State of New York has recognized the importance of training and has established training and attendance requirements in its recent amendments to the ZBA and Planning Board statutes as contained in Sections 267 and 271 of the Town Law.

C. It is the purpose of the Local Law to assist the ZBA and Planning Board members in obtaining appropriate training to enhance their ability to carry out their duties under applicable provisions of law and to pay the reasonable costs of such training as a Town charge.

D. It is also the purpose of this Local Law to establish minimum training and continuing education course requirements for such members in accordance with Sections 267 and 271 of the Town Law.

E. It is the further purpose of this Local Law to establish minimum attendance requirements for such members at meetings to assist in the proper functioning of the Planning Board and the ZBA.

SECTION 3. RESPONSIBILITIES OF PLANNING BOARD AND ZONING BOARD MEMBERS.

A. Each member of the Planning Board shall be expected to review and familiarize himself/herself with the Town's Subdivision Regulations and those portions of the Zoning Law which relate to the powers and duties of the Planning Board, and Article 16 of the Town Law,

B. Each member of the Zoning Board shall be expected to review and familiarize himself/herself with those portions of the Zoning Law which relate to the powers and duties of the Zoning Board of Appeals, and Article 16 of the Town Law,

C. The members of the Planning Board and Zoning Board shall be expected to conduct themselves in conformity with all rules and regulations that may be adopted by the Town Board and/or by the Planning Board or Zoning Board, as the case may be, for the conduct of meetings and public hearings of the respective Boards.

D. Each member of the Planning Board and Zoning Board shall complete, at a minimum, four (4) hours of training each year designed to enable such member to more effectively carry out his/her duties. Any training received by a member in excess of four (4) hours in any one year may be carried over by that member into succeeding years in order to meet this training requirement, all in accordance with the provisions of Town Law §§267 and 271.

E. Any such training for Planning Board and Zoning Board members shall be approved by the Town Board and may include, but not be limited to, training provided by a municipality, regional or county office or commission, county planning, federation, state agency, statewide municipal association, college or other similar entity, and such training may be provided in a variety of formats including, but not limited to, electronic media, video, distance learning and traditional classroom training. The Town Board shall pay or reimburse the Board members for the reasonable cost of their four (4) hour training sessions.

F. To be eligible for a reappointment at the expiration of a Planning Board or Zoning Board member's term, such member shall have completed the training as required by this law and by Town Law §§267 and 271.

G. The training provided by this law may be waived or modified by Resolution of the Town Board when, in the judgment of the Town Board, it is in the best interest of the Town to do so.

H. No decision of the Planning Board shall be voided or declared invalid because of a failure of a member to comply with the training or other requirements of this Resolution.

I. No member of the Planning Board may miss six (6) regularly scheduled meetings of the Board during a calendar year, other than for a medical or other emergency or for any other just cause approved, in advance, by the Chairman of the Planning Board. It is expected that Board members be on time and call the Chairman or Secretary if he/she cannot attend a meeting.

J. No member of the Zoning Board may miss three (3) regularly scheduled meetings of the Board during a calendar year, other than for a medical or other emergency or for any other just cause approved, in advance, by the Chairman of the

Zoning Board of Appeals. It is expected that Board members be on time and call the Chairman or Secretary if he/she cannot attend a meeting.

K. The Town Board shall have the power to remove, after public hearing, for cause, any Planning Board or ZBA member. Cause for removal shall include, but shall not be limited to: (a) non-compliance with the minimum requirements relating to training and education as established in this law and/or by Town Law; (b) non-compliance with the meeting attendance requirements as established by this law; (c) failure to comply with the residency requirements as are set forth for Public Officers or in the Town Law; (d) failure to disclose a conflict of interest as required by the Town's Code of Ethics; (e) physical or mental impairment affecting the Board member's ability to perform his or her functions as a Planning Board or ZBA member; (f) failure to comply with the applicable provisions of the Northeast Code of Ethics; (g) failure to comply with any rules or regulations as may be prescribed for the conduct of Board members by the Town Board, Planning Board or ZBA; and (h) such other and further cause as may be established by the Town Board by local law.

L. Prior to the conduct of any public hearing for the removal of a Planning Board or ZBA member for cause, the Town Board shall provide the Board member with a statement setting forth the alleged grounds for such removal at least thirty (30) days prior to the conduct of the public hearing. During the public hearing, the Town Board shall have the power to hear testimony and receive evidence presented by the Town Attorney, by the Chairman of the applicable Board or by any other person in support of, or against, the grounds for such removal. The Board member shall have the right to present witnesses and other evidence in defense of the removal action and the Town Board shall have the power to hear other witnesses and members of the public, and receive documentation and evidence relevant to the issue of the alleged cause for the Board member's removal. In cases where the grounds for removal consist of an alleged violation of the North East Code of Ethics, procedures for a hearing, discipline and/or removal set forth in the Code of Ethics shall be also followed.

M. Any determination of the Town Board with regard to removal of a Planning Board or ZBA member shall be made by the Town Board, in writing, and a copy shall be provided to the Planning Board or Zoning Board member and filed in the Office of the Town Clerk within five (5) business days after the Town Board's determination.

N. Each member of the Planning Board and Zoning Board shall be required to keep records of his/her attendance at required training sessions and to provide to the Planning Board and Zoning Board Secretary, as the case may be, certificates of attendance for completion or other proof of completion of training courses on an annual basis. The Planning Board and ZBA Secretary shall keep records of the attendance of each Board member at the required training courses and shall present at the close of each calendar year, a list of each Board member's courses and credits earned in that year, together with any credits carried over from previous years, to the Town Clerk and to the Town Board.

O. The Planning Board and ZBA Secretaries shall also keep records of the attendance of Board members at meetings and shall provide attendance records to the Town Clerk and to the Town Board on an annual basis.

P. A copy of this Local Law shall be supplied by the Town Clerk to each member of the Planning Board and ZBA.

SECTION 4. SUPERSESSION

This local law is hereby adopted pursuant to the provisions of §10 of the New York State Municipal Home Rule Law and §10 of the New York State Statute of Local Governments. It is the intent of the Town Board pursuant to §10 of the Municipal Home Rule Law to supersede the provisions of §§271 and 267 of the Town Law to the extent that they may be inconsistent with the provisions of this Local Law.

SECTION 5. EFFECTIVE DATE.

This local law shall take effect upon filing with the Secretary of State.