

Chapter 25

RULES OF PROCEDURE

[HISTORY: Adopted by the Town Board of the Town of Skaneateles 6-5-2008 by L.L. No. 3-2008. Amendments noted where applicable.]

§ 25-1. Title.

This chapter shall be known as "The Rules of Procedure Local Law for Town Boards of the Town of Skaneateles, 2008."

§ 25-2. Purpose.

The Town of Skaneateles desires to ensure uniformity and fairness in the manner in which business is conducted before such boards, and the Town Board has determined that it would be beneficial to the Town to adopt such rules of procedure for conducting the business of each board.

§ 25-3. Statutory authority.

This chapter is enacted pursuant to the provisions of the Municipal Home Rule Law and § 63 of Article 4 and § 271(13) of Article 16 of the Town Law of the State of New York.

§ 25-4. Planning Board.

The Planning Board of the Town of Skaneateles, pursuant to Town Law § 271(13), shall hereby conduct its business according to the following rules of procedure:

- A. Regular meetings. The Planning Board of the Town of Skaneateles (the "Planning Board" or the "Planning Board") shall hold regular meetings on the third Tuesday of each month. Such regular meetings shall commence at 7:30 p.m. and be conducted in the board room at the Town Hall.
- B. Special meetings. Special meetings of the Planning Board are all those Planning Board meetings other than regular meetings. A special meeting may be called by the Chair upon two days' written notice to the entire Planning Board or at a regular meeting of the Planning Board. Additionally, the Chair must call a special meeting within five days of a written request by any two Board members.
- C. Quorum. A quorum shall be required to conduct business. A quorum of the five-member Planning Board shall be three. In the absence of a quorum, a lesser number may adjourn and compel the attendance of absent members.
- D. Executive sessions. Executive sessions shall be held in accordance with the N.Y. Public Officers Law § 105. All executive sessions shall be commenced in a public meeting. Attendance shall be permitted to any member of the Planning Board and

any other persons authorized to attend that executive session by the Planning Board.

- E. Agendas. The agenda shall be prepared by the Secretary to the Planning Board. The Chair or any Board member may have an item placed on the agenda. Items for the agenda shall be given to the Secretary of the Planning Board at least 14 days before the meeting. However, the Chair, if time permits, may add an item to the agenda the day of the meeting. Items that cannot be placed on the agenda may be brought up during the meeting.
- F. Voting.
 - (1) Pursuant to Town Law, each member of the Planning Board shall have one vote. A majority of the totally authorized voting power (i.e., three votes) is necessary to pass a matter unless otherwise specified by state law.
 - (2) An abstention, silence or absence shall not be considered either an affirmative or a negative vote for the purposes of determining the final vote on a matter.
 - (3) A vote upon any question shall be taken by ayes and noes, and the names of the members present and their votes shall be entered in the minutes.
- G. Minutes. Minutes shall be taken by the Secretary to the Planning Board. Minutes shall consist of a record or summary of all motions, proposals, resolutions and any other matter formally voted upon and the vote thereon. Minutes shall be taken at executive session of any action that is taken by formal vote, which shall consist of a record or summary of the final determination of such action, and the date and vote thereon; provided, however, that such summary need not include any matter that is not required to be made public by the New York Freedom of Information Law.
 - (1) Minutes shall also include the following:
 - (a) Name of the Planning Board;
 - (b) Date, place and time of meeting;
 - (c) Notation of presence or absence of Planning Board members and time of arrival or departure if different from time of call to order and adjournment;
 - (d) Name and title of other Town officials and employees present and approximate number of attendees;
 - (e) Record of communications presented to the Planning Board;
 - (f) Record of reports made by Planning Board or other Town personnel;
 - (g) Time of adjournment;
 - (h) Signature of Secretary to the Planning Board or person who took the minutes.
 - (2) Minutes shall not contain a summary of the discussion leading to action taken or include verbatim comments unless a majority of the Planning Board shall

resolve to have the Secretary do so.

- (3) Minutes shall be approved at the next Planning Board meeting after they have become available. Amendments to the minutes shall require Planning Board approval.

H. Order of business.

- (1) The order of business for regular meetings shall be:
 - (a) Call to order.
 - (b) Approval of minutes of previous meeting.
 - (c) Public hearings (if any).
 - (d) Old business.
 - (e) New business.
 - (f) Adjournment.
- (2) The order of business need not be followed if the Chair determines that it is necessary to deviate.

I. General rules of procedure.

- (1) The Chair shall preside at meetings and shall preserve order and decorum in debate. In the Chair's absence, the Vice Chair shall preside or, if absent, another Board member designated by the Chair or the Board. The presiding officer may debate, move and take other action that may be taken by other members of the Planning Board.
- (2) Planning Board members are not required to rise but must be recognized by the presiding officer before making motions and speaking.
- (3) Every resolution or motion must be seconded before being put to a vote by the Chair, and all resolutions or motions shall be recorded in their entirety in the official minutes of the Planning Board.
- (4) The Chair may offer or second a resolution or a motion and need not relinquish the chair for such purpose.
- (5) No motion or resolution may be brought to a vote except by the majority consent of those present, unless printed or typewritten copies thereof are presented to each member of the Board 48 hours prior to the opening of the meeting at which such motion or resolution is offered.
- (6) A member, once recognized, shall not be interrupted when speaking unless it is to call the member to order. If a member, while speaking, is called to order, such member shall cease speaking until the question of order is determined, and, if in order, such member shall be permitted to proceed.
- (7) There is no limit to the number of times a member may speak on a question.

- (8) Motions to close or limit debate may be entertained but shall require a two-thirds majority vote.

J. Guidelines for public comment.

(1) General procedures.

- (a) The public shall be allowed to speak only during a public hearing or during a public comment period of the meeting or at such other times as a majority of the Planning Board shall allow. The presiding officer may limit the time allowed for members of the public to speak.
- (b) No member of the public shall engage in any demonstration, booing, hand clapping or otherwise disrupt the formality of a Planning Board meeting.
- (c) Any persons speaking to the Planning Board with the consent of the Chair shall address their remarks to the Planning Board, not to other members of the audience in the form of a debate.
- (d) Speakers must give their name, address and organization, if any.
- (e) Speakers must be recognized by the presiding officer.
- (f) Planning Board members may, with the permission of the Chair, interrupt a speaker during his or her remarks, but only for the purpose of clarification or information.
- (g) All remarks shall be addressed to the Planning Board as a body and not to any member thereof.
- (h) Speakers shall observe the commonly accepted rules of courtesy, decorum, dignity and good taste.
- (i) Interested parties or their representatives may address the Planning Board by written communications. Written communications shall be delivered to the Secretary of the Planning Board. Speakers should not read written communications verbatim but should summarize their contents.
- (j) Citizens with disabilities who require assistance in attending any meeting, or in furnishing comments and suggestions, should contact the Secretary to the Planning Board to request such assistance.

(2) Public hearings.

- (a) It shall be the duty of the Chair to preside at all general or special business hearings to instruct all persons addressing the Board to state their names and addresses and to request those in favor of the proposal before the Board to speak first and those in opposition to speak last. At such hearings the Chair or a majority of the Board may, by special rules, prescribe the time to be allotted to each speaker and the number of times

each speaker may speak.

- (b) The Planning Board may hold a matter open for a reasonable period of time to accept written comment.
- (3) Special permits.
- (a) Applicant's burden. Special permits carry the burden of proof and persuasion. The applicant must satisfy all relevant standards and requirements of the Zoning Ordinance.¹
 - (b) Order of presentation. Because of the burden, applicants are entitled to present evidence first and last. The order of presentation shall be the applicant and any supporting evidence, any opposition and, if opposition, a rebuttal by the applicant.
 - (c) Prehearing submissions.
 - [1] Applicant. In all cases, the applicant will submit at least 20 days before the hearing, a prehearing submission statement that identifies all witnesses proposed to testify, including a brief summary of the proposed testimony, copies of all documents to be submitted and, if expert witnesses are proposed, a copy of any witness's resume and any report the witness plans to rely upon. The applicant will also provide an estimate of time which the applicant's case is expected to take.
 - [2] Opposition. If there is organized opposition, including a community association or homeowners association, the opposition must file a similar prehearing statement 10 days prior to the hearing and provide the same information as required of the applicant.
 - (d) Expert witnesses. An expert witness must be qualified by the party using the witness and the other side shall be given an opportunity to explore the witnesses's qualifications through voir dire examination. The Planning Board, at its discretion, may designate a witness as an expert and entitled to give opinion evidence within the expert's field of expertise. The expert witness will not be permitted to give opinion testimony beyond the designated field of expertise.
 - (e) Findings based upon record. Special permits require that certain findings be made by the Planning Board and these findings must be based on the preponderance of the evidence of record submitted during the hearings and any site visits made by the Planning Board. The Planning Board may not consider evidence outside the record.
 - (f) Record. A hearing may be recessed from time to time until all evidence is submitted. The record may be held open or reopened for good cause

1. Editor's Note: See Ch. 148, Zoning.

and for receipt of specific materials at the discretion of the Planning Board.

- K. Use of recording equipment. All members of the public and all public officials are allowed to tape or videotape public meetings. Recording is not allowed during executive or legal advice sessions. The recording should be done in a manner which does not interfere with the meeting.
- L. Adjournment. Meetings shall be adjourned by motion.
- M. Conflict with state law. If the above stated rules are or become at any time in conflict with the state law, then state law shall take precedence.
- N. Amendments to the rules of procedure. The foregoing procedures may be amended by resolution or by local law from time to time by a majority vote of the Town Board.

§ 25-5. Zoning Board of Appeals.

The Zoning Board of Appeals of the Town of Skaneateles, pursuant to Town Law and Municipal Home Rule Law, shall hereby conduct its business according to the following rules of procedure:

- A. Regular meetings. The Zoning Board of Appeals of the Town of Skaneateles (the "ZBA") shall hold regular meetings on the first Tuesday of each month. Such regular meetings shall commence at 7:00 p.m. and be conducted in the board room at the Town Hall. A calendar is set by the ZBA at the beginning of each calendar year. Most meetings are the first Tuesday but because of holidays or elections this may vary.
- B. Special meetings. Special meetings of the ZBA are all those ZBA meetings other than regular meetings. A special meeting may be called by the Chair upon two days' written notice to the entire ZBA or at a regular meeting of the ZBA. Additionally, the Chair must call a special meeting within five days of a written request by any members of the ZBA.
- C. Quorum. A quorum shall be required to conduct business. A quorum of the five-member ZBA shall be three. In the absence of a quorum, a lesser number may adjourn and compel the attendance of absent members.
- D. Executive sessions. Executive sessions shall be held in accordance with the N.Y. Public Officers Law § 105. All executive sessions shall be commenced in a public meeting. Attendance shall be permitted to any member of the ZBA and any other persons authorized to attend that executive session by the ZBA.
- E. Agendas. The agenda shall be prepared by the ZBA Chair with the assistance of the ZBA Secretary. The Chair or any ZBA member may have an item placed on the agenda. Public hearings shall be scheduled by the ZBA in accordance with Town Law and the Town Zoning Ordinance.²

2. Editor's Note: See Ch. 148, Zoning.

F. Voting.

- (1) Pursuant to Town Law, each member of the ZBA shall have one vote. A majority of the totally authorized voting power (i.e., three votes) is necessary to pass a matter unless otherwise specified by state law.
- (2) An abstention, silence or absence shall not be considered either an affirmative or a negative vote for the purposes of determining the final vote on a matter. A vote upon any question shall be taken by ayes and noes, and the names of the members present and their votes shall be entered in the minutes.
- (3) The applicant carries the burden of proof and persuasion and must satisfy all relevant standards and requirements of the Zoning Ordinance.³ The Board must make all required decisions on the basis of evidence in the record and must not consider any evidence outside the record.

G. Minutes. The Secretary of the ZBA shall take minutes. Minutes shall consist of a record or summary of all motions, proposals, resolutions and any other matter formally voted upon and the vote thereon.

- (1) Minutes shall also include the following:
 - (a) Name of the ZBA;
 - (b) Date, place and time of meeting;
 - (c) Notation of presence or absence of ZBA members and time of arrival or departure if different from time of call to order and adjournment;
 - (d) Name and title of other Town officials and employees present and approximate number of attendees;
 - (e) Record of communications presented to the ZBA; copies of written communication will be included in the variance file;
 - (f) Record of reports made by ZBA or other Town personnel;
 - (g) Time of adjournment;
 - (h) Signature of Secretary to the ZBA or person who took the minutes if not the Secretary.
- (2) Minutes shall not contain a summary of the discussion leading to action taken or include verbatim comments unless a majority of the ZBA shall resolve to have the Secretary do so.
- (3) Minutes shall be approved at the next ZBA meeting after they have become available. Amendments to the minutes shall require ZBA approval.

H. Order of business.

- (1) The order of business for regular meetings shall be:

3. Editor's Note: See Ch. 148, Zoning.

- (a) Call to order.
 - (b) Approval of minutes of previous meeting.
 - (c) New applications (if any).
 - (d) Public hearings (if any).
 - (e) Old business.
 - (f) New business.
 - (g) Adjournment.
- (2) The order of business need not be followed if the Chair or members determine that it is necessary to deviate. The above order of business may be reviewed periodically and adjusted accordingly.

I. General rules of procedure.

- (1) The Chair shall preside at meetings and shall preserve order and decorum in debate. In the Chair's absence, the Vice Chair shall preside or, if absent, another Board member designated by the Chair or the Board. The presiding officer may debate, move and take other action that may be taken by other members of the ZBA.
- (2) Every resolution or motion must be seconded before being put to a vote by the Chair, and all resolutions or motions shall be recorded in their entirety in the official minutes of the ZBA.
- (3) The Chair may offer or second a resolution or a motion and need not relinquish the chair for such purpose.
- (4) A member, once recognized, shall not be interrupted when speaking unless it is to call the member to order. If a member, while speaking, is called to order, such member shall cease speaking until the question of order is determined, and, if in order, such member shall be permitted to proceed.
- (5) There is no limit to the number of times a member may speak on a question.
- (6) Motions to close or limit debate may be entertained but shall require a two-thirds majority vote.

J. Guidelines for public comment.

- (1) General procedures.
 - (a) The public shall be allowed to speak only during a public hearing or during a public comment period of the meeting or at such other times as a majority of the ZBA shall allow. The presiding officer may limit the time allowed for members of the public to speak.
 - (b) No member of the public shall engage in any demonstration, booing, hand clapping or otherwise disrupt the formality of a ZBA meeting.

- (c) Any persons speaking to the ZBA with the consent of the Chair shall address their remarks to the ZBA, not to other members of the audience in the form of a debate.
 - (d) Speakers must give their name, address and organization, if any.
 - (e) Speakers must be recognized by the presiding officer.
 - (f) ZBA members may, with the permission of the Chair, interrupt a speaker during his or her remarks, but only for the purpose of clarification or information.
 - (g) All remarks shall be addressed to the ZBA as a body and not to any member thereof.
 - (h) Speakers shall observe the commonly accepted rules of courtesy, decorum, dignity and good taste.
 - (i) Interested parties or their representatives may address the ZBA by written communications. Written communications shall be delivered to the Chair or to his or her designee. Speakers should not read written communications verbatim but should summarize their contents.
 - (j) Citizens with disabilities who require assistance in attending any meeting, or in furnishing comments and suggestions, should contact the Chair or the Secretary to the ZBA to request such assistance.
- (2) Public hearings.
- (a) It shall be the duty of the Chair to preside at all general or special business hearings to instruct all persons addressing the Board to state their names and addresses and to request those in favor of the proposal before the Board to speak first and those in opposition to speak last. The ZBA may hold a matter open for a reasonable period of time to accept written comment. At such hearings the Chair or a majority of the Board may, by special rules, prescribe the time to be allotted to each speaker and the number of times each speaker may speak.
 - (b) The ZBA may hold a matter open for a reasonable period of time to accept written comment.
- (3) Individual zoning requests.
- (a) Applicant's burden. Individual zoning applicants carry the burden of proof and persuasion. The applicant must satisfy all relevant standards and requirements of the Zoning Ordinance.⁴
 - (b) Order of presentation. Because of the burden, applicants are entitled to present evidence first and last. The order of presentation shall be the applicant and any supporting evidence, any opposition and, if opposition, a rebuttal by the applicant.

4. Editor's Note: See Ch. 148, Zoning.

- (c) Expert witnesses. An expert witness must be qualified by the party using the witness and the other side shall be given an opportunity to explore the witnesses's qualifications through voir dire examination. The ZBA, at its discretion, may designate a witness as an expert and entitled to give opinion evidence within the expert's field of expertise. The expert witness will not be permitted to give opinion testimony beyond the designated field of expertise.
 - (d) Findings based upon record. Individual zoning appeals require that the five statutory criteria are examined by the ZBA. Certain findings must be made by the ZBA and these findings must be based on the preponderance of the evidence of record submitted during the hearings and any site visits made by the ZBA. The ZBA may not consider evidence outside the record.
 - (e) Record. A hearing may be recessed from time to time until all evidence is submitted. The record may be held open or reopened for good cause and for receipt of specific materials at the discretion of the ZBA.
- K. Use of recording equipment. All members of the public and all public officials are allowed to tape or videotape public meetings. Recording is not allowed during executive or legal advice sessions. The recording should be done in a manner which does not interfere with the meeting.
 - L. Adjournment. Meetings shall be adjourned by motion.
 - M. Conflict with state law. If the above stated rules are or become at any time in conflict with state law, then state law shall take precedence.
 - N. Amendments to the rules of procedure. The foregoing procedures may be amended by resolution or local law from time to time by a majority vote of the Town Board.

§ 25-6. Town Board. [Amended 12-16-2010 by L.L. No. 2-2011]

- A. The Town Board of the Town Board of Skaneateles (the "Town Board") shall hold regular meetings on the first and third Thursday of each month except that in the months of July and August, the Town Board shall hold regular meetings on the third Thursday of the month. Such regular meetings shall commence at 7:00 p.m. and be conducted in the board room at the Town Board Hall. The Town Board may amend the regular meetings schedule from time to time by resolution or local law by a majority vote of the Town Board.
- B. Special meetings of the Town Board are all those Town Board meetings other than regular meetings. A special meeting may be called by the Supervisor upon written notice to the entire Town Board or at a regular meeting of the Town Board. Additionally, the Supervisor must call a special meeting within five days of a written request by any two councilpersons.
- C. A quorum shall be required to conduct business. A quorum of the five-member Town Board shall be three. In the absence of a quorum, a lesser number may

adjourn and compel the attendance of absent members.

- D. Executive sessions shall be held in accordance with the N.Y. Public Officers Law § 105. All executive sessions shall be commenced in a public meeting. Attendance shall be permitted to any member of the Town Board and any other persons authorized to attend that executive session by the Town Board.
- E. The Supervisor shall preside at all meetings and shall preserve order and decorum in debate. In the Supervisor's absence, the Deputy Supervisor shall preside, or, if absent, another Board member designated by the Supervisor. The presiding officer may debate, make a motion or second a motion, vote and take any other action that may be taken by any other member of the Town Board.
- F. The presiding officer shall preside over all public hearings. The presiding officer shall recognize all speakers, instruct persons requesting to speak that such speakers identify their names, addresses and organization they represent, if any, and to request those in favor of the proposal before the Board to speak first, followed by those in opposition. The presiding officer or Town Board may impose reasonable time limits on any speakers. Such public comment must be directed to the Town Board and must relate to the particular item being considered. The Town Board will also make reasonable accommodation to those with disabilities to address the Town Board, upon prior request by any member of the public.
- G. All motions and resolutions must be seconded before being put to a vote by the presiding officer and all resolutions and motions shall be recorded in the official minutes of the Town Board kept by the Town Clerk or his/her Deputy Clerk.
- H. The Town Clerk shall take minutes. Minutes shall consist of a record or summary of all motions, proposals, resolutions and any other matter formally voted upon and the vote thereon. Minutes shall be taken at executive session of any action that is taken by formal vote, which shall consist of a record or summary of the final determination of such action, and the date and vote thereon; provided, however, that such summary need not include any matter that is not required to be made public by the New York Freedom of Information Law.
- I. The Supervisor may, from time to time, appoint one or more committees consisting of members of the Board to aid the Board in the performance of its duties.
 - (1) The Town Board may, from time to time, appoint citizen committees to advise the Board on particular matters. The Town Board may adopt rules of procedure for the citizen committees.
- J. All members of the public and all public officials are allowed to tape or videotape public meetings. Recording is not allowed during executive or legal advice sessions. The recording should be done in a manner which does not interfere with the meeting.
- K. Meetings shall be adjourned by motion.
- L. If the above stated rules are or become at any time in conflict with state law, then state law shall take precedence.

M. The foregoing procedures may be amended by resolution or local law from time to time by a majority vote of the Town Board.