

BOROUGH OF CLOSTER PLANNING BOARD

**RESOLUTION OF THE ADOPTING STANDARD PROCEDURES AND
REQUIREMENTS FOR PRESENTATIONS AND DOCUMENTS TO BE RELIED UPON
AT A REMOTE PUBLIC MEETING, PUBLIC COMMENT MADE DURING A
REMOTE PUBLIC MEETING AS WELL AS FOR PUBLIC COMMENTS SUBMITTED
IN WRITING AHEAD OF A REMOTE PUBLIC MEETING**

WHEREAS, the Borough of Closter Planning Board constitutes a public body pursuant to the New Jersey Open Public Meetings Act, *N.J.S.A.* 10:4-6 to -20, and, as such, it is required to provide adequate notice of its meetings and activities in the manner provided in *N.J.S.A.* 10:4-8(d); and

WHEREAS, the Legislature authorized the Director of the Division of Local Government Services, pursuant to P.L. 2020, c.34, to promulgate regulations establishing standard protocols for remote public meetings held by a local public body during a Governor-declared emergency such as the COVID-19 pandemic; and

WHEREAS, the Director of the Division of Local Government Services promulgated emergency regulations codified as *N.J.A.C.* 5:39-1.1 through 1.7 in accordance with P.L. 2020, c.34; and

WHEREAS, the Borough of Closter Planning Board is a local public body subject to the emergency regulations; and

WHEREAS, the emergency regulations set forth that a local public body shall adopt by resolution standard procedures and requirements for public comment made during a remote public meeting as well as for public comments submitted in writing ahead of the remote public meeting,

NOW, THEREFORE, BE IT RESOLVED by the Borough of Closter Planning Board as follows:

1. The following procedures are hereby adopted for presentation of physical documents:

a. Any presentations or document to be relied upon by an applicant or any member of the public shall be made visible on a video broadcast of the remote public meeting at the time in which the document is to be relied upon.

b. Any presentations or document to be relied upon by an applicant or member of the public shall be marked as an exhibit during the hearing in which it is introduced.

c. Any presentations or document to be relied upon by an applicant or member of the public that is marked as an exhibit shall be emailed either during the meeting or immediately thereafter to the Board Secretary with a copy to the Board Attorney.

d. Any presentations or document to be relied upon by an applicant appearing before the Board shall be submitted by email to the Board Secretary with a copy to the Board Attorney at least 48 hours prior to the hearing on the application for development. The Board Secretary shall use best efforts to ensure that the document(s) provided are posted on the Borough of Closter's website and made available to members of the public prior to the meeting at which the documents are to be relied upon.

2. The following procedures are hereby adopted for public comments at remote public meetings:

a. Public comment shall be allowed at a remote public meeting, by audio, or by audio and video (if the meeting is held with audio and video). Any member of the public giving sworn testimony at a remote public meeting shall appear by video.

b. The public shall be advised at the beginning of a remote public meeting that the meeting is being recorded.

c. The Borough of Closter Planning Board may require members of the public to state, prior to providing public comment, whether they wish to speak and to identify themselves prior to speaking.

d. In advance of a remote public meeting, the Borough of Closter Planning Board shall allow public comments to be submitted to the Board Secretary by email and in written letter form by a reasonable deadline set forth on the meeting notice. Such comments shall be read aloud and addressed during the remote meeting in a manner audible to all meeting participants and the public. If time limits are imposed on public comments made during the meeting, the same time limit may be placed on the reading of written comments; in which case, comments must be read from the beginning until the time limit is reached. Duplicate comments may be skipped but noted for the record with the content summarized; however, all duplicative comments shall be treated the same, i.e., certain duplicative comments cannot be summarized while others are read in their entirety.

e. The Borough of Closter Planning Board has the discretion to accept text-based public comment received during a remote public hearing held through an electronic communications platform or Internet-accessible technology.

f. Capacity in a remote public meeting "room" will be consistent with the reasonable expectation of Borough of Closter Planning Board for public meetings of the type being held, but not fewer than 50 participants.

g. The Borough of Closter Planning Board shall facilitate a dialogue with the commenter to the extent permitted by the electronic communications technology.

h. If a member of the public becomes disruptive during a remote public meeting, including during any period for public comment, the Board Chairman or his designee shall mute or continue muting, or direct appropriate staff to mute or continue muting, the disruptive member of the public and warn that continued disruption may result in their being prevented from speaking during the remote public meeting or removed from the remote public meeting. Disruptive conduct includes sustained inappropriate behaviors such as, but not necessarily limited to, shouting, interruption, and use of profanity.

i. A member of the public who continues to act in a disruptive manner after receiving an initial warning may be muted while other members of the public are allowed to proceed with their questions or comments. If time permits, the disruptive individual shall be allowed to speak after all other members of the public have been given the opportunity to make comment. Should the person remain disruptive, the individual may be muted or kept on mute for the remainder of the remote public meeting or removed from the remote public meeting.

j. Regulation of conduct by members of the public on a remote public meeting shall be consistent with law and practices followed if a member of the public disrupts an in-person meeting.

3. The Board Secretary is hereby authorized and directed to take all actions necessary to satisfy the requirements of the Open Public Meetings Act and the Emergency Regulations codified as *N.J.A.C. 5:39-1.1* through 1.7 in accordance with P.L. 2020, c.34; and

MOTION BY: *DiDio*

SECONDED BY: *Tam*

IN FAVOR: *Wong; Ferullo; Batool; DiDio; Amitai; Tam; Glidden; Paltos; Barad*

OPPOSED: *n/a*

DATED RESOLUTION APPROVED: *3/1/2023*



3/2/23
DAVID BARAD, CHAIRPERSON
PLANNING BOARD OF THE BOROUGH
OF CLOSTER