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STATE OF NEW YORK
DEPARTMENT OF STATE
APPEARANCE ENHANCEMENT COMMITTEE

Notice of Public Hearing Pursuant to Part W.W.
of Chapter 56 of the Laws of 2022, proposed
resolution authorizing the use of video
conferencing and written procedures governing
members and public attendance.

PUBLIC COMMENT MEETING

DATE: May 23, 2022 at 10:37 A.m.
VENUE: WebEx
BEFORE: MICHELLE BRENNER, CHAIR

Reported by Becky Foster

1 APPEARANCES:

2 MICHELLE BRENNER, Chair
MICHAEL SHANNON, Host
3 DENISE TIDINGS, Co-host
LISA HELMER, Co-host
4 ERIN HUNDLEY, Board Member
LEEANNE SHADE, Board Member
5 SHIRLEY CHENG, Board Member
ANTHONY FIORE, Board Member
6 SHANNON MAGUIRE
DAVID MOSSBERG
7 ALISON LACY
NICOLE HADSELL
8 EMILY LUPE
ERNITA GANTT
9 KIMBERLY KUSTER-SMITH

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1 (The meeting commenced at 10:37
2 a.m.)

3 M. BRENNER: All right. Good
4 morning. I'd like to call the meeting to order.
5 Today is Monday, May 23rd, 2022. This is an open
6 meeting of the New York State Appearance
7 Enhancement Advisory Committee that is being held
8 remotely. This remote meeting is conducted in
9 accordance with the governor's executive order
10 relating to the COVID pandemic and as authorized
11 by Chapter 417 of the Laws of 2021, Chapter 1 of
12 the Laws of 2022 and Part W.W. of Chapter 56 of
13 the Laws of 2022.

14 I am Michelle D'Allaird Brenner and
15 the chair of the New York State Appearance
16 Enhancement Advisory Committee. The time is now
17 ten thirty-eight and I will begin by taking
18 attendance. First do we have Shirley Cheng?

19 D. TIDINGS: We do but do you want
20 me to unmute her?

21 M. BRENNER: That's your
22 call. If I can -- I'm --.

23 D. TIDINGS: Shirley, you're
24 unmuted. Shirley? Shirley?

25 S. CHENG: Hi, I'm here.

1 D. TIDINGS: Okay.

2 M. BRENNER: Thank you,
3 Shirley. Anthony Fiore? Anthony? Anthony?

4 A. FIORE: I am here.

5 M. BRENNER: Thank you,
6 Anthony. Erin Hundley?

7 E. HUNDLEY: Here.

8 M. BRENNER: Thank you, Erin.
9 And lastly Leeanne Shade?

10 L. SHADE: Yes, here.

11 M. BRENNER: Thank you,
12 Leeanne. We do have five members present for the
13 advisory board so we are able to declare a quorum.
14 Moving to today's agenda, next on the agenda is
15 Public Hearing Pursuant to Part W.W. of Chapter 56
16 of the Laws of 2022. Proposed resolution
17 authorizing the use of video conferencing and
18 written procedures governing member and public
19 attendance. This is to be led by -- the
20 discussion to be led by David Mossberg. David?

21 D. MOSSBERG: Good morning
22 everybody. The time now is approximately ten
23 forty on May 23rd, 2022. This is a public hearing
24 conducted by the New York State Appearance
25 Advisory Board pursuant to Section 103A of the

1 Public Officers Law for the purposes of receiving
2 public comment on the proposed adoption by the
3 committee of a resolution that, one, authorizes
4 the use of video conference. And, two,
5 establishes the written procedures of governing
6 member and public attendance for meetings of the
7 appearance enhancement advisory board as well as
8 all committees, subcommittees of the board now
9 existing or herein after.

10 As authorized by the chair, I will
11 serve as the hearing official for today's meeting.
12 Section 103A of the public officers law authorizes
13 a public body to allow its members to participate
14 in a meeting remotely under extraordinary
15 circumstances at locations that do not allow for
16 in-person physical attendance by the public
17 provided that the public body adopts a resolution
18 authorizing such remote attendance and establishes
19 written procedures governing member and public
20 attendance consistent with Section 103 of the
21 public officers law.

22 If adopted, the proposed resolution
23 would allow the appearance enhancement advisory
24 board any and all committees or subcommittees of
25 the board now existing or herein after to use

1 video conferencing to conduct business in a manner
2 that is authorized by Section 103 of the public
3 officers law which are those circumstances where a
4 member is unable to physically be present at a
5 meeting due to an extraordinary circumstance
6 provided that the physical location where the
7 member is attending is not open to the public.

8 The second purpose is to establish
9 written procedures governing the member and public
10 attendance of such meetings. The proposed
11 resolution would also confirm that the advisory
12 board continue to authorize the board at any and
13 all committees and committees now existing or
14 herein after to use video conferencing to conduct
15 hearings where each member wishing to attend or
16 participate is physically present and such a
17 meeting is open to the public.

18 The notice of today's meeting was
19 properly noticed as well as posted on the
20 Department of State's website. All persons
21 wishing to present comments today please indicate
22 by raising your hand on the Webex and we will call
23 on you in order. Please note that as this meeting
24 is part of an open meeting, this video is being
25 recorded and will be posted on the department's

1 website later.

2 At this point, if there's any
3 members of the public, meaning not on the board,
4 that would wish to provide public comment on the
5 proposed resolution as well as the draft
6 procedures that have been posted on your website
7 or, sorry, on the department's website, please
8 indicate by raising your hand or typing something
9 into a chat function please.

10 Just giving everyone a moment. It
11 doesn't look like anyone's raising their hand or
12 wishing to provide a public comment. Let the
13 record reflect it is now approximately ten forty-
14 three a.m. on May 23rd. No members of the public
15 are present or have wished to provide public
16 comment on the proposed resolution or the written
17 draft procedures. I therefore declare the hearing
18 closed, and it will be up to the board. Thank you
19 very much everybody.

20 So I know that was probably quick
21 and a little bit awkward, but the next item on the
22 agenda is to discuss basically the public
23 comments. Didn't receive any and also to provide
24 the members of the board a little bit additional
25 background on Part W.W. and to address any

1 questions that the board members may have.

2 So as everyone knows, we are
3 conducting this hearing today virtually without a
4 location for the member to attend. That's
5 pursuant to governor's executive order relating to
6 the COVID pandemic which authorizes board members
7 in certain circumstances to appear entirely
8 virtually without an opportunity for an in-person
9 public location. That is permissible so long as
10 there is continuing state of emergency. And then
11 during the state of emergency the board can appear
12 virtually as we are doing today.

13 The current state of emergency is
14 scheduled to expire on June 18th which is why
15 we're having this meeting today remotely so that
16 we could also hold the public hearing pursuant to
17 Part W.W. What Part W.W. authorizes is that at a
18 certain point we hope that there will no longer be
19 a continued state of emergency in which case every
20 public body will have to go back to having in-
21 person meetings where the public is allowed to
22 attend in person in the same location as any of
23 the board members.

24 So the board members may recall
25 pre-COVID we would usually meet certainly in

1 Albany, New York using video conference and all
2 the board members would attend there. What Part
3 W.W. does is it permits board members, if the
4 board chooses, to adopt a resolution that would
5 authorize a board member under an extraordinary
6 circumstance to appear virtually in a remote
7 location that would not be open to the public.

8 The requirements would be that the
9 rest of the board, however, would have to meet at
10 a location that is accessible to the public. So
11 by way of example, five members present today, if
12 this was after June 18th and there was no public
13 emergency, everyone would have to be at either
14 Albany, New York or Hauppauge, another office
15 that's open to the public.

16 The additional sort of four members
17 or three members, if they wanted to appear and
18 participate, they could at their home or office or
19 some other location due to that extraordinary
20 circumstance though the purpose of the meeting was
21 to, one, satisfy the requirements of Part W.W.
22 that requires a public hearing so that members of
23 the public can actually comment on whether or not
24 the board should adopt the resolution. And then,
25 two, by public comment on if there is a resolution

1 to allow video conferencing on what those specific
2 written procedures are.

3 So as drafted, the draft
4 resolution, a new draft written policy, for
5 example, allows board members an extraordinary
6 circumstance which includes disability, illness,
7 caregiving responsibility and any other
8 significant or unexpected factor or event which
9 precludes such members' physical attendance at the
10 meeting.

11 So if a board member, for example,
12 satisfies that condition they can follow the
13 written procedures and they would be able to
14 appear virtually under the Part W.W. requirement
15 though they would have to be on video the entire
16 time. So as board members today are calling in or
17 not using their camera that wouldn't be
18 permissible after June 14th if the state of
19 emergency isn't continued.

20 So that was the purpose of the Part
21 W.W. requirement, the public hearing, the draft
22 resolution and the draft written procedures. Does
23 any of the board members have any questions?

24 M. BRENNER: No.

25 S. CHENG: No.

1 D. MOSSBERG: So as the secretary
2 of state doesn't have a vote on this board, if the
3 board would like to move forward and allow this,
4 again it's optional, I would recommend that a
5 board member, one, make a motion on the -- on the
6 resolution ... the written procedure. And then a
7 second motion we ...

8 M. BRENNER: I would
9 absolutely make a motion to accept.

10 S. CHENG: I'll second.

11 CHAIRMAN BRENNER: As well as a
12 motion to adopt.

13 S. CHENG: Second.

14 D. MOSSBERG: And I believe some
15 of the board members are technically there so you
16 have to say yes or oppose or abstain. So I -- I
17 don't know, Michelle, if you'd want to like ask
18 each board member what they want to do.

19 M. BRENNER: Certainly. Yes.
20 I'll start -- first, Shirley, if you're still
21 present and --?

22 S. CHENG: I'll approve.

23 M. BRENNER: Great. Thank
24 you. Okay. Anthony?

25 A. FIORE: I approve.

1 M. BRENNER: Great. Erin, I
2 think I heard you before but if you could approve
3 or disapprove?

4 E. HUNDLEY: Approve.

5 M. BRENNER: LEEANNE?

6 L. SHADE: Yes, I approve.

7 M. BRENNER: Okay. David,
8 all board members have approved.

9 D. MOSSBERG: Okay. So what we'll
10 do is we are required to post the committee's
11 resolution as well as our procedures on the
12 department's website. And so we'll be able to
13 handle that. And, of course, if any of the board
14 members have questions later on feel free to reach
15 out.

16 M. BRENNER: David, thank you
17 so much. Next on our agenda briefly is new
18 business with our next meeting date. Denise.

19 D. TIDINGS: Hi, Michelle. Yes,
20 I'd just like to mention that our next meeting
21 date is scheduled for Monday, June 13th at ten
22 thirty a.m. If anyone has any conflicts please
23 let me know as soon as possible as I do believe
24 we're going forward with that meeting. Thank you.

25 M. BRENNER: Perfect. Thank

1 you. And given that all board members are
2 present, we do have a quorum. I will ask them for
3 a motion to adjourn today's meeting. All in favor
4 please say aye.

5 BOARD MEMBERS: Aye.

6 M. BRENNER: Excellent.

7 Thank you everyone. And, David, thank you very
8 much for your time. Today's meeting is now
9 adjourned and we'll see everybody on June 13th.
10 Have a great day.

11 (The meeting adjourned at 10:53
12 a.m.)

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1 STATE OF NEW YORK

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I, BECKY FOSTER, do hereby certify that the
3 foregoing was reported by me, in the cause, at the
4 time and place, as stated in the caption hereto,
5 at Page 1 hereof; that the foregoing typewritten
6 transcription consisting of pages 1 through 13, is
7 a true record of all proceedings had at the
hearing.

8

IN WITNESS WHEREOF, I have hereunto
9 subscribed my name, this the 6th day of June,
10 2022.

11

Becky Foster

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BECKY FOSTER, Reporter

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