

PUBLIC HEARING
TOWN OF HIGHLAND
APRIL 11, 2023 @ 6:45 PM

Supervisor Haas, I'd like to call to order the public hearing scheduled for 6:45 PM, April 11, 2023, seconded by Councilman Bosch, discussion carried all ayes. Public Hearing for Local Law #2 of 2023, titled a local law authorizing all public bodies of the Town of Highland to use video conferencing technology to participate in public meetings.

Town Clerk Susan Hoffman reads the Public Notice.

Please take notice that the town of Highland town board will hold a public hearing on April 11, 2023 at 6:45pm at the Eldred Town Hall, 4 Proctor Road Eldred, New York 12732 for proposed local law number two of 2023 and titled A local law authorizing all public bodies of the Town of Highland to use video conferencing technology to participate in public meetings, at which time all interested parties will be given an opportunity to be heard. Please take further notice that a copy of the proposed local law and the proposed video conferencing policy is available for review at the Town of Highland Town Hall, Town Clerk's Office, 4 Proctor Road, Eldred New York 12732. By order of the Town of Highland Town Board.

Motion by Councilman Bosch to open the Public Hearing, seconded by Councilman Tambini, discussion carried, all ayes.

Town Attorney Michael Davidoff gives a brief synopsis of the Local Law and Policy.

Well, the purpose of this is that there are some members of the Planning Board and the ZBA who especially during the winter, do spend some time outside the town and they want to be able to continue to participate on their respective board and you no longer could do that except now they do permit you to pass a local law which enables board members of the Planning Board, ZBA and also the Town Board to participate by some type of telecommunication for the meetings. There are certain ground rules that have to be shown. You can't have the majority of the board members outside and there has to be a good reason to participate via video conferencing. It's permissible so long as a quorum of the board participates from a location within the town. So, in other words that they all can be a majority of the board, whatever board it may be, have to be within the town and then you can do it. But it has to be for a good reason. It just can't be for any particular reason that you don't want to be there or whatever.

Supervisor Haas, I'll take statements from the rest of the board members. The New York State Law does allow for emergency video conferencing from board members if they're not able to attend the meetings. But when you go to Florida for a month that doesn't constitute an emergency. So, the State Law allows the towns to pass a local law allowing them to video conference by non-emergency. So that's the purpose of this law. Councilman Bosch states it doesn't require them to set up the video conferencing? Answer is no. Councilman Tambini, can they vote? Supervisor Haas responds yes, they can vote. They can contribute dialogue. They can run the meeting. We have vice chairs for everyone. I mean, I would never try to run a planning board or a ZBA meeting without the Chair or the Vice Chair, at least in the building. You know, just the members present in that that would be very beneficial to do that. You know, to make sure at least the vice chair or the chair was available to run the meeting. But anyway,

that's something that we could go over with those designated people if you will, if you desire this and of course only pertaining to the respective boards.

Michael outlined that, you know, it comes up because of ZBA where we had a couple of people away at the same time, and we had trouble getting a quorum even with the alternates. So that was a little difficult. It's going to apply to the ZBA, the Planning Board and the Town Board. It's not going to apply to the Board of Assessment Review.

Michael Davidoff states there has to be extraordinary circumstances. Extraordinary Circumstances, disability, illness, health concerns, caregiving responsibilities, other significant or unexpected factors or events, which include the members physical attendance.

Councilman Tambini states: Who accepts the determination they put forward is that the board? The board.

Public Comment

Laurie Stuart from the River Reporter: I would like to ask Michael you just read that it has to be an emergency or illness or caretaking but so I'm going to finish the winter in Florida for five months does that fit in? Michael Davidoff: I don't believe that would constitute extraordinary circumstances, by the way with a local law there's a policy you have to adopt the policy. Video conferencing policy is part of the local law. And that's what I was reading. I don't believe that what you just said forth be considered as an extraordinary circumstance.

Laurie Stuart: Right but what they could still with this law, they can still video conference and not have to have those particulars, right?

Michael Davidoff: Well, you can always video conference if you want. This is the purpose of video conferencing so that members of the boards can participate from outside the location where the board meeting is being held. That's separate from whether you want a video, whether you want to zoom with me or not. We're talking about participation by board members who are not present at your location of where the meeting is being held.

Laurie Stuart: So, my question is, you have a board member ZBA right labor whatever town board and they happen to go to Florida from Thanksgiving to Easter, this law will allow them to videoconference in without having to claim those extraordinary circumstances? The answer is no, they can't.

Michael Davidoff: The law is only for extraordinary circumstances, such as what I read before. Right now, they can zoom in if they're in Florida, but they can't participate. This law would permit them to participate in the meeting, it is had those extraordinary circumstances.

Supervisor Haas: And those extraordinary circumstances I would guess would be defined by the participant, correct?

Michael Davidoff: No, it's defined in policy.

Supervisor Haas: But the participant would have to claim one of those and that would be up to the board

Michael Davidoff: That that board to determine whether they agree or not right.

Councilman Bosch: It seems to me if a board member is in Florida, and he's taking care of his wife as a caregiver. It's covered right?

Michael Davidoff: that's onto percent correct.

Supervisor Haas: Anybody else wish to comment on the local law that we're holding a public hearing for right now? No one. Okay. Any other board members have any other questions? Statements? Anything? All right. I'll entertain a motion to close the public hearing. Motion by Councilman Tambini, seconded by Councilwoman Haas, discussion on the motion, carried all ayes.

Respectfully submitted

Susan Hoffman, Town Clerk

April 11, 2023