

**TOWN OF HAMILTON**  
**Madison County, New York State**

**POLICY FOR RECORDING IN TOWN-OWNED BUILDINGS**  
**AND AT TOWN MEETINGS**

The purpose of this policy is to ensure the orderly functioning of the Town of Hamilton government, the safety of Town employees, the safety of the general public, and the security of confidential government records. “Recording” as defined by this policy includes audio recording, video recording, livestreaming and photography.

This policy will also act to establish clear guidelines on the uses of Town-owned municipal buildings.

**Introduction**

While the Town of Hamilton welcomes expressive activity in traditional or designated public forums, restricting these actions in certain government-owned locations for purposes of public and staff safety and the confidentiality of records is within the purview of the Town Board. This distinction has been upheld by the Supreme Court which maintains that the government, “no less than a private owner of property”, retains the “power to preserve the property under its control for the use to which it is lawfully dedicated.” The Supreme Court has also concluded that “governments may impose some content-based restrictions on speech in non-public forums, including restrictions that exclude political advocates and forms of political advocacy.”

As widespread access to mobile phones has become the norm, the Town Board wishes to set restrictions on areas of Town-owned property that may be recorded by members of the public. Courts have upheld the right of the public to record government officials conducting their duties in public forums, so long as recording does not disrupt the public forum (examples being publicly noticed meetings, public hearings, etc.). However, the right to record in what are determined to be non-public forums can be limited by formal action of the governing board.

**Policy**

1. As to the interiors of Town-owned properties covered by this policy, recording of Town staff members, visitors to Town-owned properties, and Town offices/facilities by members of the public is allowed in areas demarcated by signage reading “Recording Allowed Here”, so long as such recording takes place during normal business hours, and is done in a manner that is not disruptive to municipal operations or unsafe. These signs will be posted in the public lobbies of all buildings covered by this policy.
2. As to the interiors of Town-owned properties covered by this policy, recording by members of the public is not allowed in areas demarcated by signage reading “No Recording Beyond This Point - The Use of Video and Audio Equipment is Prohibited”.

3. Further, as to Town-owned properties covered by this policy, access to some areas of Town-owned buildings shall not be open to the public. Any such area will also be demarcated by signage reading “Authorized Personnel Only”.
4. In instances where members of the public fail to comply with posted signage, municipal employees will notify the individual of this policy and may provide a copy upon request. Municipal staff will receive, as part of their annual safety training, further direction on how to address instances of conduct prohibited by this policy.
5. Audio and/or video recording of all public meetings is permitted except recording during Executive Sessions is prohibited. By majority vote, the Town Board may: (1) determine whether the recording(s) being done is disruptive to the meeting after taking into consideration, but not limited to, brightness of lights, distance from the Board, size of the equipment, the amount of noise generated by the activity, and the ability of the public to observe or hear the meeting; (2) require that any individual(s) stop recording, or leave the meeting, or be removed from the meeting; and (3) adopt any other rules governing audio and video recording of public meetings which shall be effective immediately unless otherwise stated. It shall be the Supervisor’s responsibility to keep the rules for recording meetings posted conspicuously in the Board meeting room and in any other room(s) where any Town public meetings are held.
6. The Town Board has allocated a dedicated space [at the rear of the meeting room] so as not to interfere with the conducting of business by the members of the Town Board. All videotaping of Town Board proceedings by members of the media, Board Members or any other persons may be conducted in the designated area of the Town Board meeting room and beyond the barriers provided separating the Town Board dais from the general public. The Town Board has determined that adequate space is designated for said recording and said space may be utilized for that purpose.

## **Conclusion**

The Town of Hamilton has developed this policy and these procedures to ensure that all employees and members of the public visiting Town buildings remain safe, and that municipal records requiring confidentiality are protected. Any questions regarding this policy and procedure should be brought to the attention of the Town Supervisor.

Policy Adopted by the Hamilton Town Board on April 13, 2023.