

**BOROUGH OF PENNINGTON
RESOLUTION 2018-11.15**

**RESOLUTION AMENDING BOROUGH COUNCIL HANDBOOK AND
BYLAWS REGARDING PUBLIC COMMENT AT COUNCIL MEETINGS**

WHEREAS, as explained in the Borough Council Handbook and Bylaws (“Bylaws”), the Open Public Meetings Act requires as a minimum that a portion of every meeting of Borough Council be set aside for public comment on any governmental issue that a member of the public feels may be of concern to the residents of the Borough (III.A.8.b);

WHEREAS, nothing in the Open Public Meetings Act limits the discretion of Council in permitting, prohibiting or regulating the active participation of the public at any meeting as long as this minimum standard for public comment is met (III.A.8.c);

WHEREAS, the Bylaws as presently written observe that a common practice is to provide two periods for public comment, one at the beginning of the meeting for comment on agenda items and one at the end of the meeting for general comment not restricted to the agenda, a model Borough Council has heretofore adopted (III.A.8.d);

WHEREAS, Borough Council now seeks to amend the Bylaws to continue the practice of having two periods for public comment, one at the beginning and one at the end of the meeting, but removing any restriction on the subjects that can be addressed during either period;

WHEREAS, accompanying this change of procedure, however, Council also seeks to restrict each speaker to two minutes and permit them to speak at either the beginning or end of the meeting but not both;

NOW, THEREFORE, BE IT RESOLVED, by a majority of the full authorized membership of Borough Council, that the Bylaws are hereby amended (with new language underlined and deleted language crossed out) as set forth below.

1. Bylaws Article III.8.d, is hereby amended to read:

“d. Two Periods for Public Comment: A common practice is to provide two periods for public comment, one at the beginning of the meeting ~~for comment on agenda items~~ and one at the end of the meeting ~~for general comment not restricted to the agenda. This allocation permits Council to hear public comment on agenda items before they vote while deferring comment of a more general nature until the business before Council is completed.~~”

2. Bylaws Article IV, Section F, subsection 2.d, under Order of Business, Regular Meetings, is hereby amended to read:

“d. Meeting Open to the Public for Comment ~~on Agenda Items Only.~~

The speaker shall:

- i. State their full name.
- ii. State their full address
- iii. Have 3 ~~2~~ minutes to speak ~~and can be permitted additional time by the Mayor~~”

3. Bylaws Article IV, Section F, subsection 2.n, also under Regular Meetings, with respect to the second public comment period permitted:

“n. Meeting Open to Public for General Comment by members of the public who did not speak during the first period for public comment. Speakers will have two minutes to speak”

4. Bylaws Article IV, Section F, subsection 3.d, under Order of Business, Special Meetings, is hereby amended to read:

“d. Open to the Public - ~~Agenda Items only~~. The speaker shall:

- i. State their full name.
- ii. State their full address
- iii. Have ~~3~~ **2** minutes to speak ~~and can be permitted additional time by the Mayor”~~

5. Bylaws Article IV, Section G, subsections 14. a, b and c, under Procedural Rules, Public Comment, are hereby amended to read:

“14. Public Comment. The public shall be offered the opportunity to address the Borough Council at Council Meetings as follows:

- a. Initial Comment Period (~~for Items on Agenda~~) – Members of the public may address the Council on any item **of concern listed on the agenda. Speakers Members of the public** are asked to provide their name and address for the record and to limit their comments to no more than ~~3~~ **2** minutes.
- ~~b.~~ Ordinance Public Hearings – Members of the public may address the Council relative to specific ordinances scheduled for public hearing and adoption. Members of the public are asked to provide their name and address for the record and to limit their comments to no more than ~~3~~ **2** minutes. It is noted that there is no public hearing requirement for the introduction of Ordinances. However, the public may comment on such introductory ordinances during **one of the public initial comment periods at the beginning of the Council meetings**;
- c. Second Public Comment period (~~Unrestricted as to Subject~~) – At the end of each Council meeting **members of the public who did not speak during the first comment period** shall be provided the opportunity to address the Council on any matter of concern. Members of the public are asked to provide their name and address for the record and to limit their comments to no more than ~~3~~ **2** minutes.”

6. These amendments to the Borough Council Handbook and Bylaws shall be effective immediately.

Record of Council Vote on Passage

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Angarone					Gross				
Chandler					Marciente				
Gnatt					Stern				

This is to certify that the foregoing is a true copy of a Resolution adopted by the Borough Council of the Borough of Pennington at a meeting on November 7, 2022.

Elizabeth Sterling, Borough Clerk