

**TOWNSHIP OF LUMBERTON
COUNTY OF BURLINGTON**

RESOLUTION 2015-8-157C

**A RESOLUTION REAFFIRMING A FORMAL PROCESS FOR
KEEPING, APPROVING AND RELEASING MINUTES OF
PUBLIC MEETINGS**

WHEREAS, the Lumberton Township Committee desires to have available for public inspection minutes of all meetings of the Township Committee as soon as they can be made available in accordance with the law following the meeting for which those minutes are taken; and

WHEREAS, the Township Committee previously adopted guidelines governing the release of such minutes through Resolution 2009-09-202; and

WHEREAS, the Lumberton Township Committee has consulted with the Township Solicitor regarding this policy and has now updated in accordance with State Law and Township Ordinances; and

WHEREAS, the Township Committee believes the policy set forth below, in paragraphs #1 thru 24 of Resolution properly establish such a policy; and

WHEREAS, the Township Committee also wants to be certain that the Township vigorously enforces a methodology of administrative process that complies with the Open Public Meetings Act (commonly referred to as the “Sunshine Law”), *N.J.S.A. 10:4-6 et seq.* and the New Jersey Open Public Records Act, (“OPRA”) *N.J.S.A. 47:1A-1 et seq.*; and

WHEREAS, this Resolution shall take effect immediately and the Township Committee shall introduce an Ordinance and codify the same under the duties and responsibilities of the Municipal Clerk so that the Clerk, the Deputy Clerk, the Township

Committee and the members of the public have a permanent policy regarding meeting minutes which must be followed;

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Lumberton, County of Burlington, State of New Jersey that the Township of Lumberton, County of Burlington and State of New Jersey that the following the following procedure is hereby adopted and shall be immediately implemented:

A. PREPARATION OF MINUTES

1. The Municipal Clerk or his/her Deputy Clerk shall have ready for review by members of Township Committee drafts of minutes taken, from any regularly scheduled meeting of the governing body, in sufficient time prior to the next following regularly scheduled meeting to afford those members the opportunity to review the draft minutes and to vote upon their approval or their amendment and approval at such next meeting.

2. The word “meeting” as used in the previous paragraph shall mean all regularly scheduled meetings of the Township Committee of the Township of Lumberton, whether those meetings are public meetings or are meetings that have been closed to the public pursuant to a properly adopted resolution of the Township Committee to discuss matters within an executive meeting and not in public as permitted by N.J.S.A. 10:4-12.

3. Time constraints imposed upon the Municipal Clerk or his/her Deputy Clerk for the preparation of minutes for Township Committee review and action shall also apply to minutes of any additional meetings of the Township Committee, such as special meetings or emergency meetings outside the normal schedule of meetings as announced at the annual Reorganization Meeting of the Township Committee.

4. In the case of such special or emergency meetings, the draft minutes shall be presented to the members of the governing body as soon as possible after such special or emergency meeting but in no event later than a time that would permit the review of the draft minutes and their approval voted upon at the second regularly scheduled meeting of the governing body after the special or emergency meeting.

5. There are no known reasons to articulate an exception to the preparation of minutes by the Municipal Clerk or his/her Deputy Clerk and approval of all minutes by the Township Committee for all meetings of the governing body as identified in paragraphs 1 thru 4 above.

B. MAINTENANCE OF MINUTES

6. The minutes of all meetings open to the public shall be maintained in a manner approved by the Lumberton Township Municipal Clerk as per the provisions of the Open Public Meetings Act, and general laws of the State of New Jersey, after consultation with the governing body, Township Administrator, Township Solicitor or other official of the Township or the State of New Jersey with whom the Municipal Clerk or his/her Deputy Clerk may consult.

7. Minutes of all meetings shall be maintained by the Municipal Clerk or his/her Deputy Clerk in a manner distinguishing between minutes of meetings that are open to the public and minutes of those portions of meetings that are not open to the public pursuant to the specific and limited exceptions provided in N.J.S.A. 10:4-12 (“closed” or “executive meetings”).

8. The Municipal Clerk or his/her Deputy Clerk shall insure a binding of the minutes of regular open public meetings once they are approved by the governing body into a “minutes book(s)” that shall become a part of the permanent records of the

Township of Lumberton, maintained in that fashion by the Municipal Clerk and reviewed monthly by the Township Administrator”

9. There shall be a second binding of minutes of executive or closed meetings, which minute book shall also be bound, once approved by the governing body, by the Municipal Clerk and maintained as a part of the permanent records of the Township of Lumberton, maintained in that fashion by the Municipal Clerk and reviewed monthly by the Township Administrator;

10. The Township Administrator shall review the municipal building and/or other properties owned or controlled by the Township of Lumberton to determine where to establish a vault to store and protect the bound meeting minutes of the Township of Lumberton as they now exist and moving forward as well as all documents deemed permanent in nature by the New Jersey Division of Revenue and Enterprise Services, the successor to the New Jersey Division of Records and Archive Management. The facility identified or to be constructed shall be designed to standards to protect the records from fire, flood or other natural hazards as well as acts of sabotage or terrorism so that the historical records are saved and preserved, absent an unforeseen Act of God. The Township shall consult with its Risk Management Consultant to ensure that documents contained within are eternally preserved.

C. RELEASE OF MEETING MINUTES TO PUBLIC

11. Upon a request to the Municipal Clerk or his/her Deputy Clerk for copies of previously approved minutes of public meetings, whether regular, special or emergency, copies of such requested minutes shall be provided expeditiously and no later than within the time constraints imposed by the requirements of OPRA or any other law or binding court decision that governs the time constraints imposed upon municipalities for the production of same.

12. All minutes of meetings that were closed to the public shall be released to any member of the public seeking copies of such minutes pursuant to OPRA or any other law or binding court decision that governs the time constraints imposed upon municipalities for the production of such minutes, subject, nevertheless, to the right of the Township to protect information involving matters that are defined as privileged at *N.J.S.A.* 10:4-12, and *N.J.S.A.*47:1A-1 et seq. and the regulations that may have been adopted pursuant to those laws and other applicable privacy and privilege laws, rules or regulations.

13. In the case of a request for copies of minutes of closed meetings, the Municipal Clerk or his/her Deputy Clerk shall consult with the governing body, Township Administrator and Township Solicitor regarding the subject matter contained within the closed minutes requested so that a determination may be made expeditiously by the Municipal Clerk or his/her Deputy Clerk, Township Committee, Township Administrator and Township Solicitor about the ability of the Township to release said minutes to the public without further action by the Municipal Clerk or whether any portion of those minutes needs to be redacted prior to a release to the person requesting the closed meeting minutes or other members of the public.

14. In the event of the release of redacted minutes to the public pursuant to a request for the minutes of closed meetings, a statement drafted by the Municipal Clerk or his/her Deputy Clerk shall accompany the redacted minutes, which statement will articulate the section of the Open Public Meetings Act, OPRA or such other applicable privacy and privilege laws, rules or regulations that warrants the redaction of said minutes.

15. The Municipal Clerk or his/her Deputy Clerk, Township Committee, Township Administrator and Township Solicitor, in their determination of when minutes

of closed meetings shall be released or redacted in part and then released shall be governed exclusively by the status of the law of the State of New Jersey, which is hereby recognized to be constantly evolving as a consequence of either statutory amendments to the Open Public Meetings Act, the Open Public Records Act, regulations adopted pursuant to those laws, as well as the decisional laws or Rules of the Courts of the State of New Jersey or of the United States.

16. Those minutes which have been redacted shall be placed in a separately bound volume. The redacted minutes shall be reviewed every ninety (90) days or upon the receipt of an OPRA request, whichever occurs earlier, to determine if the redactions may be released. The Solicitor may review these matters with the governing body in executive session prior to their release.

D. PREVIOUS MINUTES OF THE TOWNSHIP

17. The Township Committee has been informed by the Municipal Clerk that at this time the Municipal Clerk is unable to find minutes of closed session meetings of the Township Committee prior to the meeting of January 6, 2003 as well as closed session minutes for the years 2011, 2012 and 2013.

18. The Township Committee directs the Municipal Clerk to prepare a comprehensive report for the governing body that sets out the manner of the Clerk's review and search for such closed meeting minutes, it being the Township Committee's intention to cause said report to be filed within the appropriate minute books of the Township so that there is a permanent and clearly articulated statement that those missing meeting minutes have been searched and cannot be found.

19. There are, nevertheless, minutes of the regular and open meetings of the governing body going back to the time of the creation of the Township of Lumberton in 1860.

20. The Municipal Clerk or his/her Deputy Clerk is hereby directed to review all minutes of all meetings that were closed to the public and certify a document outlining the meetings where minutes do not exist, so that a record stands in the meeting minutes book stating which minutes are missing from that binding.

21. The Township Committee directs the Municipal Clerk or his/her Deputy Clerk to accomplish the work set forth at paragraph 20 within a period of no longer than 45 days, and the Township Committee directs that the task be accomplished expeditiously and without delay.

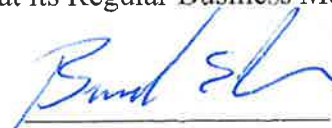
22. The Municipal Clerk or his/her Deputy Clerk may consult in this task with the Township Solicitor if either feels that is necessary to determine whether the subject matters of those closed minutes or any portion of them should be redacted for any of the reasons set forth in this Resolution.

23. In the absence of a determination that any portion of those minutes should be redacted, then said minutes shall be immediately available for public inspection and remain available for that purpose.

24. The same process shall be utilized by the Municipal Clerk or his/her Deputy Clerk for the meeting minutes from the date hereof and into the future.

CERTIFICATION

I, Brandon E Umba, Deputy Municipal Clerk of the Township of Lumberton, in the County of Burlington and the State of New Jersey, do hereby certify that the foregoing resolution was duly adopted by the Township Committee at its Regular Business Meeting held on the August 25, 2015.



Brandon E. Umba
*Township Administrator/
Deputy Municipal Clerk*