TOWN OF GARDINER
LOCAL LAW NO. 3 OF 2026
A LOCAL LAW AUTHORIZING REMOTE PARTICIPATION AND VOTING VIA VIDEOCONFERENCING FOR TOWN BOARD MEMBERS IN EXTRAORDINARY CIRCUMSTANCES

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

§ 41-1. Authority.

A. This chapter is adopted pursuant to Municipal Home Rule Law §10 and Public Officers Law Article 7, including §103-a.

B. The purpose of this chapter is to establish procedures governing participation by members of the Town Board through videoconferencing in a manner that preserves public access to meetings while recognizing that extraordinary circumstances may occasionally prevent a member from attending in person.

§ 41-2. Legislative Intent.

A. The Town Board of the Town of Gardiner recognizes:
(1) The importance of conducting public business in an open and accessible manner;
(2) That Public Officers Law §103-a authorizes public bodies to permit members to participate in meetings by videoconference under locally adopted written procedures;
(3) The need to preserve in-person access as the primary means of public participation;
(4) The need to provide elected officials the ability to represent their constituents in Town Board decisions on days which, due to extraordinary circumstances, they are unable to attend a particular Town Board meeting in person, but the meeting is being "broadcast" on videoconference and the Town Board member is able to participate in the videoconference.
(5) The need of the public to be represented by their elected officials at Town Board Meetings.

B. It is the intent of this chapter that remote voting by videoconferencing:
(1) Be used only in limited and appropriate circumstances, and
(2) Not replace the expectation of physical attendance by Town Board members, and
(3) Be consistent with the written procedures established by the Town Board.

§ 41-3. Authorization.

The Town Board hereby authorizes Town Board Members to participate and vote by videoconferencing at all public meetings, subject to the provisions of this chapter.

§ 41-4. Quorum Requirement.

A meeting utilizing videoconferencing shall be valid only if:

A. A quorum of members is physically present at one location within the Town;
B. Such location is open to the public and properly noticed;

C. Town Board Members attending remotely from a private location shall not be counted toward a quorum; and
D. If at any time a quorum is no longer physically present, the meeting shall be adjourned.

§ 41-5. Remote Participation and Voting by Members.

A. A Town Board Member may participate and vote by videoconferencing from a private location only if the member is unable to be physically present due to extraordinary circumstances. For the purposes of this chapter, extraordinary circumstances include but are not limited to:

(1) Disability;
(2) Illness;
(3) Caregiving;
(4) Other extraordinary circumstances.

B. It is understood that remote voting is a permitted accommodation, not a right; and shall not be used for convenience, vacation, or routine or avoidable scheduling conflicts.

C. A Town Board Member wishing to exercise the accommodation of participating and voting in a Town Board meeting remotely must notify the Town Supervisor as soon as practicable prior to the meeting, must state the general nature of the extraordinary circumstances, and must confirm that they will have the capacity to attend the meeting via videoconference in its entirety.

D. The Town Supervisor (or presiding officer) shall determine whether a request for remote voting satisfies the "extraordinary circumstances" standard.

E. A member participating remotely pursuant to this section may fully participate and vote in all matters before the Town Board.

F. With the exception of Executive Sessions, throughout a public meeting attended by a Town Board Member via videoconference, the remote board member must be heard while speaking during the videoconference, have his or her face fully visible to the audience, and must be identified by their full name on the video screen.

G. The Town Board Member attending remotely must have a stable audio-visual connection throughout the meeting. If the audio or video connection is lost such that the member can no longer be seen or heard, the member shall be deemed absent for the duration of such interruption and may resume participation upon restoration of the connection.

§ 41-6. Meetings Presided Over by Town Supervisor.

A. A Town Supervisor participating remotely pursuant to this chapter may preside over the meeting by videoconference provided that all requirements of this chapter and Public Officers Law §103-a are satisfied.

B. If the Supervisor is unable to effectively preside over the meeting because of technical difficulties or other circumstances, the Deputy Supervisor (or presiding officer) shall serve as presiding officer until such time as the Supervisor resumes the chair.

§ 41-7. Public Access.

A. When videoconferencing is used, the public shall be able to attend the meeting:

(1) In person at the designated public meeting location; and

(2) Via videoconference in real time.

B. Where public comment is permitted, the Town shall provide a reasonable opportunity for public participation via videoconference.

§ 41-8. Notice.

A. Notice of any meeting utilizing videoconferencing shall include:

(1) A statement that videoconferencing will be used; and

(2) The physical meeting location.

B. Further, the agenda must be posted on the Town website before the meeting and must include the link and/or URL for accessing the videoconference, and for accessing all available documents related to the meeting agenda.

C. The posted agenda must also indicate if the meeting will have a Public Comment Period (also known as Privilege of the Floor), and when in the agenda it will occur.

§ 41-9. Recordings and Minutes.

Meetings conducted using videoconferencing shall be recorded and made publicly available on the Town website as soon as practicable. Minutes shall be posted on the website following a subsequent Board vote of approval and shall identify which members participated in person and remotely.

§ 41-10. Severability.

If a court of competent jurisdiction determines that any part of this chapter or the application thereof is invalid, such determination shall not affect the remaining provisions of this chapter.

§ 41-11. Written Procedures.

This chapter is intended to satisfy the requirement of Public Officers Law §103-a, that the Town establish written procedures governing member participation and public attendance at meetings conducted by videoconferencing. These procedures and the full text of this chapter shall be posted on the Town's official website in accordance with Public Officers Law §103-a, under the heading of Municipal Code.

§ 41-12. Effective Date.

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