



New Jersey Libertarian Party

Open Government Advocacy Project

John Paff, Chairman

P.O. Box 5424

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October 20, 2009

Hon. David Pfund, Mayor, and Members of the
Ridgewood Village Council
131 N. Maple Ave,
Ridgewood, NJ 07451

(via e-mail only to hmailander@ridgewoodnj.net)

Dear Mayor Pfund and Council members:

I write both individually and in my capacity as Chair of the New Jersey Libertarian Party's Open Government Advocacy Project to put you on notice of my intent to sue the Village Council unless it makes immediate and substantial improvements to the time within which its meeting minutes are made publicly available.

Following this letter is:

- a) a draft civil complaint against the Village Council, and
- b) a Brief and Appendix from a similar suit that I filed in Hudson County against the City of Hoboken. (I provide this brief so that you and your Village Attorney can better understand my arguments.)

The thrust of my argument is that even though the Village Clerk, in her October 8, 2009 e-mail, correctly noted that the Government Records Council, in Parave-Fogg v. Lower Alloways Creek Township, GRC Complaint No. 2006-51, ruled that unapproved meeting minutes were not subject to disclosure under the Open Public Records Act, that citizens still have a separate right under the Open Public Meetings Act to "prompt" access to meeting minutes, regardless of whether those minutes are approved or unapproved.

I think that if you review this matter with your Village Attorney, you will find that the Ridgewood Council cannot justify its present position—totally suppressing access to public meeting minutes as early as March 11, 2009 (more than seven months ago) and nonpublic meeting minutes from as early as November 5, 2008 (nearly a year ago)—in light of N.J.S.A. 10:4-14's mandate that meeting minutes must be made "promptly available."

I ask that the Council go into executive session during the October 28, 2009 to discuss this matter. So that I know that my concerns are being taken seriously, I need to hear from the Village by no later than the close of business on Friday, October 30, 2009. If

I do not hear from you by then, or if we are not able to agree to a minutes release policy, you I will file my suit without further notice.

Thank you for your attention to this matter. I sincerely hope that we can resolve this matter amicably. I look forward to hearing from you.

Sincerely,

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

John Paff

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

JOHN PAFF
Plaintiff,

vs.

RIDGEWOOD VILLAGE COUNCIL
Defendant

:
:
: SUPERIOR COURT OF NEW JERSEY
: LAW DIVISION, CIVIL PART
:
: BERGEN COUNTY
:
: DOCKET NO.
:
:
: Civil Action
:
: **VERIFIED COMPLAINT**

Plaintiff John Paff, by way of complaint against the Defendant Ridgewood Village Council states as follows:

Preliminary Statement

1. This is an action under the Senator Byron M. Baer Open Public Meetings Act, N.J.S.A. 10:4-6 et. seq., seeking to compel the Ridgewood Village Council to provide Plaintiff with certain public meeting minutes and the nonexempt portions of certain nonpublic (i.e. closed or executive) meetings to which Plaintiff was denied access; and b) permanently enjoining the Ridgewood Village Council, going forward, from failing make the nonexempt portions of the minutes of its future public and nonpublic meetings available to the public within a period of time to be established by this Court.

Parties

2. Plaintiff John Paff (“Plaintiff”) is an individual who resides in Franklin Township, Somerset County, New Jersey and receives mail at P.O. Box 5424, Somerset, NJ 08875.

3. Defendant Ridgewood Village Council is a public body as that term is defined by N.J.S.A. 10:4-8(a).

First Count

4. Plaintiff repeats the allegations stated above as if set forth at length herein.

5. On or about September 30, 2009, Plaintiff submitted a records request to Ridgewood Village, the relevant page from which is attached as Exhibit Page [X], requesting, among other records:

- a. The minutes for each Village Council Meeting to which the public was admitted held on or after July 1, 2008.
- b. The minutes of the Village Council's nonpublic (i.e. Closed or executive session) meetings held on November 5, 2008, August 5, 2009 and August 12, 2009.

6. On or about October 8, 2009, the Ridgewood Clerk sent two e-mailed responses to Plaintiff's request, copies of which are attached as Exhibit Page [X], which informed Plaintiff that access to the following minutes was denied:

- a. Public meetings held on 03/11/09, 03/25/09, 04/22/09 (Special), 04/22/09 (Work Session), 05/06/09 (Special 1), 05/06/09 (Special 2), 05/06/09 (Work Session), 09/09/09 (Special), 09/09/09 (Work Session) and 09/30/09.
- b. Nonpublic meetings held on 11/05/08, 08/05/09 and 08/12/09.

7. The Village Clerk's stated reason for denying Plaintiff access to these minutes, as expressed in her October 8, 2009 e-mail, was:

[These] Village Council meeting minutes for the time period specified are not yet available, due to the fact that they are in draft form and the Village Council has not yet approved them. Thus, they constitute inter-agency or intra-agency advisory, consultative, or deliberative material and thus are not government records pursuant to the definition of a government record and are exempt from disclosure pursuant to N.J.S.A. 47:1A-1.1 and Parave-Fogg v. Lower Alloways Creek Township, GRC Complaint No. 2006-51

(August 2006). In addition, because these records are deliberative, they are accorded confidentiality pursuant to In re Readoption of N.J.A.C. 10A:23, 367 N.J. Super. 61, 73-74 (App. Div. 2004), certif. den. 182 N.J. 149 (2004). These draft minutes are also not being released at this time based on the Government Records Council's decision rendered on Complaint No. 2007-271 and Complaint No. 2008-111.

8. On October 20, 2009, Plaintiff wrote to Defendant and informed it that a) N.J.S.A. 10:4-14 imposes a duty upon them to “promptly” produce both its public meeting minutes and the nonexempt portions of its nonpublic meeting minutes, b) that withholding public meeting minutes from as early as March 11, 2009 and nonpublic meeting minutes from as early as November 5, 2008 when they were requested on September 30, 2009 was not “prompt” and thus in violation of N.J.S.A. 10:4-14, and c) that unless the Village Council significantly modified its minutes release policy, that Plaintiff would bring the present action. A copy of Plaintiff's October 20, 2009 letter, without attachments, is attached as Exhibit [X].

9. **[Reserved to describe the Village's response or non-response to Plaintiff's October 20, 2009 letter.]**

WHEREFORE, Plaintiff demands judgment:

A. Ordering Defendant Ridgewood Village Council to promptly disclose to Plaintiff the public meeting minutes identified in ¶6a of this Complaint

B. Ordering Defendant Ridgewood Village Council to promptly disclose to Plaintiff the nonexempt portions of the nonpublic minutes identified in ¶6b of this Complaint

C. Fixing a period of time within which Defendant Ridgewood Village Council, after it meets in a future public session, must make the minutes of that public meeting available to the public.

D. Fixing a period of time within which Defendant Ridgewood Village Council, after it meets in a future nonpublic session, must make the nonexempt portions of the minutes of that nonpublic meeting available to the public.

E. Permanently enjoining Defendant Ridgewood Village Council, going forward, from violating the time period fixed in accordance with ¶¶ C and D above.

F. If a permanent injunction is deemed too harsh a remedy, another less drastic remedy, crafted by the Court under the authority of N.J.S.A. 10:4-16.

G. Awarding Plaintiff his costs.

H. Such other relief as the Court deems equitable and just.

Certification Of No Other Actions

Pursuant to R.4:5-1, it is hereby stated that the matter in controversy is not the subject of any other action pending in any other court or of a pending arbitration proceeding to the best of my knowledge and belief. Also, to the best of my belief, no other action or arbitration proceeding is contemplated. Further, other than the parties set forth in this pleading, I know of no other parties that should be joined in the above action. In addition, I recognize the continuing obligation of each party to file and serve on all parties and the Court an amended certification if there is a change in the facts stated in this original certification.

Dated:

John Paff
Plaintiff

VERIFICATION

I, John Paff, hereby certify and say as follows:

1. I am the plaintiff in this lawsuit.
2. I have personal knowledge of the facts alleged in the Verified Complaint and

Brief in this matter.

3. The factual allegations of the Verified Complaint and Brief are true.

4. All documents attached to the Verified Complaint and Brief are true copies and have not been redacted, changed, modified, adjusted or otherwise altered in any manner.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Dated:

John Paff

CERTIFICATION OF SERVICE

On **[Date]**, I sent an exact copy of that which was filed in this action upon the Ridgewood Village Council by **[details of service]**.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Dated:

John Paff

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

| | | |
|----------------------|---|------------------------------|
| JOHN PAFF | : | SUPERIOR COURT OF NEW JERSEY |
| Plaintiff, | : | LAW DIVISION, CIVIL PART |
| | : | HUDSON COUNTY |
| vs. | : | DOCKET NO. |
| | : | |
| HOBOKEN CITY COUNCIL | : | Civil Action |
| Defendant | : | |
| | : | |

LETTER BRIEF IN SUPPORT OF ORDER TO SHOW CAUSE

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Brief

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Appendix

February 13, 2009 Order issued in Paff v. Keyport Borough Council et al, Monmouth County, Docket No. L-3317-07 (Hon. Lawrence M. Lawson, A.J.S.C.)..... 1a

July 18, 2008 Order issued in Paff v. Dover Township Council, Ocean County, Docket No. L-2165-07 (Hon. Vincent J. Grasso, A.J.S.C.)..... 4a

June 26, 2009 Order issued in Paff v. Absecon Custodian et al, Atlantic County, Docket No. L-3392-08 (Hon. Steven P. Perskie, J.S.C.)..... 6a

Statement of Facts

Plaintiff requested (Exhibit Page¹ 1) the Hoboken City Council’s three most recent nonpublic (i.e. “closed” or “executive”) meeting minutes that could be disclosed in whole or part. The Hoboken City Counsel responded (Exhibit Page 2) that the most recent nonpublic meetings for which even redacted minutes could be disclosed were held on December 19, 2007, August 13, 2008 and September 3, 2008 (Exhibit Page 2). When Plaintiff protested (Exhibit Pages 3 and 4) that Hoboken’s refusal to produce redacted minutes of more recent nonpublic meetings violated N.J.S.A. 10:4-14, Counsel responded (Exhibit Page 5) that a) the Council met in nonpublic sessions on November 5, 2008, December 17, 2008, January 7, 2009 and June 3, 2009 and b) not even redacted versions of those nonpublic meetings were presently able to be publicly disclosed.

Argument

Point 1: By completely suppressing its past nonpublic meeting minutes the Hoboken City Council violated the Senator Byron M. Baer Open Public Meetings Act.

¹ “Exhibit Page” refers to the Exhibits attached to the Verified Complaint.

Hoboken’s apparent position is that the law permits it to entirely suppress its Council’s closed session minutes as long as *any* of the items discussed during those meetings remain unresolved. See, Exhibit Page 5. Based on this faulty premise, Hoboken refused to disclose to Plaintiff even redacted minutes from a nonpublic meeting held nearly ten months ago—on November 5, 2008—as well as for the nonpublic meetings held after that date.

N.J.S.A. 10:4-14 requires that “reasonably comprehensible minutes of all [a body's] meetings . . . shall be promptly available to the public to the extent that making such matters public shall not be inconsistent with [N.J.S.A. 10:4-12b].” (Emphasis supplied.). The Supreme Court has interpreted this provision to require prompt availability of meeting minutes even when the public body, in accordance with the Open Public Meetings Act, has met in nonpublic session. South Jersey Publishing Co. v. New Jersey Expressway Authority, 124 N.J. 478, 493-494 (1991).

In order to guard against the premature release of sensitive material, the Supreme Court ruled that when full disclosure of nonpublic minutes would imperil a legitimate governmental interest or violate a person’s privacy, the public body must balance the public’s right to disclosure against the need for secrecy and then, when appropriate, redact from the minutes the “specific information that would undermine the [N.J.S.A. 10:4-12] exception.” Payton v. New Jersey Turnpike Authority, 148 N.J. 524, 556-57 (1997).

At Page 557, the Payton Court stated:

We believe that only the unusual case will justify total suppression of the minutes of a closed session; such a case would require great harm to the public interest underlying the exception

from even minimal disclosure as well as a negligible interest in disclosure.

In the vast majority of cases in which full disclosure would have an adverse impact on the purpose of the particular exception, other methods of maintaining confidentiality can be achieved, such as redacting the specific information that would undermine the exception. We stress, however, that, given the Legislature's strongly stated intent to effectuate broad public participation in the affairs of governmental bodies, few cases will require even partial nondisclosure.

On the present record, it is not reasonable to conclude that the nonpublic meetings held by the Hoboken Council on November 5, 2008, December 17, 2008, January 7, 2009 and June 3, 2009 are each an "unusual case" for which entirely suppressing the minutes is justified. It is much more reasonable to conclude that there are some nonexempt portions of those minutes that could be publicly disclosed without jeopardizing any vital governmental interest.

As a temporary restraint, Plaintiff has proposed that the Council be required, going forward, to produce, upon request, the nonexempt portions of its November 5, 2008, December 17, 2008, January 7, 2009 and June 3, 2009 nonpublic meetings in accordance with the provisions of the Open Public Records Act.

Point 2: A time period must be established within which citizens can expect the Hoboken Council to produce the nonexempt portions of its nonpublic meeting minutes.

As stated in Point 1, N.J.S.A. 10:4-14 requires public meeting minutes and the nonexempt portions of nonpublic meeting minutes, to be made "promptly available to the public."

Not only must minutes be "promptly available," the definition of "prompt" must be

made known to the public so that citizens can accurately predict when the minutes of a given meeting will be available for their review. Matawan Regional Teachers Association v. Matawan-Aberdeen Regional Board of Education, 212 N.J. Super. 328, 333 (Law Div. 1986). ("A standard for publication . . . must be made known so that it can be enforced . . .") So the question confronting the Court is: "What is a reasonable time period within which the Hoboken Council, going forward, must produce the nonexempt portions of its nonpublic meeting minutes?"

What is considered "prompt" may vary from one public body to another. The Matawan Court, at page 333, suggested five factors that should be considered when deciding what "prompt" means. After considering those factors, the Matawan Court found that the Matawan school board's minutes, in order to be promptly available as required by the Open Public Meetings Act, must be available within two weeks after any regular meeting. Id. at 330-31.

Plaintiff is aware of only three New Jersey cases where courts have decided how "promptly" the nonexempt portions of nonpublic meetings must be made publicly available. The Orders from these three unpublished cases are include in the Appendix

The Keyport and Absecon courts both ruled that the nonexempt portions of a nonpublic meeting's minutes must be made public within thirty days after the meeting or prior to the next scheduled meeting, whichever comes first. (See, ¶ 2 of Keyport Order, Appendix Page 1 and Absecon Order, Appendix Page 6). The Dover court held that the nonexempt portions of a nonpublic meeting's minutes need to be made public with thirty days after the meeting. (See, Dover Order, Appendix Page 4)

As a temporary restraint, Plaintiff has proposed that the Hoboken Council be required, going forward, to abide by a schedule for release of its nonpublic minutes identical to that ordered in Keyport and Absecon.

Point 3: This matter may proceed by Order to Show Cause instead of by Summons.

The right to employ an order to show cause as initial process is limited to certain actions, including those seeking injunctive relief brought under R.4:52-1. Solondz v. Kornmehl, 317 N.J. Super. 16, 20 (App. Div. 1998).

N.J.S.A. 10:4-16 permits "any person, including a member of the public" to apply for "injunctive orders . . . to insure compliance with the Senator Byron M. Baer Open Public Meetings Act" and states that "the court shall issue such orders and provide such remedies as shall be necessary to insure compliance with the provisions of this act."

The provisions of N.J.S.A. 10:4-16 "can be invoked to question meetings even when no action is taken, but where some violation of OPMA has occurred, such as inadequate notice, or exclusion of all or some part of the public; or *not keeping minutes or making them promptly available.*" Loigman v. City Council of Tp. of Middletown in County of Monmouth, 308 N.J. Super. 500, 503 (App.Div.1998). (Emphasis supplied.)

Thus, employing an order to show cause as initial process is proper in this case.

Point 4: Showing a statutory violation, without more, satisfies Plaintiff's burden of proving eligibility for both temporary and permanent injunctive relief.

In Matawan, supra, at 335, the Court held that plaintiffs seeking injunctions to remedy Open Public Meetings Act violations "need not show irreparable harm to be entitled

to injunctive relief." The Court went on to state that "[w]here injunctions are creatures of statute, all that need be proven is a statutory violation" and that "[v]iolation of the statutory mandate constitutes irreparable public injury *per se*."

In this case, Plaintiff has shown that the Hoboken City Council has violated N.J.S.A. 10:4-14 by failing to publicly disclose the nonexempt portions of its nonpublic meetings held nearly ten months ago. Accordingly, a statutory violation has occurred and injunctive relief, both temporary and permanent, ought to issue.

Point 5: Plaintiff should be awarded his costs.

R.4:42-8(a) states:

Unless otherwise provided by law, these rules or court order, costs shall be allowed as of course to the prevailing party.

The definition of a "prevailing party" was discussed by the Appellate Division in African Council v. Hadge, 255 N.J. Super. 4, 11 (App. Div. 1992). Although the case dealt with a federal civil rights counsel fee claim, the logic set forth by the African Council court should also apply here:

Singer v. State adopted a two-pronged test for determining when one is a prevailing party for purposes of Section 1988 counsel fee awards. Singer requires a party to "demonstrate that his [her] lawsuit was causally related to securing the relief obtained; a fee award is justified if plaintiffs' efforts are a 'necessary and important' factor in obtaining the relief" and "plaintiff must establish that the relief granted had some basis in law." (internal citations omitted)

The present litigation, if successful, will cause a substantial change to the timeliness of the Hoboken Council's disclosure of its nonpublic meeting minutes. If successful, Plaintiff should be declared the "prevailing party" because his lawsuit was both "causally related"

and a “necessary and important factor” in obtaining the desired relief and because the relief granted has a basis in law. Id.

Once it has been established that Plaintiff is the "prevailing party," costs ought to be "allowed as of course." R.4:42-8(a). In Gallo v. Salesian Soc., Inc., 290 N.J. Super. 616, 660 (App. Div. 1996) the Appellate Division stated:

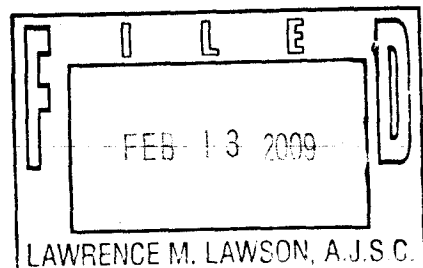
R 4:42-8(a) provides: "Unless otherwise provided by law, these rules or court order, costs shall be allowed as of course to the prevailing party." The judge here expressly found that plaintiff was a prevailing party. He should have awarded her costs "as of course" under the rule.

Finally, denial of costs in this instance would profoundly chill Plaintiff's willingness, and that of other interested citizens, to bring suits, such as this one, that seek to benefit the public interest. The salutary public policy behind statutes such as the Open Public Meetings Act would be frustrated if citizens were dissuaded enforcing it.

Respectfully,

John Paff

WISNIEWSKI & ASSOCIATES, LLC
17 Main Street
Sayreville, New Jersey 08872
(732)651-0040
Attorneys for Defendant, BOROUGH OF KEYPORT
Our File No.: 152.10313



JOHN PAFF

Plaintiff(s)

vs.

**KEYPORT BOROUGH COUNCIL and
VALERIE T. HEILWEIL**

Defendant(s)

**SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: MONMOUTH COUNTY
DOCKET NO. L-3317-07**

CIVIL ACTION

ORDER

This matter having brought before the Court by John Paff, Plaintiff and tried before the Honorable Lawrence M. Lawson on August 12, 2008; by John Paff, Pro Se and Eric M. Winston, Esq. of Wisniewski and Associates, LLC on behalf of the Defendants Keyport Borough Council and Valerie T. Heilweil, and the Court having considered the Trial Briefs and Oral Argument presented by the parties and having issued a written Opinion on December 8, 2008.

It is on this 13 day of Febur, 2009 :

1) **DECLARED** that the Defendants violated *N.J.S.A. 10:4-14* by not making the minutes of the Keyport Borough Council's April 10, 2007 and May 21, 2007 public meetings and the Keyport Borough Council's March 6, 2007, April 10, 2007, April 24, 2007, May 1, 2007 and May 21, 2007 nonpublic (i.e. executive or closed) meetings publicly available promptly.

2) **ORDERED** that the minutes of both public and nonpublic meetings of Defendant Keyport Borough Council shall be available to the public within thirty (30) days of the last held meeting or prior to the next scheduled meeting, whichever occurs

first.

3) **ORDERED** that nonpublic meeting minutes may be redacted as necessary.

4) **DECLARED** that the Defendant Keyport Borough Council's April 10, 2007 nonpublic discussion of "Loitering of Day Workers" and its April 24, 2007 nonpublic discussion of "Proposed Ordinance – Smoking in Motor Vehicles with Children" and "K. Hovnanian" fell within the "anticipated litigation" exception of *N.J.S.A. 10:4-12(b)(7)* and thus did not violate the Senator Byron M. Baer Open Public Meetings Act.

5) **DECLARED** that the Defendant Keyport Borough Council's April 10, 2007 nonpublic discussion regarding "the need to find someone on a three-man shift" and its April 24, 2007 nonpublic discussion of a general question concerning Class I and Class II Specials fell within the "personnel" exception of *N.J.S.A. 10:4-12(b)(8)* and thus did not violate the Senator Byron M. Baer Open Public Meetings Act.

6) **DECLARED** that the first redaction within Paragraph 3 of the Keyport Borough Council's September 19, 2006 nonpublic meeting minutes (i.e. the redacted word between "Police Officers who become" and "and policies that can be set") would reveal "detailed medical or psychological information" that is not public information in accordance with *N.J.S.A. 47:1A-10*, the purpose of which statute is to protect an individual's right to privacy.

7) **DECLARED** that the Defendant Valerie T. Heilweil violated the Open Public Records Act by redacting the names of certain, disciplined Keyport officers and employees from the September 19, 2007 and October 17, 2007 nonpublic meeting minutes because the "personnel" exception embodied within *N.J.S.A. 10:4-12(b)(8)* does not exempt those names from disclosure.

8) **DECLARED** that within fourteen (14) days of the entry of this Order, Defendants will provide Plaintiff with a) an unredacted copy of the first page of the Keyport Borough Council's October 17, 2006 nonpublic meeting minutes and b) a copy of the first page of the Keyport Borough Council's September 19, 2006 nonpublic meeting minutes that is unredacted except for the redaction described in Paragraph 6 of this Order

9) **DECLARED** that the relief demanded in the Third Count of the Plaintiff's complaint for failing to provide a legally sufficient reason for redacting certain meeting minutes and denying access to certain emails and correspondence is time-barred because those demands were not asserted within forty-five (45) days as required by R. 4:69-6(a).

10) **ORDERED** that Plaintiff is the prevailing party and is entitled to costs in this action. Plaintiff shall file proof of his costs with the Clerk in accordance with R. 4:42-8(c).



Lawrence M. Lawson, A.J.S.C.

FILED: 7-18-2008

IN CHAMBERS

SUPERIOR COURT OF NEW JERSEY
CIVIL DIVISION
OCEAN COUNTY
VINCENT J. GRASSO, A.J.S.C.

John Paff Plaintiff(s)

vs.

DOCKET NO. OCN-L- 2105-07

Dover Township Defendant(s)

ORDER

THIS MATTER, having been brought before the Court, and the Court having ascertained that the following determinations are warranted and appropriate,

IT IS, on this 18th day of JULY, 2008

ORDERED as follows:

- DEFENDANT SHALL ENDEAVOR TO HAVE AT LEAST DRAFT MINUTES AVAILABLE TO THE PUBLIC BY DEFENDANT'S NEXT REGULARLY SCHEDULED MEETING, BUT IN ALL EVENTS DEFENDANT SHALL MAKE AT LEAST DRAFT MINUTES AVAILABLE TO THE PUBLIC NOT LATER THAN THIRTY DAYS AFTER THE SUBJECT MEETING OR THE SECOND MEETING AFTER THE SUBJECT MEETING, WHICHEVER COMES FIRST
- DEFENDANT, IN ITS MINUTES, SHALL NOT USE THE FORM "INDEX OF IDEAS NOT RELEASED" AND SHALL RELEASE ~~ALL~~ MINUTES OF ALL TOPICS DISCUSSED UNLESS ~~IS~~ PRIVILEGED OR OTHERWISE EXEMPT FROM DISCLOSURE
- TOPIC ONE IN THE 9/12/06 CLOSED SESSION MINUTES SHOULD HAVE BEEN DISCUSSED IN OPEN SESSION, AND DEFENDANT SHALL NOT DISCUSS MATTERS IN CLOSED SESSION UNLESS SUCH MATTERS ARE PRIVILEGED OR AUTHORIZED FOR DISCUSSION IN CLOSED SESSION.

THE UNDERSIGNED HEREBY CONSENT TO THE FORM AND ENTRY OF THIS ORDER.

PAGE 1 OF 2

V. J. Grasso
Vincent J. Grasso, A.J.S.C.

Walter Paffen FOR PLAINTIFF
COUNSEL OR PRO SE SIGNATURE

COUNSEL OR PRO SE SIGNATURE

[Signature] for defendant
COUNSEL OR PRO SE SIGNATURE

COUNSEL OR PRO SE SIGNATURE

NAME ON CASE: PAFF V. DEVER TOWNSHIP

DOCKET NO.: OCN-L-2165-07

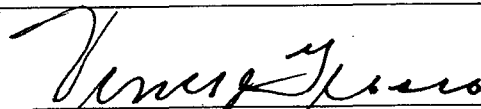
DATE: 7/18/08

ORDER SUPPLEMENTAL PAGE 2 OF 2

THE COURT RESERVES DECISION ON PLAINTIFF'S APPLICATION FOR COSTS PENDING RECEIPT OF PLAINTIFF'S FORMAL APPLICATION AND DEFENDANT'S RESPONSE THEREZO.

Ct finds matters were technical violations and no finding of bad faith or willfulness

Ct 1 of complaint alleging C.P.R.A violation in para 12 is dismissed.


Vincent J. Grasso, P.J.Ch.

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

FILED

JUN 26 2009

Steven P. Perskie, J.S.C.

JOHN PAFF

Plaintiff,
vs.

ABSECON CUSTODIAN et al

Defendants

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION, CIVIL PART
ATLANTIC COUNTY
DOCKET NO. L-3392-08

Civil Action

ORDER GRANTING SUMMARY
JUDGMENT AS TO PORT REPUBLIC

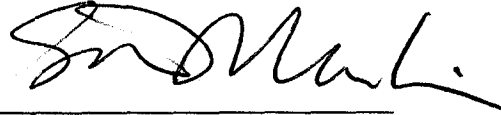
This matter was opened to the Court by John Paff, Plaintiff, and the Court having read and considered the Plaintiff's Notice of Cross-Motion, Supporting Certification, Responding Statement of Material Facts and Letter Brief and any opposition and reply papers filed and for good cause appearing it is on this 26 day of June 2009:

DECLARED that Defendants Port Republic City Custodian and Port Republic City Council violated N.J.S.A. 10:4-14 by not promptly disclosing the nonexempt portions of the City Council's January 8, 2008 and January 29, 2008 nonpublic (i.e. closed or executive) meetings.

ORDERED that going forward, Defendants Port Republic City Custodian and Port Republic City Council shall publicly disclose draft versions of the City Council's nonpublic meeting minutes, redacted as lawfully allowed, within thirty (30) days after the nonpublic meeting is held or prior to the City Council's next scheduled meeting, whichever occurs first.

ORDERED that Plaintiff is the prevailing party in this action and is thus entitled to his costs. Plaintiff shall file his proof of costs with the Clerk in accordance with R.4:42-8(c).

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



Steven P. Perskie, J.S.C.

This motion was (check one) Opposed Unopposed

Written / Oral (circle one) findings of fact and conclusions of law were rendered on _____, 2009, or

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