



# TOWN OF AMHERST

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## RESOLUTION AMENDMENTS

**FROM:** Deborah Bruch Bucki, Amherst Councilmember  
**TO:** Town Board, Town Clerk  
**DATE:** January 6, 2008 (for January 7, 2008, Town Board agenda)  
**RE:** Amendments to “Modifications to Rules of Order for Town Board Meetings”

BE IT RESOLVED that the Amherst Town Board adopts the following amendments to the “Amherst Town Board Rules of Order for Town Board Meetings” (“Proposed Rules of Order”), as written by Councilmember Barry Weinstein, and as they appear under the report of Supervisor Satish Mohan on the Town Board agenda for January 7, 2008.

### Amendment 1

WHEREAS, pursuant to New York Town Law (“Town Law”) section 62(2), “[t]he supervisor of any town may, and upon written request of two members of the board shall within ten days, call a special meeting of the town board . . . .;” and

WHEREAS, a requirement that a majority of members of the Amherst Town Board petition the Supervisor to call a special meeting would violate Town Law section 62(2);

NOW, THEREFORE, BE IT RESOLVED that Rule 2 of the Proposed Rules of Order be amended to read as follows:

Special meetings 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 two members of the Town Board. Only business specified in the notice thereof may be transacted at a special meeting. (Notice shall be at least 48 (forty-eight) hours before the date fixed for holding the meeting.)

## **Amendment 2**

WHEREAS, the Amherst Town Board provides residents an opportunity to speak for up to three (3) minutes about any Town-related issues during Suspension of Rules; and

WHEREAS, the Amherst Town Board has no need to bifurcate Suspension of Rules, which should take place after any public hearings, but before the discussion of any other agenda items; and

NOW, THEREFORE, BE IT RESOLVED that Rule 8(A) of the Proposed Rules of Order be amended to read as follows:

The order of business of each meeting shall be:

1. Invocation
2. Pledge of Allegiance
3. Roll Call (by the Town Clerk)
4. Discussion and Approval of Minutes of the preceding meeting
5. Presentation of Proclamations
6. Public Hearings
7. Suspension of Rules
8. Appointment(s) to Board and Committees
9. Committee Reports
10. Reports from Department Heads
11. Consent Agenda
12. Unfinished Business
13. Communications
14. Public Improvement Permits
15. Announcements from the Chair
16. Memorials
17. Adjournment.

BE IT FURTHER RESOLVED that Rule 17(E) be stricken from the Proposed Rules of Order.

## **Amendment 3**

WHEREAS, the Amherst Town Board may choose to conduct certain public hearings at special meetings; and

WHEREAS, in order to ensure the accessibility of Amherst government to all citizens, the Amherst Town Board should provide that Time-Warner Cable televise any public hearing that takes place at a special meeting of the Amherst Town Board;

NOW, THEREFORE, BE IT RESOLVED that Rule 8(C) of the Proposed Rules of Order be amended to read as follows:

The Amherst Town Board may vote to schedule a public hearing on the second or fourth Monday of the month, or on any other day, if and only if Time-Warner Cable has agreed in advance to televise such public hearing.

#### **Amendment 4**

WHEREAS, the Amherst Town Board should not limit the number of persons who may speak during a public hearing; and

WHEREAS, requiring that “[a]n organized presentation by multiple speakers for one position shall not exceed 15 minutes” does exactly this, and could necessitate the Amherst Town Board to render land-use decisions on the basis of an incomplete record;

NOW, THEREFORE, BE IT RESOLVED that Rule 8(I) of the Proposed Rules of Order be amended to read as follows:

All public hearings initiated at the request of a petitioner shall begin with an untimed presentation by the petitioner and/or his/her attorney(s), followed by an untimed presentation for any respondent and/or his/her attorney(s). Members of the Amherst Town Board may ask questions of the petitioner and any such attorney(s) during the presentation. After the presentation, any person may speak once, for no more than three (3) minutes.

At all other public hearings, any person may speak once, for no more than three (3) minutes.

#### **Amendment 5**

WHEREAS, the Proposed Rules of Order contemplate time limits for discussion of agenda items by Amherst Town Board members; and

WHEREAS, such time limits would necessitate the Amherst Town Board to render certain land-use decisions on the basis of an incomplete record; and

WHEREAS, such time limits also impose an onerous burden upon the Amherst Town Clerk, who would need to keep time on up to seven stopwatches at once; and

WHEREAS, such burden would bog down Amherst Town Board meetings in procedural minutiae, rather than expedite the consideration of important business; and

WHEREAS, such burden would limit the opportunity of Amherst Town Board members to ask questions of a department head concerning a particular agenda item, and to respond to the department head's answers; and

WHEREAS, the proposed time limits also would discourage genuine conversation and debate among Amherst Town Board members at open meetings; and

WHEREAS, in order to expedite Amherst Town Board meetings, conscientious Town Board members should prudently limit the length of their comments;

NOW, THEREFORE, BE IT RESOLVED that Rule 8(J) of the Proposed Rules of Order be amended to read as follows:

Any Amherst Town Board member desiring to speak concerning any agenda item must seek official recognition by the Supervisor. The Supervisor shall rule out of order any Town Board member who speaks without first receiving official recognition.

BE IT FURTHER RESOLVED that Rule 10(A) of the Proposed Rules of Order be amended to read as follows:

The Supervisor shall convene the Town Board promptly at the hour specified and shall preserve order and decorum. The Supervisor shall recognize Town Board members for the purpose of debate on any question (except the consent agenda) under consideration, in the order in which the Town Board members have requested recognition. The Supervisor shall decide all questions of order, which decisions shall be final, unless an appeal is taken to the Town Board and sustained. The Supervisor shall not otherwise interrupt any Town Board member while he/she is speaking.

### **Amendment 6**

WHEREAS, amendments to resolutions often arise from discussion, debate, and compromise among Amherst Town Board members during open meetings; and

WHEREAS, requiring submission of amendments in writing to the Amherst Town Clerk prior to their consideration diminishes the opportunity for compromise as the result of negotiation during open meetings;

NOW, THEREFORE, BE IT RESOLVED that Rule 9(B) of the Proposed Rules of Order be amended to read as follows:

The Town Board shall not vote on any proposal or resolution unless each Town Board member and the Town Clerk have possession of the proposal or resolution in writing prior to the commencement of the meeting. Any amendment approved by the Town Board during a meeting must be presented to the Town Clerk and the Town Board in writing by the sponsor of the amendment within twenty-four (24) hours after its adoption.

### **Amendment 7**

WHEREAS, Town Law section 60(1) vests the Amherst Town Board “with all the powers of . . . a town,” including the power to legislate; and

WHEREAS, a 1990 opinion of the New York State Attorney General, Informal Opinion No. 90-40, declared that a town may not limit the ability of the supervisor, as a member of the town board, to introduce agenda items; and

WHEREAS, this opinion would indicate that the Amherst Town Board may not limit the ability of any of its members to introduce legislation, resolutions, or other proposals for consideration; and

WHEREAS, Rule 8(I) of the Proposed Rules of Order, which would require any agenda item to “have a second prior to being placed on the agenda,” contravenes the 1990 opinion of the New York State Attorney General;

NOW, THEREFORE, BE IT RESOLVED that Rule 8(I) be stricken from the Proposed Rules of Order.

### **Amendment 8**

WHEREAS, Rule 17(B) of the Proposed Rules of Order does not constitute a complete sentence, nor does it express a complete thought;

NOW, THEREFORE, BE IT RESOLVED that Rule 17(B) of the Proposed Rules of Order be amended to read as follows: “These rules shall be suspended at least once at

each regular or special meeting in order to afford members of the public an opportunity to comment on any issue relating to the Town of Amherst.”

### **Amendment 9**

WHEREAS, Suspension of Rules provides attendees at an Amherst Town Board meeting a unique opportunity to communicate with their elected representatives; and

WHEREAS, requiring anyone who wishes to speak during Suspension of Rules to sign in before the beginning of an Amherst Town Board would prevent any latecomers from speaking; and

WHEREAS, the Amherst Town Board should not punish any person who arrives late to an open meeting by denying that person an opportunity to speak during Suspension of Rules; and

WHEREAS, Rule 17(C) of the Proposed Rules of Order, as written by Councilmember Weinstein, would prohibit any speaker during Suspension of Rules from offering “personal reflections;” and

WHEREAS, such prohibition is unduly vague and overbroad; and

WHEREAS, Rule 17(C), as written by Councilmember Weinstein, would also prohibit any speaker during Suspension of Rules from discussing issues that concern the Town of Amherst, but that do not appear as an agenda item; and

WHEREAS, such a prohibition would prevent citizens from raising issues of public importance during Suspension of Rules;

NOW, THEREFORE, BE IT RESOLVED that Rule 17(C) of the Proposed Rules of Order be amended to read as follows:

Speakers during the Suspension of Rules portion of the meeting shall be limited to three (3) minutes at the podium, so that meetings may flow quickly and efficiently, and so that anyone who is interested in speaking may do so before a very late hour. Every member of the public who speaks during Suspension of Rules shall write his/her name and address on a clipboard at the podium. Amherst Town Board members shall not respond to individual speakers while they are speaking, but may respond for one (1) minute before Suspension of Rules is concluded.