



# TOWN OF ROMULUS

## Resolution 24-001 – Designate Operational Guidelines for the Conduct of Town Business

**WHEREAS** the Town Board of the Town of Romulus desires to conduct business in an organized, civil, and productive manner.

**NOW, THEREFORE, BE IT RESOLVED** that for the calendar year 2024 the Town Board of the Town of Romulus adopts the document “2024 Operational Guidelines”, a copy of which is attached to this resolution, and all items included therein to provide operational guidelines for the conduct of Town business. Please note that if any parts of the document are in conflict with existing federal, state, or local law, that law or laws would take precedence.

**BE IT FURTHER RESOLVED** that this Resolution shall take effect immediately.

The question of the foregoing Resolution was duly put to vote, which resulted as follows:

Motioned: David Hayes

Seconded: Melody Collinsworth

	Yea	Nay	Abstain	Absent
Councilor Stacey Bennett:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilor Melody Collinsworth:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Supervisor David Hayes:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilor Michael Joslyn:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilor Timothy Warne:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The Resolution carried and was thereupon duly adopted.

*Jane Braunig*

Jane Braunig, Town of Romulus Town Clerk

January 2, 2024



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### 2024 Operational Guidelines

The Town Board of the Town of Romulus shall meet on or before the tenth day of January in each year for the purpose of reviewing and defining the operational parameters governing town officers and employees (hereinafter “Organizational Meeting”). The following items represent the minimum recommendations. Other items may and should be added as necessary to ensure smooth and proper function of the town government. Adoption of this document shall constitute adoption of all the items contained herein.

Details specific to the year of adoption (and following) will be designated by ***bold italics***.

#### A. Appointments and Designations

1. Planning Board and Zoning Board

For a town that has established a planning board and/or a zoning board of appeals, the Town Board appoints at least one member to each board annually. Members of these boards typically have terms of office equal to the number of members on the board, with one term expiring each year. The Town Board shall also designate the respective chairman of each board (Town Law, §§267, 271)

***The following terms will be adjusted to ensure there is only one term expiring each year for each appointed board.***

Name	Board	Current Term	Corrected Term
Kate Sinicropi	Planning	01/01/2022-12/31/2028	01/02/2022-12/31/2026
Mark Schott	Planning	04/20/2022-12/31/2028	04/20/2022-12/31/2029
Tom Grasek	Zoning Appeals	01/01/2022-12/31/2026	01/01/2022-12/31/2025

2. Handicapped Parking Permit Issuing Agent

The Town Board is required to appoint an agent to issue handicapped parking permits (Vehicle and Traffic Law, §1203-a (1)).

***The Town Board of the Town of Romulus appoints the Town Clerk as the Handicapped Parking Permit Issuing Agent. The term of office is coterminous with that of the town clerk***

3. Deputy Supervisor

The Supervisor may appoint any person (including other town officers) to be the Deputy Supervisor where the position has been established by the Town Board. If the office of Deputy Supervisor is vacant for more than five days, the Town Board may appoint the deputy. Either way, the Deputy Supervisor serves at the pleasure of the Supervisor (Town Law, §42).

4. Local Historian

The Supervisor is required to appoint a local historian (Arts and Cultural Affairs Law, §57.07), who serves at the pleasure of the Supervisor.



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5. Appointments Made by Other Town Officers

The Town Board is not the only appointing authority in the town; other town officers are given the power to make certain appointments. Although these appointments do not have to be made at a Town Board meeting, if the office has not been previously established, the first meeting of the Town Board may provide an appropriate time to do so. These appointments include:

a. Deputy Superintendent of Highways

The superintendent of highways may appoint a deputy superintendent of highways where the position has been established by the Town Board. If the office of deputy superintendent of highways is vacant for more than five days, the Town Board may appoint the deputy. Either way, the deputy highway superintendent serves at the pleasure of the highway superintendent (Town Law, §32(2)). Please note that in some counties, these officers may be dismissed only in accordance with Civil Service Law, §75.

b. Deputy Town Clerk

The town clerk may appoint a first deputy town clerk to perform duties and responsibilities as assigned by the town clerk. The town clerk may appoint two additional deputy town clerks whose duties and responsibilities may be established by the Town Board. Unless otherwise provided for by the Town Board, deputy town clerks serve without compensation and at the pleasure of the town clerk (Town Law, §30(10)). Please note that in some counties, these officers may be dismissed only in accordance with Civil Service Law, §75.

6. Appointment of Registrar of Vital Statistics

The town board designates the town clerk to serve as registrar. The term of office is coterminous with that of the town clerk (Public Health Law, §§ 4121, 4123).

***The Town Board of the Town of Romulus designates the Town Clerk to serve as the Registrar of Vital Statistics.***

7. Appointment of Tax Collector/Receiver of Taxes

By resolution, the town board having abolished the office of tax collector or receiver of taxes, it shall be the duty of the town clerk to collect and receive all state, county and town taxes and assessments that may be levied in such town and the town clerk shall have all the powers and be subject to all the duties of a collector with respect to the collection of such taxes, the deposit of receipts, and the return of unpaid taxes (Town Law, §36).

### **B. Approval of Vouchers**

All unpaid due accounts payable invoices will be included on and attached to a voucher that details the charge(s) and the account(s) from which funds will be paid. Each voucher shall be reviewed and endorsed by a minimum of two board members, not including the Supervisor, prior to any board meeting at which payment of the vouchers is expected to be approved. Any board member may request further clarification of the charge and/or ask the payment to be held pending satisfaction of their questions.



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All the endorsed vouchers will be summarized and included on a resolution (Verification of Payables) that will be presented to be passed at the board meeting. Following passage of the resolution, the payments will be deemed as approved as presented.

Each voucher shall also be endorsed by the Supervisor indicating approval to pay the invoice. Payments may be sent/made after Supervisor approval

### **C. Designate Official Depositories**

The Town Board may adopt a resolution the banks or trust companies in which all town officers shall deposit all money coming into their hands by virtue of their offices, as well as the security, if any, to be given by the depository for the protection of town funds (Town Law, §64(1)). Amounts deposited beyond the FDIC-insured limit (\$250,000) must be secured by a pledge of eligible securities.

***For calendar year 2024, the official depositories of the town will be Five Star Bank and Lyons National Bank.***

### **D. Designate Official Newspaper**

The Town Board may adopt a resolution designating the official newspaper of the town (Town Law, §64(11)).

***For calendar year 2024, the official newspaper of the town will be the Ovid Gazette. The Seneca Shopper will be utilized in an unofficial capacity to supplement official announcements.***

### **E. Oaths of Office**

Section 25 of the Town Law provides for taking oaths of office prior to taking office. Before they enter on the duties of the office, and within 30 days after the commencement of the term of office for which they are chosen, every town officer shall take and subscribe before an officer authorized by law to administer oaths in their county, the constitutional oath of office and such other oaths as may be required by law, which shall be administered and certified by the officer taking the same without compensation and such oath shall be filed in the office of the Town Clerk. Public Officers Law, §10 similarly provides for filing the oath of office with the Town Clerk.

Neither the Town Law nor the Public Officers Law contains a listing or definition of which positions are subject to the oath requirements discussed above. In the absence of such a definitive listing, the courts have defined public office to include those where "... the functions and duties directly affect the citizens of the [town] and involve the exercise of the powers of the political subdivisions." Thus, any office where the duties involve some exercise of the sovereign power is a public office. Members of planning and zoning boards, boards of assessment review, and all deputies would clearly fall within the scope of the oath-taking requirements. Oaths can be administered by any officer authorized to do so who shall have already taken an oath of office in the county (Town Law, §25, Public Officers Law, §10 and Real Property Law, §298). This includes:

- 1) The Town Clerk in whose office the oath is required to be filed, or by their duly designated assistant (i.e., deputy).
- 2) Any notary public.
- 3) Any judge or justice of the Uniform Court System.



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- 4) The Town Supervisor, but only to other members of the Town Board.
- 5) Town Councilors.

Oaths of officers appointed or elected to fixed terms are valid for their entire term. A new oath must be taken and filed when reappointed or again elected for a subsequent term (certain town officers such as Town Justices and Court Clerks must also file their oaths [and bonds] with the county clerk and court system administrator). (See UJCA, §104.)

NOTE: Like the requirements described above for elected and appointed town officers, all public employees (except those who hold a position in the labor class of the classified service) are also required to take an oath of office and file it with the Town Clerk before discharging his or her duties.

An employee's failure to file the oath of office will not terminate his or her employment. A willful refusal to take the oath of office, however, will terminate the employment. The employee's oath has to be taken only once during a continuous course of employment and extends to all positions and titles held by the employee thereafter.

Oaths of office are typically notarized, but it is not a requirement.

***For calendar year 2024, individuals in the following positions must take and file an oath of office:***

- ***Any individual in an elected position whose term begins on January 1, 2024.***
- ***All employees of the Highway Department (including the Superintendent) that are not holding a position in the labor class of the classified service.***
- ***All employees of the Water Department (including the Superintendent) that are not holding a position in the labor class of the classified service.***
- ***All members of the Board of Assessment Review***
- ***All members of the Planning Board***
- ***All members of the Zoning Board of Appeals***
- ***Bookkeeper***
- ***Court Clerk***
- ***Deputy Town Clerk***
- ***Secretary to the Supervisor***

### **F. Official Undertaking**

Section 25 of the Town Law further provides that each Supervisor, Town Clerk, Collector/Receiver of Taxes, Town Justice, Superintendent of Highways and other such officers and employees as the Town Board may require, shall execute, and file an official undertaking in the Town Clerk's office, in a form and amount, with such sureties as directed and approved, and so indicated by the Town Board on the undertaking.

Public Officers Law, §11(2) provides that in lieu of any individual undertaking as required, the Town Board may approve the procurement of a blanket undertaking from any duly authorized corporate surety covering the officers, clerks, and employees of the town. A blanket undertaking must be approved as to form, manner of execution and sufficiency of surety by the Town Board and filed in the same manner as individual undertakings. The section further provides that any such blanket undertaking must indemnify



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against losses caused by the failure of the officers or employees to faithfully perform their duties or by their fraudulent or dishonest acts.

The Town Board of the Town of Romulus has procured such surety and deems it a sufficient blanket undertaking for all officers, clerks, employees, and other individuals appointed and acting in an official capacity for the town.

### G. Review of Town Policies

The Town of Romulus has a catalog of town policies that guide day-to-day operations. Some policies are required by law, and others have been selected by the town. Regular review of the policies ensures that they remain relevant and comply with any changes in local, state, or federal laws. The Town Board will review all policies on a rotating 4 year basis, with approximately one-quarter of all policies being reviewed each year. For each individual policy, the review cycle will begin 4 years after the initial release of the policy.

### H. Rules of Procedure

The Town Board may adopt its rules of procedure, and the Supervisor may appoint Town Board committees as desired (Town Law, §63). The Supervisor may also appoint Town Councilors as liaisons to various departments, functions, and/or external entities.

1. As all meetings of the Town Board are open to be photographed, broadcast, webcast, recorded and transmitted by video or audio, the Town Board, so as not to detract from the meeting, directs that all recording devices that are not personally contained (i.e. a video camera as opposed to a cellular phone) be located in an unobtrusive location and that anyone operating the devices do so in an unobtrusive manner. The Town Board also requests that anyone wishing to use such devices notify the Town Clerk at least one week prior to the meeting so that accommodations can be made, if necessary.
2. Town Liaisons are Councilors that act as points-of-contact between the Town Board and the entity, providing an additional channel for communication. They also serve as advisors to both the board and the entity.

***The following Liaisons are appointed and shall continue until removed by the Supervisor or until the end of their term.***

Entity	Liaison	Appointed
Ambulance	Timothy Warne	2024
Highway Department	Stacey Bennett	2024
IT	Michael Joslyn	2024
Personnel	Michael Joslyn	2024

### I. Rules of Order for Town Board Meetings



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The following rules of order shall govern the conduct of Town Board meetings. For situations not addressed by these rules, Robert's Rules of Order shall obtain.

1. The Supervisor shall preside at all meetings of the Town Board and shall preserve order and decorum in debate.
2. The Supervisor, immediately following the opening of every regular meeting of the Town Board, shall proceed to the regular order of Town business as follows, at a minimum: roll call, pledge of allegiance, reception of petitions and other communications addressed to the Town Board, reports of committees, reports of officers and departments, and introduction of resolutions and motions.
3. All persons addressing the Town Board at all general or special public hearings will be instructed to state their names and addresses before speaking. In addition, those in favor of the proposal before the Town Board are asked to speak first and those in opposition to speak last. At such hearings the Town Board may by special rules prescribe the time to be allotted to each speaker and the number of times each speaker may speak.
4. At the close of the public hearing as provided for in paragraph "3" above, the Supervisor may grant any member of the general public in attendance at such meeting a reasonable opportunity to be heard on any question or subject in which the Town or its government is concerned.
5. Every resolution or motion must be seconded before being put to a vote by the Supervisor, and all resolutions or motions shall be recorded by their number and title in the official minutes of the Town Board. They shall also be recorded in their entirety in separate documents that are filed with the Town Clerk.
6. The Supervisor may offer or second a resolution or a motion.
7. No motion or resolution may be brought to a vote except by the majority consent of those present unless sufficient time is provided for each member of the Town Board to read and understand the resolution.
8. When a question is under debate, no motion shall be entertained unless (a) for an adjournment or recess, (b) to postpone ("table"), or (c) to amend. These latter motions are neither amendable nor debatable.
9. A majority vote of all the members of the Board shall be required to suspend these rules of order. A majority of the Board shall constitute a quorum.
10. If the above stated rules are, or become at any time, in conflict with the statutory law, the statutory law shall take precedence.
11. No member of the public shall engage in any demonstration, booing, hand clapping, or otherwise disrupt the formality of a Town Board meeting.
12. Any persons speaking to the Town Board with the consent of the Supervisor shall address their remarks to the Town Board, not to other members of the audience in the form of a debate.

### **I. Salaries**

At the Organizational Meeting, the Town Board may adopt a resolution fixing the salaries of all elective and appointive officers (and the rates of wages of hourly employees, including overtime and regular pay rates), and determine whether salaries shall be paid annually, semi-annually, quarterly, monthly, semi-monthly, or weekly.

In fixing such salaries, the Town Board is subject to certain limitations. The Town Law prohibits the Town Board from fixing the salaries of the members of the Town Board, elected Town Clerk, and



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elected Town Superintendent of Highways at amounts in excess of the amounts respectively specified in the notice of hearing upon the preliminary budget, unless the Town Board adopts a local law (subject to permissive referendum(s)) increasing the salary for one year only (Town Law, §27).

The Town Board also cannot fix the salary of any elective or appointive town officer or employee at an amount larger than the appropriation made (Town Law, §§27, 117).

In addition, the Town Board cannot decrease the salary of a sitting elected town officer in the middle of his or her term of office except by the adoption of a local law subject to a mandatory referendum (Sacco v. Maruca, 175 AD2d 578, 573 NYS2d 787 app den 78 NY2d 862, 578 NYS2d 877 (1991); Op. State Comp., 2006 No. 2006-5).

The Town Board may not decrease the salary of an elected Town Justice in the middle of his or her term of office (Catansie v. Town of Fayette, 148 AD2d 210, 543 NYS2d 825 (1989); Op. State Comp., 2006 No. 2006-5). However, if additional funds become available, the appropriation may be increased during the year.

***For calendar year 2024, salaries and rates of wages were fixed during the annual budget process.***

### **J. Town Board Meeting Schedule**

The Town Board should adopt a resolution determining when regular meetings of the Town Board shall be held (Town Law, §§62, 63). The resolution should specifically state the hour, the day or days of the month, and the place the meetings are to be held. Town Boards are required to locate their meetings and public hearings in an “appropriate facility” that accommodates members of the public who wish to attend and provides barrier-free physical access for people with disabilities (Public Officers Law, §103).

Please note that the Town Board will still need to make available prior to each meeting any documents that are scheduled for discussion in accordance with the requirements set forth in Open Meetings Law, §103(e).

***For calendar year 2024, regular Town Board meetings will be held at six o’clock p.m. on the third Wednesday of each month, in the Town Hall of the Town of Romulus.***