

OPRA Request

Township of Mantua

Submitted on 03/22/10 via E-Mail to smenzies@mantuatownship.com

To the Custodian of Records: Please accept this as my request for government records. Please note that the Open Public Records Act (OPRA) is not the only basis for my request. I claim entitlement to the records sought under both OPRA and the Common Law right of access.

Requestor's Name: John Paff
Address: DO NOT use regular mail either for replying to this request or or sending me the responsive records.
Please use e-mail or fax instead.
Phone: 732-873-1251
FAX: 908-325-0129
E-Mail: paff@pobox.com

BACKGROUND:

On August 5, 2009, Mantua Township, through its insurer, entered into a \$10,000 settlement agreement with Mohammed Ahmad Kobeissi, who sued the Township alleging that Police Officer Jason Davis and and other unnamed officers repeatedly pulled him over for no reason and otherwise harassed and taunted him. I reported the lawsuit and the settlement on my blog at

<http://njcivilsettlements.blogspot.com/2010/03/mantua-pays-10000-to-settle-police.html>

I am interested in learning whether or not a citizen who regularly attends the meetings of the Township Committee would have learned of the settlement had I not reported it on my blog. More generally, I am wondering whether the Township Committee, as a matter of practice, informs citizens of lawsuit settlements or dispositions. In other words, was a statement made at a public meeting during the summer of 2009 indicating that \$10,000 was being paid to Mr. Kobeissi, or was the settlement privately approved through the Township's insurer such that no public notice was provided?

Beyond the public, I am interested in learning whether the Committee members themselves were informed of this settlement. If the insurer entered into the settlement without public knowledge, then it may very well also be true that the settlement was entered into without the knowledge of the Committee.

REQUESTED RECORDS:

1. Any resolution that authorized, informed or otherwise mentioned the \$10,000 settlement agreement with Mohammed Ahmad Kobeissi.
2. If there are no records responsive to No. 1, then the pages from any public meeting at which the \$10,000 settlement agreement with Mohammed Ahmad Kobeissi is referred to.
3. The pages from any nonpublic (executive session) meeting minutes where the \$10,000 settlement agreement with Mohammed Ahmad Kobeissi was discussed.
4. Any correspondence from the insurer to the Township regarding the \$10,000 settlement agreement with Mohammed Ahmad Kobeissi.
5. Copy of Resolution R-125-2009 which authorized "a closed session meeting to discuss personnel" on July 20, 2009.
6. Copy of the minutes of the closed session meeting that was authorized by the resolution responsive to No. 5 above.



TOWNSHIP OF MANTUA

Gloucester County, New Jersey

Office of the Township Clerk & Registrar of Vital Statistics

401 MAIN STREET MANTUA, NJ 08051

(856) 468-1500 Fax (856) 464-1022

www.mantuatownship.com

March 23, 2010

To: John Paff

From: Shawn Menzies, Township Clerk

Sent: Via Fax to 908-325-0129

Dear Mr. Paff,

I received your Open Public Records Act request on Monday, March 22, 2010 via e-mail to which I confirmed I received such and that I would begin to assemble your request.

Please find below the answers to your questions found on page two (2) of your request and also the documents which you requested:

1. There is no resolution created for this purpose.
2. At no public meetings of the Township Committee of the Township was this referred to.
3. This matter was not discussed at any closed session meeting of the Township Committee of the Township of Mantua.
4. Please find correspondence filed with my office in regards to the settlement.
5. A copy of Resolution R-125-2009 for July 20, 2009.
6. Closed Session minutes form the closed session meeting held on July 20, 2009.

If you have any questions, please feel free to contact me.

Thank you,

Shawn Menzies
Township Clerk

RELEASE

This Release dated August 5, 2009, is given

BY the Releasor(s) Mohammed Ahmad Kobeissi and Monica Kobeissi, h/w, and their successors, assigns and heirs.

referred to as "I", and

Mantua Township, its agents, servants and employees; Mantua Township Police Department, its agents, servants and employees; Graham B. Land, Chief of Police, his successors, assigns and heirs; Patrolman Jason Davis, his successors, assigns and heirs;

referred to as "You".

If more than one person signs this Release, "I" shall mean each person who signs this Release.

1. Release. I release, give up and forever discharge any and all claims and rights which I may have against You. This releases all claims, including those of which I am not aware of those not mentioned in this Release. This Release applies to claims resulting from anything which has happened up to now. I specifically release any and all claims of any kind for damages, both compensatory and punitive, including medical bills, pain and suffering or permanency arising out of the incident of September 6, 2006, which resulted in an action entitled Mohammed Ahmad Kobeissi and Monica Kobeissi, individually & as h/w v. Mantua Township Police Department, Mantua Township, Graham B. Land, Chief of Police, individually & in his official capacity as a police officer for Mantua Township, PTLM. Jason Davis, Individually & in his capacity as a police officer for Mantua Township and John Does 1-10, which was filed in the United States District Court for the District of New Jersey under Docket No. 08-cv-02730

I also agree that any and all liens of any kind which might attach to the settlement payment by you have been or will be satisfied out of the settlement amount. I also agree that I am solely responsible for the payment of any legal fees and costs.

2. Payment. I have been paid a total of Ten Thousand Dollars (\$10,000.00) in full payment for making this Release. I agree that I will not seek anything further including any other payment from you.

It is expressly UNDERSTOOD and AGREED that the acceptance of said amount is in full accord and satisfaction of and in compromise of a disputed claim and that payment thereof is not an admission of liability but is made for the purpose of terminating all disputes and litigation between the parties hereto.

3. Who is Bound. I am bound by this Release. Anyone who succeeds my rights and responsibilities, such as my heirs or the executor of my estate, is also bound. This Release is made for your benefit and all who succeed your rights and responsibilities, such as your heirs, or the executor of your estate.

4. Signature. I understand and agree to the terms of this Release. If this Release is made by a corporation, its proper corporate officers signed and its corporate seal is affixed.

Witness or Attested by:

Mohammed Ahmad Kobcissi
Mohammed Ahmad Kobcissi

(witness)

Monica Kobcissi
Monica Kobcissi

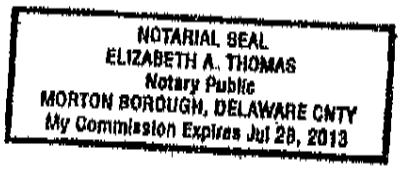
STATE OF Pennsylvania
~~NEW JERSEY~~, COUNTY OF
COUNTY OF Delaware

:
:SS
:

I CERTIFY that on August 5, 2009 personally came before me and stated to my satisfaction that this person (or if more than one, each person):

- (a) was the maker of the attached instrument; and
- (b) executed this instrument as his or her own act.

Elizabeth A. Thomas
Notary Public



RESOLUTION R-125 -2009
 A RESOLUTION OF THE TOWNSHIP COMMITTEE
 OF THE TOWNSHIP OF MANTUA
 RE: A RESOLUTION AUTHORIZING A CLOSED
 SESSION MEETING TO DISCUSS PERSONNEL

WHEREAS, *N.J.S.A. 10:4-12B. (7)*, permits the Township Committee to enter into Closed Session and exclude the public from certain portions of the meeting to discuss any pending or anticipated litigation, negotiation or personnel in which the public body is, or may be a party, or which involves any matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer; and

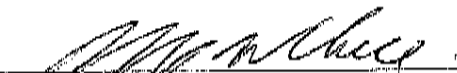
WHEREAS, pursuant to *N.J.S.A. 10:4-13*, the Township Committee must first adopt a Resolution at a meeting which the public is admitted stating the general nature of the subject to be discussed and as precisely as possible a time when the circumstances under which the discussion conducted in closed Executive Session can be disclosed to the public.

NOW, THEREFORE, BE IT RESOLVED, that the time when and circumstances under which the discussion conducted in Closed Session of the public body can be disclosed to the public will be at the termination on the above-mentioned matter.

BE IT FURTHER RESOLVED that this Resolution was duly adopted at a Regular Meeting of the Township Committee of the Township of Mantua held on this the 20th day of July, 2009.


TOWNSHIP OF MANTUA

BY:



 TIMOTHY W. CHELL, MAYOR

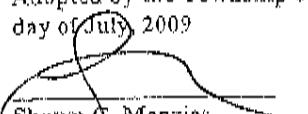
ATTEST:



 Shawn G. Menzies, Township Clerk

	<u>Yes</u>	<u>No</u>	<u>Abstain</u>	<u>Absent</u>
Chell	x			
Scirrotto	x			
Beckett	x			
Lawrence				x
Zimmerman	x			

Adopted by the Township of Mantua at an Open Public Township Meeting this 20TH day of July, 2009



 Shawn G. Menzies
 Township Clerk

July 20, 2009

On the above date, the Township Committee of the Township of Mantua held its Closed Session Meeting in the Mantua Township Municipal Building, 401 Main Street, Mantua, NJ 08051.

Mayor Timothy W. Chell called for the Closed Session Meeting to order. The time was 8:20 p.m.

Present were Committeeman Robert Zimmerman, Committeewoman Lorraine Beckett, Deputy Mayor Pete Scirrotto, Mayor Chell, Marie DeTitto, Esquire, Township Solicitor, Michael Datz, Township Administrator, Shawn G. Menzies, Township Clerk, and Police Chief Rodney Sawyer. Committeewoman Sharon Lawrence was absent.

Chief Sawyer said after review, he would like to promote Adam Hassleman to replace Paul Coleman within the department. Officer Richard Covolessky will take over Sgt. Coleman's duties as School Resource Officer, which will leave him one man down.

Chief Sawyer said Officer Murphy has a trained Bloodhound which could be useful to the Department and other departments only when Officer Murphy is on duty. Currently, the County Sheriff has one. Funds to cover food and medical will come from the K-9 Fund Raiser held last year. Chief Sawyer said there will be no comp time or overtime for the use of the animal and its handler.

Chief Sawyer reviewed his proposal to go to a 12 hour shift, which will cut back on overtime and comp-time use and requests. There would be four officers on duty during the shifts and not including breakers. He said an addendum would be needed for the current contract agreement. This would include 104 hours of straight time for the officer. He said he would like to implement this as soon as things are worked out with the union and test it just for the remainder of the year and re-visit in January.

Mr. Datz said a review of the Finance Office has found that it is likely to go with Committee's approval for two pay days per month or 24 pay days. It would only pertain to salaried workers, but an issue would be some times a pay days could fall to 16 to 18 days later. Committee agreed.

Mr. Datz said Gayle Tschopp, CFO, has asked for a Shared Service Agreement between the Township of Mantua and Pilesgrove which would require her to work 6 hours a week in the other town. The Committee felt that the Township of Mantua should receive compensation as they feel she should work a full day here. They asked she review the matter and other options.

As no other matters were at hand, the Committee adjourned the Closed Session