

BE IT RESOLVED that the Town Board, Planning board, Zoning Board of Appeals, Ethics Board or any sub -committees hereby adopts the attached Rules of Order ALL meetings by any Board of the Town of Corning:

TOWN OF CORNING MEETING

RULES OF ORDER

1. REGULAR MEETINGS

Regular meetings- **Town Board** shall conduct regular business every third Tuesday of the month and shall begin at 7:00 p.m. The **Planning Board** shall conduct all regular business every fourth Tuesday of every month unless there is no business to attend to and their meetings shall begin at 5:30 p.m. **Zoning Board of Appeals, Ethics Board or any sub -committees** shall conduct regular business by majority vote, shall schedule any meeting date set with at least three (3) days' notice to the Public.

2. SPECIAL MEETINGS

A. Special meetings must be for business of an emergent nature and shall be held at the call of the Town Clerk upon direction of the Supervisor or upon filing with the Town Clerk a written request signed by any three members of the Town Board. Only business specified in the public notice thereof may be transacted at a special meeting. Notice shall be at least 72 (seventy-two) hours before the date fixed for holding the meeting unless the entire Board unanimously waives the required notice due to the urgency of the matter at hand.

B. In accordance with New York State Open Meetings Law, the Town Board, Planning board, Zoning Board of Appeals, Ethics Board or any sub -committees designates the following locations for the Town Clerk to place public notices for all meetings: (1) the Town of Corning website; and (2) the bulletin board in the Town Clerk's Office. In addition, the Town Clerk/Supervisor shall send an email notification of the Special Meeting to the following designated media: (1) the Corning Leader newspaper.

3. CONDUCT OF MEETINGS

A. All meetings and Work Sessions of the Town Board, Planning board, Zoning Board of Appeals, Ethics Board or any sub -committees shall be conducted in strict accordance with the New York State Open Meetings Law and shall be electronically recorded by the Town Clerk/Planning/Zoning Secretary or their designee. These recordings are required by law to be kept by the Town Clerk/Planning/ Zoning Secretary for a period of four (4) months after four (4) months' time the Town Clerk Planning/Zoning Secretary is not required to maintain these recordings as a record. All meetings of the Town Board, Planning board, Zoning Board of Appeals, Ethics Board or any sub -committees shall be held in the Council Chambers, located at the Town of Corning Hall, 20 S. Maple St, Corning NY, unless otherwise scheduled by the Town Board.

B. The General Order of Business for each meeting shall be generally including but not limited to:

1. Open Meeting
2. Roll call
3. Pledge of Allegiance
4. Public Hearings (Public Comments heard.)
5. Proclamations & Announcements
6. Personal Appointments to Boards and Committees
7. Reports
8. Town Business, applications being considered, etc.
9. Public Comments
10. Close meeting on Motion

C. At its discretion, any Board may change the Order of Business at any meeting by a majority of said board.

3. Agenda Procedures:

- A. Public Hearings will be scheduled at the beginning of and within the start of any Board meeting.
- B. Deadlines for items on the Town Boards Agenda is by 9 a.m. the second Wednesday of the Month.
- C. Deadlines for items on the Planning Boards Agenda is by 10 a.m. the Second Tuesday of the Month.
- D. Deadlines for ZBA and Ethics Boards as they are not held on a regular basis will be decided by the Chair persons of their successive Boards.

E. SUSPENSION OF RULES FOR UNLISTED ITEMS - No local law, ordinance, petition, resolution, communication, or item can be acted upon unless it physically appears on the agenda. This includes committee reports unless there is motion/ second and a majority on the part of the Board to add the agenda item. The Town Board may by unanimous consent suspend the rules in order to consider unlisted items, however these items are limited to communication received after the agenda cutoff related to an agenda item and resolutions that clearly state why time is of the essence and the resolution cannot wait until a later scheduled meeting.

4. MEETING PROCEDURES

A. QUORUM -The majority of the duly constituted membership of the Board shall constitute a quorum for the transaction of business, but a lesser number must adjourn.

B. SUPERVISOR TO SECURE A QUORUM - In the absence of a quorum during the meetings of the Town Board, the Supervisor may take such measures as provided by law and as he may deem necessary to secure the presence of a quorum. In absence of a quorum during any other Boards meeting that do not produce a quorum, the meeting may not be held and will have to be rescheduled and the public noticed.

C. ROLL CALL: MINUTES - ABSENCES - At any and every meeting of the Boards of the Town of Corning, upon the members being called to order by the Supervisor/Chair, the roll of members shall be called by the Clerk/Secretary and the names of those absent shall be inserted into the minutes. In all cases when an order, resolution, or a motion shall be entered in the minutes of the any Board, the name of the members presenting or moving the same shall be entered.

D. DECORUM

1. The Supervisor/ Chair shall convene the Town Board/ Planning Board, Zoning Board of Appeals or sub-committees promptly at the hour specified for the convening of the Town Board/ Planning Board, Zoning Board of Appeals or sub-committees and shall preserve order and decorum. The Supervisor/Chair shall decide all questions of order, said decision being final unless an appeal is taken to the Town Board and sustained.

2. Speakers shall address the board as a whole, in an orderly manner for a period of 2 minutes, then the next person shall be heard until all have had the opportunity to speak. One more 2-minute round will be allowed and then the public hearing will be closed. All speakers shall refrain from partisan political commentary, personal, impertinent, slanderous or profane remarks directed to any member of the board, staff or public that disrupt the meeting. Any person who makes such remarks or otherwise disrupts the meeting with loud outbursts, shouting, threats or other disruptive behavior shall, at the discretion of the Supervisor or after a motion and majority consensus of the board, be ruled out of order. If after receiving a warning, any person persists in disrupting the meeting, the Supervisor shall order that person to leave and may utilize law enforcement to enforce that order. All parties wishing to extend in writing to the board their comments may before or during the public hearing extend those written comments to the Town Board so that the members of the board may read their comments in their entirety without obstructing the meeting process and the flow of Town business. It is highly encouraged to email these comments prior to a meeting being held so that board members have time to read the residents comments.

3. The Supervisor may appoint the Town Attorney as Parliamentarian to assist with procedural questions, upon the Supervisor's request.

4. Commentary, debates and arguments initiated by Town Board members during public hearings and the public expression portion of the agenda are prohibited (Added 6/17/1997).

E. DEPUTY SUPERVISOR - In the absence of the Supervisor from any meeting of the Town Board, the Deputy Supervisor shall act in place and stead of the Supervisor, with all the powers and privileges incident to Section 42 of New York State Town Law. The Deputy Supervisor shall be permitted to vote only if that individual is also a Town of Corning Councilmember.

F. MAJORITY VOTE - A majority of the total vote of the entire membership of the Town Board, Planning Board, Zoning Board of Appeals or the Ethics Board shall be necessary to carry any local law, ordinance, questions, propositions, resolutions, motions, or any other matter, except where it is otherwise provided herein or required by law that a two-thirds vote, or a unanimous vote is required.

G. RECORDING AYES AND NOES - On a roll call, the ayes and noes shall be taken and shall be entered in the minutes of the Town Board and the Town Clerk shall record the names of the members and the way each will have respectively voted. Each member, as his or her name is called, shall respond in the affirmative or in the negative, as the case may be. To verify the vote and to correct possible errors, the Town Clerk may repeat the call of the roll. The only exception to this procedure is if the member abstains from voting in accordance with Rule.

H. ABSTENTIONS - Every member who shall be physically present in the Council Chambers when a question is stated by the Supervisor must cast his or her vote on the same. The only exception to this procedure is when a member abstains from voting in accordance with the Code of Ethics of the Town of Corning. If a member wrongfully attempts to avoid casting his or her vote, wrongfully abstains, or otherwise refuses to vote, the Supervisor, or in the event that the Supervisor is the member in question, the Deputy Supervisor or other acting chairperson, shall direct the Town Clerk to record such member's vote in the affirmative on the question being voted upon.

I. PUBLIC EXPRESSION

1. The purpose of Public Expression is to allow opportunity for the public to formally communicate with the board on any matter involving the Town of Corning. This is not designed to be a conversation with the Board, but an opportunity for the public to express their opinion on issues that the Board will cover during that meeting or to bring attention to an issue involving the Town of Corning.

2. These rules shall be suspended for Public Expression at least once at each regular Town Board meeting in order to afford members of the public and others the opportunity to address the Town Board at the end of every meeting.

3. These rules may at any time during a meeting be suspended by a two-thirds (2/3) majority of all members of the Town Board present; however, the member making application for such suspension must state the purpose for which the same is asked.

4. Speakers during the Public Expression portion of the meeting shall be limited to three (2) minutes at the podium so that meetings may flow quickly and efficiently, providing everyone who is interested in speaking with an opportunity to do so before a very late hour.

5. Those members of the public wishing to speak shall sign in at the podium and write down their name and address on a sign-up sheet. The sign-up sheet will remain at the podium until the Public Expression portion of the meeting begins. The Supervisor shall recognize those speakers for comment. After the last signed in speaker has spoken, the Supervisor will ask if any additional members of the public who have not previously signed in would like to speak. Those members of the public wishing to speak will sign in at the podium and write down their

name and address on a sign-up sheet and the Supervisor shall recognize those speakers for comment. Remarks shall be addressed to the board as a whole and not to any single member thereof. In the event that a speakers' inquiry is urgent, the Supervisor or a Town Board member may respond for one (1) minute after closing Public Expression. All speakers shall abide by the Rules of Order for Decorum.

6. Public expression shall allow the public to address the board on any matter that concerns the Town of Corning prior to adjournment.

7. Public expression shall not exceed one (1) hour unless extended by a majority vote of the board.

J. WITHDRAWAL OF RESOLUTION OR MOTION - Any resolution or motion offered by a member of the Town Board may be withdrawn by the member presenting it at any time before an announcement by the Supervisor of the vote thereon, or before an amendment to such resolution or motion has been adopted, provided that the member seconding such resolution or motion shall also withdraw his or her second to the same.

K. MOTIONS NOT AMENDABLE OR DEBATABLE

1. All motions for an adjournment, for a recess for the previous question, or to lay on the table shall be neither amended nor debated.

2. After the roll call on any question has begun, no member shall speak on the question nor shall any motion be made until after the result is declared.

L. MOTION TO RESCIND - A motion to rescind can only be entertained when moved by a Town Board member who voted with the majority in the action which is proposed to be rescinded and the motion requires the affirmative vote of a majority of the total members of the Town Board.

M. MOTIONS FOR RECONSIDERATION AND CHANGING ONE'S VOTE

1. A motion for reconsideration or a motion to change one's vote shall not be in order unless made on the same meeting day or on the regular meeting day next succeeding that on which the action proposed to be reconsidered or upon which a change of vote is requested took place. A quorum must be present.

2. A motion to reconsider must be made by a Town Board member who voted with the prevailing side on the action proposed to be reconsidered. A member has a right to change his or her vote up to the time the result is announced. Afterward, a change of vote can be made only by permission of the Town Board. Such permission can be given by general consent or by adoption of a motion to grant permission.

3. When a motion to reconsider or a motion to change one's vote has been defeated, it shall not be submitted to the Town Board without unanimous consent for a period of at least thirty (30) days.

N. ALL POINTS OF ORDER NOT COVERED BY THESE RULES - On all points of order not governed by these rules of the Town Board, Robert's Rules of Order (Revised) shall prevail. In the event that a point of order shall arise which cannot be covered by either the Rules of the Town Board or by Robert's Rules of Order (Revised), the Rules of the New York State Assembly shall be followed.

O. RESOLUTION AMENDMENTS - The Town Board shall not vote on any proposal or resolution unless each member of the Town Board and the Town Clerk have possession of the proposal or resolution in writing prior to the commencement of the meeting. Any amendment during a meeting must be presented to the Town Clerk and the Town Board in writing by the sponsor of the amendment.

P. COMMITTEE REPORTS - Board members are to report only on actionable items under

Committee Reports. Meeting announcements, general committee information and nonactionable items can be submitted to the Town Clerk prior to the meetings for reproduction and distribution.

Q. MINUTES - The Town Board directs the Town Clerk to collect the names and addresses of every person who speaks during public expression or during public hearings and to publish their names in the Town Board meeting minutes.

R. SECOND REQUIRED FOR DISCUSSION - At a regular business meeting, the Town Board shall not discuss any agenda item that does not receive a second.

S. PUBLIC HEARINGS

1. Following the Petitioners' public comments that may last up to fifteen (15) minutes, a knowledgeable leader of any opposition or their attorney may also have fifteen (15) minutes for a rebuttal presentation. All other speakers at all public hearings may only speak once and shall limit their oral comments to no more than three (3) minutes. One exception to this rule is public hearings regarding the budget, where speakers shall limit their oral comments to no more than five (5) minutes.

2. Whenever a public hearing shall extend for more than ninety (90) minutes, the Town Board by three-quarters majority vote may adjourn the balance of the hearing to a future regular board meeting. On the occasion of such an adjournment; however, all speakers who have not already spoken, yet wish to give testimony, shall pre-register to speak at the adjourned session. At that adjourned session, no oral comments will be heard from anyone other than those who have pre-registered. Written comments may be submitted at any time prior to the close of the hearing; however, and will be included as part of the official record. Upon conclusion of all testimony on the matter that the public hearing concerns, the Town Board, after giving due consideration to all applicable New York State or local laws, shall vote on the matter or set a future decision date.

3. The Town Board may vote on any public hearing matter for which all speakers have been accommodated. Decisions dealing with land use shall be delayed until the meeting following the meeting at which the public hearing was held if requested by two (2) Town Board members. All other hearing decisions may be delayed until the next regular meeting of the board to allow public comment to be submitted and evaluated.

4. Participation of Town Board members during public hearings is limited to questions on the subject matter. Town Board members who expand their comments in the public hearings portion of the agenda beyond the simple statement of questions shall be ruled out of order by the Supervisor.

5. Public hearings and decisions regarding land use, and traffic safety matters will be scheduled during evening (7:00 PM) meetings.

6. Persons whose comments at public hearings are NOT on the topic of the public hearing shall be warned by the Supervisor and if they argue or persist off topic may be ruled out of order.

T. AMENDMENTS OF THESE RULES OF ORDER

These Rules shall not be rescinded, altered, or amended, nor shall any additional rule be added thereto except by a majority vote of the total members of the Town Board, Planning Board, Zoning Board of Appeals or Ethics Board and only after at least one (1) weeks' notice in writing filed with the Town Clerk.

U. MAINTENANCE OF THESE RULES OF ORDER

The Town of Corning Board shall be responsible for maintaining these Rules of Order and for changing them pursuant to amendments adopted by the Town Board. As soon as possible after their adoption and subsequent amendment, the Rules of Order in effect shall

be posted on the Town of Corning website and shall be filed with the Corning Town Clerk, who will make them available to the public upon request.

The Town Clerk shall have available for immediate visual display for the public a complete and up-to-date copy of the Corning Town Board Rules of Order.

These Rules are effective immediately.

This version is adopted on motion by _____ - and Seconded by _____, the motion _____ and was approved as of April 17th, 2018 for all Town Boards (Town Board, Planning board, Zoning Board of Appeals, Ethics Board or any sub-committees Meeting.)

Susan A. Edwards, Town Clerk

Date _____

SEAL