

# Asbury Park Press

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## Judge orders council to have minutes ready sooner

Ruling comes in response to open records suit

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The Township Council must alter the way it keeps minutes of closed executive sessions, according to a ruling issued Friday by Superior Court Judge Vincent J. Grasso.

The ruling was made in response to a lawsuit filed last June by John Paff, an open public records advocate from Franklin in Somerset County.

Paff filed his suit after he had trouble getting the executive session minutes from three meetings held in 2006.

Five months after the meetings in question took place, township officials told Paff they still did not have minutes ready for public viewing.

The following month, the township provided Paff with minutes that were "not the actual minutes of those nonpublic meetings" but "summaries or versions of the minutes that were specifically prepared for public disclosure," according to Paff's lawsuit.

According to the ruling made Friday, the township must try to have draft minutes available to the public by the following meeting and must have them available 30 days after the meeting or the second meeting after the subject meeting, whichever comes first.

The township also must stop using the form "index of items not released" in its minutes and must release minutes of all topics discussed unless exempt from disclosure. This means that instead of summarizing topics for the public, minutes must be kept on all executive session topics and the township can redact portions that are exempt from exposure.

The ruling also found that the council discussed a topic in closed session during a 2006 meeting, that should have been discussed in public. That topic was a cap-rate ordinance, according to Paff. The township "shall not discuss matters in closed session unless such matters are privileged or authorized for discussion in closed session," Grasso wrote in his ruling.

In his ruling, Grasso stated, the "court finds matters were technical violations" and there was "no finding of bad faith or willfulness."

Paff said he never alleged the actions were taken in bad faith. He also said he hoped other Ocean County municipalities would follow the rules issued by Grasso Friday. Specifically, he wants municipalities to make executive session meetings available within 30 days, and he wants municipal officials to "understand that the only topics that can be privately discussed are those which strictly fall into one of the (Open Public Meetings Act's) listed exemptions."

Township Clerk J. Mark Mutter said the township council will be briefed on the ruling Tuesday, during

the closed session of the Township Council meeting. Mutter said the township would follow the ruling.

"We feel vindicated," he said, adding that the judge found no bad faith or willfulness.

"We take great pride here in our records management," Mutter said. Last year, the Center for Government Services at Rutgers University and the New Jersey League of Municipalities gave the township an honorable mention award for its Open Public Records Act library, Mutter said.

Grasso did not yet rule on whether the township should pay Paff's lawyer fees.