

REASONS SET
FORTH ON
THE RECORD

GRANTED

John Paff
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Somerset, NJ 08875-5424
Tel. 732-873-1251
Email: paff@pobox.com
Plaintiff

JOHN PAFF,

Plaintiff
vs.

LAWNSIDE BOROUGH COUNCIL

Defendant

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION, CIVIL PART
CAMDEN COUNTY
DOCKET NO. L-7027-06

Civil Action

ORDER GRANTING PARTIAL
SUMMARY JUDGMENT

This matter was opened to the Court by John Paff, Plaintiff, and with Zeller & Bryant, LLP (Matthew B. Wieliczko, Esq. appearing) representing Defendant Lawnside Borough Council, and the Court having read and considered the Plaintiff's Notice of Motion, Statement of Material Facts, Supporting Certification and Letter Brief; Defendant's Counterstatement of Material Facts, Certification of Jessie Harris, Certification of Matthew B. Wieliczko, Letter Brief; and Plaintiff's Reply Letter Brief and having heard argument on March 30, 2007 and for good cause appearing it is on this 13th day of April 2007:

DECLARED that the motions passed by Defendant, sitting as either the Borough Council or Redevelopment Agency, prior to going into nonpublic session on January 28, 2006; February 1, 2006; February 22, 2006; March 7, 2006; March 8, 2006; March 14, 2006; March 27, 2006; April 5, 2006; April 24, 2006; May 31, 2006; June 7, 2006 and August 28, 2006: a) do not meet the requirements of N.J.S.A. 40:49-1; b) do not meet the requirements of N.J.S.A.10:4-13; and c) do ~~not~~ meet the requirements set forth in In Council of N.J. State College Locals v. Trenton State College Bd. of Trustees, 284 N.J. Super. 106 (Law. 1995).

ORDERED that going forward, Defendant, whether sitting as the Borough Council

or Redevelopment Agency, shall, prior to excluding the public from any meeting, pass a resolution during a public meeting that a) meets the requirements of N.J.S.A. 40:49-1 and N.J.S.A. 10:4-13; and b) ~~conforms to the requirements set forth in In Council of N.J. State College Locals v. Trenton State College Bd. of Trustees, 284 N.J. Super. 108 (Law. 1995).~~

DECLARED that Defendant violated Plaintiff's rights under the Open Public Meetings Act, Open Public Records Act and the common law by delaying Plaintiff's access to the minutes and notes of Defendant's nonpublic meetings for more than six months.

ORDERED that going forward, Defendant, whether sitting as the Borough Council or Redevelopment Agency, shall make minutes of its nonpublic meetings available to the public no later than sixty (60) days after the date of each nonpublic meeting.

ORDERED that Defendant shall, within twenty (20) days after the entry of this Order, file full and unredacted copies of its January 23, 2006; February 1, 2006; February 22, 2006; March 7, 2006; March 8, 2006; March 14, 2006; March 27, 2006; April 5, 2006; April 24, 2006; May 31, 2006; June 7, 2006 (if able to be located) and August 28, 2006 nonpublic minutes directly and under seal with the Hon. Francis J. Orlando, A.J.S.C. for an *in camera* inspection.

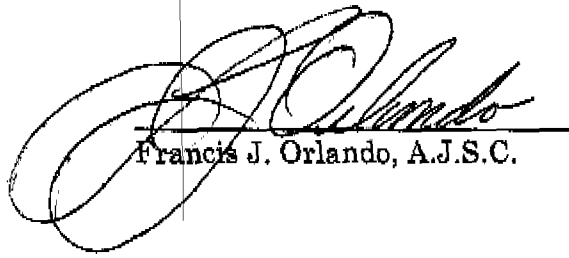
ORDERED that Defendant's counsel shall, simultaneously with filing the unredacted minutes with Judge Orlando, file with the Court and serve upon Plaintiff a certification, ~~consistent with Courier News v. Hunterdon County Prosecutor's Office, 358 N.J. Super. 373, 382-83 (App. Div. 2003),~~ that sets forth "specific reliable evidence sufficient to meet a statutorily recognized basis for" each redaction made to the nonpublic meeting minutes of January 23, 2006; February 1, 2006; February 22, 2006; March 7, 2006; March 8, 2006; March 14, 2006; March 27, 2006; April 5, 2006; April 24, 2006; May 31, 2006; June 7, 2006 (if able to be located) and August 28, 2006. Counsel's preparation of the certification

required herein shall be "guided by the standard included in R.4:10-2(e), which permits a party claiming privilege to 'describe the nature of the documents ... not produced or disclosed in a manner that, without revealing information itself privileged or protected, will enable other parties to assess the applicability of the privilege or protection.'" ~~Paff v. New Jersey Department of Labor, 379 N.J. Super. 346, 354 (2005).~~



ORDERED that the Third Count of the Complaint and the issue of costs will be determined at a later date as directed by the Court.

ORDERED that Plaintiff shall serve a copy of this Order upon Defendants within 7 days of its entry and return.



Francis J. Orlando, A.J.S.C.

This motion was (check one) Opposed Unopposed

Written / Oral (circle one) findings of fact and conclusions of law were rendered on March 30, 2007, or

A statement of reasons why no findings of fact and conclusions of law were made is appended to this order.