



Two of 17 Atlantic towns settle public records suits

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A civil suit brought against 17 Atlantic County municipalities for alleged violations of the Open Public Records Act has resulted in two towns changing the way they conduct business.

Both Buena Vista Township and Folsom reached a settlement with John Paff, of the New Jersey Libertarian Party's Open Government Advocacy Project, earlier this month to provide the public with more details of their executive sessions.

Litigation against the other towns is ongoing.

Paff said he chose litigation against the municipalities after OPRA requests revealed violations regarding either the lack of details of matters discussed prior to closed sessions or withholding of minutes from those closed session meetings.

"A lot of towns just aren't in compliance," said Paff, a Somerset resident. "I think once they saw what I was really looking for, they didn't have a problem. They know it's in the best interest for the public."

As terms of the township's settlement, Buena Vista Township Mayor Chuck Chiarello said that prior to going into a closed session, Township Council members will give more details about the items they intend to discuss.

Paff took issue with the township's resolutions and entered into litigation because he felt they did not provide adequate information. It was something, Chiarello said, that was easily, and cheaply, rectified.

"Essentially, Mr. Paff's contention was that if you wanted to find out what was happening in closed session, where we normally go in and discuss personnel issues, litigation and contract disputes, there was no way for the public to follow it that night," he said. "We were able to resolve it amicably and we will go on from there."

Now, Chiarello said, before Township Council goes into closed session, it presents a list of things that will be discussed. While finite detail isn't required by the law or the settlement, the discussions now provide some more information, he said.

Folsom also resolved the litigation by agreeing to make redacted versions of its executive session minutes available at least two days prior to the public hearings. This, Paff said, gives citizens the opportunity to review the non-exempt portions of the executive minutes in time to comment on them during the public portion of the regular council meetings.

The civil complaint filed against the 17 towns came on Oct. 3. Paff said he's been in discussion with several municipalities since then, some of which are looking to resolve the matter and others that are choosing to fight it.

He said he plans on making the same OPRA requests of towns in other counties as well, saying he only started with Atlantic County because it began with the letter A.

"I'm not looking for them to give up secret information, I'm only trying to make sure that at least the stuff the public is allowed to know about, they do," Paff said. "Not to have these sterile meetings where they give a firefighter a plaque and then go behind closed doors to discuss all the good stuff."

"Hopefully this will have a statewide impact. And I think it will, it's getting their attention," he said.

His efforts have not been entirely well-received by all municipalities, he said, though he's been surprised at some of the responses.

Port Republic has been combative, he said, and its lawyer, Salvatore Perillo, has called the lawsuit frivolous. Perillo is also the mayor of Ocean City, though Paff's search hasn't taken him to Cape May County, yet.

Absecon has withheld minutes, Paff said, and Atlantic City has provided him with all of his requests for closed-session minutes. However, they often contain pages and pages of blacked out, or redacted, information, which he feels is too much.

Generally, he said, the towns seem willing to address his concerns.

"I got very detailed in these settlement agreements," he said. "I approached all the towns to see if they would sign off on this and the response has been pretty good. I think I've worked up a lot of these towns.

"They've just been doing the things they've always been doing and no one has really noticed."

Buena Vista Township Solicitor Mark Stein said the settlement was particularly easy for the township because it only required a minor change. Fighting it, he said, would have been unnecessary and only cost the taxpayers money.

The cost to settle the matter, he said, was about \$40.

"He had some technical questions with what our resolutions said when we went to closed session, so we resolved it," Stein said. "While I don't necessarily agree or disagree with it, changing it was no hardship to us and it ended the litigation."

Another reason it was so easily resolved, he said, is that the township has always been very forthright with its executive session minutes. While he didn't speculate on specific municipalities, he did say that releasing closed minutes is likely more of a concern than providing greater details prior to closed meetings.

Chiarello said the township provided Paff with all the information he requested in his initial issue, and when he found fault with it, the two parties sought to fix it.

"The whole concept - the word now is transparency - is open government," Chiarello said. "There's a reason why the Sunshine law and the Open Public Meeting Act were put together.

"We operate like a business and we're responsible to the public."

Atlantic County towns named in the lawsuit:

Absecon, Atlantic City, Buena Vista Township, Corbin City, Egg Harbor City, Egg Harbor Township, Folsom, Galloway Township, Hamilton Township, Hammonton, Linwood, Longport, Margate, Mullica Township, Northfield, Port Republic, Somers Point.