

OPRA Request

Township of Berkeley

Submitted on 4/1/10 via E-mail to townshipclerk@twp.berkeley.nj.us

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 January 13, 2010, Berkeley Township, through its insurer, entered into a \$110,000 settlement agreement with Michael Forte, who sued the Township alleging that Police Officers Patrick Stesner, Tammy Shinton, John M. Fosbre and Anthony Sgro beat him and arrested him without probable cause. I reported the lawsuit and the settlement on my blog at

<http://njcivilsettlements.blogspot.com/2010/03/berkeley-pays-110000-to-settle-police.html>

I am interested in learning whether or not a citizen who regularly attends the meetings of the Township Council would have learned of the settlement had I not reported it on my blog. More generally, I am wondering whether the Township Council, 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 late 2009 or early 2010 indicating that \$110,000 was being paid to Mr. Forte, 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 Council 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 Council

REQUESTED RECORDS:

1. Any resolution that authorized, informed or otherwise mentioned the \$110,000 settlement agreement with Michael Forte.
2. If there are no records responsive to No. 1, then the pages from any public meeting at which the \$110,000 settlement agreement with Michael Forte is referred to.
3. The pages from any nonpublic (executive session) meeting minutes where the \$110,000 settlement agreement with Michael Forte was discussed.
4. Any correspondence from the insurer to the Township regarding the \$110,000 settlement agreement with Michael Forte.

Subject: RE: OPRA request
From: "Beverly Carle" <townshipclerk@twp.berkeley.nj.us>
To: "John Paff" <paff@pobox.com>

Mr. Paff:

I have received your OPRA request regarding Forte v. Berkeley. The settlement has never been discussed at a open public meeting or closed session. All settlements were handled through attorneys or insurance representatives.

Beverly M. Carle

Beverly M. Carle, RMC
Berkeley Township
PO Box B
Bayville, NJ 08721
P: 732-244-7400 ext. 205
F: 732-505-0145

>From: John Paff [<mailto:paff@pobox.com>]
>Sent: Wednesday, March 31, 2010 9:19 PM
>To: Beverly Carle
>Subject: OPRA request
>
>
>Dear Records Custodian:
>
>Would you please acknowledge your receipt of the attached records request?
>
>Thank you.
>
>John Paff