

MIDDLEBURGH TOWN AND PLANNING BOARD

BY-LAWS **UPDATE 2/8/24**

RESOLVED, that the Middleburgh Town and Village Planning Board, Schoharie County, New York, does hereby adopt the following rules as the by-laws to govern its activities:

Article I: OFFICIAL NAME OF BOARD

This Board shall be known as the “Middleburgh Town and Village Planning Board”, hereinafter abbreviated as “PB”.

Article II: QUALIFICATIONS FOR MEMBERSHIP

1. Age: At the time of taking the PB oath of office, members must be at least 18 years of age.
2. Citizenship: At the time of taking the oath of office, members must be a United States citizen.
3. Residence: The PB shall be comprised of seven members, two of whom are residents of the Village of Middleburgh, two of whom are residents of the Town of Middleburgh outside the Village, and three additional members of any combination of Village or Town residents.
4. Attendance: All PB members shall be required to attend at least 75% of the regular scheduled meetings/work sessions on an annual basis.
5. Terms in office are seven years on seven-member boards, and five years on five-member boards, with one term expiring at the end of each year.
6. Service on Other Boards:
 - A. No member of the Middleburgh Town or Village Boards is eligible for concurrent PB membership.
 - B. Members of the Schoharie County Planning Commission may, however, serve concurrently on the PB.
7. Continuing education:
 - A. New York State requires PB members to accrue four continuing education credits per year. These may be earned by attending webinars, in-person seminars, or other relevant training.
 - B. At the first meeting of the year, each PB member shall give the PB Secretary a list of credits earned during the previous calendar year, and these lists will be kept in PB files.
 - C. Excess credits earned may be carried over to subsequent years.
 - D. To be eligible for reappointment to the PB, each member shall have completed the required training.
 - E. No decision of the PB shall be voided or declared invalid because of failure to comply with training requirements.
 - F. These training requirements may be waived or modified by resolution of the Town Board when, in the judgment of the Town Board, it is in the best interest of the Town to do so.
8. At the discretion of the Town Board, the PB can be reduced to five members, with two from the Village and three from the Town.
9. The Town Board may appoint one or more agricultural members, each of whom derives \$10,000 or more annual gross income from agricultural pursuits in Middleburgh, to the PB. This is per NY Town Law Section 271, subsection 11, since County Agricultural districts 1 and 2 exist within the boundaries of the Town of Middleburgh.
10. At the discretion of the Town Board, the position of PB alternate may be created.

11. A PB member may be removed only for cause and after a public hearing, wherein factual evidence substantiating just cause for removal must be produced. Any PB member may be removed for noncompliance with meeting attendance or training as established by the Town Board or local law.

Article III: OFFICERS AND DUTIES

The officers shall be a Chairperson, a Vice-Chairperson, and a Secretary/Clerk. Under NY Town Law Section 271, officers of the PB shall be appointed by the Town Board. The duties and powers of each officer shall be as follows:

1. Chairperson:
 - A. Supervise the affairs of the PB.
 - B. Preside at all meetings of the PB.
 - C. Appoint such committees and subcommittees, of such size as may be necessary, to carry out the purposes of the PB.
 - D. Serve as an ex-officio member of all committees and subcommittees so appointed.
 - E. Call special meetings in accordance with the by-laws.
 - F. Sign, together with the Secretary, all official documents of the PB in accordance with the requirements of the by-laws.
 - G. See that all reports, documents, and actions of the PB are properly made, executed, filed or taken, as the case may be, in accordance with law and the actions and regulations of the PB.
 - H. Serve as liaison to Town Board at the direction of the PB.
2. Vice-Chairperson:
 - A. Shall perform such duties as may be delegated by the Chairperson.
 - B. In the absence or disability of the Chairperson, the Vice-Chairperson shall perform all the duties and exercise all powers of the Chairperson.
3. Secretary:
 - A. Any duties listed below can be delegated to other members of the PB by the Secretary or Chairperson of the PB at any time.
 - B. Record and maintain minutes of all meetings of the PB. Such minutes shall be a public record.
 - C. Give or serve all notices required by law or by the by-Laws.
 - D. Serve as custodian of records of the PB.
 - E. Attend to all official correspondence
 - F. Lay before the PB at its meetings all official correspondence received by the Secretary relating to the business of the PB.
 - G. Affix to any official document of the PB the official signature thereof whenever the same shall be required by law or the regulations of the Board. Such action to be tank, however, only after such action shall have been authorized by an affirmative vote of the PB.
 - H. Keep a record of attendance of members at such meetings.
 - I. In the absence of the Secretary, the members of the Board shall elect any of its members as temporary Secretary to perform the duties of the Secretary.

Article IV: MEETINGS

1. Regular meetings of the PB shall be held the second Wednesday of each month at 7 PM.
2. At any meeting, a quorum shall consist of a majority of members of the fully constituted Board. No action shall be taken in the absence of a quorum.

3. Special meetings may be held at a time and place designated by the Chairman. Verbal or written notice thereof shall be circulated to all members not less than 24 hours in advance.
4. Unless specified otherwise in these by-laws, all meetings shall be conducted in accordance with Robert's Rules of Order.
5. At meetings, each member shall be entitled to cast one vote, which will be cast by voice. A majority vote of the PB is necessary for the adoption of any voting matter.
6. Requests to be added to a PB agenda shall be submitted to middleburghplanning@gmail.com or to the PB Chairperson no later than seven (7) calendar days before the next scheduled monthly meeting.

ARTICLE V: ANNUAL REVIEW

At the first meeting of each calendar year, the PB shall review the by-laws and the Comprehensive Plan.

ARTICLE VI: CONFLICTS OF INTEREST

Any PB member having any interest in any matter brought before the Board shall either absent or recuse himself/herself from any consideration, discussion, or vote upon such matters. Such absence or recusal shall be noted in that meeting's minutes.

ARTICLE VII: AMENDING BY-LAWS

These by-laws may be amended at any meeting of the PB provided that notice of said proposed amendment is given to each member in writing at least seven (7) calendar days prior to said meeting. Said notice shall contain a precise description of the change proposed in said by-laws.

ARTICLE VIII: FORMER BY-LAWS

These by-laws shall supersede any and all by-laws previously adopted by this Board.

Upon motion duly made by _____ and seconded by _____, the resolution set forth above was duly approved by the following votes:

Aye _____

Nay _____

(Signed) _____
Secretary

Dated _____

Amendments effective through _____