

# John Paff

P.O. Box 5424  
Somerset, New Jersey 08875-5424  
E-mail – CJSC@pobox.com  
November 14, 2006

Telephone – 732-873-1251

Fax – 908-325-0129

Drew Murray, Esq.

*(via PDF email attachment)*

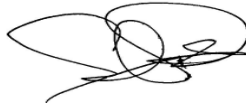
Dear Mr. Murray:

Martin O'Shea told me that you may be interested in handling some Open Public Records Act denial of access cases. I've located two that may be of interest to you, which I've detailed on the following pages.

Would you be willing to prosecute either or both of these cases, in either the Government Records Council or the Superior Court, such that I would not be liable for payment of attorneys fees but where you would be free to collect what you could in accordance with the Appellate Division's holding in Teeters v. Division of Youth and Family Services, 387 N.J. Super. 423 (A.D. 2006)?

Thank you for your interest. I look forward to hearing from you.

Sincerely,

A handwritten signature in black ink, appearing to be 'John Paff', with a large, stylized flourish at the end.

John Paff

## Dover Township, Ocean County

I've attached my records request as Exhibits 1 and 2, and Dover's response as Exhibits 3, 4 and 5.

As a little background, N.J.S.A. 5:5-131(h) allows the New Jersey Sports & Exposition Authority to site off-track betting facilities in municipalities and to bypass those municipalities' zoning and planning approval processes by simply filing a notice of intention with the municipalities' governing body. The governing body then has 45 days within which to pass a resolution opposing the facility, and in the absence of such a resolution the facility can be licensed and built. In Dover's case, the Authority sent the notice of intention but "Dover Township officials did not act in that time period and failed to mention the proposal to residents prior to a public hearing held Aug. 16 [2006] by the Racing Commission in Dover."<sup>1</sup>

In ¶ 1 of my October 27, 2006 request, I simply asked Dover for a copy of the notice of intention that it had received from the Authority. I even attached a copy of a similar notice that the Authority had sent to another municipality (Vineland) so that Dover would know exactly what notice I was referring to. Yet, Dover denied my request on the basis that my request wasn't for a "specific document."

I disagree with Dover. MAG Entrn't, LLC v. Div. of Alcoholic Beverage Control 375 N.J. Super. 534, 549 (App. Div 2005) states that "under OPRA, agencies are required to disclose only 'identifiable' governmental records not otherwise exempt" but not respond to generalized requests for information. I cannot fathom how I could have more clearly identified the document that I sought. Since my request was clear, Dover was obliged to either provide it or inform me that it was not on file. Since they did neither, they violated OPRA.

In ¶ 2 of my request, I asked for any resolutions that authorized closed meetings, in accordance with N.J.S.A. 10:4-13, that were passed during the September 12, 2006, September 26, 2006 and October 24, 2006 Township Council meetings. I know that the Council had public meetings on those dates because they are listed on Dover's website.<sup>2</sup> Also, Dover's November 2, 2006 letter confirms that closed meetings were indeed held on those dates by stating that "minutes . . . have not yet been prepared and approved." Thus, Dover should have provided me with the N.J.S.A. 10:4-13 resolutions that it passed or, if it didn't pass such resolutions, it should have informed me that no such resolutions were on file. Instead, Dover sent me one generic resolution that appears to be a template that the Council uses when it goes into closed session. This is not responsive to my request and thus violates OPRA.

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<sup>1</sup> See, "OTB plan may get another hearing Racing Commission considers Berkeley's request for 2nd public hearing," Ocean County Observer, September 21, 2006.

<sup>2</sup> <http://www.townshipofdover.com/meeting.htm#item1>

In ¶ 3 of my request, I asked for the minutes of the closed sessions that were held on the three dates mentioned above. In response, Dover told me that the requested minutes do not exist because "they have not yet been prepared and approved." If this is true, I would agree that OPRA had not been violated, but I would argue that the Open Public Meetings Act, N.J.S.A. 10:4-14 has been violated.

In sum, I believe that Dover's response to ¶¶ 1 and 2 of my request constitute violations of OPRA and a complaint to the court or the Government Records Council would likely result in Dover producing one or more records, thus triggering Teeters' attorney fee provisions.

## West Paterson Borough, Passaic County

My September 12, 2006 records request is attached as Exhibits 6, 7 and 8. My follow up letter/request of September 25, 2006 is attached as Exhibits 9, 10, 11 and 12. West Paterson's October 2, 2006 response is attached as Exhibit 13 and my October 3, 2006 reply is attached as Exhibit 14. West Paterson's final reply is attached as Exhibits 15, 16 and 17.

In Exhibits 13 and 15, West Paterson denied me access to its Council's closed session minutes solely because those minutes "have yet to be released by the Borough Attorney." This is a violation of OPRA.

First, closed session minutes are public records that must be publicly disclosed to the extent that disclosure will not undermine the basis for excluding the public from the closed meetings. Municipalities are supposed to excise or redact any parts of the minutes for which a legitimate reason for exemption exists, not just deny access to the entire set of minutes. See, e.g. Payton v. New Jersey Turnpike Authority, 148 N.J. 524, 556-57 (1997).

Further, if West Paterson needs to suppress its minutes, or redact them, it must provide me with a written explanation of its reasons that conforms to the standards set forth in Paff v. New Jersey Department of Labor, 379 N.J. Super. 346 (2005). Specifically, the written explanations shall "be guided by the standard included in R. 4:10-2(e), which permits a party claiming privilege to 'describe the nature of the documents . . . not produced or disclosed in a manner that, **without revealing information itself privileged or protected**, will enable other parties to assess the applicability of the privilege or protection.'" Id. at 354. (emphasis in original).

The fact that the Borough Attorney hasn't gotten around to "releasing" the minutes is not a valid reason for denying me access to them. The burden of proving that a record is exempt from access is on the Borough. N.J.S.A. 47:1A-6. West Paterson's reason is not sufficient to overcome that burden. Also, more than a month has elapsed since I received West Paterson's October 5, 2006 letter and I've received nothing further from them and doubt that I ever will.

I believe that an action against West Paterson will result in it producing at least one set of redacted minutes, which I believe is sufficient to trigger Teeters' attorney fee provisions.

Finally, although it does not constitute not an OPRA violation, West Paterson's stated reasons for going into closed sessions (Exhibits 16 and 17) are very vague and probably violate the Open Public Meetings Act. See, e.g. Council of N.J. State College Locals v. Trenton State College Bd. of Trustees, 284 N.J. Super. 108 (Law. Div. 1995).

# John Paff

P.O. Box 5424  
Somerset, New Jersey 08875-5424  
E-mail – CJSC@pobox.com  
October 27, 2006

Telephone – 732-873-1251

Fax – 908-325-0129

Custodian of Records  
Dover Township

*(via Fax only to 732-341-3586)*

Dear Sir or Madam:

I cannot find Dover's Record Request Form on your website. Accordingly, I ask that you please accept this letter as my request for records under the Open Public Records Act and the common law. I would like to purchase photocopies of the following:

1. Attached is a November 17, 2005 letter from the NJ Sports and Exposition Authority to Vineland. I seek a copy of any similar letter from the Authority received by Dover.
2. Any and all resolutions passed during the October 24, 2006, September 26, 2006 and September 12, 2006 council meetings that authorized a nonpublic (i.e. closed or executive) meeting in accordance with N.J.S.A. 10:4-13.
3. Any and all minutes of any nonpublic meetings held by the council on October 24, 2006, September 26, 2006 and September 12, 2006.

I authorize up to \$6 for fulfillment of this request. If the amount needed exceeds this amount, please contact me.

Thank you for your attention to this matter.

Sincerely,



John Paff



We Bring the World to New Jersey

Meadowlands Racetrack  
Giants Stadium  
Continental Airlines Arena  
Monmouth Park Racetrack  
Boardwalk Hall  
Atlantic City Convention Center  
The Wildwoods Convention Center

November 17, 2005

The Honorable Perry D. Barse  
Mayor  
City of Vineland  
640 East Wood Street  
Post Office Box 1508  
Vineland, NJ 08362-1508

Dear Mayor Barse,

Pursuant to the "Off-Track Wagering and Account Wagering Act", NJSA 5:5-127 et.seq., subject to certain approvals, the New Jersey Sports & Exposition Authority ("NJSEA") is authorized to establish up to fifteen off-track wagering facilities in New Jersey.

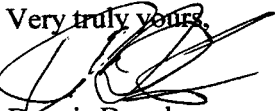
The Act requires that when NJSEA has identified a proposed site for an off-track wagering facility, in lieu of obtaining municipal zoning and planning approvals, it is required to submit a written notice to the governing body of the municipality of its intention to locate such a facility in that town. The notice must identify the proposed facility by street address. Within 45 days of receipt of such notice, the municipal governing body may disapprove of the proposed site by adopting a resolution. See NJSA 5:5-131 (h).

The purpose of this letter is to notify the governing body of the City of Vineland that it is the intention of NJSEA to locate an off-track wagering facility at 1332 S. Delsea Drive. Please be further advised that, in accordance with the Act and regulations adopted thereunder by the New Jersey Racing Commission, it is the intention of NJSEA to transfer the off-track wagering license and all responsibility for operations of the facility to ACRA Turf Club, LLC; the owner/operator of Atlantic City Race Course.

We strongly believe that the proposed off-track wagering facility will offer employment opportunities as well as quality entertainment to the citizens of your community as well as the region generally. We look forward to a favorable decision.

You may reach me at 201 460- 4183 if you have any questions.

Very truly yours,

  
Dennis Dowd  
Senior Vice President, Racing

Cc: Frank Zanzuccki  
Hal Handel  
Frank McDonnell  
Art Winkler  
Dr. Paul D. Trivellini, Business Administrator  
Keith Petrosky, City Clerk  
Peter M. De Simone

Sent via certified mail, return receipt requested

Exhibit 2

**TOWNSHIP OF DOVER**

**County of Ocean**

Toms River, New Jersey 08753

*Reply To:* Dover Township Clerk's Office  
Ext. 8204

**Telephone: (732) 341-1000**  
**Fax Number: (732) 341-3586**

November 2, 2006

Dear Mr. John Paff,

In reference to your recent O.P.R.A. Request regarding "Off- Track Wagering Correspondence, your first request is not requesting a "specific document" therefore, your request is not compliant with OPRA requirements. Also, at this time, minutes of the "nonpublic" "Executive Session" meetings do not exist as they have not yet been prepared and approved. Attached, is a resolution which you requested which authorizes a nonpublic meeting in accordance with N.J.S.A. 10:4-13.

  
Sincerely,  
Cindy Asay

**John Paff**

P.O. Box 5424  
Somerset, New Jersey 08875-5424  
E-mail – CJSC@pobox.com  
October 27, 2006

Telephone – 732-873-1251

Fax – 908-325-0129

Custodian of Records  
Dover Township (via fax only to 732-371-3300)

Dear Sir or Madam:

I cannot find Dover's Record Request Form on your website. Accordingly, I ask that you please accept this letter as my request for records under the Open Public Records Act and the common law. I would like to purchase photocopies of the following:

1. Attached is a November 17, 2005 letter from the NJ Sports and Exposition Authority to Vineland. I seek a copy of any similar letter from the Authority received by Dover.
2. Any and all resolutions passed during the October 24, 2006, September 26, 2006 and September 12, 2006 council meetings that authorized a nonpublic (i.e. closed or executive) meeting in accordance with N.J.S.A. 10:4-13.
3. Any and all minutes of any nonpublic meetings held by the council on October 24, 2006, September 26, 2006 and September 12, 2006.

I authorize up to \$0 for fulfillment of this request. If the amount needed exceeds this amount, please contact me.

Thank you for your attention to this matter.

Sincerely,



John Paff

# RESOLUTION

WHEREAS, Section 8 of the Open Public Meetings Act, Chapter 231, Public Law 1975, permits the exclusion of the public from a meeting in certain circumstances to discuss matters requiring confidentiality and/or of a privileged nature; and

WHEREAS, the Township Council is of the opinion that such circumstances presently exist;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF DOVER, IN THE COUNTY OF OCEAN AND STATE OF NEW JERSEY, as follows:

1. The Township Council will now conduct a private Executive Session.

2. The general nature of the subject matter to be discussed and/or acted upon is as follows:

3. It is anticipated that the deliberations conducted in closed session may be disclosed to the public upon the determination of the Township Council that the public interest will no longer be served by such confidentiality.

FIGURE \_\_\_\_\_  
HILL \_\_\_\_\_  
INTESO \_\_\_\_\_  
KUBIEL \_\_\_\_\_  
MARUCA \_\_\_\_\_  
SEVASTAKIS \_\_\_\_\_  
MCGUCKIN \_\_\_\_\_



# BOROUGH OF WEST PATERSON

MUNICIPAL BUILDING  
5 BROPHY LANE, WEST PATERSON, NJ 07424-2752  
PHONE: 973-345-8100 • FAX: 973-345-8194

## REQUEST FOR ACCESS TO GOVERNMENT RECORDS

FOR MUNICIPAL OFFICE USE ONLY

Date Received \_\_\_\_\_

Date of Response \_\_\_\_\_

**SEE ACCOMPANYING INSTRUCTIONS ON PAGE 2**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone (day): \_\_\_\_ (\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_

Information Requested:

Copy of Minutes (specify board or entity, date, topic or other identifying information)  
\_\_\_\_\_  
\_\_\_\_\_

Copy of Ordinance or Resolution (specify date, number, or other identifying information)  
\_\_\_\_\_  
\_\_\_\_\_

Police Accident Report Fee: \$ \_\_\_\_\_  
Identify Accident: \_\_\_\_\_

Other (specify) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

License Information (specify) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Information on a Specific Property Address \_\_\_\_\_  
Block \_\_\_\_\_ Lot \_\_\_\_\_

Municipal Lien Search Fee: \$ 10.00  
Municipal Lien Searches are provided by the designated search officer and will be provided within 15 days after the request is received and the fee paid, as provided in *N.J.S.A. 54:5-11*, et seq.

List of Property Owners within 200 ft. Fee: \$ \_\_\_\_\_  
As provided in *N.J.S.A. 40:55D-12*, the fee is the greater of \$.25 per name or \$10.00.

A request for access to or for a copy of Government Records should be submitted on this form which has been adopted by the Municipal Clerk as the Custodian of Records. Some records will be immediately available during normal business hours. Some records will require time to compile and to make the copies requested, but will normally be available during normal business hours and within seven (7) business days. If any document or copy which has been requested is not a public record or cannot be provided within the seven (7) business days, you will be provided with a response with that information within the seven (7) business days. Some records requested have specific fees or other response times established by statute. There is no fee involved in simply inspecting a document during normal business hours. This request may be filed electronically.

In general:

- Immediate access is ordinarily available for budgets; bills; vouchers; contracts, including collective negotiations agreements and individual employment contracts; and public employee salary and overtime information. Minutes of public meetings will be generally available immediately after the minutes have been approved.
- Records which are not readily available or which will require a search of records will be made available as soon as possible, and the applicant will be provided with an interim report within seven (7) business days indicating the time which will be required to provide the records.
- Except as otherwise provided by law or regulation, the fee assessed for the duplication of a printed record shall be: first page to tenth page, \$0.75 per page; eleventh page to twentieth page, \$0.50 per page; all pages over twenty, \$0.25 per page; for a police accident report there is an additional fee, when the request is not made in person, of \$5.00 for the first 3 pages and \$1.00 for each additional page, as provided by *N.J.S.A. 39:4-131*.
- Where a request is for a copy in a format other than a photocopy, reasonable efforts will be made to provide the information in the format requested. The cost will be based on the costs of producing the format requested.
- Where a legal determination must be made as to whether records are "public records" as provided by law, the request will be reviewed by the Municipal Attorney.

The term "public records" generally includes those records determined to be public in accordance with *N.J.S.A. 47:1A-1*. The term does not include employee personnel files, police investigation records, public assistance files or other matters in which there is a right of privacy or confidentiality or inter-agency or intra-agency advisory, consultative, or deliberative material or other material which is specifically exempted by law.

**The Applicant hereby acknowledges receipt of a copy of this form with the date on which the information is expected to be available and the estimated cost. The Applicant hereby certifies that he or she has not been convicted of any indictable offense under the laws of the State of New Jersey, any other state or of the United States and is not seeking government records containing personal information pertaining to the victim or the victim's family as provided by *N.J.S.A. 47:1A-1, et seq.***

This form, when signed by the municipal official, shall constitute a receipt for any deposit received.

The information requested will be ready on \_\_\_\_\_

Estimated Number of Pages: \_\_\_\_\_ Estimated Cost: \$ \_\_\_\_\_

Deposit (required when the anticipated cost of reproduction exceeds \$5.00) \$ \_\_\_\_\_

X \_\_\_\_\_  
Applicant

\_\_\_\_\_  
Municipal Official

Date: \_\_\_\_\_

Date: \_\_\_\_\_

# BOROUGH OF WEST PATERSON

## GOVERNMENT RECORDS REQUEST RESPONSE

TO: \_\_\_\_\_

DATE: \_\_\_\_\_

The document or documents listed below and requested by you are not being provided because the document or documents are not public records as provided by law, for the following reason(s):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**You have a right to appeal the decision that the document or documents are not public records. You may take your appeal to the Government Records Council or to the New Jersey Superior Court, as provided by N.J.S.A. 47:1A-1, et seq. If your request has been denied, a statement of the procedures for the appeal will be attached to this notification.**

\_\_\_\_\_  
Date

\_\_\_\_\_  
Municipal Clerk

### ACKNOWLEDGEMENT

I hereby acknowledge that I have received the documents requested, except for any documents specifically listed above on which a determination has been made that the documents will not be provided. If any documents have not been provided, I have received information on the procedure for any appeal of the determination.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Applicant

# John Paff

Telephone – 732-873-1251

P.O. Box 5424  
Somerset, New Jersey 08875-5424  
E-mail – CJSC@pobox.com  
September 25, 2006

Fax – 908-325-0129

John Pavlik, Clerk  
Borough of West Paterson  
5 Brophy Lane  
West Paterson, NJ 07424-2752 (via Fax only to 973-345-8194)

RE: Request No. 06-51

Dear Mr. Pavlik:

I submitted a Request for Access to Government Records to your office via fax on September 12, 2006. On September 13, 2006, you mailed me the request back, without a cover letter, with a "sticky arrow" attached to the form asking for me to affix my signature to it. I am confused by your request.

If you review your form, you will note that the following "certification" appears above the line where I am supposed to affix my signature.

*The Applicant hereby acknowledges receipt of a copy of this form with the date on which the information is expected to be available and the estimated cost. The applicant hereby certifies that he or she has not been convicted of any indictable offense under the laws of this State, any other state or the United States and is not seeking government records containing personal information pertaining the victim or the victim's family as provided by N.J.S.A. 47:1A-1 et seq.*

I intentionally did not sign that statement when I made the request, because I had not yet received a "copy of this form with the date on which the information is expected to be available and the estimated cost." Indeed no requestor could know that information at the time he or she makes a request.

In order to satisfy your requirement that I sign and certify my request form before having received the information to which I'm certifying, enclosed herewith is another copy of the same request form bearing my signature. You will note, however, that I have crossed out the first sentence of the paragraph above my signature. Please let me know if this satisfies your procedure.



John Paff

Exhibit 9



# BOROUGH OF WEST PATERSON

MUNICIPAL BUILDING  
5 BROPHY LANE, WEST PATERSON, NJ 07424-2752  
PHONE: 973-345-8100 • FAX: 973-345-8194

06-51

## REQUEST FOR ACCESS TO GOVERNMENT RECORDS

FOR MUNICIPAL OFFICE USE ONLY

Date Received

Date of Response

SEE ACCOMPANYING INSTRUCTIONS ON PAGE 2

Name:

John Paff Fax 908-325-0129

Address:

PO Box 5424, Somerset, NJ 08875

Telephone (day):

( ) - 732-873-1251 (paff@pobox.com)

Information Requested:

Copy of Minutes (specify board or entity, date, topic or other identifying information)  
Minutes of any and all nonpublic Borough Council meetings  
held in August and September of 2006

Copy of Ordinance or Resolution (specify date, number, or other identifying information)  
Any N.J.S.A. 10:4-13 resolutions authorizing any nonpublic  
Borough Council meetings held in August & Sept 2006.

Police Accident Report Fee: \$ \_\_\_\_\_  
Identify Accident: \_\_\_\_\_

Other (specify) \_\_\_\_\_

License Information (specify) \_\_\_\_\_

Information on a Specific Property

Address \_\_\_\_\_

Block \_\_\_\_\_ Lot \_\_\_\_\_

Municipal Lien Search Fee: \$ 10.00  
Municipal Lien Searches are provided by the designated search officer and will be provided within 15 days after the request is received and the fee paid, as provided in N.J.S.A. 54:5-11, et seq.

List of Property Owners within 200 ft. Fee: \$ \_\_\_\_\_  
As provided in N.J.S.A. 40:55D-12, the fee is the greater of \$.25 per name or \$10.00.

A request for access to or for a copy of Government Records should be submitted on this form which has been adopted by the Municipal Clerk as the Custodian of Records. Some records will be immediately available during normal business hours. Some records will require time to compile and to make the copies requested, but will normally be available during normal business hours and within seven (7) business days. If any document or copy which has been requested is not a public record or cannot be provided within the seven (7) business days, you will be provided with a response with that information within the seven (7) business days. Some records requested have specific fees or other response times established by statute. There is no fee involved in simply inspecting a document during normal business hours. This request may be filed electronically.

In general:

- Immediate access is ordinarily available for budgets; bills; vouchers; contracts, including collective negotiations agreements and individual employment contracts; and public employee salary and overtime information. Minutes of public meetings will be generally available immediately after the minutes have been approved.
- Records which are not readily available or which will require a search of records will be made available as soon as possible, and the applicant will be provided with an interim report within seven (7) business days indicating the time which will be required to provide the records.
- Except as otherwise provided by law or regulation, the fee assessed for the duplication of a printed record shall be: first page to tenth page, \$0.75 per page; eleventh page to twentieth page, \$0.50 per page; all pages over twenty, \$0.25 per page; for a police accident report there is an additional fee, when the request is not made in person, of \$5.00 for the first 3 pages and \$1.00 for each additional page, as provided by *N.J.S.A. 39:4-131*.
- Where a request is for a copy in a format other than a photocopy, reasonable efforts will be made to provide the information in the format requested. The cost will be based on the costs of producing the format requested.
- Where a legal determination must be made as to whether records are "public records" as provided by law, the request will be reviewed by the Municipal Attorney.

The term "public records" generally includes those records determined to be public in accordance with *N.J.S.A. 47:1A-1*. The term does not include employee personnel files, police investigation records, public assistance files or other matters in which there is a right of privacy or confidentiality or inter-agency or intra-agency advisory, consultative, or deliberative material or other material which is specifically exempted by law.

~~The Applicant hereby acknowledges receipt of a copy of this form with the date on which the information is expected to be available and the estimated cost. The Applicant hereby certifies that he or she has not been convicted of any indictable offense under the laws of the State of New Jersey, any other state or of the United States, and is not seeking government records containing personal information pertaining to the victim or the victim's family as provided by *N.J.S.A. 47:1A-1*, et seq.~~

This form, when signed by the municipal official, shall constitute a receipt for any deposit received.

The information requested will be ready on \_\_\_\_\_

Estimated Number of Pages: \_\_\_\_\_ Estimated Cost: \$ \_\_\_\_\_

Deposit (required when the anticipated cost of reproduction exceeds \$5.00) \$ \_\_\_\_\_

X \_\_\_\_\_  
 Applicant

Date: \_\_\_\_\_

\_\_\_\_\_  
 Municipal Official

Date: \_\_\_\_\_

# BOROUGH OF WEST PATERSON

## GOVERNMENT RECORDS REQUEST RESPONSE

TO: \_\_\_\_\_

DATE: \_\_\_\_\_

The document or documents listed below and requested by you are not being provided because the document or documents are not public records as provided by law, for the following reason(s):

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**You have a right to appeal the decision that the document or documents are not public records. You may take your appeal to the Government Records Council or to the New Jersey Superior Court, as provided by N.J.S.A. 47:1A-1, et seq. If your request has been denied, a statement of the procedures for the appeal will be attached to this notification.**

\_\_\_\_\_  
Date

\_\_\_\_\_  
Municipal Clerk

### ACKNOWLEDGEMENT

I hereby acknowledge that I have received the documents requested, except for any documents specifically listed above on which a determination has been made that the documents will not be provided. If any documents have not been provided, I have received information on the procedure for any appeal of the determination.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Applicant



# Borough of West Paterson

Department of Administration

5 Brophy Lane  
West Paterson, NJ 07424  
Office: (973) 345-8100 x 100  
Fax: (973) 345-8194

**Kevin V. Galland**  
Administrator/Acting Municipal Clerk

**SENT VIA FACSIMILE (908-325-0129)  
AND REGULAR U.S. MAIL**

October 2, 2006

Mr. John Paff  
P.O. Box 5424  
Somerset, New Jersey 08875

Dear Mr. Paff:

The Mayor and Council of the Borough of West Paterson, Passaic County, New Jersey, held five (5) public meetings during the months of August and September 2006. Two (2) Executive Meetings (August 2<sup>nd</sup> and September 20<sup>th</sup>) were held in conjunction with those public meetings. The following documents are available for release to the public:

## AUGUST 2, 2006

Agenda	5 Pages
Resolution RE6-04 (Authorization to convene an Executive Session)	1 Page
Minutes of the Public Meeting	7 Pages

## SEPTEMBER 20, 2006

Agenda	3 Pages
Resolution RE6-05 (Authorization to convene an Executive Session)	1 Page
Unapproved - Minutes of the Public Meeting	3 Pages

The minutes for both of these Executive Sessions have yet to be released by the Borough Attorney.

Please advise me which documents, if any, you would like to have copies of, and remit the correct charges for duplication. The duplication cost per page is listed on the OPRA request form.

Sincerely,

  
Kevin V. Galland

cc: Albert Buglione, Borough Attorney

**Exhibit 13**

# John Paff

P.O. Box 5424  
Somerset, New Jersey 08875-5424  
E-mail – CJSC@pobox.com  
October 3, 2006

Telephone – 732-873-1251

Fax – 908-325-0129

Kevin Galland, Acting Clerk  
Borough of West Paterson  
5 Brophy Lane  
West Paterson, NJ 07424-2752

RE: Request No. 06-51

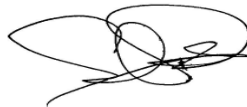
Dear Mr. Galland:

I am in receipt of yours of October 2, 2006 and I enclose my check for \$1.89. Please send me copies of Resolutions RE6-04 and RE6-05.

Also, I believe that I am entitled to either a) access, or b) a specific, written denial to my request for the executive session minutes within seven business days of your receipt of my request. Please advise.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to be 'John Paff', written over a horizontal line.

John Paff



# *Borough of West Paterson*

*Department of Administration*

5 Brophy Lane  
West Paterson, NJ 07424  
Office: (973) 345-8100 x 100  
Fax: (973) 345-8194

**Kevin V. Galland**  
*Administrator/Acting Municipal Clerk*

October 5, 2006

Mr. John Paff  
P.O. box 5424  
Somerset, NJ 08875-5424

Dear Mr. Paff:

Enclosed as requested are copies of Resolutions RE6-04 and RE6-05. Also, as stated in my letter of October 2, 2006, the minutes of these Executive Sessions have not been released by the Borough Attorney; thus, I need to deny your request for same.

Sincerely,

Kevin V. Galland

cc: Albert Buglione, Borough Attorney

**BOROUGH OF WEST PATERSON  
PASSAIC COUNTY, NEW JERSEY  
RESOLUTION RE6-04**

**AUGUST 2, 2006**

**RESOLUTION AUTHORIZING EXECUTIVE SESSION  
PURSUANT TO N.J.S.A. 10:4-12**

**BE IT RESOLVED**, by the Mayor and Council of the Borough of West Paterson, County of Passaic, State of New Jersey, that pursuant to the Open Public Meetings Act, N.J.S.A. 10:4-6 et seq., it is necessary to convene an executive session to discuss items authorized by N.J.S.A. 10:4-12 (b), specifically:

Matters relating to Collective Bargaining Agreements and Employment, and


Matters relating to Litigation, Negotiation, and the Attorney-Client Privilege

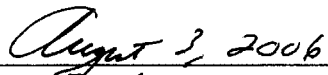
**BE IT FURTHER RESOLVED**, that it is anticipated that the deliberation conducted in closed session may be disclosed to the public upon the determination by the Mayor and Council that the public interest will no longer be served by such confidentially and if not then legally privileged.

Record of Mayor and Council Vote on Passage

	AYE	NAY	Abstain	Absent		AYE	NAY	Abstain	Absent
Patterson	✓				DiDomenico	✓			
Pascrell	✓				Kazmark	✓			
Spinelli	✓				Mayor Lepore	✓			
Gatti	✓								

This resolution was approved by the Mayor and Council of the Borough of West Paterson at a regular scheduled meeting held on the 2<sup>nd</sup>, of August 2006. Signed and sealed before me.

  
 \_\_\_\_\_  
 Kevin Galland, Acting Municipal Clerk

  
 \_\_\_\_\_  
 Dated

**BOROUGH OF WEST PATERSON  
PASSAIC COUNTY, NEW JERSEY  
RESOLUTION RE6-05**

**RESOLUTION AUTHORIZING EXECUTIVE SESSION  
PURSUANT TO N.J.S.A. 10:4-12**

**BE IT RESOLVED**, by the Mayor and Council of the Borough of West Paterson, County of Passaic, State of New Jersey, that pursuant to the Open Public Meetings Act, N.J.S.A. 10:4-6 et seq., it is necessary to convene an executive session to discuss items authorized by N.J.S.A. 10:4-12 (b), specifically:

- o Matters relating to Litigation, Negotiation, and the Attorney-Client Privilege.

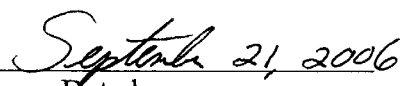
**BE IT FURTHER RESOLVED**, that it is anticipated that the deliberation conducted in closed session may be disclosed to the public upon the determination by the Mayor and Council that the public interest will no longer be served by such confidentially and if not then legally privileged.

Record of Mayor and Council Vote on Passage

	AYE	NAY	Abstain	Absent		AYE	NAY	Abstain	Absent
Patterson	✓				DiDomenico	✓			
Pascrell	✓				Kazmark	✓			
Spinelli	✓				Mayor Lepore	✓			
Gatti	✓								

This resolution was approved by the Mayor and Council of the Borough of West Paterson at a regular scheduled meeting held on the 20<sup>th</sup> day of September 2006. Signed and sealed before me.

  
 \_\_\_\_\_  
 Kevin Galland, Acting Municipal Clerk

  
 \_\_\_\_\_  
 Dated