

Resolution Authorizing Adoption by the Town Board of the Town of Woodstock of Local Law No. 1 of 2022 - A Local Law Allowing Members of the Town Boards, Commissions and Committees to Participate in Public Meetings via Videoconference

WHEREAS, a Local Law entitled “A Local Law Allowing Members of the Town Boards, Commissions and Committees (herein referred to as “public bodies”) to participate in public body meetings via videoconference” was introduced before the Town Board of the Town of Woodstock on May 24, 2022, and upon notice duly published and posted, a hearing was held on June 7, 2022 at 7:00 p.m., before the Town Board,

WHEREAS, public discussion was heard at such hearing concerning the merits and significance of said local law; and

WHEREAS, the covid-19 pandemic as made it difficult for individuals to participate in public meetings due to health concerns; and

WHEREAS, by passing Chapter 56 of the Laws of 2022 (“Chapter 56”), the New York State Legislature amended Section 103 of the Open Meetings Law; and

WHEREAS, Chapter 56 adds Section 103-a of the Open Meetings Law, permitting the Woodstock Town Board to authorize members of all Town of Woodstock public bodies to attend meetings by videoconferencing under extraordinary circumstances; and

BE IT RESOLVED, that the Woodstock Town Board authorizes members of all Town of Woodstock public bodies who experience an extraordinary circumstance, as described within and further defined by any rules or written procedures later adopted, to attend meetings by videoconference as permitted under Chapter 56 of the Laws of 2022; and be it further

RESOLVED, that the Woodstock Town Board shall create written procedures further governing its use of videoconferencing members of all Town of Woodstock public bodies in compliance with Chapter 56 of the Laws of 2022; and be it further

RESOLVED, that the Town Clerk is hereby directed to enter said Local Law into the minutes of this meeting and to give due notice of the adoption of said Local Law to the Secretary of State of New York.

LOCAL LAW NO. 1 of 2022

Town of Woodstock, County of Ulster

A Local Law allowing members of the Town Boards, Commissions and Committees (herein referred to as “public bodies”) to participate in public body meetings via videoconference

Be it enacted by the Town Board of the Town of Woodstock as follows:

Section 1. Legislative Intent

It is the intent of this local law to give members of Town Boards, Commissions and Committees, herein referred to as “public bodies” the authority to participate in public body meetings via videoconference.

Videoconferencing has proven to be an effective and useful tool for public body meetings that allows members to participate despite issues such as inclement weather, illness, or travel plans.

Section 2. Authority

This local law is adopted pursuant to Municipal Home Rule Law § 10 which authorizes the Town Board to adopt a local law superseding any provision of Town Law relating to the property, affairs or government of the town and Open Meetings Law §103-a which authorizes the Town Board to adopt a local law allowing for participation in public body meetings via videoconferencing where extraordinary circumstances exist.

Section 3. Videoconferencing

The Town Board of the Town of Woodstock adopts Local Law #1 of 2022 to expressly allow members of public bodies to participate in public body meetings using videoconferencing from a non-public location, provided:

1. a minimum number of members are present to fulfill the public body's quorum requirement in the same physical location or locations where the public can attend;
2. members of the public body shall be physically present at any such meeting location unless such member is unable to be physically present at any such meeting location due to extraordinary circumstances that a member cannot attend in person because of health risks disability, illness, or caregiving responsibilities;
3. except in the case of executive sessions, the public body shall ensure that members of the public body can be heard, seen and identified, while the

4. meeting is being conducted, including but not limited to any motions, proposals, resolutions, and any other matter formally discussed or voted upon;
5. the minutes of the meetings involving videoconferencing shall include which, if any, members participated remotely and shall be available to the public;
6. 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;
7. 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;
8. open meetings of any public body that are broadcast or that use videoconferencing 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 section, "disability" shall have the meaning defined in section two hundred ninety-two of the executive law;
9. the public body shall provide that each meeting conducted using videoconferencing shall be recorded and such recordings posted or linked on the public website of the public body within five business days following the meeting, and shall remain so available for a minimum of five years thereafter. Such recordings shall be transcribed upon request; and
10. established written procedures governing member and public attendance shall be conspicuously posted on the public website of the public body.

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 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 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.