

Resolution # 4 of 2023
Town of New Haven
Rules of Conduct and Procedure at Public Meetings

WHEREAS, the New York State Open Meeting Law (Article 7, Public Officers Law) gives members of the public the right to attend meetings of public bodies but does not give the public the right to speak or otherwise participate at those meetings, except at public hearings and under other limited circumstances, and

WHEREAS, New York State Town Law authorizes a town board to enact rules and regulations regarding the conduct of public meetings and public hearings conducted by the town board, and the New York State Committee on Open Government has agreed that a public body can adopt reasonable rules that treat members of the public equally, and

WHEREAS, the Committee on Open Government has stated that any such rules could serve as a basis for preventing verbal interruptions, shouting or other outbursts, as well as slanderous or obscene language or signs, and that a town board could regulate actions of the public attending meetings so as not to interfere with meetings or prevent others in attendance from observing or hearing the deliberative process, and

WHEREAS, a town board has a responsibility to insure that everyone has the right to participate in a public hearing and therefore can reasonably limit the length and general nature of public comments to the subject of the public hearing so that a town board can consider various points of view, and

WHEREAS, a town board can limit other comments from the public at town board meetings to a specific time set in the agenda for public participation and comment.

NOW, THEREFORE,

BE IT RESOLVED by the Town Board of the Town of New Haven that the Town hereby adopts the following rules for meetings of the Town Board:

Section 1. Public Comment Period and Public Hearings.

1. The Town Supervisor, or in their absence, the Deputy Supervisor, is the Chair of every Town Board Meeting. Should both the Supervisor and Deputy Supervisor be absent, then the Town Board shall select a Temporary Presiding Officer.
2. Except for public hearings duly designated as such by action of the Town Board, public participation at meetings of the Town Board shall be limited to the public participation segment of the agenda of Town Board meetings only if approved by a majority vote of

the Board Members. There shall not be any public participation at Town Board Work Sessions.

3. Public comment, whether during the public participation segment of the Town Board meeting or during a duly designated public hearing, shall be limited to three minutes per person. An individual's time may not be given or traded to other speakers or reserved for other portions of the meeting.
4. The Chair shall act as timekeeper or shall designate another elected official as timekeeper.
5. Any person wishing to speak at a public meeting during the public participation segment or during a public hearing must sign in upon entering the room, when such sign-in sheet is available, indicating his or her intention to speak, which sheet will be used by the Chair to recognize speakers.
6. Any individual wishing to speak during the public participation segment or during a public hearing when a sign-in sheet is not available shall raise his or her hand. When recognized by the Chair, the individual must stand, if physically possible, and state his or her name and, if appropriate, group affiliation.
7. Comments must relate to the purpose of the public hearing, or to the agenda items if public participation is approved.
8. The Chair, shall determine if the matter being discussed is Town business. Examples of things that are Not Town business, include, but are not limited to: private property matters; Village, County, State or Federal issues that do not affect the Town and litigated matters that have been settled to the Town's satisfaction.
9. Members of the Town Board, speakers and audience members must observe proper decorum. Any statements made during the meeting or during a public hearing by the Supervisor, members of the Town Board, town officials or employees, or members of the general public shall not involve personal, impertinent, or slanderous attacks on individuals, regardless of whether the individual so attacked is an elected official, a town official or employee, or a member of the general public.
10. Public comment, whether during the public participation segment of the Town Board meeting or during a duly designated public hearing, is not a debate, either with the Town Board or other members of the audience. When comment takes the form of a question, or

includes a question, the Town Clerk shall note the question and the Presiding Officer shall call the next resident who wishes to speak.

11. The Chair shall control the meeting. The use of profane, vulgar, inflammatory, threatening, abusive, or disparaging language or racial or ethnic slurs directed at the Supervisor, members of the Town Board, town officials or employees and members of the general public, or statements by a person attending the meeting which are not made during the public participation segment of the agenda or during a public hearing, shall not be tolerated. No person in the audience of a Town Board meeting shall engage in any demonstration, talking without being recognized by the Chair, booing, hand clapping or other form of disruption of the formality of the meeting.
12. It is inappropriate to utilize a public meeting for the purpose of making political speeches, including threats of political action and the same will not be allowed.
13. Comments by speakers must be addressed to the Town Board. Attendees may not address the Town Board unless recognized by the Chair.
14. Discussion between speakers and attendees of the public meeting or hearing are prohibited. A speaker may disagree with or support prior speakers in comments directed to the Town Board.
15. Banners, flyers or other signs are not permitted in the meeting room; distribution of flyers in the meeting room is also not permitted.
16. No member of the public shall engage in any demonstration, booing, hand clapping, or otherwise disrupt the formality of a town board meeting.
17. If a speaker who has violated these rules refuses to step down, the Chair may ask for the individual to be removed from the meeting room and charged with disorderly conduct, trespassing or obstructing governmental administration as per the Penal Law.
18. If the Chair fails to enforce the rules set forth above, any member of the Town Board may move to require him or her to do so, and an affirmative vote of a majority of the Town Board shall require him or her to do so. Any decision relating to enforcement of the rules set forth above may be appealed and overturned by a vote of a majority of the Town Board members.

Section 2. Town Board.

1. The Town Board shall meet on the third Tuesday of each month at 6:00 p.m. The Town Board may reschedule or cancel a regular meeting if such meeting (a) conflicts with an important community or governmental event or a legal or religious holiday; or (b) if presence of a quorum appears in doubt; or (c) for other reason permitted by applicable law. For good cause shown, the Town Supervisor is authorized to reschedule Town Board meetings.
2. Special meetings may be called by the Town Supervisor by giving at least two (2) days written notice to all members of the Board of the time and place for the meeting, and otherwise as permitted by applicable law. Notice shall state the proposed items for consideration at the special meeting.
3. A majority of the entire Town Board shall constitute a quorum, but a lesser number may adjourn a meeting.
4. The order in which matters shall be considered by the Town Board shall be pursuant to the Agenda for each meeting. The Supervisor shall determine the Agenda for each meeting of the Town Board, except as otherwise provided herein. The Chair at any meeting may take items out of order for the sake of convenience, or out of consideration to visitors, or otherwise in his or her discretion.
5. Pursuant to the Town Law of the State of New York, the Town Supervisor shall preside at all meetings of the Town Board. In the Supervisor's absence, the Deputy Supervisor (if a member of the Town Board) shall preside. Should both the Supervisor and Deputy Supervisor be absent, or should the Deputy Supervisor not be a member of the Town Board, then the Town Board shall select a Temporary Chair. Such Temporary Chair may be designated in advance. In presiding over meetings, the Temporary Chair shall have all of the authority of the Supervisor as Chair of the meeting, which shall include (a) preserving the orderly conduct of the meetings of the Town Board and civility at such meetings in accordance with these Rules; (b) deciding all questions of procedure, subject to appeal as set forth in numbered paragraph 18 of Section 1; (c) designating any Town Board member to act temporarily as Chair; and (d) recessing any meeting for a period of time.
6. No Board Member shall speak while another is speaking unless the former yields to the latter.

7. A Board Member shall not be interrupted when speaking unless to call the member to order. If a member, while speaking, is called to order, such member shall cease speaking until the question of order is determined, and, if in order, such member shall be permitted to proceed.
8. There is no limit on the number of times a member may speak on a question.
9. A member may, with permission of the Chair, interrupt a speaker during their remarks, but only for the purpose of clarification and information.
10. All members shall refrain from personal attacks, personal accusations, irrelevant or unduly repetitious communications or other disruptive behaviors that actually disrupt, disturb or impede the orderly conduct of the business of the Board.
11. All voting on local laws, resolutions and motions shall be by roll-call vote unless otherwise permitted by applicable law. The Town Clerk shall call the roll. A majority of the entire Town Board is required to pass any local law, resolution or motion, except where otherwise required by law or stated in these Rules. When the number of votes cast for and against any proposition is equally divided, the question shall be deemed to be not carried. Any member may amend a motion that has not carried, however, such motion to amend may not be made more than one (1) time without good cause shown. Any member may make a motion to reconsider a resolution or local law that has not carried, however such motion to reconsider may not be made more than one (1) time by any member without good cause shown.
12. Any rule may be adopted, amended or rescinded by a majority vote of all Town Board members in accordance with the following procedure. Any proposed adoption, amendment or rescission of a rule shall be in writing, shall be communicated to all Board members in writing, and shall be provided to all members and the Supervisor at least seven (7) calendar days prior to the next meeting to consider such proposal. The procedure for adopting, amending or rescinding a rule shall not be subject to a motion to suspend the rules under numbered paragraph 12 of Section 2.
13. In addition to the powers and duties of the office of Supervisor set forth in applicable law of the State of New York, the Supervisor shall have the authority to establish

committees of the Town Board and to appoint the members and chairpersons of all such committees of the Town Board, to serve at the Supervisor's pleasure, and to fill all vacancies occurring in such committees. For purposes of this section, the term "committees" refers to committees consisting of Town Board members only, or of Town Board members and others, or of special purpose citizens' advisory committees.

14. Except as otherwise stated herein, any rule may be suspended by a majority vote (sixty percent) of all members of the Town Board.
15. All previous acts, rules, resolutions or parts thereof, that are inconsistent with these Rules, are hereby rescinded and appealed.
16. Nothing contained herein shall be construed to limit the rights and responsibilities of a Town Board to conduct meeting under the Laws of the State of New York and the United States of America. Through these rules, it is the intent of the Town Board to offer general guidelines that may make attending Town Board meetings convenient for the public, fair to all Board Members and, above all else, essential for open, transparent and effective local governance.
17. In the event one or more rules in either section are declared unlawful, such declaration shall not invalidate all of the Rules, but only those specifically declared unlawful.
18. The above rules shall take effect at the next meeting of the Town Board after the adoption of these rules.

Adopted Date: June 20th, 2023, Town Board: Adopted by Town of New Haven

Vote Tally:

- Supervisor Barney: Aye
- Councilwoman Curcio: Aye
- Councilwoman Prosser: Aye
- Councilman Spereno: Aye
- Councilman Wilbur: Aye

