

Town of Wappinger  
Dutchess County  
New York

Rules of the Town Board  
of the  
Town of Wappinger

Section 1. Regular Meetings of the Town Board

1. Regular Meetings of the Town Board shall be held on the second and fourth Monday of each month.
  - a. The Annual Reorganization Meeting shall be scheduled by Resolution of the Town Board during the prior December
  - b. The first regularly scheduled Town Board Meeting, which is to take place on the second Monday of each month, will be deemed the Town Board Workshop Meeting.
  - c. Meetings scheduled for the second and fourth Monday of each month shall be held without prior written notice to the Board Members.
2. In the event that a Regular Meeting date falls on a legal holiday, as recognized by the State of New York, the Town Board shall reschedule the date of such meeting, by Motion or Resolution, at a previous Board Meeting.
3. The time and place of a Regular Meeting date may be changed, or may be cancelled, by the affirmative vote of three (3) members of the Town Board. Cancellation of any Regular Meeting must occur at a duly constituted Board Meeting. Except for cause, there shall be at least one Regular Town Board Meeting conducted each calendar month. The Supervisor may cancel any Regular or Special Meeting because of inclement weather conditions or other emergency
4. A quorum of a Town Board shall consist of three (3) Board Members present.
5. The Committee of the Whole meeting of the Town Board shall be held as needed.
  - a. Any Committee of the Whole meeting relating to Agenda items to be placed on the next ensuing Town Board Meeting must be held at least five (5) days prior to such Town Board Meeting.

Section 2. Special Meetings

1. Calling a Special Meeting
  - a. Special Meetings of the Town Board may be called by the Supervisor at any time.
  - b. Upon the written request of two (2) Town Board Members, the Supervisor shall, within ten calendar days of receipt of such request, call a Special Meeting of the Town Board.
2. Notice for Special Meetings
  - a. The Supervisor shall, by email or fax, notify the official newspapers, and any other media that he sees fit, of the date, time and place of the Special Meeting being called, as well as a list of the items to be discussed at such

Meeting, at least forty-eight (48) hours prior to the start of the Special Meeting.

- b. A Special Meeting cannot be held until each Town Board Member has been duly served with a notice of such Special Meeting, as provided in these Rules, or the Town Board Member(s) has executed a Waiver of Notice for such Special Meeting.
- c. The Supervisor shall give each Town Board Member and the Town Clerk written notice of the date, time and place for the Special Meeting, as well as a list of the items to be discussed at such Special Meeting, no later than 2 business days prior to said Special Meeting by fax, email or personal delivery. If notice is by any means other than personal delivery, follow-up confirmation of receipt, by phone call, must be obtained.
- d. A fax transmittal confirmation report, email send receipt or affidavit of personal service shall be sufficient proof of notice and must be filed with the Town Clerk at least four (4) hours prior to the start of the Special Meeting.
- e. Town Board Members shall provide the Town Clerk with accurate delivery address information, including fax number (if applicable), email address and physical location for personally delivered items to be mailed. It is each Town Board Members responsibility to notify the Town Clerk of changes to such information.
- f. Town Board Members may name one (1) designee to receive notice of a Special Meeting by fax, email or personal delivery. The name(s), address(es), email address and fax number (if applicable) must be submitted, in writing, to the Town Clerk. If no designee has been named, notices of a Special Meeting shall be served only upon the Town Board Member, as herein provided.

### Section 3. Meeting Agenda

1. The Agenda shall be prepared jointly by the Supervisor and the Town Clerk.
2. The order of the Agenda shall be set by the Town Clerk.
3. The Agenda for a Regular Town Board Meeting shall be closed at 1:00 PM, five (5) business days prior to the date of such Regular Meeting.
4. The Agenda for a Special Town Board Meeting shall be closed at 1:00 PM, two (2) business days prior to the date of such Special Meeting.
5. Except in the case of an emergency, items may be added to the Agenda of any Regular or Special Town Board Meeting, provided that such items are listed as "Items for Special Consideration". Such items require the unanimous approval, commonly referred to as "unanimous consent", to be added to the Agenda. Such items are to be considered open for discussion and possible action. If the item fails to be added by unanimous consent, it is to be placed on the next regularly scheduled Meeting.
6. No items shall be placed on the Agenda or considered by the Town Board, other than "Items for Special Consideration", unless documentation relating to the Agenda item has been delivered to the Town Clerk prior to the closing of the Agenda.

7. Notwithstanding the foregoing, claims served on the Town or its employees may be added to the Agenda of any Regular Meeting at any time up to the commencement of the scheduled Meeting. The Town Clerk shall notify the Town Board of the receipt of such claims, which shall be referred to the Attorney to the Town for appropriate action.
8. In the event that an item has been placed on the Agenda for which no documentation has been made available by the time prescribed, the Supervisor and Town Clerk shall, together, automatically remove the item from the Agenda.
9. Once an item has been properly added to the Agenda, supporting documentation may be added up to the time of the Meeting
10. Discussion items are exempt from documentation, but no action may be taken on discussion items that are lacking documentation without the affirmative vote of four (4) Members of the Board.
11. No later than four (4) business days prior to a scheduled Regular Town Board Meeting, the Town Clerk shall, by mail, email, fax, or personal delivery, provide copies of the Agenda, together with documentation for all submitted Agenda items, to the Town Board Members in accordance with Section (2); Paragraph (2); sections (d) and (e) of these Town Board Rules.
12. No later than two (2) business days prior to a scheduled Special Town Board Meeting, the Town Clerk shall, by email, fax, or personal delivery, provide copies of the Agenda, together with documentation for all submitted Agenda items, to the Town Board Members in accordance with Section (2); Paragraph (2); sections (d) and (e) of these Town Board Rules.

#### Section 4. Conduct of Meeting

1. The Supervisor shall be the Presiding Officer and shall chair each Meeting of the Town Board. In the event that the Supervisor fails to appear at the time fixed for such Town Board Meeting, the Deputy Supervisor, or in his/her absence, the Town Clerk, shall call the Meeting to Order. If the Meeting is Called to Order by the Deputy Supervisor or Town Clerk, the Town Board, by a vote of at least three (3) of its Members, shall select a Member to serve as both Presiding Officer and Temporary Chairman for said Meeting. If the Supervisor arrives after such Meeting has commenced, he/she shall immediately assume the duties of both Presiding Officer and Chair of the Meeting.
2. The Town Clerk, Supervisor or Deputy Supervisor shall determine the presence of absence of a quorum of the Town Board, as set forth in Section 1; Par. 4 of these Rules. In the event that a quorum is lacking, the person presiding over said Meeting shall follow the following procedure precisely:
  - a. Call the Meeting to Order
  - b. Roll Call
  - c. Salute to the Flag
  - d. Announce lack of quorum
  - e. Adjourn the Meeting until the next regularly scheduled Town Board Meeting or duly called Special Meeting.
3. If the Chair notices the absence of a quorum, he shall declare this fact. If the Chair fails to notice the absence of a quorum, any Member of the Town Board

- shall declare a Point of Order at the first instance that another person is not speaking. Substantive Business shall not continue in the absence of a quorum.
4. All voting shall take place via viva voce, or “by voice vote”. At the request of any present Town Board Member, a roll call vote may be called. In the event a roll call vote is requested, the Town Clerk shall call for the vote of each Town Board Member, including those that are absent, by Ward order, starting with the First Ward. The Supervisor’s vote shall be called for last.
  5. The vote upon every question shall be taken in the form of “Aye” or “Nay” or an acceptable equivalent. In the case that an unconventional vote is cast, the Chair or Town Clerk shall require that the Board Member repeat his/her vote in the conventional manner. The names of the Board Members and their votes shall be entered into the Minutes of the Town Board Meeting.

#### Section 5. Order of Business

1. The Order of Business for all Regular and Special Town Board Meetings shall be as follows:
  - a. Call to Order
  - b. Roll Call
  - c. Salute to the Flag
  - d. Adoption of the Agenda
  - e. Receipt and Approval of the Minutes
  - f. Acceptance of the Correspondence Log
  - g. Suspension of the Town Board Rules (for Public Comment of the Agenda Items)
  - h. Public Hearings
  - i. Discussions
  - j. Resolutions
  - k. Items for Special Consideration
  - l. Town Board Review of Vouchers
  - m. Adjournment
2. Adoption of the Agenda
  - a. As previously stated in Section (5); paragraph (1); subparagraph (d) of these Town Board Rules, the Town Board shall adopt the Agenda by a majority vote.
  - b. The Supervisor, or in his/her absence, the Deputy Supervisor, or, in their absence, the Town Clerk, may with the consent of the majority of the Board Members present, change the order of the Agenda during any Meeting of the Board.
  - c. Items that were previously added to the Agenda may be withdrawn from the Agenda by the sponsoring Town Board Member without approval from any other Town Board Members. The withdrawal of such motions is not subject to debate and shall take place in open session prior to the Adoption of the Agenda.

#### Section 6. Executive Session

1. Motions to enter into Executive Session shall take place during an open meeting.

2. The motion must pass by the affirmative vote of the majority of the total membership of the Town Board.
3. The motion shall identify the particular area or areas of the subject or subjects to be considered.

#### Section 7. Rules of Order

1. All Regular and Special Town Board Meetings shall be conducted in accordance with Town Law, and, except where inconsistent with Town Law, shall be governed by the latest edition of Robert's Rules of Order.
2. Roberts Rules of Order shall govern the rules of debate and shall be strictly followed.
3. The affirmative vote of three (3) Members of the constituted Town Board voting at any meeting shall be required to adopt any action, motion or resolution, except in those instances where New York State Law or these Rules of procedure require a greater affirmative vote.
4. At the request of the Town Clerk, Town Board Members may be asked to dictate a motion being made or provide the body of the motion in writing.
5. Motions may only be amended to the second degree.
6. The process for taking action on a Motion or Resolution shall be as follows:
  - a. Obtain the floor
  - b. Make the motion
  - c. Second the motion
    - i. Items that fail to receive a second are lost
  - d. Chairman states the question
  - e. Discussion on the item
    - i. The mover shall be permitted to speak first
  - f. Put the question
  - g. Announce the result of the Vote
7. Resolutions containing blanks shall not be voted on. Such Resolutions shall first be amended to fill the blank(s). Upon the successful adoption of a motion to fill blanks within a certain Resolution, the Board may then vote on said Resolution.
8. These Rules may be amended or rescinded by the affirmative vote of three (3) Members of the Town Board.
9. These Rules shall remain in effect until new Rules are adopted by the Town Board.
10. A motion to Adjourn may be made by any Member who shall have been recognized by the Supervisor or, in his/her absence, the Deputy Supervisor, or, in their absence, the Town Clerk. Such a motion shall not be recognized during a roll call or while the Board is engaged in voting. A motion to Adjourn shall be decided without debate. Unless excused, Members shall not leave a Meeting until the Supervisor or, in his/her absence, the Deputy Supervisor, or, in their absence, the Town Clerk shall announce that the Meeting is adjourned.

#### Section 8. Deputy Supervisor

1. Upon the request of the Supervisor, when the Supervisor is absent or incapacitated, or when a vacancy exists in the Office of the Supervisor, the

Deputy Supervisor shall be the Acting Supervisor. During such period, the Deputy Supervisor shall be vested with all the powers and may perform all the duties of the Supervisor, as provided herein or by applicable New York State Law.

Section 9. Clerical Assistance

1. Should any Town Board Members so request, clerical assistance shall be made available to him or her through the Office of the Supervisor. Such clerical assistance shall only be for official Town Business.