

RULES OF PROCEDURE FOR MEETINGS OF THE SWEDEN TOWN BOARD

- I. **PURPOSE AND SCOPE.** The New York State Open Meetings Law (the “Open Meetings Law”) was enacted to open the decision-making process of government officials to the public while protecting the ability of government to carry out its responsibilities. Accordingly, it is essential to the legislative and governmental process that the Town of Sweden’s (the “Town”) public business be performed in an open and public manner so that the public can attend meetings of the Town and listen to the deliberations and decisions that go into the making of public policy for the Town. The people’s right to know the process of the Town’s decision-making is essential.

The performance of the Town’s business in an open and public manner is different from the issue of public participation in Town meetings. Such public participation is not required by law except in the case of a public hearing, where comments from the public regarding a particular issue are both encouraged and mandated by law. That said, the Town has decided to give the public the right to comment at some of its public meetings, in addition to the public’s rights at public hearings, so that they may have an opportunity to present their views on matters before the Sweden Town Board (the “Town Board”), and be heard as part of the Town’s decision-making process.

The purpose of these rules is to provide a procedural framework for the effective functioning of meetings of the Town Board, and the participation of the public therein.

II. WORD USAGE

- A. **Word Usage:** For the purposes of this policy, the following provisions and rules shall apply to the use of words:
1. Words used or defined in one tense or form shall include other tenses and derivative forms.
 2. Unless specifically indicated otherwise, words used in the singular sense shall include the plural sense, and words used in the plural sense shall include the singular sense.
 3. The masculine gender shall include the feminine gender.
 4. The word “person” shall include individuals, associations, firms, partnerships, corporations and any other similar entities.
 5. The word “shall” is mandatory and means that compliance is required.
 6. The word “may” is permissive and means that compliance is not required.

7. References to local or state laws, ordinances, codes, rules or regulations or sections thereof shall be construed to include the addendum “as from time to time amended.”
 8. References to a specific public official or agency shall be construed to include successors and assigns.
- B. All words in these rules which are not defined herein shall carry the meanings which are derived from customary use of the English language. If a dispute should arise, the Town Board shall be responsible for determining which specific meaning is appropriate for a word which has more than one meaning and which is not defined in this policy.

III. PROCEDURAL RULES FOR MEETINGS

A. Time, Date & Place

1. Regular Meetings: The Town Board shall regularly meet at 6:00 p.m. on the second and fourth Tuesday of each month at the Sweden Town Hall (the “Town Hall”), 18 State Street, Sweden, New York 14420. Said schedule shall vary during the summer months and the month of December, at the discretion of the Supervisor. The Town Board, by agreement, may choose to hold a regular meeting at an alternate location within the Town, unless meeting with another town board, in which case, the meeting may be held outside of the Town. The primary purpose of business at regular meetings shall be legislative actions. When date for such meetings falls on a legal holiday, the Town Board may set an alternate date and time for said meeting, or may dispense with said meeting altogether. For good cause shown, the Sweden Town Supervisor (the “Supervisor”) shall be authorized to reschedule or cancel altogether a regular meeting.
2. Public Hearings: The Town Board shall regularly hold public hearings, as required by law, at the Town Hall. The Town Board, by agreement, may choose to hold a public hearing at an alternate location within the Town, unless meeting with another town board, in which case, the meeting may be held outside of the Town. For good cause shown, the Supervisor shall be authorized to reschedule or cancel altogether a public hearing, subject to prompt rescheduling.

The calling and noticing of all public hearings, except for rezoning applications, shall be in accordance with the New York State Town Law (the “Town Law”). Public hearings for rezoning applications shall be noticed in accordance with Town Law and held not less than 45 days from the date called, at a time and place determined by the Board, unless such time period is waived by vote of the Town Board. If such time period is waived by the Town Board, the statutory time period shall apply. If the Town Board elects to send a courtesy mailing providing notice of the public hearing on a rezoning application to nearby landowners, such mailing shall be sent within 10 days of the date the public hearing is called.

3. Special Meetings: Special meetings may be called by the Supervisor, at his/her discretion, from time to time. The Supervisor shall call a special meeting within 10 days if requested

in writing to do so, by not less than two (2) Town Board members. The time, date and location (within the Town, unless meeting with another town board, in which case, the meeting may be held outside of the Town) of the special meeting may be set at the discretion of the Supervisor provided that each Town Board member receives actual notice thereof not less than two (2) days prior thereto. Said time period may be expressly waived by Town Board members or waiver will be implied if Town Board members receive actual notice of the meeting, and attend and participate in the meeting. Said notice shall contain the proposed agenda items to be contemplated by said special meeting, and the meeting shall not deviate from said agenda. For good cause shown, the Supervisor shall be authorized to reschedule or cancel altogether a special meeting, subject to prompt rescheduling.

4. Work Sessions: Town Board work sessions shall generally be held on the first and third Tuesday of each month at 6:00 p.m. at the Town Hall. The Supervisor, at his/her discretion, may schedule a work session at an alternate location within the Town, unless meeting with another town board, in which case, the meeting may be held outside of the Town. The primary purpose of work sessions shall be for the Town Board to work through and negotiate issues that come before it. When the date for such meetings falls on a legal holiday, the Supervisor may set an alternate date and time for said meeting, or may dispense with said meeting altogether. For good cause shown, the Supervisor is authorized to reschedule or cancel altogether a workshop.
5. Executive Sessions: Pursuant to the Town Law and Open Meetings Law, all meetings of the Town Board shall be open to the public; however, pertaining to certain business, as may be appropriate and permitted by the Town Law and Open Meetings Law, portions of such meetings may be closed to the public in so-called “executive sessions”. For an executive session to occur, a motion to go into executive session must be approved by the Town Board, and the purpose of the executive session must be clearly stated and recorded in the minutes of the Town Board meeting. Only members of the Town Board shall be automatically admitted to an executive session. The Supervisor may invite anyone he/she deems appropriate into an executive session, subject to the approval of the Town Board. No minutes of the executive session shall be maintained except where a decision is made. A motion to come out of executive session must be approved by the Town Board. Town Board members shall take care to keep the content and proceedings of such executive sessions confidential. Nothing contained herein shall be construed in any way to alter or limit the Town Board’s right to hold other confidential sessions as permitted by federal or state law pursuant to New York State Public Officer’s Law §108.

B. Agendas

1. Regular Meeting Agendas: Regular meeting agendas shall be sent to the Town Board and otherwise made available to the public by the Sweden Town Clerk (the “Town Clerk”) by 3:00 p.m. on the afternoon of the scheduled meeting. Said agenda for regular meetings shall be tentative only, and items may be added, deleted or altered at the pleasure of the Supervisor. As nearly as possible, said agenda shall follow the following points and order:
 - a. Call to Order, Pledge of Allegiance, Moment of Silence

- b. Adoption of the Agenda
 - c. Privilege of the Floor
 - d. Supervisor's Correspondence
 - e. Reports (Departments and Board)
 - f. Consent Agenda
 - g. Non-Consent Agenda
 - h. Additional business and announcements
 - i. Adjournment
2. Work Session Agendas: There shall be a formal agenda for work sessions, which shall be prepared by the Supervisor. This agenda shall be sent to the Town Board and otherwise made available to the public by 3:00 p.m. on the day of the scheduled work session.
3. Public Hearing Agendas: Agendas for public hearings shall be set by the Supervisor. Once set, public hearing agendas shall be firm, and no items may be added, deleted or altered. Such agendas shall provide, in part, that the Town Clerk shall begin the meeting by reading the notice of the public hearing, followed by the Supervisor and/or the Town Attorney giving a concise statement of the purpose of the Public Hearing. The balance of the agenda shall be determined by the Supervisor.
4. Agendas at All Other Meetings: The agendas of all other meetings of the Town Board shall be set by the Supervisor.

C. **Consent and Non-Consent Agenda Procedure**

1. Consent Agenda
- a. Unless otherwise prohibited by law, the Consent Agenda may include any items that may come before the Town Board for a vote, including without limitation:
 - i. Correspondence requiring action;
 - ii. Approval of minutes; and/or
 - iii. Routine resolutions.
 - b. The Supervisor shall ask for agreement by the Town Board on the proposed Consent Agenda. Any item shall be removed from said agenda by request from any member of the Town Board, and any such item shall then be added to the Non-Consent Agenda.
 - c. Voting on all items contained in the Consent Agenda shall occur by the taking of a single, omnibus, roll-call vote.
2. Non-Consent Agenda
- a. The Non-Consent Agenda may include any items that may come before the Town Board for a vote, including without limitation:
 - i. Payment of bills;
 - ii. Any item requiring a roll-call vote;
 - iii. Any item recommended by the Supervisor to be a Non-Consent item; and/or
 - iv. Any item at the request of any member of the Town Board.
 - b. All Non-Consent Agenda items shall be voted upon individually, by roll-call vote.

D. **Presiding Officer at All Meetings:** Pursuant to Town Law §63, the Supervisor shall preside at all meetings of the Town Board. In the absence of the Supervisor, the Sweden Deputy Town Supervisor (the “Deputy Supervisor”) shall preside, and in the event the Deputy Supervisor is also absent, then the Supervisor shall designate another member to act as temporary chairman for the meeting.

E. **Resolutions**

1. Pursuant to Town Law, only a member of the Town Board or the Supervisor may offer a resolution for consideration by the Town Board.
2. Resolutions or requests for resolutions, routine or otherwise, by any member of the Town Board shall be presented to the Office of the Supervisor by the close of business on the Friday preceding the Tuesday regular meeting. Review of such resolution and requests for resolutions shall be by the Supervisor.
3. Requests for resolutions, routine or otherwise, by members of the Town Staff of the Town (the “Town Staff”) shall be presented to the Office of the Supervisor by the close of business on the Friday preceding the Tuesday regular meeting. Review of such resolutions and requests for resolutions shall be by the Supervisor.
4. The Supervisor’s office shall submit all resolutions to the Town Clerk by 1:00 p.m. of the day of the regular meeting for preparation of the tentative meeting agenda.
5. In order to enable the citizens of the Town to be apprised of proposed resolutions being considered at regular meetings, a copy of the agenda, with a copy of each of the proposed resolutions attached thereto, shall be provided to each person in attendance. In addition, copies of these rules shall be available at each meeting and provided to any person who so inquires.

F. **Quorum, Voting and Parliamentary Procedure**

1. A majority of the Town Board shall constitute a quorum for the transaction of business, but a lesser number may adjourn any meeting.
2. Every resolution coming before the Town Board shall require both a motion and a second. A vote on any resolution coming before the Town Board may be taken either by voice vote, or by strict roll-call vote, at the discretion of the Supervisor. The Town Clerk shall call roll-call votes at the direction of the Supervisor. Whichever form of vote the Supervisor chooses, members of the Town Board shall declare an affirmative vote by announcing “aye” or “yes”, and a negative vote by declaring “nay” or “no”. The Supervisor shall determine the order in which members of the Town Board vote. For each vote, the name of every member present and their vote shall be entered in the minutes of the meeting by the Town Clerk. It is the obligation of every member of the Town Board to vote on every issue, except where, in the judgment of the Town Board member, he/she has an actual or potential conflict of interest in which case an abstention is in order, and the member shall announce “I abstain” or “abstention” when called upon to vote. In any

situation where a Town Board member feels it necessary and appropriate to abstain from a particular vote, said member shall provide an explanation therefor, unless doing so would violate a legal requirement or duty of confidentiality. Every act, motion or resolution shall require for its adoption the affirmative vote of a majority of the fully constituted Town Board, regardless of vacancies, absences or abstentions, unless a supermajority is required by statute.

3. Where not inconsistent with the Law of New York as contained in the Town Law, and elsewhere, or inconsistent with these rules, or any other rules adopted by the Town Board, procedural questions shall be resolved by *Robert's Rules of Order*. The Town of Sweden Attorney (the "Town Attorney") shall serve as Parliamentarian.

G. Rules of Decorum

1. Conduct of the Town Board and Town Staff Members: The Town Board and Town Staff shall at all times during any meetings of the Town Board preserve order and decorum, and no such member shall engage in conversation or other means of delay or interruption of such meeting or disturb or disrupt any other member while such member is speaking.

With public hearings, the primary purpose of such meetings is for the Town Board to take public comment on the issue for which the hearing has been called. As such, no Town Board member shall engage in prolonged discussion with any speaker, but shall listen respectfully to what each speaker has to say.

2. Conduct of the Public
 - a. *Regular Meetings*
 - i. Public participation is allowed during the Privilege of the Floor portion of regular meetings. Speakers must sign up with the Town Clerk prior to the meeting being called to order. No public comment shall be permitted after the Privilege of the Floor is closed.
 - ii. When signing up to speak, visitors must list their name and address and briefly note the subject matter to be addressed. The subject matter to be addressed must be relevant to the Town and its interests.
 - iii. When called upon by the Supervisor, speakers must speak from the lectern provided unless a speaker has mobility issues, in which case such speaker may speak from his/her seat. Speakers shall be limited to the subject they listed on the sign-in sheet and to two (2) minutes of time. The Town Clerk shall track the time, and the Supervisor shall enforce the time limit. The Supervisor may call those wishing to speak in any order he/she deems appropriate for the logical presentation of issues and ideas.
 - iv. No member of the public shall be permitted to address the Town Board until and unless recognized by the Supervisor.
 - v. While speakers may ask questions of the Town Board, no speaker has the right to demand an answer to a specific question from the entire Town Board or any particular member of the Town Board. All questions should be directed to the Supervisor who shall determine whether an immediate answer is appropriate or if the matter should be taken under advisement by the Town Board.

- vi. Speakers shall address their remarks to the Town Board, not to other members of the public in attendance.
 - vii. No request for a show of hands or a “vote” of persons present at a regular meeting on any matter is allowed.
 - viii. No person attending a regular meeting of the Town Board shall engage in disorderly or boisterous conduct, including without limitation, the utterance of loud, threatening or abusive language, the display of signs, whistling, booing, hand-clapping, stamping of feet or any other acts which disturb, disrupt or otherwise prevent the business of government or which impede the orderly conduct of the meeting. Furthermore, no person attending a public hearing of the Town Board shall make personal, impertinent, slanderous or profane remarks to the Town Board or any member thereof, Town Staff or other members of the public.
 - ix. Regular meetings of the Town Board are important legislative sessions and it is expected that all members of the public shall conduct themselves respectfully, professionally, and in a manner befitting the dignified nature of the proceedings.
 - x. The Supervisor has the sole and absolute discretion to determine whether a speaker’s topic and/or comments are relevant to the Town or its interests, and if he/she determines that they are not, then the Supervisor shall rule the speaker out of order and terminate his/her remarks.
 - xi. Members of the public may also submit written statements to the Town Board at such meetings by delivering them to the Town Clerk. The Town Clerk shall provide a copy of such written statements to the Town Board, and also keep them on file with the minutes of the meeting, but the statement shall not be entered verbatim into the minutes.
 - xii. The Supervisor shall designate an area for those wishing to videotape the meeting (including media) in order to prevent obstruction or distraction of other attendees.
 - xiii. Under New York State Law, the Supervisor presides over all meetings of the Town Board and he/she shall have the sole and absolute discretion to determine violations of the foregoing rules and decide upon any remedial action to be taken as the result of any violations, up to and including removal of persons from such meetings.
- b. *Public Hearings*
- i. Any person wishing to speak at a public hearing, shall list their name and address on a sheet made available by the Town Clerk prior to the meeting being called to order. In fairness to all members of the public, speakers shall focus their comments on the facts of the matter at hand. Persons who have not indicated their intent to speak by signing in, shall also have an opportunity to speak after all those who have signed in have spoken, but they must begin by giving their names and addresses. A speaker may be recognized to speak a second time by the Supervisor only after everyone who wishes to speak a first time has spoken.
 - ii. When called upon by the Supervisor, speakers must speak from the lectern provided unless a speaker has mobility issues, in which case such speaker may speak from his/her seat. Speakers shall be limited to the subject they listed on the sign-in sheet and to two (2) minutes of time. The Town Clerk shall track the time, and the Supervisor shall enforce the time limit. The Supervisor may call

those wishing to speak in any order he/she deems appropriate for the logical presentation of issues and ideas.

- iii. No member of the public shall be permitted to address the Town Board until and unless recognized by the Supervisor.
 - iv. While speakers may ask questions of clarification of the Town Board as to the matter at hand, no speaker has the right to demand an answer to a specific question from the entire Town Board or any particular member of the Town Board. All questions should be directed to the Supervisor who shall determine whether an immediate answer is appropriate or if the matter should be taken under advisement by the Town Board.
 - v. Speakers shall address their remarks to the Town Board, not to other members of the public in attendance.
 - vi. No request for a show of hands or a “vote” of persons present at a meeting on any matter is allowed.
 - vii. No person attending a public hearing of the Town Board shall engage in disorderly or boisterous conduct, including without limitation, the utterance of loud, threatening or abusive language, the display of signs, whistling, booing, hand-clapping, stamping of feet or any other acts which disturb, disrupt or otherwise prevent the business of government or which impede the orderly conduct of the meeting. Furthermore, no person attending a public hearing of the Town Board shall make personal, impertinent, slanderous or profane remarks to the Town Board or any member thereof, Town Staff or other members of the public.
 - viii. Public hearings are important sessions of the Town Board and it is expected that all members of the public in attendance shall conduct themselves respectfully, professionally, and in a manner befitting the dignified nature of the proceedings.
 - ix. The Supervisor shall designate an area for those wishing to videotape the hearing (including media) in order to prevent obstruction or distraction of other attendees.
 - x. Members of the public may also submit written statements to the Town Board at such meetings by delivering them to the Town Clerk. The Town Clerk shall provide a copy of such written statements to the Town Board, and also keep them on file with the minutes of the meeting, but the statement shall not be entered verbatim into the minutes.
 - xi. Under New York State Law, the Supervisor presides over all meetings of the Town Board and he/she shall have the sole and absolute discretion to determine violations of the foregoing rules and decide upon any remedial action to be taken as the result of any violations, up to and including removal of persons from such meetings.
- c. *Work Sessions and Other Meetings:* Generally, there is no opportunity for the public to comment at work sessions or other meetings of the Town Board, except at the discretion of the Supervisor. Nonetheless, the rules regarding decorum, order and enforcement contained in the foregoing two (2) sections shall apply with equal force to work sessions and any other meetings of the Town Board.

IV. COMMITTEES

- A. **Functional Committees:** Pursuant to Town Law, it is the prerogative of the Supervisor to appoint all committees. The Supervisor shall, at his/her discretion, create functional committees and appoint committee members and chairperson(s) to such committees, which members shall include at least one member of the Town Board. Agendas shall be set at the discretion of the Chairperson.
- B. **Ad Hoc Committees:** Pursuant to Town Law, the Supervisor may designate ad hoc committees and appoint the members and chairperson(s) thereof at times, and from time to time, as the need may arise. The members thereof shall include at least one member of the Town Board. Such committees may meet at a time and location within the Town of their choosing, and agendas shall be set at the discretion of the Chairperson.

V. MISCELLANEOUS PROVISIONS

- A. **Sessions to be Deemed Continuous:** For purposes of considering matters introduced at previous meetings of the Town Board, all meetings held during each two-year period, consisting of an even-numbered year and the consecutive odd-numbered year following each general election at which the Town of Sweden Supervisor is regularly elected, shall be deemed to be part of one continuous session, unless re-introduction is approved by the Town Board.
- B. **Savings Clause:** In the event that any clause, paragraph or portion of these Rules shall be deemed to be invalid by any Court or any governmental agency or authority having jurisdiction hereof, the balance of these Rules shall continue nevertheless in full force and effect and shall survive such determination.

Effective: January 23, 2018