



TOWN OF DEERPARK

KARL A. BRABENEC, SUPERVISOR
DAVID M. HOOVLER, COUNCILMAN
GARY SPEARS, COUNCILMAN
ARTHUR T. TROVEI, COUNCILMAN

RESOLUTION #2 OF 2010 **Rules of Conduct & Decorum at Town 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 Deer Park that the Town Board hereby adopts the following rules for public participation at the meetings of the Town Board:

1. 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, once a month, and not at Town Board Workshops.
2. 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.

3. Any person wishing to speak at a public meeting during the public participation segment or during a public hearing must sign the sign-in sheet 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 Supervisor or the presiding officer to recognize speakers.
4. 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 Supervisor or the presiding officer, the individual must stand and state his or her name and, if appropriate, group affiliation, and must state the subject he or she will be addressing.
5. Comments must relate to the purpose of the public hearing or to agenda topics of the particular meeting.
6. The Town Clerk shall act as timekeeper or shall designate another elected official as timekeeper.
7. 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.
8. The Supervisor or the presiding officer 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, 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.
9. 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.
10. Comments by speakers must be addressed to the Town Board. Attendees may not address the Town Board unless recognized by the Supervisor or the presiding officer.
11. 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.
12. Banners, flyers or other signs are not permitted in the meeting room. Distribution of flyers in the meeting room are also not permitted.
13. If the Supervisor or the presiding officer 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 Town Board members.
14. Any person who disregards the directives of the Supervisor or the presiding officer in enforcing the rules or who generally conducts himself or herself in a boisterous or

inappropriate manner while addressing the Town Board disturbs the peace at a meeting and will be barred from further participation and forfeit any balance of time remaining for his or her comments.

15. If a speaker who has violated these rules refuses to step down, the Supervisor or the presiding officer may ask for the individual to be removed from the meeting room and charged with disorderly conduct as per the Penal Law.

16. The above rules shall take effect at the next meeting of the Town Board after the adoption of these rules.

Proposed By:

**Karl A. Brabenec
Supervisor
Town of Deerpark**

VOTE RECORD:

Motion by _____;

Second _____

Roll Call vote:

Councilman Trovei _____

Councilman Spears _____

Councilman Hoovler _____

Supervisor Brabenec _____

This the 4th day of January, 2010.

Karl A. Brabenec, Town Supervisor

David M. Hoovler, Councilman

Gary Spears, Councilman

Arthur T. Trovei, Councilman

Recorded by,

**Florence T. Santini,
Town Clerk**