

BOROUGH OF SEASIDE PARK

**RESOLUTION OF THE GOVERNING BODY OF THE BOROUGH OF SEASIDE PARK,
COUNTY OF OCEAN, STATE OF NEW JERSEY, TO ESTABLISH PROCEDURES
FOR VIDEO RECORDING AND PUBLIC COMMENT DURING PUBLIC MEETINGS**

Resolution No. 2023-295

Adopted: November 9, 2023

WHEREAS, the Borough of Seaside Park is a municipal corporation and body politic pursuant to N.J.S.A. 40A:60-1 et seq.; and

WHEREAS, the Borough of Seaside Park is required to hold public meetings in accordance with the Open Public Meetings Act, N.J.S.A. 10:4-1 et seq. and in particular N.J.S.A. 10:4-12(a) of the Open Public Meetings Act provides that:

Except as provided by subsection b. of this section all meetings of public bodies shall be open to the public at all times. Nothing in this act shall be construed to limit the discretion of a public body to permit, prohibit, or regulate the active participation of the public at any meeting, except that a municipal governing body and a board of education shall be required to set aside a portion of every meeting of the municipal governing body or board of education, the length of the portion to be determined by the municipal governing body or board of education, for public comment on any governmental or school district issue that a member of the public feels may be of concern to the residents of the municipality or school district.

WHEREAS, N.J.S.A. 10:4-12(a) grants public entities wide latitude in setting time restrictions on public comment at meetings so long as the restrictions are content neutral. Likewise, New Jersey case law has recognized that municipalities may impose time limits on public comment; and

WHEREAS, as the Governing Body is responsible for conducting its public meetings in an orderly fashion to ensure both the proper administration of public business and the participation of the public in its meetings; and

WHEREAS, the New Jersey Supreme Court has determined that the public has a common law right to video record public meetings, pursuant to Tarus v. Borough of Pine Hill, 189 N.J. 497 (2007); and

WHEREAS, the New Jersey Supreme Court has further ruled that public bodies may impose reasonable guidelines to ensure that the recording of meetings does not disrupt the business of the Governing Body or other citizen's right of access; and

WHEREAS, the Governing Body desires to create a policy to balance the public right of access to its meetings with the public right to video record its meetings, as established by the New Jersey Supreme Court; and

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Seaside Park that the following guidelines shall control the procedure for public comment and video recording of any public meeting of the Governing Body by any person(s) or entity:

1. **Recording of Public Meetings by Members of the Public.** Any member of the public may video record any public meeting of the Governing Body, provided that person(s) or entity that desires to record complies with the following guidelines:
 - a. All video recording of Governing Body meetings must adhere to all of these guidelines.
 - b. There shall be no surreptitious video recordings of any Governing Body meeting, and recording shall commence when the meeting is *called to order* and shall cease when the meeting is *adjourned*.

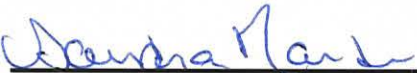
- c. The video recording of any Governing Body meeting shall be done in an unobtrusive manner utilizing any type of video recording device that does not require use of special lighting beyond the normal room lighting provided in the Governing Body meeting room.
 - d. Any person recording a Governing Body meeting shall supply battery-operated power for their video recording device and the use of the Governing Body's electrical system is prohibited.
 - e. The video recording of a Governing Body meeting shall not require any special microphones or amplification devices to be utilized (beyond those devices built into the video recording device).
 - f. Only hand-held or tripod-mounted video recording devices may be utilized to video record a Governing Body meeting.
 - g. Any person recording a Governing Body meeting shall position themselves in the right rear corner of the Governing Body meeting room facing the dais. The equipment shall be set up so as to not block or interfere in any way with another person's view of the proceedings or with the video recording of the meeting by another person or the Borough itself.
 - h. A person video recording a Governing Body meeting remains a member of the public and may not speak to or interrupt any member of the Governing Body or any member of the public recognized by the presiding officer to speak during the public portion of the meeting; including, but not limited to, requesting that the person face the recording device, speak louder or take any other action to facilitate the video recording of the meeting.
2. **Public Comment.** The public comment portion of the meeting is to allow the public to bring to the Governing Body's attention their concerns or comments. In accordance with N.J.S.A. 10:4-12(a), the public comments shall be limited to five minutes or less. The Mayor and Council will respect the public's time by refraining from any comment until the speaker has finished with their allotted time at which time they shall return to their seat. It should be further noted that the public comment portion of the meeting is not structured as a question-and-answer session. If a member of the public has questions that they seek answers to, an appointment can be made with the Borough Administrator during regular business hours and/or a written request may be sent to the Municipal Clerk. The attorney will regulate the time during the comment portion of our meeting.

BE IT FURTHER RESOLVED THAT certified copies of said Resolution be forwarded to the following:

1. Borough Mayor & Council
2. Karen Kroon, Borough Administrator

I, Sandra F. Martin, RMC, CMR, Municipal Clerk of the Borough of Seaside Park, DO HEREBY CERTIFY that the foregoing Resolution was duly adopted by the Borough of Seaside Park Borough Council at a meeting held on the 9th day of November, 2023.

BOROUGH OF SEASIDE PARK,
IN THE COUNTY OF OCEAN,
NEW JERSEY


SANDRA F. MARTIN, RMC, CMR
MUNICIPAL CLERK