

NOTICE OF PUBLIC HEARING

Town of Henderson, New York

Proposed Local Law: Authorizing the Municipal Boards to use Videoconferencing Technology to participate in Public Meetings

PLEASE TAKE NOTICE that a Local Law has be introduced before the Town Board of the Town of Henderson to authorize the Town Board, the Planning Board and the Zoning Board of Appeals to use videoconferencing Technology to participate in Public Meetings.

PLEASE TAKE NOTICE that a Public Hearing in connection with the proposed legislation will be held on Tuesday March 12, 2024 at 7:00PM at the Town Offices located at 12105 Town Barn Rd., Henderson, New York. An opportunity to be heard in regard thereto will then and there be given to all persons interested in this proposed legislation

Town of Henderson

12105 Town Barn Road
Henderson, NY 13650
Phone: (315) 938-5542

RESOLUTION # ___ of 2024

ENACT A LOCAL LAW AUTHORIZING THE TOWN BOARD, PLANNING BOARD and ZONING BOARD OF APPEALS TO USE VIDEOCONFERENCING TECHNOLOGY TO PARTICIPATE IN PUBLIC MEETINGS

WHEREAS, the Town Board for the Town of Henderson, New York has considered expanding options for participation at meetings; and

WHEREAS, the Town Board intends to adopt legislation to Authorize the Town Board, Planning Board and Zoning Board of Appeals to Use Videoconferencing Technology to Participate In Public Meetings.

NOW, THEREFORE, BE IT RESOLVED, by the Town Board for the Town of Henderson, New York as follows:

1. The forgoing recitations are incorporated herein and made a part hereof as if set forth hereafter.

2. The Town Board hereby enacts the Local Law Authorizing the Town Board, the Planning Board and the Zoning Board of Appeals to Use Videoconferencing Technology to Participate in Public Meetings as being in the best interests of the Town of Henderson.

3. A policy addressing that use will be adopted and must be followed by the Town's boards.

4. The Supervisor for the Town of Henderson and the Town Clerk for the Town of Henderson, their respective agents and employees are authorized to sign all documents and take all steps necessary to enact this legislation.

5. This Resolution shall take effect immediately.

The foregoing Resolution was offered by Board Member, _____, and seconded by Board Member, _____, and upon roll call vote of the Board was duly adopted as follows:

	YES	NO
Edwin Glaser, Supervisor	_____	_____
Matthew Owen	_____	_____
Torre Parker-Lane	_____	_____
David Poulin	_____	_____
Lindsay Witmer	_____	_____

Dated: _____, 2024

Wendy Flagg, Town Clerk

Town of Henderson

LOCAL LAW NO _____ OF 2024

A LOCAL LAW AUTHORIZING THE TOWN BOARD, THE PLANNING BOARD AND THE
ZONING BOARD OF APPEALS OF THE TOWN HENDERSON
TO USE VIDEOCONFERENCING TECHNOLOGY
TO PARTICIPATE IN PUBLIC MEETINGS

Section 1. Legislative Intent

It is the intent of this Local Law to give the Town Board, the Planning Board, and the Zoning Board of Appeals the authority to participate in meetings via videoconference in a manner consistent with the Town's videoconferencing policy and the authority granted in Public Officers Law § 103-a.

Section 2. Authority

This Local Law is adopted pursuant to Public Officers Law § 103-a which expressly authorizes the Town Board to adopt a local law giving the Municipal Boards the authority to participate in meetings via videoconference from locations not accessible to the public so long as a quorum of the board/body participates from locations where the public may be physically present and other conditions are met.

Section 3. Videoconferencing for Public Meetings

The Town Board of the Town of Henderson hereby authorizes members of the Town's boards to participate in meetings using videoconferencing technology in a manner consistent with Public Officers Law § 103-a and the Town's videoconferencing policy adopted by the Town Board.

Section 4. Severability.

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, 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 judgment or order shall be rendered.

Section 5. Effective date.

This Local Law shall take effect immediately upon filing with the Secretary of State.

TOWN OF HENDERSON

Procedures for Member Videoconferencing Pursuant to Public Officers Law §103-a

In compliance with Public Officers Law (POL) §103-a(2)(a), the Town of Henderson, including the Town Board of the Town of Henderson, the Planning Board of the Town of Henderson and the Town of Henderson Zoning Board of Appeals (collectively known as the “Town”) following a public hearing, authorized by resolution on _____, 2024 the use of videoconferencing as described in POL §103-a is authorized.

The following procedures are hereby established to satisfy the requirement of POL §103-a(2)(b) that any public body which in its discretion wishes to permit its members to participate in meetings by videoconferencing from private locations – under extraordinary circumstances – must establish written procedures governing member and public attendance.

1. Town members shall be physically present at any meeting of the Town unless such member is unable to be physically present at one of the designated public meeting locations due to extraordinary circumstances.
2. For purposes of these procedures, the term “extraordinary circumstances” includes disability, illness, caregiving responsibilities, or any other significant or unexpected factor or event which precludes the member’s physical attendance at such meeting.
3. If a member is unable to be physically present at one of the designated public meeting locations and wishes to participate by videoconferencing from a private location due to extraordinary circumstances, the member must notify the Supervisor and/or Chairman of their respective Board no later than four (4) business days prior to the scheduled meeting in order for proper notice to the public to be given.
4. If there is a quorum of members participating at a physical location(s) open to the public, the Town may properly convene a meeting. A member who is participating from a remote location that is not open to in-person physical attendance by the public *shall not* count toward a quorum of the Town but may participate and vote if there is a quorum of members at a physical location(s) open to the public.
5. Except in the case of executive sessions conducted pursuant to POL §105 or §108, the Town shall ensure that its members can 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. This shall include the use of first and last name placards physically placed in front of the members or, for members participating by videoconferencing from private locations due to extraordinary circumstances, such members must ensure that their full first and last name appears on their videoconferencing screen.

6. The minutes of the meetings involving videoconferencing based on extraordinary circumstances pursuant to POL §103-a shall include which, if any, members participated by videoconferencing from a private location due to such extraordinary circumstances.
7. The public notice for the meeting shall inform the public:
 - (i) that extraordinary circumstances videoconferencing will (or may) be used,
 - (ii) where the public can view and/or participate in such meeting,
 - (iii) where required documents and records will be posted or available, and
 - (iv) the physical location(s) for the meeting where the public can attend.
8. The Town shall provide that each open portion of any meeting conducted using extraordinary circumstances videoconferencing shall be recorded and such recordings posted or linked on the Town's website (www.townofhendersonnyny.org) within five (5) business days following the meeting and shall remain so available for a minimum of five (5) years thereafter. Such recordings shall be transcribed upon request.
9. If members of the Town are authorized to participate by videoconferencing from a private location due to extraordinary circumstances, the Town shall provide the opportunity for members of the public to view such meeting by video, and to participate in proceedings by videoconference in real time where public comment or participation is authorized. The Town shall ensure that where extraordinary circumstances videoconferencing is used, it authorizes the same public participation or testimony as in person participation or testimony.
10. Open meetings of the Town conducted using extraordinary circumstances videoconferencing pursuant to the provisions of POL §103-a shall be broadcast pursuant to the requirements of POL §103(f) and shall utilize technology to permit access by members of the public with disabilities consistent with the 1990 Americans with Disabilities Act (ADA), as amended, and corresponding guidelines. For the purposes of this guideline, "disability" shall have the meaning defined in Executive Law § 292.
11. The in-person participation requirements of POL §103-a(2)(c) shall not apply during a state disaster emergency declared by the governor pursuant to Executive Law §28 if the Town determines that the circumstances necessitating the emergency declaration would affect or impair the ability of the Town to hold an in-person meeting.
12. These procedures shall be conspicuously posted on the Town's website (www.townofhendersonnyny.org).
13. These procedures may be amended, changed or repealed by resolution by the Town Board.