

## Donna Conkling

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**From:** robertbergesq@aol.com  
**Sent:** Friday, May 10, 2019 1:49 PM  
**To:** Mayor  
**Cc:** Steve Pappalardo; Donna Conkling; Trustee Veron; Trustee Crandall; Trustee Lewis; Trustee Arest; Trustee Waldman  
**Subject:** Re: Time limit for speakers at public comment session of Village Board meetings

Dear Mayor Mark, thanks very much for your prompt and thoughtful response to my email from yesterday regarding the time limit for speakers during the public comment session at Village Board meetings. Of course, I recognize that the 5 minute limit has existed for years. The rigidity of its enforcement, however, has varied depending upon the temperament of the Mayor in office. You have decided to impose strict adherence to the five minute rule under all circumstances. To me, this is wrong-headed, disrespectful to those very few residents who make the effort to come to Village Board meetings to speak publicly before the Board, and dissuades other residents from stepping forward. There's simply no upside to this practice, and it sets a terrible tone for your Administration.

You say you have researched "best practices" for Public Comment limitations on individual speakers and have found that 3-5 minutes are recommended. Recommended by whom? Organizations of local governments who similarly want to dissuade their residents from expressing their views to their elected or appointed officials? Mark, "best practices" can only be defined situationally. What's best practices for a public hearing with 1,000 members of the public in the audience who want to speak on an issue -- for example, at the hearings for rental increases before the Rent Stabilization Board in NYC -- are very different from a Scarsdale Village Board meeting with 3 members of the public in the audience where 1 or 2 intend to speak before the Board. As you well know, the latter situation typically presents itself at Scarsdale Village Board meetings. Occasionally, 5-10 residents may come up to the mic to present comments. Rarely does anyone speak beyond the 5 minute limit. Very rarely, there'll be a "hot button" issue that draws 100 or more residents to Village Hall, and 30 or 40 or more will speak. In that extremely rare circumstance, strict enforcement of the five minute rule makes sense so that the meeting can be brought to conclusion at some reasonable hour.

My point, as I've stated repeatedly, is that you need to allow flexibility with regard to the public comment time limit. I carefully craft my public comments to the Board, and my message is intended to reach an audience beyond the Board and Village staff who are present at the meeting. These meetings are televised and often observed and reported on by the press. It's very important for the public to hear a diversity of viewpoints, and mine so happens to challenge the Board's and Village staff's from time to time. I try to stay within the five minute time constraint, and yet, sometimes, I need another minute or two, or maybe even three. That also seems to be the case with my friend, Bob Harrison. But I believe we bring valuable information, thoughts, ideas, and criticism before the Board and the community. When there are usually so few others who muster the effort to speak publicly before the Board -- and the Board agenda is not overwhelmed pressing matters -- I urge you to be more tolerant of the time restrictions. Informal discussions with individual Board members is not the same. Such meetings are not public; are not televised; minutes are not kept; and are not official government meetings.

I do appreciate your moving the public comment session up towards the beginning of the meetings, and your informal outreach efforts.

Best regards, Bob Berg.

-----Original Message-----

From: Mayor <mayor@scarsdale.com>  
To: robertbergesq@aol.com <robertbergesq@aol.com>  
Cc: Steve Pappalardo <spappalardo@scarsdale.com>; Donna Conkling <dconkling@scarsdale.com>; Trustee Veron <jveron@scarsdale.com>; Trustee Crandall <lcrandall@scarsdale.com>; Trustee Lewis <jlewis@scarsdale.com>; Trustee Arest <jarest@scarsdale.com>; Trustee Crandall <lcrandall@scarsdale.com>; Trustee Waldman <rwaldman@scarsdale.com>  
Sent: Fri, May 10, 2019 10:54 am  
Subject: Re: Time limit for speakers at public comment session of Village Board meetings

Bob,

Thank you for your note.

First, I would to clarify that the five-minute time limit is not new - it has existed for years. Second, the current Board is very focused on communication and has embarked on the following specific actions to enhance communications:

- After researching best practices for Public Comment, we have found that 3-5 minute time limits are recommend (we are at the outer limit of the recommended range). There are also recommendations that a cumulative time limit be instituted but we prefer to allow all of those wishing to speak to be able to do so. Best practices also indicate that consistent standards are important and avoid potential conflicts, misunderstandings and appearances of favoritism (with respect to people or views).
- Public Comment has been moved ahead of Trustee Liaison Reports and we have asked Trustees to focus their comments to matters that are community priorities.
- A one-minute notification to speakers at Public Comment and Public Hearings has been implemented to allow speakers to better manage their time.
- We have openly met with residents, such as the meeting that you, Trustee Arest and I had on April 5th.
- I have held an informal community meeting with the Mayor and have another similar meeting planned along with Village Manager Steve Pappalardo at 7pm on May 22nd at the Girl Scout House.
- Consistent email addresses for Village Trustees have been implemented to make it easier for residents to reach their elected officials.

As you are aware, we have also moved to a system of Board Work Sessions, in part to provide a more open dialogue in a public setting.

Communications are a very high priority of this Board.

I understand that you may prefer more time to express your views and I am happy to sit down with you again. We value your dedication to Scarsdale and your suggestions.

Best regards,

Marc

On May 9, 2019, at 11:33 AM, [robertbergesq@aol.com](mailto:robertbergesq@aol.com) <mailto:[robertbergesq@aol.com](mailto:robertbergesq@aol.com)> wrote:

Dear Mayor Samwick and Village Trustees:

Please see the attached article in today's Miami Herald, reporting that a resident of Bradenton, Florida, was arrested and forcibly removed from the City Council meeting after exceeding his three minute public comment time limit. Is this to be the future for residents at Scarsdale's Village Board meetings under the Samwick Administration's draconian new policy? I certainly hope not. I remain perplexed and distressed by your failure to recognize the importance of encouraging residents to come before the Village Board and speak freely about matters that concern them without fear of being cut off or embarrassed by a time clock that serves little purpose. So few residents ever come to Village Board meetings at all. Generally, a handful or less choose to speak during the public comments session, and only rarely does a speaker exceed five minutes. Usually, the residents speak movingly of matters of considerable concern to them and to other residents. In contrast, historically, and even currently, Mayors and Trustees drone on ceaselessly about mundane items, such as a Trustee's attendance at a Cub Scout event or a weed-pulling session, or recite a schedule of public events that is listed on the Village website and elsewhere. Why should those inane statements drag on without limitation, while our residents' public addresses to their elected officials and Village administrators be cut off for the sake of an arbitrary buzzer? The Samwick Gong Show policy should be reconsidered and ended. Best regards, Bob.

LATEST NEWS <<https://www.miamiherald.com/latest-news/>>

Police forcibly remove leader of Manatee NAACP from city council meeting

BY SARA NEALEIGH

MAY 08, 2019 03:22 PM, UPDATED 2 HOURS 41 MINUTES AGO

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Rodney Jones escorted from city council by Bradenton Police

SHARE

President of the Manatee County chapter NAACP Rodney Jones was forcibly removed from a Bradenton City Council meeting Wednesday after he refused to leave when his time for public comment was up. BY CITY OF BRADENTON | TIFFANY TOMPKINS

Rodney Jones, president <<https://www.bradenton.com/news/local/article84832997.html>> of the Manatee County chapter of the NAACP, was forcibly removed from a Bradenton City Council meeting Wednesday after he refused to leave the podium when his time for public comment — which he used to tell council members about a complaint against the Bradenton Police Department — was up.

Jones faces charges of disturbing a public meeting and resisting arrest without violence, police Capt. Brian Thiers confirmed.

During the meeting, Jones requested to address the council, but public comment had already ended. He had arrived late and missed the public comment portion of the meeting.

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Mayor Wayne Poston allowed Jones to speak later, near the end of the meeting.

Jones said he wanted to lodge a complaint against Bradenton police because he didn't feel safe and did not feel safe to have his 15-year-old at his home.

"I feel like my life is in danger," Jones said.

He told council members, including Poston who is the commissioner of police, Bradenton Police vehicles were parked in front of his home April 22.

Poston confirmed with Jones that he had spoken to Police Chief Melanie Bevan previously about the alleged incident.

Bevan also told the Bradenton Herald she had previously spoken to Jones about the allegations.

When Jones went over the three-minute public comment time limit, he told council he would keep going until he was finished.

"So let me finish this, 'cause I'm going to finish or you're going to have to arrest me," Jones said.

An officer approached the podium and told Jones his time was up, but Jones did not leave and repeatedly told the officer not to touch him. Bevan offered to talk to him outside but Jones refused.

He approached the council members, pointing at them before Bevan stepped in front of him. Bevan and other officers grabbed Jones by the arms and forcibly took him outside of the council chambers.

As he was escorted out, he Jones continued to shout and struggled against officers to stay in the room.

After Jones was taken into the hall, Bevan told council members that in her time as chief, they have "beefed up policy that detail how (the department) handles complaints" and her door remains open for them.

"We don't take at-large accusations without someone who can come forward and provide any type of detail," Bevan said.

Bevan went on to say the department takes accusations against officers seriously and will investigate any and all accusations.

Jones, who once ran for a seat on the Manatee County school board and lost, has previously voiced complaints

<<https://www.bradenton.com/news/local/article107171857.html>> against Bradenton Police Department and has

considered a lawsuit <<https://www.bradenton.com/news/local/article221699495.html>> against the Bradenton Housing Authority.

The Bradenton Herald has reached out to Jones by phone since he was removed from the meeting but his voice mail

inbox was full.

[Manatee County NAACP leader, Rodney Jones was removed from a Bradenton City Council meeting Wednesday. He was arrested and faces charges of disturbing a public meeting and resisting arrest without violence.]

Manatee County NAACP leader, Rodney Jones was removed from a Bradenton City Council meeting Wednesday. He was arrested and faces charges of disturbing a public meeting and resisting arrest without violence. FILE PHOTO BY TIFFANY TOMPKINS BRADENTON HERALD