

TOWN OF NEW PALTZ

POLICY ON ATTENDANCE AT MEETINGS OF BOARDS, COMMITTEES AND COMMISSIONS (“PUBLIC BODIES”) BY VIDEOCONFERENCING

The Town Board recognizes that having members physically present at meetings¹ of “public bodies²” as defined in the “Open Meetings Law” is the best means for members to engage and work collaboratively with one another and the New Paltz community.

From time to time, however, circumstances prevent members of public bodies from physically attending meetings. This may impair timely action, particularly when the number of members present does not reach a quorum because members are unable to attend a meeting or when action is required on a time-sensitive matter that should be discussed, deliberated and decided by all of the body’s members.

For the benefit of members and the public, the Town Board finds and determines that formalizing a policy regarding the use of such technology at regular or special meetings of the public bodies of the town will serve the best interests of the town and that such policy is consistent with the requirements of the Open Meetings Law.

The general policy instituted by the Town Board is that members of public bodies are expected to be physically present at meetings of that member’s body. Participation by videoconferencing would be an exception that should be used when a member is unable to be physically present due to matters out of the member’s control, such as personal or family health issues, death of a friend or relative, business travel out of town, unanticipated work conflicts, or other exigent circumstances.

It may also be used when the body must convene on short notice for a special meeting, and a member would be substantially inconvenienced if required to be physically present at the

¹ Section 102 of the N.Y.S. Public Officers law, commonly referred to as the “Open Meetings Law” provides as follows:

§102. Definitions. As used in this article:

1. "Meeting" means the official convening of a public body for the purpose of conducting public business, including the use of videoconferencing for attendance and participation by the members of the public body.

² Section 102 of the N.Y.S. Public Officers law, commonly referred to as the “Open Meetings Law” provides as follows:

§102. Definitions. As used in this article:

2. "Public body" means any entity, for which a quorum is required in order to conduct public business and which consists of two or more members, performing a governmental function for the state or for an agency or department thereof, or for a public corporation as defined in section sixty-six of the general construction law, or committee or subcommittee or other similar body of such public body.

meeting, due to a scheduled vacation, work conflicts or similar circumstances.

The Public Officers Law permits public entities to conduct meetings using videoconferencing subject to certain criteria which is embodied in the procedures which follow.

Procedure

1. In the event that a member of the public body is aware that he or she will be unable to attend a scheduled meeting of that member's body, but wishes to participate by videoconferencing, the member shall advise the Town Supervisor or body's chairperson, as the case may be, and the Town Clerk or body's secretary (or other member responsible for providing public notice of such meeting) as soon as possible of that fact and request the opportunity to participate, vote, and otherwise transact all business by videoconferencing at such meeting in the same manner as if the member were physically present at the meeting.
2. When such notice is given sufficiently in advance of the scheduled meeting date, the Clerk or secretary or other responsible person will include notice of the member's intention to participate in the meeting by videoconference and the member's location when videoconferencing, in all required notices and on the meeting agenda, including notices that are required to be published and/or posted, and shall post notice of same on the Town's website.
3. Notices shall provide that the public has the opportunity to attend, listen and observe at any site at which a member participates by videoconference.
4. In the event that the member cannot give adequate notice to permit posting of notices in accordance with the Public Officer's Law, the Town Supervisor or body's chairperson will normally not allow the member to participate by videoconference, unless the Town Supervisor or body's chairperson determines that the circumstances excuse the lack of adequate prior notice and the participation of the member is necessary to serve the best interests of the Town.
5. The Town Clerk or body's secretary, with the assistance of the Town Supervisor's office, will ensure that the appropriate equipment necessary for the member to participate by videoconference is available at the time and place of the meeting. The member is responsible for ensuring that he or she has the ability to establish a suitable videoconference link to the town's equipment. It is strongly recommended that the member requesting participation by videoconference provide notice at least twenty-four (24) hours in advance of the meeting in order for appropriate arrangements to be made to facilitate and coordinate transmission.
6. The Town Clerk or body's secretary shall ensure that the minutes reflect that the member participated by videoconference. In particular, the Town Clerk or body's secretary shall record that the member was present by videoconference for all motions, seconds and votes on actions before the body.
7. Videoconference equipment at the meeting location shall be adequate to allow the public to observe the participation of all members who are not physically present.