

TOWN OF MACHIAS

DATE: March 5, 2024

RESOLUTION NUMBER: 24

YEAR: 2024

MOVED BY: Tom Reese

SECOND BY: Robert Shenk

TITLE: : Resolution Establishing Rules of Order and Procedure for Official Meetings of the Machias Town Board (referred to as "Rules of Order")

WHEREAS, NYS Town Law §63 provides that a Town Board may determine the rules of its procedure and establish procedures that may not be altered except by resolution of the Town Board;

NOW THEREFORE BE IT RESOLVED, that we, the Machias Town Board hereby approve the following Rules of Order.

TOWN OF MACHIAS, NY – RULES OF ORDER

1. The Supervisor, when present, shall preside at the meetings of the Town Board and shall preserve order and decorum. In the absence of the Supervisor, the Deputy Supervisor shall preside. In the absence of the Supervisor and Deputy Supervisor, the other members of the Town Board present shall designate one of their members to act as temporary chairman of the meeting. If the Supervisor returns, the Supervisor shall commence presiding at the meeting. This Rule also applies to Public Hearings and any other official meetings of the Town Board.
2. A majority of the Town Board shall constitute a quorum for the transaction of business, but a lesser number may adjourn.
3. The vote upon every question shall be taken by the ayes and noes, and the names of the members present, and their votes shall be entered in the meeting minutes.
4. Every act, motion, or resolution shall require for its adoption the affirmative vote of a majority of all the members of the Town Board except in such instances where a larger number of affirmative votes are required by these Rules of Order.
5. The Town Board may determine its rules of procedure and the Town Supervisor may from time to time appoint one or more committees comprising Town Board Councilmembers to aid and assist the Town Board in the performance of its duties.
6. The Town Supervisor may offer or second a resolution or motion.
7. Members of the Town Board are aware of and the applicability to them of the Machias Code of Ethics dated November 30, 1970.
8. Petitions and Requests from the Floor
 - a. The Supervisor and Town Board may allow any member of the audience to speak to the Supervisor and the Town Board during the period of the meeting identified on the agenda as "Petitions and Requests from the Floor".
 - b. Any such person wishing to speak to the Town Board shall state his or her name, address, and topic to be addressed. Preference shall be given to residents over non-residents.

- c. Persons speaking to the Town Board shall address the Town Board and not other members of the audience in the form of a debate.
 - d. Each person shall be limited to four (4) minutes of public comments, unless a majority of the Town Board present, by motion, grants additional time in two (2) minute increments.
 - e. The Supervisor or chairman of the meeting shall immediately suspend and may cause the removal of any person using inappropriate, hateful, derogatory, and/or vulgar language of any type.
 - f. No member of the public shall engage in any demonstration, booing, hand clapping or otherwise disrupt the formality of a Town Board meeting.
 - g. This Rule shall apply to the procedures of public comment during Public Hearings and any other special or committee meetings of the Town of Machias.
 - h. The Town Clerk shall cause the information presented by audience members speaking to the Town Board to appear in the official meeting minutes.
- 9. Debate shall not begin on a resolution, Local Law, or otherwise debatable motion until it has been moved by a Town Board member and seconded by another Town Board member.
- 10. With the exception of any action and/or motion deemed to be procedural in nature (i.e. motions to approve minutes, approval of abstracts and vouchers, motions to enter executive sessions, motions to adjourn and any other motions that shall be deemed procedural in nature), all resolutions, local laws and other debatable motions shall be dated, appropriately titled and numbered. The Town Clerk shall cause the dated, appropriately titled, and numbered actions to be chronologically sorted by years.
- 11. Actions and Procedures
 - a. All actions, resolutions, and Local Laws to be considered by the Town Board at a regular or special meeting shall be available to each Town Board member at least twenty-four (24) hours in advance of the meeting.
 - b. This Rule shall not apply to typical procedural actions such as motions to approve minutes, approval of abstracts and vouchers, motions to enter executive sessions, motions to adjourn and any other motions that shall be deemed procedural in nature;
 - c. Any Town Board member wishing to take action or resolution of an issue shall provide the resolution to the Town Clerk or Town Supervisor so that the resolution shall be available to all other Town Board members at least twenty-four (24) hours in advance of the meeting where it may be considered;
 - d. A vote of the majority of the Board members shall be necessary to bring a resolution into immediate consideration;
 - e. When a question is under debate, no motion shall be entertained unless for a recess, to table the motion under debate or to amend the motion under debate and the preceding motions are not amendable or debatable;
 - f. No motion shall be made to offer any amendments to an amendment already before the Town Board on any proposition.
- 12. Order of Agenda
 - a. Pledge of Allegiance
 - b. Roll Call to Establish Quorum
 - c. Motion to Approve Previous Meeting Minutes
 - d. Petitions and Request from Floor

- e. Department Reports
 - i. Supervisor
 - ii. Highway Superintendent
 - iii. Machias Water District
 - iv. Lime Lake Sewer District
 - v. Town Clerk
 - vi. Justice Court
 - vii. Code Enforcement Officer
 - viii. Cemetery
 - ix. Dog Control Officer
 - x. Constable
 - xi. Youth/Recreation
 - xii. Library
 - xiii. Assessor
 - f. Communications
 - g. Committee Reports
 - h. Old Business
 - i. New Business
 - j. Reports from Board Members
 - k. Executive Session or Work Session if needed
 - l. Audit and Review of Vouchers – Need motion to approve.
 - m. Adjournment
13. A majority vote of the Town Board members shall be required to suspend these rules of order.
14. If for any reason the Rules of Order of the Town of Machias conflict with statutory law, the statutory law shall take precedence.

The resolution as stated above is hereby adopted by a majority vote of the Machias Town Board at an official meeting held on March 5, 2024, the ayes and nays take and recorded below:

 Aye Joshua Dusterhus, Supervisor

 Aye Robert Shenk, Councilmember

 Aye Frank Bork, Councilmember

 Aye Tom Reese, Councilmember

 Aye Nicholas Glasner, Councilmember

CERTIFIED: _____
Rebecca Grimmelt, Clerk
Town of Machias