

BE IT RESOLVED that the Historic Preservation Commission hereby adopts the attached Rules of Order for its meetings:

**AMHERST HISTORIC PRESERVATION COMMISSION
RULES OF ORDER**

The Rules of Order was adopted at the Historic Preservation Committee Meeting held on November 9th, 2021.

1. NAME

This Commission shall be known as the Historic Preservation Commission of the Town of Amherst as created and empowered by the Town Code of the Town of Amherst, Part 2, Chapter 121 and in accordance with Section 96-a of the General Municipal Law of the State of New York entitled “Protection of historical places, buildings and works of art,” and Article 5-K of the General Municipal Law of the State of New York, entitled “Historic Preservation”. Throughout this document this Commission shall be referred to as the Commission. The Town of Amherst Town Board shall be referred to as the Board.

2. OFFICERS

A. The elected officers shall be Chairperson and Vice-Chairperson. The officers shall be elected by simple majority vote taken at the first meeting of the calendar year. The terms of office shall be for two (2) years. If the Chairperson or Vice-Chairperson cannot fulfill his or her term in office, a Chairperson or Vice-Chairperson shall be elected by and from the membership to fulfill the remainder of the term. The officer duties shall be:

i. The Chairperson shall preside at all meetings, be the Commission’s official representative and carry out such other functions as prescribed in the Robert’s Rules of Order, Newly Revised Edition, unless otherwise provided in these By-Laws. The Chairperson may create ad-hoc work committees at his or her discretion.

ii. The Vice-Chairperson shall preside at all meetings when the Chairperson is not present and fulfill all of the Chairperson’s duties when he or she is unavailable to be the official representative of the Commission and carry out such other functions as prescribed in the Robert’s Rules of Order, Newly Revised Edition, unless otherwise provided in these By-Laws. The Vice-Chairperson shall ensure that minutes of all Commission meetings are suitably recorded, prepared and distributed. The Vice-Chairperson may create ad-hoc work committees at his or her discretion.

3. REGULAR MEETINGS

A. The Commission shall meet by published schedule adopted at the first meeting of the calendar year. These dates shall be published on the Commission’s website of the Town of Amherst. A quorum of a simple majority of the total members must be present to transact business at each meeting.

B. Regular meetings of the Commission shall generally be held on the second Tuesday evening of each month, with the exception of the month of July. Where any meeting date shall fall on a public holiday, the Commission, by majority vote, shall reschedule said meeting date.

C. The Commission shall conduct regular business meetings at 7:00 p.m. on the date set by the Commission, unless the Commission otherwise provides. At such meetings, the Commission shall consider any and all scheduled items on its agenda, unless by a vote of a majority of the Commission votes otherwise. Any unfinished items shall be carried over to the next meeting.

D. Each regular meeting shall be open for consideration of any matter which in accordance with these rules, may be properly brought to the attention of the Commission.

4. OPEN MEETINGS LAW

A. In accordance with New York State Open Meetings Law, the Commission's Meetings will be posted on the Meeting website (Minute Traq) of the Town of Amherst, for the placement of public notices for all of the Commission's meeting's agenda, agenda packet, meeting minutes and video recordings of the meetings. The postings shall be done by the Clerk designated by the Planning Director.

B. Upon a majority vote of its total membership, taken in an open meeting pursuant to a motion identifying the general area of the subject, or subjects, to be considered, the Commission may conduct an executive session for those purposes enumerated by the New York State Open Meetings Law (NY CLS Public Officer, Section 105).

5. SPECIAL MEETINGS

A. Special meetings must be for business of a truly emergent nature and shall be held upon direction of the Chairperson or upon filing with the Town Clerk a written request signed by any two members of the Commission. Public hearings may be scheduled at staggered times on the agenda in the evening.

B. Items requiring one (1) week's-notice prior to enactment shall be posted immediately upon receipt. Only business specified in the public 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. The Clerk shall send notification of any Special Meeting to the official Town paper; the Amherst Bee.

6. WORK SESSIONS

The Commission may hold informal Work Sessions. These rules shall not apply to any such Work Session, except pursuant to Rule (8), (Conduct of Meetings), below.

7. CONDUCT OF MEETINGS

A. All regular and special meetings of the Commission shall be conducted in strict accordance with the New York State Open Meetings Law. Each meeting shall be electronically recorded and minutes shall be taken by the designated Clerk and maintained by the Planning Department. All regular and special meetings of the Commission shall be held in the Council Chambers of the Amherst Town Hall, unless otherwise scheduled by the Commission.

B. The Order of Business for each meeting shall be:

1. Roll call
2. Discussion and Approval of preceding meeting minutes
3. Hearings
4. New Business
5. Old business
6. Unfinished business
7. Communications
8. Adjournment.

C. At its discretion, the Commission may change the Order of Business at any meeting by vote of a majority plus one (1).

8. AGENDA PROCEDURES

A. The Chairperson shall prepare a draft agenda, the Planning Department Liaison shall finalize, and the Clerk shall post the agenda on the Meeting website (Minute Traq) of the Town of Amherst, no later than close of business on the Tuesday prior to the regular business meeting.

B. Public hearings may be scheduled at staggered times on the agenda.

C. Every item to be acted upon by the Commission at a regular meeting thereof shall be date-stamped, in the Planning Department, or the Building Department, and then added to the Agenda by the Planning Department Liaison pursuant to the Commission's schedule (usually 14 days prior to the meeting).

D. Any amended documents must be filed no later than 12 noon on the Tuesday prior to the commencement of each such regular meeting of the Commission that the item being submitted is to be acted upon.

E. Items requiring one (1) week's-notice prior to enactment shall be posted immediately upon receipt.

F. SUSPENSION OF RULES FOR UNLISTED ITEM

No petition, communication, or any item can be acted upon unless it physically appears on the agenda. The Commission may, by unanimous consent, suspend the rules in order to consider unlisted items. However these items are limited to communications received after the agenda cutoff that clearly state why the matter cannot wait until a later scheduled meeting. An exception shall be made for any application made for a demolition permit required pursuant to Town Code of the Town of Amherst, Chapter 83. Nothing in this rule will prevent a member of the Commission from making an announcement or meeting reports.

9. MEETING PROCEDURES

A. QUORUM

The majority of the duly constituted membership of the Commission shall constitute a quorum for the transaction of business, but a lesser number may adjourn.

B. CHAIRPERSON TO SECURE A QUORUM

In the absence of a quorum during the meetings of the Commission, the Chairperson may take such measures as provided by law and as they may deem necessary to secure the presence of a quorum.

C. ROLL CALL: MINUTES - ABSENCES

At every meeting of the Commission, upon the members being called to order by the Chairperson, the roll of members shall be called by the Clerk and the names of those absent shall be inserted into the minutes. Any corrections, alterations, or additions to the minutes of the preceding meeting shall then be read and then the minutes deemed to be approved. In all cases when an order or a motion shall be entered in the minutes of the Commission, the name of the members presenting or moving same shall be entered.

D. DECORUM

i. The Chairperson shall convene the meeting promptly at the hour specified for the convening of the Commission and shall preserve order and decorum. The Chairperson shall recognize members in the order in which they have requested recognition for the purpose of debate on any question under consideration except the consent agenda. The Chairperson shall decide all questions of order, said decision being final unless an appeal is taken to the Commission and sustained.

ii. Speakers shall address the Commission as a whole, in an orderly manner. All speakers shall refrain from partisan political commentary, personal, impertinent, slanderous or profane remarks directed to any member of the Commission, staff or general public that disrupt the meeting. Any person who makes such remarks or otherwise disrupts the meeting with loud outbursts, shouting, threats or other disruptive behavior shall, at the

discretion of the Chairperson or after a motion and majority consensus of the Commission, be ruled out of order. If after receiving a warning, any person persists in disrupting the meeting, the Chairperson shall order that person to leave and may utilize law enforcement to enforce that order.

iii. Commission members who expand their comments in the Public Hearing portion of the agenda beyond the simple statement of questions shall be ruled out of order by the Chairperson.

E. APPEAL FROM THE CHAIRPERSON'S RULING

i. On every appeal, the Chairperson shall have the right to assign the reasons for his or her decision. If the question on which the appeal is taken was not debatable, the Commission shall decide the case without debate. If the question was debatable, no member shall speak more than once concerning an appeal from the Chairperson's ruling. The Chairperson shall state the question: "Shall the ruling of the Chairperson be overturned?"

ii. A motion to overrule a ruling or decision of the Chairperson shall require approval by a majority vote of the Commission.

F. MAJORITY VOTE

A majority of the total vote of the entire membership of the Commission shall be necessary to carry any question, motion, or any other matter.

G. RECORDING AYES AND NOES

On a roll call, the ayes and noes shall be taken and shall be entered in the minutes of the Commission by the Designated Clerk, who shall record the names of the members and the way each will have respectively voted. Each member, as his or her name is called, shall respond in the affirmative or in the negative, as the case may be. To verify the vote and to correct possible errors, the Chairperson may repeat the call of the roll. The only exception to this procedure is if the member abstains from voting in accordance with Rule (H), (Abstentions), below.

H. ABSTENTIONS

Every member who shall be physically present in the Council Chambers when a question is stated by the Chairperson must cast his or her vote on the same. The only exception to this procedure is when a member abstains from voting in accordance with the Code of Ethics of the Town of Amherst. If a member wrongfully attempts to avoid casting his or her vote, wrongfully abstains, or otherwise refuses to vote, the Chairperson, or in the event that the Chairperson is the member in question, the Vice Chairperson or other acting chairperson, shall direct the Chairperson to record such member's vote in the affirmative on the question being voted upon.

I. WITHDRAWAL OF MOTION

Any motion offered by a member of the Commission may be withdrawn by the member presenting it at any time before an announcement by the Chairperson of the vote thereon, or before an amendment to such motion has been adopted, provided that the member seconding such motion shall also withdraw his or her second to the same.

J. MOTIONS NOT AMENDABLE OR DEBATABLE

- i. All motions for an adjournment, for a recess, to call the previous question, or to lay on the table shall be neither amended nor debated.
- ii. After the roll call on any question has begun, no member shall speak on the question, nor shall any motion be made until after the result is declared.
- iii. While the Chairperson is stating any question or while the roll is being called, no debate or discussion shall be in order. Any member desiring to explain his or her vote, must do so before the start of the roll call, provided that, before a roll call begins, all members of the Commission shall have a right to avail themselves of the provisions of Rule 10(K) (Previous Question), below.

K. PREVIOUS QUESTION

The call for the previous question after reasonable debate shall be as follows: "I move to call the previous question." Until it is decided, all amendments and debate shall be precluded. The motion requires a second and must be approved by a two-thirds majority of all members of the Commission present. When the Commission shall order the previous question called, and amendments are pending, the question shall first be taken upon the amendment(s) and then upon the main question without further debate.

L. MOTION TO RESCIND

A motion to rescind can only be entertained when moved by a Commission member who voted with the majority in the action which is proposed to be rescinded and the motion requires the affirmative vote of a majority of the total members of the Commission.

M. MOTIONS FOR RECONSIDERATION AND CHANGING ONE'S VOTE

- i. A motion for reconsideration or a motion to change one's vote shall not be in order unless made on the same meeting day or on the regular meeting day next succeeding that on which the action proposed to be reconsidered or upon which a change of vote is requested took place.
- ii. A motion to reconsider must be made by a Commission member who voted with the prevailing side on the action proposed to be reconsidered. A member has a right to change his or her vote up to the time the result is announced. Afterward, a change of vote

can be made only by permission of the Commission. Such permission can be given by general consent or by adoption of a motion to grant permission.

iii. When a motion to reconsider or a motion to change one's vote has been defeated, it shall not be submitted to the Commission without unanimous consent for a period of at least thirty (30) days.

N. ALL POINTS OF ORDER NOT COVERED BY THESE RULES

On all points of order not governed by these Rules of Order, Robert's Rules of Order (Revised) shall prevail. In the event that a point of order shall arise which cannot be covered by either these Rules of Order, or by Robert's Rules of Order (Revised), the Rules of the New York State Assembly shall be followed.

O. MINUTES

The Commission directs the Clerk to collect the names and addresses (house number and street) of every person who speaks during public hearings and to publish same in the Commission's meeting minutes.

P. SECOND REQUIRED FOR DISCUSSION

At a regular business meeting, the Commission shall not discuss any agenda item that does not receive a second.

Q. PUBLIC HEARINGS

i. Presentation by the petitioner is limited to fifteen (15) minutes. Rebuttal by a designated neighborhood/resident spokesperson is limited to fifteen (15) minutes. Each member of the Public may only speak once per Agenda item, and shall limit their oral comments to no more than three (3) minutes. Any extension of the time limitations may be extended at the sole discretion of the Chairperson.

ii. Whenever a public hearing shall extend for more than ninety (90) minutes, the Commission by four-fifths majority vote, may adjourn the balance of the hearing to a future regular Commission meeting. On the occasion of such an adjournment; however, all speakers who have not already spoken, yet wish to give testimony, shall pre-register to speak at the adjourned session. At that adjourned session, no oral comments will be heard from anyone other than those who have pre-registered. Written comments may be submitted at any time prior to the close of the hearing and will be included as part of the official record. Upon conclusion of all testimony on the matter that the public hearing concerns, the Commission, after giving due consideration to all applicable New York State or local laws, shall vote on the matter, or set a future decision date.

iii. The Commission may vote on any public hearing matter for which all speakers have been accommodated, and the hearing is closed. Decisions shall be delayed until the meeting following the meeting at which the public hearing was held, if requested by two

(2) Commission members. All other hearing decisions may be delayed until the next regular meeting of the Commission, to allow public comment to be submitted and evaluated.

iv. Participation of Commission members during public hearings is limited to questions on the subject matter. Commission members who expand their comments in the public hearings portion of the agenda beyond the simple statement of questions shall be ruled out of order by the Chairperson.

v. Persons whose comments at public hearings are NOT on the topic of the public hearing shall be warned by the Chairperson and if they argue or persist off topic may be ruled out of order.

R. ANNUAL REPORT

The Commission shall file an annual report by December 31st of each calendar year, with the Board highlighting its accomplishments and recommendations to promote historic preservation. A copy of the annual report shall also be filed with the office of the Amherst Town Clerk.

S. TRAINING REQUIREMENTS

i. Each member of the Commission shall complete, at a minimum, four (4) hours of training each year designated to enable such members to more effectively carry out their duties. Training received by a member in excess of four (4) hours in any one year may be carried over by the member into succeeding years in order to meet this requirement. Each member shall self-report their hours of training before the Commission's December meeting to the chairperson.

ii. Such training shall be approved by the Commission and may include, but is not limited to, training provided by a municipality, regional or county planning office or commission, county planning federation, state agency, statewide municipal association, college, attorney, historic preservation expert or organization, or other similar entity. The subject matter is to relate to the duties of the Commission membership.

iii. To be eligible for reappointment to the board, such members shall have completed the training promoted by the Commission pursuant to these training requirements.

iv. The training require by the Commission may be waived or modified by the Commission when, in the judgment of the Commission, it is in the best interests of the Commission to do so.

v. No determination of the Commission shall be voided, or declared invalid, because of a failure to comply with these training requirements.

T. REMOVAL OF MEMBERS

i. A member shall not miss more than three (3) consecutive meetings, or five (5)

scheduled meetings within thirteen (13) consecutive months. If such absenteeism of a member occurs, it shall be addressed at the next scheduled meeting of the Commission. After holding a discussion, the members of the Commission shall vote as to whether or not the Commission's Liaison recommend to the Town Board that the member be dismissed. If that member is dismissed, a replacement be appointed by the Town Board for the balance of that member's term.

ii. In the event of a personal and/or family related illness, a member may request a "Leave of Absence" from the Commission for a period of no longer than six (6) months. A member of the military may request a leave of absence for a period up to twelve (12) months if called to active duty. If either request is denied, that recommendation will be presented to the Town Board for final decision.

iii. The Town Board shall have the power to remove any member of the Commission for cause and after a public hearing.

U. AMENDMENTS OF THESE RULES OF ORDER

These Rules shall not be rescinded, altered, or amended, nor shall any additional rule be added thereto except by a majority vote of the total members of the Commission and only after at least one (1) week's notice in writing filed with the Town Clerk.

V. MAINTENANCE OF THESE RULES OF ORDER

The Amherst Town Attorney's Office shall be responsible for maintaining these Rules of Order and for changing them pursuant to amendments adopted by the Historic Preservation Commission.

As soon as possible, after their adoption and subsequent amendment, the Rules of Order, in effect, shall be posted by the Designated Clerk on the Commissioner's website of the Town of Amherst, and shall be filed with the Amherst Town Clerk, who will make them available to the public upon request.

These Rules are effective immediately.