

BOROUGH OF PEAPACK AND GLADSTONE



CLERK/Administrator

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1 SCHOOL STREET
P.O. BOX 218
PEAPACK, NJ 07977

April 29, 2016

VIA EMAIL: paff@pobox.com
Mr. John Paff

Libertarians for Transparent Government

Dear Mr. Paff:

The Borough of Peapack and Gladstone received your Open Public Records Act (OPRA) request on April 18, 2016. As such, the seven (7) business day deadline to respond to your request is April 27th. You have agreed to extend this deadline to May 16, 2016. This response is therefore being provided to you within the extended date for response.

In order to better understand what you were seeking by way of your OPRA request, I telephoned you and we had a telephone conversation on April 18, 2016. Thereafter, you sent a further email that same date to clarify your position. You first explained that you would grant an extension for a response until May 16, 2016 so long as the Borough agrees to toll the statute of limitations for the duration of the extension should you later file a lawsuit challenging the Borough's failure or refusal to publish in the newspaper the information as requested by you. In the alternative, you also indicated you would withdraw your OPRA request subject to a certain condition. Specifically, you indicated that you would withdraw your records request in its entirety if the Borough agrees going forward to publish for each professional services contract all information required by N.J.S.A. 40A: 11-5(a), and further that the Borough agrees to do so for all professional services contracts, including those awarded to municipal prosecutors, public defenders and judges.

After you and I spoke, I have had occasion to review your request with our municipal attorney. Based on that consultation, I herewith state the following to you in writing:

Please be advised that the Borough of Peapack and Gladstone agrees going forward to: a) for each professional services contract awarded, publish in the newspaper all information required by N.J.S.A. 40A: 11-5(a), including a brief notice stating the

nature, duration, service and full dollar amount of the contract, and that the resolution and contract are on file and available for public inspection in the office of the Peapack and Gladstone Borough Clerk. In the event that the dollar amount is not known at the time of the award, the Borough shall publish the amount set forth in the contract's encumbrance certification, preceded by words such as "up to" or "in an amount not to exceed". The Borough further agrees that the above provisions and requirements as set forth in N.J.S.A. 40A: 11-5(a) apply to all professional services contracts, including those awarded to municipal prosecutors, public defenders and judges.

In light of the above written statement as agreed to by the Borough, please forward to me written confirmation that you are withdrawing your OPRA records request in its entirety. Thank you for your courtesies and cooperation.

Very truly yours,

A handwritten signature in cursive script that reads "Donna Bassman".

Donna Bassman

Deputy Clerk

Borough Peapack and Gladstone