



Establishing Public Meeting Guidelines and Rules of Decorum

WHEREAS NOW, LET IT THEREFORE BE RESOLVED, that the Town of Poestenkill does hereby designate and adopt the following Rules of Procedure pursuant to New York State Town Law 63 and, subject to the other provisions of New York State Law and the Town Code of the Town of Poestenkill, these rules shall govern public meetings:

Part 1

Nothing in these procedures shall be construed as expanding, reducing or limiting the powers or rights specifically granted by law to the Town Board and/or any member thereof, nor shall these procedures be construed as altering the number of votes specifically required by law for the taking of official action.

Part 2

Meetings

Section A – Regular Meetings.

The Town Board hosts regular meetings on the second Thursday of each month. The meetings will begin at 7pm in the meeting room of Poestenkill Town Hall at 38 Davis Drive, Poestenkill, New York.

Section B – Workshops.

Workshops will be held on the first Thursday of each month, as scheduled. The meetings may be called by the Town Supervisor and must give at least one week notice, prior to the meeting.

Policies

Section A – Quorum.

A quorum of the Town Board shall be required to conduct business. A quorum of the five (5) member Board shall be three (3) members.

Section B – Agendas.

The agenda for a public meeting which is to be published on or before five (5) business days before the public meeting. The agenda should be posted in a public space in Town Hall, available upon request at the Town Clerk's office, and on the Town's website.

Section C – Voting

Pursuant to New York State Town Law, each member of the Town Board shall have one vote. Each Board Member may vote "aye," "no," "abstain," or recuse.

Part 3

Rules and Procedures

Section A – General Rules of Procedure

The supervisor shall preside at meetings of the Town Board. In the Supervisor's absence, the Deputy Supervisor shall preside. There is no limit to the number of times or length of time a Town Board member may speak on a question.

Section B – Guidelines for Public Comment

Members of the public will be allowed and limited to address the Board during Public Comment periods of the meetings, according to the guidelines set forth below.

General Requirements

Each speaker must be recognized by the Presiding Officer, and shall be called to speak in the order determined by the Presiding Officer. Each speaker will announce his/her name and address prior to speaking. Speakers must stand up, address the board only, and not members of the audience/residents.

Decorum Rules

Purpose of Decorum Rules

- a. To ensure that Town meetings are conducted in a manner that allows the business of the Town of Poestenkill to be effectively undertaken and to ensure that the decorum rules are understood by individuals attending Town Board meetings.
- b. To ensure that members of the public who attend meetings of the Town Board can be heard in a fair and impartial manner.
- c. To ensure that the meetings of the Town Board are conducted in a professional and respectful manner that is open to all viewpoints and which is protective of the content of each speaker's speech.
- d. To prevent and address behavior that prevents the Town Board from conducting orderly and efficient meetings.

II. Rules for the Speaker:

- a. All remarks shall be directed to the Board as a body, the Supervisor, or a Town Board member. Remarks shall not be directed to any member of the audience.

b. The speaker shall not disrupt, delay, or otherwise impede the orderly conduct of the proceedings by defaming, intimidating, making personal insults, using profane language, name calling, making threats against public order and security, or otherwise violating these Decorum Rules and Procedures.

III. Rules for Supervisor, Town Board Members, all Town Elected Officials and town employees:

a. All remarks should be directed to the Board as a body, the Chair, or a member of the board specifically.

b. The speaker will address the board or chair only when recognized by the Chair.

c. The speaker will not raise their voice, yell or shout at any member of the audience, the board as a whole, any board member or the chair.

d. The speaker will address members of the audience, the board as a whole, board members, and the chair in a professional, respectful and courteous manner at all times.

e. The speaker will not interrupt members of the audience, the board as a whole, board members, or the chair.

f. The speaker will avoid personal attacks, name-calling, insults, using profane language, slander and under no circumstances can the member attack or question the motives of a member of the audience, a board member, an employee or the chair.

g. When a question is pending, a member can condemn the nature or likely consequences of the proposed measure in strong terms, but must avoid person attacks, name-calling, insults, use of profanity, slander and under no circumstances can the member attack or question the motives of another member. The measure, not the member, is the subject of debate.

h. If a member disagrees with a statement by another in regard to an event that both witnessed, the member cannot state in debate that the other's statement "is false." But the member might say, "I believe there is strong evidence that the member is mistaken." The moment the chair hears the words as "fraud," "liar," or "lie" used about a member in debate or when a member is using name calling, shouting, using profanity, threatening, or personally disparaging another member, the chair must act immediately and decisively to correct the matter and prevent its repetition.

i. In debate, a member's remarks must be germane to the question before the assembly – that is the member's statements must have bearing on whether the immediately pending motion should be adopted.

j. In debate, a member cannot reflect adversely on any prior act of the board that is not pending, unless a motion to reconsider, rescind, or amend it is pending, or unless he intends to conclude his remarks by making or giving notice of one of these motions.

IV. Rules for the Public:

Members of the public in the audience shall not engage in any of the following activities during a Town Board meeting:

a. Members of the public shall not speak until standing in front of the meeting room and after being recognized by the Presiding Officer. During the public comment period of the town board meetings, members of the public will be invited to speak. When called upon to speak, the individual shall stand and be asked to identify themselves.

b. Members of the public shall not disrupt, delay, interrupt, or otherwise impede the orderly conduct of the proceedings by defaming, intimidating, making personal insults, using profanity, making threats of violence or threats against public order and security, or otherwise violating these Decorum Rules and Procedures.

c. Members of the public shall not ask questions, speak with, or debate other members of the public.

d. All comments and questions are to be addressed to the chair and the board.

V. Enforcement of Decorum Rules:

a. If these Decorum Rules or Rules and Procedures are violated, the Presiding Officer shall request the individual or individuals violating a rule of rules to stop the violation.

b. If the individual or individuals continue to violate a rule or rules the Presiding Officer will issue an official verbal warning that the individual or individuals will be required to leave the Boardroom if they do not stop the violation of the rule or rules.

c. If the individual, or individuals, refuse to stop the violation(s), the Presiding Officer shall provide a final warning, noting that the next violation will result in asking the individual or individuals to leave the meeting room.

d. At this time, the Presiding Officer shall warn that continued violations from the individual or individuals will result in an end to the public comment period.

e. If the individual or individuals refuse to stop the violation(s), the Presiding Officer shall cut off public comment or debate, and close the public comment period.

f. If the individual or individuals, refuse to stop the violation(s), the Presiding Officer shall order the individual or individuals to leave the boardroom.

g. If the individual or individuals refuse to leave the meeting, the Presiding Officer will seek assistance from law enforcement.

h. Any decision relating to the enforcement of the decorum rules by the Presiding Officer may be overturned by

a vote of the majority of the board members following a motion, duly seconded.

VI. Breaches of order by town board members in a meeting:

- a. If a member commits only a slight breach of order – the chair should point out the fault and advise the member to avoid it. The member can then continue speaking if the member commits no further breaches.

More formal procedures can be used in the case of serious offenses:

- a. Calling a member to order

If the offense is more serious, or persists, the chair should first warn the member, but with or without such a warning, the chair or any other member can “call the member to order.” If the chair does this the chair says “The member is out of order.” Another member making the call can, without waiting to be recognized, say, “Mr./Mrs. Chair, I call the member to order.” If the chair finds this point of order well taken, the chair declares the offender out of order. If the offender had the floor the Chair should clearly state the breach involved and put the question to the board, “Shall the member be allowed to continue speaking?” This question is undebatable – a simple vote of the board members will determine the member in question's ability to continue to speak.

- b. “Naming” an Offender.

In cases of obstinate or grave breach of order by a member, the chair can, after repeated warnings, “name” the offender, which amounts to preferring charges and should be resorted to only in extreme circumstances. Before taking such action, when it begins to appear that it may become necessary, the chair should direct the Town Clerk to take down the objectionable or disorderly words used by the member. This

direction by the chair, and the words are to be taken down and entered into the meeting minutes.

Although the chair has no authority to impose a penalty or to order the offending member removed from the hall, the board has the power. It should be noted in this connection that in any case of an offense against the assembly occurring in a meeting, there is no need for a formal trial provided that any penalty is imposed properly after the breach, since the witnesses are all present and make up the body that is to determine the penalty.

VII. Each member of the board as well as the Chair is responsible for ensuring that these rules are followed and responsible for maintaining order, publicly addressing infractions. Each board member will work proactively both individually and collectively to ensure members of the public, employees, board members and the chair follow the above rules in the goal to create and maintain a professional, inviting, educational and harassment free environment for all public meetings.

Part 4

Section A: Point of Order

A point of order takes precedence over any pending question out of which point may arise. It yields to all privileged motions and it yields to a motion to lay the main question on the table, in cases where these motions are in order at the time according to the order of precedence of motions. Except for yielding to the motion to lay on the table when it adheres to pending questions as just stated, it does not yield to any subsidiary motion so long as it is handled in the normal manner – that is, by being ruled upon by the chair without debate.

Grounds for a point of order. It is the right of every member who notices a breach of the rules to insist on their enforcement. If the chair notices a breach, the chair should correct the member

immediately, but if the chair fails to do so – through oversight or otherwise – any member can make the appropriate point of order.

Section B: Public Hearings

Speakers, other than the applicant, representatives, attorneys or experts, shall have five (5) minutes to address the Board on a specific matter that is the subject of the Public Hearing before yielding to the next speaker. Speakers may not yield their time to other speakers. All of the rules and guidelines set forth in the section above, entitled “Rules and Procedures” and “Decorum Rules” shall apply. Speakers may not reserve time outside of the public comment period to address the board.

Section C: Public Comment

During the period identified as “Public Comment” speakers shall have five (5) minutes to address the board. Speakers must stand up and identify themselves, where they reside before addressing the board. Speakers may not yield their time to other speakers. All remarks are to be addressed to the Town Board. Speakers may not reserve time outside of the public comment period to address the board.

Section D: Recording of Town Board Meeting

All town board meetings and workshops are required to be recorded both via audio and video and made available upon request by any member of the general public. The video shall also be live-streamed and placed/saved on either the Town website or a secure third party platform to be archived.

Section E: Use of Recording and Electronic Equipment

All individuals shall place their respective cell phones and electronic devices in silent mode during the public meeting. All individuals attending the public meeting are allowed to photograph and tape or video record public meetings so long as the photography or recording is done in a manner which does not interfere with the meeting.