RULES OF PROCEDURE
FOR
PENFIELD TOWN BOARD MEETINGS AND PUBLIC HEARINGS

I. TOWN BOARD MEETINGS & PUBLIC HEARINGS

A. TIME, DATE & PLACE

1. Regular Meetings:

Penfield Town Board shall regularly meet the first and third Wednesday of each month at 7:00 PM in the Penfield Town Hall, Penfield, New York. The primary purpose of these meetings is for legislative actions. When such date falls on a legal holiday, the Town Board may set an alternate date and time of said meeting, or may dispense with said meeting. For good cause shown, the Supervisor is authorized to cancel Town Board meetings subject to rescheduling thereof.

Pursuant to Town Law #63, the Supervisor shall preside at the meetings of the Town Board. In the absence of the Supervisor, the Deputy Supervisor shall preside, or if no Deputy Supervisor has been appointed, or in the event the Deputy Supervisor is absent, then the other members of the Town Board shall designate one of their members to act as temporary Chairman. A majority of the Board shall constitute a quorum for the transaction of business, but a lesser number may adjourn. It is the obligation of every member of the Board to vote on every issue, except where, in the judgement of the Board member, he/she has a potential conflict of interest in which case an abstain vote is in order.

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Such vote shall be taken by “ayes”, or “yes” and “nays”, or “no”, and the name of every member present and their vote shall be entered in the Minutes. Every act, motion or resolution shall require for its adoption the affirmative vote of a majority of all members of the Town Board.

2. **Public Hearings:**

Penfield Town Board shall regularly hold Public Hearings as required at the Penfield Town Hall, Penfield, New York. The primary purpose shall be to conduct Public Hearings required to be held by and before the Penfield Town Board.

3. **Special Meetings:**

Special meetings may be called by the Supervisor 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 and date 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 notice shall contain the proposed agenda items to be contemplated by said special meeting.

**B. REGULAR AGENDA**

The regular agenda shall be prepared by the Town Clerk and shall be available by 4:00 PM on the Friday before the scheduled Town Board Legislative Meeting. Said agenda shall be tentative only as to Town Board meetings, but shall be firm as to Public Hearings. Said agenda for
Town Board meetings shall be tentative only, and items may be added, deleted or altered at the pleasure of the Town Board. As nearly as possible, said agenda shall follow the following points and order:

1. Call to Order, Pledge of Allegiance, Roll Call
2. Communications and Announcements
   a) From the Supervisor
   b) From the Town Board Members
   c) From the Town Clerk and Town Attorney
3. Public Participation
4. Additions and Deletions to Agenda
5. Approval of Minutes of Prior Meeting
6. Petitions Received
7. Resolutions by Function
   a) Law & Finance
   b) Public Works
   c) Public Safety
   d) Community Services
8. Old Business
9. New Business
10. Public Participation
11. Adjournment
C. FUNCTIONAL COMMITTEES

1. Standing Functional Committees:

The following shall be designated as areas of responsibility of the Penfield Town Board and shall be standing committees of the Penfield Town Board:

   a) Law and Finance
   b) Public Works
   c) Public Safety
   d) Community Services

2. Ad Hoc Committees:

Pursuant to Town Law, the Supervisor may designate ad hoc committees and appoint the members thereof at times and from time to time as the need may arise.

3. Composition Formation of Functional Committee:

Pursuant to Town Law, it is the prerogative of the Supervisor to appoint all committees, and the Supervisor shall appoint chairpersons to all standing functional committees and also the composition of each committee, which shall be not less than the chairperson, and the rest of the Town Board, thereon.

D. RESOLUTIONS

1. Pursuant to the Town Law, any Town Board member or the Supervisor may offer a resolution for consideration by the Town Board. All resolutions shall be presented to the Town Clerk, who shall time stamp each resolution in consecutive number as received and list each resolution on the agenda under the appropriate function heading, as
requested by the author of each resolution, in the order received in each function heading.

2. Routine requests for resolutions by Town staff members or by the Supervisor, and any proposed resolutions from Town staff, the Supervisor or Town Board members may be directed through the office of the Supervisor to the appropriate function chairperson. Review of such resolutions and requests for resolutions shall be by the function chairperson alone, or the Town Supervisor, or with the full Town Board, depending on the nature of the resolution and at the discretion of the function chairperson. The function chairperson shall author or cause to be authored all resolutions from requests for resolutions.

3. All resolutions shall be submitted to the Town Clerk by 12:00 noon of the Friday, or in the case of a holiday, shall be submitted the Thursday before, preceding the next regular Town Board Legislative Meeting, and unless so submitted, may not be acted upon at the discretion of the Town Board, unless of a serious and urgent matter. All proposed resolutions tabled from prior meetings shall be carried under “Old Business”. Proposed resolutions received too late to be listed under functional committees, may be considered as “New Business”.

E. PARLIAMENTARY PROCEDURE & VOTING

1. Voting by the Town Board on each issue shall be by alphabetical roll call vote.

2. 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 Penfield Town Board, procedural
questions shall be resolved by “Robert’s Rules of Order”. The Town Attorney shall serve as Parliamentarian.

II. MEETINGS OF STANDING COMMITTEES OF THE TOWN BOARD

A. TIME, DATE & PLACE

The Town Board shall meet in Work Session on the second and fourth Wednesday of each month at 7:00 PM at the Penfield Town Hall. Business will be conducted for each functional committee including Law and Finance, Public Works, Public Safety and Community Service.

When the scheduled date for such meeting falls on a legal holiday, the Town Board may set an alternate date and time of said meeting, or may dispense with said meeting. Pursuant to New York State Law, all committee meetings of the Town Board shall be open to the public; however, pertaining to certain business, as may be appropriate and permitted by State 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 to Executive Session must be made, seconded and carried by not less than three (3) members present and the purpose for the Executive Session must be clearly stated and recorded in the minutes of the committee meeting. No minutes of the Executive Session will be maintained except where a decision is made.

B. AGENDA

There will be a formal agenda for committee/work sessions, which shall be prepared by the Supervisor and Town Clerk. This agenda shall be available and distributed by the end of the day of the preceding Friday.
or in case of a holiday shall be submitted the Thursday before the scheduled committee meeting.

Each Committee Chairperson and Supervisor will submit agenda items to the Town Clerk by end of day Thursday prior to each scheduled work session. The agenda will include: a call to order, approval of minutes and functional committees broken down by (1) Action Items; (2) Information Items and (3) Held Items. If needed, there may be an Executive Session.

Items to covered by any time, and from time to time, shall include:

1. Reports from standing committee chairperson;
2. Meetings with various appointed boards and committees in the Town;
3. Meetings with department heads, the Town Engineer and other consultants;
4. Items referred to the committee by the Town Board;
5. Communications and other pertinent business relating to the standing committee;
6. Executive Sessions as set forth herein above.

III. PUBLIC HEARINGS

Public Hearings shall be held as prescribed by law and conducted on the dates scheduled therefore by the Penfield Town Board. The Supervisor and/or the Town Attorney shall give a concise statement of the purpose of the Public Hearing after the Town Clerk has read the notice thereof.
The purpose of a Public Hearing is to hear the public. No Town Board member, nor the Supervisor shall engage in prolonged discussion with any speaker, but shall listen to what each speaker has to say.

IV. CONDUCT OF THE PUBLIC

A. Any person recognized by the Supervisor shall give name, address and the nature of his or her business, briefly.

B. No such person has the right to demand an answer to a specific question from a member of the Board. All such questions should be directed to the Supervisor.

C. No member of the public shall engage in any demonstration, booing, hand clapping or otherwise disrupt the formality of the Town Board meeting.

D. No member of the public shall be permitted to address the Town Board unless recognized by the Supervisor.

E. Any person speaking to the Town Board with the consent of the Supervisor shall address his remarks to the Town Board, not to other members of the audience in the form of a debate.

F. A Town Board meeting is an important Legislative session and it is expected that all members of the public will conduct themselves in a professional manner.

G. Any person wishing to speak at a Public Hearing may, prior to the start of said hearing, complete an “Intent to Speak” form available from the Town Clerk. The completed form shall be given to the Town Clerk who will recognize the speakers as the hearing progresses. Additionally, the Chair will recognize certain interests at the start of the hearing if
such action will facilitate a more orderly and logical discussion of the subject of the hearing. In fairness to all members of the public, speakers are encouraged to focus on the facts of the matter at hand. Persons who have not indicated their intent to speak by completing the available form, may also have an opportunity to speak after all those who have signed forms have spoken. The public may also submit statements in writing. A speaker may be recognized to speak a second time by the Chair only after everyone who wishes to speak a first time has spoken.

H. Penfield Town Board agenda provide a segment of time for citizens to speak. Public Participation is allowed early on the agenda and at the end of the legislative session. Persons may speak on any subject and are not confined to items on the agenda.

I. No request for a show of hands or a “vote” of persons present on any matter is allowed.

J. Rules Letters “A”, “B”, “C”, “D”, “E” and “I” apply to Public Hearings, as well as to Town Board Meetings. Rule “G” applies only to Public Hearings, whereas Rules “F” and “H” do not apply to Public Hearings, as persons present are expected to express opinions and ask questions. A Public Hearing is not a legislative session.

V. MISCELLANEOUS PROVISIONS

A. FILE OF COMMUNICATIONS AND PROPOSED RESOLUTIONS

In order to enable the citizens of the Town of Penfield to be apprised of proposed resolutions and of communications received by the Town, and in order to reduce the need for reading of routine communications during Town Board meetings, the Town Clerk shall prepare,
or cause to be prepared, a file of all proposed resolutions to be acted
upon at a Town Board meeting. A copy of the Rules of Procedure and said
file shall be available for inspections by the public, one-half hour
before, in a convenient place within the meeting hall.

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.