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July 14, 2016

Via E-mail: NJtransparency@yahoo.com

John Paff, Executive Director
Libertarians for Transparent Government

Re: **Open Public Meetings Act Issue**
March 23, 2016 Jamesburg Borough Council Meeting
Our File No. 24558-0

Dear Mr. Paff:

As you know, this firm serves as legal counsel to the Borough of Jamesburg (the “Borough”) in Middlesex County, New Jersey.

In that capacity, I am responding to your e-mail communication of June 18, 2016, which was addressed to the Mayor and Councilmembers of the Borough. In your e-mail communication, you questioned whether proper notification had been effectuated pursuant to the New Jersey Open Public Meetings Act (the “OPMA”), N.J.S.A. 10:4-6, *et seq.*, with regard to the Borough’s special Council meeting of March 23, 2016.

Based upon a review of the Agenda from that Council meeting, it appears that the only formal action that was taken at said meeting was a vote on Resolution Number 064-03-16-16, which authorized the appointment of a Deputy Tax Collector/Sewer Administrator for the Borough.

Following review of your e-mail communication, I have engaged in discussion with relevant Borough officials concerning the matter. Without acknowledging that any violation of the OPMA occurred, my office has nevertheless recommended that the Borough list the above Resolution once again for consideration and a new formal vote at its next regular Council meeting, which is scheduled for July 20, 2016.

As you know, the OPMA provides that “a public body may take corrective or remedial action by acting de novo at a public meeting held in conformity with this Act and other applicable law regarding any action which may otherwise be voidable pursuant to this section...” [N.J.S.A. 10:4-15]

As such, it is my understanding that the Mayor and Council shall consider, once again, the appointment of a Deputy Tax Collector/Sewer Administrator for the Borough at that meeting. Should the Council adopt this Resolution, once again, on July 20, 2016, then said action would be considered to be “corrective or remedial action” of the type contemplated pursuant to N.J.S.A. 10:4-15, and any alleged violation of the OPMA which may have occurred relative to the March 23, 2016 Council meeting will have been corrected.

Should you have any questions or concerns regarding the above, please do not hesitate to contact me. Thank you very much.

Very truly yours,



FREDERICK C. RAFFETTO
A Member of the Firm

FCR/sr

cc: Hon. Marlene Lowande (via e-mail)
Members of the Jamesburg Borough Council (via e-mail)
Susan Boulogne, Acting Jamesburg Borough Clerk, (via e-mail)