

RESOLUTION 2010-085

RESOLUTION OF THE TOWNSHIP OF BARNEGAT, COUNTY OF OCEAN, STATE OF NEW JERSEY URGING LEGISLATION TO AMEND THE OPEN PUBLIC RECORDS ACT

WHEREAS, the Superior Court of New Jersey, in Grier v. Plumstead Township, has interpreted the Open Public Records Act to require disclosure of email addresses of citizens who have provided the same to the Municipality solely for the purpose of receiving a public service “alert”; and

WHEREAS, the Township Committee of the Township of Barnegat find that the use of email to alert the citizens of the Township to emergent conditions is an important public service; and

WHEREAS, citizens who sign up for the service do so in expectation that the email address provided will not be distributed or used for any other purpose; and

WHEREAS, the release of these addresses would have a chilling effect on public participation in the program.

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Barnegat that the Legislature be urged and encouraged to immediately adopt remedial legislation amending the Open Public Records Act to include “email addresses of individuals provided to the governmental entity for the purpose of receiving emergency notifications” among the list of items excluded from public records subject to disclosure; and

BE IT FURTHER RESOLVED that a copy of this resolution be sent to our representing Legislators in the State Assembly and State Senate and a copy be sent to every municipality in New Jersey urging them to adopt a similar resolution.

CERTIFICATION

I, Kathleen T. West, Municipal Clerk, of the Township of Barnegat, County of Ocean, State of New Jersey, do hereby certify that the foregoing resolution was duly adopted by the Township Committee of said Township at their Regular Committee meeting held on the 1st day of February, 2010, in the Municipal Complex, 900 West Bay Avenue, Barnegat, New Jersey.

Kathleen T. West, RMC
Municipal Clerk