



TOWNSHIP OF ABERDEEN

ONE ABERDEEN SQUARE, ABERDEEN, NEW JERSEY 07747

MAYOR FRED TAGLIARINI

DEPUTY MAYOR ROBERT SWINDLE

COUNCILMAN GREG CANNON

COUNCILWOMAN MARGARET MONTONE

COUNCILWOMAN CONNIE KELLEY

COUNCILMAN JOSEPH MARTUCCI

COUNCILMAN ARTHUR HIRSCH

February 5, 2020

VIA E-MAIL

ASK NJ Media Co.

Re: Township of Aberdeen, OPRA Request from ASK NJ Media Co.

To ASK NJ Media Co.:

This letter acknowledges receipt of your Open Public Records Act ("OPRA") request to the Township of Aberdeen ("Township") by the Custodian of Records on January 28, 2020. Please accept this as the Township's response to your OPRA request.

For ease of reference, you requested the following records:

All current bylaws, procedures, rules, resolutions or policies regarding the conduct and/or recording of public meetings.

Please be advised that, as drafted, your request lacks the requisite specificity required by OPRA and the Appellate Division's holding in MAG Entertainment, LLC v. Division of ABC, 375 N.J. Super. 534, 549 (App. Div. 2005). The Court held that "[u]nder OPRA, agencies are required to disclose only 'identifiable' government records not otherwise exempt . . . In short, OPRA does not countenance open-ended searches of an agency's files." Id. (emphasis added). Bent v. Stafford Police Dep't, 381 N.J. Super. 30, 37 (App. Div. 2005); 4 N.J. Builders Ass'n v. N.J. Council on Affordable Hous., 390 N.J. Super. 166, 180 (App. Div. 2007); Schuler v. Borough of Bloomsbury, Government Records Council ("GRC") Complaint No. 2007-151 (February 2009).

Here, your request does not provide specific identifiers to readily identify all potentially responsive records. Moreover, it is overly burdensome for the Township to search all of its files and archives and also determine what documents concern the conduct and/or recording of public meetings.

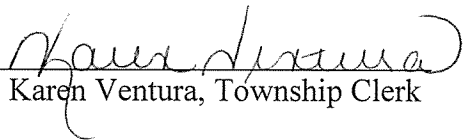
Without waiving these objections, the Township encloses Resolutions # 2020-14, 2020-15, and 2020-13, which set forth the required notice and public meeting schedule as required by the Open Public Meetings Act ("OPMA"). Also, the Township is providing relevant sections of its Township Code, specifically Section 2-2 of the Township Code, which provides in part for

the adoption of a resolution every year at the re-organization meeting, which sets forth the public meetings for the year. Also enclosed is Section 2-8.3, which provides for the Township Clerk's duties concerning meetings.

Furthermore, the Township advises you that the conduct and recording of public meetings is governed by New Jersey law. The OPMA provides, at N.J.S.A. 10:4-12(a), that all meetings of public bodies shall be open to the public at all times, with certain exceptions set forth in N.J.S.A. 10:4-12(b).

Your request is now closed. Thank you.

Very truly yours,

By: 
Karen Ventura, Township Clerk

Bcc: Michael A. Augello, Jr., Esq. (via e-mail)
Lesley Sotolongo, Esq. (via e-mail)

RESOLUTION NO. 2020-13

BE IT RESOLVED by the Township Council of the Township of Aberdeen, County of Monmouth, State of New Jersey that the Asbury Park Press and Home News & Tribune are hereby designated as the official newspapers of the Township of Aberdeen for the year 2020.

ROLL CALL VOTE:

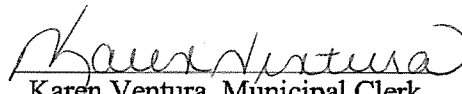
Ayes: Councilmember Cannon, Hirsch, Kelley, Montone, Swindle, Deputy Mayor Martucci and Mayor Tagliarini

Nays: None

Abstain: None

Absent: None

I hereby certify the foregoing to be a true copy
of a resolution adopted by the Township
Council of the Township of Aberdeen at
a reorganization meeting held on January 4, 2020


Karen Ventura, Municipal Clerk

RESOLUTION NO. 2020-14

BE IT RESOLVED by the Township Council of the Township of Aberdeen, County of Monmouth, State of New Jersey that for the purpose of compliance with the "notice" provisions of the Open Public Meetings Act of the State of New Jersey, the following procedures and requirements are hereby established and adopted:

The Asbury Park Press and The Home News & Tribune are hereby designated as the newspapers in which Council meeting notices may appear.

The cost for mailing written notices of scheduled meetings to any individual requesting said service in writing from the Township Clerk shall be \$25.00 per annum, payable in advance to the "Township of Aberdeen".

The bulletin board located in the Municipal Building, One Aberdeen Square, Aberdeen, New Jersey, is hereby designated as the location at which notices shall be posted for the required information concerning Township Council meetings.

All required notices shall be on file and open for inspection at the Office of the Township Clerk.

ROLL CALL VOTE:

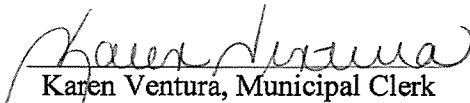
Ayes: Councilmember Cannon, Hirsch, Kelley, Montone, Swindle, Deputy Mayor Martucci and Mayor Tagliarini

Nays: None

Abstain: None

Absent: None

I hereby certify the foregoing to be a true copy
of a resolution adopted by the Township
Council of the Township of Aberdeen at
a reorganization meeting held on January 4, 2020


Karen Ventura, Municipal Clerk

RESOLUTION NO. 2020-15

BE IT RESOLVED by the Township Council of the Township of Aberdeen, County of Monmouth, State of New Jersey that in compliance with the provisions of the Open Public Meetings Act, notice is hereby given as to the regular schedule of meetings of the Aberdeen Township Council for the year 2020, to be held in the Municipal Building, One Aberdeen Square, Aberdeen, New Jersey:

1. Caucus meetings shall be held on the first and third Thursday of each month at 7:30 p.m. except that when said meeting night falls on a legal holiday or election as follows.
2. Regular meetings shall be held on the first and third Thursday of each month immediately following the caucus meeting, except that when said meeting night falls on a legal holiday or election as follows.

Thursday, January 16, 2020

Thursday, February 6, 2020

Thursday, March 5, 2020

Thursday, April 2, 2020

Thursday, May 7, 2020

Thursday, June 4, 2020

Thursday, July 16, 2020

Thursday, August 6, 2020

Thursday, September 3, 2020

Thursday, October 1, 2020

Thursday, November 5, 2020

Thursday, December 3, 2020

Thursday, February 20, 2020

Thursday, March 19, 2020

Thursday, April 16, 2020

Thursday, May 21, 2020

Thursday, June 18, 2020

Thursday, August 20, 2020

Thursday, September 17, 2020

Thursday, October 15, 2020

Thursday, December 17, 2020

BE IT FURTHER RESOLVED that during the course of a caucus meeting, the Council may move to go into the Regular Meeting for the purpose of taking action on any matter before the Council, including adopting a resolution to go into closed Executive Session prior to the Regular Meeting, to discuss items as permitted by the Open Public Meetings Act.

BE IT FURTHER RESOLVED that the within schedule of meetings for the year 2020 shall be forthwith mailed to the Asbury Park Press and The Home News & Tribune Newspaper, and shall be posted on the bulletin board in the Municipal Building, and shall remain there throughout the year, and shall remain on file in the Office of the Township Clerk.

BE IT FURTHER RESOLVED that any Resolution inconsistent herewith is hereby repealed to the extent of such inconsistency.

ROLL CALL VOTE:

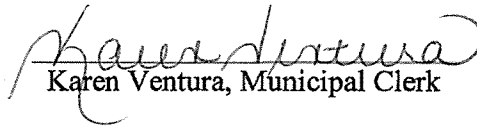
Ayes: Councilmember Cannon, Hirsch, Kelley, Montone, Swindle, Deputy Mayor Martucci and Mayor Tagliarini

Nays: None

Abstain: None

Absent: None

I hereby certify the foregoing to be a true copy
of a resolution adopted by the Township
Council of the Township of Aberdeen at
a reorganization meeting held on January 4, 2020


Karen Ventura, Municipal Clerk

Chapter 2. Administration

Article I. Chapter Title; The Township Council

§ 2-1. CHAPTER TITLE.

[1973 Code § 2-1]

This chapter shall be known and may be cited as the Administrative Code of the Township of Aberdeen.

§ 2-2. TOWNSHIP COUNCIL.

§ 2-2.1. Organization.

[1973 Code § 2-2.1; New]

As provided in N.J.S.A. 40:69A-83.1b and N.J.S.A. 40:69A-83.2a, the Township Council shall consist of seven (7) members who shall be elected at large by the voters of the Township at the general election and shall serve for a term of four (4) years, beginning on the first day of January next following their election.

§ 2-2.2. Powers of Township Council.

[1973 Code § 2-2.2]

All powers of the Township and the determination of all matters of policy shall be vested in the Township Council pursuant to the Charter.

§ 2-2.3. Meetings.

[1973 Code § 2-2.3; Ord. 8-1977; Ord. 8-1984]

The Council shall meet for organization on January 1 or within the first seven (7) days in January following each general election. The Council shall meet pursuant to a reorganization resolution read at its regular Reorganization Meeting setting forth the scheduled meetings and the times for these meetings for the following year.

§ 2-2.4. Council to Act as Body.

[1973 Code § 2-2.4]

The Township Council shall act in all matters as a body and shall deal with the administrative services of the Township solely through the Township Manager. No Council member shall seek individually to influence the official acts of the Township Manager, or any other officer, or direct or request the appointment of any person to, or his removal from, office; or interfere in any way with the performance by such officers of their duties. Nothing contained herein shall prevent the Township Council from appointing committees or commissions of its own members or of citizens to conduct investigations into the conduct of any officer or department, or any other matter relating to the welfare of the Township. The Council may delegate to such committees or commissions such powers of inquiry as it may deem necessary. Any Council Member violating the provisions of this subsection shall, upon conviction thereof in a court of competent jurisdiction, be disqualified as Council Member.

§ 2-2.5. Compensation of Council Members.

[1973 Code § 2-2.8; Ord. 29-1995; Ord. No. 7-2009]

- a. Any compensation of the members of the Township Council shall be established annually by a salary ordinance separate and distinct from the salary ordinance adopted annually by the Township Council establishing salary ranges for Township employees.
- b. Adoption of the salary ordinance establishing a salary range for members of the Township Council and the compensation thereof shall require an affirmative vote of at least five (5) members of the Township Council.

§ 2-2.6. Vacancies on the Council.

[1973 Code § 2-2.7; Ord. 29-1995]

Any vacancy which occurs on the Township Council shall be filled pursuant to the provisions of the Municipal Vacancy Law, N.J.S.A. 40:16A-1 et seq.

§ 2-2.7. Township Council Workshop.

[New]

Subject to the provisions of "The Open Public Meeting Act," the Township Council may meet at any time in executive session for the discussion of any Township business or to meet with any officer or employee of the Township or any other person on Township business. No persons other than those specifically invited by the Township Council shall be authorized to participate in any such executive session. No official actions shall be taken during any executive session.

§ 2-2.8. Quorum.

[New]

A majority of all the members of the Township Council shall constitute a quorum and the affirmative vote of a majority of all the members shall be necessary to take any action or pass any measure, except as otherwise provided by law. A bond ordinance shall be adopted by the affirmative vote of at least two-thirds (2/3) of the full membership of the Governing Body. N.J.S.A. 40:81-20; N.J.S.A. 40A:2-17(b).

§ 2-3. THE MAYOR.

§ 2-3.1. Selection of Councilman at Large/Mayor.

[1973 Code § 2-2.5; Ord. No. 29-1995]

The referendum that was held in 1987 was approved by the voters of the Township, and it provided that the position of Councilman at Large/ Mayor shall be elected directly by the voters for a four (4) year term.

[1] *Editor's Note: As provided in N.J.S.A. 40:69A-86b.*

§ 2-3.2. Powers and Duties of the Mayor.

[1973 Code § 2-2.6; Ord. No. 2-2008 § I]

The Mayor shall have only such powers and duties as Mayor as are expressly vested in this Office by this revision. The Mayor shall preside at all meetings of the Council and shall have a voice and vote in its proceedings. In the absence of the Mayor, the Deputy Mayor shall call the Council to order. Upon the arrival of the Mayor, the Deputy Mayor shall immediately relinquish the chair upon the conclusion of the business immediately before the Council. All bonds, notes, deeds, contracts and written obligations of the Township shall be executed on its behalf by the Mayor or, in the event of his inability to act, the Deputy Mayor. The Mayor shall have the power to make proclamations and call special meetings as provided by subsection 2-2.3 of this revision. The Mayor shall have the power to perform marriage or civil union ceremonies.

§ 2-3.3. Deputy Mayor.

[1973 Code § 2-2.5; Ord. No. 29-1995]

At the organizational meeting of the Council following each general election, the Council shall elect one of their members as Deputy Mayor for a term of two (2) years. The Deputy Mayor shall be chosen by ballot by majority vote of all members of the Township Council.

§ 2-4. (RESERVED)

§ 2-8.3 Clerk of Council and Committees.

[1973 Code § 2-5.2]

The Municipal Clerk shall serve as Clerk of the Council and as secretary of any special legislative committees of the Council appointed pursuant to the Charter. The Clerk shall attend all meetings of the Council and of such committees when required by the chairman thereof, and shall keep the minutes of the proceedings of the Council and of such committees. The minutes of each meeting of the Council shall be signed by the official presiding at the meeting and by the Clerk.