

Topic: Local Boards; Mandatory Training
Resource Type: Regulations
State: New York
Jurisdiction Type: Municipal
Municipality: Town of Brookhaven
Year (adopted, written, etc.): 2002-2004
Community Type - applicable to: Suburban; Rural
Title: Town of Brookhaven Training for Local Boards Ordinance
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Abstract

The Town of Brookhaven created this local law to mandate certified educational training for all Zoning Board of Appeals and Planning Board members and to require notification of such a requirement to prospective members. Procedure is also given for removal of members if in violation of this law.

Resource

Town of Brookhaven NY Required Training

ARTICLE IIIA Training

[Added 11-7-2002 by L.L. No. 23-2002, effective 11-12-2002]

§ 85-25.1. Title.

This article shall be entitled "A Local Law to Provide for Required Training for Members of the Planning Board and Zoning Board of Appeals."

§ 85-25.2. Purpose and intent.

A. The Town Board finds that appropriate training of Zoning Board of Appeals and Planning Board members is essential.

B. It is the purpose of this article to assist Zoning and Planning Board members in obtaining training to enhance their ability to carry out their duties under law and to pay the costs of such training as a Town charge.

C. It is also the purpose of this article to establish minimum training and continuing education course requirements for such members.

§ 85-25.3. Mandated certified educational training. [Amended 9-7-2004 by L.L. No. 26-2004, effective 9-13-2004]

A. All members of the Zoning Board of Appeals and Planning Board shall be required to attend a minimum of four seminars/courses of certified educational training in both planning and ethics with a minimum of two seminars in each area within each year from the date of their initial appointment to such Board. Said course requirements may be fulfilled through attendance at any seminars and/or courses offered by recognized organizations within the relevant disciplines as approved by the Town Board.

B. Noncompliance with minimum requirements relating to training shall be deemed a proper cause for removal from office.

C. The costs of such seminars, workshops or continuing education courses so designated shall be a Town charge. Members shall also be reimbursed for travel, lodging and meal expenses according to Town policies. Such training sessions shall be approved in advance by the Town Board, which approval shall not be unreasonably withheld.

§ 85-25.4. Procedure for removal of member.

The Chairperson of the Zoning Board of Appeals and the Chairperson of the Planning Board shall notify the Town Clerk in writing, on or about May 1 in any year, of any member who fails to comply with the minimum requirements for training in any fiscal year of the Town. In the event that a member of the Zoning Board of Appeals or Planning Board has failed to complete the mandated certified educational training requirements set forth in § 85-25.3, then the Town Board may remove such member for cause as herein provided.

A. Notice. Such member shall be mailed a written notice, by certified mail, return receipt requested, specifying the nature of the failure of such member to meet the minimum requirements of § 85-25.3 above.

B. Public hearing. Such notice shall specify a date, not less than 10 or more than 30 days from the date of mailing such notice, when the Town Board shall convene and hold a public hearing on whether or not such member should be removed from service on such Board. Such notice shall also specify the time and place of such hearing.

C. Public notice. Public notice of such hearing shall be published at least 10 days prior to the date of the public hearing.

D. Conduct of hearing. The public hearing on the charges shall be conducted before the Town Board. The member shall be given an opportunity to present evidence and to call witnesses to refute the charges. A record of such hearing shall be made. The decision of the Town Board shall be reduced to writing, together with specific findings of the Town Board with respect to each charge against such member. A copy of such decision and such findings shall be mailed to the member and a copy filed with the Town Clerk.

E. Action by the Town Board. Following the hearing and upon a finding that such member has not met the minimum training established by this article, the Town Board, with 30 days of such finding, may:

- (1) Remove such member from the Zoning Board of Appeals or Planning Board; or
- (2) Issue a written reprimand to such member without removing such member from such Board; or
- (3) If the Town Board shall find that the reasons for failing to meet the minimum training requirements are excusable because of illness, injury or other good and sufficient cause, the Town Board may elect to take no action.

§ 85-25.5. Removal for cause.

Nothing contained herein shall be deemed to limit or restrict the Town Board's authority to remove a member from the Zoning Board of Appeals or Planning Board for cause (i.e., for other than the reasons enumerated herein). The procedural provisions of § 85-25.6, Procedure for removal of member, shall govern any hearing to remove a member for cause.

§ 85-25.6. When effective; applicability; severability.

- A. This article shall become effective upon filing with the New York State Secretary of State.
- B. This article shall apply to all members of the Town of Brookhaven Zoning Board of Appeals and Planning Board regardless of the date of their appointment to such Boards.
- C. Prospective members of the Zoning Board of Appeals and Planning Board shall be notified of the requirements of this article prior to their appointment to such Board.
- D. General severability. If any clause, sentence, paragraph, section or item of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not impair not invalidate the remainder hereof, but such adjudication shall be confined in its operation to the clause, sentence, paragraph, section or item directly involved in the controversy in which such judgment shall have been rendered.