

**RESOLUTION 2023-038**

**RESOLUTION OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, ADOPTING EMERGENCY REMOTE MEETING PROTOCOL, PROCEDURES AND REQUIREMENTS FOR PUBLIC PARTICIPATION AT REMOTE 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 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 members of the public present; and

**WHEREAS**, pursuant to N.J.A.C. 5:39-1, if during a Declared Emergency the Township of Chatham (“Township”) holds a remote meeting to conduct public business the Township 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 in a format as selected by the governing body, by means including but not limited to, audio-only teleconferencing, electronic communications platforms with 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 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; and

**WHEREAS**, in addition to making public comments at any remote public meeting, the Township Committee, in advance of the remote meeting shall allow public comments to be submitted to the Township Clerk by electronic mail or regular mail by 3:00 P.M. on the date of the meeting with this deadline posted on the Township 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**, as with oral comments, a three (3) minute time limit shall be placed on the reading of each written comment, which shall be read from its beginning until the time limit is reached; and

**WHEREAS**, as with oral comments, only one (1) written comment shall be read from each person during each public comment period; and

**WHEREAS**, both oral and written comments during the same public comment period will not be allowed; and

**WHEREAS**, the electronic communications used for a remote public meeting shall have a function that allows the Township 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 Open Public Meetings Act 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 Mayor or his designee, or in their absence the Deputy Mayor, 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 or reasons 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 Committee shall make a copy of the agenda available to the public for download on the Township website and shall post same at the building where the meeting would otherwise be held, including posting of same 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 Committee recognizes 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 Committee 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 Mayor or his designee, or in their absence the Deputy Mayor, 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; and

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey that the standards and procedures for emergency remote meeting protocol as set forth in this Resolution and as codified in N.J.A.C. 5:39-1 et seq. are hereby established and adopted; and

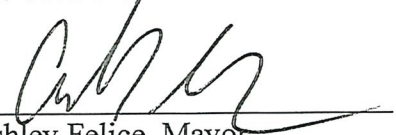
**BE IT FURTHER RESOLVED** that procedures and requirements for public participation are hereby established and adopted in order to safeguard public participation in any public or remote public meetings in the Township of Chatham and shall apply to all members of the public in attendance at any public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

Adopted: January 3, 2023

TOWNSHIP OF CHATHAM IN  
THE COUNTY OF MORRIS

Attest:

  
\_\_\_\_\_  
Gregory J. LaConte, Clerk

By   
\_\_\_\_\_  
Ashley Felice, Mayor

I, Gregory J. LaConte, Township Clerk of the Township of Chatham in the County of Morris, New Jersey, hereby certify the foregoing to be a true complete copy of a resolution passed by the Township Committee of the Township of Chatham at a regular meeting held on January 3, 2023.

Date Issued: \_\_\_\_\_

\_\_\_\_\_  
Gregory J. LaConte, Township Clerk