

TOWN OF MENDON PLANNING BOARD

Policy on Decorum and the Maintenance of Order at Meetings and Public Hearings

Adopted: _____, 2026

1. Purpose

The Planning Board of the Town of Mendon conducts its meetings and public hearings in public session so that applicants, residents, and interested parties may observe its proceedings and, where provided, be heard. The purpose of this Policy is to ensure that all meetings and hearings are conducted in a fair, orderly, and respectful manner; that applicants receive consideration of their applications on the merits and on the applicable legal standards; and that members of the public may exercise their right to comment without intimidation, disruption, or disorder. This Policy establishes a uniform, content-neutral procedure for addressing conduct that disrupts the Board's proceedings.

2. Authority

This Policy is adopted pursuant to the following authorities:

- New York Town Law § 271, which establishes the Planning Board and its powers, including the authority to adopt rules and regulations for the conduct of its business.
- New York Public Officers Law § 103 (Open Meetings Law), which provides that meetings of public bodies shall be open to the general public and which governs the public's right to attend such meetings.
- The Rules of Procedure of the Town of Mendon Planning Board, as adopted and as may be amended, which vest in the Chair the authority to preside over meetings, recognize speakers, rule on points of order, and maintain order.
- The inherent authority of a public body and its presiding officer, recognized under New York law, to preserve order and remove persons who actually disrupt an official proceeding.

3. Scope

This Policy applies to all regular meetings, special meetings, workshops, and public hearings of the Planning Board, and to all persons present, including applicants, their representatives, members of the public, and staff. It applies equally without regard to the identity of the speaker or the viewpoint expressed.

4. Standards of Decorum

All persons addressing the Board or attending its proceedings shall:

- Speak only when recognized by the Chair and within any time limit established by the Board's Rules of Procedure;
- Direct comments to the Board, and address the merits of the application or agenda item under consideration;
- Refrain from personal attacks, threats, or abusive language directed at any applicant, Board member, staff member, or member of the public;
- Refrain from shouting, interrupting recognized speakers, or engaging in conduct that prevents the orderly progress of the meeting.

5. Definition of Disruption

For purposes of this Policy, “disruption” means conduct that actually impedes the orderly conduct of the meeting, including: speaking without recognition after being called to order; continuing to speak after the expiration of allotted time and after direction from the Chair to conclude; personal attacks, threats, or abusive language directed at any person; shouting or other conduct that prevents the Board from hearing testimony or transacting business; and refusal to comply with a lawful direction of the Chair issued under this Policy.

Disruption does not include criticism of the Board, its members, the Town, its officials, or an application, however vigorous, when expressed by a speaker who has been recognized, within the time allotted, and in a manner that does not otherwise impede the proceeding. This Policy shall be applied without regard to the viewpoint expressed.

Where a speaker addresses matters outside the jurisdiction of the Board or not germane to the item under consideration, the Chair may so advise the speaker and direct that remarks be confined to matters properly before the Board. Continued refusal to comply with such a direction may be addressed under Section 6. The Chair shall apply this provision without regard to the viewpoint expressed.

6. Enforcement Procedure

When a person engages in disruption as defined in Section 5, the Chair shall proceed as follows:

1. **Step One. Warning.** The Chair shall warn the person on the record, identifying the specific conduct constituting the disruption and directing that it cease. The warning shall be noted in the minutes.

2. Step Two. Direction to leave. If the disruption continues or recurs during the same meeting, the Chair shall direct the person to leave the meeting for its remainder. The direction and the conduct giving rise to it shall be noted in the minutes. A direction to leave under this Policy applies only to the meeting then in progress and shall not operate to exclude any person from attending future meetings of the Board.

3. Step Three. Recess and adjournment. If the person refuses to leave and the disruption continues, the Chair shall declare a recess. If, upon reconvening, the disruption continues, the Chair may adjourn the meeting to a date certain. The minutes shall document the disruption, the directions given by the Chair, the refusal to comply, and the reason for the recess or adjournment.

4. Step Four. Law enforcement. If the person refuses to leave after a lawful direction under Step Two and the disruption is ongoing, the Chair or the Chair's designee may contact law enforcement and report the ongoing disruption of the meeting and the refusal to comply with the direction to leave. The Board notes that, depending on the facts, such conduct may constitute an offense under New York Penal Law § 240.20(4) (disorderly conduct; disturbance of a lawful assembly or meeting without lawful authority), New York Penal Law § 195.05 (obstructing governmental administration in the second degree), or New York Penal Law § 140.05 (trespass; knowingly remaining unlawfully upon premises after the license or privilege to remain has been revoked). Whether to investigate, remove, or charge any person is a determination reserved to law enforcement and prosecuting authorities.

7. Limitations

- Removal under this Policy is limited to the meeting at which the disruption occurs. Nothing in this Policy authorizes the prospective exclusion of any person from future meetings of the Board, which remain open to the general public pursuant to Public Officers Law § 103.
- This Policy shall be enforced in a content-neutral and viewpoint-neutral manner. No person shall be warned, directed to leave, or reported to law enforcement on account of the opinions expressed, but only on account of conduct constituting disruption as defined in Section 5.
- Nothing in this Policy limits the right of any person to attend and observe meetings of the Board, or to speak during any public comment period or public hearing in accordance with the Board's Rules of Procedure.

8. Documentation

Each warning, direction to leave, recess, adjournment, or contact with law enforcement under this Policy shall be recorded in the minutes of the meeting, including a description of the conduct, the actions taken by the Chair, and the response of the person involved. The minutes constitute the official record of the Board's actions under this Policy.

9. Advance Arrangements

Where the Board or the Chair reasonably anticipates, based on prior documented disruption, that a particular meeting may require assistance in maintaining order, the Chair may request, through the Town Supervisor or the Supervisor's designee, that appropriate personnel be available. Any such arrangement shall be precautionary in nature and shall not alter the procedure set forth in Section 6.

10. Review and Severability

This Policy shall be reviewed by counsel to the Town prior to adoption and thereafter as needed. If any provision of this Policy is held invalid, the remaining provisions shall continue in full force and effect.

Adopted by resolution of the Planning Board of the Town of Mendon on the ____ day of _____, 2026.

Chair, Town of Mendon Planning Board