

**BINGHAMTON-JOHNSON CITY JOINT SEWAGE BOARD**  
**RESOLUTION ADDRESSING THE VIDEOCONFERENCING OF MEETINGS**

**WHEREAS**, by passing Chapter 56 of the Laws of 2022 ("Chapter 56"), the New York State Legislature amended Section 103 of the *Open Meetings Law*; and

**WHEREAS**, Chapter 56 adds Section 103-a of the *Open Meetings Law*, permitting local government entities, including the Binghamton-Johnson City Joint Sewage Board, to authorize its members to attend meetings by videoconferencing; and

**WHEREAS**, Section 103-a(2)(a) allows the Board to adopt a resolution following a public hearing authorizing the use of videoconferencing under such circumstances as allowed by the *Open Meetings Law*; and

**WHEREAS**, a public hearing regarding the substance of this resolution was held before the Board on the date hereof; now, therefore, be it **RESOLVED**, that effective immediately, the Board amends Article VI, Section 3 of its By-Laws to read as follows:

3. **Meeting Places.** The meeting place for Board meetings shall be the business office of the Binghamton-Johnson City Joint Sewage Treatment Plant, 4480 Vestal Road, Vestal New York, except that a different meeting place or additional meeting places may be selected: i) by the Board, for ensuing regular, special or emergency meetings; and ii) by the Chairman, upon calling a special or emergency meeting, unless the Board, at a meeting thereof, has scheduled the special or emergency meeting. All meeting places for Board meetings shall be open to the public during Board meetings.

**Videoconference Link of Multiple Designated Meeting Places.** If Board meetings are simultaneously conducted from more than one designated location, the meeting shall be conducted by videoconference technology so long as a quorum of the Board is present at the designated meeting places. If the designated meeting places cannot be linked by videoconferencing technology, or if the videoconferencing link is broken during the course of a Board meeting, the meeting shall proceed only at a designated meeting place where a quorum is physically present, until such time as the videoconferencing link is established or re-established.

**Members to be Physically Present Absent Extraordinary Circumstances.** In order to participate as a member during a Board meeting, a member shall be physically present at one of the designated meeting places, unless such member is unable to be physically present at any designated meeting place due to extraordinary circumstances such as disability, illness, caregiving responsibilities, or any other significant or unexpected factor or event which precludes a member's physical attendance at such a meeting place, in which case the member may participate via videoconferencing from a location other than a designated meeting place, as set forth herein. A member's written request to participate via videoconference from a location other than a designated meeting place, due to extraordinary circumstances, shall be delivered to the Board Chairman and the Board's Secretary as soon as reasonably practicable.

**Legal Notice Requirements.** If videoconferencing is to be used to conduct a meeting, the Board's Secretary will issue a public notice informing the public: i) that videoconferencing will be used,

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ii) identifying the physical locations for the meeting, where the public can attend in person; iii) where the public can view and/or participate in such meeting via videoconference, iv) where required documents and records will be posted or available, and v) if any Board member(s) will be attending virtually from a location other than a designated meeting place, the identity of said Board member(s) and the address(es) that such member(s) will be attending from, pursuant to *Public Officers Law* §103-a, in order to establish a quorum with all members having legal voting rights during the meeting.

**Physical Location - Quorum for Videoconferencing.** The Board may, in its discretion, use videoconferencing to conduct its meetings, provided that a quorum of members is physically present to fulfill the public body's quorum requirement in the same physical location or locations where the public can physically attend, as identified in the Legal Notice, and all other requirements set forth herein have been met.

**Members Viewable and Audible.** Except during an executive session, all Board members physically present at a designated meeting place and all members participating by videoconference from a location other than a designated meeting place must 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.

**Public Participation in Videoconference.** If videoconferencing is used to conduct a meeting, the Board 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, including that the videoconferencing authorizes the same (except in the case of executive sessions).

**Minutes.** Minutes of any meetings which involve videoconferencing shall identify: i) the members who appeared in person at a designated meeting place, together with the location of designated meeting place where each such member appeared in person, and ii) the members who participated remotely. Said minutes shall be made available to the public pursuant to the NY *Open Meetings Law*.

**Recordings and Transcription.** Each meeting conducted using videoconferencing shall be recorded and such recordings posted or linked on the Board'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 written request.

**Committees.** The rules herein stated for videoconferencing of Board meetings may apply equally to meetings of committees of the Board.

**State of Emergency.** The in-person participation requirements of this Section 3 shall not apply during a state disaster emergency declared by the governor pursuant to Section 26 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 24 of the *Executive Law*, if the Board determines that the circumstances necessitating the emergency declaration would affect or impair the ability of the Board to hold an in-person meeting.

**Policy on Website.** This policy shall be posted on the Board's website.

UNANIMOUSLY ADOPTED:  
December 29, 2022

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