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Judge rules Interlaken violated Sunshine Law

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COASTAL MONMOUTH BUREAU*

Borough officials in Interlaken violated the Open Public Meetings Act when they discussed in closed sessions matters related to dissolving the borough police department and when they refused to release the minutes of a public meeting in a timely fashion.

That was the ruling by Superior Court Judge Lawrence M. Lawson in his June 26 decision in a lawsuit brought by borough resident Robert Napoli, a former councilman, against the borough.

Napoli alleged the Borough Council withheld public information during the process of discussing the fate of the borough Police Department, which had earlier been taken over by the Monmouth County Prosecutor's Office. The council had to decide whether to permanently disband the force or rebuild it.

Napoli said Lawson's decision proves Interlaken officials violated the so-called Sunshine Law "by circumventing requirements, improper notice, violations of policy decision-making that resulted in outrageous contradictions and conclusions."

Further, said Napoli, "The outcome affirms that one person with (a) firm will can make a substantial difference." He said with the court's help, he provided "short-term provisional relief" but "the future resolve of our borough rests within the hands of the people."

Mayor Robert Wolf said Tuesday he had not yet had a chance to review the decision with Borough Attorney Dennis M. Crawford so he did not want to comment extensively.

Lawson, who is the Monmouth assignment judge, heard arguments from Walter M. Luers, representing Napoli, and Crawford, for the borough, early last month.

In January, Luers said that members of the council met at the home of Councilwoman Elizabeth Brown with Ocean Township Police Chief Antonio Amodio to discuss a possible contract with the township for police services.

In a certified statement, Amodio said that over a five-hour period, council members came and left the home, and the group never totaled more than three in the room in addition to Amodio. Luers argued that the reason the council members "shuffled" in and out of the meeting was to avoid a quorum, which requires public notice.

Interlaken "overtly attempted to circumvent the act by preventing a quorum by inviting a council member to join the meeting as another council member left," Lawson wrote. "It is evident that the defendant's intent was to circumvent the requirements of OPMA. Therefore, the court finds that the defendant violated the statutory requirements of OPMA . . ."

Napoli also challenged a Jan. 23 closed-session meeting between the Borough Council and the Allenhurst Board of Commissioners after a public council meeting at the Allenhurst Fire House.

Lawson found state law was violated when the council discussed whether to propose an ordinance to disband the borough police department at a March 5 closed-session, holding contract negotiations with both Ocean Township and Allenhurst in closed sessions and by refusing to provide timely meeting minutes of the borough's Jan. 2 and Feb. 6 closed-session meetings, according to the judge.

Lawson upheld Interlaken on its decision to withhold a 90-page report prepared for the Prosecutor's Office. The report contained detailed information regarding the possible rebuilding process of the Police Department.

The judge said the report was privileged under the "inter-agency or intra-agency advisory, consultative or deliberative material exception under" the state's Open Public Records Act.
