

## Town of Hoosick Zoning Board Meeting Minutes

December 4, 2023

Present: Jim Hoag, Fred Pirie, Eric Ziehm, Mike Bailey, Attorney Gilchrist.

Member Sussman was absent.

The meeting was called to order at 7 P.M. by Chairman Hoag with the Pledge of Allegiance.

Chairman Hoag asked Attorney Gilchrist to explain a New York State Open Meetings Law issue that was raised concerning Zoning Board applications.

Attorney Gilchrist read a relevant selection from NYS Public Officers Law Article 7 (Open Meetings Law) §103 for the record that was highlighted by Attorney Andrew Brick who is in the process of being engaged by multiple town residents with concern about the Hawthorn Solar project:

“(e) Agency records available to the public pursuant to article six of this chapter, as well as any proposed resolution, law, rule, regulation, policy or any amendment thereto, that is scheduled to be the subject of discussion by a public body during an open meeting shall be made available, upon request therefor, to the extent practicable at least twenty-four hours prior to the meeting during which the records will be discussed. Copies of such records may be made available for a reasonable fee, determined in the same manner as provided therefor in article six of this chapter. If the agency in which a public body functions maintains a regularly and routinely updated website and utilizes a high speed internet connection, such records shall be posted on the website to the extent practicable at least twenty-four hours prior to the meeting. An agency may, but shall not be required to, expend additional moneys to implement the provisions of this subdivision.”

Attorney Gilchrist went on to address the issue of procedural compliance for the Hawthorn Solar application and for all Zoning Board applications, and the applicability of this Public Officers Law section to Town Board and Planning Board business. Attorney Gilchrist stated that he was not indicating that a violation of the Open Meetings Law had or had not occurred, only that the issue had been raised in the context of the Hawthorn Solar application. Attorney Gilchrist stated that Attorney Brick's letter should be made part of the Hawthorn Solar record.

Chairman Hoag suggested that a motion be made to adjourn the agenda items of this Zoning Board meeting to allow review for compliance with Open Meetings Law requirements in coordination with the Town attorney, with the agenda items being placed on a Zoning Board agenda following such review.

Member Bailey made that motion, and the motion was seconded by Member Pirie. All were in favor and the motion was adopted.

Member Bailey made a motion to close the public meeting and move to private session to seek legal advice from the Board attorney. That motion was seconded by Member Pirie; all were in favor and meeting was closed.