BOROUGH OF RIVER EDGE
MUNICIPAL LAND USE BOARD

RESOLUTION ESTABLISHING REMOTE MEETING PROCEDURES AND REQUIREMENTS DURING DECLARED STATES OF EMERGENCY

WHEREAS, on March 9, 2020, Governor Murphy issued Executive Order 103 declaring a state of emergency as a result of the coronavirus disease 2019 (ñCOVID-19ò) pandemic; and

WHEREAS, on March 16, 2020, Governor Murphy issued Executive Order 104, which announced aggressive social distancing measures as a result of the COVID-19 pandemic, which included encouraging employees to tele-work if feasible and limiting large social gatherings and in-person meetings such as those conducted by local government entities; and

WHEREAS, local government entities such as the Borough of River Edge Municipal Land Use Board (the ñBoardò) has continued to conduct public meetings and hearings during the COVID-19 pandemic remotely so as to continue the effective administration of government and to enable the general public to continue to participate in government decision making without unduly compromising public health, safety, and welfare; and

WHEREAS, the New Jersey Department of Community Affairs, Division of Local Government Services (ñDLGSò) issued remote meeting guidance in March 2020 to provide a list of possible solutions available for local government entities to host remote meetings in compliance with the Open Public Meetings Act, N.J.S.A. 10:4-6 to -21 (ñOPMAò); and

WHEREAS, DLGS has promulgated emergency regulations, codified at N.J.A.C. 5:39-1.1 to -1.7 (the ñDLGS Regulationsò), which establish standard protocols for remote public meetings held by local government entities during a Governor-declared public health emergency, state of emergency or state of local disaster emergency, including minimum procedures to be followed to provide reasonable notice and to allow public input; and

WHEREAS, on September 24, 2020, DLGS issued Local Finance Notice 2020-21, expanding on the DLGS Regulations; and

WHEREAS, to allow the Board to continue to conduct public business, and to allow the public to attend Board meetings remotely, consistent with and in compliance with Executive Order 104, the OPMA, and the DLGS Regulations, the Board wishes to establish standard protocols for remote public meetings as set forth in this Resolution;

WHEREAS, the Board has decided to adopt the following standard protocols and procedures for conducting remote public meetings, including minimum procedures to be followed to provide reasonable notice and to allow public input.

NOW, THEREFORE, BE IT RESOLVED BY THE BOROUGH OF RIVER EDGE MUNICIPAL LAND USE BOARD that:

1. The aforesaid recitals are incorporated herein as though fully set forth at length.

2. The following procedures and requirements are hereby adopted for the Boardôs remote meetings:

   (a) The Boardôs public notice of each meeting conducted remotely shall contain the dial-in conference number and/or web address and all other information (e.g., meeting ID, password) necessary for members of the public to participate in and access the meeting remotely. The Board presently uses Zoom web conferencing to conduct its remote public meetings, which accommodates at least 50 public participants in addition to those required to conduct the meeting. Members of the public wishing to comment during the public portion of meetings or during a public hearing may press the ñRaise Handò button on Zoom or dial *9 to raise their hand. A representative of the Board (ñFacilitatorò) will keep members of the public muted, except when they are selected to speak during the public portion of the meeting or during any public hearing. Members of the public may also mute and unmute themselves by pressing the microphone button on Zoom or pressing *6 on the telephone keypad. Members of the public may also discontinue their video through the ñZoomò platform.

   (b) Members of the public may submit written comments in advance of a meeting, which will be read during the public portion of the meeting. Written public comments submitted prior to the meeting must identify the name and address of the commenter. No anonymous comments will be accepted. Written comments may be submitted via e-mail with the subject line ñPublic Commentò to the Municipal Land Use Clerk, Ed Alter at ealter@riveredgenj.org or by mail addressed to: Ed Alter, Municipal Land Use Clerk, Borough of River Edge, 705 Kinderkamack Road, River Edge, NJ 07661. E-mailed comments must be received at least eight (8) hours prior to the meeting. Mailed comments must be received by 4:00 p.m. the day before the meeting.

   (c) Public comments submitted prior to the meeting shall be read aloud by an authorized representative of the Board during the public meeting in a matter audible to all meeting participants. If duplicative written comments are received, the name of each commenter will be noted for the record, and the contents may be summarized.

   (d) The Board will accept comments made through the Zoom ñchatò feature during remote public meetings if the commenter includes his/her name and address for the record.

   (e) The agenda for the meeting will be available on the Borough of River Edge website, www.riveredgenj.org, prior to the meeting.

   (f) If any meeting includes a public hearing all material that will be considered by the Board at the public hearing shall be posted on the Boardôs website in a conspicuous

location or as otherwise required by law. If sworn testimony is to be taken during the public hearing, it shall be broadcast by both video and audio.

(g) Immediately after calling the meeting to order, the designated meeting Facilitator shall ensure that the Zoom link and dial-in number are working. If the Zoom link or dial-in number are not working, and cannot be returned to working order in a reasonable period of time, the meeting shall be adjourned to another time.

(h) The Chairman or Board Attorney shall announce at the beginning of the remote public meeting the procedures and requirements for making public comment. The Chairman or Board Attorney will also explain that members of the public who are not speaking must mute themselves by pressing the microphone button on Zoom or by pressing *6 on the telephone keypad and may un-mute themselves by pressing the microphone button on Zoom or by pressing *6 on the telephone keypad, a second time.

(i) In the event the meeting is being recorded, the Chairman or Board Attorney will advise the public at the beginning of the meeting.

(j) If any member of the public is attending remotely, he or she will be provided an opportunity to provide public comment. The designated meeting Facilitator will ask whether any member of the public has a comment. Members of the public wishing to comment during the public portion of meetings or during a public hearing may press the ñRaise Handò button on Zoom or dial *9 to raise their hand. The Facilitator will address members of the public by name or the last 4 digits of their phone number. The commenter may then unmute themselves by pressing the microphone button on Zoom or by pressing *6 on the telephone keypad. Commenters must state their name and address for the record. At the conclusion of the comments, the commenter will be muted by the Facilitator. Once all members of the public who wish to make comment have been heard and all written comments have been read, any Board member or the Executive Director may address any comments made.

(k) If any member of the public is attending remotely, and a closed session is called by the Board as permitted by the OPMA, a separate call-in number or other electronic means of limiting remote participation shall be available so only the Board and other persons needed for the closed session my participate. The Chairman or Board Attorney shall clearly state at what point in the agenda the closed session will occur, the reasons for the closed session, the projected length of the closed session, whether formal action will be taken on any matter after the closed session, and that the public will not be able to hear the Board or provide comment during the closed session. The Board shall return to the public meeting following closed session to adjourn the meeting or take other action as necessary.

(l) Any member of the public who is attending remotely must participate in the meeting with appropriate decorum and act in a civil manner. Disruptive behavior will not be tolerated. The Board reserves the right to exclude those members of the public who

display conduct or make comments that are disruptive, which includes but is not limited to sustained inappropriate behaviors such as, shouting, interruption, or the use of profanity. Members of the public engaged in such conduct will receive a warning, and if the conduct continues, the person will be muted and his or her comments deemed concluded. If time permits, and after all other members have been given the opportunity to make comment and all comments submitted in writing before the meeting have been read, the disruptive speaker shall be given the opportunity to continue to comment. Should the commenter remain disruptive, he or she shall be placed on mute or in the discretion of the Chairman, removed from video and/or removed altogether from the meeting.

(m) Members of the public may also be immediately, and without warning, muted, removed from video and/or removed from the meeting altogether for conduct or comments that are harassing, demeaning, threatening, and/or offensive to any personôs race, gender, color, age, national origin, religion, sexual orientation, gender identity or expression, and disability (list is representative, not exclusive).

(n) The Board, in its discretion, may change the technology for conducting remote public meetings from Zoom web conferencing to an alternate acceptable form of audio/video-conferencing technology, which accommodates at least 50 public participants in addition to those required to conduct the meeting.

3. Any prior ordinance or resolution controlling the decorum of the Boardôs meetings continue to be in effect unless directly contradictory to the provisions in this Resolution.

4. A copy of this Resolution shall be posted on the Borough of River Edge website.

BE IT FURTHER RESOLVED that a copy of this Resolution shall be entered into the permanent records of the Board.

Vote on the Procedures and Requirements

MEMBER	M	2D	YES	NO	ABSTAIN	ABSENT	INELG
Mayor Thomas Papaleo							
Councilman Chinigo							
James Arakelian							
Eileen Boland							
Louis Grasso							
Alphonse Bartelloni							
Michael Krey							
Richard Mehrman							
Chris Caslin							
Ryan Gibbons [Alternate #1]							
Gary Esposito [Alternate #2]							

Vote on the Memorialization

MEMBER	M	2D	YES	NO	ABSTAIN	ABSENT	INELG
Mayor Thomas Papaleo							
Councilman Chinigo							
James Arakelian							
Eileen Boland							
Louis Grasso							
Alphonse Bartelloni							
Michael Krey							
Richard Mehrman							
Chris Caslin							
Ryan Gibbons [Alternate #1]							
Gary Esposito [Alternate #2]							

BE IT FURTHER RESOLVED that the Resolution adopted on this 21st day of October, 2020 memorialized the action taken by the Board in accordance with N.J.S.A. 40:55D-10.g, as set forth above, at its October 21, 2020 meeting, and that a copy of this Resolution be provided to the Borough Clerk and the Borough Attorney, and a notice of this decision shall be published in the official newspaper of the Borough of River Edge.

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James Arakelian, Chairman

CERTIFICATION

I, Louis Grasso, Secretary of the Board, do hereby certify that the above Resolution was adopted by the Board at its meeting held on October 21, 2020. This Resolution memorializes the Boardôs approval of this matter at its meeting held on October 21, 2020.

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Louis Grasso, Secretary
Borough of River Edge
Municipal Land Use Board