

**TOWN OF ORANGETOWN
NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that pursuant to a resolution of the Town Board of the Town of Orangetown, duly adopted at a meeting held on May 9, 2023, a public hearing will be held by the Town Board on a proposed Local Law, by adding a new chapter to the Town Code, Chapter 26, to be titled "Public Meetings" to permit certain public bodies of Town government to conduct public meetings via videoconferencing under extraordinary circumstances. This public hearing is scheduled for the 13th day of June, 2023 at 7:05 pm, Orangetown Town Hall, 26 W Orangeburg Rd, Orangeburg, NY.

At the time and place of the public hearing specified above, all interested persons will be given the opportunity to be heard.

By order of the Town Board of the Town of Orangetown.

Dated: May 9, 2023

Rosanna Sfraga, Town Clerk
Robert Magrino, Town Attorney

TOWN OF ORANGETOWN

PROPOSED LOCAL LAW # ___ - 2023

A LOCAL LAW TO ADD A NEW CHAPTER TO THE TOWN TO BE ENTITLED "PUBLIC MEETINGS" AND IDENTIFIED AS CHAPTER 26, TO PERMIT ATTENDANCE BY MEMBERS OF PUBLIC BODIES OF TOWN GOVERNMENT TO ATTEND PUBLIC MEETINGS VIA VIDEOCONFERENCING UNDER CERTAIN CIRCUMSTANCES

Be it enacted by the Town Board of the Town of Orangetown as follows: The Code of the Town of Orangetown, shall be amended to incorporate revisions as described:

Section 1. Title

CHAPTER 26 Public Meetings

Article I Videoconferencing

§ 26-1 Definitions.

Unless otherwise expressly stated, wherever used in this chapter, the following terms shall have these meanings:

EXECUTIVE SESSION

The same meaning as that term has in New York Public Officers Law § 105.

EXTRAORDINARY CIRCUMSTANCES

A disability, a hospitalization, an illness, caregiving responsibilities, exposure to a serious communicable disease, the hospitalization, death or illness of a relative or a significant or unexpected factor or event that prevents a member of a public body from being physically present at the location of such public body's meeting.

PUBLIC BODY

The Town Board, the Planning Board, Zoning Board of Appeals, the Architecture and Community Board of Review, the Board of Assessment Review, the Historical Areas Board of Review, the Project Review Committee and Traffic Advisory Board.

§ 26-2 Discretion to use videoconferencing.

At its discretion, a public body may employ videoconferencing during any meeting that is required to be open to the general public pursuant to Article 7 of the New York Public Officers Law, even in the absence of a declaration of emergency, provided that a quorum of the members of the public body is present in the same physical location where members of the public can attend such meeting and such body complies with this chapter.

§ 26-3 Attendance requirement; circumstances for videoconferencing.

Members of the public body shall be physically present at the location of such meeting unless a member is unable to be physically present due to extraordinary circumstances. If the public body exercises its discretion under § 26-3 of this Chapter, a member of the public body who is not

physically present at the location of such meeting due to extraordinary circumstances may participate at such meeting and vote on any matters on which the public body votes by means of videoconferencing. The extraordinary circumstance preventing that member's physical attendance shall be announced during the meeting.

§ 26-4 Public notice of videoconferencing.

If it is contemplated that videoconferencing will be used at a meeting, the public notice for that 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 be available and identify the physical location where the public can attend the meeting. If extraordinary circumstances present themselves on an emergent basis, the public body shall update its notice as soon as practicable to update its notice to include that information, which updated notice shall be posted on the Town's website.

§ 26-5 Participation in meetings.

- A. Except in the case of executive sessions, the videoconferencing shall enable members of the public body to be heard, seen and identified while the meeting is being conducted, including those portions of the meeting where any motions, proposals, resolutions and any other matter are discussed and voted upon.
- B. Members of the public shall have the opportunity to view such meeting through video and to participate by way of videoconferencing in real time at times when public comment or participation is authorized by law or by the procedural rules of the public body in a way similar to the way members of the public who are physically present at the meeting are allowed to comment or participate at such meeting.

§ 26-6 Accessibility requirements for videoconferencing media.

The videoconferencing media shall utilize technology that permits access by members of the public with disabilities in a manner that is consistent with the 1990 Americans with Disabilities Act, as amended, and its corresponding guidelines and regulations.

§ 26-7 Minutes.

The minutes of any meeting where videoconferencing is used shall include which members participated remotely and shall be made available to the members of the public pursuant to New York Public Officers Law § 106.

§ 26-8 Recordings of videoconferenced meetings.

The public body shall provide that each meeting where videoconferencing is used be recorded and that such recording be posted or linked on the public website of the Town of Orangetown within five business days following the meeting. The recording shall not contain discussions during an executive session or during recesses to obtain advice of counsel. The recording shall remain available on the website for a minimum of five years after the meeting was adjourned. Such recordings shall be transcribed upon request at a cost to the requestor equivalent to the rate charged by a court reporter for transcribing the minutes of a trial or hearing.

§ 26-9 Compliance with written procedure requirement.

This Chapter is deemed to be the written procedures governing member and public attendance required by New York Public Officers Law § 103-a Subdivision 2(b). It shall be posted conspicuously on the Town of Orangetown's website.

§ 26-10 Exemption.

The requirement for physical presence by members of a public body contained in § 26-3 of the Code shall not apply during a state disaster emergency declared by the Governor pursuant to § 28 of the New York Executive Law, or a local state of emergency proclaimed by the County Executive of Rockland County or the Supervisor of the Town of Orangetown pursuant to § 24 of the New York Executive Law, if the public body determines that the circumstances that led to the declaration of a state disaster emergency or a local state of emergency would affect or impair the ability of the public body to conduct an in-person meeting.

Section 2. Severability Clause

The invalidity of any word, section, clause, paragraph, sentence, part or provision of this local law shall not affect the validity of any other part of this local law that can be given effect without such invalid parts.

Section 3. Effective Date.

This Local Law shall become effective immediately upon being filed with the Secretary of State.