

**TOWN BOARD OF THE
TOWN OF NORTH CASTLE**

**REVISED
VIDEOCONFERENCE POLICY
Adopted July 13, 2022**

A. Introduction

1. The Town of North Castle recognizes the benefits of allowing members of the Town's local public bodies to attend meetings using videoconferencing technology. On May 24, 2022, the Town Board adopted a local law to authorize the use of videoconferencing for itself and all boards and committees of the Town which are subject to the New York State Open Meetings Law, Public Officers Law, Article 7.
2. This Videoconferencing Policy shall govern member and public attendance and participation where board members choose to attend the public meeting via videoconferencing pursuant to Section 103-a of the Open Meetings Law.
3. This Videoconferencing Policy shall be posted on the Town website.

B. Remote Meeting Attendance by Board and Committee Members

1. Members of a public body shall be physically present at all meetings of such public body unless such member is unable to be physically present at any such meeting location due to but not limited to the following extraordinary circumstances:
 - a. Disability;
 - b. Illness;
 - c. Health Concerns;
 - d. Caregiving responsibilities; or
 - e. Other significant or unexpected factor or event which precludes the member's physical attendance at such meeting.
2. The majority of the public body must conduct the public meeting from a physical location or locations where the public can attend. A physical location is any location identified in the meeting notice that is open to in-person public attendance.
 - a. For example, no less than three members of the Board or Committee must conduct the meeting in the same physical location or locations where the public can attend the meeting. If two Board or Committee members are sick and two Board or Committee members are on vacation, the public meeting must be cancelled because only one Board or Committee member is available

to meet in-person (or in any physical location open to the public). All four members cannot participate in the public meeting using video-conferencing from a location that is not open to in-person public attendance.

- b. A Board or Committee may conduct a meeting where two members attend the meeting from Town Hall, two members attend using videoconferencing where their physical locations are open to the public and such locations have been identified in the meeting notice, and one member attends using videoconferencing where their location is not open to the public.
3. Board or Committee members wishing to attend a public meeting using videoconferencing technology from a location not open to the public, must advise the chair of said public body as early as possible before the scheduled meeting that they are unable to be physically present at the meeting. The public notice for such 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 or locations for the meeting where the public can attend.
 - a. If a member of the public body plans to attend a meeting using videoconferencing technology from a location open to the public pursuant to Public Officers Law § 104(4), such member must advise the chair of such public body at least 72 hours before the meeting to ensure that the public body has enough time to post the required public meeting notice. The public notice for such meeting shall inform the public that videoconferencing will be used and shall identify the location for the meeting, and state that the public has the right to attend the meeting at any of the locations.
4. Except in the case of executive sessions conducted pursuant to Public Officers Law § 105, the chair shall ensure that all members of the public body, including those attending via videoconferencing, 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. Any board member attending a public meeting via videoconferencing technology must have their video turned on for the duration of the meeting
5. During the meeting, the chair shall announce the name or names of those members participating remotely. This information shall be included in the minutes.
6. Each meeting conducted using videoconferencing shall be recorded and such recordings posted or linked on the public website of the public body within five business days following the meeting, and shall remain so available for a minimum of five years thereafter. Such recordings shall be transcribed upon request.

7. If videoconferencing is used to conduct a meeting from locations not open to the public pursuant to Public Officers Law § 103-a, the public body shall provide the opportunity for members of the public to view such meeting via video, and to participate in proceedings via videoconferencing 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. If a vote takes place during the meeting, the remote attendee will be entitled to participate in the vote as usual.
9. Meetings that use videoconferencing shall utilize technology to permit access by members of the public with disabilities consistent with the 1990 Americans with Disabilities Act (ADA), as amended, and corresponding guidelines.

C. Exemptions

1. The provisions of this Policy and Public Officers Law § 103-a do not limit the existing authority set forth in the Public Officers Law § 104(4) which allows all public bodies to remotely connect multiple public locations from which members and the public may attend. The Town's public bodies may continue to hold proper open meetings by videoconferencing from multiple physical locations which are identified in the meeting notice, open to the public and connected remotely together by videoconferencing.
2. The in person participation requirements set forth in this Policy and Public Officers Law § 103-a(2)(c) shall not apply during a state disaster emergency declared by the Governor pursuant to Executive law § 28, or a local state of emergency proclaimed by the Mayor pursuant to Executive Law § 24, if the Governor or the Mayor determines that the circumstances necessitating the emergency declaration would affect or impair the ability of the public body to hold an in person meeting.

D. Remote Meeting Etiquette for Board and Committee Members

1. Board members that attend a public meeting via videoconferencing technology are expected to comply with the following rules:
 - a. Be on time.
 - b. Keep your camera on at all times.
 - c. Ensure your technology works correctly.
 - d. Wear appropriate clothing.
 - e. Frame the camera correctly.
 - f. Have the right light.

- g. Pay attention.
- h. Mute yourself when not speaking.
- i. Minimize distractions in the room.
- j. Maintain appropriate backgrounds.
- k. Silence all background noises.
- l. Ensure your displayed participant name is correct.
- m. Be mindful to look into the camera as much as possible.

E. Public Participation via Videoconferencing Technology

- 1. Questions will be answered in the order they are received. Participants attending a meeting via videoconferencing technology, other than Board or Committee members, shall be called upon to speak following in-person speakers.
- 2. Participants must use the “Raise Hand” function to verbally ask a question. To raise one’s hand, click the “Participants” button in the bottom toolbar, then click the “Raise Hand” button at the bottom of the “Participants” dialogue box. Participants who have joined the meeting solely via phone can dial *9 to raise their hand.
- 3. Remote meeting participants must wait until authorized to speak by the chair. Only remote speakers with a digital hand raised shall be called upon to speak.
- 4. Participants must mute themselves when not speaking to cut down on background noise.