

WEST WINDSOR TOWNSHIP ZONING BOARD OF ADJUSTMENT

RESOLUTION 2021-R-03

RESOLUTION ADOPTING REMOTE PUBLIC MEETING PROCEDURES

WHEREAS, Section 8 of P.L.2020, c.34 provides that whenever a public health emergency, pursuant to the *Emergency Health Powers Act*, P.L.2020, c.11 (N.J.S.A. 26:13-1, *et seq.*), and/or a state of emergency pursuant to P.L.1942, c.251 (C.App.A.9-33 *et seq.*), or a state of local disaster emergency has been declared by the Governor and is in effect, a local public body may conduct a public meeting remotely by electronic means, provided that reasonable public notice and provision for public input is made under the circumstances; and

WHEREAS, P.L.2020, c.34 also provides that the Director of the Division of Local Government Services in the Department of Community Affairs (“DLGS”) shall adopt rules and regulations concerning the conduct of remote public meetings during a public health emergency or state of emergency that are necessary to implement the provisions of the law, which shall include minimum procedures to be followed to provide reasonable public notice and allowance for public input; and

WHEREAS, DLGS promulgated emergency regulations codified as N.J.A.C. 5:39-1.1 through -1.7 that implement P.L.2020, c.34; and

WHEREAS, DLGS issued Local Finance Notice LFN 2020-21 on September 24, 2020 to accompany and explain the new regulations; and

WHEREAS, N.J.A.C. 5:39-1.4(h) requires local public bodies to adopt, by resolution, standard procedures and requirements for public comment made during a remote public meeting; and

WHEREAS, the West Windsor Township Zoning Board of Adjustment (“Board”) desires to establish and adopt the procedures and requirements attached hereto as Exhibit A as its standard procedures and requirements for public comment during a declared public health emergency and/or state of emergency.

NOW, THEREFORE, BE IT RESOLVED by the West Windsor Township Zoning Board of Adjustment, in Mercer County, New Jersey, that the Procedures and Requirements for the Conduct of Remote Public Meetings during a Declared Public Health Emergency and/or State of Emergency, attached hereto as Exhibit A, are hereby adopted as the standard procedures and requirements for public comment during a declared public health emergency and/or state of emergency.

CERTIFICATION

I, Erika Ward, Secretary to the West Windsor Zoning Board of Adjustment, do hereby certify that the above Resolution was adopted by the Board at its reorganization meeting held on this 7th day of January 2021.

Erika Ward
Board Secretary

EXHIBIT A

WEST WINDSOR TOWNSHIP ZONING BOARD OF ADJUSTMENT

PROCEDURES AND REQUIREMENTS FOR THE CONDUCT OF REMOTE PUBLIC MEETINGS DURING A DECLARED PUBLIC HEALTH EMERGENCY AND/OR STATE OF EMERGENCY

PUBLIC MEETINGS:

During a declared public health emergency and/or state of emergency, in-person public meetings shall remain the default for public meetings of the West Windsor Township Zoning Board of Adjustment (“Board”). Room capacity restrictions and gathering limitations pursuant to State and/or Federal guidelines meant to mitigate the risk of contagious infection shall be followed and enforced.

If the meeting cannot be safely held in-person, or the room capacity and gathering limitations are expected to be insufficient for the public meeting, the meeting shall be conducted remotely, or via a hybrid procedure that incorporates both virtual and limited in-person attendance, subject to all social distancing requirements, by members of the public body, municipal staff and professionals, and members of the public.

The Board will conduct all remote meetings and all hybrid meetings as live Zoom Webinars. The meetings can be viewed live, or by rebroadcast, at <https://westwindsornj.org/boards-committees/zoning-bd-of-adjustment>. Members of the public may also view and participate in the meeting by joining the webinar via computer or by teleconference.

NOTICE

Advance notice of the meeting will be provided, specifying the time, date, and location of the meeting. The notice will also state the platform or method by which any remote or hybrid meeting will be held, will provide the teleconference number along with the web address or other means of accessing the remote meeting platform, and will include clear and concise instructions for how public comments can be made and where relevant documents, if any, will be made available for viewing. A copy of the notice will be posted on the Board’s or West Windsor Township’s website at <https://westwindsornj.org/boards-committees/zoning-bd-of-adjustment>.

A copy of the notice, meeting agenda (to the extent known), and all documents made available to the public in hard copy or print format, will be available before the meeting for viewing and/or download from the Township’s or Board’s website at <https://westwindsornj.org/boards-committees/zoning-bd-of-adjustment>.

Public Comments and Conduct from Remote Participants.

At the beginning of every remote meeting, the Board Chair or designee shall publicly announce the procedures and requirements for making public comment, along with an explanation of the audio muting function of the Zoom platform in use during the meeting.

All participants are required to keep their microphones muted until recognized or directed otherwise. The Board will engage the Zoom “Mute” function until the public comment portion of the meeting is reached.

Members of the public participating remotely that wish to make a comment are required to utilize the “Raise Your Hand” feature in Zoom, or if participating by teleconference, by dialing *9. Once recognized, the participant will be able to unmute their microphone and will be asked to state his/her name and home address before making their comment. The Board Chair or designee will manage the order of the comments.

Comments sent via chat will not be accepted and will not be made part of the record or minutes.

If a member of the public becomes disruptive during the meeting, including during any public comment period, the Board Chair shall direct that the individual be removed from the meeting. Disruptive conduct includes sustained inappropriate behaviors such as, but not necessarily limited to, shouting, interruption and use of profanity. If after receiving an initial warning the individual continues to act in a disruptive manner, the individual will be removed from the meeting.