

Town of Newstead Town Board Videoconferencing Policy

Introduction

Pursuant to Public Officers Law §103-a and Local Law No. 2 of 2022, the Town of Newstead has authorized use of Videoconferencing by members of the Town Board for appearance at Town Board Meetings. Participation by Town Board Members shall be in accordance with the terms of this policy.

Definitions

Clerk – means the Town Clerk of the Town of Newstead

Meeting – means a regular or special meeting of the Town Board

Town Board Member – the Supervisor and/or any Councilman/Councilwoman

Videoconference – a conference in which participants in different locations are able to communicate with each other in sound and vision

When Permitted

A Town Board Member should be physically present at the Town Hall for a Town Board Meeting unless extraordinary circumstances exist, which require appearance via videoconference. Extraordinary circumstances include, but are not limited to, disability, illness, caregiving responsibilities, or any other significant or unexpected factor or event that precludes physical attendance. Teleconference– voice appearance without video – is not allowed. The Town Board Member appearing via videoconference must appear from a location within the Town of Newstead; this location does not need to be accessible to the public. The Town Board Member must be able to be seen, heard, and identifiable.

A quorum of the Town Board must participate in the meeting in person from the Town Hall for a Town Board Member(s) to be allowed to participate by videoconference.

Public Notice

The Clerk shall post on the Town's website and the communications board whenever videoconference technology will be used to allow a Town Board Member to participate in a meeting. Whenever practicable, notice will also be published in the Akron Bugle, which has been designated as the official newspaper for the Town of Newstead. When a Town Board Member is participating in a meeting via videoconference, participation via videoconference will be allowed by any member of the public in the same manner.

Persons interested in participating a meeting via videoconference should contact the Clerk at least 24 hours in advance of any meeting at (716) 542-4573, so access to the meeting and instructions can be provided. The public is also invited to join the Meeting in person at the Town Hall; the meeting room is wheelchair accessible. Those needing special arrangements for videoconference or in person appearance should call the Town Hall at (716) 542-4573.

Notice to Clerk

When a Town Board Member plans to participate in a meeting via videoconference, notice must be given to the Clerk as soon as practicable and no later than seven days prior to the time of the meeting, when possible.

Duties of Clerk

This policy must be posted on the Town's website.

When a Town Board Member has participated in a meeting via videoconference, a recording of the meeting must be posted or linked to the Town's website within five business days of the meeting and shall remain for five years thereafter. A transcript of the meeting will be prepared upon request.

Meeting minutes must reflect who participated via videoconference and be made available consistent with current law.

The Clerk must provide notice to the public when videoconferencing will be used, as outlined under the section of this policy for Public Notice.

Technological Problems

If technological problems prevent a Town Board Member from participating in a meeting prior to the meeting commencing, the Town Board Member shall be marked absent from the meeting. If a Town Board Member becomes disconnected from the meeting due to technical problems or other reasons, the minutes shall reflect that the Town Board Member left the meeting at the time of the disconnection.

Meeting participants shall be allowed to speak during designated portions of the meeting as outlined in the agenda. In the event that a meeting that is being accessed electronically is encountering interference and/or disruption by a videoconference participant(s), the Supervisor shall maintain the ability to remove any and all electronic participants from the meeting.

State of Emergency

If the governor, county, or Town Supervisor declares a state of emergency pursuant to Executive Law §24, all Town Board Members are allowed to videoconference into a meeting from locations that are not accessible to the public for the duration of the state of emergency.

Severability

If any portion, subsection, sentence, clause, phrase or portion thereof of this policy is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portion thereof. To the extent this policy is deemed in conflict with Public Officers Law §103-a or any modifications thereto, the Public Officers Law shall control.

Adopted on July 11, 2022 by a majority vote of the Town Board of the Town of Newstead.