

**TOWN OF WALLKILL NOTICE OF PUBLIC HEARING
INTRODUCTORY LOCAL LAW**

NOTICE IS HEREBY GIVEN that there has been introduced before the Town Board of the Town of Wallkill, New York, a local law entitled “Introductory Local Law No. Four of 2022 of the Town Of Wallkill Authorizing Videoconferencing By the Town Board and All Boards and Committees of the Town Of Wallkill”.

PLEASE TAKE NOTICE that a public hearing will be held by the Town Board of the Town of Wallkill on June 29, 2022 at 7:00 p.m. at Wallkill Town Hall, 99 Tower Drive, Building A, Middletown, New York to consider the adoption of Introductory Local Law No. 4 of 2022 permitting the Town Board and other boards and committees of the Town to conduct meetings via videoconference in accordance with New York State Public Officers Law Section 103-a and establishing the procedures for conducting such meetings.

NOTICE IS HEREBY ALSO GIVEN that, pursuant to Article 8 of the Environmental Conservation Law (SEQRA) and its implementing regulations contained in NYCRR Part 617, the Town Board of the Town of Wallkill hereby initially determines that the aforementioned proposed Local Law is a Type II action as same is a routine update of existing Town Code provisions and is not subject to further review under the SEQRA regulations.

PLEASE TAKE FURTHER NOTICE that any resident of the Town of Wallkill is entitled to be heard upon the Town Board’s consideration of the Introductory Local Law. Copies of the proposed Local Law are available for review at:

Town of Wallkill
99 Tower Drive - Bldg. A
Middletown, New York 10941
845-692-7800

The Town of Wallkill will make every effort to assure that the public hearing is accessible to persons with disabilities. Anyone requiring special assistance and/or reasonable accommodations should contact the Town Clerk.

BY ORDER OF THE TOWN BOARD OF THE TOWN OF WALLKILL, NEW YORK.

DATED: June 16, 2022

Louisa M. Ingrassia, Town Clerk

**INTRODUCTORY LOCAL LAW NO. 4 OF 2022 OF THE TOWN OF WALLKILL
AUTHORIZING VIDEOCONFERENCING BY THE TOWN BOARD AND ALL
BOARDS AND COMMITTEES OF THE TOWN OF WALLKILL**

Be it enacted by the Town Board of the Town of Wallkill, County of Orange, State of New York, as follows:

Section 1. Legislative Intent and Authority

New York State has adopted Section 103-a of the Public Officers Law to allow local governments to choose to meet by videoconferencing. The purpose of this local law is to authorize the Town Board and all boards and committees of the Town of Wallkill to meet by videoconference.

Section 2. Scope

That all videoconference meetings shall be governed by the procedures set forth herein.

Section 3. Meetings By Videoconference Authorized

The Town Board hereby adopts the following as the written procedures to be utilized at any meeting of any public body of the Town of Wallkill which is subject to the requirements of the Open Meetings Law of the State of New York as set forth in Public Officers Law Article 7.

A. DEFINITIONS.

As used in this legislation, the following terms shall have the meanings set forth.

PUBLIC BODY - shall mean any Board of the Town, including the Town Board, Planning Board, Zoning Board of Appeals, and any other board or committee performing a governmental function for or on behalf of the Town of Wallkill.

MEETING - a gathering of the members of a Board for the transaction of official business on behalf of the Town, for which a quorum of members must be present.

QUORUM - a majority of the members of a Board.

PHYSICAL PRESENCE - when the minimum number of members are present to fulfill the public body's quorum requirement in the same physical location or locations all of which shall be locations at which the public can attend the meeting.

B. REQUIREMENTS FOR MEETINGS OF ANY PUBLIC BODY:

The following requirements shall be met by any Public Body of the Town of Walkill:

1. Members of the public body shall be physically present at any meeting of such public body unless such member is unable to be physically present at any such meeting location due to extraordinary circumstances due to
 - a. disability;
 - b. illness;
 - c. caregiving responsibilities;
 - d. any other significant or unexpected factor or event which precludes a member's physical attendance at such meeting;
2. A public body may, in its discretion, use videoconferencing to conduct its meetings, provided that a minimum number of members are present to fulfill the public body's quorum requirement in the same physical location or locations where the public can attend, and all other requirements set forth hereafter have been met;
3. Except at an executive session, the public body shall ensure that the members of the public body 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;
4. Minutes of any meetings involving videoconferencing shall include which, if any, members participated remotely and shall be available to the public pursuant to Section 106 of the Public Officers Law;
5. If videoconferencing is used to conduct a meeting, the public notice for the 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 for the meeting where the public can attend;
6. Each meeting conducted using videoconferencing shall be recorded and such recordings posted or linked on the Town 's website within five (5) business days following the meeting, and shall remain so available for a minimum of five (5) years thereafter. Such recordings shall be transcribed upon request;
7. If videoconferencing is used to conduct a meeting, the public body shall provide the opportunity for members of the public to view such meeting via video, and to participate in proceedings via videoconference 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. Nothing herein is intended to prohibit or impede a public body's ability to conduct an executive session in compliance with Section 105 of the Public Officers Law or for members to otherwise meet when not conducting official Town business (i.e. attendance at educational and similar events) in compliance with the provisions of the Public Officers Law, nor shall anything set forth herein alter any requirements previously established by the Town Board for meetings of other groups which are not subject to the Open Meetings Law.
9. The in person participation requirements of Section B(1) of this law shall not apply during a state disaster emergency declared by the governor pursuant to section twenty-eight of the executive law, or a local state of emergency proclaimed by the Wallkill Town Supervisor pursuant to section twenty-four of the executive law, if the public body determines that the circumstances necessitating the emergency declaration would affect or impair the ability of the public body to hold an in person meeting.
10. Open meetings of any public body that are broadcast or 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. For the purposes of this section, "disability" shall have the meaning defined in section two hundred ninety-two of the executive law.

Section 4. Severability

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court's order or judgment shall not affect, impair, or invalidate the remainder of this local law, 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. Repeal

All ordinances, local laws and parts thereof inconsistent with this local law are hereby repealed.

Section 6. Effective Date

This Local Law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule Law.