



**New York Coalition For Open Government, Inc.**

## **Silence is Not Golden – Part 2**

December 7, 2024

# New York Coalition For Open Government

## **About:**

The New York Coalition For Open Government is a nonpartisan non-profit organization comprised of journalists, activists, attorneys, educators, news media organizations, and other concerned citizens who value open government and freedom of information.

## **Mission Statement:**

Through education and civic engagement, the New York Coalition For Open Government advocates for open, transparent government and defends citizens' rights to access information from public institutions at the city, county, and state levels.

## **Statement of Purpose:**

We believe that, if government is of the people, by the people and for the people, then it should also be open *to* the people. Government exists to serve its citizens. Access to public information should be simple. Freedom of Information Laws and the New York Open Meetings Law make access to public records a right.

When government operates openly and honestly, we, the people, can hold our elected officials accountable, fulfilling our duties as an informed citizenry. The New York Coalition For Open Government works to ensure that all people have full access to government records and proceedings on the city, county, and state levels. Such access fosters responsive, accountable government, stimulates civic involvement, and builds trust in government.

**New York Coalition For Open Government, Inc.  
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Paul Wolf, Esq.	President
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The following members contributed to the completion of this report:

President, Paul Wolf; Vice President, Michelle Allen; Project Coordinator, Annmarie Reeb; Robyn Gray, Mary Louise Kling and Ken Guarino.

The Coalition can be contacted by email at [contact@nyopengov.org](mailto:contact@nyopengov.org). Our website is [www.nyopengov.org](http://www.nyopengov.org) and you can also follow us on Facebook. (<https://www.facebook.com/nyopengov.org>).

## **The Importance of Public Comment at Town Board Meetings in New York State**

Nearly all of a town board's work is performed in meetings or hearings that are open to the public.

To put the issue in perspective, the Open Meetings Law gives the public the right to attend, listen and observe the performance of public officials during meetings of public bodies. That statute, however, is silent with respect to public comment.

### **What is the Purpose of Public comment?**

The public comment period is not a time for dialogue, but a time for the public to provide input on a particular subject to elected or appointed officials.

### **Is there a definition of Public Comment?**

There are several definitions for public comment but the majority of them reflect that it is a written or verbal statement by the public or community stakeholder to a legislative or governing body, regarding laws, regulations, contracts, a proposed capital project and/or improvement, budget, etc. The speech can be both positive and negative.

### **What could happen if Public Comment is not allowed?**

Failure to allow public comment can further erode the governmental process by allowing local governments to act without citizen input.

### **Public Comment in other States**

Fourteen states mandate hearing from the public at regular meetings (Alaska, Arkansas, California, Hawaii, Louisiana, Montana, Nebraska, Nevada, New Jersey, North Carolina, South Dakota, Pennsylvania, Tennessee, Vermont).

In November of 2023, an intriguing news article by Jessica Stolzberg was published in The New York Times Magazine. Below are two excerpts from this article.

## **Want to Understand Your Neighbors? Go to a Municipal Meeting.**

**By Jessica Stolzberg**

Published Nov. 22, 2023 - Updated Dec. 20, 2023

Last winter, spurred by discontent, I made my way to the town hall. I didn't know where to stand, where I would find the sign-up sheet or quite where to look when I spoke into the small microphone. But it doesn't take long to fall in line with the rhythms of a municipal meeting. It's a scene as fascinating as it is frustrating, as enlightening as it is disappointing, a startling mix of civic failure and success — often in a single night — and I have continued to enter the meeting chambers with regularity ever since.

The most important part of these meetings is always the ensemble of townspeople who stand at the small podium to ask, sometimes beg, that our needs be met, wrongs be prevented or righted. There is little praise; there is always ire. I've come to realize my town is loosely held together by individuals, elected and appointed, whom I could just as easily pass in the grocery store bagging a head of lettuce. But in this room, our visibility and our voices create a symbiosis, even if tenuous and tense, between those in power and those who granted it to them. We can get close enough to remind them of our expectations — or simply that we are watching.

<https://www.nytimes.com/2023/11/22/magazine/municipal-meeting-recommendation.html>

We would like to thank Jessica Stolzberg who gave us permission to share her story with those who support Open Government. We encourage you to read the entire article.

Many town boards in New York State allow public comment even though this is not required by New York State Law. In our 2023 report, *Silence Is Not Golden*, we reviewed all 933 New York State towns to determine whether public comment was allowed during a regular board meeting per their online agenda and/or minutes. 798 towns had a website; 61 towns had no website; and 74 towns had no current agendas/minutes on their website.

We found that some towns in New York State use other terms to describe “public comment”. Here is a sample of the terms used:

- Public Comment
- Privilege of the Floor
- Hearing of the Public
- Voice of the Public
- Public be Heard
- Public Statements
- Recognition of Citizens Present
- Public Participation
- Open Forum
- Guests and Public to be Heard
- Visitors who Wish to Speak
- Walk in Comments
- Citizen Comments

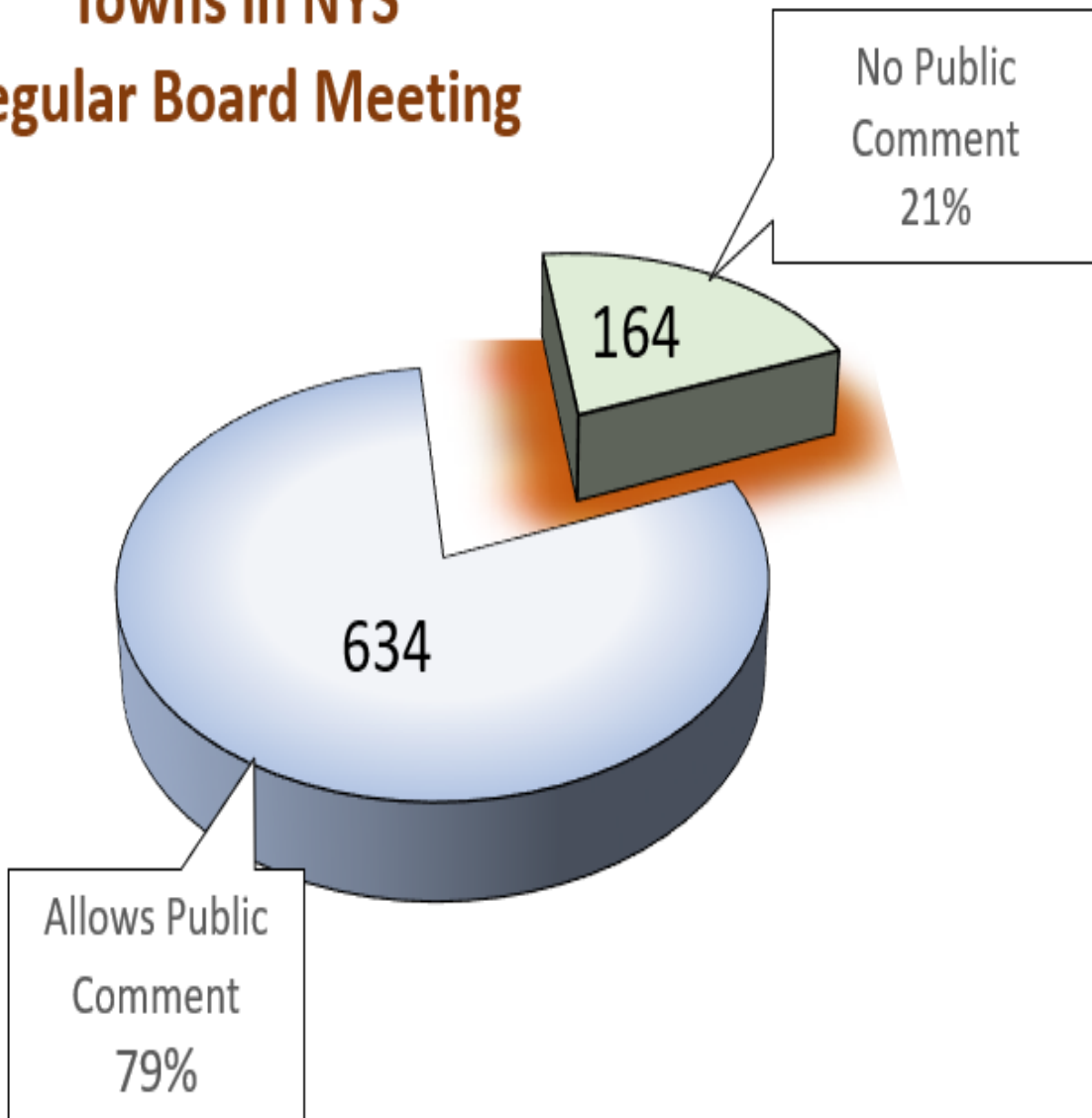
Our volunteers reviewed each town’s online agenda and minutes to see if public comment was provided by a person in the public vs. a guest speaker invited by the town board and whether the public comment was part of the regular meeting or part of a public hearing.

When the minutes and/or agenda failed to reflect that public comment was allowed, a volunteer could only assume that the town board did not provide the public an opportunity to speak.

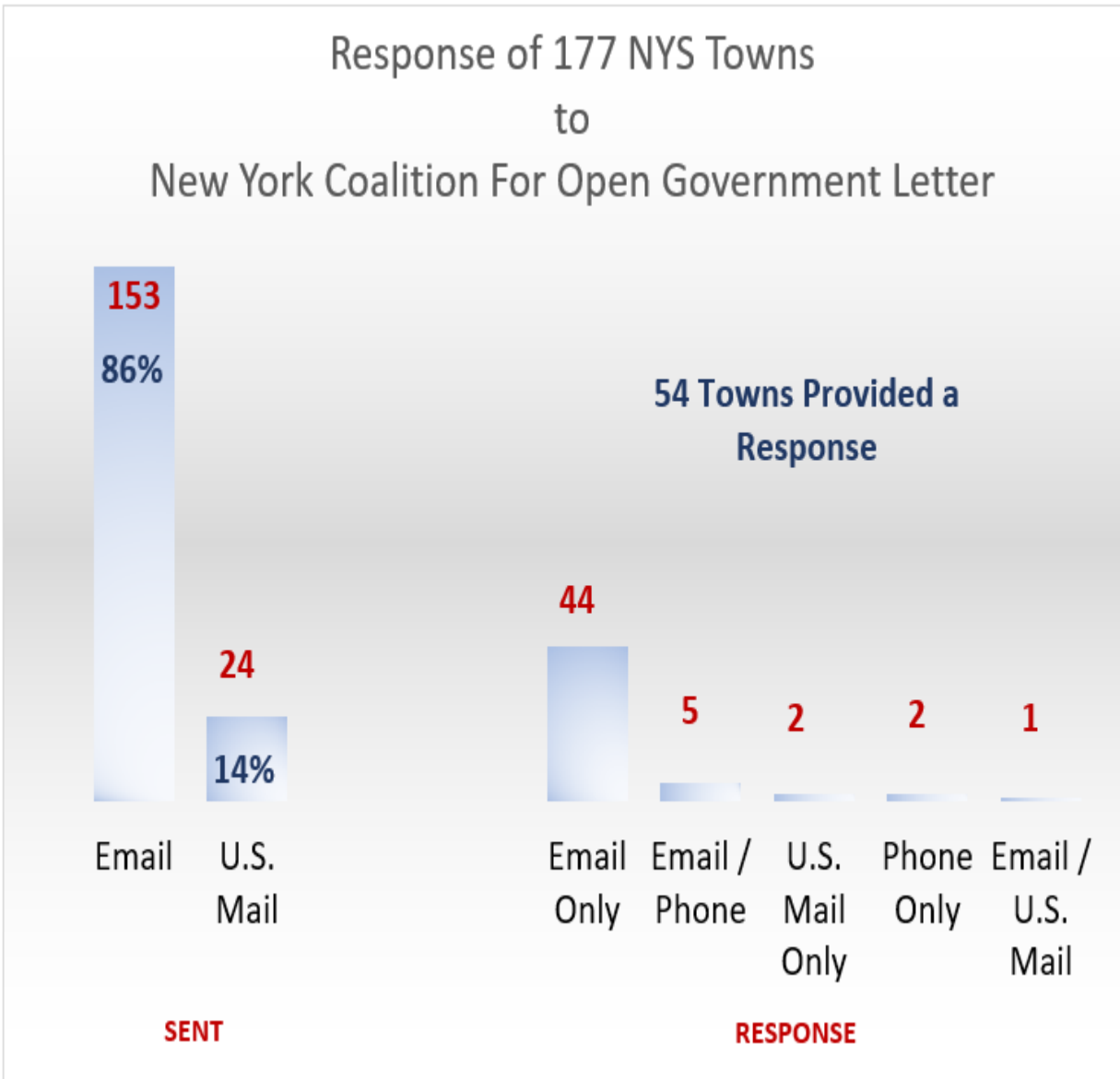
Our volunteer coalition members found after reviewing 798 town websites - agendas and minutes, that 177 towns in New York State did not allow the public to provide comments at a March 2023 regular town board meeting.

At the end of 2023, the New York Coalition For Open Government decided to do a follow-up letter. This project focused on the towns in New York that we had previously determined did not allow for public comment at regular town board meetings. Below are several graphs that update the data from our original report: "Silence Is Not Golden".

## Towns in NYS Regular Board Meeting



In January 2024, the Coalition sent letters to 177 towns via email and U.S. Mail to elected public officials – Town Supervisor, Town Clerk and Board Members. See below as to how towns responded:



**The Coalition appreciates all the town officials who took the time to respond to our letter and who continue to support Public Comment and Government Transparency at the local level.**



## **Our recommendations for Town Governments:**

- Meeting minutes should reflect that public comments were made at a meeting (another way of being transparent).
- Include a public comment section on your agenda.
- Allow public comment before discussing the business of the town.
- Offer a second public comment time before the meeting is adjourned to allow for non-agenda items to be addressed.
- Those who wish to provide public comment should not be required to provide their name, address, or topic they plan to discuss prior to speaking.
- Any established rules for speaking should be in writing, made available to the public and applied equally.

## **Our recommendations to the Public when providing Public Comment:**

- Be respectful and keep your speech civil.
- Comments should be focused on the issues rather than letting it deteriorate into personal insults.
- Put your comments in writing and provide a copy to your Town Board.
- Know the town's Public Comment Rules or ask for a copy of the Rules.

## **Our Recommendation to the New York State Legislature:**

Amend the Open Meetings Law or put forward a Constitutional Amendment to mandate that public bodies must provide an opportunity for the public to speak at their meetings.

**Exhibit A** provides a listing of the 153 towns where the Town Supervisor, Town Clerk and Board Members received our letter via email. (492 emails were sent)

**Exhibit A - NYS Towns - Sent a Letter Via Email**

Alfred	East Otto	Massena	Scio
Allen	Edwards	McDonough	Sherburne
Alma	Elba	Mentz	Sherman
Almond	Elizabethtown	Middlebury	Skaneateles
Altona	Elma	Milan	Smithville
Amity	Erwin	Moravia	Smyrna
Andover	Fine	Neversink	Sodus
Annsville	Fort Edward	New Albion	Somers
Arcadia	Geneseo	New Bremen	Southold
Ashford	Genoa	New Haven	Spafford
Ashland	Goshen	New Paltz	Sparta
Au Sable	Greene	Newport	Springfield
Ava	Greenville	North	Stafford
Benton	Groveland	Hempstead	Stockbridge
Bethany	Hamptonburgh	Northampton	Sullivan
Black Brook	Harpersfield	Norway Olean	Taghkanic
Bleecker	Harrison	Olive	Theresa
Blenheim	Hartsville	Orleans	Venice
Busti	Hermon	Ossian	Villenova
Cairo	Homer	Otego	Virgil
Camden	Hornellsville	Otselic Otto	Warren
Candor	Horseheads	Parishville	Washington
Cape Vincent	Huntington	Pavilion	Watson
Carlton	Ira	Persia	Wawarsing
Charlotte	Ithaca	Philipstown	Wayne
Cherry Creek	Jackson	Plainfield	Webb
Cincinnatus	Jewett	Pound Ridge	Wellsville
Clarence	Kirkland	Red Hook	West Monroe
Clarendon	Leicester	Rhinebeck	West Sparta
Clay	Leon	Ridgeway	Westville
Clymer	Lincklaen	Romulus	Willing
Cohocton	Lockport	Rose	Wilmington
Collins	Lowville	Roxbury	Windham
Constable	Machias	Russia	Winfield
Copake	Maine	Rye	Wirt
Covington	Malone	Sangerfield	
Crown Point	Manchester	Sardinia	
Dansville	Mansfield	Schroeppel	
Dix	Martinsburg	Schroon	

**Exhibit B** provides a listing of the 24 Towns that we sent a letter to the Town Supervisor and Town Clerk via U.S. Mail (no emails on their website).

**Exhibit B - Towns Sent a Letter Via U.S. Mail**

Barrington
<b>Bellmont</b>
Bombay
<b>Cambridge</b>
Clare
<b>Colchester</b>
Columbia
<b>Evans</b>
Freetown
<b>German</b>
Gouverneur
<b>Granby</b>
Great Valley
<b>Hamden</b>
Kiantone
<b>Kingsbury</b>
Marathon
<b>Marcellus</b>
North Salem
<b>Oppenheim</b>
Portville
<b>Root</b>
Starkey
<b>Westford</b>

**Exhibit C** highlights all 675 Towns in New York State that provide public comment based on this revised report.

**Exhibit C – All Towns Allowing Public Comment (675)**

Addison	Baldwin	Brownville	Charleston	Conesville
Afton	Ballston	Brunswick	Charlton	Conklin
Alabama	Barre	Brutus	Chateaugay	Constantia
Albion	Barton	Burke	Chatham	Copake
Albion	Batavia	Burlington	Chautauqua	Corinth
Alden	Bath	Burns	Chazy	Corning
Alexander	Bedford	Butternuts	Cheektowaga	Cornwall
Alexandria	Beekman	Byron	Chemung	Cortlandt
Alfred	Beekmantown	Caledonia	Chenango	Cortlandville
Allegany	Belfast	Cambria	Cherry Valley	Coventry
Allen	Bennington	Cameron	Chester	Covert
Amenia	Benson	Camillus	Chester	Coxsackie
Amherst	Benton	Campbell	Chesterfield	Crawford
Amsterdam	Bergen	Canaan	Chili	Croghan
Ancram	Berne	Canadice	Cicero	Cuba
Andes	Bethany	Canajoharie	Cincinnatus	Danby
Angelica	Bethel	Canandaigua	Clarendon	Dannemora
Antwerp	Bethlehem	Caneadea	Clarkson	Danube
Arcade	Big Flats	Canton	Clarkstown	Darien
Arcadia	Binghamton	Carlisle	Claverack	Day
Arietta	Blooming Grove	Carmel	Clayton	Dayton
Arkwright	Bolivar	Caroga	Clermont	De Kalb
Ashford	Bolton	Caroline	Clifton	Deerfield
Athens	Boonville	Carroll	Clifton Park	Deerpark
Attica	Boston	Carrollton	Clinton	Delaware
Augusta	Bovina	Castile	Cobleskill	Delhi
Aurelius	Brant	Catharine	Cochecton	Denmark
Aurora	Brasher	Catlin	Coeymans	Denning
Austerlitz	Bridgewater	Caton	Colden	DeRuyter
Ava	Brighton	Catskill	Colesville	DeWitt (De Witt)
Avoca	Brighton	Cazenovia	Colonie	Diana
Avon	Bristol	Centerville	Colton	Dickinson
Babylon	Broadalbin	Champion	Columbia	Dover
Bainbridge	Brookhaven	Champlain	Concord	Dresden

Exhibit C – All Towns Allowing Public Comment (675) cont’d.

Dryden	Fayette	Glen	Harford	Indian Lake
Duanesburg	Fenner	Glenville	Harmony	Inlet
Dunkirk	Fenton	Gorham	Harrietstown	Irondequoit
Durham	Fishkill	Goshen	Hartford	Ithaca
East Bloomfield	Fleming	Gouverneur	Hartland	Jay
East Fishkill	Florida	Grafton	Hartwick	Jerusalem
East Greenbush	Floyd	Granby	Haverstraw	Johnsburg
East Hampton	Forestburgh	Grand Island	Hebron	Johnstown
East Otto	Forestport	Granville	Hector	Junius
East Rochester	Fort Ann	Greece	Hempstead	Keene
Eastchester	Fort Edward	Green Island	Henderson	Kendall
Easton	Fowler	Greenfield	Henrietta	Kent
Eaton	Frankfort	Greenport	Hermon	Kinderhook
Eden	Franklin	Greenville	Highland	Kirkwood
Elbridge	Franklinville	Greenville	Highlands	Knox
Ellenburg	Freedom	Greenwich	Hillsdale	LaFayette
Ellery	Fremont	Greenwood	Hinsdale	LaGrange (La
Ellicott	French Creek	Greig	Holland	Lake George
Ellicottville	Friendship	Groton	Homer	Lake Luzerne
Ellington	Fulton	Grove	Hoosick	Lake Pleasant
Ellisburg	Gaines	Guilderland	Hope	Lancaster
Elma	Galen	Guilford	Hopewell	Lansing
Elmira	Gallatin	Hadley	Hopkinton	Lapeer
Enfield	Galway	Halcott	Horicon	Le Ray
Ephratah	Gardiner	Halfmoon	Hornellsville	Le Roy
Erin	Gates	Hamburg	Horseheads	Lebanon
Esopus	Geddes	Hamilton	Hounsfield	Ledyard
Esperance	Geneseo	Hamlin	Hume	Lee
Essex	Geneva	Hammond	Humphrey	Leon
Exeter	German Flatts	Hampton	Hunter	Lewis
Fabius	Germantown	Hancock	Hurley	Lewisboro
Fallsburg	Gerry	Hannibal	Huron	Lewiston
Farmersville	Ghent	Hanover	Hyde Park	Lexington
Farmington	Gilboa	Hardenburgh	Independence	Leyden

**Exhibit C – All Towns Allowing Public Comment (675) cont’d.**

Liberty	Masonville	New Hartford	Oneonta	Perrysburg
Lima	Massena	New Lebanon	Onondaga	Perth
Lincklaen	Mayfield	New Lisbon	Ontario	Peru
Lincoln	Mendon	New Paltz	Oppenheim	Petersburgh
Lindley	Meredith	New Scotland	Orange	Phelps
Lisbon	Mexico	New Windsor	Orangetown	Philadelphia
Livingston	Middlefield	Newark Valley	Orangeville	Philipstown
Livonia	Middlesex	Newburgh	Orchard Park	Piercefield
Lloyd	Middletown	Newcomb	Orwell	Pierrepont
Locke	Milford	Newfane	Ossining	Pike
Lodi	Milo	Newfield	Oswego	Pine Plains
Lorraine	Milton	Newstead	Otisco	Pitcairn
Louisville	Mina	Niagara	Otsego	Pittsfield
Lowville	Minerva	Nichols	Otselic	Pittsford
Lumberland	Minetto	Niles	Otto	Pittstown
Lyme	Minisink	Niskayuna	Ovid	Plattekill
Lyons	Monroe	Norfolk	Owasco	Plattsburgh
Lysander	Montezuma	North Castle	Owego	Pleasant Valley
Macedon	Montgomery	North Collins	Oxford	Plymouth
Madison	Montour	North Dansville	Oyster Bay	Poestenkill
Madrid	Mooers	North East	Palatine	Poland
Maine	Moreau	North Elba	Palermo	Pomfret
Malta	Morehouse	North Greenbush	Palmyra	Pompey
Mamakating	Morristown	North Harmony	Paris	Porter
Mamaroneck	Mount Hope	North Hempstead	Parish	Portland
Manheim	Mount Kisco	North Hudson	Parma	Potsdam
Manlius	Mount Morris	North Norwich	Patterson	Poughkeepsie
Marbletown	Mount Pleasant	North Salem	Pawling	Prattsburgh
Marcy	Murray	Norwich	Pelham	Prattsville
Marilla	Nanticoke	Nunda	Pembroke	Preble
Marion	Naples	Oakfield	Pendleton	Preston
Marlborough	Nelson	Ogden	Penfield	Princetown
Marshall	New Berlin	Ohio	Perinton	Pulteney
Maryland	New Castle	Olive	Perry	Putnam

**Exhibit C – All Towns Allowing Public Comment (675) cont’d.**

Putnam Valley	Sanford	Stamford	Tyrone	Webster
Queensbury	Sangerfield	Stanford	Ulster	Wells
Ramapo	Santa Clara	Starkey	Ulysses	West Bloomfield
Randolph	Saratoga	Stephentown	Unadilla	West Monroe
Rathbone	Saugerties	Sterling	Union	West Seneca
Red Hook	Scarsdale	Steuben	Union Vale	West Sparta
Rensselaerville	Schaghticoke	Stillwater	Urbana	Westerlo
Rhinebeck	Schodack	Stockholm	Van Buren	Westfield
Richfield	Schuyler	Stockton	Van Etten	Westmoreland
Richford	Schuyler Falls	Stony Creek	Varick	Westport
Richland	Scipio	Stony Point	Venice	Wheatfield
Richmond	Seneca	Stratford	Vernon	Wheatland
Richmondville	Seneca Falls	Stuyvesant	Verona	White Creek
Ridgeway	Sennett	Summerhill	Vestal	Whitehall
Riga	Shandaken	Summit	Veteran	Williamson
Ripley	Shawangunk	Sweden	Victor	Wilna
Riverhead	Shelby	Taghkanic	Vienna	Wilson
Rochester	Sheldon	Taylor	Volney	Wilton
Rockland	Shelter Island	Thompson	Waddington	Windsor
Rodman	Sherman	Throop	Wales	Wolcott
Root	Sidney	Thurman	Walkkill	Woodbury
Roseboom	Skaneateles	Thurston	Walton	Woodhull
Rosendale	Smithtown	Ticonderoga	Walworth	Woodstock
Rotterdam	Sodus	Tioga	Wappinger	Worcester
Roxbury	Solon	Tompkins	Warrensburg	Wright
Royalton	Somerset	Tonawanda	Warsaw	Yates
Rush	South Bristol	Torrey	Warwick	York
Rushford	South Valley	Troupsburg	Waterloo	Yorkshire
Russell	Southampton	Truxton	Watertown	Yorktown
Rutland	Southeast	Tully	Waverly	
Salem	Southport	Tupper Lake	Wawayanda	
Salina	St. Armand	Tusten	Wayland	
Sand Lake	St. Johnsville	Tuxedo	Wayne	
Sandy Creek	Stafford	Tyre	Webb	

**Exhibit D** highlights all 123 Towns in New York State that do not allow for public comment, as per this revised report.

**Exhibit D – All Towns NOT Allowing Public Comment (123)**

Alma	Dansville	Marcellus	Smithville
Almond	Dix	Martinsburg	Smyrna
Altona	Edwards	McDonough	Somers
Amity	Elba	Mentz	Southold
Andover	Elizabethtown	Middlebury	Spafford
Annsville	Erwin	Milan	Sparta
Ashland	Evans	Moravia	Springfield
Au Sable	Fine	Neversink	Stockbridge
Barrington	Freetown	New Albion	Sullivan
Bellmont	Genoa	New Bremen	Theresa
Black Brook	German	New Haven	Villanova
Bleecker	Great Valley	Newport	Virgil
Blenheim	Greene	Northampton	Warren
Bombay	Groveland	Norway	Washington
Busti	Hamden	Olean	Watson
Cairo	Hamptonburgh	Orleans	Wawarsing
Cambridge	Harpersfield	Ossian	Wellsville
Camden	Harrison	Otego	Westford
Candor	Hartsville	Parishville	Westville
Cape Vincent	Huntington	Pavilion	Willing
Carlton	Ira	Persia	Wilmington
Charlotte	Jackson	Plainfield	Windham
Cherry Creek	Jewett	Portville	Winfield
Clare	Kiantone	Pound Ridge	Wirt
Clarence	Kingsbury	Romulus	
Clay	Kirkland	Rose	
Clymer	Leicester	Russia	
Cohocton	Lockport	Rye	
Colchester	Machias	Sardinia	
Collins	Malone	Schroeppel	
Constable	Manchester	Schroon	
Covington	Mansfield	Scio	
Crown Point	Marathon	Sherburne	



**Exhibit E** is the letter to 177 towns from the New York Coalition For Open Government that was sent in January 2024.

## **Exhibit E – Letter from the New York Coalition For Open Government, Inc. to Town Officials**



*Advocating for timely access to information & meaningful citizen participation*  
[www.nyopengov.org](http://www.nyopengov.org)

January 27, 2024

Recently our organization undertook a project to ascertain if towns in New York allowed for public comment as part of their Town Board meetings. We found that 177 of 933 towns did not allow public comment. We determined this by reviewing the March 2023 agenda and minutes of each town's website.

Your town was listed as one of the 177 towns 'not allowing' public comment as described above. This letter is a follow-up to our report entitled 'Silence is Not Golden'. For your reference and convenience, here is a link to our report: <https://nyopengov.org/ny-state-should-recognize-the-publics-right-to-speak-at-government-meetings/>

I am writing to you as the President of the New York Coalition for Open Government. The Coalition is a nonpartisan, not-for-profit organization comprised of journalists, activists, attorneys, educators, news media organizations, and other concerned citizens who value open government and freedom of information.

We believe that if government is of the people, by the people, and for the people, then it should also be open TO the people. Government exists to serve its citizens, so access to public information should be simple. Freedom of Information Laws and the NY Open Meetings Law make access to public records a public right.

What can we, as the NY Coalition for Open Government do to help you ensure that town meetings include this important part of participative government? If we have missed something that shows you in fact do allow this important interaction during your town meetings, please advise us so that we may correct our records. Our intent is to ensure that government is as open as it can be and that all residents are heard.

If you do not offer public comment as part of your Town Board meetings, we are offering to assist you in how to add this important process to your meetings. We can give you assistance so that we can work together to improve local governmental processes for the benefit of your town as well as for the benefit of all.

Please feel free to contact me at [paul.wolf@nyopengov.org](mailto:paul.wolf@nyopengov.org). I also invite you to visit our website so that you have a better understanding of what we do, what we stand for and what our mission is. The link to our website: <https://nyopengov.org>

Thank you for your time.

Sincerely,

Paul W. Wolf, Esq.  
President  
New York Coalition for Open Government