



# New Jersey Libertarian Party

Open Government Advocacy Project

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March 23, 2009

Hon. Timothy Chell, Mayor and members of the  
Mantua Township Committee  
401 Main St  
Mantua, NJ 08051 (via e-mail to [Smenzies@mantuatownship.com](mailto:Smenzies@mantuatownship.com) )

Dear Mayor Chell and Committee members:

I recently featured a civil case<sup>1</sup> on my blog<sup>2</sup> in which the Township of Mantua's insurer paid a \$10,000 settlements to an Arab-American man who claimed that Township Police Officer Jason Davis harassed him "due to his race and/or nationality."

As I'm sure you will agree, lawsuits settlements such as this one are of significant public interest and importance. Yet, it appears from the Township's response to my recent Open Public Records Act (OPRA) request<sup>3</sup>, that the settlement, which occurred on August 5, 2009, was a) not approved by the Township Committee and b) not discussed or mentioned at any public or executive Committee meeting. Thus, no member of the public, unless he or she already knew about the lawsuit and the settlement, was or could have been aware of it. Indeed, it appears that even the Mayor and Committee members themselves were not aware of it.

I believe that as elected officials, you cannot perform your duties without knowing about settlements and other dispositions of civil lawsuits against Mantua officers and employees. For example, suppose that a given Mantua police officer was sued three times for excessive force over a five year period and the Township's insurer paid a \$10,000 settlement on each suit. Had the Township Committee known about the first suit and settlement, it could taken steps to more closely monitor the officer and perhaps avoid the incidents from which the second and third lawsuits arose.

And, it is just as important—if not more important—for citizens to be informed of lawsuit settlements and dispositions so that they can hold their elected officials accountable if they fail to reasonably respond to allegations of egregious official misconduct or patterns of misconduct that those lawsuits and settlements reveal.

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<sup>1</sup> [Kobeissi v. Mantua Township](#), et al, Civil No. 1:08-cv-02730-JEI-AMD

<sup>2</sup> Please visit my blog at <http://njcivilsettlements.blogspot.com/>

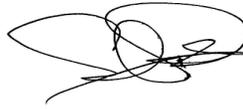
<sup>3</sup> My OPRA request and the Township's response is on-line here:  
<http://ogtf.lpcnj.org/201067Pa//MantuaOPRA.pdf>

Earlier this year, the Township of Andover (Sussex County) passed an ordinance that requires its Mayor to publicly report on every lawsuit that settles or otherwise terminates. A copy of that ordinance is enclosed. We believe that Andover Township's ordinance is beneficial because it draws attention to lawsuit settlements thus enabling citizens to better monitor their elected officials and for those elected officials to better monitor their employees.

Will the Mantua Township Committee place the issues raised in this letter on its April 5, 2010 Workshop agenda as a discussion item?

Thank you for your attention to this matter. I look forward to hearing from you.

Sincerely,

A handwritten signature in black ink, appearing to read "John Paff", with a stylized flourish at the end.

John Paff

TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX, STATE OF NEW JERSEY

ORDINANCE NO. 2010-02

**AN ORDINANCE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX  
AND STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING  
CHAPTER 3, "ADMINISTRATION OF GOVERNMENT" TO ADD A NEW  
SECTION 3-90, "PUBLIC REPORTING OF CIVIL JUDGMENTS AND SETTLEMENTS"  
OF THE REVISED GENERAL ORDINANCES**

**BE IT ORDAINED**, by the Township Committee of the Township of Andover, in the County of Sussex, and State of New Jersey, as follows:

**SECTION 1.** Chapter 3 "Administration of Government", of the aforesaid Revised General Ordinances is hereby supplemented to include a new Section 3-90 "Public Reporting of Civil Judgments and Settlements":

**§ 3-90. Public Reporting of Civil Judgments and Settlements.**

Whenever a civil lawsuit that names the Township, any of its departments or divisions or any of its employees or officials as parties is resolved, either by judgment or order of the court or by voluntary settlement, the Mayor or his or her designee shall make every effort to publicly announce the amount and terms of the judgment, order or settlement at the next Regular Council meeting and shall forthwith file a copy of the judgment, order or settlement agreement with the Clerk where it shall remain on file as a public record. Judgments shall not include decisions from the County Board of Taxation.

**SECTION 2.** All ordinances of the Township of Andover, which are inconsistent with the provisions of this Ordinance, are hereby repealed to the extent of such inconsistency.

**SECTION 3.** If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

**SECTION 4.** This Ordinance shall take effect immediately upon final passage, approval, and publication as required by law.

**NOTICE OF PENDING ORDINANCE**

**PUBLIC NOTICE** is hereby given that the foregoing Ordinance was introduced and passed at first reading at a Regular Meeting of the Township Committee of the Township of Andover held on February 08<sup>th</sup> 2010. A public hearing regarding same has been scheduled for February 22<sup>nd</sup> 2010 beginning at 7:30 P.M., at the Municipal Building, 134 Newton-Sparta Road, Andover Township, NJ, at which time all persons interested both for and against said ordinance shall be given an opportunity to be heard concerning same.

Vita Thompson, R.M.C.  
Clerk/Administrator

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THE REVISED GENERAL ORDINANCES**

**NOTICE OF FINAL ADOPTION**

**NOTICE** is hereby given that the above entitled ordinance was introduced and passed on first reading at a meeting of the Township Committee of the Township of Andover held at the Municipal Building on the 08<sup>th</sup> day of February 2010. The same came up for final adoption at a meeting of the Township Committee of the Township of Andover held at the Municipal Building on the 22<sup>nd</sup> day of February 2010, and, after all persons present were given an opportunity to be heard concerning same, it was finally passed and adopted and will be in full force in the Township according to law.

Vita Thompson, R.M.C.  
Clerk/Administrator