

RESOLUTION # 2021-05

WHEREAS, the Zoning Board of the Township of Marlboro wishes to establish dates for its regularly scheduled meetings in 2021, set forth the PUBLIC MEETING GENERAL RULES OF ORDER, and 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, and INSTRUCTIONS ON HOW TO PARTICIPATE IN A REMOTE PUBLIC MEETING.

NOW, THEREFORE, BE IT RESOLVED, by the Zoning Board of the Township of Marlboro that it hereby adopts the following dates for it's regularly scheduled meetings in 2021:

January 12, 2021	January 26, 2021
February 9, 2021	February 23, 2021
March 9, 2021	March 23, 2021
April 13, 2021	April 27, 2021
May 11, 2021	May 25, 2021
June 8, 2021	
July 13, 2021	
August 10, 2021	
September 14, 2021	September 28, 2021
October 12, 2021	October 26, 2021
November 9, 2021	
December 14, 2021	

BE IT FURTHER RESOLVED, by the Zoning Board of the Township of Marlboro that the following general rules of order shall govern the meetings of the Township Council for 2021:

Rule 1. The Regular Meetings of the Zoning Board shall be held on the second and fourth Tuesday of each month, either

remotely or in-person at the Marlboro Municipal Complex unless otherwise posted.

Rule 2. The Order of Business at Meetings of the Zoning Board shall be as follows:

1. Salute to the Flag
2. Announcement of Meeting (Sunshine Law)
3. Roll Call
4. Citizen's Voice
5. Correction and/or Approval of Minutes
6. Order of Business
7. Resolutions
8. Adjournment of Meeting

Rule 3. At Regular Meetings of the Zoning Board, any individual desiring to speak or provide a written comment for the Citizen's Voice section of the meeting will be allotted a maximum of five (5) minutes and will not be permitted to transfer unused time. Citizen's Voice will be limited to a total of fifteen (15) minutes. Said time shall be divided equally among those speakers listed on the sign in sheet for an in-person meeting or amongst those who have registered to speak at a remotely-held meeting, but shall not exceed five (5) minutes for any one speaker.

BE IT FURTHER RESOLVED, that the following Emergency Remote Meeting Protocols as codified at N.J.A.C. 5:39-1 et seq. are hereby adopted in order to ensure that the Zoning Board of the Township of Marlboro 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 to safeguard public participation in any public or remote public meetings in the Township of Marlboro:

(1) "Declared Emergency" means a public health emergency pursuant to the Emergency Health Powers Act (N.J.S.A. 26:13-1 et seq), or a state of emergency, pursuant to N.J.S.A. App. A: 9-33 et seq., or both, or a state of local disaster emergency which has been declared by the Governor and is in effect; and

(2) 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

(3) No in-person meeting shall proceed if the room capacity does not permit any member of the public to attend; and

(4) Pursuant to N.J.A.C 5:39-1 et seq., if the Township of Marlboro 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 fifty (50) public participants, beyond those persons required to conduct business at the meeting; and

(5) Remote public meetings will be held by the Township of Marlboro in audio and the public shall also have an opportunity to participate in the meeting in audio capacity pursuant to N.J.A.C 5:39-1.4(c) and the Council 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

(6) When the Township of Marlboro holds a remote public meeting, they shall allow members of the public to make public comment by audio; and

(7) 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

(8) 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 Marlboro; and

(9) For matters not involving a public hearing, any member who wishes to speak at the public portion of the remote public Zoning Board meeting may do so by contacting the Zoning Board Secretary 72 hours prior to the scheduled meeting date; and

(10) In addition to making public comments at any remote public meeting, the Zoning Board of the Township of Marlboro, in advance of the remote meeting shall allow public comments to be

submitted to the Zoning Board Secretary by electronic mail and in written letter form which shall be received by the Planning Board Secretary 72 hours prior to the scheduled meeting date, said deadline shall have been established and posted on the website in advance of any remote public meeting; and

(11) Public comments submitted 72 hours 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

(12) 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

(13) The Zoning Board has the discretion to pass over duplicative written comments, however each comment shall be noted for the record with the content summarized; and

(14) If the Zoning Board elects to summarize duplicative comments, the Zoning Board will not summarize certain duplicative comments while reading other duplicative comments individually; and

(15) The electronic communications used for a remote public meeting shall have a function that allows the Township of Marlboro 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

(16) Adequate notice of the remote public meeting shall also include, in addition to the 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

(17) In addition to adequate notice, the Township of Marlboro shall also provide electronic notice of a remote public meeting except as may be permitted N.J.S.A. 19:4-9.3 and N.J.A.C. 5:39-1.5(c) and shall contain the content required under N.J.S.A. 10:4-8 and N.J.A.C. 5:39-1.5(a) and shall be posted on the internet website of the Township of Marlboro; and

(18) 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

(19) 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

(20) Prior to the commencement of a remote public meeting of the Planning Board, notice shall be provided and

- a. A copy of the agenda shall be made available to the public for download via the Township of Marlboro website;
- b. Notice of the meeting shall be posted at the building where the meeting would otherwise be held;
- c. Notice of the meeting shall be posted at any designated and clearly delineated handicap access entrance to the building; and
- d. Documents associated with applications on the agenda will be made available to the public for download, via the Township of Marlboro website

(21) In support of and respect for an open, fair and informed decision-making process, the Planning Board recognizes that civil, respectful and courteous discourse and behavior are conducive to the democratic and harmonious airing of concerns and decision making; and

(22) In an effort to preserve the intent of open government and maintain a positive environment for citizen input and the Zoning Board's 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

(23) If a member of the public becomes disruptive during a remote public meeting, including during any period for public comment, the Zoning Board Chairman shall 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

(24) 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

(25) 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

(26) 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.

BE IT FURTHER RESOLVED, that the INSTRUCTIONS FOR ADDRESSING THE ZONING BOARD AT THE CITIZEN'S VOICE PORTION OF A REMOTELY-HELD TOWNSHIP PLANNING BOARD MEETING WILL BE IN ACCORDANCE WITH THE FOLLOWING:

- (1) Contact the Zoning Board Secretary 72 hours prior to the scheduled meeting date at 732 536-0200 x1808, and leave your name, address, phone number and email address. If you are directed to voicemail when you call, please indicate that you wish to speak or submit a written comment at Citizen's Voice, and indicate which meeting date and leave your name, address, phone number and email address.
- (2) Just prior to the start of the meeting you will be called at your phone number to attend. The call will come from an out of state "Webex" number and you must accept the call in order to participate. At the appropriate point in the meeting, you will be unmuted by the meeting host so that you may identify yourself and speak. Comments both oral and written are limited to five minutes.
- (3) If you choose to submit written comments, you will be directed to mail or email your comments 72 hours prior to the scheduled meeting date, at which time it will be read into the record at the appropriate time during the meeting.
- (4) The Township of Marlboro reserves the right to pass over duplicative written comments. However, each comment shall be noted for the record with the content summarized.

BE IT FURTHER RESOLVED, that the INSTRUCTIONS FOR SPEAKING AT A PUBLIC HEARING ADVERTISED TO BE HELD DURING A REMOTELY-HELD ZONING BOARD MEETING WILL BE IN ACCORDANCE WITH THE FOLLOWING:

- (1) Contacting the Zoning Board Secretary 72 hours prior to the scheduled meeting date at 732 536-0200 x1808. You will be requested to leave your name, address, phone number, email address, and indicate the specific Public Hearing of interest. If you are directed to voicemail when you call, please indicate the specific Public Hearing of interest and the meeting date. In addition, leave your name, address, phone number, email address and specify whether you wish to speak or submit a written comment.
- (2) Just prior to the start of the meeting you will be called at your phone number to attend. The call will come from an out of state "Webex" number, and you must accept the call in order to participate. At the appropriate point in the meeting, you will be unmuted by the meeting host so that you may identify yourself and speak.
- (3) If you choose to submit written comments, you will be directed to mail or email your comments 72 hours prior to the scheduled meeting date, at which time it will be read into the record at the appropriate time during the meeting.
- (4) The Township of Marlboro reserves the right to pass over duplicative written comments. However, each comment shall be noted for the record with the content summarized.

~~BE IT FURTHER RESOLVED, that notice of these meeting dates, rules of order and emergency remote meeting protocols shall be emailed to the Asbury Park Press and the Star Ledger and published in accordance with the requirements of the Open Public Meetings Act and N.J.S.A. 10:4-18 and posted on the Township's website at <https://www.marlboro-nj.gov/boards-committees/zoning-board>~~

OFFERED BY: Chairman Shapiro AYES: 9

SECONDED BY: Alan Zwerin NAYS: 0



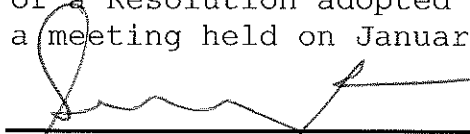
SUZANNE RUBINSTIEN,
BOARD SECRETARY
1/20/21



CHAIRMAN
Michael Shapiro

CERTIFICATION

I hereby certify the above to be a true and exact copy of a Resolution adopted by the Township of Marlboro at a meeting held on January 20, 2021.



SUZANNE RUBINSTEIN
ZONING BOARD SECRETARY