

## PUBLIC HEARING

May 24, 2022

At 8:15 p.m. Supervisor Schiliro stated that a Public Hearing, would be opened in accordance with the Public Notice that follows:

NOTICE IS HEREBY GIVEN THAT the North Castle Town Board will hold a Public Hearing on May 24, 2022, at 7:30 PM, or as soon thereafter as practical, at Town Hall, 15 Bedford Road, Armonk, NY 10504, to consider a Local Law authorizing the public bodies of the Town to use videoconferencing technology to participate in public meetings pursuant to Public Officers Law § 103-a.

The proposed local law is available in the Town Clerk's office during regular business hours and on the Town website. ALL PERSONS HAVING AN INTEREST IN THE MATTER ARE INVITED TO ATTEND AND BE HEARD.

By Order of the Town Board  
Alison Simon, Town Clerk

Dated: May 13, 2022  
Armonk, NY

The Public Notice was marked Exhibit "A" for the record.

The Affidavit of Posting calling the Public Hearing was marked Exhibit "B" for the record.

The Affidavit of Publication from The Journal News calling the Public Hearing was marked Exhibit "C" for the record.

The Town Clerk noted there was a proposed Local Law for consideration.

Town Attorney Roland Baroni provided a summary regarding the proposed local law. Mr. Baroni explained this is an amendment to the Open Meetings Law to allow Board and Committee Members to participate in public meetings via videoconference without the requirement of having to be in a publicly accessible location. Mr. Baroni said this type of remote participation would only be permitted in extraordinary circumstances, as defined by the Town Videoconferencing Policy. The Town Board must adopt a Videoconferencing Policy and define extraordinary circumstances.

Mr. Baroni advised that the majority of the Board has to be in the meeting room. This law would not allow entire Boards or Committees to be remote at the same time and added that this law would allow the remote member to vote. He further explained that this amendment is an addition to what has been called the default local law, which was the law pre-COVID, which allowed for individual Board Members to be remote, but required that they had to be in a publicly accessible location and that location must have been noticed prior to the meeting.

Mr. Baroni noted that the Governor has extended the Executive Order to allow remote meetings of all Boards and Committees to occur until to June 15, 2022.

Supervisor Schiliro noted that the proposed local law was previously discussed at a Work Session.

Councilman Hussain commented that this amendment provides other options to allow for engagement from the residents and the Town Board.

Councilman DiGiacinto noted that the Town Board must determine the policy for videoconferencing and define extraordinary circumstances. Ms. DiGiacinto further noted that the policy should address that Board members ensure that their conferencing equipment is operating for remote participation.

Councilman Berra also noted that extraordinary circumstances is not defined in the local law and has to be addressed in the policy. Mr. Baroni noted that he would provide a sample policy.

In response to a question from resident Ed Woodyard, it was clarified that the amendment would not apply to the Friends of the North Castle Library which is an organization and not a Town committee.

Town Clerk Alison Simon explained that the new law requires that if the Town Board members are provided the opportunity to participate via videoconferencing than that same provision has to be provided to every member of the public, and a Zoom link would need to be shared prior to each meeting.

Mr. Baroni noted that the public participation under the new amendment only applies when a Board member is remote and he recommended that the Town Board also consider a general policy regarding whether to allow videoconferencing participation by the public for all future meetings. Mr. Baroni explained that this policy could be adopted by a resolution by the majority of the Board, the only consideration being that the Town Clerk and secretaries of other Boards must have the technology available for public participation.

In response to a question from Councilman Milim regarding whether the Town Board could adopt a videoconferencing policy for public participation that only applies to Town Board Meetings, Mr. Baroni responded that while this would be possible, it is his opinion, that if this option is available for the Town Board than the other Boards should have the same ability. Discussion ensued regarding how to receive input from the others Boards.

Note: During the Public Hearing, there was discussion among the Town Board regarding the matter of public participation via videoconference at future Town Board meetings. Votes taken regarding this matter are included in the regular minutes of the May 24, 2022 meeting.

After all persons were heard who desired to be heard, Councilman DiGiacinto moved, seconded by Councilman Milim, that the Public Hearing be closed at 8:54 p.m.

The roll call vote was as follows:

Ayes: Councilmen DiGiacinto, Berra, Hussain, Milim, Supervisor Schiliro

Noes: None

Councilman moved, seconded by Councilman, the adoption of Local Law 5 of 2022, as amended, authorizing the public bodies of the Town to use videoconferencing technology to participate in public meetings pursuant to Public Officers Law § 103-a. The Local Law follows at the end of these minutes.

The roll call vote was as follows:

Ayes: Councilmen DiGiacinto, Berra, Hussain, Milim, Supervisor Schiliro

Noes: None

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Alison Simon, Town Clerk

Dated: June 3, 2022

**TOWN OF NORTH CASTLE**

**Local Law No. 5 for the Year 2022  
Adopted May 24, 2022**

A local law authorizing the public bodies of the Town to use videoconferencing technology to participate in public meetings.

**Section 1. Legislative Intent.**

It is the intent of this local law to give the Town's 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 public bodies the authority to participate in meetings via videoconference from locations not accessible to the public so long as a quorum of the body participates from locations where the public may be physically present and other conditions are met.

**Section 3. Videoconferencing for Public Meetings.**

The Town Board of the Town of North Castle hereby authorizes members of all the Town's 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 adopted by the Town Board.

**Section 4. Severability.**

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

**Section 5. Effective date.**

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

Dated: May 24, 2022