

Videoconferencing procedures

Whereas, pursuant to Local Law No. 9 of 2022, adopted on September 7, 2022, the Town Board of the Town of Shelter Island authorized members of the Town's public bodies to participate in meetings using videoconference technology in a manner consistent with New York State Public Officer's Law Section 103-a, subject to the adoption of written procedures governing member and public attendance; now therefore be it

RESOLVED, that the Town Board hereby sets forth the following procedures as it relates to videoconferencing, consistent with New York State Public Officer's Law Section 103-a:

1. A minimum number of members of the public body must be present to fulfill the public body's quorum requirement in the same physical location where the public can attend.
2. Members of the public body shall be physically present at any such meeting unless such member is unable to be physically present at any such meeting location due to extraordinary circumstances.
 - a. Extraordinary circumstances shall include disability, illness, caregiving responsibilities, or any other significant or unexpected factor or event which precludes the member's physical attendance at any such meeting.
 - b. Extraordinary circumstances shall not include conflicting social engagements, nor living in another state on a seasonal basis.
3. If a member cannot be physically present at any such meeting due to an extraordinary circumstance, the member must notify the chair and clerk of the public body, via email, at least (4) hours prior to the posted start of said meeting, so that efforts can be made to ensure a quorum will be physically present at such meeting location.
4. Except in the case of executive sessions conducted pursuant to Public Officers Law Section 105, the public body that utilizes videoconferencing shall ensure that members of that public body can be heard, seen, and identified while the meeting is being conducted, including, but not limited to, any motions made and any other matter formally discussed or voted upon. Thus, a member's camera may not be turned off during the meeting.
5. The minutes of the meeting shall include which, if any, members participated remotely, and shall be made available to the public pursuant to Public Officers Law Section 106.
6. The public notice for the meeting shall inform the public:
 - a. That videoconferencing shall be used;
 - b. Where the public can view and/or participate in such meeting;
 - c. Where required documents and records will be posted or available; and
 - d. Of the physical location for the meeting where the public can attend.
7. Each meeting shall be recorded, and such recordings shall be posted or linked on the Town's website within five business days following the meeting, and shall remain available for a minimum of five years thereafter. Such recordings shall be transcribed upon request.
8. Members of the public shall have the opportunity to view the meeting via video, and to participate in proceedings via videoconference in real time where public comment or participation is authorized. Said videoconferencing must allow for the same public participation or testimony as in person participation or testimony.
9. The public body 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 purposes of this provision, "disability" shall have the meaning defined in Executive Law Section 292.

10. In the event a state of disaster emergency is declared by either the Governor or the Town Supervisor pursuant to Executive Law Section 24 the in-person requirements of para graph (1) above shall not apply if the public body determines that the circumstances necessitating the emergency declaration would affect or impair the ability of the public body to hold an in-person meeting.

AND BE IT FURTHER RESOLVED, that these procedures may be amended, and changed as needed, by Town Board resolution; and be it further

RESOLVED, that these procedures shall be conspicuously posted on the Town's website for so long as videoconferencing is utilized.