

**LOWER FREDERICK TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA**

RESOLUTION NO. 2023R – 11

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF LOWER FREDERICK TOWNSHIP, MONTGOMERY
COUNTY, PENNSYLVANIA, REGULATING THE CONDUCT AND ORDER OF BUSINESS AT BOARD OF
SUPERVISOR MEETINGS**

WHEREAS, the Lower Frederick Township Board of Supervisors by approval of policy did set forth regulations regarding the conduct and order of business at Board of Supervisors meetings, including provisions relating to public comment; and

WHEREAS, to consolidate all regulations into a single Resolution, and to avoid any inconsistencies between past policies, the Board of Supervisors has determined that the prior policies shall be repealed to the extent they are inconsistent with this consolidated Resolution; and

WHEREAS, the Board of Supervisors desires to establish a policy regarding residents and/or other individuals attending the meeting remotely; and

WHEREAS, the Board of Supervisors seek to streamline the agenda of its meetings for better efficiency in the conduct of public business.

NOW BE IT A RESOLVED that all regular and special meetings of the Board of Supervisors of Lower Frederick Township, Montgomery County, Pennsylvania shall be conducted according to the following order of business; however, it may be necessary to adjust the order of the business to accommodate schedules of the speakers or presenters, or to provide a time efficient manner to address all business:

- CALL MEETING TO ORDER
- PLEDGE OF ALLEGIANCE
- APPROVAL OF MINUTES
- FINANCIAL REPORTS
- PAYMENT OF BILLS
- REPORTS/COMMENTS
- BUSINESS ITEMS
- OTHER BOARD, COMMITTEE, COUNCIL & COMMISSION COMMENTS
- CORRESPONDENCE
- PUBLIC COMMENT ON CURRENT TOWNSHIP MATTERS OF GENERAL CONCERN
PREFERENCE TO TAXPAYERS OR RESIDENTS TO SPEAK FIRST
- BOARD MEMBER COMMENTS
- ADJOURNMENT

The Board of Supervisors may, at its sole discretion, consolidate into a consent agenda to be considered at the beginning of the meeting any routine and non-controversial items which do not require discussion by the Board, with the consent agenda to be approved with one motion and one roll call vote.

1. All meetings shall adhere to the Pennsylvania Act 65 of 2021, which amends the Sunshine Law creating the requirements for the posting of agendas by all local government boards and commissions. It states:
 - a. Meeting agendas must be posted at the meeting location and principal office of the Township at least twenty-four (24) hours in advance of each meeting and on the Township's website if the Township has a website. Note: Township's without websites are not required to create one.
 - b. The agenda must include a listing of each matter of agency business that the Board expects to act on, or deliberate, at the upcoming meeting.
 - c. The Board of Supervisors may add new items to the agenda by majority vote, after first stating the reason for the change. Note that a vote to add the item to the agenda will be required before the board votes on the new issue. In addition, the amended agenda must be posted on the township's website, if it has one, and at the Township office by the first business day following the meeting at which the agenda was changed. In addition, the minutes must include the substance of the item added to the agenda, the vote on adding the item to the agenda, the announced reasons for the addition, and the final vote on the item added.
 - d. The following items can be voted on without the need to formally amend the agenda or post an amended agenda after the meeting:
 - i. Action can be taken at an emergency or regularly scheduled meeting on a real or potential emergency involving a clear and present danger to life or property.
 - ii. Matters that arise or are brought to the attention of the board less than 24 hours prior to the meeting if they are de minimis in nature, do not spend funds, and do not require a contract or agreement.
 - iii. Matters brought up by a resident or taxpayer may be referred to staff for research or acted on by the board if it is de minimis, does not spend funds, and does not require a contract or agreement.
 - e. The act specifically requires that the agenda be amended before the Board of Supervisors takes official action. Act 65 does not require that the agenda be amended to discuss an issue. However, if the Board does discuss an issue that was not listed on the agenda and determines that official action cannot wait, then the board would need to first vote.
 - f. Act 65 requires all local government Board of Supervisors provide copies of agendas to meeting attendees. This is currently a recommended practice and necessary to comply with existing Sunshine Law requirement that an opportunity for public comment be provided before the Board discusses an agenda item.
 - g. Executive Sessions are excluded from Act 65.

BE IT FURTHER RESOLVED that public comment at regular or special meetings shall be governed by the following rules and regulations:

1. All individuals shall treat one another with dignity and respect.
2. The Chair of the Board, or Acting Chair in the event of the Chair's absence, shall preside over the public comment period held at each regularly scheduled meeting and prior to any business item requiring a vote, and shall:
 - a. Recognize individuals wishing to offer comment. Individuals must be residents or taxpayers of Lower Frederick Township, Montgomery County, Pennsylvania; and
 - b. Require identification of such individuals, including name and address, or the location of their property owned in Lower Frederick Township; and
 - c. Require groups to select a spokesperson to make a comment if the group of individuals wishes to express the same or similar concerns; and
 - d. Rule out of order scandalous, impertinent, and redundant comments or any comment the discernable purpose of which is to disrupt or prevent the conduct of business of the meeting. The exception is that the Board of Supervisors has the right to interrupt any speaker for the purpose of clarification or a question or for the Chair to extend that time at their sole discretion.
3. A period of public comment shall be held at each regularly scheduled meeting and prior to any business item requiring a vote by the Board of Supervisors. The time allocated for the public comment period at each meeting is three (3) minutes per person wishing to make public comment during the dedicated public comment period. This is generally limited to thirty (30) minutes in total. There is no reason for anyone to interrupt or speak over another person. The exception is that the Board of Supervisors has the right to interrupt any speaker for the purpose of clarification or a question or to extend that speakers time at the sole discretion of the Chair. If there is insufficient time for public comment at the beginning of a meeting, the Board of Supervisors, at its discretion, may accept public comment at another time during the meeting, or defer the public comment period to a meeting held in advance of the next regular meeting, or until the next regularly scheduled meeting.
4. Individuals attending the meeting remotely may or may not make comment. Comments made via chat or email will not be accepted or responded to by the Board of Supervisors during or after the meeting.
5. All comments should be addressed to the Chair of the Lower Frederick Township Board of Supervisors.

BE IT FURTHER RESOLVED, regular or special meetings shall be governed by the following Rules and Regulations:

1. Individual or group outbursts, sarcasm, insults, or intentional disruptions while others are speaking will not be tolerated.
2. All cellular devices must be turned off or silenced during public meetings, unless used as a recording device.

3. All audio and video recording of the Lower Frederick Township Open Meetings will abide by the Lower Frederick Township Open Meetings Recording Policy. (See attached policy listed as Exhibit A).

NOW THEREFORE BE IT RESOLVED, the Board of Supervisors reserves the right to amend these rules at any time either verbally or in writing. Violation of any of the aforementioned rules may result in the individual being asked to leave the meeting by a member of the Board of Supervisors.

Additionally, a member of the Board of Supervisors can request an individual to leave the meeting when they do not observe the rules of reasonable decorum. If an individual refuses to observe the rules of reasonable decorum, the Chair may adjourn the meeting. In addition, he or she may request the assistance of law enforcement officers in the removal of a disorderly person when that person's conduct may pose a threat to the safety and welfare of those in attendance. Any violation of the above rules will be deemed interference with the orderly process of the meeting. Any individual who becomes disruptive at a public meeting may be subject to arrest and prosecution under applicable sections of the Pennsylvania Statutes Title 18 Pa.C.S.A Crimes & Offenses, including Section § 5503, Disorderly Conduct, Section § 5508, Disruptive Meetings and Processions, and others, for improper behavior during public meetings.

DULY RESOLVED AND ENACTED this 4th day of April, by the Board of Supervisors of Lower Frederick Township, Montgomery County, Pennsylvania, in lawful session duly assembled.

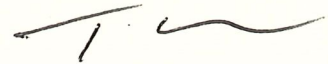
**LOWER FREDERICK TOWNSHIP
BOARD OF SUPERVISORS**

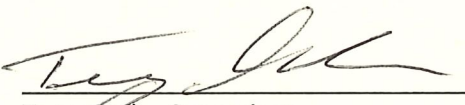

Marla Hexter, Chair


Dan Orfe, Vice-Chair

ATTEST:


Jason A. Wager, Township Manager


Terry Bird, Supervisor


Terry Sacks, Supervisor


Charles W. Yeiser, Supervisor

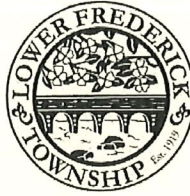


Exhibit "A"

Lower Frederick Township, Montgomery County Board of Supervisor Recording of Open Meetings Policy

Overview: The implementation of audio and video recording of the Board of Supervisors meetings will serve several purposes within the Township including the following: 1) to improve residents' understanding of Township decision making; 2) to improve the transparency of the decision-making process; and 3) to extend the reach of information regarding decision making to residents unable to attend public meetings.

Rule 1 Official Recording of Open Meetings

- A. Audio/Video Recording: All open meetings of the Board of Supervisors may be audio and/or video recorded by an individual or company hired by the Board of Supervisors, from time to time to produce an authorized video recording of the meeting for the Township. Board of Supervisors executive sessions will not be recorded.
- B. Custody of Official Tapes: All Township audio and video recordings produced under this Rule for Board of Supervisor meetings shall be kept by the Township Secretary in accordance with the Pennsylvania Municipal Records Manual AL-24 (2) Recordings of Public Meetings. Recordings will be erased once the meeting minutes have been adopted. Recording shall be posted online on a public media platform. Any recordings for the volunteer Township groups shall be erased after the minutes are adopted for that meeting. These meetings will not be posted online unless directed by the Board of Supervisors.
- C. Disclaimer for posting: With respect to meetings posted online, Lower Frederick Township makes no warranty, expressed or implied, for a particular purpose arising out of the use or inability to use the data, nor assumes any legal liability or responsibility for the accuracy. The adopted minutes are the official record of the meeting.
- D. Policy Distribution: The Township Secretary shall make copies of this policy available to the public at all regular and special open meetings of the Board of Supervisors.
- E. Minutes: Any recording made of any Open Meeting shall not supersede or replace the minutes of said meeting as the official record of the meeting.

Rule 2 Rules of Procedure for Public Audio/Video Recording of Open Meetings

- A. Policy: It is Lower Frederick Township's policy to comply with the Pennsylvania Sunshine Act and to cooperate with representatives of the print and broadcast media, and with other members of the public who wish to record public meetings of the board, so long as the recording of the meeting is not disruptive to the meeting and does not violate the rights of the members of the public.
- B. Rules of Procedure:
- a. Recording Permitted: Any person may record the Township's open public meetings subject to the following rules. "Recording" is a nonofficial duplication of sound or image by any mechanical means, including photography, audio recording, or videography. A person wishing to record an open public meeting should give notice to the Township Secretary, either before or at the start of the meeting, ***so that those not wishing to be recorded have the opportunity to leave the meeting***. At the start of any meeting that is to be recorded, the Township Secretary shall notify the audience that the meeting will be recorded.
 - b. Executive Sessions: Executive Sessions are closed to the public and are not recorded except as required and authorized by the Pennsylvania Sunshine Act.
 - c. Audio Recordings: Anyone making an audio recording of the meeting must visibly display the recording device and locate the device in a stationary position while the Board is in session. The audio recorder shall be located in a position that does not obstruct the view of the members of the public of the Township officials present at the meeting.
 - d. Video Recording and Photography: All members of the audience using video recording equipment or photography equipment during the meetings of the Board of Supervisors shall set up in or behind the last row of seats, and clear of any doorways, in an area designated by the Board of Supervisors for video recording equipment. Members of the audience using handheld video recording equipment or photography equipment must visibly display their recording or photography devices and may locate them in a stationary position in the last row of seats of the meeting room, provided they do not disrupt the surrounding members of the audience.
 - e. Disruption of Meetings: Any member of the public who is recording the meeting shall restrict his or her movement while using the recording equipment or take other steps that are deemed necessary to preserve the decorum of the meeting and facilitate the conduct of business. Anyone taking photographs of the meeting shall, likewise, restrict his or her movement during a meeting session so as not to disrupt the business of the Board of Supervisors. The Board of Supervisors may impose additional rules or limitations on any recording, as it deems necessary or appropriate to preserve the orderly operation and decorum of the meeting as long as rules or limitation are in compliance with the PA Sunshine Act.

- f. Tripping Hazards/Tripods: To prevent a tripping hazard from extension cords, individuals using recording equipment shall have their own power source or use an outlet designated by the Board of Supervisors if one is available. The Board of Supervisors may designate an outlet to be reserved for the official Township video recorder. Tripods shall be positioned to not create a tripping hazard for the audience. Loose wires shall be contained under a tripod.
 - g. Use of Chairs or Benches: People recording the meetings shall not stand on chairs or benches or use chairs or benches as equipment tables.
- C. Special Accommodations: Any requests for special recording accommodations must be made to the Township Secretary at least two (2) business days before the meeting. The Board of Supervisors may grant other special accommodations by motion at a meeting if a need is demonstrated for a special accommodation.
- D. Violation and Penalties:

The Board of Supervisors may take whatever action deemed necessary for any violations in accordance with Lower Frederick Township Board of Supervisors **Resolution 2023R-11**.
- E. Disclaimer for Posting of Audio Recordings:

DISCLAIMER OF LIABILITY

Recordings of all meetings remain the property of Lower Frederick Township and are protected by copyright. Access to recordings of meetings is provided for personal and non-commercial use. Video, images and audio must not be altered, reproduced or republished without permission of Lower Frederick Township. Lower Frederick Township makes no representations or warranties as to the suitability of this information for your particular purpose, and that to the extent you use or implement this information in your own setting, you do so at your own risk. The information provided herewith is solely for your own use and cannot be sold. In no event will Lower Frederick be liable for any damages whatsoever, whether direct, consequential, incidental, special, or claim for attorney fees, arising out of the use of or inability to use the information provided herewith.

This recording is provided as a public service by Lower Frederick Township. Lower Frederick Township is not responsible for any alterations and/or changes to a recording. The recording is not considered the official record of any meeting held by the Board of Supervisors or other Township volunteer group.