



## VILLAGE OF CAYUGA HEIGHTS

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### **RESOLUTION OF THE VILLAGE OF CAYUGA HEIGHTS ZONING BOARD OF APPEALS AUTHORIZING THE USE OF VIDEOCONFERENCING FOR THE CONDUCT OF ZONING BOARD OF APPEALS MEETINGS**

#### **Transmittal:**

I, Amy Jacot, the duly elected and qualified Village Deputy Clerk of the Village of Cayuga Heights, New York, do hereby certify that the following Resolution was adopted at a meeting of the Village Zoning Board of Appeals held January 9, 2023, and is incorporated in the original minutes of said meeting and is on file and of record, and that said resolution has not been altered, amended or revoked and is in full force and effect.

**WHEREAS**, as of April 9, 2022, the previous videoconferencing provisions found in Public Officers Law § 103(c) were removed, and public bodies wishing to conduct meetings via videoconference must comply with the new requirements of Public Officers Law § 103-a; and

**WHEREAS**, Public Officers Law § 103-a(2) authorizes public bodies to conduct meetings using videoconference technology so long as a quorum of the public body is physically present at one or more of the locations where the public can also attend in person; and

**WHEREAS**, in order for public bodies to conduct meetings via videoconferencing, certain requirements of Public Officers Law § 103-a(2) must be satisfied; and **WHEREAS**, among the requirements of Public Officers Law § 103-a(2) is that the public body must adopt a local law or a resolution after a public hearing authorizing the use of videoconferencing for itself and its committees or subcommittees; and

**WHEREAS**, the Zoning Board of Appeals of the Village of Cayuga Heights desires to authorize the use of videoconferencing for itself; and

**WHEREAS**, the Zoning Board of Appeals has conducted a public hearing to hear comments on the use of videoconferencing to conduct public meetings.

**NOW, THEREFORE**, be it resolved by the Zoning Board of Appeals of the Village of Cayuga Heights as follows:

1. The Zoning Board of Appeals of the Village of Cayuga Heights is hereby authorized to conduct meetings via videoconferencing in accordance with the requirements of Public Officers Law § 103-a(2), including, but not limited to:



A. A quorum of members of the Zoning Board of Appeals must be physically present at one of the meeting locations at which the public can attend in person unless the member is unable to be physically present due to extraordinary circumstances, which include disability, illness, caregiving responsibilities, or any other significant or unexpected factor or event which precludes the member's physical attendance at such meeting.

B. Except in the case of executive sessions conducted pursuant to Public Officers Law § 105, the Zoning Board of Appeals shall ensure that members of the Zoning Board of Appeals 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.

C. The minutes of meetings involving videoconferencing must include which, if any, members participated remotely and must be made available to the public pursuant to Public Officers Law § 106.

D. The public notice for the meeting must (i) inform the public (a) that videoconferencing will be used, (b) where they can view and/or participate in such meeting, and (c) where required documents and records will be posted or available, and (ii) identify the physical location(s) where members of the Zoning Board of Appeals will be participating in the meeting and where the public can attend the meeting in person.

E. The Zoning Board of Appeals must record each meeting that uses videoconferencing, and such recordings must be posted or linked to on the public body's website within five business days of the meeting. The recordings must remain available for a minimum of five years thereafter, and recordings must be transcribed upon request.

F. At meetings where public comment or participation is authorized, members of the public must be able to participate in the proceedings via videoconference in real time.

G. If the Zoning Board of Appeals broadcasts its meetings or conducts its meetings via videoconference, it must use technology that permits members of the public with disabilities to access the video in a manner consistent with the 1990 Americans with Disabilities Act (ADA).

**Motion:** R. Parker

**Second:** M. Friend

**Ayes:** ZBA Chair, L. Staley Members: R. Parker, M. Friend & M. Tate

**Nays:** None

**Abstentions:** None

**Motion carried**