

TOWN OF BERNE
Public Meetings Conducted by Remote Participation
Policy

I. GENERAL PROVISIONS

Town of Berne municipal boards and committees' meetings shall be conducted at the Berne Community Center and virtually using the Town's Zoom account.

All boards and committee meetings shall be conducted as prescribed by the current state and county restrictions and provide a virtual presence by the use of the Town of Berne's Zoom account. The public's ability to speak and hear discussion and testimony shall be verified prior to or during the meeting. All meetings shall be recorded and posted on the Town of Berne website for public viewing.

Notwithstanding anything to the contrary in this policy, all requirements shall be interpreted to promote compliance with the Open Meetings Law, and the Proclamations and the Executive Orders of the Governor, including those regarding the posting of meeting notices, keeping of minutes, identifying and maintaining documents used at the meeting, and executive sessions.

II. BOARDS AND COMMITTEE REMOTE PARTICIPATION

Town Board.

Subject to and in accordance with all applicable state law, regulations, and executive orders, the Town Board will meet at its regular meetings, special meetings, and workshops in person or through remote communications. Such meetings shall be open to the public by remote communications. The Town Supervisor retains his authority and discretion to allow in-person public attendance as deemed necessary and in furtherance of any meeting agenda item. Public hearings may be scheduled for in-person public comment, public comment by remote communication, or a combination, as determined by the Town Supervisor and in consultation with the Town Board during a public meeting.

Town Board members may, at their discretion, attend Town Board meetings by remote communications or in person at the Berne Community Center Building unless the Town Supervisor determines that such physical presence is not feasible at that time. At the start of the meeting, all present will announce their presence by name. When speaking, as practical, each member will state their name before speaking. During the course of the meeting, all votes will be conducted by roll call.

Regulatory Boards.

Subject to and in accordance with all applicable state law, regulations, and executive orders, the Zoning Board of Appeals, Planning Board, Board of Assessors, Conservation Board shall meet to conduct essential pending business (as determined by the board chair). Each committee chair shall be responsible for requesting zoom services from the Town Supervisor's Office. Agenda items shall be limited to essential business to minimize the need for meeting time and Town staff support.

Board members and staff may meet in person or through remote communications. Such meeting shall be open to the public by remote communications only. Public hearings may be scheduled for in-person public comment, public comment by remote communication, or a combination, as determined by the board chair and in consultation with the Town Supervisor. If the Town Supervisor and board chair disagree on the appropriate public hearing format, the Town Supervisor has the authority and discretion to make the determination.

Non-Regulatory Boards and Committees.

Subject to and in accordance with all applicable state law, regulations, and executive orders, all other boards and committees shall meet only as necessary to discuss essential agenda items (as determined by the board chair), through remote communications only. Such meeting, if required, shall be open to the public by remote communications only.

Board and Committee Meetings, Generally.

Public comment during committee meetings shall be in person unless otherwise limited by state or county restrictions. Public comment will be recognized only by the chair of the committee/board/commission. For virtual meetings incorporating public participation, the Town will post instructions in the meeting agenda with information on how to access and participate remotely in the meeting or meetings. The agenda shall be posted in advance on the Town's website.

Executive Sessions.

If an executive session is convened for a valid purpose under the Open Meeting Law, it will be held by web/video conferencing using a private virtual room open only to board members and invited guests. At the conclusion of the executive session, board members shall return to public session to conduct further business or to adjourn.

Public Comment.

A public comment period may be established as part of a meeting agenda at the discretion of the board/committee chairperson. For virtual meetings incorporating public participation, the Town will post instructions in the meeting agenda with information on how to access and participate remotely in the meeting, and how to submit public comments by non-participants, to be read during the public participation portion of the meeting. The agenda shall be posted in advance on the Town's website.

The board chairperson taking public comments shall ensure that individuals providing public comment state his or her name and Town of residence. Public comments should be limited to 3 minutes, including reading of public comments submitted prior to the meeting. Each board chairperson taking public comments shall also uphold and enforce a standard of respect and courtesy towards the board/committee members and Town staff. These standards include but are not limited to waiting to be recognized by the chair, not interrupting another speaker, heckling, profanity or other forms of harassment, the posting of inappropriate video, signs and other media that fails to meet the basic meeting standards of courtesy and respect. The board/committee chairperson is authorized, if necessary, to mute, remove or otherwise restrict an attendee's participation if an attendee fails to meet the basic meeting standards of courtesy and respect.

Remote Communication Interruption.

In the event a board member attending the public meeting by remote communications is unable to participate in part of the meeting or does not respond to a call to a vote when his or her name is announced, the discussion or vote shall be held until remote communication can be reestablished. If a remote communication cannot be established within a reasonable amount of time, the board chairperson may, at his or her discretion, suspend the meeting or continue with the meeting as long as a board quorum exists. If the board chairperson continues with the meeting and a board member does not respond to a call to a vote when his or her name is announced, that member's vote shall be counted as an excused absence from the meeting or vote as the case may be. The meeting minutes shall reflect that communication was lost, attempts were made to reestablish connection and that the vote or discussion continued without such member present.