

TOWN OF PHELPS



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PHELPS, NEW YORK 14532
TELEPHONE: 315-548-5691
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<https://www.phelpsny.com/town>

Norman Teed, Town Supervisor x 302

CLERK/TAX COLLECTOR - Linda Nieskes x 300 HIGHWAY SUPERINTENDENT - Terry Featherly x 312
DEPUTY CLERK - Amy Sitterley x 303 WATER SUPERINTENDENT - Michael Vienna x 309
ASSESSOR - Cynthia Loncosky x 304 CODE ENFORCEMENT - Andrew Campbell x 307
BOOKKEEPER - Barbara Middlebrook x 301 BLDG. & FIRE INSPECTOR - Steve Studley x 306

December 14, 2022

General Code
Attn: Todd Metcalfe
781 Elmgrove Rd.
Rochester, NY 14624

Dear Todd,

Enclosed please find Local Law #4, 2022, Videoconferencing
Technology,

Thank you, and if you have any questions, please contact me at
315-548-5691.

Sincerely,

A handwritten signature in cursive script that reads "Linda".

Linda Nieskes
Town Clerk

/In
Enclosures

PHELPS_2022_4 (https://locallaws.dos.ny.gov/sites/default/files/drop_laws_here/ECMMDIS_appid_DOS20221019123159/Content/0902134380317d1d.pdf) (filesize: 145.21 KB)

Municipality Type: TOWN

Law Number: 4

Date Filed: 10/14/2022

Municipality Name: PHELPS

Subject: AUTHORIZING THE TOWN BOARD AND THE OTHER PUBLIC BODIES OF THE TOWN TO USE VIDEOCONFERENCING TECHNOLOGY TO PARTICIPATE IN PUBLIC MEETINGS

Department of State
(<https://dos.ny.gov/>)

Accessibility
(<https://dos.ny.gov/accessibility>)

Contact
(<https://dos.ny.gov/form/contact-us>)

Disclaim
(<https://dos.ny.gov/disclaim>)

FILING LOCAL LAW

New York State Department of State
Division of Corporations, State Records and Uniform Commercial Code
One Commerce Plaza, 99 Washington Avenue
Albany, NY 12231-0001

(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 of Phelps
Village

Local Law No. 4 of the year **2022**

**A Local Law Authorizing the Town Board and the Other Public Bodies of the
Town to Use Videoconferencing Technology to Participate in Public Meetings**
(Insert Title)

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

County
City
Town of Phelps as follows:
Village

Section 1. Legislative Intent

It is the intent of this local law to give the town board and the town's other public bodies, as that term is defined in Public Officers Law § 102, the authority to participate in meetings via videoconference in a manner consistent with the town'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 town board to adopt a local law giving the town board and the town's other public bodies 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, as may be set by resolution of the Town Board, are met.

Section 3. Supersession of New York State Town Law Section 62

Paragraph 2 of Section 62 of New York State Town Law requires, in part, that “All meetings of the town board shall be held within the town”. To the extent that this local law permits members of the Town Board to participate in meetings of the Town Board via videoconference, this local law shall supersede this requirement of Town Law Section 62 in that those Town Board members permitted by this local law to participate in meetings of the Town Board via videoconference are permitted to so participate from locations that are not within the town.

Section 4. Videoconferencing for Public Meetings

In extraordinary circumstances, which include, but are not limited to, disability, illness, caregiving responsibilities, or any other significant or unexpected factor or event that precludes physical attendance, the Town Board of the Town of Phelps hereby authorizes members of the town board and all members of the town’s other public bodies to participate in meetings using videoconferencing technology in a manner consistent with Public Officers Law § 103-a and the town’s videoconferencing policy, which shall be adopted by resolution of the town board and conspicuously posted on the Town website, with such members participating in meetings via videoconference being permitted to participate 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.

Section 5: Severability

If any clause, sentence, paragraph, section or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been ordered.

Section 6: Effective date

This local law shall take effect immediately upon filing with the Secretary of State.

(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 **Town of Phelps** was duly passed by the Phelps Town Board on _____, 2022, in accordance with the applicable provisions of law.

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer¹.)

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)(repassed after disapproval) by the _____ and was deemed duly adopted on _____, 20__ 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)(repassed after disapproval) by the _____ on _____, 20__. 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)(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.

¹ 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 2005 of the City of _____ 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 1, above.


Clerk of the Town

(Seal)

Date: 8/29/2022

RESOLUTION AUTHORIZING ADOPTION BY THE TOWN BOARD OF THE TOWN OF PHELPS OF LOCAL LAW NO. 4 OF 2022

WHEREAS, a resolution was duly adopted by the Town Board of the Town of Phelps for a public hearing to be held by said Town Board on August 8, 2022, at 7:00 p.m. at Phelps Town Meeting Hall, 1331 NYS Route 88, Phelps, New York, to hear all interested parties on a proposed Local Law authorizing the Town Board and the other public bodies of the Town to use videoconferencing technology to participate in public meetings; and

WHEREAS, notice of said public hearing was duly advertised in the official newspaper of the Town of Phelps, on July 25, 2022, and all other notices required by law to be given were properly served, posted or given; and

WHEREAS, said public hearing was duly held on August 8, 2022, at 7:00 p.m. at the Phelps Town Meeting Hall, 1331 NYS Route 88, Phelps, New York, and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said Proposed Local Law, or any part thereof; and

WHEREAS, the Town Board of the Town of Phelps, after due deliberation, finds it in the best interest of the Town of Phelps to adopt said Local Law.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Phelps hereby adopts said Local Law No. 4 of 2022, entitled, "A Local Law Authorizing the Town Board and the Other Public Bodies of the Town to Use Videoconferencing Technology to Participate in Public Meetings", a copy of which is attached hereto and made a part of this resolution, and be it further

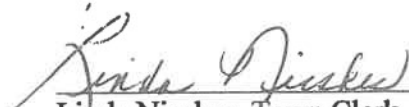
RESOLVED, that the Town Clerk be and she hereby is directed to enter said Local Law in the minutes of this meeting and in the Local Law Book of the Town of Phelps, and to give due notice of the adoption of said local law to the Secretary of State of New York.

I, Linda Nieskes, Town Clerk of the Town of Phelps do hereby certify that the aforementioned resolution was adopted by the Town Board of the Town of Phelps on August 8, 2022, by the following vote:

RESOLUTION OFFERED BY COUNCILMAN WELLMAN, SECONDED BY COUNCILMAN ALLEN.

	<u>Aye</u>	<u>Nay</u>
Ron Allen	<u>X</u>	—
Bill Wellman	<u>X</u>	—
Kent Ridley	<u>X</u>	—
John Duchesneau	<u>X</u>	—
Norman Teed	<u>X</u>	—

Dated: August 9, 2022


Linda Nieskes, Town Clerk

SEAL