

**Village of Sylvan Beach
Public Hearing Videoconferencing
October 17, 2022**

Public Hearing for Local Law Videoconferencing was held on October 17, 2022 at 6:00 pm at 808 Marina Dr. The meeting was attended with board members present and the public was provided with a link to attend via zoom videoconference. Mayor Richard Sullivan presided over the meeting with the following in attendance

Roll Call:

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|-----------------------------|---------|
| Mayor Richard Sullivan | Present |
| Trustee Mark Daily | Present |
| Trustee David DeSantis | Present |
| Trustee Thad Lawrence | Present |
| Trustee William Shaughnessy | Present |

Meeting was called to order with the pledge of allegiance

Others in Attendance:

New Business:

Local Law #1 Videoconferencing

LOCAL LAW 1 OF THE YEAR 2022

[Pursuant to Public Officers Law § 103-a public bodies are authorized to conduct meetings using videoconference technology so long as a quorum of the public body is physically present at one or more of the locations where the public can also attend in person. This requirement can be satisfied, for example, if three members of a five-member public body are physically present in the municipal hall and the public is allowed to attend at that location, or if three members of a five-member public body are participating via videoconference from three different locations and the public is allowed to be physically present at each of those locations.

A member of a public body may participate in a meeting of a public body without allowing members of the public to be physically present at the location from which they are participating in the meeting if extraordinary circumstances exists such as disability, illness, caregiving responsibilities, or any other significant or unexpected factor or event which precludes the member's physical attendance at such meeting.

If a public body broadcasts its meetings or conducts its meetings via videoconference, it must use technology that permits members of the public with disabilities to access the video in a manner consistent with the 1990 Americans with Disabilities Act (ADA). Information on how meetings can be made accessible to attendees with disabilities can be found online at www.section508.gov/create/accessible-meetings/. In addition, local officials should consult with their municipal attorney to ensure compliance with this requirement.]

Local Law No. 1 of the year 2022
Village of Sylvan Beach, County of Oneida

A local law adopted in pursuant to Public Officers Law § 103-a authorizing the use of videoconferencing within the Village of Sylvan Beach.

Section 1. Legislative Intent

It is the intent of this local law to authorize the Village of Sylvan Beach to conduct meetings consistent with the videoconferencing provisions of Public Officers Law § 103-a and the videoconferencing policies adopted by the Village Board of Trustees.

Section 2. Authority

This local law is adopted pursuant to Public Officers Law § 103-a, which expressly authorizes the Board of Trustees to adopt local legislation, authorizing the use of videoconferencing.

Section 3. Videoconferencing for Public Meetings

The Board of Trustees of the Village of Sylvan Beach, County of Oneida, hereby authorizes the use of videoconferencing when conducting meetings of the Board of Trustees as well as all Village of Sylvan Beach Boards, Committees and Subcommittees subject to the following:

1. A quorum of the members of the Board of Trustees, or other Village Boards, are physically present at the meeting in one or more physical locations at which members of the public may attend the meeting.
2. Members of the Board of Trustees, or other Village Boards, are physically present at the meeting locations(s) at which the public can attend in person unless the member of the Board of Trustees, or other Board, is unable to be physically present due to extraordinary circumstances:
 - a. Extraordinary circumstances is defined to include any disability or illness, caregiving responsibilities, or any significant or unexpected factor or event that precludes the Board of Trustees, or other Village Board, member's physical attendance at such meeting.
 - b. Extraordinary circumstances must be certified by email or other written means to the Village Clerk by the member of the Board of Trustees, or other Village Board, in accordance with the Village's videoconferencing policies and procedures and not less than 72 hours prior to any meeting.

3. Except in the case of executive sessions conducted pursuant to Public Officers Law § 105, members of the Board of Trustees must be able to be heard, seen and identified while the meeting is being conducted, including but not limited to any motions, proposals, resolutions, and any other matter formally discussed or voted upon.
4. The minutes of meetings involving videoconferencing must include which, if any, members of the Board of Trustees, and other Village boards, participated using videoconferencing technologies.
 - a. Such minutes must be made available to the public pursuant to Public Officers Law § 106.
 - b. Any meeting that uses videoconferencing must be recorded and such recordings must be posted to or linked on the Village website within five business days of the meeting. The recordings must remain available for a minimum of five years thereafter and recordings must be transcribed upon request.
5. The public notice for any meeting involving videoconferencing must:
 - a. Inform the public that:
 - i. videoconferencing will be used,
 - ii. where members of the public can view and/or participate in such meeting via videoconference, and
 - iii. where required documents and records will be posted or available; and
 - b. Identify the physical location(s) where members of the Board of Trustees, and other Village boards, will be physically present at the meeting and where members of the public can attend the meeting in person.
6. Members of the public are able to view the video broadcast of any meeting using videoconferencing simultaneously when the meeting is conducted. Additionally, at meetings where public comment or participation is authorized by the Board of Trustees, or other Village Boards, members of the public are able to participate in the proceedings using videoconferencing technologies in real time and with the same opportunities for public participation or testimony as in-person participation or testimony.
7. The Board of Trustees, and other Village Boards, may conduct meetings entirely by videoconference, with no in-person requirement, provided that:

- a. A state of emergency is declared by the Governor of the State of New York pursuant to Executive Law § 28, or
 - b. A local state of emergency is declared by the Mayor of the Village of Sylvan Beach pursuant to Executive Law § 24, and the Board of Trustees determines that the circumstances necessitating the emergency declaration would affect or impair the ability of the public body to hold an in-person meeting.
8. Whenever the Board of Trustees invokes the emergency exception as defined in paragraph 7 and takes action at such meeting without allowing members of the public to be physically present, the Board of Trustees must acknowledge the previous meeting(s) and summarize any actions(s) taken thereat at the next immediate meeting where the public is allowed to attend. The Board of Trustees must produce minutes of such emergency meetings pursuant to the requirements of Public Officers Law § 106.

Section 4. Severability

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court’s order or judgement shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgement or order shall be rendered.

Section 5. Effective date

This local law shall take effect immediately upon filing with the Secretary of State.

Public:

There was no public comment

Adjournment:

Motion was made by Trustee Daily and seconded by Trustee Shaughnessy to adjourn the public hearing at 6:10pm. Carried as follows:

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| Trustee Daily | Aye | Trustee DeSantis | Aye |
| Trustee Lawrence | Aye | Trustee Shaughnessy | Aye |

Respectfully submitted by
 Wanda E Durant
 Village Clerk-Treasurer

DRAFT