

DENNIS TOWNSHIP ENVIRONMENTAL COMMISSION

Meeting Minutes: February 18, 2015.

Reorganization meeting held at 5:30 p.m. at the municipal building.

Chairman Bob Penrose led the flag salute to open the meeting.

ROLL CALL: All commission members were present except for Cindy Leatherwood who notified Mr. Rebmann that she would be unavailable.

The commission voted to table the minutes of the January meeting pending corrections recommended by members. Mr. Rebmann will make the corrections and the minutes will be reviewed again at the March 18 meeting.

Township Solicitor Jeff April address the commission regarding the Open Public Records Act and how it impacts commission communications. Mr. April opened by noting that the law continues to evolve with changes in communications technology and the way that municipal agencies like DTEC employ that technology. He was especially concerned with cell phone and email communication.

“Sending a “REPLY TO ALL” to an email constitutes a public meeting and records of the emails become public record.” April stressed not using “REPLY TO ALL” in email communication or the email could be subject to an OPRA request.

If you communicate by email, respond individually.

Ms. George asked about sending documents. Mr. April recommended sending it to the chairman or vice chairman and they can send it to the rest of the commission.

Members can communicate with one another but have to be careful not to engage more than three members at one time on an email communication. Mr. April provided a copy of the “Citizen’s Guide to the Open Public Records Act” pamphlet. Mr. Penrose will make copies for the rest of the commission.

When asked why there’s been such an increase in OPRA information requests, Mr. April cited that lawyers’ fees are now part of costs in any successful litigation to obtain public records.

“Lawyers are more willing to become involved in OPRA cases (as a result),” he said. He added that the law leans toward the public in disputes over OPRA information requests.

Mr. Penrose asked when an email becomes a “public record”. Mr. April answered that emails are not public record as long as emails are restricted to no more than three members. It is not considered a public meeting if three (or fewer) commission members are involved.

Ms. Slotterback asked about subcommittee communications and April repeated the rule of three.

“Four of you can’t get together and deliberate.”

Ms. George asked about organizing commission activities, giving a proposed group litter collection as an example. Mr. April suggested that the chairman assign specific tasks to specific members to avoid the potential of running afoul of OPRA.

Mr. DiCicco asked about gmail and Mr. April replied that anything sent to Jackie Justice (Township Clerk and Custodian of Records) is a matter of public record. Ms. George asked about legal questions (The commission has no solicitor) and Mr. April suggested forwarding any such questions to the chairman to forward them to April, through the township committee liaison.

There was also some discussion about the commission’s involvement with Land Use Board applications. The DTEC can review applications, ask questions, make recommendations but does not make decisions on applications. Questions, recommendations, including opposition, can be expressed through the “crossover” member who sits on both boards (Mr. Rebmann).

Ms. George asked how much research DTEC members can do on land use applications. Unlike Land Use Board members who must make decisions based on the facts presented during application testimony, DTEC members can do additional research in making recommendations, etc. Mr. April added that other commission members (aside from the crossover) can attend and testify at Land Use hearings but would have to speak as private citizens.

Mr. Penrose asked about OPRA “liability” in the event that an email response is mistakenly sent “REPLY ALL”. Mr. April told him that an isolated error would probably be acceptable assuming there is no pattern of the practice.

Mr. Castor asked about establishing gmail addresses for the purpose of using social media. Mr. April stressed that the same rules would apply.

Mr. Laughlin asked about audio/video files and was told they are considered to be documents for OPRA purposes. Mr. April also warned members to avoid impromptu remarks, jokes, and “wise cracks” during meetings.

Members also had numerous questions for the next speaker, Township webmaster Tom Laughlin, whose appearance was prompted by the commission’s ongoing discussion about developing its own web site.

Ms. George opened by voicing a number of concerns about the commission’s current web page on the township web site. Among the issues she raised: updating commission membership roster, correcting the meeting schedule to show the time and regular location of meetings, fixing icons so that both “Agendas” and “Minutes” can be shown. She also asked about the “Facebook” link and whether it could be moved to the page listing the members. Ms. Slotterback differed about relocating the link.

Members also discussed the relative merits of linking the township website or setting up its own web page.

“Which is cheaper?” Mr. Rebmann asked. “Either way the township pays.” Chairman Penrose noted.

There was no clear cut answer for that since anything official done by the commission must be shown on the township website and there is currently one domain available on that web site.

“You’ll have a hard time convincing the committee to approve paying for your own web site,” Mr. DiCicco cautioned. Mr. Laughlin pointed out that linking to the township somewhat limited what the commission could do.

Mr. McManus pointed out that members will have to be vigilant in maintaining a website. Mr. Laughlin answered that a member (or members) would have responsibility for keeping the site up to date.

Ms. George pointed out that a website would be used to talk about topical commission activities in the community, like the litter clean-up.

Mr. Castor noted that any web site should have photo/video capability. Mr. Laughlin answered that the package the commission is looking for would allow for drop in text and images.

There was additional discussion about maintaining a “history” of commission activities. Ms. Salimbene advised that the length of time an item remained on the website can be controlled by setting an “end date” at which point it would be deleted.

Mr. DiCicco suggested that a member (or members) of the commission appear at the next township committee meeting to formally make the request for a web site. Mr. Castor offered to attend as did Ms. George. Mr. Rebmann may attend as well.

Ms. George reported that DEP hasn’t yet approved a 2015 tree seedling program but she will keep track as well as looking into other programs. Mr. Penrose asked if the commission had advertised seedlings yet and the commission will step back from advertising that aspect of any planned community outreach.

Mr. Rebmann led a discussion of the Litter Pick-up that he’d suggested at the January meeting. Working with notes Rebmann submitted, the commission agreed to hold a Community Litter Pick-up on Sunday, April 19 at 1 pm on Hagen Road.

Mr. DiCicco cautioned about spending commission budget money for pizza as discussed in the notes. Ms. Salimbene added that money might be available under the Clean Communities program to pay expenses incurred during the activity.

Ms. Slotterback, who has been involved for years with the annual Clean Ocean Action Litter survey said that the event should have a public education component. Participants collect data on the items they pick up and create graphs showing individual items.

Ms. Salimbene asked what age group students would be appropriate. Ms. Slotterback said that grades K-12 could participate. Ms. Salimbene offered to publicize the event at the Hagen Road School.

Mr. Rosenthal suggested inviting the Watershed Ambassador to participate (instead of asking the MUA which will be busy with Earth Day activities). Mr. Rosenthal will communicate with the Watershed Ambassador.

Mr. DiCicco recommended checking with the Recreation Department to make sure there are no conflicting activities scheduled for April 19.

Mr. McManus noted that when Dennisville does its annual clean-up, the Homeowners Association, leaves the bags outside the fence at the public works building. The commission agreed to pursue that possibility in lieu of leaving the collected litter at the rec department dumpster.

Mr. Castor and Mr. McManus volunteered to drive their pick-up trucks to help the day of the event. Ms. George will create a flyer and send it to the township schools. Mr. Rebmann will make signs for posting on Hagen Road. He will also communicate with the township committee.

The commission will discuss the event further at its March meeting.

Mr. Rebmann told members that he has prepared an annual accomplishment report for strictly tree-related activities. It will be sent to the township committee for the mayor's signature and then to the DEP Community Forestry Program. Rebmann had requested input from members. Ms. George offered input which will be added to the final report.

The subcommittee working on the new five year Community Forestry Plan is nearing completion of its task. Mr. Rebmann said that Ms. George and Mr. Rosenthal had submitted suggested changes to format and content. The three member subcommittee will meet prior to the next commission meeting. The plan will be reviewed by the full commission and, if approved, the document will be sent to the DEP.

Mr. Castor will continue working on the mission statement as well as serving on the technology subcommittee with Ms. Leatherwood and Ms. Slotterback.

There being no other business or discussion, Mr. Penrose closed the meeting.