

**RESOLUTION 2020-153**

**RESOLUTION OF THE MAYOR AND BOROUGH COUNCIL  
OF THE BOROUGH OF MOUNT ARLINGTON,  
COUNTY OF MORRIS, STATE OF NEW JERSEY,  
ADOPTING STANDARDS AND PROTOCOLS FOR THE CONDUCT OF  
PUBLIC MEETINGS DURING DECLARED PUBLIC HEALTH OR  
SIMILAR EMERGENCIES, AND PUBLIC PARTICIPATION THEREIN**

**WHEREAS**, the Borough of Mount Arlington, County of Morris (the “**Borough**”) is a public body corporate and politic of the State of New Jersey; and

**WHEREAS**, pursuant to both Local Finance Notice 2020-21 promulgated and issued by the Division of Local Government Services within the New Jersey Department of Community Affairs (hereafter “**LFN 2020-21**”), and pursuant to regulations promulgated and amended from time to time at *N.J.A.C. 5:39-1 et seq.* pertaining to Emergency Remote Meeting Protocol for Local Public Bodies (collectively the “**Regulations**”), the Division of Local Government Services has provided direction to local public bodies, such as the Borough, respecting the conduct of public meetings during periods of declared public health or similar emergencies, such as those surrounding the COVID-19 pandemic, including the participation of the public therein; and

**WHEREAS**, during the declared COVID-19 public health emergency, the Borough Council has been conducting telephonic meetings, with the public and Council members calling into each meeting remotely, and as of the date hereof, video meetings with the public and Borough Council having the option of participating by video or by telephone. As a result, portions of public meetings of the Borough do involve the remote participation and communication from the Borough Council, as well as members of the general public; and

**WHEREAS**, consistent with LFN 2020-21 and the Regulations, including without limit *N.J.A.C. 5:39-1.4*, the Borough Council is desirous of adopting this Resolution establishing standards and protocols pertaining to the conduct of remote public meetings, including public participation in remote public meetings, of the Borough Council during times of public health or similar emergencies, all as set forth within this resolution.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and the Council of the Borough of Mount Arlington, as follows:

1. The aforementioned recitals are incorporated herein as though fully set forth at length.
2. The Borough hereby authorizes the following standards and protocols be and hereby are implemented with respect to the remote conduct of public meetings, including remote participation in public meetings of the Borough Council, during any public health or similar declared emergency:
  - a) To the degree applicable, the provisions of LFN 2020-21 and the Regulations are hereby adopted as applicable to the conduct of remote meetings of the Borough Council, including remote participation therein. Same are incorporated hereby by reference as if set forth at length.

b) When holding a remote public meeting, the Borough Council shall allow members of the general public to make public comment by audio, or by audio and video if the remote public meeting is held over both audio and video, during the public meeting. In advance of the remote public meeting, the Borough Council shall allow public comments to be submitted to the Borough official responsible for creating the meeting agenda by electronic mail and in written letter form, by a reasonable deadline. The Borough Council shall have the discretion to accept text-based public comment received during a remote public meeting held through an electronic communications platform or Internet-accessible technology.

c) Public comments submitted before the remote public meeting through electronic mail or by written letter shall be read aloud, and addressed during the remote public meeting in a manner audible to all meeting participants, and the public. Insofar as the Borough Council imposes a reasonable time limit on public comments where permitted by applicable law, the same limits can be placed upon the reading of written comments. Each comment shall be read from the beginning, until the time limit is reached. The Borough Council may pass over duplicate written comments; however, each duplicate comment shall be noted for the record, with the content summarized. If the Borough Council elects to summarize duplicative comments, the Council members must not summarize certain duplicative comments while reading other duplicative comments individually.

d) Any presentations or documents that would otherwise be viewed or made available to members of the public physically attending a Borough Council meeting, shall be made visible on a video broadcast of the remote public meeting, or, otherwise made available on the Internet website of the Borough Council, as applicable. If a document would be made available to individual members of the public in hard copy while physically attending the meeting, the document shall be made available in advance of the meeting for download through an internet link appearing either on the meeting notice, or, near the posting of the meeting notice, both on the website, and at Borough Hall, respectively.

e) The procedures and requirements for making public comment, along with an explanation of the audio muting function of the electronic communications platform being used by the Borough Council, shall be announced at the beginning of the remote public meeting. Regulation of conduct by members of the public on a remote public meeting shall be consistent with law and practices followed if a member of the public disrupts an in-person meeting.

f) The Borough Council shall facilitate a dialogue with the commenter to the extent permitted by the electronic communications technology.

g) If a member of the public becomes disruptive during a remote public meeting, including during any period for public comment, the Mayor or any Council member charged with running the remote public meeting 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. Disruptive conduct includes sustained inappropriate behaviors such as, but not necessarily limited to, shouting, interruption, and use of profanity.

h) A member of the public who continues to act in a disruptive manner after receiving an initial warning may 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.

3. If any part of this Resolution shall be deemed invalid, such parts shall be severed and the invalidity thereby shall not affect the remaining parts of this Resolution.

4. A copy of this Resolution shall be available for public inspection at the offices of the Borough Clerk.

5. All Borough personnel, including without limit the Mayor and the Borough Clerk, be and are hereby authorized and directed to implement the standards and protocols set forth herein with respect to any remote public meeting held during a declared public health or similar emergency.

6. The foregoing shall be implemented as soon as practicable in accordance herewith.

[Remainder of page intentionally left blank]

I, Matthew Bansch, Borough Clerk, do hereby certify that this is a true copy of the Resolution adopted by the Mayor and Council of the Borough of Mount Arlington, at the Council Meeting of November 10, 2020.

A handwritten signature in black ink, appearing to read "M. N. Bansch", written over a horizontal line.

Matthew N. Bansch, RMC  
Borough Clerk