

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

- County
- City of Briarcliff Manor
- Town
- Village

Local Law No. 1 of the year 20 07

A local law to amend Chapter 45 of the Code of the Village of Briarcliff Manor to provide for
(Insert Title)
participation in deliberations by Alternate Planning Board Members.

Be it enacted by the Board of Trustees of the
(Name of Legislative Body)

- County
- City of Briarcliff Manor as follows:
- Town
- Village

See Attached.



(If additional space is needed, attach pages the same size as this sheet, and number each.)

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 1 of 20 07 of the (County)(City)(Town)(Village) of Briarcliff Manor was duly passed by the Board of Trustees on April 9 20 07, in accordance with the applicable (Name of Legislative Body) provisions of law.

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20 _____, and was (approved)(not approved) (Name of Legislative Body) (repassed after disapproval) by the _____ and was deemed duly adopted (Elective Chief Executive Officer*) on _____ 20 _____, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20 _____, and was (approved)(not approved) (Name of Legislative Body) (repassed after disapproval) by the _____ on _____ 20 _____ (Elective Chief Executive Officer*)

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general) (special)(annual) election held on _____ 20 _____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20 _____, and was (approved)(not approved) (Name of Legislative Body) (repassed after disapproval) by the _____ on _____ 20 _____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20 _____, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20 _____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20 _____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph _____, above.

Christine J. ...

Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

(Seal)

Date: 4-13-07

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF Westchester

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Wormser, Kiely, Galef & Jacobs LLP

By: [Signature]

Signature
Village Attorney, Wormser, Kiely, Galef & Jacobs

Title

County
City of Briarcliff Manor
Town
Village

Date: 4/12/07

A LOCAL LAW TO AMEND
CHAPTER 45 OF THE CODE OF THE
VILLAGE OF BRIARCLIFF MANOR TO
PROVIDE FOR PARTICIPATION IN
DELIBERATIONS BY ALTERNATE
PLANNING BOARD MEMBERS

Be it enacted by the Village Board of Trustees of the Village of Briarcliff Manor, as follows:

Section 1. Section 45-5 of the Village Code of the Village of Briarcliff Manor is amended at the definition of "Alternate Member" to read as follows"

"ALTERNATE MEMBER — An individual appointed by the Village Board of Trustees to serve on the Village of Briarcliff Manor Planning Board when a regular member has recused himself or herself or is otherwise precluded from consideration of a matter before such Board or is absent or otherwise unable to participate at a meeting of the Board."

Section 2. Section 45-6.A of the Village Code of the Village of Briarcliff Manor is amended to read as follows:

"A. This article provides a process for appointing one alternate member to the Planning Board to serve when a member has recused himself or herself or is otherwise precluded from consideration of a matter or is absent or otherwise unable to participate at a meeting of the Board."

Section 3. Section 45-6.B of the Village Code of the Village of Briarcliff Manor is amended to read as follows:

"B. The alternate member appointed after the expiration of the term expiring in 2007 shall be appointed by the Board of Trustees for a term of one (1) year, and each alternate member appointed after expiration of the term expiring in 2008 and thereafter shall be appointed by the Board of Trustees for a term of two (2) years."

Section 4. Section 45-6.C of the Village Code of the Village of Briarcliff Manor is amended to read as follows:

"C. Subject to the provision of Section 45-6.E, an alternate member shall have all of the rights, privileges, and responsibilities of a member of the Planning Board. When an alternate member is voting or counting toward the calculation or composition of a quorum, that circumstance shall be noted in the minutes of the Board meeting."

Section 5. Section 45-6.E of the Village Code of the Village of Briarcliff Manor is amended to read as follows:

“E. An alternate member shall attend all meetings of the Planning Board, including work sessions, regular meetings, and executive sessions, shall sit with and participate in all deliberations of the Board on all matters, and shall substitute for a member who has recused himself or herself or is otherwise precluded from consideration of a matter or is absent or otherwise unable to participate at a meeting of the Board, but an alternate member shall not vote or count towards the calculation or composition of a quorum unless he or she is substituting for a member.

“(1) An alternate member who is substituting for a member who has recused himself or herself or is otherwise precluded from consideration of a matter may vote and count towards the calculation and composition of a quorum on all issues.

“(2) An alternate member who is substituting for a member who is absent or otherwise unable to participate at a meeting may vote and count towards the calculation and composition of a quorum on all matters and issues other than subdivision applications.”

Section 6. Severability. The invalidity of any word, section, clause, paragraph, sentence, part or provision of this local law shall not affect the validity of any part of this local law which can be given effect without such valid part or parts.

Section 7. Supersession. This local law is adopted pursuant to the authority granted by New York Municipal Home Rule Law Section 10(1)(e)(3) and shall supersede any provision New York Village Law Section 7-718 and any other section of Village Law which is inconsistent with it.

Section 8. Effective Date. This local law shall take effect immediately upon filing in the Office of the Secretary of State of New York.