

MONROE TOWNSHIP, MIDDLESEX COUNTY

RESOLUTION NO.: R-6-2021-160

**RESOLUTION OF THE MONROE TOWNSHIP COUNCIL
AUTHORIZING THE TOWNSHIP TO RETURN TO PUBLIC MEETINGS PURSUANT
TO THE OPEN PUBLIC MEETINGS ACT AND CONTINUING ESTABLISHED
RULES OF DECORUM FOR PUBLIC PARTICIPATION AT ALL PUBLIC MEETINGS**

WHEREAS, pursuant to Executive Order #103, issued by the Governor on March 9, 2020, a public health emergency was declared regarding the COVID-19 virus, which prohibited the gathering for public meetings in person; and

WHEREAS, the Department of Community Affairs enacted Emergency rules and regulations regarding remote public meetings in response to this Executive Order; and

WHEREAS, the purpose of N.J.A.C 5:39-1 et seq, Emergency Remote Meeting Protocol for Local Public Bodies, was to ensure that local public bodies can continue to conduct official business in an open and transparent manner whenever a declared emergency exists that prohibits physical attendance by members of the public; and

WHEREAS, N.J.A.C 5:39-1.3 permitted a local public body to hold a remote public meeting to conduct public business during a declared emergency if the emergency reasonably prevents a local public body from safely conducting public business at a physical location with members of the public present; and

WHEREAS, a “Declared Emergency” means a public health emergency pursuant to the Health Powers Act (N.J.S.A. 26:13-1 et seq.), or a state of emergency, pursuant to P.L. 1942, c. 251 or both, or a state of local disaster emergency which has been declared by the Governor and is in effect; and

WHEREAS, on November 20, 2020, the Township Council passed a resolution which authorized emergency remote meeting protocol pursuant to these rules and rules of decorum for public participation; and

WHEREAS, on June 4, 2021, the Governor rescinded the public health emergency with Executive Order #244; and

WHEREAS, the Council would like to resume conducting public meetings under the Open Public Meetings Act since a public health emergency no longer exists;

NOW THEREFORE BE IT RESOLVED BY the Township Council of the Township of Monroe that the standards and procedures for emergency remote meeting protocol as set forth in Resolution No. R-11-2020-231 are hereby rescinded whereby no remote participation or remote comments from the public will be received or permitted and open public meetings shall resume in the Township on or after July 1, 2021.

BE IT FURTHER RESOLVED THAT the policies and rules established to promote civility and maintain decorum at all local public meetings as established by R-11-2020-231 shall remain in effect and apply to all members of the public in attendance at any public meeting that is open to the public in the Township of Monroe.

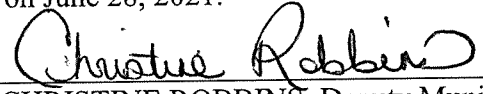
SO RESOLVED, as aforesaid.



MIRIAM COHEN, Council President

CERTIFICATION

I hereby certify that the foregoing Resolution is a true and exact copy of a Resolution adopted by the Monroe Township Council at its meeting held on June 28, 2021.



CHRISTINE ROBBINS, Deputy Municipal Clerk

MONROE TOWNSHIP, MIDDLESEX COUNTY

RESOLUTION NO.: R-11-2020-231

RESOLUTION OF THE MONROE TOWNSHIP COUNCIL
REGARDING EMERGENCY REMOTE MEETING PROTOCOL,
PROCEDURES AND REQUIREMENTS FOR PUBLIC PARTICIPATION
AT REMOTE MEETINGS AND RULES OF DECORUM FOR PUBLIC
PARTICIPATION AT ALL PUBLIC OR REMOTE PUBLIC MEETINGS

WHEREAS, the purpose of N.J.A.C 5:39-1 et seq, Emergency Remote Meeting Protocol for Local Public Bodies, is to ensure that local public bodies can continue to conduct official business in an open and transparent manner whenever a declared emergency exists that prohibits physical attendance by members of the public; and

WHEREAS, a “Declared Emergency” means a public health emergency pursuant to the Health Powers Act (N.J.S.A. 26:13-1 et seq.), or a state of emergency, pursuant to P.L. 1942, c. 251 or both, or a state of local disaster emergency which has been declared by the Governor and is in effect; and

WHEREAS, N.J.A.C 5:39-1.3 permits a local public body to hold a remote public meeting to conduct public business during a declared emergency if the emergency reasonably prevents a local public body from safely conducting public business at a physical location with member of the public present; and

WHEREAS, if during a declared emergency the Township of Monroe holds a physical meeting in a location where, pursuant to State/Federal guidelines necessitate capacity restrictions reducing the number of individuals that can be present in a meeting, the Township Council shall determine to either:

- 1) Hold the public meeting at another location with adequate capacity for the reasonable expected attendance by the public; or
- 2) Hold the public meeting as both an in-person and a remote public meeting; and

WHEREAS, no in person meeting shall proceed if the room capacity does not permit any member of the public to attend; and

WHEREAS, a public meeting held in person shall not prohibit members of the public from attending in person; and

WHEREAS, pursuant to N.J.A.C 5:39-1 if the Township of Monroe holds a remote meeting to conduct public business they shall use electronic communication technology routinely used in business settings that can be accessed by the public at no cost and with participant capacity consistent with the reasonable expectations of the public body for the type of public meeting being held and shall at minimum, not be limited to fewer than 50 public participants, beyond those persons required to conduct business at the meeting; and

WHEREAS, remote public meetings may be held by the Township of Monroe in a format as selected by the governing body, by means including but not limited to, audio-only teleconferencing, video and audio or live streaming via the internet and shall additionally, provide a telephonic conference line to allow members of the public to dial in by telephone to listen and to provide public comment; and

WHEREAS, when the Township of Monroe holds a remote public meeting they shall allow members of the public to make public comment by audio or by audio and video if the meeting is being held over both; and

WHEREAS, any remote public meeting where sworn testimony is being taken shall be broadcast by video as well as audio and all individuals giving sworn testimony shall appear by video in addition to audio; and

WHEREAS, any presentation or documents that would otherwise be viewed or made available to members of the public physically attending a local public meeting shall be made visible on a video broadcast of the remote public meeting or made available on the internet website of the Township of Monroe; and

WHEREAS, in addition to making public comments at any remote public meeting, the Township Council, in advance of the remote meeting shall allow public comments to be submitted to the Clerk by electronic mail and in written letter form by a reasonable deadline as shall be established and posted on the website in advance of the remote public meeting; and

WHEREAS, public comments submitted prior to the remote public meeting through electronic or regular mail shall be read aloud and addressed during the remote public meeting in a manner audible to all meeting participants and the public; and

WHEREAS, a reasonable time limit on public comments shall be placed on the reading of written comments, which shall be read from beginning until the time limit is reached; and

WHEREAS, the electronic communications used for a remote public meeting shall have a function that allows the Township of Monroe to mute the audio of all members of the public as well as allow members of the public to mute themselves and same shall be announced at the beginning of every remote public session; and

WHEREAS, adequate notice of the remote public meeting shall also include, in addition to the OPMA requirements of N.J.S.A. 10: 4-8, clear and concise instructions for accessing the remote public meeting, the means for making public comment and how to access any public documents on their internet website in the manner as set forth at N.J.A.C. 5:39-1.5; and

WHEREAS, at the commencement of a remote public meeting the Council President, shall announce publicly and shall cause to be entered into the minutes an accurate statement regarding adequate and electronic notice or an explanation of the reason it was not adequately provided as set forth in N.J.A.C. 5:39-1.5(g); and

WHEREAS, prior to the commencement of a remote public meeting the Township Council shall make a copy of the agenda available to the public for download on the website as well as posting at the building where the meeting would otherwise be held prior to the commencement of the remote meeting, including posting at any designated and clearly delineated handicap access entrance to the building; and

WHEREAS, in support of and respect for an open, fair and informed decision-making process, the Township Council recognize that civil, respectful and courteous discourse and behavior are conducive to the democratic and harmonious airing of concerns and decision making; and

WHEREAS, in an effort to preserve the intent of open government and maintain a positive environment for citizen input and Township Council decision making, it has been decided that policies and rules should be established to promote civility and maintain decorum at local public meetings and remote public meetings in accordance with N.J.A.C. 5:39-1.4 (f)-(h); and

WHEREAS, if a member of the public becomes disruptive during a remote public meeting, including during any period for public comment, the Council President 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; and

WHEREAS, disruptive conduct at a public or remote public meeting includes sustained inappropriate behaviors such as, but not necessarily limited to, shouting, interruption, and use of profanity; and

WHEREAS, any member of the public who continues to act in a disruptive manner at a remote public meeting after receiving an initial warning, may be muted while other members of the public are allowed to proceed with their questions or comments; and

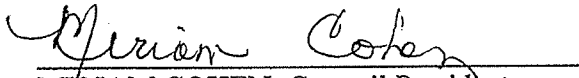
WHEREAS, if time permits, the disruptive individual shall be allowed to speak after all other members of the public have been given the opportunity to make comment and if the person still remains disruptive, the individual may be muted or kept on mute for the remainder of the remote public meeting, or removed from the remote public meeting; and

WHEREAS, the content of the electronic notice shall be posted on the main access door of the building where the public would routinely attend public meetings of the local public body in person and the notice must be viewable from the outside.

NOW THEREFORE BE IT RESOLVED by the Township Council of the Township of Monroe that the standards and procedures for emergency remote meeting protocol as set forth in this resolution and as codified at N.J.A.C. 5:39-1 et seq. are hereby established.


BE IT FURTHER RESOLVED THAT procedures and requirements for public participation are hereby established in order to safeguard public participation in any public or remote public meetings in the Township of Monroe and shall apply to all members of the public in attendance at any public or remote public meeting that is open to the public in the Township of Monroe.

SO RESOLVED, as aforesaid.


MIRIAM COHEN, Council President

CERTIFICATION

I hereby certify that the foregoing Resolution is a true and exact copy of a Resolution adopted by the Monroe Township Council at its meeting held on November 4, 2020.


PATRICIA REID, Township Clerk