

Virtual Meeting Procedure

WEST CALDWELL PLANNING BOARD
PROCEDURES TO CONDUCT VIRTUAL MEETINGS
RESOLUTION

WHEREAS, pursuant to the Municipal Land Use Law, N.J.S.A. 40:55D-9 and Open Public Meetings Act, N.J.S.A. 10-4.1 et seq., every municipal agency shall hold regular meetings for business authorized to be conducted by said agency, not less than once a month; and

WHEREAS, on March 21, 2020, via Executive Order, Governor Phil Murphy enacted a statewide ban on public gatherings due to the Covid-19 Pandemic. In response to the Executive Order, the Department of Community Affairs, Division of Local Government Services released the guidance document entitled “Planning Board and Zoning Board of Adjustments Operational Guidance – COVID-19: N.J.S.A. 40:55D-1: Recommendations for Land Use Public Meetings in New Jersey;” and

WHEREAS, the Director of the Division of Local Government Services was authorized to promulgate regulations to establish standard protocols for remote public meetings held by a “local public body” during a declared state of emergency; and

WHEREAS, said emergency regulations were codified as N.J.A.C. 5:39-1.1 through 1.7 on November 22, 2020; and

WHEREAS, said regulations and proposed legislation require local public bodies to adopt a resolution that sets forth the standard procedures and requirements for public

comment during the meetings and the standard of conduct to be followed by members of the public during public hearings; and

WHEREAS, the Planning Board of the Township of West Caldwell (“Board”) desires to set forth additional requirements and procedures regarding the submission of application material and exhibits to be made available to the public and shared virtually during a public hearing; and

WHEREAS, the Board has established the following procedures to be followed by members of the public during virtual Board meetings.

1. The Board shall utilize the Zoom Application to conduct virtual public meetings.
2. All members of the public can participate in the meeting via telephone and/or video conference. Members of the public must utilize the “raise hand” feature in the Zoom Application to be called upon.
3. Each member of the public shall identify themselves prior to asking questions. All members of the public that intend to make comments or present information must be sworn in and appear by video.
4. No comments or questions will be accepted via the “Chat” feature of the application. The “Chat” feature may be utilized for technical or procedural questions and comments only.
5. For matters not involving a public hearing under the New Jersey Municipal Land Use Law, N.J.S.A. 40:55D-1, et seq., public comments may be submitted to the Board Secretary via email or written letter if received at least eight (8) hours prior to the meeting. Public comments on matters that are not

the subject of a public hearing on an application for development before the Board shall be read at the remote meeting with the same time restrictions of all public comments at the meeting.

6. The following procedure will be followed if any member of the public becomes disruptive during the hearing:
 - a. The Board shall facilitate a dialogue with the member of the public to the extent permitted by the electronic communications technology;
 - b. If a member of the public becomes disruptive, the Chairman or Secretary of the Board shall mute or continue muting and warn that continued disruptive behavior may result in that individual from being prevented from speaking or being removed from the meeting. Disruptive conduct includes sustained inappropriate behaviors, such as but not limited to shouting, interruption and the use of profanity; and
 - c. If a member of the public continues to be disruptive after receiving a warning, that member may be muted while other members of the public are permitted to proceed with questions or comments. If time permits, the disruptive individual shall be allowed to speak after all other members of the public were given an opportunity to make their comments. If the individual continues to be disruptive, the individual may be muted for the remainder of the hearing, or removed from the meeting.

WHEREAS, the Board has established the following procedures and requirements to be followed with regard to the submission and sharing of documents for virtual Board meetings.

1. No application will be considered for a hearing before the Board prior to a determination that the application has been deemed complete per the adopted checklist.
2. All applicants shall submit all checklist required applications, plans, reports and related materials, including revised and updated documents, for review by the public no less than 10 days prior to the scheduled public hearing. Materials are to be submitted in both hard copy and pdf version via flash drive, to be uploaded onto the Township's website.
3. All exhibits shall be submitted no less than 2 days prior to the scheduled public hearing to be pre-marked by the Board Secretary and uploaded onto the Township's website. Substantial amendments to checklist required application materials will not be permitted as exhibits. Exhibits are limited to supplemental materials designed to provide additional detail or clarity to checklist required application materials.
4. The Board reserves the right to permit screen sharing of exhibits, by the Applicant, the Board or its professionals (such as maps, photos or websites), during the meeting if it is determined that the additional information would assist the Board in making its determination. These exhibits shall be permitted at the discretion of and through the direction of the Board Chair.

5. All documents or websites that are permitted to be shared during the hearing shall be identified for the record and appropriately marked for identification purposes. Hard copies of all documents that are screen shared shall be submitted promptly to the Board Secretary to be kept in the Applicant's file.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Township of West Caldwell on the eighth (8th) day of February, 2021 that the aforesaid procedures and requirements for conducting virtual meetings be and hereby is approved and adopted, and implemented as follows:

1. The within resolution shall be shared with all Applicants, along with other application information, prior to submission of the application, and available on the Township's Website where application forms are located.
2. A summary of the procedures and requirements set forth herein shall be read at the beginning of each public hearing.

Members Present
Affirmative
Negative
Abstention

The foregoing is a true copy of a Resolution adopted by the Planning Board of the Township of West Caldwell

/s/ Lynda Korfmann

Lynda Korfmann, Planning Board Secretary