

RESOLUTION NO. 22-

**TOWNSHIP OF MIDDLETOWN
COUNTY OF MONMOUTH**

**RESOLUTION CONTINUING REMOTE MEETING PROCEDURES
DURING A DECLARED STATE OF EMERGENCY**

WHEREAS, on March 9, 2020 in response to COVID-19, Governor Phil Murphy issued Executive Order 103, which declared a state of emergency that has been extended by the Governor and remains in full force to this day; and

WHEREAS, by way of additional Executive Orders, the Governor has greatly limited the size of indoor gatherings and established extensive social distancing protocols to protect the health, safety and welfare of New Jersey citizens; and

WHEREAS, in accordance with the Executive Orders relating to COVID-19 and the Open Public Meetings Act, N.J.S.A. 10:4-6 et seq. (“OPMA”), local governments including the Township of Middletown continue to hold public meetings via remote platforms to ensure the continued operation of local government with participation by the public, in a way that limits public health risk; and

WHEREAS, in March 2020, the New Jersey Department of Community Affairs, Division of Local Government Services (“DLGS”) issued “Local Operational Guidance – COVID-19: Guidance for Remote Public Meetings in New Jersey,” which provided specific guidance regarding holding remote public meetings under the OPMA; and

WHEREAS, on September 24, 2020, the DLGS issued Local Finance Notice 2020-21 (“LFN 2020-21”), which provided a synopsis of emergency regulations N.J.A.C. 5:39-1.1 through 1.7, which establish standard protocols for remote public meetings governed by the OPMA held during a declared state of emergency; and

WHEREAS, on October 19, 2020, pursuant to 52 N.J.R. 1943(a), the New Jersey Register published emergency rulemaking establishing these new regulations,

WHEREAS, under emergency regulation N.J.A.C. 5:39-1.4(h), local government entities are required to adopt by resolution standard procedures and requirements for public comment made during remote public meetings, as well as for public comments submitted in writing ahead of the remote public meeting.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Middletown in the County of Monmouth, State of New Jersey, that the following procedures regarding public comments during remote public meetings are hereby adopted:

1. Public comments for a remote public meeting may be made during the designated public comment section of the meeting or submitted in writing to the Township Clerk. Written public comments may be emailed to the Clerk at: townclerk@middletownnj.org or sent via regular mail to the attention of the Township Clerk at: 1 Kings Highway, Middletown, New Jersey 07748. Written public comments may not be submitted via any other form of electronic communication.

2. Written public comments submitted via email or mail must include the individual's name, full address and contact information (telephone number and/or email address). If the information is incomplete and the Township is unable to verify the individual's identity, the written comment will not be read into the record.

3. Written public comments submitted in accordance with this Resolution shall be read into the remote meeting record at the end of the last public comment section. Written public comments containing profanity or vulgarity will not be read into the record. The Mayor or presiding officer of the remote meeting reserves the right to read similar or duplicative comments into the record in a summary fashion and will do so uniformly for all similar/duplicative comments.

4. Members of the public who submit written public comments regarding a proposed ordinance for which a public hearing is scheduled to be held during the remote meeting should review the agenda and ordinance, available on the Township's website prior to the meeting, and designate the ordinance number and title to which their written public comments apply.

5. Written public comments must be received by the Township Clerk by 9:00 a.m. on the day of the remote meeting in order to be included in the meeting. Any written comments received after 9:00 a.m. on the day of the meeting will not be read into the record or become part of the meeting record.

6. The procedures and requirements for making public comments during a remote meeting, along with an explanation of the audio muting function of the electronic communications platform being used, shall be announced at the beginning of the remote public meeting.

7. With respect to public participation at a remote public meeting, the following procedures shall be incorporated:

a. A member of the public who has submitted written comments prior to the meeting in accordance with this resolution, attends the remote public meeting, and participates during the public comment portion, shall be considered as having been recognized for the purposes of public comment without the need to read the written comments of that person.

b. If a member of the public disrupts a remote public meeting, the Mayor or presiding officer of the remote public meeting shall facilitate a dialogue with that

member of the public to the extent reasonably permitted by the electronic communications technology.

c. The Mayor or presiding officer of the meeting shall mute or continue muting, or direct appropriate staff to mute or continue muting, any disruptive member of the public and warn them 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.

d. A member of the public who continues to act in a disruptive manner after receiving an initial warning shall 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.