

## **LOCAL LAW 9-2017**

A Local Law adding Chapter 6 (“Boards and Commissions”) to the Village of Ossining Code and amending Chapter 8 (“Civilian Police Complaint Review Board”); Chapter 17 (“Code of Ethics”); Chapter 119 (“Environmental Advisory Council”); Chapter 162 (“Housing/Property Maintenance and Building Code Administration”); and Chapter 270 (“Zoning”) of the Village of Ossining Code.

**BE IT ENACTED** by the Board of Trustees of the Village of Ossining as follows:

**Section 1.** Chapter 6 titled Boards and Commissions is added to the Village of Ossining Code with new matter underlined.

**Section 2.** Chapter 6, Section 6-1 (“Legislative Intent”) provides as follows with new matter underlined.

### Section 6-1. Legislative Intent

It is the intention of the Board of Trustees of the Village of Ossining in adopting this chapter to set out the minimum requirements for boards and commissions within the Village of Ossining relating to terms of office, attendance and, where applicable, training.

### Section 3. Terms of Office

- A. For those boards and commissions where the term of office is five (5) years, no person shall be appointed for more than two (2) consecutive terms. Terms shall not be considered consecutive when the person being appointed has not been a member of such board and/or commission for a period of one year or more.
- B. For those boards and commissions where the term of office is three (3) years, no person shall be appointed for more than (3) consecutive terms. Terms shall not be considered consecutive when the person being appointed has not been a member of such board and/or commission for a period of one year or more.
- C. For those boards and commissions where the term of office is two (2) years, no person shall be appointed for more than four (4) consecutive terms. Terms shall not be considered consecutive when the person being appointed has not been a member of such board and/or commission for a period of one year or more.
- D. Members of boards and commissions whose terms have expired shall continue to serve as members until the member is reappointed, resigns or a new member is appointed in place of the departing member.
- E. If the member has served for the maximum number of consecutive terms, that member shall not apply for membership on the particular board or commission the member served

on until at least one year has passed since the expiration of the member's last term in office. This subsection shall not prohibit a member from applying for membership with another board or commission after his/her term expires.

- F. If the Board of Trustees or the Village Manager are unable to appoint a new member to such board or commission for which the Board of Trustees or Village Manager make such appointments as a result of lack of interest or for any other reason, despite best efforts to do so, the Board of Trustees, may by resolution following notification from the Village Manager for appointments to boards or commissions made by the Village Manager or by notification to the Board of Trustees for appointments to boards or commissions made by the Board of Trustees either:
- 1) Waive the term limit requirement and allow for the reappointment of a then-current member to an additional term; or
  - 2) Waive the requirement for a one-year hiatus between terms and allow the appointment of a former member whose term ended less than one year prior thereto to a new term.

#### **Section 4. Training and Attendance Requirements**

- A. All members of Village boards and commissions shall be required to attend a minimum of 75% of the meetings scheduled within a calendar year.
- B. Noncompliance with minimum requirements relating to attendance at meetings shall be deemed a proper cause for removal by the Board of Trustees.
- C. For those boards and commissions for which there are stated training requirements, noncompliance with the minimum requirements related to training shall be deemed a proper cause for removal by the Board of Trustees.
- D. The chairperson of each board and commission or his/her designee shall have attendance taken at each meeting and such attendance records shall be maintained by the chairperson or his/her designee.
- E. The chairperson of each board and commission shall notify the Village Manager in writing on or about December 1 in any year, or at any other time if so warranted of any member who fails to comply with the minimum requirements for meeting attendance and/or training in any calendar year.

#### **Section 5. Lack of training, failing to meet minimum attendance requirements; validity of members' actions.**

Notwithstanding any training and attendance requirements, the failure of a member of any board or commission to attend the required percentage of meetings or obtain such training shall not affect said member's authority to entertain applications, to deliberate and vote on such applications or otherwise affect the validity of the member's actions.

**Section 6.** Chapter 8 ("Civilian Police Complaint Review Board"), Section 8-5 ("Selection and appointment") is amended as follows with deleted matter in [brackets] and new matter underlined.

**§ 8-5 Selection and appointment.**

A. Membership. The CPCRБ shall consist of seven members appointed by the Village Board and selected in a manner to ensure diverse and representative participation for the entire community of the Village:

- (1) [Three] **Five civilian** members shall be **selected by the Board of Trustees who may consider any eligible resident of the Village meeting the criteria specified in 8-5C.** [appointed from a list of nominees selected by a CPCRБ Nominating Committee consisting of at least five members to be chosen by the Village Board. The list of nominees put forward by the Committee shall contain no fewer than seven names, from which three members will be selected by the Village Board. No member of the Committee shall serve simultaneously on the CPCRБ. Members of the Committee who wish to be considered as nominees for the CPCRБ shall resign from the Committee and shall not participate in Committee discussions regarding the nominee list. **[Amended 8-5-2003 by L.L. No. 4-2003]** ]
- (2) Two members shall be appointed from nominees selected by the Chief of Police from the personnel of the Village's Police Department. One police representative shall be a line officer, the other a senior officer.
- [(3) Two additional civilian members shall be selected by the Village Board, which may consider any eligible resident of the Village meeting the criteria specified in § 8-5C, including, but not limited to, individuals whose names have been included on the list of nominees put forward by the Police Community Relations Advisory Council.]
- [(4) 3] In addition to the seven members, an alternate member shall be appointed from [each of the] **the two selection categories.** [selection categories.] Alternates will serve on the CPCRБ only when a member is absent or unable to participate due to a conflict of interest. **[[Amended 8-5-2003 by L.L. No. 4-2003]]**

D. Terms of appointment.

- (1) Members of the CPCRБ shall be appointed for two-year terms **beginning from the date of appointment.** [To ensure continuity, members of the first appointed CPCRБ shall serve staggered terms of one and two years. The length of the term of individual members shall be determined at the first meeting of the CPCRБ by the drawing of lots, under the direction of the Chair, who will serve for a term of two years expiring on December 31, 2004. Three members shall serve for one year and three members shall serve for two years. Nothing herein to the contrary withstanding, the one-year terms shall expire an December 31, 2003, and the two-year terms shall expire on December 31, 2004. All members are eligible for reappointment at the expiration of their terms. **[Amended 8-5-2003 by L.L. No. 4-2003]** ] **A member may be appointed to a maximum of four (4) consecutive terms (8 years). If the member has served for four consecutive terms, the member must be off the**

**CPCRB for one year before applying for appointment to the CPCRB.**

- (2) Members shall hold office until their successors are appointed.
- (3) Members shall serve without compensation.
- (4) If a member resigns or is dismissed, the alternate member from the appropriate selection category will be appointed by the Village Board to serve for the remainder of the term.
- (5) All members of the CPCRB shall be required to attend a minimum of 75% of the CPCRB meetings scheduled within a calendar year. Noncompliance with minimum requirements relating to attendance at CPCRB meetings shall be deemed a proper cause for removal by the Board of Trustees in addition to the grounds for dismissal set out in 8-5E.**
- (6) Notwithstanding the foregoing attendance requirements, the failure of a CPCRB member to attend the required percentage of meetings shall not affect the member's authority to consider and vote on applications to the CPCRB or the validity of such member's actions as a CPCRB member. No action of the CPCRB will be voided or declared invalid as a result of a member's failure to comply with the annual attendance requirement.**

**Section 7.** Chapter 8, Section 8-6 ("Training") is amended as follows with deleted matter in [brackets] and new matter underlined.

**§ 8-6 Training.**

- A. Training is a mandatory requirement for membership on the committee.
- B. A comprehensive training course will be provided to each committee member, and alternate members, prior to reviewing any cases.
- C. All members and alternate members will receive training, and a manual, that includes pertinent information, including, but not limited to:
  - (1) The Village Police Department's disciplinary process.
  - (2) The Village Police Department policies and procedures related to the investigation of complaints.
  - (3) New York Penal Law Article 35, Defense of Justification.
  - (4) Civil Service Law regarding the employment and selection process.
  - (5) Union contract disciplinary and grievance procedures.
  - (6) The recruitment and training process.
  - (7) Section 5711-q of New York's Unconsolidated Laws regarding special provisions for

Village police departments.

(8) Section 50-a, Subdivision 1, of the New York Civil Rights Law regarding privacy rights.

(9) Selected sections of New York's Vehicle and Traffic Law, Penal Law and Criminal Procedure Law.

D. The comprehensive training course all members will receive prior to reviewing any cases will include training on the proper procedures and techniques related to:

(1) The use of force.

(2) "Stop and frisk."

(3) Vehicle stops.

(4) Warrantless arrests.

(5) Search and seizure.

(6) Relevant civil rights and constitutional law issues.

(7) Community police training.

(8) Human relations training, with particular focus on cultural diversity issues, such as those contained in the training models created by the National Organization of Black Law Enforcement Executives (NOBLE), the Police Executive Research Forum (PERF) and the Martin Luther King Institute for Non-Violence.

(9) Response to domestic violence complaints.

(10) Other issues related to civilian/police contacts deemed relevant by the Chair and Vice-Chair, in consultation with the Chief.

**(11) Noncompliance with the above-described training requirements shall be deemed a proper cause for removal from the CPCRb by the Board of Trustees in addition to the grounds detailed in 8-5E.**

E. All CPCRb members will spend time in discussion with line officers and may also elect to accompany police officers on patrol, subject to prior approval by the Chief. The amount of time required for said discussions, and the number of occasions members will accompany police officers on patrol, shall be agreed upon by the Chair and Vice-Chair of the CPCRb with the Chief.

F. All members will attend a community orientation session sponsored by the Council that will further educate members of the public on the role of the CPCRb and enable CPCRb members to hear differing perspectives regarding civilian/police interactions.

G. All members will receive training on legal issues related to allegations of police

misconduct, including but not limited to, alleged criminal misconduct.

- H. Upon request by the Chair, legal consultation or counsel will be provided to the CPCRB at the discretion of the Village Board of Trustees.

**(I) The chairperson of the CPCRB shall notify the Village Manager in writing on or about December 1 in any year, or at any other time if so warranted of any CPCRB member who fails to comply with the minimum requirements for meeting attendance and/or training in any calendar year.**

**Section 8.** Chapter 17 (“Ethics, Code of”), Section 17-5 (“Establishment of Board; membership”) is amended as follows with delete matter in [brackets] and new matter underlined.

- A. There is hereby established a Board of Ethics (sometimes referred to as "the BOE") consisting of no less than three members and no more than five members to be appointed by the Village Board. At least three members must be residents of the Village of Ossining; the remaining two can be residents of Westchester County, New York. At least one member of the BOE shall not be a lawyer. Each member shall serve without compensation for a term of three years from the date of appointment. The term of three years is intended to be equal to the minimum number of members of the BOE so that the term of only one member of the BOE shall terminate at the end of each calendar year. Upon the expiration of each member's initial appointment, the reappointment of that member or the appointment of a new member to take his/her place shall be for a term of three years. If a vacancy on the BOE occurs other than by the expiration of a member's term, the Village Board shall appoint a new member for the unexpired portion of that term. **Members whose terms have expired shall continue to serve as members of the BOE until the member is reappointed, resigns or a new member is appointed in place of the departing member. A member may be appointed to a maximum of three (3) consecutive terms (9 years). If the member has served for three consecutive terms, the member must be off the BOE for one year before applying again to be a member of the BOE.** The Corporation Counsel, a Deputy Corporation Counsel, or any attorney appointed by the Village Board of Trustees shall serve as an advisor to the Board of Ethics, and shall not be considered a member. The Board shall have a Chair. The Chair shall be selected in the order in which a person was appointed to the Board. The controlling date for this determination shall be the date the Village Board of Trustees appoints a member to the Board. The Chair shall assign requests for advisory opinion and matters subject to investigation on a rotating basis. The Chair must be an attorney.
- B. **All members of the BOE shall be required to attend a minimum of 75% of the BOE meetings scheduled within a calendar year. Non compliance with the minimum requirements relating to attendance at meetings shall be deemed a proper cause for removal by the Board of Trustees.**
- C. **The chairperson of the BOE shall notify the Village Manager and Corporation Counsel in writing on or about December 1 in any year, or at any other time if so**

warranted of any member who fails to comply with the minimum requirements for meeting attendance in any calendar year.

D. Notwithstanding the foregoing attendance requirements, the failure of a BOE member to attend the required percentage of meetings shall not affect the member's ability to hear, deliberate and vote on matters before the BOE or otherwise affect the validity of the member's actions. No action of the BOE will be voided or declared invalid as a result of a member's failure to comply with the annual attendance requirement.

E. [B]Powers and duties. The Board of Ethics shall have all the powers and duties prescribed by Article 18 of the General Municipal Law and shall render advisory opinions to the municipal officers and employees of the Village of Ossining with respect to Article 18 of the General Municipal Law and any code of ethics adopted pursuant to such article and in accordance with rules and regulations as may be promulgated by the BOE, or as may be amended by the BOE from time to time. The BOE shall also have the power to receive complaints from the public regarding alleged violations by municipal officers and employees of the code of ethics, the General Municipal Law or any other law relating to the ethical conduct of municipal officers and employees. The Board shall have the power to investigate such complaints and issue written advisory opinions regarding such complaints. In addition, the BOE may make recommendations with respect to the drafting and adoption of a code of ethics or amendments thereto upon request of the Board of Trustees.

E. [C]Investigations. Upon receipt of a written complaint by any person alleging a violation of this chapter or upon determining on its own initiative, acceptable by a majority of the Board, that a violation of the chapter may exist, the Board of Ethics shall have the power and duty to conduct any investigation necessary to carry out the provisions of this chapter. In conducting any such investigation, the Board of Ethics may administer oaths or affirmations. The Board may, with the concurrence of a majority of the Board, compel attendance of witnesses, and require the production of books or records that it may deem relevant and material. The Board of Ethics shall make reasonable efforts to obtain voluntary cooperation prior to exercising or enforcing its right to compel testimony, or require the production of books and records. Further, the Board of Ethics shall take steps to ensure that every individual's right to due process is protected.

**Section 9.** Chapter 119 ("Environmental Advisory Council") , Section 119-3 ("Membership; vacancies") is amended as follows with deleted matter in [brackets] and new matter underlined.

**§ 119-3 Membership; vacancies.**

A. The council shall consist of [nine] seven [regular] members, all of whom shall be appointed by the Board of Trustees, who shall serve at the pleasure of said Board. Persons residing within the Village of Ossining who are interested in the improvement and preservation of environmental quality shall be eligible for appointment as a member of the Council. Vacancies on the Council shall

be filled in the same manner as the original appointment except that a vacancy occurring other than by the expiration of term of office shall be filled only for the remainder of the unexpired term.

[B. Not more than two members of the Council may be between the ages of 16 and 21 years of age at the time of their appointment.]

[C.] B. [The first two members appointed shall hold office for a term of one year, the second three for a term of two years, the sixth and seventh members for a term of one year, the eighth and ninth members for a term of two years, and the successors of all nine initial appointments shall be appointed for full terms of two years.] **Each member shall be appointed to a two year term from the date of appointment. Members whose terms have expired shall continue to serve as members of the Council until the member is reappointed, resigns or a new member is appointed in place of the departing member. A member may be appointed to a maximum of four (4) consecutive terms (eight years). If the member has served for four consecutive terms, that member must be off of the council for one year before applying for appointment to the Council.**

**Section 10.** Chapter 119, Section 119-4 ("Training and attendance requirements") is added with new matter underlined.

**119-4 Training and attendance requirements**

- A. All members of the Council shall be required to attend a minimum of 75% of the Council meetings scheduled within a calendar year.
- B. Noncompliance with minimum requirements relating to attendance at meetings shall be deemed a proper cause for removal from office by the Board of Trustees.
- C. All members of the Council shall be required to attend a minimum of four hours in relevant courses annually.
- D. Noncompliance with minimum requirements relating to training shall be deemed a proper cause for removal from office by the Board of Trustees.
- E. The costs for such training sessions shall be a Village charge. Members shall be reimbursed for travel and meal expenses according to Village policy.
- F. Training sessions which relate to the duties of members of the Council may include programs offered by the New York State Department of State, New York State



Department of Environmental Conservation, the Westchester County Planning Department, Westchester Municipal Planning Federation, and such other entities as well as in-house updates or seminars. The Village Manager, after discussion with the Director of Planning and Development and the Council Chairperson shall annually designate such seminars, workshops, or continuing education courses which may be offered within a reasonable distance and which may be helpful to the Council in carrying out its functions in a timely, fair and lawful manner.

- G. The chairperson of the Council shall notify the Village Manager and the Director of Planning and Development in writing on or about December 1 in any year, or at any other time if so warranted of any member who fails to comply with the minimum requirements for meeting attendance and/or training in any calendar year.

**Section 11.** Chapter 119, Section 119-5 ("Lack of training; effect on validity of members' action") is added with new matter underlined.

**119-5 Lack of training; effect on validity of members' actions.**

Notwithstanding the foregoing attendance and training requirements, the failure of a member of the Council to attend the required percentage of meetings or obtain such training shall not affect said person's appointment to serve on the Council, to entertain applications, to vote on such applications or the validity of such members' actions. No action by the Council will be voided or declared invalid as a result of a member's failure to comply with the annual attendance/training requirements.

**Section 12.** Chapter 119, Section 119-4 ("Officers, meetings and committees") is amended as follows with deleted matter in [brackets] and new matter underlined.

§ 119-[4] 6 Officers, meetings and committees.

The Board of Trustees shall designate a member of the Council to act as Chairman thereof. At the first meeting of the Council its members shall elect from among themselves a Recording Secretary. The council shall adopt rules and procedures for its meetings. It shall keep accurate records of its meetings and activities and shall file an annual report as provided in § 119-[6] 7 of this chapter.

**Section 13.** Chapter 119, Section 119-5 ("Powers and Duties") is amended as follows with deleted matter in [brackets] and new matter underlined.

§ 119-[5] 7 **Powers and duties.**

The powers and duties of the Council shall be to:

- A. Advise the Board of Trustees on matters affecting the preservation, development, and use

of the natural and man-made features and conditions of the Village insofar as beauty, quality, biologic integrity, and other environmental factors are concerned and, in the case of man's activities and development, with regard to any major threats posed to environmental quality, so as to enhance the long-range value of the environment to the people of the Village.

- B. Develop and, after receiving general approval by resolution of the Board of Trustees, conduct a program of public information in the community which shall be designed to foster increased understanding of the nature of environmental problems and issues and support for their solutions.
- C. Conduct studies, surveys and inventories of the natural and man-made features within the Village of Ossining and such other studies and surveys as may be necessary to carry out the general purposes of this chapter.
- D. Maintain an up-to-date inventory or index of all open spaces in public or private ownership within the municipality, including but not limited to natural landmarks, glacial and other geomorphic or physiographic features; streams and their floodplains, swamps, marshlands and other wetlands; unique biotic communities; scenic and other open areas of natural or ecological value; and of the ownership, present use, and proposed use of such open areas, so as to provide a base of information for recommendations by the Council for their preservation and/or use.
- E. Seek to coordinate, assist, and unify the efforts of private groups, institutions, and individuals within the Village of Ossining to accord with the purposes of this chapter.
- F. Maintain liaison and communications with public and private agencies and organizations of local, state, and national scope whose programs and activities have an impact on the quality of the environment or who can be of assistance to the Council.
- G. Working in cooperation with the Planning Board, recommend from time to time, to the Board of Trustees, features, plans, and programs relating to environmental improvement for inclusion in the Master Plan of the Village of Ossining and, similarly, recommend to the Board of Trustees appropriate and desirable changes in existing local laws and ordinances relating to environmental control or recommend new local laws.
- H. Prepare, print, and distribute books, maps, charts and pamphlets in accord with the purposes of this chapter.
- I. Obtain and maintain in orderly fashion maps, reports, books and other publications to support the necessary researches of the Council into local environmental conditions.
- J. The council may recommend acceptance by the Board of Trustees, by any gift, grant, devise, bequest or otherwise, property both real and personal, in the name of the Village of Ossining, as may be necessary to conserve and otherwise properly utilize open spaces

and other land and water resources within the boundaries of the Village of Ossining. Such real property may be accepted in fee for land and water rights, or as any lesser interest, development right, easement, including conservation easement, covenant, or other contractual right, including conveyance with limitations or reversions.

- K. Carry out such other duties as may be assigned from time to time by the Board of Trustees.

**Section 14.** Chapter 119, Section 119-6 (“Reports”) is amended as follows with deleted matter in [brackets] and new matter underlined.

**§ 119-[6] 8 Reports.**

The council shall submit an annual report to the Board of Trustees not later than the first day of October of each year, concerning the activities and work of the Council and from time to time shall submit such reports and recommendations as may be necessary to fulfill the purposes of this chapter.

**Section 15.** Chapter 119, Section 119-9 (“Compensation and expenses”) is amended as follows with deleted matter in [brackets] and new matter underlined.

**§ 119-[7] 9 Compensation and expenses.**  
**[[Amended 2-19-2008 by L.L. No. 3-2008]]**

The members of the Council shall receive no compensation for their services as members thereof but may be reimbursed for reasonable and necessary expenses incurred in the performance of their duties as detailed above within the appropriations made available therefor.

**Section 16.** Chapter 119, Section 119-10 (“Construction”) is amended as follows with deleted matter in [brackets] and new matter underlined.

**§ 119-[8] 10 Construction.**

This chapter shall be deemed an exercise of the powers of the Village of Ossining to preserve and improve the quality of the natural and man-made environment on behalf of the present and future inhabitants thereof. This chapter is not intended and shall not be deemed to impair the powers of any other public corporation.

**Section 17.** Chapter 162 (“Housing/Property Maintenance and Building Code Administration”), Section 162-43 (“Code Board of Appeals”) is amended as follows with deleted matter in [brackets] and new matter underlined.

**§ 162-43 Code Board of Appeals.**

- A. The Village of Ossining Code Board of Appeals (Code Board of Appeals) is hereby established. The Code Board of Appeals will have five members, appointed by the Village

Manager, each member to serve without compensation for a term of two years. At least one member shall have experience in the construction trades or property maintenance. Members must be residents of the Village of Ossining. Vacancies during a term shall be filled for the remainder of such term only. A member may be reappointed to the Code Board of Appeals at the end of his/her term. **Members whose terms have expired shall continue to serve as members of the Code Board of Appeals until the member is reappointed, resigns or a new member is appointed in place of the departing member. A member may be appointed to a maximum of four (4) consecutive terms (eight years). If the member has served for four consecutive terms, that member must be off the Code Board of Appeals for one year before applying for appointment to the Code Board of Appeals.** The Code Board of Appeals members shall designate the Chairperson. Two alternate members will be appointed in the event one or more of the sitting members is unable to hear a particular matter. The Village of Ossining Building Inspector or Assistant Building Inspector shall be an ex-officio member, but shall have no vote on any matter before the Code Board of Appeals. The Corporation Counsel or a Deputy Corporation Counsel shall serve as an advisor to the Code Board of Appeals and shall not be considered a member.

- B. **All appointed members of the Code Board of appeals shall be required to attend a minimum of 75% of the meetings of the Code Board of Appeals scheduled within a calendar year.**
- C. **Noncompliance with minimum requirements relating to attendance at meetings shall be deemed a proper cause for removal from office by the Board of Trustees.**
- D. **The chairperson of the Code Board of Appeals shall notify the Village Manager in writing on or about December 1 in any year, or at any other time if so warranted of any member who fails to comply with the minimum requirement for meeting attendance in any calendar year.**
- E. **Notwithstanding the foregoing attendance requirement, the failure of a member of the Code Board of Appeals to attend the required percentage of meetings shall not affect that member's ability to hear, participate and vote on applications before the board. No decision of the Code Board of Appeals shall be voided or declared invalid as a result of a member's failure to comply with the annual attendance and/or training requirements.**
- F. **[B]** The Code Board of Appeals shall adopt rules of procedure for the conduct of its business, provided such rules and any amendments thereto shall be a part of its written record and not conflict with the provisions of this chapter. Such rules of procedure shall be submitted to the Village's Board of Trustees for review. Failure of the Board of Trustees to approve, reject or modify such rules of procedure within 30 days after submission shall be deemed to constitute approval thereof.

**Section 18.** Chapter 270 ("Zoning"), Section 270-25 ("HADD Historical and Architectural

Design Districts and Historic Landmarks; Historic Preservation Commission”) is amended as follows with deleted matter in [brackets] and new matter underlined.

B. Historic Preservation Commission.

- (1) There shall be a Historic Preservation Commission consisting of seven members appointed by the Village Manager of the Village of Ossining.
  - (a) All members shall have a known interest in historic preservation and architectural development within the Village of Ossining.
  - (b) The membership of the Commission shall include:
    - [1] At least one member with practical experience in the field of architecture or urban design;
    - [2] At least one member with practical experience in urban planning, land development or real estate;
    - [3] At least one member who is a resident of a designated Historical and Architectural Design District or of a property that has been designated as a local Historic Landmark; and **[Amended 8-2-2011 by L.L. No. 3-2011]**
    - [4] At least one member who has demonstrated significant interest in and commitment to the field of historic preservation or local history, evidenced either by involvement in a historic preservation group or historical society, employment or volunteer activity in the field of historic preservation, or other practical demonstration of interest.
  - (c) It is not necessary to appoint a separate Commission member to fulfill each of the above categories. A single member with the requisite experience or expertise can fulfill more than one of the categories.
- (2) Members are to be appointed for terms of five years, provided that of those members first taking office, one shall be appointed for one year, one for two years, one for three years, one for four years and one for five years. [Members may serve for more than one term, and each member shall serve until the appointment of a successor.] **Members whose terms have expired shall continue to serve as members of the Historic Preservation Commission until the member is reappointed, resigns or a new member is appointed in place of the departing member. A member may be appointed to a maximum of two (2) consecutive terms (ten years). If the member has served for two consecutive terms, that member must be off the Historic Preservation Commission for one year before applying for appointment to the Commission.** [The] Commission members shall annually elect one of its members as [Chairman] **Chairperson**.
- (3) At least four members of the Historic Preservation Commission shall constitute a quorum for the transaction of its business or the performance of its functions, and the concurring vote of three members of the Historic Preservation Commission shall be necessary for the

adoption of any recommendations, motions or other acts of the Historic Preservation Commission.

- (4) All members of the Commission shall be required to attend a minimum of 75% of the Commission's meetings scheduled within a calendar year. Noncompliance with minimum requirements relating to attendance at meetings shall be deemed a proper cause for removal from office by the Board of Trustees.**
- (5) All members of the Commission shall be required to attend a minimum of four hours in relevant courses annually. Noncompliance with minimum requirements relating to training shall be deemed a proper cause for removal from office by the Board of Trustees.**
- (6) The cost for such training sessions shall be a Village charge. Members shall be reimbursed for travel and meal expenses in accord with Village policy.**
- (7) Training sessions which relate to the duties of members of the Commission may include programs offered by the New York State Department of State, New York State Department of Environmental Conservation, New York State Historic Preservation Office, Westchester County Planning Department, Westchester Municipal Planning Federation and such other entities as well as in-house updates and seminars. The Village Manager, after discussion with the Director of Planning and Development and the Commission Chairperson shall annually designate such seminars, workshops, or continuing education courses which may be offered within a reasonable distance and which may be helpful to the Commission members in carrying out their responsibilities in a timely, fair and lawful manner.**
- (8) The Commission Chairperson shall notify the Village Manager and the Director of Planning and Development in writing on or about December 1 in any year, or at any other time if so warranted of any member who fails to comply with the minimum requirements for meeting attendance and/or training in any calendar year.**
- (9) Notwithstanding the foregoing attendance and training requirements, the failure of a Commission member to attend the required percentage of meetings or obtain the required annual training shall not affect the member's ability to hear, deliberate and vote on any applications before the Commission. No decision of the Commission shall be voided or declared invalid due to a member's failure to meet the annual attendance and/or training requirements.**
- (10[4]) The Historic Preservation Commission shall adopt rules for the transaction of its business which shall provide for the time and frequency of its meetings. They shall hold meetings monthly (unless not needed) and shall provide for the calling of special meetings as needed. All regular or special meetings of the Commission shall be open to the public, and any person or his duly constituted representative shall be entitled to appear and be heard on any matter before the Commission before it reaches its conclusions.**

(11[5]) The Commission shall submit an annual report of its activities to the Village Board of Trustees.

(12[6]) The Commission shall cause to be published checklists and application forms which shall specify the materials required of each application for designation of landmarks or historic districts or for a certificate of appropriateness and the number of copies to be submitted.

(13[7]) The Historic Preservation Commission may request the Village Board of Trustees to retain or employ professional consultants, or other such personnel as may be necessary to perform its functions, subject to budgetary appropriation by the Village Board.

(14[8]) The duties of the Historic Preservation Commission shall be as follows:

- (a) To hear applications for and recommend the designation of landmarks and historic districts to the Board of Trustees in accordance with the procedures set forth herein;
- (b) To hear and approve or disapprove applications for certificates of appropriateness pursuant to the criteria set forth herein;
- (c) To determine whether an application submitted to it pursuant to this section is complete and to hear and decide requests for waivers of required application items; and
- (d) To hear applications for and recommend to the Board of Trustees the donation of facade easements.

(15[9]) The Historic Preservation Commission shall have the following additional powers which it may exercise as it deems appropriate or at the request of the Board of Trustees, Board of Architectural Review or Planning Board.

- (a) To develop a plan for the protection, preservation and enhancement of places and features of architectural or historical significance;
- (b) To designate identified structures or resources as landmarks or historic districts;
- (c) To conduct surveys of buildings for the purpose of determining those of historical, architectural and cultural landmarks and historic districts within the Village;
- (d) To formulate recommendations concerning the preparation of maps, brochures and historical markers for selected historical and/or architectural sites and landmarks;
- (e) To cooperate with and advise municipal agencies and officials in matters involving historical and/or architectural sites and landmarks pursuant to, but not limited to, Subsection C of this section;
- (f) To develop and participate in public education programs to increase public awareness of the value of historic, cultural and architectural preservation;
- (g) To advise owners of historical buildings on issues of restoration and preservation;

- (h) To advise the Village Board of Trustees with respect to the utilization of state, federal or private funds to promote the preservation of landmarks and historic districts within the Village;
- (i) To advise the Village Board of Trustees with respect to the acquisition of a landmark structure where its preservation is essential to the purposes of this section and where private preservation is not feasible; and
- (j) To advise the Village Board of Trustees concerning the acquisition of facade easements or other interests in real property, as necessary, to carry out the purposes of this section.

**Section 19.** Chapter 270 ("Zoning"), Section 270-47 ("Zoning Board of Appeals, Creation, appointment and organization") is amended as follows with deleted matter in [brackets] and new matter underlined

- C. Members whose terms have expired shall continue to serve as members of the Zoning Board of Appeals until the member is reappointed, resigns or a new member is appointed in place of the departing member.**
- D. A member may be appointed to a maximum of two (2) consecutive terms (10 years). If a member has served for two consecutive terms, that member must be off the Zoning Board of Appeals for one year before applying for appointment to the board.**
- E. All members of the Zoning Board of Appeals shall be required to attend a minimum of 75% of the board meetings scheduled within a calendar year. Non-compliance with minimum requirements relating to attendance at meetings shall be deemed a proper cause for removal from office by the Board of Trustees.**
- F. Each member of the Zoning Board of Appeals shall complete, at a minimum, four hours of training each year designed to enable members to effectively carry out their responsibilities. Training received in excess of four hours in any one year may be carried over by the member into succeeding years in order to meet the training requirements. Such training may include programs offered by the New York State Department of State, New York State Department of Environmental Conservation, Westchester County Planning Department, Westchester Municipal Planning Federation, and such other entities as well as in-house updates or seminars. The Village Manager, after discussion with the Director of Planning and Development and the Chairperson of the Board shall annually designate such seminars, workshops, or continuing education courses which may be offered within a reasonable distance.**
- G The cost for such training sessions shall be a Village charge. Members shall be reimbursed for travel and meal expenses according to Village policy.**
- H. To be eligible for reappointment to the Board, each member shall have completed the training promoted by the Village.**



- I. Noncompliance with minimum requirements relating to training shall be deemed a proper cause for removal from office by the Board of Trustees.**
- J. The Chairperson of the Zoning Board of Appeals shall notify the Village Manager and the Director of Planning and Development in writing on or about December 1 in any year, or at any time if so warranted of any member who fails to comply with the minimum requirements for meeting attendance and/or training in any calendar year.**
- K. Notwithstanding the aforementioned attendance and training requirements, no decision of the Zoning Board of Appeals shall be voided or declared invalid because of a failure to comply with the annual attendance and/or training requirements.**

**Section 20.** Chapter 270 ("Zoning"), Section 270-50 ("Planning Board; Conditional Uses; Site Plan Review, Creation, appointment, organization and membership of Planning Board") is amended as follow with deleted matter in [brackets] and new matter underlined.

- A) There shall be a Planning Board of seven members pursuant to Article VII, § 7-718 of the Village Law, each to be appointed for a term of five years. Vacancies shall be filled by appointment for the unexpired term. Members and the Chairperson of such Planning Board shall be appointed by the Village Manager. At least two of the members of the Planning Board shall have practical experience in the fields of architecture, civil engineering, planning, real estate or land development.**
- B) Members whose terms have expired shall continue to serve as members of the Planning Board until the member is reappointed, resigns or a new member is appointed in place of the departing member.**
- C) A member may be appointed to a maximum of two (2) consecutive terms (10 years). If the member has served for two consecutive terms, that member must be off the Planning Board for one year before applying for appointment to the Planning Board.**
- D) All members of the Planning Board shall be required to attend a minimum of 75% of the Planning Board meetings within a calendar year.**
- E) Non-compliance with minimum requirements relating to attendance at meetings shall be deemed a proper cause for removal from office by the Board of Trustees.**
- F) Each member of the Planning Board shall complete, at a minimum, four hours of training each year designed to enable such members to effectively carry out their responsibilities. Training received by a member in excess of four hours in any one year may be carried over by the member into succeeding years in order to meet the training requirements. Such training may include programs offered by the New York State Department of State, New York State Department of Environmental Conservation, Westchester County Planning department, Westchester Municipal Planning Federation, and such other entities as well as in-house updates and**

seminars. The Village Manager, after discussion with the Director of Planning and Development and the Planning Board Chairperson shall annually designate such seminars, workshops, or continuing education courses which may be offered within a reasonable distance.

- G) Non-compliance with minimum requirements relating to training shall be deemed a proper cause for removal from office by the Board of Trustees.
- H) The Chairperson of the Planning Board shall notify the Village Manager and the Director of Planning and Development in writing on or about December 1 or at any time if so warranted of any member who fails to comply with the minimum requirements for meeting attendance and/or training requirements in any calendar year.
- I) No decision of the Planning Board shall be voided or declared invalid because of a member's failure to comply with the annual attendance and/or training requirements.

#### Section 21. Partial Invalidity

If any section of this Local Law 9-2017 shall be held unconstitutional, invalid or ineffective in whole or in part, such determination shall not be deemed to affect, impair or invalidate the remainder of this local law.

#### Section 22. Effective Date

This local law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

