

John Paff

P.O. Box 5424
Somerset, New Jersey 08875
E-mail – CJSC@pobox.com
June 29, 2007

Telephone – 732-873-1251

Fax 908-325-0129

Wayne Board of Education
c/o Gary L. Ottmann, Board Secretary
Wayne Board of Education (via email PDF attachment only)

Dear Mr. Ottmann:

I am an open government advocate acting both individually and on behalf of the New Jersey Libertarian Party. Enclosed is


- a) a draft civil complaint against you and the Wayne Board of Education. I request the Board to consider this letter and enclosed draft complaint as “anticipated litigation . . . in which the [Board] may become a party” and discuss it, in accordance with N.J.S.A. 10:4-12(b)(7), during a closed session at its next meeting
- b) another government records request

While I stand ready to file the complaint in the Superior Court if necessary, neither the Libertarian Party nor I wish to impose litigation costs upon Wayne taxpayers. We would rather amicably resolve the concerns set forth in the enclosed complaint.

So that I know that my position is being taken seriously, I ask that you or your attorney relate the Board’s position on this matter to me by fax to 908-325-0129 within three business days after the Board’s next meeting. If I don’t hear from you, I will assume that you are not willing to attempt to amicably resolve this matter and will file the complaint without further notice.

Thank you for your attention to this matter.

Sincerely,



John Paff

John Paff
P.O. Box 5424
Somerset, NJ 08875-5424
Tel. 732-873-1251
Fax: 908-325-0129
Email: paff@pobox.com

JOHN PAFF,	:	SUPERIOR COURT OF NEW JERSEY
Plaintiff,	:	LAW DIVISION, CIVIL PART
	:	PASSAIC COUNTY
vs.	:	DOCKET NO.
	:	
WAYNE BOARD OF EDUCATION	:	Civil Action
and GARY OTTMANN	:	
Defendant	:	
	:	COMPLAINT
	:	

Plaintiff John Paff, by way of complaint against the Wayne Board of Education (hereafter “Defendant Board) and Gary Ottmann (hereafter “Defendant Ottmann”) states:

Common Allegations

1. Plaintiff John Paff is an individual who resides in Franklin Township, Somerset County, New Jersey.
2. Defendant Board is a public body as that term is defined by N.J.S.A. 10:4-8(a).
3. Defendant Ottmann is the “Custodian of a government record” designated by the Wayne Board of Education as that term is defined by N.J.S.A. 47:1A-1.1, and is sued only in his official capacity.
4. By letter dated June 29, 2007, Plaintiff advised Defendants of his intention to file the present lawsuit. A copy of Plaintiff’s letter, which accompanied a draft civil complaint, is attached as Exhibits _____. **[Reserved for Board’s and Ottman’s response, if any, to the notice of intent to sue.]**

FIRST COUNT
(Violation of N.J.S.A. 10:4-13)

5. In response to Plaintiff's records request, Defendant Ottmann provided Plaintiff with five (5) motions passed by Defendant Board on May 25, 2006 and August 17 2006 that purport to have authorized, in accordance with N.J.S.A. 10:4-13, a total of five (5) nonpublic (i.e. closed or executive) meetings held by Defendant Board on those dates. Copies of the pages from the public session minutes that include these five (5) motions are attached as Exhibits 1 through 5.

6. Each of the said five (5) motions describe the "general nature of the subject to be discussed" (N.J.S.A. 10:4-13(a)) as "personnel matters," "negotiations," "legal matters" or a combination of those terms.

7. None of the said five (5) motions state "as precisely as possible, the time when and the circumstances under which the discussion conducted in closed session of the public body can be disclosed to the public" (N.J.S.A. 10:4-13(b)). Instead, the public meeting minutes contain a statement, after the Board reconvened in public, that "information with regard to these matters will be made public if, and when, appropriate."

8. None of the said five (5) motions are "resolutions" as required by N.J.S.A. 10:4-13).

9. On information and belief, the said five (5) motions are typical and representative of the manner in which Defendant Board presently purports to comply with N.J.S.A. 10:4-13.

WHEREFORE, Plaintiff demands judgment:

A. Declaring that the said (5) motions do not satisfy the requirements of N.J.S.A. 10:4-13 because they are "motions" and not "resolutions."

B. Declaring that the said (5) motions do not satisfy the requirements of N.J.S.A. 10:4-13 because they do not describe the subjects to be discussed outside of public view with enough detail and specificity to satisfy N.J.S.A. 10:4-13(a).

C. Declaring that the said (5) motions do not satisfy the requirements of N.J.S.A. 10:4-13 because they do not state “as precisely as possible, the time when and the circumstances under which the discussion conducted in closed session of the public body can be disclosed to the public” as required by N.J.S.A. 10:4-13(b).

D. Declaring and setting forth the minimum amount of detail and specificity that N.J.S.A. 10:4-13(a) requires Defendant Board to include within resolutions that authorize its future nonpublic meetings.

E. Enjoining Defendant Board from excluding the public from any future meetings unless a resolution that meets the requirements set forth in ¶ D above is previously passed during a public meeting.

F. Enjoining Defendant Board from excluding the public from any future meetings unless a resolution that states “as precisely as possible, the time when and the circumstances under which the discussion conducted in closed session of the public body can be disclosed to the public” is previously passed during a public meeting.

G. Enjoining Defendant Board from excluding the public from any future meetings unless a “resolution” as opposed to a “motion” is previously passed during a public meeting.

H. Awarding Plaintiff his costs of suit.

I. Such other relief as the Court deems equitable and just.

**SECOND COUNT
(Improper Closed Session Topics)**

10. In response to an earlier record request, made by another citizen, Defendant Ottmann provided redacted minutes of Defendant Board's nonpublic meetings held on May 25, 2006 and August 17, 2006. Copies of these two sets of minutes, consisting of two pages each, are attached as Exhibits 6 through 9.

11. Among the content of these nonpublic meeting minutes are the following:

- a. "There was discussion on whether tonight's executive session interview can be taped. The board agreed not to tape tonight but referred the issue to the personnel committee for review."
- b. "There was a discussion of a summer math stipend."
- c. "The board will be conducting a number of expulsion hearings on June 8, 2006."
- d. "There was an incident recently with a Wayne Valley High School student and Randall Carter Elementary students at Camp Warwick. Police are investigating."
- e. "R. Ceberio suggested and the Board agreed that a written procedure addressing hiring of staff should be developed."
- f. "Dr. Maria Nuccetelli will develop a process for board members to review resumes etc."
- g. "There was a request to standardize the role of the site based committees, i.e. one set of criteria."
- h. "There was a discussion of district policies and whether the district is bound by very old policies."

12. At least some of each discussion described in ¶ 11 above was required to have been held during a public session. For instance, it would not have endangered the public interest or caused an unwarranted invasion of personal privacy or other individual rights had the “discussion of whether the district is still bound by very old policies” (see ¶ 11h above) was discussed with the public in attendance.

WHEREFORE, Plaintiff demands judgment:

J. Declaring that it was a violation of the Open Public Meetings Act for Defendant Board to have discussed the topics set forth in ¶ 11 above in nonpublic session.

K. Enjoining Defendant Board from discussing matters during its future nonpublic meetings unless those matters a) are within the categories of topics set forth in N.J.S.A. 10:4-12(b) and b) discussing those matters in public would endanger the public interest or cause an unwarranted invasion of personal privacy or other individual rights.

L. Awarding Plaintiff his costs of suit.

M. Such other relief as the Court deems equitable and just.

THIRD COUNT
(Minutes Not Reasonably Comprehensible)

13. In response to an earlier record request, made by another citizen, Defendant Ottmann provided redacted minutes of Defendant Board’s nonpublic meetings held on May 25, 2006 and August 17, 2006. Copies of these two sets of minutes, consisting of two pages each, are attached as Exhibits 6 through 9.

14. The minutes of the second nonpublic session held on May 25, 2006 recite that “A Wayne Hills High School Teacher will be suspended with pay next week.”

15. Without the minutes containing more information, such as the name of the suspended teacher and the reasons for and the duration of the suspension, the public lacks

“sufficient facts and information to permit [it] to understand and appraise the reasonableness of the [Defendant Board’s] determination” to suspend the teacher with pay. (quoted from South Jersey Pub. Co., Inc. v. New Jersey Expressway Authority, 124 N.J. 478, 493 (1991)).

16. The passage from the minutes, as set forth in ¶ 14 above, is not “reasonably comprehensible” and violates N.J.S.A. 10:4-14.

WHEREFORE, Plaintiff demands judgment:

N. Declaring that it is a violation of the Open Public Meetings Act for Defendant Board to have not recorded more comprehensible minutes regarding that part of its May 25, 2006, 9:55 p.m. nonpublic meeting that pertained to the teacher to be suspended with pay.

O. Enjoining Defendant Board from recording minutes of future nonpublic meetings unless they those minutes are “reasonably comprehensible” and contain “sufficient facts and information to permit the public to understand and appraise the reasonableness of the [Defendant Board’s] determination.”

P. Awarding Plaintiff his costs of suit.

Q. Such other relief as the Court deems equitable and just.

FOURTH COUNT
(Redactions not properly explained)

17. On May 23, 2007, Plaintiff sent a government records request to Defendant Ottmann. Attached to the request were Exhibits 6 and 8. The request, without the exhibits, is attached to this Complaint as Exhibit 10.

18. Defendant Ottmann responded to the May 23, 2007 by letter dated June 6, 2007, attached as Exhibit 11.

19. In response to Plaintiff's question regarding the second redaction to Exhibit 6, Defendant Ottmann stated that it "contains information within the attorney-client privilege concerning an on-going litigation matter."

20. In response to Plaintiff's question regarding the redaction to Exhibit 8, Defendant Ottmann stated that it "concerned legal advice provided to the Board by its attorney, which is in the attorney-client privilege."

21. These explanations are not specific enough to allow Plaintiff to determine whether or not a statutorily recognized basis for confidentiality indeed exists or to assess the applicability of the privilege or protection.

WHEREFORE, Plaintiff demands judgment:

R. Declaring that the explanations Defendant Ottmann gave for the redactions, as set forth in ¶¶ 19 and 20 above, are legally insufficient to satisfy the requirements set forth in Courier News v. Hunterdon County Prosecutor's Office, 358 N.J. Super. 373, 382-83 (App. Div. 2003) and Paff v. New Jersey Department of Labor, Board of Review, 379 N.J. Super. 346, 354-55 (2005).

S. Enjoining Defendants from failing or refusing to explain the redactions made to any of Defendant Board's nonpublic meeting minutes requested in the future in a manner consistent with Courier News v. Hunterdon County Prosecutor's Office and Paff v. New Jersey Department of Labor, Board of Review.

T. Awarding Plaintiff his costs of suit.

U. Such other relief as the Court deems equitable and just.

FIFTH COUNT
(Redactions too broad)

22. On May 23, 2007, Plaintiff sent a government records request to Defendant Ottmann. Attached to the request were Exhibits 6 and 8. The request, without the exhibits, is attached to this Complaint as Exhibit 10.

23. Defendant Ottmann responded to the May 23, 2007 by letter dated June 6, 2007, attached as Exhibit 11.

24. On information and belief, at least part of the text redacted from Exhibits 6 and 8 could have been revealed without undermining any legitimate privilege or protection.

WHEREFORE, Plaintiff demands judgment:

V. Declaring that the second redaction to Exhibit 6 and the redaction to Exhibit 8 were too broad.

W. Compelling Defendant Ottman to disclose to Plaintiff, to the maximum extent legally permissible, the second redaction to Exhibit 6 and the redaction to Exhibit 8.

X. Enjoining Defendants from redacting future Board meeting minute in too broad a manner.

Y. Awarding Plaintiff his costs of suit.

Z. Such other relief as the Court deems equitable and just.

Certification Of No Other Actions

Pursuant to R.4:5-1, it is hereby stated that the matter in controversy is not the subject of any other action pending in any other court or of a pending arbitration proceeding to the best of my knowledge and belief. Also, to the best of my belief, no other action or arbitration proceeding is contemplated. Further, other than the parties set forth in this pleading, I know of no other parties that should be joined in the above action. In addition, I recognize the

continuing obligation of each party 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.

Respectfully submitted,

Dated: _____, 2007

John Paff
Plaintiff

Draft

A 24394 **REGULAR MEETING - MAY 25, 2006**

REVISED

A motion was made to recess into Executive Session for the purpose of discussing personnel matters.

MOTION TO EXEC

MOTION: D. Makowski **SECOND:** D. Pavlak, Jr. **VOTE:** 6-0

The Board recessed into Executive Session at 6:35 p.m.

RECESS TO EXEC

The Board reconvened at 8:00 p.m. Mrs. Herrschaft advised that the Board had been meeting in Executive Session for the purpose of discussing personnel matters. Information with regard to these matters will be made public if, and when, appropriate.

RECONVENED

Mrs. Herrschaft led the flag salute and moment of silence.

RECOGNITION PROGRAM

RECOGNITION PROGRAM

The Board recognized students who were Mini-Invention contest winners and also the Wayne Hills High School Varsity Competition Cheerleader Team who are national winners.

REGULAR MEETING - MAY 25, 2006

A 24 437

SUPERINTENDENT'S COMMENTS

**SUPERINTEN-
DENT'S
OFFICE**

Dr. Nuccetelli congratulated the award winners. She said the children continue to amaze her. She thinks it is wonderful. Mr. Smith brought up having a special meeting on the Wayne Hills High School parking lot on June 14th. This is a safety issue and traffic control issue. The bathrooms at Preakness will not be done except for asbestos removal. The Preschool classes will not be in Preakness, but in elementary schools. She said that the State tax funding is an injustice. She encouraged Peter Martin to continue his interest in the theat. She thanked Mr. Ceberio for the support on the issue of raising funds. She said they would talk about the telephone situation in Executive Session. She said that they will be having a meeting with the town on co-generation. We are awaiting the town to give a bid, along with legal counsel. She mentioned the good things going on such as the proms, eighth grade dances and other activities at the end of the school year. She wished everyone a wonderful Memorial Day weekend.

BOARD MEMBER COMMENTS

**BOARD MEMBER
COMMENTS**

Mrs. Simon noted that tonight we have heard the good things on where our taxpayer money is going. She mentioned the mini-inventors and cheerleaders and the personal growth, etc. - these are all good things. She agrees with Mr. Ceberio that we need to find ways to be more efficient. She wished everyone a safe and happy week-end and to remember those who died for us.

Mrs. Herrschaft congratulated all and thanked the committee members who worked on the budget with the council. They tried to make it as painless as possible and this was achieved. She wished everyone a safe and happy weekend.

A motion was made to recess into Executive Session to discuss personnel, negotiations and legal matters.

**MOTION TO
EXEC**

MOTION: C. Simon SECOND: J. Hutchison VOTE: 8-0

-Approved-

The Board recessed into Executive Session at 9:55 p.m.

RECESS TO EXEC

The Board reconvened at 10:42 p.m. Mrs. Herrschaft advised that the Board had been meeting in Executive Session to discuss personnel, negotiations and legal matters. Information regarding these matters will be made public if, and when, appropriate.

RECONVENED

A 24623

**BOARD OF EDUCATION
WAYNE TOWNSHIP PUBLIC SCHOOLS
WAYNE, NEW JERSEY**

**PUBLIC WORK SESSION
AUGUST 17, 2006**

The Public Work Session and Executive Meeting of the Wayne Board of Education were held on Thursday, August 17, 2006 in the Conference Room of the Administration Building, 50 Nellis Drive, Wayne, Jersey 07470. The meeting was scheduled to begin at 6:30 p.m. pursuant to the terms of the Sunshine Law.

The meeting was called to order at 6:30 p.m. by Board President, Karinne Herrschaft.

"Adequate notice of this Public Work Session and Executive Meeting, setting forth time, date and location, has been provided in accordance with the requirements of the Open Public Meeting Act by:

STATEMENT OF COMPLIANCE

1. Prominently posting a copy on the bulletin board on May 3, 2006 and July 27, 2006 in the lobby of the offices of the Board of Education, which is a public place reserved for such announcements.
2. Faxing a copy of this notice to The Record and the Wayne Today on May 3, 2006 and July 27, 2006.
3. Filing a copy of this notice with the Municipal Clerk by fax on May 3, 2006 and July 27, 2006.

ROLL CALL

ROLL CALL

PRESENT: T. J. D'Apolito, R.Ceberio, V. Hayek, J. Hutchison, D. Pavlak, Jr., M. Polinik, C. Simon, K. Herrschaft

LATE ARRIVALS: D. Makowski (6:40 p.m.)

ALSO PRESENT: Dr. M. Nuccetelli, Mr. G. Ottmann, Mr. K. Bratspies, S. Fogarty, Esq.

A motion was made to recess into Executive Session for the purpose of discussing personnel matters.

MOTION TO EXEC

MOTION: T. J. D'Apolito **SECOND:** C. Simon **VOTE:** 8-0

-Approved-

A 24624

PUBLIC WORK SESSION –AUGUST 17, 2006

The Board recessed into Executive Session at 6:35 p.m.

RECESS TO EXEC

The Board reconvened at 7:07 p.m. Mrs. Herrschaft advised that the Board had been meeting in Executive Session for the purpose of discussing personnel matters. Information with regard to these matters will be made public if, and when, appropriate.

RECONVENED

A motion was made to return to Executive Session for the purpose of discussing personnel matters.

MOTION TO EXEC

MOTION: T. J. D'Apolito SECOND: C. Simon VOTE: 9-0

-Approved-

The Board recessed into Executive Session at 7:10 p.m.

RECESS TO EXEC

The Board reconvened at 8:07 p.m. Mrs. Herrschaft advised that the Board had been meeting in Executive Session for the purpose of discussing personnel matters. Information with regard to these matters will be made public if, and when, appropriate.

RECONVENED

PUBLIC WORK SESSION

PUBLIC WORK SESSION

1 PERSONNEL PROCESS

PERSONNEL PROCESS

- Roles and Responsibilities of Board Members

There was a question if Board members have access to "rating sheets" on potential hires.

There was discussion on the importance of the evaluation process, especially as it relates to tenure.

2. STRATEGIC PLANNING (Cathie Sousa)

STRATEGIC PLANNING (CATHIE SOUSA)

- New Timetable and Information Needs

Cathie Sousa of New Jersey School Boards Association was present to review the timetable and information needs related to strategic planning.

Mr. Ceberio was concerned that if the Board can't participate in the development of the strategic plan it will not be successful.

PUBLIC WORK SESSION –AUGUST 17, 2006

A 24 625

Ms. Sousa indicated that Board members (not a quorum) should and do attend planning meetings.

The Board needs to revisit prior to mid-September the issue of Board involvement in the strategic plan.

**STRATEGIC PLANNING
(CATHIE SOUSA)
(Continued)**

3. RANDALL CARTER PROPOSAL

**RANDALL CARTER
PROPOSAL**

Mr. Fogarty reviewed the issue of construction of classrooms at Randall Carter by Bethany Church.

Mr. Fogarty also indicated a foundation could not construct the addition on behalf of the church.

A motion was made to recess into Executive Session for the purpose of discussing legal matters and negotiations.

MOTION TO EXEC

MOTION: D. Makowski **SECOND:** C. Simon **VOTE:**
9-0

-Approved-

The Board recessed into Executive Session at 9:50 p.m.

RECESS TO EXEC

The Board reconvened at 10:47 p.m. Mrs. Herrschaft advised that the Board had been meeting in Executive Session for the purpose of discussing legal matters and negotiations. Information regarding these matters will be made public if, and when, appropriate.

RECONVENED

4. EDUCATION FORUM FORMATS

**EDUCATION FORUM
FORMATS**

There was a discussion on educational forums.

Mr. Fogarty reiterated that policies remain in force unless suspended or waived.

Mr. Hayek said he believes that policies that were adopted at the reorganization meeting should be followed or suspended.

Approval to Suspend Bylaw 9430 and Policy 3541.3 –
RECOMMENDED ACTION: “that the Board approve to suspend Bylaw 9430 and Policy 3541.3.”

**C-06A-07
SUSPENSION OF
BYLAW 9430 AND
POLICY 3541.2**

MOTION: D. Makowski **SECOND:** C. Simon **VOTE:** 9-0

**BOARD OF EDUCATION
WAYNE, NEW JERSEY
EXECUTIVE SESSION
May 25, 2006**

The Board convened into Executive Session in the Board Conference Room at 6:36 PM for the purpose of personnel, negotiations and legal matters.

Absent V. Hayek

There was discussion on whether tonight's executive session interview can be taped.

The board agreed not to tape tonight but referred the issue to the personnel committee for review.

The board interviewed J.W., finalist for the Supervisor of Special Programs position.

There was concern that the revised job description for Supervisor was not presented to the Board in a timelier manner.

The board agreed to refer the job description to the personnel committee meeting scheduled for June 7th. The item will appear on the June 8th PWS agenda.

The Board heard a grievance from the custodial union concerning a transfer of a head custodian. [REDACTED]

[REDACTED]

The Board recessed into Public at 8:00 PM.

The Board reconvened into Executive Session at 9:55 PM

There was a discussion of a summer math stipend.

EXECUTIVE SESSION

**BOARD MEMBER
ATTENDANCE**

PERSONNEL

RECESSED

RECONVENED

PERSONNEL

[REDACTED]

LEGAL MATTERS

The board will be conducting a number of expulsion hearings on June 8, 2006.

There was an incident recently with a Wayne Valley High School student and Randall Carter Elementary students at Camp Warwick. Police are investigating.

[REDACTED]

NEGOTIATIONS

A Wayne Hills High School teacher will be suspended with pay next week.

PERSONNEL

The Board adjourned into Public Session at 10:40 PM.

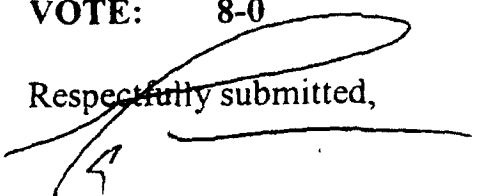
ADJOURNED

MOTION: J. Hutchison

SECOND: C. Simon

VOTE: 8-0

Respectfully submitted,



Gary L. Ottmann
Board Secretary/Business Administrator

**BOARD OF EDUCATION
WAYNE, NEW JERSEY
EXECUTIVE SESSION
August 17, 2006**

The Board convened into Executive Session in the Board Conference Room at 6:35 PM for the purpose of personnel, negotiations and legal matters.

EXECUTIVE SESSION

Late Arrival: D. Makowski 6:40 PM

**BOARD MEMBER
ATTENDANCE**

The Board met and interviewed the Alternative High School Principal Candidate.

PERSONNEL

The Board recessed into Public at 7:05 PM

RECESSED

The Board reconvened into Executive Session at 7:06 PM

RECONVENED

The Board continued discussion of the Alternative High School principal candidate. There was extensive discussion of the board interview process.

PERSONNEL

R. Ceberio suggested and the Board agreed that a written procedure addressing hiring of staff should be developed.

Dr. Maria Nuccetelli will develop a process for board members to review resumes etc.

There was also a request to standardize the role of the site based committees. i.e., one set of criteria.

[REDACTED]

There was discussion of district policies and whether the district is bound by very old policies.

LEGAL MATTERS

John Paff

Telephone – 732-873-1251

P.O. Box 5424
Somerset, New Jersey 08875
E-mail – CJSC@pobox.com
May 23, 2007

Fax 908-325-0129

Gary L. Ottmann, Record Custodian
Wayne Board of Education *(via email attachment only to gottmann@wayneschools.com)*

Dear Mr. Ottmann:

Attached are the first pages from both the Board's May 25, 2006 and August 17, 2006 executive session minutes. As you can see, both pages contain redactions.

I would like to request, in accordance with the Open Public Records Act, Open Public Meetings Act and the common law, the same pages as enclosed, but with the redacted matter revealed. If you assert that any of the redactions are still necessary, kindly set forth your legal justification for keeping the matters confidential.

If you require me to complete your agency's records request form, please send me a blank form and I will complete and return it.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to be 'John Paff', written in a cursive style.

John Paff



50 Nellis Drive Wayne, New Jersey 07470 June 6, 2007

Gary L. Ottmann
Business Administrator/Board Secretary
gottmann@wayneschools.com
Phone: 973.633.3006
Fax: 973.628.8837

VIA E-MAIL CJSC@pobox.com
AND REGULAR MAIL

Mr. John Paff
P.O. Box 5424
Somerset, NJ 08875

**Re: Your OPRA Request dated May 23, 2007 and Received
May 24, 2007**

Dear Mr. Paff:

This shall acknowledge receipt of your request for additional information in accordance with the Open Public Records Act. Specifically, you have asked me to set forth the reasons for the redactions contained in the Board's Executive Minutes of May 25, 2006 and August 17, 2006. For purposes of clarity, I shall address each in turn:

May 25, 2006

The first redaction contained information generated by a public employee in the Wayne School District in connection with a grievance filed by the individual.

The second redaction contains information within the attorney-client privilege concerning an ongoing litigation matter.

August 17, 2006

This redaction concerned legal advice provided to the Board by its attorney, which is within the attorney-client privilege.

I trust that I have been responsive to the issues raised in your correspondence. If you have any questions, please do not hesitate to contact me.

Very truly yours,

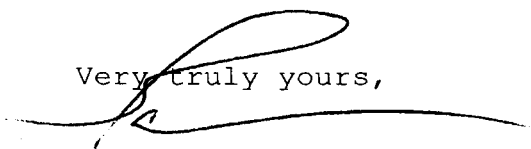

GARY OTTMANN
Business Administrator/Board
Secretary

Exhibit 10

John Paff

P.O. Box 5424
Somerset, New Jersey 08875
E-mail – CJSC@pobox.com
June 29, 2007

Telephone – 732-873-1251

Fax 908-325-0129

Wayne Board of Education
c/o Gary L. Ottmann, Board Secretary
Wayne Board of Education (via email PDF attachment only)


Dear Mr. Ottmann:

Please accept this letter as my request for government records under the Open Public Records Act, Open Public Meetings Act and common law. I request that photocopies of the following records be faxed or emailed to me:

1. Any resolutions, passed in accordance with N.J.S.A. 10:4-13, that authorized any nonpublic sessions of the Board of Education held during March, April, May or June of 2007. If no such formal, free-standing resolutions, please send me instead the minutes of the pages of the public meeting minutes that contain resolutions or motions that, in accordance with N.J.S.A. 10:4-13, authorized any nonpublic sessions of the Board of Education held during March, April, May or June of 2007.
2. The minutes of all nonpublic meetings the Board of Education held during March, April, May or June of 2007.

Thank you for your attention to this matter.

Sincerely,

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

John Paff

From: "Brent R. Pohlman" <bpohlman@fogartyandhara.com>
Subject: OPRA/OPMA Compliance
To: <CJSC@pobox.com>

Mr. Paff

I am sorry that it has taken so long to address your concerns regarding the Wayne Township Board of Education's (hereinafter referred to as the "Board") procedure by which a meeting transitions from public to executive session. I assure you that this was not do to a lack of concern but rather because of the effect summer vacations can have on getting things done. Attached you will find a template resolution that the Board will use each time it enters into executive session. As you can see the resolution will compel the Board to state which issues will be discussed and it requires the Board to provide as much information as possible in the executive session minutes. Please expect the documents your recently requested to arrive shortly. If you have any questions or concerns regarding the transition into executive session or the executive session minutes please do not hesitate to contact my office.

Very truly yours,

Brent R. Pohlman

FOGARTY & HARA, ESQS.
16-00 Route 208 South
Fair Lawn, New Jersey 07410
(201) 791-3340
(201) 791-3432 telecopier
bpohlman@fogartyandhara.com



[Template Resolution to Convene Executive Session \(00014694\).DOC](#)

No virus found in this incoming message.

Checked by AVG Free Edition.

Version: 7.5.484 / Virus Database: 269.12.0/957 - Release Date: 8/16/2007 1:46 PM

RESOLUTION

WHEREAS, the Wayne Township Board of Education (hereinafter referred to as the "Board") from time to time must convene into Executive Session to discuss confidential matters including but not limited to personnel issues, legal matters, student issues and labor negotiations.

WHEREAS, the Board has on its agenda for the meeting being held on _____ issues relating to _____, _____, _____, _____, which must be discussed in a confidential closed session.

NOW THEREFORE BE IT RESOLVED, the Board shall move into Executive Session to discuss the above referenced matter().

BE IT FURTHER RESOLVED, that the minutes of the executive session will provide as much information as possible without violating any applicable privilege or confidentiality so that the public can understand what was discussed and when available what the Board decision was.

BE IT FURTHER RESOLVED, that the minutes of the executive session will be released to the public in an appropriately redacted form within a reasonable period of time.

BE IT FURTHER RESOLVED, that the redacted portion of the executive session minutes will not be released until such time as the privilege or confidentiality is no longer applicable.

ROLL CALL VOTE

AYES:

NAYS:

ABSTENTIONS:

CERTIFICATION

I hereby certify that the within Resolution was adopted by the Wayne Township Board of Education by a majority vote at its duly authorized meeting on _____.

GARY OTTMANN
Business Administrator/Board
Secretary

John Paff

P.O. Box 5424
Somerset, New Jersey 08875
E-mail – CJSC@POBOX.COM
August 21, 2007

Telephone – 732-873-1251

Fax 908-325-0129

Brent R Pohlman, Esq.
Fogarty & Hara
16-00 Route 208 S
Fair Lawn, NJ 07410

(via Fax only to 201-791-3432)

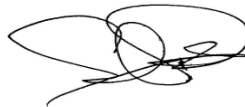
RE: Wayne Board of Education

Dear Mr. Pohlman:

Thank you for your August 17, 2007 email and the template resolution. I believe that the form of resolution satisfies my concerns, but will check back with the Board in several months to see how the closed session resolutions and enhanced minutes work in practice.

Thank you for your cooperation in this matter.

Sincerely,

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

John Paff