Village of Adams

LOCAL LAW NO 2 OF 2023

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

Section 1. Legislative Intent

It is the intent of this Local Law to give the Village Board, the Planning Board, and the Zoning Board of Appeals the authority to participate in meetings via videoconference in a manner consistent with the Village'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 Village 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 Village Board of the Village of Adams hereby authorizes members of the Village's boards to participate in meetings using videoconferencing technology in a manner consistent with Public Officers Law § 103-a and the Village's videoconferencing policy adopted by the Village 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.

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

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.

☐ **County** ☐ **City** ☐ **Town** ☒ **Village**
(Select one:)

of Adams

Local Law No. _____ **of the year 20**23

A local law AUTHORIZING THE VILLAGE BOARD, THE PLANNING BOARD AND
(Insert Title)
THE ZONING BOARD OF APPEALS OF THE VILLAG OF ADAMS TO USE
VIDEOCONFERNCING PURSUANT TO PUBLIC OFFICERS LAW §103-a

Be it enacted by the Village Board **of the**
(Name of Legislative Body)

☐ **County** ☐ **City** ☐ **Town** ☒ **Village**
(Select one:)

of Adams **as follows:**

SEE ATTACHED

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)
I hereby certify that the local law annexed hereto, designated as local law No. 2 of 2023 of the ~~(County)(City)(Town)~~(Village) of Adams was duly passed by the Village Board on Feb. 21 2023, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)
I hereby certify that the local law annexed hereto, designated as local law No. of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)
(Name of Legislative Body)
(repassed after disapproval) by the _____ and was deemed duly adopted
(Elective Chief Executive Officer)*
on _____ 20[ ][ ], in accordance w ith the applicable provisions of law.

3. (Final adoption by referendum.)
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)
(Name of Legislative Body)
(repassed after disapproval) by the _____ on _____ 20____.
(Elective Chief Executive Officer)*

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)
(Name of Legislative Body)
(repassed after disapproval) by the _____ on _____ 20____. Such local
(Elective Chief Executive Officer)*
law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.

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* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)
I hereby certify that the local law annexed hereto, designated as local law No._____ of 20_____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20_____, became operative.

6. (County local law concerning adoption of Charter.)
I hereby certify that the local law annexed hereto, designated as local law No._____ of 20_____ of the County of _____State of New York, having been submitted to the electors at the General Election of November _____ 20_____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)
I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph _____ above.

Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

(Seal)

Date: 2/23/23

VILLAGE OF ADAMS

3 S. Main Street
Adams, NY 13605
Telephone (315) 232-2632
Fax (315) 232-284

RESOLUTION # 7 of 2023
ENACT A LOCAL LAW AUTHORIZING THE VILLAGE BOARD, PLANNING BOARD and ZONING BOARD OF APPEALS TO USE VIDEOCONFERENCING TECHNOLOGY TO PARTICIPATE IN PUBLIC MEETINGS

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

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

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

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

2. The Village Board hereby enacts the Local Law Authorizing the Village 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 Village of Adams.

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

4. The Mayor for the Village of Adams and the Village Clerk for the Village of Adams, 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, Ross, and seconded by Board Member, Pacella, and upon roll call vote of the Board was duly adopted as follows:

	YES	NO
Philip Chatterton, Mayor	Yes ✓	No ___
Thomas Ross -	Yes ✓	No ___
Keith Perry	Yes ✓	No ___
Todd Race	Yes ✓	No ___
Kreg Davis	Yes ___	No ___
Lory Cobb	Yes ✓	No ___
Mark Pacella	Yes ✓	No ___

Dated: February 21, 2023

Tricia Beutel, Village Clerk

VILLAGE OF ADAMS

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

In compliance with Public Officers Law (POL) §103-a(2)(a), the Village of Adams, including the Village Board of the Village of Adams, the Planning Board of the Village of Adams and the Village of Adams Zoning Board of Appeals (collectively known as the "Village") following a public hearing, authorized by resolution on Feb. 21st, 2023 the use of videoconferencing as described in POL §103-a.

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. Village members shall be physically present at any meeting of the Village 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 Mayor 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 Village 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 Village 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 Village 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

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 Village 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 Village's website (www.villageofadams.com) 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 Village are authorized to participate by videoconferencing from a private location due to extraordinary circumstances, the Village 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 Village 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 Village 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 Village determines that the circumstances necessitating the emergency declaration would affect or impair the ability of the Village to hold an in-person meeting.

12. These procedures shall be conspicuously posted on the Village's website (www.villageofadams.com).

13. These procedures may be amended, changed or repealed by resolution by the Village Board.