

# **TOWN OF NEW HAVEN**

## **TOWN PLANNING BOARD BY-LAWS**

WHEREAS, it is desirable for the Town Planning Board to be governed by rules for the efficient and proper administration of its affairs, now therefore be it RESOLVED, that the Town Planning Board, for the Town of New Haven, Oswego County, New York, created by Town Board of the Town of New Haven does hereby adopt the following rules as the By-laws to govern its activities.

### **ARTICLE I: MEETINGS**

#### Section 1.1 Annual Meetings

The annual meeting of the Town Planning Board shall be the first meeting held in the new year hereafter. Such meeting shall be devoted to the election of officers for the ensuing year, preparation of an annual report to the Town Board, and such other business as shall be scheduled by the Town Planning Board. All members, including alternate members, should attend this meeting.

#### Section 1.2 Regular Meeting

Regular meetings of the Planning Board shall be held at New Haven Town Hall at 6 pm, on the third Wednesday of each month hereafter. At such meetings, any and every matter properly brought to the attention of the Town Planning Board shall be considered.

#### Section 1.3 Special Meeting

Special Meetings of the Town Planning Board shall be held at the New Haven Town Hall at a time designated by the Chairperson. Verbal or written notice thereof shall be given to all members not less than twenty-four hours in advance as required by law.

#### Section 1.4 Quorum

At any meeting of the Town Planning Board, a quorum shall consist of a majority of the members of the Board. No action shall be taken in the absence of a quorum, except that those members present shall be entitled to call a Special Meeting at a subsequent date.

#### Section 1.5 Proceedings

At any regular meeting of the Planning Board, the following shall be the general order of business:

1. Roll Call
2. Approval of minutes of the preceding meeting
3. Privilege of the floor (optional)
4. Communications

5. Reports and action on old business
6. New business
7. Adjournment

Each action of the Town Planning Board required by law, rules or regulations shall be embodied in a motion duly entered in full upon the Minute Book after an affirmative vote. Each motion so adopted shall specifically authorize, if necessary, the use and imprint of the official signature of this Planning Board as hereinafter defined.

#### Section 1.6 Rules and Procedure

All meetings of the Planning Board shall be conducted in the spirit of Robert's Rules of Order.

## **ARTICLE 2: OFFICERS & SECRETARY**

#### Section 2.1 Officers

The officers of the Town Planning Board shall consist of a Chairperson and a Vice Chairperson, each of whom shall serve for the term of one year.

#### Section 2.2 Election of Officers

The Planning Board shall submit to the Town Board their recommendation for Chairperson following the Annual Organizational meeting. Pursuant to New York Town Law § 271, the Town Board shall retain final approval of the Planning Board Chairperson, however, should the Town Board fail to make said appointment on or before March 1<sup>st</sup> of the calendar year, then the Planning Board shall thereafter elect their own Chairperson.

The Vice-Chair of the Planning Board shall be elected for the ensuing year at the annual meeting of the Planning Board.

#### Section 2.3 Duties of Officers

The duties and powers of the officers of the Town Planning Board shall be as follows:

- a. Chairperson
  1. To set the agenda and preside at all meetings,
  2. To call special meetings in accordance with these By-Laws,
  3. To sign, together with the Secretary, all official documents of the Town Planning Board in accordance with the requirements of these By-Laws,
  4. To see that all reports, documents, and actions of the planning Board are properly made, executed, filed or taken, as the case may be, in accordance with law and the actions and regulations of the Planning Board,
  5. To serve as liaison to the Town Board at the direction of the Planning Board.

6. The Chairperson shall be permitted to appoint a meeting facilitator.

b. Vice Chairperson

1. During the absence, disability or disqualification of the Chairperson, the Vice Chairperson shall exercise or perform all the responsibilities of the Chairperson.

Section 2.4 Duties of Appointed Secretary

The duties and powers of the secretary of the Town Planning Board shall be as follows:

1. To keep the minutes of all meetings in an appropriate Minute Book,
2. To give or serve all notices required by law or by the By-Laws,
3. To be custodian of records of the Town Planning Board,
4. To attend to all official correspondence,
5. To lay before the Town Planning Board at its meetings all official correspondence received by the Secretary relating to the business of the Board,
6. To affix to any document of this Planning Board the official signature thereof whenever the same shall be required by law or the regulations of the Board, such action to be taken, however, only after such action shall have been authorized by an affirmative vote of the Board.
7. To provide training records to the Town Clerk prior to the Town Board Organizational meeting.

In the event the Secretary shall be absent from any meeting, the officer presiding shall designate a member of the Planning Board to act pro tem in place of the Secretary.

## **ARTICLE 3: VOTING AND CONFLICTS OF INTEREST**

Section 3.1 Voting

At all meetings of the Planning Board, each member properly appointed and attending shall be entitled to cast one vote. Voting shall be by roll call vote. A majority vote of the members of the Board shall be necessary for the adoption of any proposed action, resolution or other voting matter.

Section 3.2 Conflicts of Interest

Any application, petition, or request brought before the Town Planning Board for action pursuant to any rule, ordinance, or regulations, shall state the name and nature of interest of any municipal officer or employee herein, as defined in Section 809, article 18 of the General Municipal Law, Chapter 646 of the Consolidated Laws of New York State. Any member of the Town Planning Board having such interest in any matter brought before the Board, shall either abstain or disqualify their self from any consideration, discussion or vote upon such matters. Such absence or disqualification shall be noted in the minutes of the Planning Board by the Secretary, who shall also

note that no vote was cast by such member on said matter. When there is a conflict of interest an alternate member shall replace the affected planning board member whenever possible.

## **ARTICLE 4: VACANCIES**

### Section 4.1 Vacancies

Shall any vacancy occur among the members of this Planning Board by reason of death, resignation, disability or otherwise, immediate notice thereof shall be given to the Town Clerk by the Secretary. Should such vacancy occur among the officers of the Planning Board, the vacancy shall be filled by election at the next regular meeting of this Planning Board, the officer so elected to serve the unexpired term of office in which such vacancy shall occur.

### Section 4.2 Attendance

Appointed members who have missed 3 consecutive meetings or have 3 or more unexcused absences or 6 excused absences in one year should be reviewed by the Town Board of the Town of New Haven to consider that member's dismissal by the Town Board of the Town of New Haven.

### Section 4.3 Recommendation for Removal of Members

The Planning Board shall make a recommendation for the retention or removal by a vote of a majority of the Planning Board. If there are an insufficient number of members of the Planning Board to constitute a majority of the Planning Board without the member to be reviewed, a vote of a simple majority of the Planning Board members available at such meeting shall be sufficient to vote on whether a recommendation of removal should be made. The member about whom such vote is to be taken shall not be allowed to vote in such circumstances. Each member is required to complete four (4) hours of training pursuant to Town Law § 271.

### Section 4.4 Recommendation for Appointment of Members

The procedure for appointments of Planning Board members and Alternate members shall be that upon an opening for such position, a committee of two (2) current town board members and a minimum of two (2) current planning board members shall convene to interview all applicants, and thereafter submit their recommendation(s) to the Town Board. The Town Board shall retain final approval of the Planning Board members and Alternates, pursuant to New York Town Law § 271.

## **ARTICLE 5: APPLICATION PROCEDURES**

### Section 5.1 Receipt of Applications

The Building Inspector is hereby authorized to receive applications, petitions, and communications on behalf of the Town Planning Board. The Building Inspector shall immediately notify the Secretary of the Planning Board, and transmit to said secretary,

any forms, letters or other materials. The secretary shall consult the Chairperson of the Planning board if any official action on such forms, letters or materials is required before the next regularly scheduled meeting. The deadline for submission of applications by the Building Inspector to the Planning Board shall be in accordance with the Site Plan ordinance.

#### Section 5.2 Official Date of Receipt of Applications

The official date of receipt of applications shall be the date the application is declared complete by the planning board. The secretary shall note upon such documents the date of receipt from the Building Inspector, and the Official Date of Receipt, and shall notify any applicant of this Official Date of Receipt.

### **ARTICLE 6: OFFICIAL SIGNATURE**

#### Section 6.1 Official Signature

The official signature of the Town Planning Board shall be endorsed upon all papers and documents requiring the same by reason of the requirements of law or the rules and regulations of the Town Planning Board. Such signature shall be endorsed upon such papers only pursuant to the direction of the Town Planning Board embodied in a resolution so directing and shall be personally signed by either the Chairperson or Vice Chairperson. In form the official signature shall be as follows:

New Haven Town Planning Board, Oswego County, New York

By \_\_\_\_\_, Chairperson/Vice Chairperson

Dated \_\_\_\_\_

### **ARTICLE 7: AMENDING BY-LAWS**

#### SECTION 7.1 Amending By-Laws

These by-laws may be amended at any meeting of the Planning Board provided that notice of said proposed amendment is given to each member in writing at least five days prior to said meeting. Said notice shall contain a precise description of the change proposed in said by-laws.

### **ARTICLE 8: FORMER BY-LAWS**

#### Section 8.1 Former By-Laws

These by-laws shall supersede any and all by-laws previously adopted by this board.

## **ARTICLE 9: CONFLICT WITH LOCAL LAWS**

### Section 9.1 Conflict with Local Laws

Where these By-laws conflict with Local Law #7 of 2022, the Local Law will supersede.

On March 15, 2023, upon motion duly made by \_\_\_\_\_, and seconded by \_\_\_\_\_, the By-Laws set forth was duly approved by the following votes:

Aye: \_\_\_\_\_ Nay: \_\_\_\_\_ Absent: \_\_\_\_\_

\_\_\_\_\_  
Michael Donovan, Chairperson

\_\_\_\_\_  
Date

\_\_\_\_\_  
Bettie Jo Cronk, Secretary

\_\_\_\_\_  
Date

\_\_\_\_\_  
Lesley Schmidt, Attorney for the Town

\_\_\_\_\_  
Date