

Chapter 14

MEETINGS AND PUBLIC HEARINGS

[HISTORY: Adopted by the Town Board of the Town of Canadice at time of adoption of Code; see Ch. 1, General Penalties, Art. I. Amendments noted where applicable.]

§ 14-1. Time, date and place of meetings.

The Canadice Town Board shall regularly meet each month as prescribed at the organizational Town Board Meeting held in January at the Town Hall, or at any other suitable location within the Town of Canadice as determined by a majority of all the members of the Town Board. When such date falls on a legal holiday, the Town Board may set an alternate date and time of the meeting or may dispense with the meeting. For good cause shown, the Supervisor is authorized to cancel Town Board meetings.

§ 14-2. Presiding officer.

Pursuant to § 63 of the Town Law, 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 that the Deputy Supervisor is absent, then the other members of the Town Board shall designate one (1) of its members to act as Temporary Chair.

§ 14-3. Quorum.

A majority of the Board shall constitute a quorum for the transaction of business, but a lesser number may adjourn.

§ 14-4. Voting; majority vote required.

It is the obligation of every member of the Town Board to vote on every issue, and such vote may be taken by ayes, nays and abstains. The name of every member present, their vote and the reason for their abstention 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.

§ 14-5. Special meetings.

Special meetings may be called by the Supervisor from time to time. The Supervisor shall call a special meeting within ten (10) days if requested, in writing, to do so by not fewer than two (2) Town Board members. The Supervisor shall give each Town Board member notice of such meeting not less than two (2) days prior thereto; the notice shall contain the proposed agenda items to be contemplated by the special meeting and the time when the meeting takes place.

§ 14-6. Regular agenda.

The regular agenda shall be prepared by the Supervisor. Each Town Board member shall receive actual notice thereof not less than two (2) days prior to the scheduled Town Board meeting. The agenda for Town Board meetings shall be tentative only, and items may be added, deleted or altered at the consent of the majority of the Town Board. As nearly as possible, the agenda shall conform to the following points of order:

- A. Call to order; pledge of allegiance.
- B. Additions and deletions to agenda.
- C. Public participation.
- D. Approval of minutes of prior meeting.
- E. Communications and announcements:
 - (1) From the Supervisor.
 - (2) From the Town Board members.
 - (3) From the Town Clerk and Town Attorney.
 - (4) From standing committees and affiliated boards.
 - (5) From ad hoc committees.
- F. Old business.
- G. New business.
- H. Audit procedures.
- I. Public participation.
- J. Adjournment.

§ 14-7. Committees.

- A. Town Board committees. Pursuant to the Town Law, it is the prerogative of the Supervisor to appoint all committees, which shall be not less than the chairperson and at least one (1) additional Board member. Committees shall consist solely of members of the Town Board.
- B. Citizen advisory committees. The Town Board may, from time to time, by majority vote, appoint citizen advisory committees. The resolution appointing such a committee shall contain the charge to the committee. A majority of the Town Board is required to appoint members to any citizen advisory committee.

§ 14-8. Resolutions.

- A. 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 advise the Supervisor to list each resolution on the agenda

under the appropriate function heading as requested by the author of the resolution, in the order received in each function heading.

- B. Routine requests for resolutions by Town staff members and any proposed resolutions from the Town staff may be directed through the office of the Supervisor or through any other member of the Town Board. The Town Board shall review such resolutions and requests for resolutions. The Supervisor or any other member of the Town Board shall author or cause to be authored all resolutions from requests for resolutions.
- C. All proposed resolutions by any Town Board member should be submitted in writing by fax, mail or in person to the Town Clerk by 4:00 p.m. of the business day preceding the next scheduled Town Board meeting and, unless so submitted, may not be acted upon at the discretion of the Town Board unless of a serious and urgent nature. All proposed resolutions tabled from prior meetings shall be carried under "old business."

§ 14-9. Parliamentary procedure and voting.

- A. Voting by the Town Board on each issue shall be by voice vote. A roll call vote shall take place in the event that a decision is not unanimous.
- B. Where not inconsistent with New York law or this chapter or any other rules adopted by the Canadice Town Board, procedural questions shall be resolved by Robert's Rules of Order. The Town Attorney shall serve as parliamentarian.

§ 14-10. Executive session.

- A. During any public meeting, a majority of the Town Board may call itself into executive session.
- B. At a minimum, all Town Board members may attend an executive session. If any resolutions are to be acted upon, the Town Clerk, pursuant to New York State Open Meetings Law,¹ shall also be present to record such actions in the minutes of the regular meeting. A majority of the Town Board may invite others.
- C. During an executive session, the sole purpose of business shall be limited to those items allowable under New York State Open Meetings Law.

§ 14-11. Minutes.

Minutes of all Town Board meetings shall be available to the public in accordance to the New York State Open Meetings Law.

§ 14-12. Hearings to be held; notice. [Amended 4-14-2003 by L.L. No. 1-2003]

- A. Public hearings shall be held as prescribed by law and conducted on the dates scheduled therefor by the Canadice Town Board. The Supervisor and/or the Town Attorney shall give a concise statement of the purpose of the public hearing after the Clerk has read the notice thereof.

1. Editor's Note: See Public Officers Law, Article 7.

- B. Property sign notification. Any time the Town Board convenes as the Board of Health it shall be required to hold a public hearing. When applicable it shall require that a sign be posted within 10 feet of a public highway at a point on or about the ingress/egress to the land for which the Town Board convening as the Board of Health is to review, and at any other location designated by the Board. This posting shall occur at least five days before such hearing and will remain posted until the Town Board convening as the Board of Health has finally acted upon the subject to be reviewed. The sign shall be no less than 27 inches in width and 20 inches in height and shall contain the appealing party's name, the proposed activity and the date and time when the public hearings will be held.

§ 14-13. Purpose.

The purpose of a public hearing is to hear the public. No Town Board member nor the Supervisor shall engage in any debate with any speaker but shall listen to what each speaker has to say.

§ 14-14. Rules of conduct for the public.

- A. The following applies to both Town Board public hearings and Town Board meetings:
 - (1) Any person wishing to speak must first be recognized by the Supervisor and shall give his or her name, address and the nature of his or her business, briefly.
 - (2) The Supervisor shall maintain order of the meetings.
 - (3) All questions should be directed to the Supervisor.
- B. The following applies only to Town Board meetings: Canadice Town Board agendas 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. A maximum of five (5) minutes will be permitted for each speaker. 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. Second-time speakers shall be limited to a maximum of five (5) minutes.
- C. The following applies only to Town Board public hearings: Any person wishing to speak at a public hearing shall sign the form available from the Town Clerk. Persons will be allowed to speak in the order they sign the form. The Supervisor may wish to recognize certain involved parties at the start of the hearing. Speakers shall be limited to a maximum of five (5) minutes' speaking time. Persons who wish to make statements may do so in writing. Written statements may be read at the hearing. 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. Second-time speakers shall be limited to a maximum of five (5) minutes.