

RESOLUTION OF THE ZONING BOARD OF ADJUSTMENT OF THE TOWNSHIP OF PEQUANNOCK, MORRIS COUNTY, NEW JERSEY, ESTABLISHING STANDARD PROCEDURES FOR REMOTE MEETINGS REGARDING ACCESS TO PRESENTATIONS AND DOCUMENTS VIEWED OR MADE AVAILABLE TO ATTENDEES AND MAKING PUBLIC COMMENT AT MEETINGS OR BY ELECTRONIC MAIL OR WRITTEN LETTER IN ADVANCE OF THE MEETING IN ACCORDANCE WITH N.J.A.C. 5:39-1 et seq.

WHEREAS, Section 8 of P.L. 2020 c. 34 approved May 15, 2020 confirms that a local public body is permitted to conduct a public meeting by electronic means under certain emergency conditions as therein defined, provided that reasonable public notice and provision for public input is made under the circumstances; and

WHEREAS, said statute authorizes the Director of the Division of Local Government Services (“DLGS”) in the Department of Community Affairs (“DCA”) to adopt emergency regulations pursuant to N.J.S.A. 52:14B-4; and

WHEREAS, the Director has adopted such emergency regulations as N.J.A.C. 5:39-1 et seq.; and

WHEREAS, N.J.A.C. 5:39-1.4(h) directs the adoption of a resolution establishing standard procedures and requirements: (i) for access to presentations and documents viewed or made available to attendees; (ii) for the making of public comments during a remote public meeting; (iii) for the making of public comments submitted in writing ahead of a remote meeting; and (iv) for establishing standards of conduct to be followed by members of the public when making comments; and

WHEREAS, the Township of Pequannock Zoning Board of Adjustment desires to adopt such a resolution in compliance with the emergency regulations.

NOW, THEREFORE, BE IT RESOLVED by the Zoning Board of Adjustment of the Township of Pequannock, County of Morris, State of New Jersey, as follows:

1. In conducting a remote public meeting as permitted under Section 8 of P.L. 2020 c. 34, the following standard procedures and requirements shall be applicable:
 - a. Any presentations or documents that would otherwise be viewed or made available to members of the public physically attending a public meeting shall be made visible on a video broadcast of the remote public meeting, or shall be made available on the Township website. If a document would be made available to individual members of the public in a hard copy while physically attending the meeting, the document shall be made available in advance of the meeting for download through an internet link appearing either on the meeting notice or near the posting of the meeting notice, both on the website and at the building where the

meeting would have otherwise been held.

b. The Board shall allow members of the public to make public comment by audio or by audio and video, depending upon the manner in which the member of the public has accessed the remote meeting. Prior to providing public comment, the individuals shall be required to identify themselves by name and address. The procedure that will be followed to make public comment will be announced at the beginning of the meeting.

c. Except for comments at public hearing on applications for development (for which no public comment will be accepted by electronic mail or in written letter form), the Board will accept comments by electronic mail or in written letter form on matters on which the Board is required to otherwise accept audio and/or audio and video comment, **PROVIDED, HOWEVER**, that comment by electronic mail or in written letter form is received by the Planning Department secretary by 4:00 p.m., not less than 48 hours prior to the meeting. The Board will not accept any text-based comment at anytime, nor will the Board consider any comment by electronic mail or in written letter form if received beyond the deadline established above.

d. To the extent that public comment is permitted to be submitted before the remote public meeting through electronic mail or by written letter, it shall be read aloud and addressed during the remote public meeting in a manner audible to all meeting participants and the public. Unless waived by the Board at its discretion, a five-minute time limit on public comments of each member of the public is hereby established and shall be similarly applicable on the reading of written comments. Such reading shall be terminated at the expiration of the five-minute period. No member of the public shall have the right to cede or transfer their allocated time to another member of the public. The Board may pass over duplicate written comments, provided that each duplicate comment shall be noted for the record, with its content summarized. No duplicative comments summarized by the Board shall otherwise be read individually.

e. The public attending the remote meeting and/or offering comment shall conduct themselves in a courteous manner and shall follow the decorum in the same fashion as if the meeting were being conducted in-person. If a member of the public disrupts a virtual meeting, the following procedures shall be followed:

(i) The Board shall facilitate a dialogue with the commenter to the extent permitted by the electronic platform being utilized;

(ii) If a member of the public becomes disruptive during the remote public meeting, including, but not limited to, any period for public comment, the disruptive member of the public shall be muted and shall continue to be muted and shall be warned 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.

(iii) 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 and/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 individual 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.

2. This resolution shall take effect immediately.

WITNESSETH, this Resolution was duly adopted by the Zoning Board of Adjustment of the Township of Pequannock at its meeting of November 19, 2020.

CERTIFICATION

I HEREBY CERTIFY the foregoing to be a true copy of the Resolution duly adopted by the Township of Pequannock Planning Board at its regular meeting held on November 19, 2020, memorializing action taken by the Board at its meeting held on November 19, 2020, by a motion and vote as follows:

IN FAVOR:

OPPOSED: None

ABSTAINED: None

Linda Zacharenko, Secretary
Township of Pequannock Land Use Board