

**ORDINANCE OF THE TOWNSHIP OF SOUTH HARRISON ESTABLISHING  
CONFIDENTIALITY OF CERTAIN SOUTH HARRISON TOWNSHIP  
RECORDS, INFORMATION AND PROCEEDINGS**

**WHEREAS**, the Township of South Harrison, its elected and appointed officials, and employees, as with all other municipalities in the State of New Jersey, have an obligation to preserve the confidentiality of certain records, information and proceedings which, by their nature, are the subject of confidentiality in the best interest of the Township;

**WHEREAS**, the Township Committee, recognizing the need to preserve confidentiality, seeks to hold its elected and appointed officials and employees to the requirements of the confidentiality in appropriate circumstances;

**NOW, BE IT ORDAINED**, by the Township Committee of the Township of South Harrison, County of Gloucester, State of New Jersey that this Ordinance is hereby established entitled Confidentiality of Certain Records, Information and Proceedings:

**SECTION I.**

**Chapter 9 – Confidentiality of Certain Records, Information and Proceedings**

**§ 9-1 Purposes.**

The purpose of this Chapter is to establish a policy of confidentiality regarding certain documents, information and proceedings, where the same are appropriate according to New Jersey statutes and policies where such confidentiality is required and in the best interest of the Township of South Harrison.

**§ 9-2**

It shall be required of all elected and appointed officials as well as all employees of the Township of South Harrison to maintain confidentiality of documents, information and proceedings regarding the following subject matter:

- (A) Any and all matters properly discussed in an executive or closed session of the Township Committee or Planning/Zoning Board of the Township of South Harrison, wherein the public is excluded pursuant to N.J.S.A. 10:4-12 of New Jersey's Open Public Meeting Act, N.J.S.A. 10:4-6, et. seq., which includes, but is not limited to, the following: (1) those items that are rendered confidential by federal law, state statute or Rule of Court; (2) material, disclosure of which would constitute an unwarranted invasion of individual privacy; (3) contract negotiations including collective

bargaining agreements, personal services contracts, purchase, lease or acquisition of real property by the Township; (4) the negotiation or setting of banking rates or investment of public funds if the release of said information would adversely effect the public interest; (5) tactics and techniques in protecting safety and property of the public including investigations of violations or possible violations of law; (6) pending or anticipated litigation; (7) any matters falling within the attorney/client privilege; (8) employment and personnel matters including performance, promotion and discipline (unless the employee or appointee elect to have the matter public); and (9) any deliberations of the Committee or Planning/Zoning Board after a public hearing which may result in the imposition of a specific penalty by the responding parties, suspension or loss of license or permit as a result of the act or omission of the responding parties.

The above set forth listing is set forth solely for the purpose of more clearly identifying the circumstance where confidentiality is to be maintained, and the specific provisions of N.J.S.A. 10:4-12(b) shall govern.

- (B) The release of the information set forth under (A) above shall also not be engaged in by any elected or appointed official or employee of the Township of South Harrison, if such information is in the possession of the Township, its appointed or elected officials or employees, regardless whether or not said information has been the subject of a closed or executive session of the Township Committee or Planning/Zoning Board.

### **§ 9-3. Obligations Under O.P.R.A.**

Nothing in this Chapter shall be interpreted to impair the responsibility of the Township of South Harrison, any of its departments, to comply with obligations under the New Jersey Open Public Records Act, N.J.S.A. 47:1A-1 et. seq.

### **§ 9-4. Penalties**

Any and all employees of the Township of South Harrison will be subject to progressive discipline for a violation of this Chapter. Any elected or appointed officials of the Township of South Harrison, for violation of this Chapter, are subject to referral to appropriate State agency, appropriate action under Township of South Harrison's Ordinances, and New Jersey statutes as may be applicable to elected and/or appointed officials.

## **SECTION II**

Any provision of this Ordinance which is declared void or unenforceable, by any operation of law or decision of any Court, shall not affect the forcibility of any other provision of this Ordinance.

**BE IT FURTHER ORDAINED**, that this Ordinance shall take effect immediately upon its final passage, adoption and publication as provided by law.

**TOWNSHIP OF SOUTH HARRISON:**

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Mayor Robert S. Campbell

**ATTEST:**

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Nancy E. Kearns, RMC  
Municipal Clerk

**CERTIFICATION**

This Ordinance was introduced and passed on first reading at a special meeting at the South Harrison Township Committee held on the 27<sup>th</sup> day of January, 2009. The second reading and public hearing shall be held on the 11<sup>th</sup> day of February, 2009 at 7:30 p.m. at a regular meeting held at the South Harrison Township Municipal Building, 664 Harrisonville Road, Harrisonville, New Jersey.

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Nancy E. Kearns, RMC  
Municipal Clerk

**NOTICE**

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NOTICE is hereby given that the foregoing Ordinance O-09-02 was finally adopted at a meeting of the South Harrison Township Committee held on the 11<sup>th</sup> day of February 2009 at 7:30 p.m. in the South Harrison Township Municipal Building, 664 Harrisonville Road, Harrisonville, New Jersey.

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Nancy E. Kearns, RMC  
Municipal Clerk