

# **Town of Berkshire**

## **Appointment of Ad Hoc Planning Board Members**

### **◆SECTION 1. AUTHORITY:**

**This Local Law is enacted pursuant to the authority of Chapter 365 of the Laws of 1976 which added a new subparagraph (3) to paragraph d of subdivision 1 of Section 10 of the Municipal Home Rule Law authorizing towns to adopt a local law which amends or supersedes any provision of the Town Law in relation to the property, affairs or government of the town or in relation to any of the other enumerated subject matters in such Section 10, unless there is a state legislative restriction on such amendment or supersession.**

### **◆SECTION 2. PURPOSE:**

**In order to permit the Planning Board to transact business in the event that absence or conflicts of interest preclude a full membership of five (5) members from considering a particular matter, it is deemed advantageous by the Town Board of the Town of Berkshire to enact a local law superseding Town Law Section 271, subdivision 1 to provide for the appointment of ad hoc members to the Planning Board.**

### **◆SECTION 3.**

**Section 271, Subdivision 1 of the Town Law is hereby amended and superseded in its application to the Town of Berkshire by adding a new subparagraph 271, Subdivision 1(a) providing as follows:**

**The Town Board of the Town of Berkshire may, in any year it deems necessary, appoint temporary ad hoc members to the Planning Board to serve as provided in this Section. The number of temporary members so appointed pursuant to this Section in any year shall not exceed two (2). Each temporary member shall be appointed for a one-year term of office. The Chairman of the Planning Board shall assign the temporary members as necessary when absence of regular members of the Board or a conflict of interest of regular members of the Board would otherwise prevent five (5) members of the Board from considering any pending matter. No more than two (2) temporary members shall sit in determination on any pending matter at that meeting. The temporary members shall, so far as is reasonably possible, be designated on a rotating basis in the manner which may be provided in the general governing rules of the Planning Board so that each temporary member shall be afforded a reasonably equal opportunity to serve. Once designated to serve at a particular meeting, the temporary member shall have the same powers and duties as regular members of the Board until that meeting is concluded. Any determination by the Board consisting of temporary members shall have the same weight and be entitled to the same authority as the act or deed of the regular Planning Board and all laws, statutes and regulations shall apply and be applied with equal force and effect.**

### **◆SECTION 4. VALIDITY:**

**If any part or provision of this Local Law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Local Law or the application thereof to other persons or circumstances, and the Town Board of the Town of Berkshire hereby declares that it would have passed this Local Law or the remainder thereof had such invalid application or invalid provision been apparent.**

**◆SECTION 5. REPEAL:**

**All ordinances, local laws and parts thereof inconsistent with this Local Law are hereby repealed.**

**◆SECTION 6. EFFECTIVE DATE:**

**This Local Law shall take effect immediately upon filing in the Office of the Secretary of State.**