

# 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 Massena

FILED  
STATE RECORDS

OCT 28 2022

DEPARTMENT OF STATE

Local Law No. 4 of the year 2022

A local law Providing authorization and written procedures governing member and public  
(Insert Title)  
attendance at meetings of the Town's Public Bodies

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

County  City  Town  Village  
(Select one.)

of Massena

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. 4 of 2022 of the ~~(County)(City)(Town)(Village)~~ of Massena was duly passed by the Massena Town Board on October 19 2022, 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 \_\_\_\_\_ 2022, in accordance with 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 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. *(Elective Chief Executive Officer\*)*

\* 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.)**

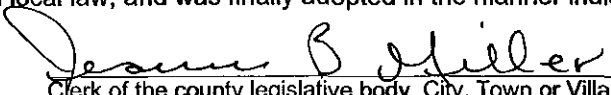
I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20 \_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority 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  
Date: 10/19/2022

(Seal)

**A local law providing authorization and written procedures**  
**governing member and public attendance at**  
**meetings of the Town's public bodies.**

Be it enacted by the Town Board of the Town of Massena (Town Board) County of St. Lawrence as follows:

**Section 1. Legislation**

The Town Board hereby authorizes all members of the Town Board and the Massena Electric Department Administrative Board to participate in meetings using videoconferencing technology in a manner consistent with Public Officers Law § 103-a and the Town's videoconferencing policy as set forth herein by the Town Board. These two public bodies may participate in meetings via videoconference technology from locations not accessible to the public so long as a quorum of the Town board/body participates from location(s) where the public may be physically present; and extraordinary circumstances exist that prevent the board member from attending in-person and the Town maintains its official website. The Town Board hereby adopts the following as the written procedures to be utilized at any meeting of these two public bodies which are subject to the requirements of the Open Meetings Law of the State of New York as set forth in Public Officers Law Article 7.

**Section 2. Definitions**

A. DEFINITIONS. As used in this legislation, the following terms shall have the meanings set forth.

1. PUBLIC BODY - shall mean the Town and the Massena Electric Department Administrative Board.
2. MEETING - a gathering of the members of a Board for the transaction of official business on behalf of the Town, for which a quorum of members must be present.
3. QUORUM - a majority of the members of a Board.
4. PHYSICAL PRESENCE - when the minimum number of members are present to fulfill the public body's quorum requirement in the same physical location or locations all of which shall be locations at which the public can attend the meeting.

### Section 3. Policy Requirements

#### A. REQUIREMENTS FOR MEETINGS OF ANY PUBLIC BODY:

The following requirements shall be met by any Public Body of the Town of Massena:

1. Members of the public body shall be physically present at any meeting of such public body unless such member is unable to be physically present at any such meeting location due to extraordinary circumstances due to
  - a. disability;
  - b. illness;
  - c. caregiving responsibilities;
  - d. any other significant or unexpected factor or event which precludes a member's physical attendance at such meeting;
2. A public body may, in its discretion, use videoconferencing to conduct its meetings, provided that 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, and all other requirements set forth hereafter have been met;
3. Except at an executive session, the public body shall ensure that the members of the public body 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;
4. Minutes of any meetings involving videoconferencing shall include which, if any, members participated remotely and shall be available to the public pursuant to Section 106 of the Public Officers Law;
5. If videoconferencing is used to conduct a meeting, 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;
6. Each meeting conducted using videoconferencing shall be recorded and such

recordings posted or linked on the Town's 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;

7. 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;

8. Nothing herein is intended to prohibit or impede a public body's ability to conduct an executive session in compliance with Section 105 of the Public Officers Law or for members to otherwise meet when not conducting official Town business (i.e. attendance at educational and similar events) in compliance with the provisions of the Public Officers Law, nor shall anything set forth herein alter any requirements previously established by the Town Board for meetings of other groups which are not subject to the Open Meetings Law.

#### Section 4. Severability

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court's order or judgment shall not affect, impair, or invalidate the remainder of this local law, 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.



Jeanine B. Miller, Town Clerk

Town of Massena