

**CITY OF RYE
1051 BOSTON POST ROAD
RYE, NY 10580
AGENDA**

**SPECIAL MEETING OF THE CITY COUNCIL
COUNCIL CHAMBERS, CITY HALL
Wednesday, November 15, 2023
6:30 p.m.**

1. Pledge of Allegiance.
2. Roll Call.
3. Award bid for the Sewer Manhole Rehabilitation Project (Contract # 2023-03).
4. Award bid for Sewer Main CIPP Lining Project (Contract # 2023-04).
5. Open a public hearing to:
 - a) Adopt a local law to add a new chapter 192, "Videoconferencing" to allow members of public bodies of the City of Rye who are subject to Public Officers Law, Article 7, to participate in meetings via videoconferencing.
 - b) Adopt policies and procedures for the conduct of any hybrid meeting which involves participation by a member exercising the right to participate remotely under Open Meetings Law § 103-a.

Budget Work Session

6. Discussion of the FY 2024 Budget:
 - Public Works Department Budget Review
 - Capital Projects and Allocations
 - Rye Recreation Budget Review
 - Boat Basin Budget Review
 - Rye Golf Club Budget Review
7. Adjournment.

The next regular meeting of the City Council will be held on Wednesday, November 29, 2023, at 6:30 PM in City Hall.

** City Council meetings are available live on Cablevision Channel 75, Verizon Channel 39, and on the City Website, indexed by Agenda item, at www.ryeny.gov under “RyeTV Live”.



CITY COUNCIL AGENDA

DEPT.: City Manager

CONTACT: Greg Usry, City Manager

AGENDA ITEM:

Award bid for the Sewer Manhole Rehabilitation Project
(Contract # 2023-03).

FOR THE MEETING OF:

November 15, 2023

RECOMMENDATION: That the Council award the bid to the recommended bidder.

IMPACT: ☐ Environmental ☒ Fiscal ☐ Neighborhood ☐ Other:

BACKGROUND: The City of Rye received funding from the Water Quality Improvement Program (WQIP) to construct improvements to the sanitary sewer system identified in the Sanitary System Evaluation Survey (SSES). The SSES recommended improvements to reduce inflow and infiltration in the sanitary sewer system. The improvements were identified during extensive investigation of the sanitary sewer system utilizing smoke testing, dye testing, manhole inspections and CCTV of the sewer. This project includes, but not limited to labor, material and equipment for 35 manholes to be lined, 33 bench/channels to be reformed, 51 manhole frame and covers to be replaced, and 24 manholes to be grouted.



Memorandum

City of Rye Department of Public Works
141 Oakland Beach Avenue Rye, NY 10580 T: 914.967.7464

To: Greg Usry, City Manager
From: Eric Kingsbury, ASDPW
Cc: Ryan Coyne, PE, City Engineer
Date: November 13, 2023
Re: Contract 2023-03 Sewer Manhole Rehabilitation Project

This office has reviewed and tabulated the bid received on November 8, 2023 for the above reference project. A copy of the bid result, Notice of Award, and the recommendation letter from Barton & Loguidice is attached. The Notice of Award will need to be signed.

I recommend the contract be awarded to the low bidder, Con-Tech Construction Technology, Inc. in the amount of Four Hundred Thirty Two Thousand Three Hundred Two Dollars and Zero Cents (\$432,302.00).

M:\01-Sanitary Sewers\Contracts&Bids\2023-03 Sewer Manhole Rehabilitation Project\Award Letter\Contract 2023-03 - Award Memo.docx



November 10, 2023

Ryan Coyne, P.E.
City Engineer
City of Rye
141 Oakland Beach Avenue
Rye, NY 10580

Re: City of Rye – Sewer Manhole Rehabilitation Project
Contract No. 2023-03
Recommendation of Award

File: 1695.011.001

Dear Mr. Coyne:

Barton & Loguidice, D.P.C. (B&L) has reviewed bids submitted for the referenced project and the certified bid tabulation is attached for your review. Seven (7) bids were submitted for Contract 2023-03 – Sewer Manhole Rehabilitation Project. Based on our review of the bids submitted and qualifications of the low bidder, B&L recommends the award for Contract 2023-03 to Con-Tech Construction Technology, Inc. in the amount of \$432,302.00.

Upon board approval, please execute the attached Notice of Award and return to my attention.

Please call should you have any questions.

Very truly yours,

BARTON & LOGUIDICE, D.P.C.

A handwritten signature in black ink, appearing to read 'G. Foster', written over the company name.

Geoffrey A. Foster, P.E.
Project Engineer

Enclosures



SECTION 00 51 00

NOTICE OF AWARD

Date of Issuance: November 16, 2023

Owner: City of Rye

Owner's Contract No.: 2023-03

Engineer: Barton & Loguidice, D.P.C.

Engineer's Project No.: 1695.011.001

Project:

Contract Name: Sewer Manhole
Rehabilitation Project

Bidder: Con-Tech Construction Technology, Inc.

Bidder's Address: 1961 Route 6 Suite R-3, Carmel, NY 10512

TO BIDDER:

You are notified that Owner has accepted your Bid dated November 8, 2023 for the above Contract, and that you are the Successful Bidder and are awarded a Contract for:

Contract 2023-03 – Sewer Manhole Rehabilitation Project.

The Contract Price of the awarded Contract is: \$430,302.

Three (3) unexecuted counterparts of the Agreement and one copy of the Contract Documents accompanies this Notice of Award, or has been transmitted or made available to Bidder electronically.

☒ a set of the Drawings will be delivered separately from the other Contract Documents.

You must comply with the following conditions precedent within 15 days of the date of this Notice of Award:

1. Deliver to Owner three (3) counterparts of the Agreement, fully executed by Bidder.
2. Deliver with the executed Agreement(s) the Contract security and insurance documentation as specified in the Instructions to Bidders and General Conditions, Articles 2 and 6.
3. Other conditions precedent (if any):

Failure to comply with these conditions within the time specified will entitle Owner to consider you in default, annul this Notice of Award, and declare your Bid security forfeited.

Within ten days after you comply with the above conditions, Owner will return to you one fully executed counterpart of the Agreement, together with any additional copies of the Contract Documents as indicated in Paragraph 2.02 of the General Conditions.

Owner:

Authorized Signature

By: Greg Usry

Title: City Manager

Copy: Resident Project Engineer

TABULATION OF BIDS RECEIVED NOVEMBER 8, 2023

WE CERTIFY THAT THIS TABULATION IS A TRUE AND CORRECT COPY OF THE CANVASS OF BIDS.

Geoffrey A. Foster, P.E.
Project Engineer

Date: 11/8/23



CITY COUNCIL AGENDA

DEPT.: City Manager

CONTACT: Greg Usry, City Manager

AGENDA ITEM:

Award bid for the Sewer Main CIPP Lining Project (Contract # 2023-04).

FOR THE MEETING OF:

November 15, 2023

RECOMMENDATION: That the Council award the bid to the recommended bidder.

IMPACT: ☐ Environmental ☒ Fiscal ☐ Neighborhood ☐ Other:

BACKGROUND: The City of Rye received funding from the Water Quality Improvement Program (WQIP) to construct improvements to the sanitary sewer system identified in the Sanitary System Evaluation Survey (SSES). The SSES recommended improvements to reduce inflow and infiltration in the sanitary sewer system. The improvements were identified during extensive investigation of the sanitary sewer system utilizing smoke testing, dye testing, manhole inspections and CCTV of the sewer. This project includes, but not limited to labor, material and equipment for approximately 14,266 cured in place pipe (CIPP) lining (size varies) for the City's sewer main.



Memorandum

City of Rye Department of Public Works
141 Oakland Beach Avenue Rye, NY 10580 T: 914.967.7464

To: Greg Usry, City Manager
From: Eric Kingsbury, ASDPW
Cc: Ryan Coyne, PE, City Engineer
Date: November 13, 2023
Re: Contract 2023-04 Sewer CIPP Lining Project

This office has reviewed and tabulated the bid received on November 8, 2023 for the above reference project. A copy of the bid result, Notice of Award, and the recommendation letter from Barton & Loguidice is attached. The Notice of Award will need to be signed.

I recommend the contract be awarded to the low bidder, Green Mountain Pipeline Services, LLC in the amount of Five Hundred Eighty Two Thousand Nine Hundred Eighty Dollars and Zero Cents (\$582,980.00).

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November 10, 2023

Ryan Coyne, P.E.
City Engineer
City of Rye
141 Oakland Beach Avenue
Rye, NY 10580

Re: City of Rye – Sewer CIPP Lining Project
Contract No. 2023-04
Recommendation of Award

File: 1695.012.001

Dear Mr. Coyne:

Barton & Loguidice, D.P.C. (B&L) has reviewed bids submitted for the referenced project and the certified bid tabulation is attached for your review. Three (3) bids were submitted for Contract 2023-04 – Sewer CIPP Lining Project. Based on our review of the bids submitted and qualifications of the low bidder, B&L recommends the award for Contract 2023-04 to Green Mountain Pipeline Services, LLC in the amount of \$582,980.00.

Upon board approval, please execute the attached Notice of Award and return to my attention.

Please call should you have any questions.

Very truly yours,

BARTON & LOGUIDICE, D.P.C.

A handwritten signature in black ink, appearing to read 'Geoffrey A. Foster', written over the printed name.

Geoffrey A. Foster, P.E.
Project Engineer

Enclosures



SECTION 00 51 00

NOTICE OF AWARD

Date of Issuance: November 16, 2023

Owner:	City of Rye	Owner's Contract No.:	2023-04
Engineer:	Barton & Loguidice, D.P.C.	Engineer's Project No.:	1695.012.001
Project:		Contract Name:	Sewer Main CIPP Lining Project

Bidder: Green Mountain Pipeline Services, LLC
Bidder's Address: 768 South Main Street, Bethel, VT 05032

TO BIDDER:

You are notified that Owner has accepted your Bid dated November 8, 2023 for the above Contract, and that you are the Successful Bidder and are awarded a Contract for:

2023-04 – Sewer Main CIPP Lining Project.

The Contract Price of the awarded Contract is: \$582,980.

Three (3) unexecuted counterparts of the Agreement and one copy of the Contract Documents accompanies this Notice of Award, or has been transmitted or made available to Bidder electronically.

☒ a set of the Drawings will be delivered separately from the other Contract Documents.

You must comply with the following conditions precedent within 15 days of the date of this Notice of Award:

1. Deliver to Owner three (3) counterparts of the Agreement, fully executed by Bidder.
2. Deliver with the executed Agreement(s) the Contract security and insurance documentation as specified in the Instructions to Bidders and General Conditions, Articles 2 and 6.
3. Other conditions precedent (if any):

Failure to comply with these conditions within the time specified will entitle Owner to consider you in default, annul this Notice of Award, and declare your Bid security forfeited.

Within ten days after you comply with the above conditions, Owner will return to you one fully executed counterpart of the Agreement, together with any additional copies of the Contract Documents as indicated in Paragraph 2.02 of the General Conditions.

Owner:

Authorized Signature

By: Greg Usry

Title: City Manager

Copy: Resident Project Engineer

CITY OF RYE
Sewer Main CIPP Lining Project
CONTRACT 2023-04

TABULATION OF BIDS RECEIVED NOVEMBER 8, 2023

Item No.	Description	Estimated Quantities	Unit	Arold Construction Company		Green Mountain Pipeline Services, LLC		National Water Main Cleaning Company	
				51 Powder Mill Bridge Rd Kingston, NY 12401		768 South Main Street VT 05032	Bethel,	1806 Newark Turnpike Kearny, NJ 07032	
				Unit Price	Amount	Unit Price	Amount	Unit Price	Amount
1	Mobilization/Demobilization	1	LS	\$26,500.00	\$26,500.00	\$25,000.00	\$25,000.00	\$44,965.00	\$44,965.00
2	Work Zone Traffic Control	1	LS	\$25,000.00	\$25,000.00	\$50,000.00	\$50,000.00	\$61,650.00	\$61,650.00
3	Cured in Place Pipe (CIPP) Lining for 6-inch Pipe	488	LF	\$75.00	\$36,600.00	\$38.00	\$18,544.00	\$77.68	\$37,907.84
4	Cured in Place Pipe (CIPP) Lining for 8-inch Pipe	11873	LF	\$52.00	\$617,396.00	\$33.00	\$391,809.00	\$55.92	\$663,938.16
5	Cured in Place Pipe (CIPP) Lining for 10-inch Pipe	1667	LF	\$95.00	\$158,365.00	\$35.00	\$58,345.00	\$70.34	\$117,256.78
6	Cured in Place Pipe (CIPP) Lining for 12-inch Pipe	238	LF	\$105.00	\$24,990.00	\$39.00	\$9,282.00	\$92.97	\$22,126.86
7	Incidental Heavy Cleaning of Sewer Mains	50	HR	\$500.00	\$25,000.00	\$300.00	\$15,000.00	\$50.00	\$2,500.00
8	Allowance	1	LS	\$15,000.00	\$15,000.00	\$15,000.00	\$15,000.00	\$15,000.00	\$15,000.00
Contract 2023-04 Bid Total				\$928,851.00		\$582,980.00		\$965,344.64	



CITY COUNCIL AGENDA

DEPT.: City Manager's Office

CONTACT: Greg Usry, City Manager

AGENDA ITEM: Open a public hearing to:

a) Adopt a local law to add a new chapter 192, "Videoconferencing" to allow members of public bodies of the City of Rye which are subject to Public Officers Law, Article 7, to participate in meetings via videoconferencing.

b) Adopt policies and procedures for the conduct of any hybrid meeting which involves participation by a member exercising the right to participate remotely under Open Meetings Law § 103-a.

FOR THE MEETING OF:

November 15, 2023

RECOMMENDATION: That the Council open the public hearing,

IMPACT: ☐ Environmental ☐ Fiscal ☐ Neighborhood ☒ Other:

BACKGROUND: On April 9, 2022, Governor Hochul signed legislation permitting municipalities to adopt a local law for hybrid meetings through **June 30, 2024**. In addition to the local law, the legislation requires public bodies to adopt a policy that follows new procedures and requirements for these meetings (with certain requisites including an in-person quorum).

LOCAL LAW

CITY OF RYE NO. _____-2023

A new local law to add a new chapter 192, “Videoconferencing” to allow members of public bodies of the City of Rye who are subject to Public Officers Law, Article 7, to participate in meetings via videoconferencing.

Section 1. Legislative Intent

It is the intent of this Local Law to give members of the City’s local public bodies, as such term is defined in Public Officers Law §103-a(1), the authority to participate in meetings via videoconferencing in a manner consistent with the authority granted in Public Officers Law § 103-a upon sufficient notice to the chair of said public body.

Section 2. Authority

This local law is adopted pursuant to Public Officers Law § 103-a which expressly permits the City Council to adopt a local law to authorize the use of videoconferencing for itself and all local public bodies, including committees and subcommittees, of the City which are subject to Public Officers Law, Article 7, known as “Open Meetings Law”. Members of such local public bodies may participate in meetings via videoconferencing from locations not accessible to the public so long as a quorum of the public body participates from locations where the public may be physically present and all conditions set forth in Public Officers Law § 103-a are met. For these purposes such local public bodies include the Architectural Review Board, the Board of Appeals, the Board of Assessment Review, the Boat Basin Commission, the City Council, the Conservation Commission Advisory Council, and the Planning Commission, and the Rye Golf Commission.

Section 3. Videoconferencing for Public Meetings

- (1) The City Council of the City of Rye hereby authorizes members of the City’s local public bodies to participate in meetings using videoconferencing technology in a manner consistent with Public Officers Law § 103-a so long as a quorum of the public body participates from locations where the public may be physically present.
- (2) The City Council shall promulgate and adopt by resolution written procedures governing member and public attendance, which may be amended from time to time, for the conduct of any meeting which involves participation by a member exercising the right to participate remotely under Open Meetings Law § 103-a.

Section 4. Other Remote Meetings Permitted Under Public Officers Law, Article 7

The provisions of this Local Law 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 City's local public bodies who are subject to Public Officers Law, Article 7, 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.

Section 5. Severability.

If any clause, sentence, paragraph, subdivision, section, or part of this Local Law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged 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, section, or part of this chapter, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 6. Effective date.

This chapter shall take effect immediately upon filing with the Office of the Secretary of State of the State of New York.



CITY OF RYE

VIDEOCONFERENCING POLICY

A. Introduction

1. The City of Rye recognizes the benefits of having in-person meetings but understands there are circumstances which preclude certain members of a public body to meet in-person. As such, this policy shall allow members of the City's local public bodies to attend meetings using videoconferencing technology, when necessary. On November ____, 2023, the City Council, pursuant to Public Officers Law Section 103-a, adopted a local law to authorize the use of videoconferencing for itself and all local public bodies, including committees and subcommittees, of the City *which are subject to the New York State Open Meetings Law*, Public Officers Law, Article 7, pending request to and approval of the chairperson of said local public body. For purposes of this policy, the term "Hybrid Meeting" shall mean a meeting held with at least one member of the public body attending via videoconference.
2. This Videoconferencing Policy shall govern member and public attendance and participation where council/board/committee members attend the public meeting via videoconferencing pursuant to Public Officers Law Section 103-a. Any request for council/board/committee members to be allowed to attend a public meeting(s) using videoconferencing technology from a location not open to the public pursuant to Public Officers Law Section 103-a must be submitted in writing to the chairperson of the City's local public body. Such written request must identify the meeting(s) for which the request is being made along with a statement explaining the reason(s) for the request.
3. This Videoconferencing Policy shall be posted on the City website.
4. This policy shall apply to the City Council, Board of Appeals, Planning Commission, Board of Architectural Review, Board of Assessment Review, Boat Basin Commission and Rye Golf Commission.
5. Hybrid Meetings must take place in City Hall and all members of the public body who attend via videoconferencing must be present for the entire meeting.

B. Remote Meeting Attendance by Council and Applicable Boards and Commissions Listed Above

1. Members of the relevant 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 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. A quorum of the public body must conduct the public meeting from City Hall. 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 four members of the City Council must conduct the meeting in the same physical location or locations where the public can attend the meeting. If two City Council members are sick and two City Council members are on vacation, the public meeting must be cancelled because only three City Council members are available to meet in-person (or in any physical location open to the public). All members cannot participate in the public meeting using videoconferencing from a location that is not open to in-person public attendance.
 - b. The City Council may conduct a meeting where two members attend the meeting from City 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 three members attend using videoconferencing where their location is not open to the public.
3. Council, Land Use Boards and Boat Basin or Golf Commission members wishing to attend a public meeting using videoconferencing technology from a location not open to the public pursuant to Public Officer's Law § 103-a, must submit the request to 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, shall give no more than the advance notice necessary to make arrangements and provide public notice.
4. The public notice for any public meeting where a member attends using videoconferencing from a location not open to the public pursuant to Public Officers Law § 103-a, 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. Public notice that meeting will be hybrid with the public zoom link posted must be made at least 72 hours in advance of the meeting.
- 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 as soon as possible 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 locations for the meeting, and state that the public has the right to attend the meeting at any of the locations.

5. 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 public 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 shall have their video turned on for the duration of the meeting unless it is impractical under the circumstances.
6. During the public meeting, the chair shall announce the name or names of those members participating remotely. This information shall be included in the minutes.
7. Each public 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.
8. If videoconferencing is used to conduct a public 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.
9. If a vote takes place during the public meeting, the remote attendee will be entitled to participate in the vote as usual.

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 a public meeting. The City'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 pursuant to Public Officers Law § 104(4).
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 Council/ Board/ Committee Members

1. Council/Board/Committee members that attend a public meeting via videoconferencing technology are expected to comply with the following rules:
 - a. Announce at the beginning of the meeting if you must leave at a certain time. Attend the entirety of the meeting.
 - b. Mute yourself when not speaking.
 - c. Ensure your displayed participant name is correct.

E. Public Participation via Videoconferencing Technology

1. In meetings with the opportunity for public comment or question, questions will be answered in the order they are received and participants attending a meeting via videoconferencing technology 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. In meetings with the opportunity for public comment or question, 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 shall not type any questions or comments in the chat box. Please note, chats sent privately through a private chat box will show up on the administrator’s downloaded transcript.
5. Participants must mute themselves when not speaking to cut down on background noise.
6. Participation of legal services or other professionals/consultants via videoconferencing while all Board members are physically present does not trigger videoconferencing capabilities for the public at large.

McKinney's Consolidated Laws of New York Annotated
Public Officers Law (Refs & Annos)
Chapter 47. Of the Consolidated Laws
Article 7. Open Meetings Law (Refs & Annos)

McKinney's Public Officers Law § 103-a

§ 103-a. Videoconferencing by public bodies

Effective: May 3, 2023

[Currentness](#)

<[Expires and deemed repealed July 1, 2024, pursuant to [L.2022, c. 56, pt. WW, § 4.](#)]>

1. For the purposes of this section, “local public body” shall mean a public corporation as defined in [section sixty-six of the general construction law](#), a political subdivision as defined in [section one hundred of the general municipal law](#) or a committee or subcommittee or other similar body of such entity, or any entity for which a quorum is required in order to conduct public business and which consists of two or more members, performing a governmental function for an entity limited in the execution of its official functions to a portion only of the state, or a political subdivision of the state, or for an agency or department thereof. For the purposes of this section, a public body shall be as defined in [subdivision two of section one hundred two](#) of this article.

2. A public body may, in its discretion, use videoconferencing to conduct its meetings pursuant to the requirements of this article 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 the following criteria are met:

(a) the governing board of a county, city, town or village has adopted a local law, or a public body has adopted a resolution, or the senate and assembly have adopted a joint resolution, following a public hearing, authorizing the use of videoconferencing:

(i) for itself and its committees or subcommittees; or,

(ii) specifying that each committee or subcommittee may make its own determination;

(iii) provided however, each community board in a city with a population of one million or more shall make its own determination;

(b) the public body has established written procedures governing member and public attendance consistent with this section, and such written procedures shall be conspicuously posted on the public website of the public body;

(c) members of the public body shall be physically present at any such meeting unless such member is unable to be physically present at any such meeting location due to extraordinary circumstances, as set forth in the resolution and written procedures adopted pursuant to paragraphs (a) and (b) of this subdivision, including disability, illness, caregiving responsibilities, or

any other significant or unexpected factor or event which precludes the member's physical attendance at such meeting. Notwithstanding the in person quorum requirements set forth in this subdivision, the public body may determine, through its written procedures governing member and public attendance established pursuant to and consistent with this section, to allow for any member who has a disability as defined in [section two hundred ninety-two of the executive law](#), where such disability renders such member unable to participate in-person at any such meeting location where the public can attend, to be considered present for purposes of fulfilling the quorum requirements for such public body at any meetings conducted through videoconferencing pursuant to this section, provided, however, that the remaining criteria set forth in this subdivision are otherwise met; and provided, further, that the public body maintains at least one physical location where the public can attend such meeting;

(d) except in the case of executive sessions conducted pursuant to [section one hundred five](#) of this article, the public body shall ensure that 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;

(e) the minutes of the meetings involving videoconferencing shall include which, if any, members participated remotely and shall be available to the public pursuant to [section one hundred six](#) of this article;

(f) 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;

(g) the public body shall provide that 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;

(h) 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; and

(i) a local public body electing to utilize videoconferencing to conduct its meetings must maintain an official website.

3. The in person participation requirements of paragraph (c) of subdivision two of this section 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 chief executive of a county, city, village or town 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.

4. No later than January first, two thousand twenty-four, the committee on open government, created by [paragraph \(a\) of subdivision one of section eighty-nine](#) of this chapter, shall issue a report to the governor, the temporary president of the senate, the speaker of the assembly, the chair of the senate standing committee on local government, the chair of the senate standing committee on investigations and government operations, the chair of the assembly standing committee on local governments, and the chair of the assembly standing committee on governmental operations concerning the application and implementation

of such law and any further recommendations governing the use of videoconferencing by public bodies to conduct meetings pursuant to this section.

5. 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](#).

Credits

(Added L.2022, c. 56, pt. WW, § 2, eff. April 9, 2022. Amended L.2023, c. 58, pt. X, § 1, eff. May 3, 2023.)

McKinney's Public Officers Law § 103-a, NY PUB OFF § 103-a

Current through L.2023, chapters 1 to 606. Some statute sections may be more current, see credits for details.