



## PLANNING BOARD BYLAWS

### Table of Contents

| Section                                 | Page |
|---|------|
| I. Preamble.....                        | 3    |
| II. Organization                        |      |
| <b>A.</b> Membership.....               | 3    |
| 1. Composition                          |      |
| 2. Qualifications                       |      |
| 3. Terms                                |      |
| 4. Compensation                         |      |
| 5. Responsibilities                     |      |
| <b>B.</b> Officers.....                 | 3    |
| 1. Chairperson                          |      |
| 2. Vice-Chairperson                     |      |
| 3. Secretary                            |      |
| 4. County Planning Board Representative |      |
| 5. Other Officers                       |      |
| 6. Vacancies                            |      |
| <b>C.</b> Committees.....               | 4    |
| 1. Formation                            |      |
| 2. Limitations                          |      |
| 3. Citizen Participation                |      |
| III. Powers & Duties.....               | 5    |
| IV. Meetings                            |      |
| <b>A.</b> Schedule.....                 | 6    |
| 1. Annual Organizational Meeting        |      |
| 2. Regular Meeting                      |      |
| 3. Special Meetings                     |      |
| 4. Executive Sessions                   |      |
| <b>B.</b> Proceedings.....              | 6    |
| 1. Voting                               |      |

|     |                           |   |
|-----|---------------------------|---|
|     | 2. Quorum                 |   |
|     | 3. Visitors               |   |
|     | <b>C.</b> Minutes.....    | 6 |
|     | <b>D.</b> Attendance..... | 7 |
| V.  | Training.....             | 7 |
| VI. | Amendments.....           | 7 |

## **I. Preamble**

**The Berkshire Town Planning Board is empowered to perform planning work as authorized under the Town Law, of the State of New York. The following shall be the BY-LAWS for the conduct of business. Within these BY- LAWS, the Berkshire Town Planning Board is referred to as The Board.**

## **II. Organization**

### **A. Membership**

- 1. Composition:** The Berkshire Town Planning Board shall consist of five (5) regular members and as many as two (2) ad hoc members appointed by the Berkshire Town Board. In addition, the following may sit as ex officio members: the Town of Berkshire Supervisor or delegate, the Superintendent of Highways, the Code Enforcement Officer, and a Tioga County Planning Board Member.
- 2. Qualifications:** The five (5) regular and two (2) ad hoc members must be residents of the Town of Berkshire and should be willing to represent the best interests of the community.
- 3. Terms:**
  - a.** The five (5) regular members shall serve for terms of five (5) initial years with reappointments at additional five (5) year consecutive terms as desired and authorized. Any vacancy shall be filled for the unexpired term by the Berkshire Town Board. Each appointment starts on January 1 and no two terms shall expire in the same year.
  - b.** The ad hoc members are assigned to one (1) calendar year terms (see Town of Berkshire Local Law #1 of 2007 on Appointment of Ad Hoc Planning Board Members).
- 4. Compensation:** Members of The Board shall serve without compensation, other than reimbursement for authorized expenses incurred.
- 5. Responsibilities:** Each member shall:
  - a.** Sign the Oath of Office with the Town Clerk.
  - b.** Execute their duties in a professional manner and in the best interests of the Town of Berkshire and The Board at all times.
  - c.** Respond promptly to all communications, including e-mail or other forms of electronic communication.
  - d.** Abide by the Town of Berkshire Code of Ethics.
  - e.** Be fully prepared for board meetings by reviewing relevant documents in advance and completing tasks assigned at prior meetings.
  - f.** Attend meetings as outlined in Section IV. Meetings- D. Attendance.

## **B. Officers**

**The executive officers of The Board shall be: Chairperson, Vice-Chairperson, and Secretary. The Board shall annually elect persons to hold these offices from its regular members and may, from time to time, name such other officers as it deems necessary. In the absence of the Chairperson and Vice-Chairperson, The Board may appoint a chairperson pro-tempore for the meeting. In the absence of the Secretary, another member will be assigned by the Chair to fulfill the duties of the secretary for that meeting.**

- 1. Chairperson: The Chairperson shall:**
  - a. Prepare the agenda for The Board meetings and notify members prior to regular and special meetings.**
  - b. Preside at all meetings and hearings of The Board.**
  - c. Assure membership is fully staffed and utilize ad hoc members as needed.**
  - d. Appoint committee members and chairpersons.**
  - e. Be an ex officio member of all committees.**
  - f. Be the authorized spokesperson for The Board. Typically this refers to attending Town Board meetings and other relevant meetings pertaining to planning activities. Some delegation to other members of this duty is acceptable).**
  - g. Administer all financial transactions.**
  - h. Perform such other duties as may be required.**
- 2. Vice-Chairperson: The Vice-Chairperson shall:**
  - a. Perform all the duties of the Chairperson in case of his/her absence.**
  - b. Perform other such duties as may be required.**
- 3. Secretary: The Secretary shall:**
  - a. Keep the records of The Board including the minutes of all meetings, public hearings, and proceedings.**
  - b. Prepare and distribute drafts of meeting minutes prior to the next meeting.**
  - c. Present copies of all meeting minutes approved by The Board to the Berkshire Town Board.**
  - d. Maintain records of all training sessions attended by members of The Board.**
  - e. Maintain records of all work requests received from the Town Board.**
  - f. Perform other such duties as may be required.**
- 4. County Planning Board Representatives: The town is allocated one position on the Tioga County Planning Board. The Board shall recommend to the Town Board appointment of a member of The Board to a regular term of three years as County Planning Board Representative. Ad-hoc appointments are also available to this board. The County Planning Board Representative shall:**
  - a. Attend all meetings of the Tioga County Planning Board**
  - b. Provide monthly updates to The Board and the Town Board**

of county planning activities.

5. **Other Officers:** Other officers shall have such authority and perform such duties as may be assigned by The Board.
6. **Vacancies:** If an executive office position shall become vacant, The Board shall approve, at the next regular meeting, a successor to hold the office position for the remainder of the year.

### **C. Committees**

1. **Formation:** The Board shall form such committees as it may find necessary. The members thereof shall be appointed by the Chairperson, with majority approval, and need not be limited to members of The Board.
2. **Limitation:** No committee shall take final action on any matter unless specifically authorized by The Board to do so.
3. **Citizen Participation:** Any committee may solicit advice and counsel from citizens who are not members of The Board.

## **III. Powers & Duties**

**Pursuant to New York State Town Law and to the Local Laws and resolutions of the Town of Berkshire, The Board shall:**

1. **Organize itself to carry out responsibilities, primarily as a support unit to the Berkshire Town Board. That generally requires performing research and other activities necessary to establish guidelines (local laws and ordinances) to insure the health and welfare of the community based on direction of the Town Board.**
2. **Advise the Berkshire Town Board and make recommendations on its own initiative or upon request. Submit new local laws or revisions to existing ones and other supporting documents for Town Board review and approval. Communications between the Town Board and The Planning Board should be in writing (excluding oral discussions at Town Board meetings).**
3. **Local Laws should be reviewed and revised if necessary within 10 years of the last revision and the Town of Berkshire Local Law list kept current. The official copy of all local laws is maintained by the Town Clerk. For convenience, a copy of each law shall be maintained in the Town Hall, and an electronic version stored on the Town of Berkshire web site at <http://www.berkshireny.com/> .**
4. **Consider matters relating to Town or County planning.**
5. **Serve as liaison between the public and the Town Government.**
6. **Collaborate with Town departments and other agencies relating to planning matters.**
7. **Perform an annual review of the town's Permit Fee Schedule**
8. **Attend training sessions in a manner that meets annual New York State continuing education requirements.**

## **IV. Meetings**

### **A. Schedule**

- 1. Annual Organizational Meeting:** The regular January meeting each year shall constitute the annual organizational meeting. At this meeting The Board shall:
  - a. Elect the executive officers of The Board for the coming year.**
  - b. Establish the place, dates, and times for regular meetings.**
  - c. Review and update the Planning Board By-Laws**
- 2. Regular Meetings:** Regular meetings of The Board shall be held pursuant to decisions made at the annual organization meeting unless otherwise changed by The Board and public notification posted as required by law. Normally meetings are held the first Tuesday of the month at 6:30 PM in the Town Hall. If the regular meeting date falls on a legal holiday or is cancelled due to emergency, the meeting shall be held the following day unless otherwise determined by the Chairperson. Meetings normally last two hours.
- 3. Special Meetings:** The Chairperson or a majority of the voting members may call a special meeting. Notice thereof shall be posted in advance as required by the Opens Meetings Law and shall specify the matter(s) to be consider at the meeting. The Board may schedule work sessions as needed to complete projects.
- 4. Executive Sessions:** The Board may meet in a closed or executive session as prescribed by New York State law. Any official action shall be made only in open session.

### **B. Proceedings**

**Robert's Rules of Order shall govern The Board's proceedings except as specified otherwise by these by-laws.**

- 1. Voting:** The voting membership shall be the five (5) appointed regular members of The Board. Any proposed action shall require a majority of three (3) for passage. The Chairperson can designate ad hoc members to fulfill a regular member vacancy or absence if less than three (3) regular members are present, in which case the ad hoc member assumes full voting duties. Ex officio members shall not be entitled to vote.
- 2. Quorum:** A quorum shall consist of at least three (3) of the voting members of the board.
- 3. Visitors:** Visitors at a meeting may enter into discussion or present petitions in the manner and for a time period determined by the Chairperson.

### **C. Minutes**

**Minutes shall be kept of all meetings of The Board. The Secretary will assume this responsibility, but if absent, another**

member shall be appointed to take notes and coordinate creation of the meeting minutes with the Secretary. The minutes of any meeting shall not be considered officially released until formally approved by The Board at the next scheduled meeting. All approved minutes will be submitted to the Town Board.

#### **D. Attendance**

The regular Board members are expected to attend all regular and any other scheduled Planning Board meetings and work sessions, and must notify the Chairperson if they are unable to attend. Ad hoc members are also encouraged to attend all meetings. Failure to attend three (3) Board meetings in a calendar year without advance notification to the Chairperson constitutes grounds for dismissal from The Board by the Town Board.

#### **V. Training**

Board Members are expected to participate in training exercises that prepare them to perform their Planning Board duties and satisfy the New York State requirement of four hours per year of continuing education. (See New York State Department of State website: [www.dos.state.ny.us/lgss/mandatorytraining.htm](http://www.dos.state.ny.us/lgss/mandatorytraining.htm).) The Town Board will review training activities each year and determine if the efforts meet state guidelines. Pre-approved training expenses will be reimbursed by the Town Board.

#### **VI. Amendments**

These by-laws were adopted at the organization meeting of The Board and shall be amended only by a majority vote of the membership.

Signed: \_\_\_\_\_

**Kenneth Ceurter, Chairperson**

**Last updated February 2010**