

(41)

ON MOTION OF Mrs. Brevett

RESOLUTION NO. 89

ADOPTING LOCAL LAW NO. 3 FOR THE YEAR 1975

WHEREAS, proposed Local Law No. 3 for the year 1975 Creating a Department of Planning in the County of Cortland, Continuing the Cortland County Planning Board and Creating the Cortland County Planning Council was introduced by Mrs. Brevett, a member of this legislature at a meeting of the legislature held on March 12, 1975, and

WHEREAS, said Local Law has been in its final form upon the desks of the members of this Legislature at Least 7 calendar days exclusive of Sunday prior to this date, and

WHEREAS, a public hearing thereon has been held before this Legislature after publication of notice thereof required by law,

NOW, THEREFORE, BE IT

RESOLVED, that Local Law No. 3 for the year 1975 entitled "A Local Law Creating a Department of Planning in the County of Cortland, Continuing the Cortland County Planning Board and Creating the Cortland County Planning Council" be passed and enacted in the following form effective immediately upon filing with the Secretary of State in accordance with the provisions of the Municipal Home Rule Law.

STATE OF NEW YORK }
COUNTY OF CORTLAND } SS:

This is to certify that I, the undersigned, Clerk of the Cortland County Legislature of the County of Cortland have compared the foregoing copy of resolution with the original resolution now on file in this office, and which was passed by the Cortland County Legislature, of said county on the 26th day of March 1975 and that the same is a correct and true transcript of such original resolution and of the whole thereof.

IN WITNESS WHEREOF I have hereunto set my hand and the official seal of the CORTLAND COUNTY LEGISLATURE, this

26th day of March 1975

Albert C. Kenney
Clerk of the Cortland County Legislature



CORTLAND COUNTY LEGISLATURE
COURT HOUSE CORTLAND, N. Y. 13045

TELEPHONE (607) 756-2808

JAMES R. O'MARA, CHAIRMAN
ALBERT C. KENNEY, CLERK
WALTER A. SPENCER, JR., DEPUTY CLERK

March 28, 1975

Secretary of State
162 Washington Ave
Albany, New York 12210

Dear Sir:

I am enclosing herewith four (4) copies of Local Law No. 3
for the year 1975 for filing in your office.

Very truly yours

Albert C. Kenney
Albert C. Kenney, Clerk
Cortland County Legislature

/P
Encl:

(Please Use this Form for Filing your Local Law with the Secretary of State)

Text of law should be given as amended. Do not use brackets for matter to be eliminated and do not use italics for new matter.

County
~~City~~ of CORTLAND
~~Town~~
~~Village~~
Local Law No. 3 of the year 19 75

A local law CREATING A DEPARTMENT OF PLANNING IN THE COUNTY OF CORTLAND
(insert title)
CONTINUING THE CORTLAND COUNTY PLANNING BOARD AND CREATING THE
CORTLAND COUNTY PLANNING COUNCIL

Be it enacted by the COUNTY LEGISLATURE of the
(Name of Legislative Body)

County
~~City~~ of CORTLAND as follows:
~~Town~~
~~Village~~

- Section
1. Legislative Intent
 2. Definitions
 3. Department Created
 4. Appointment and Qualifications of Director
 5. Powers and Duties of the Director
 6. Planning Board
 7. Powers and Duties of the Board
 8. Planning Council Created
 9. Powers and Duties of the Council
 10. Conflict with Other Laws
 11. Severability
 12. Effective Date

Section 1. Legislative Intent

The County Legislature of the County of Cortland, in order to preserve the physical beauty and natural resources which have made our County an attractive place to live and work, and in order to plan for the growth of population, business and industry in a comprehensive and rational manner which best serves the present and future residents of our County, and in order to provide for the orderly and efficient expansion of necessary public services, does hereby find it necessary to establish a Department of Planning in County Government.

Section 2. Definitions

- A. "Board" shall mean the Cortland County Planning Board.
- B. "Committee" shall mean the Planning Committee of the Cortland County Legislature.
- C. "Council" shall mean the Cortland County Planning Council.
- D. "Department" shall mean the Cortland County Department of Planning.
- E. "Director" shall mean the Director of Planning of the County of Cortland.
- F. "Legislature" shall mean the Cortland County Legislature.

Section 3. Department Created

- A. The Department of Planning of the County of Cortland hereby is created and established.
- B. The Planning Board Office, with its presently existing functions related to the Board, is hereby transferred in its entirety, including but not limited to all employees, property, equipment and budgetary appropriations, to the Department. All employees shall retain the same classification, pension and retirement rights and privileges as they had immediately prior to such transfer; provided, however, that nothing herein contained shall be construed to deprive the Legislature of any power it now has with respect to any such employees in the County. No employee's civil service status shall be jeopardized by any rewording and/or change brought about by this Local Law.
- C. The Department shall provide technical assistance to Committees of the Legislature as the Legislature may direct, and Boards, Committees and Councils including but not limited to:
 - 1. Cortland County Agricultural Districting Advisory Committee
 - 2. Cortland County Beautification Council
 - 3. Cortland County Comprehensive Health Planning Board
 - 4. Cortland County Environmental Management Council
 - 5. Planning Board
 - 6. Planning Council
- D. The Department shall act as liason to the following Agencies, Boards, Commissions, Councils and Districts, and such other groups as the Legislature may direct:
 - 1. Areawide and Local Planning for Health Action
 - 2. Central New York Regional Planning Board
 - 3. Cortland County Industrial Development Agency
 - 4. Cortland County Soil and Water Conservation District
 - 5. District Fish and Wildlife Management Board
 - 6. District Forest Practice Board
 - 7. Empire Heartland Resource Conservation and Development Program
 - 8. Finger Lakes Basin Commission
 - 9. Southern Tier East Regional Planning and Development Board
 - 10. U.S. Soil Conservation Service

Section 4. Appointment and Qualification of Director

- A. The executive head of the Department shall be the Director of Planning who shall be appointed by the Legislature, on recommendation of its Planning Committee, for a term of five years. Prior to making its recommendation, the Committee shall consult with the Planning Council.

For purposes of this Local Law, the term of the incumbent Director shall be deemed to have commenced on October 21, 1974.

- B. The Director shall be in the unclassified civil service status and shall be removable only after a hearing for cause.
- C. The Director shall hold a Master's Degree in planning and shall have had five years of suitable planning experience. In addition, he shall have necessary credentials to insure maximum County participation in State and Federal planning programs.
- D. The Legislature, acting by resolution, must notify the Director of his reappointment or termination at least five months prior to the conclusion of his term. Upon termination, the County shall compensate the Director at his regular rate of compensation to the extent that such notice is deficient.

Section 5. Powers and Duties of the Director

The Director shall:

- A. Be generally responsible for operation of the Department.
- B. Prepare an annual work program for the Department in consultation with the Board for submission to the Council.
- C. Prepare the annual operational budget of the Department for submission to the Budget Officer, after review and comment by the Council.
- D. Recruit and maintain a staff competent to carry out the functions of the Department within the means authorized by the Legislature.
- E. Be responsible for the internal organization of the Department, including initiation of appointment, promotion, transfer, or dismissal of personnel. In carrying out this responsibility, he shall consult with the Cortland County Civil Service Commission and act within the guidelines of the Civil Service Law and the means authorized by the Legislature.
- F. Recommend consultants to the Council for their consideration within the means authorized by the Legislature.
- G. Prepare in consultation with the Board and/or any Advisory Committees constituted by the Board, planning and technical studies in furtherance of County planning, including but not limited to the furtherance of the County's participation in the Comprehensive Planning Assistance Program.

- H. Make recommendations to the Board concerning those planning matters referred from municipalities pursuant to the General Municipal Law.
- I. Maintain adequate records of all matters filed with the Board and other agencies so assigned to the Department.
- J. Upon request, assist municipal subdivisions within the County in matters pertaining to planning and zoning and act as a resource for them in acquiring information on and funds for programs from sources other than County government.
- K. When authorized by Local Law, prepare the Capital Improvement Program for review by the Board prior to submission to the Budget Officer.
- L. Review and comment to the Budget Officer, after consultation with the Council, concerning any capital improvement project proposed by any member of the Legislature.
- M. Serve as spokesman for the Department in relations with government or quasi-government units and the public.
- N. Maintain liason with regional planning boards and planning boards in adjacent counties.
- O. Collect, analyze, and distribute information relative to regional, county and community planning and zoning, including but not limited to legislation which may provide financial assistance to the Department in carrying out its work.
- P. Conduct research into business and industrial conditions within the County and cooperate with groups organized for such purposes.
- Q. Have all the powers and perform all the duties now or hereafter conferred or imposed upon him by State Statute, Local Law or resolution of the County Legislature.
- R. Serve as the executive secretary to the council.

Section 6. Planning Board

- A. The Cortland County Planning Board, created by Resolution 83 of 1968 of the Cortland County Board of Supervisors shall be and hereby is continued.
- B. The Board shall consist of fourteen (14) members, eleven (11) to be appointed by the Legislature on the recommendation of its Chairperson, and the Chairperson

of the Legislature, the County Treasurer and the Superintendent of Highways, who shall serve as ex-officio members.

- C. Members appointed by the Legislature shall serve for a term of four (4) years. No appointed member shall serve more than two (2) consecutive terms. Whenever an appointed member is absent from five (5) consecutive meetings of the Board for any reason other than illness, his membership shall be terminated and a vacancy shall be deemed to exist. The Chairperson of the Board shall notify the Clerk of the Legislature in writing when such a vacancy exists. The Clerk of the Legislature shall notify the absent member in writing that his membership on the Board has been terminated.
- D. When a vacancy shall occur among the appointed membership other than by expiration of term, the Legislature, acting on the recommendation of its Chairperson, shall appoint a person to serve the unexpired portion of the term.
- E. New members appointed to the Board pursuant to subdivision B of this Section shall serve terms expiring June 30, 1977 and June 30, 1978 respectively.
- F. In order to obtain the broadest representation in terms of population, geographic distribution and interest in county planning, the Board shall include residents from the City, Villages and Towns. No more than five (5) appointed members of the Board shall reside in the City of Cortland. Further, no more than two (2) appointed members of the Board shall come from the same Village or Town.
- G. No more than six (6) appointed members of the Board shall be enrolled in the same political party.
- H. A majority of the appointed members of the Board shall constitute a quorum thereof.

Section 7. Powers and Duties of the Board

The Board shall:

- A. establish by-laws for the conduct of its business.
- B. perform those obligations mandated to the Board by Statute, including but not limited to preparation and adoption of a Master Plan, and those assigned to the Board by the County Legislature.

- C. As it deems necessary, create standing and special committees including members of the Board and/or interested persons in the community to assist it with various planning studies. Individual members of said committees shall be appointed by the Board on recommendation of its Chairperson.
- D. Create a special committee known as the Citizen's Advisory Committee to assist it in the preparation and revision of the Master Plan. The total membership of this committee shall not exceed eleven (11) members of which no more than three (3) members shall be from the Board. Individual members of the committee shall be appointed by the Board on recommendation of its Chairperson. Preference shall be given to members of the Citizen's Advisory Committee established by Resolution 326 of 1972 of the Cortland County Board of Supervisors.
- E. Advise the Legislature on any matter concerning regional, county or municipal planning which may come to its attention by its own initiative or on referral from the Director.
- F. Shall annually report to the Legislature, as directed by Statute. Said report shall include:
 - I) a summary of the activities of the Board during the past year including its reviews undertaken pursuant to the General Municipal Law;
 - II) a summary of studies issued during the preceding year or an incorporation of said reports by reference.
- G. In consultation with the Director, encourage Planning Boards of the municipal subdivisions within the County on an advisory basis and, if deemed advisable, recommend to the Council execution of a formal contract for provision of technical services to one or more of said subdivisions.
- H. Assist the Director at his request, in any matters affecting funding of any major physical, economic, or administrative improvement deemed desirable.
- I. Provide a forum for citizen communication as it relates to planning.
- J. Engage in public education on planning matters within the means authorized by the Legislature.

Section 8. Planning Council Created

- A. The Cortland County Planning Council be and hereby is created and established.
- B. The Council shall have five (5) members. The Chairperson of the Committee, one other member of the Committee designated by the Chairperson of said Committee, the Chairman of the Board and the Vice-Chairman of the Board, shall serve as members. The fifth member shall be the Chairperson of the Legislature or his designee.
- C. The Chairperson of the Committee shall serve as Chairperson of the Council.

Section 9. Powers and Duties of the Council

The Council shall:

- A. Review and comment on the Department's annual budget as prepared by the Director, prior to submission of said budget to the Budget Officer.
- B. Review and comment on the Department's annual work program as prepared by the Director in consultation with the Board. Said review shall be completed within 30 days after submission of said program.
- C. Review and comment upon the Director's recommendations for hiring of consultants within the means authorized by the Legislature.
- D. Advise the Director, upon request, on matters relating to the administration of the Department.
- E. Serve as an instrument for improved communication between the County Legislature and the Board.
- F. Carry out such other related duties as the Legislature may prescribe from time to time.

Section 10. Conflict with Other Laws

- A. Nothing contained in this law shall be construed as authorizing the Department, the Board or the Council to supercede, abrogate or otherwise affect the statutory authority provided for in the laws of the State of New York.
- B. Nothing contained in this law shall be construed to impair the provisions of any duly executed contract to which the County of Cortland is a party.

Section 11. Severability

If any part or provision of this local law or the application thereof to any person or circumstance is adjudged invalid by any court of competent jurisdiction, such judgement shall be confined in its operation to the part, provision or application directly involved in the controversy in which such judgement shall have been rendered and shall not affect or impair the validity of the remainder of this local law or the application thereof to other persons or circumstances.

Section 12. Effective Date

This local law shall take effect immediately upon filing with the Secretary of State in accordance with the provisions of the Municipal Home Rule Law.

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

(Final adoption by local legislative body only.)

1. I hereby certify that the local law annexed hereto, designated as local law No.3..... of 1975...
County
of the ~~City~~ of Cortland was duly passed by Cortland County Legislature
~~Town~~ ~~Village~~ (Name of Legislative Body)
on March 26, 1975..... in accordance with the applicable provisions of law.

~~(Passage by local legislative body with approval or no disapproval by Elective Chief Executive Officer or repassage after disapproval.)~~

~~2. I hereby certify that the local law annexed hereto, designated as local law No. of 19.....
County
of the ~~City~~ of was duly passed by
~~Town~~ ~~Village~~ (Name of Legislative Body)
on 19..... not disapproved
and was approved by the
repassed after disapproval Elective Chief Executive Officer
and was deemed duly adopted on 19....., in accordance with the applicable provisions of law.~~

(Final adoption by referendum.)

~~3. I hereby certify that the local law annexed hereto, designated as local law No. of 19.....
County
of the ~~City~~ of was duly passed by the
~~Town~~ ~~Village~~ (Name of Legislative Body)
on 19..... not disapproved
and was approved by the
repassed after disapproval Elective Chief Executive Officer
on 19..... Such local law was submitted to the people by reason of a
mandatory referendum and received the affirmative vote of a majority of the qualified electors voting
permissive general
thereon at the special election held on 19....., in accordance with the appli-
annual cable provisions of law.~~

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

~~4. I hereby certify that the local law annexed hereto, designated as local law No. of 19.....
County
of the ~~City~~ of was duly passed by the on
~~Town~~ ~~Village~~ (Name of Legislative Body)
..... 19..... not disapproved
and was approved by the on
repassed after disapproval Elective Chief Executive Officer
..... 19..... Such local law being subject to a permissive referendum and no
valid petition requesting such referendum having been filed, said local law was deemed duly adopted on
..... 19....., 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 chairman of the board of supervisors, the mayor of a city or village, or the supervisor of a town, where such officer is vested with power to approve or veto local laws or ordinances.

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

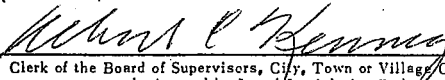
~~5. I hereby certify that the local law annexed hereto, designated as local law No. of 19..... of the City of..... having been submitted to referendum pursuant to the provisions of ^{§ 36} ~~§ 37~~ of the Municipal Home Rule Law and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the ^{special} ~~general~~ election held on 19 became operative.~~

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

~~6. I hereby certify that the local law annexed hereto, designated as Local Law No. of 197 ... of the County of, State of New York, having been submitted to the Electors at the General Election of November, 19, 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 of 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.


Clerk of the Board of Supervisors, City, Town or Village, Clerk or Officer
designated by Local/Legislative Body


Date: March 27, 1975

(Seal)

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

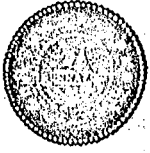
STATE OF NEW YORK
COUNTY OF CORTLAND

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.


.....
(Title of Officer) County Attorney

County
City of Cortland
Town
Village

Dated: March 27, 1975



CORTLAND COUNTY LEGISLATURE
COURT HOUSE CORTLAND, N. Y. 13045

TELEPHONE (607) 756-2808

JAMES R. O'MARA, CHAIRMAN
ALBERT C. KENNEY, CLERK
WALTER A. SPENCER, JR., DEPUTY CLERK

March 28, 1975

State Comptroller
Alfred E. Smith Office Bldg
Albany, New York 12225

Dear Sir:

I am enclosing herewith one (1) copy of Local Law No. 3
for the year 1975 for filing in your office.

Very truly yours,

Albert C. Kenney
Albert C. Kenney, Clerk
Cortland County Legislature

/p
Encl:

MARIO M. CUOMO
Secretary of State



MAURICE FLASTERSTEIN
Administrative Director

STATE OF NEW YORK
DEPARTMENT OF STATE
162 WASHINGTON AVENUE
ALBANY, NEW YORK 12231

April 1, 1975

Mr. Albert C. Kenney, Clerk
Cortland County Legislature
Court House
Cortland, New York 13045

Dear Sir:

Please be advised that Local Law No. 3
of 1975 of the County of Cortland
was received and filed on March 31, 1975.

We enclose herewith additional forms for the filing of
local laws for your future use.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Barry F. Bohan'.

Barry F. Bohan
Director
State Records and Law Bureau

cc: State Comptroller
Division of Municipal Affairs

G115-006



STATE OF NEW YORK
DEPARTMENT OF AUDIT AND CONTROL
ALBANY

ARTHUR LEVITT
STATE COMPTROLLER

IN REPLYING REFER TO

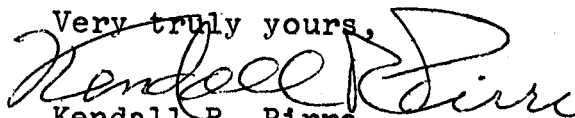
April 11, 1975

Mr. Albert C. Kenney, Clerk
Cortland County Legislature
Court House
Cortland, New York 13045

Dear Sir:

I hereby acknowledge receipt as of March 31, 1975
of certified copy of Local Law No. 3
of 1975 for the County of Cortland
which copy is being filed in this office.

Very truly yours,


Kendall R. Pirro
Associate Attorney

KRP: js

PUBLIC NOTICE

PLEASE TAKE NOTICE that a public hearing will be held on Local Law No. 3 for the year 1975 for the County of Cortland, said Local Law creating a Department of Planning in the County of Cortland, continuing the Cortland County Planning Board and creating the Cortland County Planning Council. Said hearing will be held at 10:30 A.M. on March 26, 1975 at the County Legislature Chambers in the Cortland County Court House, Cortland, New York.

PLEASE TAKE FURTHER NOTICE that at the time and place above mentioned, all persons interested will be afforded an opportunity to be heard.

BY ORDER OF THE CORTLAND COUNTY
LEGISLATURE

By Albert P. Kenney
Clerk