

FRANKLIN TOWNSHIP
HUNTERDON COUNTY
202 Sidney Road
Pittstown, NJ 08867
Ph 908 735 5215
Fax 908 735 7598
Email: ftclerk@franklin-twp.org

FAX

To: John Paff 325 0129

Date: 11/26/2012

From: Ursula Stryker, RMC

No. of Pages Including Cover: **10**

Subject: **OPRA Marie Bailey v. Franklin Twp.**

Information provided here in response to your OPRA request.

my special deputy, to serve and execute the writs of
writs may have this 14 Day of NOV 2012

Marie Bailey, ProSe
579 Pittstown Road
Pittstown, N.J. 08867

PHONE: (908) 782-1068 2012 NOV -8 P 3:38

RECEIVED
SHERIFF'S OFFICE Superior Court of New Jersey
Hunterdon County
Law Division

Marie Bailey, ProSe
Plaintiff

v.

Franklin Township, Land Use
Beard ("LUB")

Defendant

HUNTERDON COUNTY DOCKET No. #HNT-L-617-12
FLEMINGTON, N.J.

CIVIL ACTION
SUMMONS

25792

RECEIVED
NOV 14 2012
FRANKLIN TOWNSHIP
MUNICIPAL CLERK'S OFFICE

From the State of New Jersey To The Defendant(s) Named Above:

The plaintiff, named above, has filed a lawsuit against you in the Superior Court of New Jersey. The complaint attached to this summons states the basis for this lawsuit. If you dispute this complaint, you or your attorney must file a written answer or motion and proof of service with the deputy clerk of the Superior Court in the county listed above within 35 days from the date you received this summons, not counting the date you received it. (The address of each deputy clerk of the Superior Court is provided.) If the complaint is one in foreclosure, then you must file your written answer or motion and proof of service with the Clerk of the Superior Court, Hughes Justice Complex, P.O. Box 971, Trenton, NJ 08625-0971. A filing fee payable to the Treasurer, State of New Jersey and a completed Case Information Statement (available from the deputy clerk of the Superior Court) must accompany your answer or motion when it is filed. You must also send a copy of your answer or motion to plaintiff's attorney whose name and address appear above, or to plaintiff, if no attorney is named above. A telephone call will not protect your rights; you must file and serve a written answer or motion (with fee of \$135 and completed Case Information Statement) if you want the court to hear, your defense.

If you do not file and serve a written answer or motion within 35 days, the court may enter a judgment against you for the relief plaintiff demands, plus interest and costs of suit. If judgement is entered against you, the Sheriff may seize your money, wages or property to pay all or part of the judgement.

If you cannot afford an attorney, you may call the Legal Services office in the county where you live. A list of these offices is provided. If you do not have an attorney and are not eligible for free legal assistance, you may obtain a referral to an attorney by calling one of the Lawyer Referral Services. A list of these numbers is also provided.

DATED: November 8, 2012

Jennifer M. Perez
Jennifer M. Perez
Clerk of the Superior Court

Name of Defendant to be served:

**Franklin Township Land Use Board ("LUB")
Franklin Township, Hunterdon County
Municipal Building
202 Sidney Road
Pittstown, New Jersey 08867**

MARIE BAILEY, ProSe
579 Pittstown Road
Pittstown, N.J. 08867
(908) 782-1068

RECEIVED
SHERIFF'S OFFICE

MARIE BAILEY, ProSe
Plaintiff
2012 NOV - 8 SUPERIOR COURT OF NEW JERSEY

v.
FRANKLIN TOWNSHIP,
LAND USE BOARD ("LUB") : HUNTERDON COUNTY
FLUMINGTON, N.J. HUNTERDON COUNTY

Defendant

DOCKET NO. # HNT-L-000617 12

Civil Action

COMPLAINT

Plaintiff, Marie Bailey, residing at 579 Pittstown Road,
Pittstown, N.J., County of Hunterdon, State of New Jersey,
complaining of defendant, states as follows:

1. While attending the "informal meeting" of the Franklin
Township - Land Use Board ("LUB") conducted on September 12, 2012;
the attorney for the LUB stated there would be a "special meeting"
conducted by the "LUB" on September 20, 2012; to adopt a Farmland
Preservation element to the Franklin Township Master Plan.

2. Previously, I had no knowledge of such a "special meeting"
so I reviewed the September 6 and 13, 2012 editions of the Hunterdon
County Democrat, the designated weekly newspaper, whereby, all
public notices are published by the "LUB", discovering none existed
for this "special meeting", I requested by fax and under the Open
Public Records Act, ("OPRA"); a copy of the COMPREHENSIVE FARMLAND
PRESERVATION PLAN" assembled by the "LUB" and copies of all "public
notices, for the "special meeting to be conducted on Thursday,
September 20, 2012 at 7:30 p.m., to be held at the Franklin Township
firehouse by the "LUB"; on September 19, 2012.

3. After sending the fax, I spoke extensively with Ms. Stryker, Franklin Township Municipal Clerk, on September 19, 2012; who informed me she had reviewed the public notices for the "special meeting" and found it had only been published in the EASTON EXPRESS on September 7, 2012.

4. On September 19, 2012 after speaking to Ms. Stryker; I faxed a letter to Betty Ann Bechtold, Secretary to the "LUB"; that according to the Open Public Meetings Act ("OPMA")- N.J.S.A. 10:4-8(d) "ADEQUATE NOTICE", the "special meeting" had to be advertised in two (2) newspapers and I was of the belief the "OPMA" had been violated. Possibly, she should contact the "LUB" attorney and I advised I would be contacting Mr. Dallas, a member of the "LUB"; who would be acting Chairman on September 20, 2012. I asked to be advised if the meeting would still take place, and if able would attend. No further communications were had. (*Exhibit A*)

5. On the evening of September 19, 2012, I attempted to reach Mr. Dallas, but was unable to. However, I was able to speak with many members of the "LUB", with whom I discussed the "special meeting" as captioned above.

6. On ~~Thursday~~, September 20, 2012, I visited the municipal offices and received a copy of the September 7, 2012 EASTON EXPRESS publication and a copy of the COMPREHENSIVE FARMLAND PRESERVATION PLAN, containing 107 pages. Ms. Stryker did not know if the "special meeting" was or was not going to take place.

7. On October 12, 2012; I faxed an "OPRA" request as to whether the "special meeting" had taken place and if so, I requested a copy of the minutes. By correspondence dated October 9, 2012 received from Ms. Stryker, she stated; "The LUB Clerk anticipates having the minutes ready next week."

8. I received an "agenda" for the upcoming, OCTOBER 24, 2012 "regular meeting" of the "LUB" and the September 20, 2012 minutes were listed to be approved.

9. I attended the OCTOBER 24, 2012 "LUB" meeting and was made aware by Ms. Bechtold, the minutes were not ready yet. I, then, requested a copy stamped "draft" pursuant to the "OPMA", to which she replied she hadn't even listened to the tape recording of the meeting and would inform me when a copy, is available.

10. I am alleging that the "LUB" preceeded to conduct a "special meeting" in violation of the "OPMA" under "adequate notice" - N.J.S.A. 10:4-8(d).

11. I am alleging that the "LUB" violated the "OPMA" - N.J.S.A. 10:4-14 entitled Minutes of meetings; availability, where upon request a "draft" is to be made available within 2 weeks of the meeting and/or after the next "regularly scheduled meeting".

12. Furthermore, I am alleging the content of the 107 page "Comprehensive Farmland Preservation Plan element to be adopted by the "LUB" and our Master Plan amended, possibly, at the "special meeting" of September 20, 2012, was: (1) not adequately accessible to or discussed with the public (residents); (2) contains inaccurate and/or outdated documents; (3) contains documents and/or information if adopted, could possibly be prejudicial or harmful to some residents of Franklin Township, Hunterdon County.

The defendant in this action, conducts its business at Franklin Township, Hunterdon County - Municipal Building located 202 Sidney Road, Pittstown, New Jersey 08867.

Harm was inflicted on the public, in particular the residents of Franklin Township, Hunterdon County, as outlined above.

WHEREBY, plaintiff requests judgment against defendant including the cost of the suit, and any other relief as the court may deem proper.

DATED: November 2, 2012 Marie Bailey
Marie Bailey, ProSe Plaintiff

I certify that the dispute about which I am suing is not the subject of any other action pending in any other court or a pending arbitration proceeding to the best of my knowledge and belief. Also, to the best of my knowledge and belief no other action or arbitration proceeding is contemplated. Further, other than the parties set forth in this complaint, I know of no other parties that should be made a part of this lawsuit. In addition, I recognize my continuing obligation 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: November 2, 2012 Marie Bailey
Marie Bailey, ProSe Plaintiff

SEPTEMBER 19, 2012

TO: BETTY ANN, SECRETARY
FRANKLIN TOWNSHIP LAND USE BOARD ("LUB")

PHONE: (908) 735-5215
FAX: (908) 735-7598

FAX AND REGULAR MAIL THIS DATE

Dear Ms. Bechtold:

It was acknowledged this date, that as Secretary to the "LUB" you had published a notice in the EASTON EXPRESS advertising a special public hearing to be held on September 20, 2012 at 7:30 p.m., at the Quakertown Fire Company where action may or may not be taken in reference to adoption of a **COMPREHENSIVE FARMLAND PRESERVATION PLAN**.

It has been acknowledged in response to an Open Public Records Act (OPRA) request faxed this date for copies of all public notices, advertising this special hearing/meeting of the LUB., only ONE newspaper was notified.

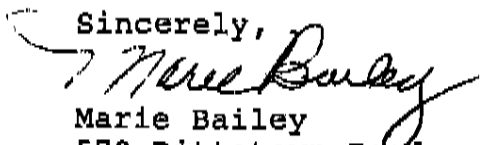
Ursula stryker, confirmed by telephone, this date, that only ~~one newspaper~~, the EASTON EXPRESS, was contacted, in any form to PUBLISH such notices for Special meetings of "PUBLIC BODIES".

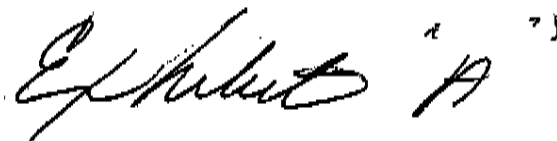
Pursuant to the Open Public Meetings Act ("OPMA") N.J.S.A. 10:4-8(d) "adequate notice" was not complied with and I am requesting the September 20, 2012 public hearing/meeting be re-scheduled and properly advertised in accordance with the "OPMA".

I will be calling, Mr. Dallas, since it is believed Mr. Stryker, the LUB CHAIRMAN may not be at the September 20, 2012., and may be presided over by Mr. Dallas and request of him as I am of you to contact the LUB ATTORNEY - ROGER THOMAS. PLEASE notify me if this meeting will take place as, if it is possible, I plan to attend BUT if unable to attend, I feel compelled to address this violation of the "OPMA", under the proper forum of said violations.




Thanking you in advance.

Sincerely,


Marie Bailey
579 Pittstown Road
Pittstown, N.J. 08867
PHONE: (908) 782-1068



Appendix XII-B1

 CIVIL CASE INFORMATION STATEMENT (CIS)		FOR USE BY CLERK'S OFFICE ONLY	
		PAYMENT TYPE: <input type="checkbox"/> CK <input type="checkbox"/> CC <input type="checkbox"/> CA	CHG/CK NO.
Use for initial Law Division Civil Part pleadings (not motions) under <i>Rule 4:5-1</i> Pleading will be rejected for filing, under <i>Rule 1:5-6(c)</i> , if information above the black bar is not completed or attorney's signature is not affixed		AMOUNT:	
		OVERPAYMENT:	
		BATCH NUMBER:	
1. ACCOURNEY / PRO SE NAME MARIE BAILEY	2. TELEPHONE NUMBER (908) 782-1068	3. COUNTY OF VENUE HUNTERDON	
4. FIRM NAME (if applicable)		5. DOCKET NUMBER (when available)	
6. OFFICE ADDRESS 579 PITTSTOWN ROAD - PITTSTOWN, N.J. 08867		7. DOCUMENT TYPE COMPLAINT	
		8. JURY DEMAND <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
9. NAME OF PARTY (e.g., John Doe, Plaintiff) MARIE BAILEY PRO SE PLAINTIFF	10. CAPTION MARIE BAILEY v. FRANKLIN TOWNSHIP - LAND USE BOARD		
11. CASE TYPE NUMBER (See reverse side for listing) 701	12. IS THIS A PROFESSIONAL MALPRACTICE CASE? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF YOU HAVE CHECKED "YES," SEE N.J.S.A. 2A:63 A-27 AND APPLICABLE CASE LAW REGARDING YOUR OBLIGATION TO FILE AN AFFIDAVIT OF MERIT.		
13. RELATED CASES PENDING? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	14. IF YES, LIST DOCKET NUMBERS		
15. DO YOU ANTICIPATE ADDING ANY PARTIES (arising out of same transaction or occurrence)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	16. NAME OF DEFENDANT'S PRIMARY INSURANCE COMPANY (if known) <input type="checkbox"/> NONE <input checked="" type="checkbox"/> UNKNOWN		
THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE.			
CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION			
17. DO PARTIES HAVE A CURRENT, PAST OR RECURRENT RELATIONSHIP? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	IF YES, IS THAT RELATIONSHIP: <input type="checkbox"/> EMPLOYER/EMPLOYEE <input type="checkbox"/> FRIEND/NEIGHBOR <input checked="" type="checkbox"/> OTHER (explain) <input type="checkbox"/> PARENTS <input type="checkbox"/> BUSINESS <input checked="" type="checkbox"/> unrelated past litigation		
18. DOES THE STATUTE GOVERNING THIS CASE PROVIDE FOR PAYMENT OF FEES BY THE LOSING PARTY? <input type="checkbox"/> Yes?? <input type="checkbox"/> No			
19. USE THIS SPACE TO ALERT THE COURT TO ANY SPECIAL CASE CHARACTERISTICS THAT MAY WARRANT INDIVIDUAL MANAGEMENT OR ACCELERATED DISPOSITION			
 20. DO YOU OR YOUR CLIENT NEED ANY DISABILITY ACCOMMODATIONS? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	IF YES, PLEASE IDENTIFY THE REQUESTED ACCOMMODATION		
21. WILL AN INTERPRETER BE NEEDED? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	IF YES, FOR WHAT LANGUAGE?		
22. I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with <i>Rule 1:36-7(b)</i> .			
23. ATTORNEY SIGNATURE: 			

MUNTEROON COUNTY JUSTICE CENTER
CIVIL DIVISION
65 PARK AVE
FLEMINGTON NJ 08822

TRACK ASSIGNMENT NOTICE

COURT TELEPHONE NO. (908) 237-5820
COURT HOURS

DATE: NOVEMBER 02, 2012
RE: BAILEY VS FRANKLIN TOWNSHIP *PW*
DOCKET: HNT L -000617 12

THE ABOVE CASE HAS BEEN ASSIGNED TO: TRACK 4.

DISCOVERY IS PRESUMPTIVELY 450 DAYS BUT MAY BE ENLARGED OR SHORTENED BY THE JUDGE AND RUNS FROM THE FIRST ANSWER OR 90 DAYS FROM SERVICE ON THE FIRST DEFENDANT, WHICHEVER COMES FIRST.

THE MANAGING JUDGE ASSIGNED IS: HDN PETER A. BUCHSBAUM

IF YOU HAVE ANY QUESTIONS, CONTACT TEAM 001
AT: (908) 237-5822.

IF YOU BELIEVE THAT THE TRACK IS INAPPROPRIATE YOU MUST FILE A CERTIFICATION OF GOOD CAUSE WITHIN 30 DAYS OF THE FILING OF YOUR PLEADING. PLAINTIFF MUST SERVE COPIES OF THIS FORM ON ALL OTHER PARTIES IN ACCORDANCE WITH R.4:5A-2.

ATTENTION:

MARIE BAILEY
579 PITTSTOWN ROAD
PITTSTOWN NJ 08867

JUAHB