

appointed by the Town Board or other duly authorized appointing authority, for a term of five years.

C. All provisions of State Law relating to Planning Board 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 5. SUPERSESSION OF TOWN LAW.

This Local Law is hereby adopted pursuant to the provisions of * 10 of the NYS Municipal Home Rule Law and * 10 of the NYS Statute of Local Governments. It is the intent of the Town Board pursuant to * 10 of the NYS Municipal Home Rule Law, to supersede the provisions of:

- (1) Section 271 of the Town Law and Section 239-c of the General Municipal Law relating to the appointment of members to Town Planning Boards.

SECTION 6. SEVERABILITY.

If any provisions of this Local Law are held to be unconstitutional or otherwise invalid by any Court of competent jurisdiction, the remaining provisions of the Local Law shall remain in effect.

SECTION 7. EFFECTIVE DATE.

This Local Law shall take effect upon filing with the Secretary of State.

TOWN OF HARPERSFIELD

LOCAL LAW NO. 001 OF THE YEAR 2015

A LOCAL LAW FOR THE APPOINTMENT OF ALTERNATE MEMBERS TO THE TOWN OF HARPERSFIELD PLANNING BOARD.

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

SECTION 1. SHORT TITLE AND APPLICABILITY.

ALTERNATE PLANNING BOARD ACT. This local law shall apply to the appointment, terms, functions and powers of alternate members appointed to serve on the Planning Board in the Town of Harpersfield.

SECTION 2. DECLARATION OF POLICY.

It is sometimes difficult to maintain a quorum on the Planning Board, because members are ill, are on extended vacation or find they have a conflict of interest situation on a specific matter before such Board. In such instances, official business cannot be conducted which may delay or impede adherence to required timeliness. The use of alternate members in such instances is hereby authorized pursuant to the provisions of this Local Law.

SECTION 3. DEFINITIONS.

A. "Planning Board", means the Planning Board of the Town of Harpersfield as established by the Town Board by local law or ordinance, pursuant to the provisions of * 271 of the Town Law and * 239-c of the General Municipal Law.

B. "Member", means an individual appointed by the Town Board to serve on the Town Planning Board pursuant to the provisions of the Local Law or Ordinance which first established such Planning Board.

C. "Alternate Member", means an individual appointed by the Town Board to serve on the Town Planning Board when a regular member is unable to participate on an application or matter before the respective Board, as provided herein.

SECTION 4. AUTHORIZATION / EFFECT.

A. The Town Board of the Town of Harpersfield hereby enacts this Local Law to provide a process for appointing "Alternate" members of the Planning Board. These individuals would serve when members are absent or unable to participate on an application or matter before the respective Board.

B. Alternate members of the Planning Board shall be