



**BY-LAWS
OF THE
ORLEANS COUNTY PLANNING BOARD**

approved by resolution of the Orleans County Planning Board on February 27, 2003
approved by resolution of the Orleans County Legislature on April 9, 2003
revised by resolution of the Orleans County Legislature on December 27, 2006
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revised by resolution of the Orleans County Legislature on November 17, 2021

WHEREAS, it is desirable for the Orleans County Planning Board to be governed by rules for the efficient and proper administration of its affairs, it is

THEREFORE, DULY RESOLVED that the following rules are hereby adopted as the By-Laws of this Planning Board.

MEMBERSHIP

Section 1. **MEMBERSHIP**

Membership of the Orleans County Planning Board shall consist of fourteen (14) full members and fourteen (14) alternate members representative of each town and village, and three (3) At-Large full members and three (3) At-Large alternate members representing the western, central, and eastern portions of the county.

Section 2. **VACANCIES**

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

Section 3. **ANNUAL MEETINGS**

The annual meeting of the Board shall be held on the first regular meeting in the month of January of each year hereafter. In the event the January meeting is canceled, the first meeting of

the year held thereafter shall constitute the annual meeting. Such meeting shall be devoted to the election of officers for the ensuing year, the appointment of committees and their membership, and such other business as shall be scheduled by the Board.

Section 4. REGULAR MEETINGS

Regular meeting of the Board shall be held each month at such time and place as shall be designated by a majority of the Board. At such meetings shall be considered any and every matter properly brought to the attention of the Board. Written notice of regular meetings shall be given to all members at least three days prior to such meetings. By majority vote of the members present, a regular meeting scheduled for the future may be canceled.

Section 5. SPECIAL MEETINGS

Special meetings of the Planning Board shall be held at a time and place designated by the officer calling the same and shall be called by the Chairman, Vice Chairman or Secretary. Verbal or written notice thereof shall be given to all the members not less than twenty-four hours in advance thereof.

Section 6. CANCELLATION POLICY

No more than two (2) regular meetings may be canceled consecutively except in the following situations:

1. The Chair and/or Vice-Chair of the Board as available, in consultation with Orleans County Department of Planning and Development staff, determines that weather conditions expected at the time of the meeting would make travel unsafe for members, guests, and the general public.
2. No zoning referrals have been submitted to the Orleans County Department of Planning and Development by the deadline as set forth in § 21 of these By-Laws.

Section 7. QUORUM

The presence of a majority of the then-designated Board members shall be necessary to constitute a quorum for the transaction of business at any meeting of the Board. Alternates shall be included as voting members in a quorum in the absence of their full member representative.

Section 8. VOTING

At all meetings of the Board each member shall have one (1) vote. A majority vote of the members present shall be necessary for the adoption of any proposed action, resolution or other voting matter. Alternate members may vote in the absence of their full member representative. Those with personal interest of any kind in a matter then before the Board, shall be disqualified from voting upon the matter, and the Secretary shall so record in the minutes that no vote was

cast by such member. Any member who, through concurrent service, will participate in a final action vote on a matter while serving on a municipal board, shall abstain from voting when said matter first comes before the County Planning Board.

Section 9. PROCEEDINGS

- A. At any regular meeting of the Board, the following shall be the regular order of business:
 - 1. Pledge of Allegiance.
 - 2. Roll Call and recording of members' signatures on the Sign-In Sheet.
 - 3. Minutes of the preceding meeting.
 - 4. Communications.
 - 5. Public Comment.
 - 6. Reports and action on old business.
 - 7. New business.
 - 8. Adjournment.

- B. Each formal action of the Board required by law, rule or regulation shall be embodied in a formal resolution duly entered in full upon the Minute Book after an affirmative vote as provided in Section 7 hereof. Each resolution so adopted shall specifically authorize, if necessary, the use and imprint of the official signature of this Board as hereinafter defined, and such official signature shall not be used unless so authorized.

- C. The regular order of business may be set aside on a motion of the Board in the event parties involved in Planning Board business are present at the meeting. Following the reading of the Minutes, the party(s) shall be allowed to state their case and respond to questions from the Board. On a subsequent motion, discussion of the matter may be closed and the regular agenda order shall be resumed. Formal action of the Board on any business shall take place at the time designated on the agenda.

Section 10. RULES AND PROCEDURE

All meetings of the Planning Board shall be conducted in accordance with Robert's Rules of Order except as otherwise provided within these By-Laws.

Section 11. PUBLIC COMMENT

Background & Purpose

The Orleans County Planning Board (CPB) faithfully welcomes and encourages the general public to attend its meetings and witness its deliberations. Although, as an advisory body, it is not required to post legal notice or hold public hearings, the CPB nevertheless also strives to provide a reasonable opportunity for interested parties to speak on matters before the CPB. As each CPB meeting offers a unique agenda with official business to be conducted of varying

length, complexity, and interest to the public, it may be necessary to impose limits on public comment so that the meeting progresses in an efficient manner and one matter does not receive disproportionate consideration to the detriment of other matters. Accordingly, the CPB respects that each matter is important to its stakeholders, and that guests that may be disproportionately in attendance concerning one matter does not mean that the CPB shall consider it to the detriment of attention to other official business. In the context of this policy, the terms “speech” and “comments” are interchangeable

Addition of Items to the Agenda during the CPB Meeting

Upon commencement of discussion of Old Business, New Business or Other Business on the agenda, the CPB Chairman may solicit from the membership, legislative representative, staff, or audience, or any CPB member may offer, a topic for discussion not already on the agenda. However, this shall not include consideration of a municipal referral that the CPB would be reviewing for the first time and was submitted to the CPB after the applicable deadline for referrals. Items are then added to the agenda at the discretion of the CPB Chairman. The public shall address the CPB only on topics on the agenda, and shall be asked to immediately cease if comments digress off agenda items. The CPB Chairman shall furthermore have discretion to cease speech immediately at any time a speaker engages in personal attacks or uses profanity.

Limits on Duration of Speech by the Public

At the commencement of New Business or upon review of the guest sign-in sheet, the CPB Chairman may inquire of the membership, legislative representative, staff, or audience the desire of any audience member(s) to speak. The CPB Chairman, in consultation with the membership, shall have the discretion to limit the duration of speech on any agenda item by a variety of methods individually or in combination, including but not limited to:

- A specific, maximum time limit for each speaker
- Reservation of a fixed amount of total time for public comment
- Authorization of a spokesperson in lieu of comments by other speakers with common interests

Prior to the commencement of comment on the issue in question, the CPB Chairman shall identify the method of limiting the duration of speech for the benefit of all present.

Priority of Speakers

Since the applicant (or his representative) in a zoning referral has the most direct interest in the outcome of the matter, it shall be the prerogative of the CPB Chairman to allow such applicant to speak before other guests. Additionally, he may be allowed to speak longer in presenting his case than other guests and/or to rebut claims made by other speakers. The CPB Chairman shall nevertheless have the discretion to fix a maximum time limit on speech by the applicant.

Recipients of Comments by the Public

Unless expressly given the consent to do otherwise by the CPB Chairman, the applicant and all guests shall direct their speech solely to the CPB. While the speakers may express themselves in the form of query, the CPB has no obligation to engage in interactive discourse with the speakers, and may consider such questions rhetorical in nature. If the CPB initiates a query of an applicant or guest, his response shall not count against any time limit for comments that may have been imposed by the CPB Chairman.

Suspension of Discussion

Notwithstanding the preceding, any CPB member other than one who serves on a municipal board responsible for final action on the matter in question may at any time make a motion to suspend discussion. Upon a second and approval by the majority, all parties shall terminate discussion of the issue. The CPB must then proceed to a vote if the item is actionable, or onto other business.

Section 12. ATTENDANCE

A member who is absent two consecutive meetings, without excuse, or an alternate who is absent three non-consecutive meetings in any six month period in the same manner, will be sent a letter informing the person of dismissal from the Board if the next meeting is missed. A member absent for three consecutive meetings, without excuse, shall be subject to dismissal. Excused absences received less than twenty-four (24) hours before the date of the meeting shall not be considered excused unless extending circumstances exist. Proper notice will be made to the County Legislature with recommendations regarding such dismissal.

Section 13. TRAINING

County Planning Board members, including alternates, must obtain four (4) hours of training per year. Traditional classroom training opportunities, as well as those offered remotely/online, by the sources listed below shall be acceptable for County Planning Board members in fulfillment of the annual training requirements. Such training shall address land use and/or environmental subject matters relevant to a decision-making public body and the administrative functions thereof, including but not limited to the conduct of a meeting and parliamentary procedures. Except where Orleans County itself provides the training, it is the responsibility of County Planning Board members to submit written confirmation of training attended to the Director of the Orleans County Department of Planning and Development to receive proper credit. The Director shall have the discretion to approve modifications of this list in response to changes in training providers and/or their curricula:

- Albany Law School, Government Law Center
- Association of Towns of the State of New York
- Cornell Cooperative Extension
- New York Municipal Insurance Reciprocal (NYMIR)
- New York Planning Federation
- New York State Conference of Mayors and Municipal Officials

New York State Department of State
New York State Department of Agriculture and Markets
New York State Department of Environmental Conservation
Orleans County Department of Planning and Development
Other County Planning Departments in New York State
Orleans County Soil and Water Conservation District
Genesee/Finger Lakes Regional Planning Council
The Lincoln Institute of Land Use Policy

To aid in the fulfillment of the training requirement, at least one training opportunity shall be available within Orleans County each calendar year at no cost to County Planning Board members. Available training through outside resources may be limited based upon availability of funding and shall require prior approval by the Director of the Orleans County Department of Planning and Development in order to be reimbursed.

It is the responsibility of the Director of the Orleans County Department of Planning and Development to create and maintain a system of tracking such annual training for County Planning Board members. Such information shall be reported annually at the end of the calendar year to the municipality represented by the member and to the Clerk of the County Legislature at the end of each member's three-year term.

County Planning Board members who simultaneously serve on town or village planning boards or zoning boards of appeal may satisfy the County's training requirement by meeting the town or village's training requirement, provided said municipality provides annual written notice to the Director of the Orleans County Department of Planning and Development that said training has been completed.

Any new CPB member appointed to fill the last three months of an unexpired three-year term shall not be required to have attended training to be reappointed to a first full three-year term, but must thereafter comply with the County's training policy as provided elsewhere herein

Section 14. APPOINTMENT PROCEDURES

The Town or Village Board shall make a recommendation to the Legislature for the appointment of a full member and alternate representative. The Legislature shall pass a resolution by majority vote confirming these fourteen (14) full members and alternates. Additionally, the Legislature shall determine suitable candidates for full member and alternate for At-Large positions representing the western, central, and eastern portions of Orleans County. These candidates must likewise be confirmed through a majority vote resolution of the Legislature.

Section 15. TERM OF OFFICE

Board members shall be appointed to three (3) year terms. Alternate member terms shall run consecutively with the full member terms.

OFFICERS

Section 16. OFFICERS

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

Section 17. ELECTION OF OFFICERS

The officers of the Board shall be elected for the ensuing year at the annual meeting of the Board. In the event the Secretary shall be absent from any meeting, the officer presiding shall designate another member of the Board to act pro tem in place of the Secretary.

Section 18. EXECUTIVE SECRETARY

The Board shall appoint an Executive Secretary who may not be a member of the Board. If the Executive Secretary is not a member, he shall have no vote.

Section 19. DUTIES OF OFFICERS

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

Chairman:

- a. To preside at all meetings of the Board.
- b. To call special or emergency meetings of the Board in accordance with these By-Laws.
- c. To sign, together with the Secretary, all official documents of the Board in accordance with the requirements of these By-Laws.
- d. To see that all reports, documents, and actions of the Board are properly made, executed, filed or taken as the case may be, in accordance with law and the actions and regulations of this Board.
- e. To appoint committees and their membership.
- f. To set an agenda one week prior to each regular Board meeting, upon consideration of requests by officers or members of the Board, and/or County Legislators for specific matters to be included.
- g. To perform all other duties of the Chairman as prescribed in these By-Laws.

Vice Chairman:

- a. During the absence, disability or disqualification of the Chairman, the Vice Chairman shall exercise or perform all the duties and be subject to all the responsibilities of the Chairman.

Executive Secretary:

- a. To keep the minutes of all meetings of the Board in an appropriate Minute Book.
- b. To give or serve all notices required by law or by these By-Laws.
- c. To be custodian of records of this Board.
- d. To attend to all the official correspondence of this Board.
- e. To lay before the Board at its meetings all official correspondence received by the Secretary relating to the business of the board.
- f. To affix to any official document of the Board, the official signature thereof whenever the same shall be required by law or the regulations of this Board, such action to be taken, however, only after such action shall have been authorized by an affirmative vote of this Board.

Section 20. OFFICIAL SIGNATURE

The official signature of this 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 this Board. Such signature shall be endorsed upon such papers only pursuant to the direction of this Board embodied in a resolution so directing, and shall be personally signed either by the Chairman or Secretary. In form the official signature shall be as follows:

Planning Board of Orleans County, New York

By _____

Dated _____

Section 21. DEADLINE FOR SUBMITTAL OF ZONING REFERRALS

Every zoning referral must be delivered to the Orleans County Department of Planning and Development from the submitting municipality by the close of normal office hours at least seven (7) days prior to the regular Board meeting date on which action is requested by the municipality.

Referrals received after such deadline will be placed on the Board's agenda the subsequent month, unless expressly requested by the municipality to be withdrawn.