



New Jersey Libertarian Party

Open Government Advocacy Project

John Paff, Chairman

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March 6, 2009

High Bridge Board of Education
50 Thomas St
High Bridge, NJ 08829

(via email only to ajuskiewicz@hbboe.org)

Dear President Stemple and Members of the Board:

I write, both individually and in my capacity as Chairman of the New Jersey Libertarian Party's Open Government Advocacy Project, to ask the Board to consider the question of whether its subordinate committees should keep minutes of their meetings.

By way of background, I submitted an Open Public Records Act request on February 26, 2009 for the minutes from the Policy Committee's, Community Relations Committee's and Finance/Facilities Committee's 2008 meeting minutes. In a March 6, 2009 response, Mr. Juskiewicz informed me that no such minutes exist.

Since three Board members typically sit on a committee, it is arguable that those committee meetings are "meetings of a public body" as defined by the Senator Byron M. Baer Open Public Meetings Act because a) five is a quorum of the Board and b) three is an "effective majority" of a quorum of five. (For a full exploration of this argument, see my letter to the High Bridge Borough Council, and the Borough Attorney's response at <http://www.lpcnj.org/OGTF/HighBridgeQuorum.pdf>.) If this is the case, then N.J.S.A. 10:4-14 requires the Board's committees to keep reasonably comprehensible minutes of their meetings.

But even if the Board's committee meetings are not "meetings" under the OPMA, I believe that it would still be good policy for the committees to keep minutes. For example, the minutes of the Board's February 9, 2009 meeting indicate that Larissa Critelli recently became a new member of the Board. Presumably, Ms. Critelli has been or will be appointed to serve on one or more of the Board's committees. If I became a new member of a board committee, I would want to read the minutes of the committee's previous meetings so that I could become better acquainted with the types of decisions the committee has historically made.

Also, I believe that having a record of the committee's previous deliberations and decisions would provide some continuity to the committee's functions. I can imagine a committee member, after looking through the committee's minutes, saying "Look, in 1994

our committee faced the very issue that we're facing in 2009. Let's use the work that was done fifteen years ago as a basis for our work today instead of reinventing the wheel."

In sum, it seems obvious to me that there are great benefits in having meeting minutes even if the law doesn't require minutes to be kept. Does the Board agree? If so, would the Board direct its subordinate committees to keep comprehensible minutes of their meetings?

I appreciate your time. I look forward to receiving your response.

Sincerely,

A handwritten signature in black ink, appearing to read "John Paff", with a large, stylized flourish above the name.

John Paff

HIGH BRIDGE BOARD OF EDUCATION

*50 Thomas Street
High Bridge, New Jersey 08829*

Anthony Juskiewicz,
*Business Administrator/
Board Secretary*

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March 25, 2009

John Paff
PO Box 5424
Somerset, NJ 08875-5424

Dear Mr. Paff:

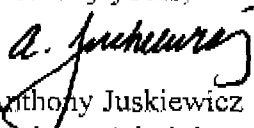
The Board reviewed your letter at its 3/16/09 Board meeting. The Board spoke of your correspondence and it was agreed that committee chairs will take minutes and submit a copy to the SBA so that there are prior minutes to look back upon.

The OPRA request that you have sent to me via fax asking for attachment #2B except any pages that are not part of your letter dated March 6, 2009 does not exist. When the agenda was compiled a copy of your letter and all of the other correspondence were copied and given to the Board for their reading pleasure as attachments. In the past the correspondence never had attachment numbers. Our Interim Superintendent has now instituted an attachment system to the agenda.

The Board has welcomed any and all of your opinions you may offered concerning your examination of our records. Please e-mail any concerns to ajuskiewicz@hbboe.org.

If you have any questions, please feel free to contact me directly at the numbers listed above.

Sincerely yours,


Anthony Juskiewicz
Business Administrator/
School Board Secretary