

Local Law Filing

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Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

Town of Hillsdale

Local Law No. 3 of the year 2022

A Local Law amending the Code of the Town of Hillsdale, Part 1 (Administrative Legislation), to add a new Chapter 85 (Videoconferencing).

**Be it enacted by the Town Board of the
Town of Hillsdale as follows:**

Section 1. LEGISLATIVE INTENT

It is the intent of this local law to give the Town's public bodies, as that term is defined in Public Officers Law §102, specifically the Town Board, Planning Board, and Zoning Board of Appeals, the authority to conduct and participate in meetings via videoconference in a manner consistent with 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 public bodies of the Town the authority to conduct and participate in meetings via videoconference so long as a quorum of the public body participates from a location where the public may be physically present and other conditions are met.

Section 3. ENACTMENT

The Code of the Town of Hillsdale, Part 1 (Administrative Legislation), is amended to add the following new Chapter 85 (Videoconferencing):

Chapter 85. Videoconferencing

Each public body of the Town, as the term “public body” is defined in Public Officers Law §102, specifically including the Town Board, Planning Board, and Zoning Board of Appeals, may conduct and participate in meetings via videoconference in a manner consistent with the authority granted in Public Officers Law §103-a as follows:

- A. The public bodies of the Town must meet in person at a physical location open to the public with the minimum number of members present to fulfill the applicable quorum requirement.
- B. The members of a public body may only attend meetings virtually from locations not open to the public due to extraordinary circumstances.
- C. Extraordinary circumstances shall be defined as: disability, illness, caregiving responsibilities, or any other significant or unexpected factor or event which precludes the member’s physical attendance at such meeting. Once per calendar year, the elective travel of a member may be considered an extraordinary circumstance hereunder.
- D. It shall be within the Town Supervisor’s discretion to determine whether there is an extraordinary circumstance permitting remote attendance at a meeting by a member of a public body.
- E. The members of a public body attending virtually may not be counted toward the applicable quorum requirement, but they may participate and vote.
- F. The meeting minutes must identify which, if any, public body members participated remotely.
- G. When videoconferencing is used to conduct a meeting and permit the public to attend and participate virtually, the public notice for the meeting shall inform the public that videoconferencing will be used, where the public can view and/or participate in such meeting, where required documents and records will be posted or available, and identify the physical location for the meeting where the public can attend.
- H. The public body shall provide that each meeting conducted using videoconferencing shall be recorded and such recordings posted or linked on the Town website 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.
- I. If videoconferencing is used to conduct a meeting, the public body shall provide the opportunity for members of the public to view such meeting via video, and to participate in proceedings via videoconference in real time where public comment or

participation is authorized and shall ensure that videoconferencing authorizes the same public participation or testimony as in person participation or testimony.

- J. Members of the public shall also be allowed to attend, observe, and participate where public comment or participation is authorized at the designated physical location of the meeting.
- K. All meetings conducted by videoconferencing shall ensure that members of the public body can be heard, seen, and identified while the meeting is being conducted.
- L. The in-person participation requirements for the members of Town's public bodies shall not apply during a state disaster emergency declared by the Governor or when a local state of emergency is declared by the Town Supervisor, if it is determined that the circumstances necessitating the emergency declaration would affect or impair the ability for the public body to hold an in-person meeting.

Section 4. SEVERABILITY.

If any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm, corporation, or circumstance, shall be adjusted 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, 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 once it is duly filed with the Secretary of State of New York in accordance with the provisions of the General Municipal Law and shall expire and be deemed repealed on July 1, 2024.
