

SUPERIOR COURT OF NEW JERSEY
COUNTIES OF
CUMBERLAND, GLOUCESTER AND SALEM



GEORGIA M. CURIO
ASSIGNMENT JUDGE

CUMBERLAND COUNTY COURTHOUSE
BROAD & FAYETTE STREETS
BRIDGETON, NEW JERSEY 08302
TEL: (856) 453-4377
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February 10, 2009

**Walter M. Luers, LLC
105 Bellvidere Avenue
PO Box 527
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**Adam I. Telsey, Esq.
PUMA, TELSEY & RHEA
107 West Broadway
Salem, New Jersey 08079**

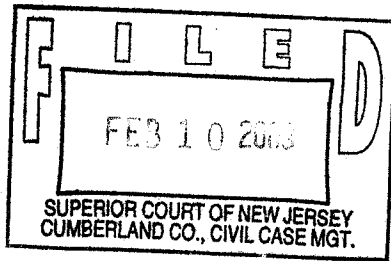
**RE: John Paff v. Borough of Penns Grove and Sharon R.
Williams, etc.
Docket No. SLM-L-252-08**

Dear Counsel:

**Enclosed please find my Opinion in the above captioned
matter which was argued on February 3, 2009.**

Very truly yours,

**GEORGIA M. CURIO, AJSC
GMC/lc
Enclosure**



**SUPERIOR COURT OF NEW JERSEY
LAW DIVISION
SALEM COUNTY
DOCKET NO. SLM-L-252-08**

JOHN PAFF,

Plaintiff,

v.

**BOROUGH OF PENNS GROVE and
SHARON R. WILLIAMS, in her
Official capacities as the Municipal
Clerk and Records Custodian of
Penns Grove,**

Defendants.

)
) **Civil Action**
)
) **OPINION**
)
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The matter comes before the Court by way of Verified Complaint seeking summary action under the Open Public Records Act and the Open Public Meetings Act.

The facts are not in dispute.

On or about July 7, 2008, plaintiff requested Minutes of Open and Closed Meetings which occurred on or after March 18, 2008.

On or about July 9, 2008, the defendant municipality provided open session Minutes for April 1, April 15, May 14, May 20 and June 4, 2008.

On or about July 16, 2008, the defendant municipality provided redacted closed session Minutes for March 18, April 1, April 15, May 14, May 20 and June 4, 2008.

The Municipal Clerk noted reasons for the redactions in the margin of the Minutes. However, due to some unexplained "glitch" the stated reasons were not received by the plaintiff until after the filing of the Complaint and Order to Show Cause which occurred on September 9, 2008.

Upon receipt of the explanations provided in the margin of the Minutes, plaintiff has taken the position that the explanation for the redactions are inadequate and therefore violative of the Open Public Records Act.

Likewise, plaintiff takes the position that many of the closed sessions are violative of the Open Public Meetings Act because the reasons for closing the session were inadequate or inappropriate.

Against the backdrop of the foregoing issues, there were certain errors of the defendant municipality in the preparation of Resolutions. After the fact, those errors were cured, consistent with O'Shea v. West Milford Township Planning Board, et als, No. A-2534-05 (App. Div. December 20, 2006), an unpublished Opinion, which this Court finds persuasive and on point. Defendant Borough of Penns Grove's action to

retroactively authorize the closed sessions by Resolution appropriately remediate the defendant's errors and omissions in this regard.

In order to pass upon the adequacy of the reasons given for both the closed sessions and the redactions, the Court has engaged in an *in camera* review of the Minutes at issue.

Clearly, OPRA mandates that Government records shall be readily accessible, with certain exceptions. The public agency bears the burden of proving that access to the record was properly denied and must state the "specific basis" for denying access and must "produce specific reliable evidence sufficient to meet a statutorily recognized basis for confidentiality." Courier News v. Hunterdon County Prosecutor's Office, 358 N.J.Super. 373 (App. Div. 2003). Redactions must be explained in a manner that "will enable other parties to assess the applicability of the privilege or protection." Paff v. New Jersey Department of Labor, Board of Review, 379 N.J.Super. 346 (App. Div. 2005).

As to the redactions, the clerk noted such comments as "ongoing litigation", "ongoing negotiations", "personnel issues," "disciplinary action" and the like.

Having reviewed the Minutes *in camera*, the Court is satisfied that the reasons articulated by the Township for redaction and/or going into closed session are factually accurate and, thus, the Court has determined

the validity of the Township's claims of confidentiality and non-disclosure. The court is satisfied that those items redacted had to do with exempted matters, specifically, collective bargaining negotiations or strategy for negotiations, personnel and/or disciplinary matters and pending or anticipated litigation.

As a result, then, of the Court's *in camera* review, no additional materials will be required to be released. The Township is, however, directed to identify the employee or employees discussed on April 15, 2008, May 6, 2008, May 20, 2008 and the name of the litigation discussed on May 20, 2008.

The notations provided by the defendant clerk to explain the redactions are exceedingly brief. Nevertheless, the Court is satisfied that viewing the totality of the Minutes (i.e. the headings of each entry and the explanatory notations together), is sufficient to meet the minimum requirement of putting persons on notice as to the general subject matter discussed and provide a basis to determine whether, in broad terms, the claim of confidentiality and non-disclosure is appropriate. In the absence of clear authority requiring the use of some other precise formulation, the Court is satisfied that the reasons for redaction are sufficient in this case.

Similarly, the court finds no insufficiency in the Resolutions, either contemporaneous or retroactive *vis-a-vis* the closed session discussions.

The Court has determined that no civil penalties are to be assessed against the defendant for the reasons stated on the record at the time of oral argument on February 3, 2009.

The Court has declined to impose injunctive relief for the reasons stated on the record at the time of oral argument on February 3, 2009.

No Statute of Limitations issue pertains as the Court's records show that the Complaint was filed within the applicable 45 day time frame.

2008-3-42 Resolution Authorizing Executive Session

WHEREAS, the Open Public Meetings Act, N.J.S.A. 10:4-12b permits a public body to go into a closed session during a public meeting to discuss certain matters as follows:

(1) Matters Required by law to be confidential: Any matter which by express provision of the Federal law or State statute or rule of court shall be rendered confidential or excluded from the provisions of the Open Public Meetings Act.

(2) Any matter in which the release of information would impair the right to receive federal funding.

(3) Matters involving individual privacy: Any matter, the disclosure of which constitutes an unwarranted invasion of individual privacy such as records, data, reports, recommendations or other personal material of any education, training, social service, medical, health, custodial, child protection, rehabilitation, legal defense, welfare, housing relocation, insurance and similar program or institution operated by a public body pertaining to any specific individual admitted to or served by such institution or program, including, but not limited to information relative to the individual's personal and family circumstances, and any material pertaining to admission, discharge, treatment, progress or condition of any individual, unless the individual concerned .

(4) Matters pertaining to a collective bargaining agreement: Any matter involving a collective bargaining agreement, or the terms and conditions which are proposed for inclusion in any collective bargaining agreement, including the negotiation of the terms and conditions thereof with employees or representatives of employees of the public body.

(5) Matters relating to the purchase, lease acquisition of real property or investment of public funds: Any matter involving the lease, purchase or acquisition of real property with public funds, the setting of banking rates or investment of public funds, where it could adversely affect the public interest if discussion of such matters were disclosed.

(6) Matters of public protection: Any tactic and techniques utilized in protecting the safety and property of the public, provided that their disclosure could impair such protection.

(7) Matters relating to litigation, negotiations and attorney-client privilege: Any matter of pending or anticipated litigation or contract negotiation other than in (4) above in which the Township is or may become a party. Any matters falling within the attorney-client privilege, to the extent that confidentiality is required for the attorney to exercise ethical duties as a lawyer.

(8) Matters relating to the employment relationship: Any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance of , promotion or disciplining of any specific prospective public officer or employee or current public officer or

employee employed or appointed by the public body, unless all of the individual employees or appointees whose rights could be adversely affected request in writing that such matter or matters be discussed in public.

(9) Deliberations after public hearing. Deliberations by the Township occurring after a public hearing that may result in a civil penalty or the suspension or loss of a license or permit of a responding party; and

WHEREAS, the Borough Council has determined that it is necessary to go into a closed session to discuss certain matters relating to the items as permitted by N.J.S.A. 10:4-12b

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Penns Grove that

the Council will go into closed session to discuss the following, in accordance with the aforesaid provisions

of the Open Public Meetings Act, after which it will reconvene in the public:

1. Discussion with the Solicitor regarding contract negotiations with Seaboard in connection with the Riverwalk pursuant to NJSA 10:4-12b(7).
2. Discussion of EEOC complaint regarding Vass Wiggins pursuant to NJSA 10:4-12b(7).
3. Discussion of contract negotiations regarding revaluations pursuant to NJSA 10:4-12b(7).
4. Discussion of complaint filed by John Paff with the Local Finance Board pursuant to NJSA 10:4-12b(7).
5. Discussion regarding renovations and contracting for same, as it pertains to the Police Department.

BE IT FURTHER RESOLVED, that the minutes of the closed session will be made available to the public

when the need for privacy no longer exists.

ATTEST: BOROUGH OF PENNS GROVE

Sharon Williams, Borough Clerk John A. Washington, Mayor

BOROUGH OF PENNS GROVE
MAYOR AND COUNCIL MEETING
March 18, 2008

The executive session meeting of the mayor and council was held on the above date in the Borough Hall with Mayor John Washington presiding.

ATTENDANCE:

Mincey - Present
Poindexter - Present
Ownsby - Present
Bercute - Absent
Baytops - Present
Crescenzi - Present

CONTRACTUAL – SEABOARD DEVELOPMENT

Clerk's explanation: Ongoing negotiations

[REDACTED]

PERSONNEL – VASS WIGGINS

[REDACTED]

Clerk's Explanation: Ongoing Litigation

CONTRACTUAL – REVALUATION FIRMS

Adam Telsey addressed the availability of funds, and the necessity to again request proposals for the Revaluation due to the contract not being awarded within the 60 day requirements.

LITIGATION – JOHN PAFF

[REDACTED]

[REDACTED]

CONTRACTUAL – RENOVATIONS OF POLICE DEPARTMENT

Clerk's Explanation: Still Ongoing Litigation

Mayor addressed the necessary renovations needed as it pertains to the Police Department.
Labb stated that there is \$500,000.00 in the Capital Improvement Fund.
Baytops addressed the purchase of the property located next to Borough Hall.
Crescenzi stated his opposition to said purchase as it would take a ratable off the market. Crescenzi also stressed concern regarding any expenditure considering the budget crisis.
Labb explained the bonding process.
Mayor stated that the issues need be resolved to avoid fines from PEOSHA.
Poindexter suggested contacting Heather Gilchrist, Safety Coordinator, to address concerns PEOSHA has.

Motion to close executive session by Crescenzi; second Poindexter. All in favor.

Respectfully submitted,

Sharon R. Williams
Municipal Clerk

BOROUGH OF PENNS GROVE
MAYOR AND COUNCIL MEETING
April 1, 2008

Motion to close meeting to the public by Ownsby; second Mincey. All in favor.

2008-3-42 Resolution Authorizing Executive Session

WHEREAS, the Open Public Meetings Act, N.J.S.A. 10:4-12b permits a public body to go into a closed session during a public meeting to discuss certain matters as follows:

- (1) *Matters Required by law to be confidential:* Any matter which by express provision of the Federal law or State statute or rule of court shall be rendered confidential or excluded from the provisions of the Open Public Meetings Act.
- (2) Any matter in which the release of information would impair the right to receive federal funding.
- (3) *Matters involving individual privacy:* Any matter, the disclosure of which constitutes an unwarranted invasion of individual privacy such as records, data, reports, recommendations or other personal material of any education, training, social service, medical, health, custodial, child protection, rehabilitation, legal defense, welfare, housing relocation, insurance and similar program or institution operated by a public body pertaining to any specific individual admitted to or served by such institution or program, including, but not limited to information relative to the individual's personal and family circumstances, and any material pertaining to admission, discharge, treatment, progress or condition of any individual, unless the individual concerned .
- (4) *Matters pertaining to a collective bargaining agreement:* Any matter involving a collective bargaining agreement, or the terms and conditions which are proposed for inclusion in any collective bargaining agreement, including the negotiation of the terms and conditions thereof with employees or representatives of employees of the public body.
- (5) *Matters relating to the purchase, lease acquisition of real property or investment of public funds:* Any matter involving the lease, purchase or acquisition of real property with public funds, the setting of banking rates or investment of public funds, where it could adversely affect the public interest if discussion of such matters were disclosed.
- (6) *Matters of public protection:* Any tactic and techniques utilized in protecting the safety and property of the public, provided that their disclosure could impair such protection.
- (7) *Matters relating to litigation, negotiations and attorney-client privilege:* Any matter of pending or anticipated litigation or contract negotiation other than in (4) above in which the Township is or may become a party. Any matters falling within the attorney-client privilege, to the extent that confidentiality is required for the attorney to exercise ethical duties as a lawyer.
- (8) *Matters relating to the employment relationship:* Any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance of , promotion or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the public body, unless all of the individual employees or appointees whose rights could be adversely affected request in writing that such matter or matters be discussed in public.

(9) *Deliberations after public hearing.* Deliberations by the Township occurring after a public hearing that may result in a civil penalty or the suspension or loss of a license or permit of a responding party; and WHEREAS, the Borough Council has determined that it is necessary to go into a closed session to discuss certain matters relating to the items as permitted by N.J.S.A. 10:4-12b NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Penns Grove that the Council will go into closed session to discuss the following, in accordance with the aforesaid provisions of the Open Public Meetings Act, after which it will reconvene in the public:

1. Discussion with the Solicitor regarding Police Dispatchers Contract pursuant to NJSA 10:4-12b(7).
2. Discussion of contract negotiations regarding revaluations pursuant to NJSA 10:4-12b(7).
3. Discussion of contract negotiations regarding revaluations pursuant to NJSA 10:4-12b(7).
4. Discussion regarding Streets Department personnel pursuant to NJSA 10:4-12b(8). Discussion will be general in nature and there will be no adverse action taken against any employee as a result of said discussion.

BE IT FURTHER RESOLVED, that the minutes of the closed session will be made available to the public when the need for privacy no longer exists.

ATTEST:

Sharon Williams, Borough Clerk

BOROUGH OF PENNS GROVE

John A. Washington, Mayor

Motion to adopt by Mincey; second Ownsby All in favor.

Motion to reopen by Crescenzi, second Ownsby. All in favor.

Motion to adjourn by Crescenzi; second Baytops. All in favor.

Respectfully submitted,

Teresa Huckoby
Municipal Deputy Clerk

BOROUGH OF PENNS GROVE
MAYOR AND COUNCIL EXECUTIVE SESSION MEETING
April 1, 2008

Attendance: Mincey
Poindexter
Ownsby
Bercute
Baytops
Crescenzi

Contracts

[REDACTED]

Clerk's reason for redaction: "Ongoing negotiations"

Contractual

Revaluation bids will be re-advertised, the timeframe has expired. Would like to award bid on April 15, 2008 or soon thereafter. Solicitor will be out of town, but will have a replacement present for next meeting.

Personnel

Councilwoman Mincey was informed that the Street Department personnel was ordered not to speak with her or others when they reported to work at Barber Avenue Park. Ownsby mentioned that Wistar and Kennedy were in charge and they were informed to speak to them. Matter was clarified. In order to keep some kind of order these two men were chosen to supervise. Mincey felt Street department personnel should be able to communicate with her, being she is member of council.

CONTRACTS

[REDACTED]

Clerk's reason for redaction: "Ongoing negotiations"

Motion to close executive session by Poindexter, second Mincey All in favor.

Respectively submitted,

Teresa Huckoby
Deputy Clerk

BOROUGH OF PENNS GROVE
MAYOR AND COUNCIL MEETING
April 15, 2008

Motion to close meeting to the public by Ownsby; second Mincey. All in favor.

RESOLUTION:

2008-4-46 Resolution Authorizing Executive Session

WHEREAS, the Open Public Meetings Act, N.J.S.A. 10:4-12b permits a public body to go into a closed session during a public meeting to discuss certain matters as follows:

(1) *Matters Required by law to be confidential:* Any matter which by express provision of the Federal law or State statute or rule of court shall be rendered confidential or excluded from the provisions of the Open Public Meetings Act.

(2) Any matter in which the release of information would impair the right to receive federal funding.

(3) *Matters involving individual privacy:* Any matter, the disclosure of which constitutes an unwarranted invasion of individual privacy such as records, data, reports, recommendations or other personal material of any education, training, social service, medical, health, custodial, child protection, rehabilitation, legal defense, welfare, housing relocation, insurance and similar program or institution operated by a public body pertaining to any specific individual admitted to or served by such institution or program, including, but not limited to information relative to the individual's personal and family circumstances, and any material pertaining to admission, discharge, treatment, progress or condition of any individual, unless the individual concerned .

(4) *Matters pertaining to a collective bargaining agreement:* Any matter involving a collective bargaining agreement, or the terms and conditions which are proposed for inclusion in any collective bargaining agreement, including the negotiation of the terms and conditions thereof with employees or representatives of employees of the public body.

(5) *Matters relating to the purchase, lease acquisition of real property or investment of public funds:* Any matter involving the lease, purchase or acquisition of real property with public funds, the setting of banking rates or investment of public funds, where it could adversely affect the public interest if discussion of such matters were disclosed.

(6) *Matters of public protection:* Any tactic and techniques utilized in protecting the safety and property of the public, provided that their disclosure could impair such protection.

(7) *Matters relating to litigation, negotiations and attorney-client privilege:* Any matter of pending or anticipated litigation or contract negotiation other than in (4) above in which the Township is or may become a party. Any matters falling within the attorney-client privilege, to the extent that confidentiality is required for the attorney to exercise ethical duties as a lawyer.

(8) *Matters relating to the employment relationship:* Any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance of , promotion or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the public body, unless all of the individual employees or appointees whose rights could be adversely affected request in writing that such matter or matters be discussed in public.

(9) *Deliberations after public hearing.* Deliberations by the Township occurring after a public hearing that may result in a civil penalty or the suspension or loss of a license or permit of a responding party; and

WHEREAS, the Borough Council has determined that it is necessary to go into a closed session to discuss certain matters relating to the items as permitted by N.J.S.A. 10:4-12b NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Penns Grove that the Council will go into closed session to discuss the following, in accordance with the aforesaid provisions of the Open Public Meetings Act, after which it will reconvene in the public:

1. Discuss Personnel matters.

BE IT FURTHER RESOLVED, that the minutes of the closed session will be made available to the public when the need for privacy no longer exists.

ATTEST:

Sharon Williams, Borough Clerk

BOROUGH OF PENNS GROVE

John A. Washington, Mayor

Respectfully submitted,

Teresa Huckoby
Deputy Clerk

BOROUGH OF PENNS GROVE
RESOLUTION 2008-4-46
Resolution Authorizing Executive Session

WHEREAS, the Open Public Meetings Act, N.J.S.A. 10:4-12b permits a public body to go into a closed session during a public meeting to discuss certain matters as follows:

- (1) *Matters Required by law to be confidential:* Any matter which by express provision of the Federal law or State statute or rule of court shall be rendered confidential or excluded from the provisions of the Open Public Meetings Act.
- (2) Any matter in which the release of information would impair the right to receive federal funding.
- (3) *Matters involving individual privacy:* Any matter, the disclosure of which constitutes an unwarranted invasion of individual privacy such as records, data, reports, recommendations or other personal material of any education, training, social service, medical, health, custodial, child protection, rehabilitation, legal defense, welfare, housing relocation, insurance and similar program or institution operated by a public body pertaining to any specific individual admitted to or served by such institution or program, including, but not limited to information relative to the individual's personal and family circumstances, and any material pertaining to admission, discharge, treatment, progress or condition of any individual, unless the individual concerned .
- (4) *Matters pertaining to a collective bargaining agreement:* Any matter involving a collective bargaining agreement, or the terms and conditions which are proposed for inclusion in any collective bargaining agreement, including the negotiation of the terms and conditions thereof with employees or representatives of employees of the public body.
- (5) *Matters relating to the purchase, lease acquisition of real property or investment of public funds:* Any matter involving the lease, purchase or acquisition of real property with public funds, the setting of banking rates or investment of public funds, where it could adversely affect the public interest if discussion of such matters were disclosed.
- (6) *Matters of public protection:* Any tactic and techniques utilized in protecting the safety and property of the public, provided that their disclosure could impair such protection.
- (7) *Matters relating to litigation, negotiations and attorney-client privilege:* Any matter of pending or anticipated litigation or contract negotiation other than in (4) above in which the Township is or may become a party . Any matters falling within the attorney-client privilege, to the extent that confidentiality is required for the attorney to exercise ethical duties as a lawyer.
- (8) *Matters relating to the employment relationship:* Any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance of , promotion or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the public body, unless all of the individual employees or appointees whose rights could be adversely affected request in writing that such matter or matters be discussed in public.
- (9) *Deliberations after public hearing.* Deliberations by the Township occurring after a public hearing that may result in a civil penalty or the suspension or loss of a license or permit of a responding party; and

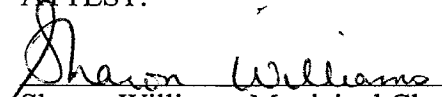
WHEREAS, the Borough Council has determined that it is necessary to go into a closed session to discuss certain matters relating to the items as permitted by N.J.S.A. 10:4-12b

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Penns Grove that the Council will go into closed session to discuss the following, in accordance with the aforesaid provisions of the Open Public Meetings Act, after which it will reconvene in the public:

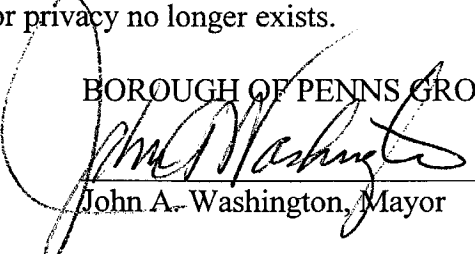
1. Discussion regarding the Housing Office personnel pursuant to N.J.S.A. 10-4-12b(8). Discussion will be general in nature and there will be no adverse action taken against any employee as a result of said discussion.
2. Discussion regarding Streets Department personnel pursuant to N.J.S.A. 10:4-12b(8).
3. _____
4. _____
5. _____

BE IT FURTHER RESOLVED, that the minutes of the closed session will be made available to the public when the need for privacy no longer exists.

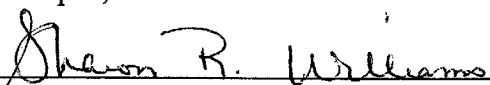
ATTEST:


 Sharon Williams, Municipal Clerk

BOROUGH OF PENNS GROVE


 John A. Washington, Mayor

I certify that the foregoing is a true copy of a Resolution adopted by the Mayor and Council of the Borough of Penns Grove, in the County of Salem, at a regular meeting thereof held on the 15th day of April, 2008.


 Sharon R. Williams, Municipal Clerk

Council	MOVED	SECONDED	Y	N	ABSTAIN	ABSENT
Mincey	✓					
Poindexter						✓
Owensby			✓			
Bercute		✓	✓			
Baytops						✓
Crescenzi			✓			

BOROUGH OF PENNS GROVE
MAYOR AND COUNCIL EXECUTIVE SESSION MEETING
April 15, 2008

ATTENDANCE: Mincey Present
Poindexter Absent
Ownsby Present
Bercute Present
Baytops Absent
Crescenzi Present

PERSONNEL

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Clerk's reason for redaction: "Personnel issues"

Motion to close executive session by Crescenzi, second Bercute. All in favor.

Respectively submitted,

Teresa Huckoby
Deputy Clerk

BOROUGH OF PENNS GROVE
MAYOR AND COUNCIL MEETING
May 6, 2008

2008-5-52 Resolution Authorizing Executive Session

WHEREAS, the Open Public Meetings Act, N.J.S.A. 10:4-12b permits a public body to go into a closed session during a public meeting to discuss certain matters as follows:

- (1) *Matters Required by law to be confidential:* Any matter which by express provision of the Federal law or State statute or rule of court shall be rendered confidential or excluded from the provisions of the Open Public Meetings Act.
- (2) Any matter in which the release of information would impair the right to receive federal funding.
- (3) *Matters involving individual privacy:* Any matter, the disclosure of which constitutes an unwarranted invasion of individual privacy such as records, data, reports, recommendations or other personal material of any education, training, social service, medical, health, custodial, child protection, rehabilitation, legal defense, welfare, housing relocation, insurance and similar program or institution operated by a public body pertaining to any specific individual admitted to or served by such institution or program, including, but not limited to information relative to the individual's personal and family circumstances, and any material pertaining to admission, discharge, treatment, progress or condition of any individual, unless the individual concerned .
- (4) *Matters pertaining to a collective bargaining agreement:* Any matter involving a collective bargaining agreement, or the terms and conditions which are proposed for inclusion in any collective bargaining agreement, including the negotiation of the terms and conditions thereof with employees or representatives of employees of the public body.
- (5) *Matters relating to the purchase, lease acquisition of real property or investment of public funds:* Any matter involving the lease, purchase or acquisition of real property with public funds, the setting of banking rates or investment of public funds, where it could adversely affect the public interest if discussion of such matters were disclosed.
- (6) *Matters of public protection:* Any tactic and techniques utilized in protecting the safety and property of the public, provided that their disclosure could impair such protection.
- (7) *Matters relating to litigation, negotiations and attorney-client privilege:* Any matter of pending or anticipated litigation or contract negotiation other than in (4) above in which the Township is or may become a party. Any matters falling within the attorney-client privilege, to the extent that confidentiality is required for the attorney to exercise ethical duties as a lawyer.
- (8) *Matters relating to the employment relationship:* Any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance of , promotion or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the public body, unless all of the individual employees or appointees whose rights could be adversely affected request in writing that such matter or matters be discussed in public.
- (9) *Deliberations after public hearing.* Deliberations by the Township occurring after a public hearing that may result in a civil penalty or the suspension or loss of a license or permit of a responding party; and

WHEREAS, the Borough Council has determined that it is necessary to go into a closed session to discuss certain matters relating to the items as permitted by N.J.S.A. 10:4-12b
NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Penns Grove that the Council will go into closed session to discuss the following, in accordance with the aforesaid provisions of the Open Public Meetings Act, after which it will reconvene in the public:

1. Discussion of Police Contract
2. Discussion of Pending litigations
3. Discussion of contract negotiations regarding Riverfront Developers.

BE IT FURTHER RESOLVED, that the minutes of the closed session will be made available to the public when the need for privacy no longer exists.

ATTEST:

Teresa Huckoby, Deputy Clerk

BOROUGH OF PENNS GROVE

John A. Washington, Mayor

Motion to adopt by Poindexter; second Baytops All in favor.

Motion to adjourn by Poindexter; second Crescenzi. All in favor.

Respectfully submitted,

Teresa Huckoby
Deputy Clerk

BOROUGH OF PENNS GROVE
MAYOR AND COUNCIL EXECUTIVE SESSION MEETING
May 6, 2008

ROLL CALL:

Mincey: Present
Poindexter: Present
Ownsby: Present
Bercute: Present
Baytops: Present
Crescenzi: Present
Washington: Present

STALCUP VS PENNS GROVE

Stalcup filed suit against Penns Grove. The case is done for now, she did not answer derogatorys.

ANTHONY GREEN VS TILL LERRO

[REDACTED]

Clerk's reason for redaction: "Ongoing potential litigation"

CONTRACT NEGOTIATIONS

Cooperation if not good from the Riverfront developers. Council not in agreement with getting involved with a grant process. Council wants developer to prepare and issue plans, give a timeframe. Solicitor will prepare a checklist and recommended having meeting with developer frequently.

PERSONNEL

[REDACTED]

Clerk's reason for redaction is unreadable.

Motion to close executive session by Poindexter, second Ownsby. All in favor.

Respectively submitted,

Teresa Huckoby
Deputy Clerk

BOROUGH OF PENNS GROVE
MAYOR AND COUNCIL BUDGET MEETING
May 14, 2008

Motion to close by Crescenzi, second Ownsby. All in favor.

Respectively submitted,

Teresa Huckoby
Deputy Clerk

BOROUGH OF PENNS GROVE
RESOLUTION 2008-11-107
Resolution Authorizing Executive Session

WHEREAS, the Open Public Meetings Act, N.J.S.A. 10:4-12b permits a public body to go into a closed session during a public meeting to discuss certain matters as follows:

- (1) *Matters Required by law to be confidential:* Any matter which by express provision of the Federal law or State statute or rule of court shall be rendered confidential or excluded from the provisions of the Open Public Meetings Act.
- (2) Any matter in which the release of information would impair the right to receive federal funding.
- (3) *Matters involving individual privacy:* Any matter, the disclosure of which constitutes an unwarranted invasion of individual privacy such as records, data, reports, recommendations or other personal material of any education, training, social service, medical, health, custodial, child protection, rehabilitation, legal defense, welfare, housing relocation, insurance and similar program or institution operated by a public body pertaining to any specific individual admitted to or served by such institution or program, including, but not limited to information relative to the individual's personal and family circumstances, and any material pertaining to admission, discharge, treatment, progress or condition of any individual, unless the individual concerned .
- (4) *Matters pertaining to a collective bargaining agreement:* Any matter involving a collective bargaining agreement, or the terms and conditions which are proposed for inclusion in any collective bargaining agreement, including the negotiation of the terms and conditions thereof with employees or representatives of employees of the public body.
- (5) *Matters relating to the purchase, lease acquisition of real property or investment of public funds:* Any matter involving the lease, purchase or acquisition of real property with public funds, the setting of banking rates or investment of public funds, where it could adversely affect the public interest if discussion of such matters were disclosed.
- (6) *Matters of public protection:* Any tactic and techniques utilized in protecting the safety and property of the public, provided that their disclosure could impair such protection.
- (7) *Matters relating to litigation, negotiations and attorney-client privilege:* Any matter of pending or anticipated litigation or contract negotiation other than in (4) above in which the Township is or may become a party. Any matters falling within the attorney-client privilege, to the extent that confidentiality is required for the attorney to exercise ethical duties as a lawyer.
- (8) *Matters relating to the employment relationship:* Any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance of , promotion or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the public body, unless all of the individual employees or appointees whose rights could be adversely affected request in writing that such matter or matters be discussed in public.
- (9) *Deliberations after public hearing.* Deliberations by the Township occurring after a public hearing that may result in a civil penalty or the suspension or loss of a license or permit of a responding party; and

WHEREAS, on May 14, 2008 the Borough Council determined that it was necessary to go into closed session to discuss certain matters relating to the items as permitted by N.J.S.A. 10:4-12b; and

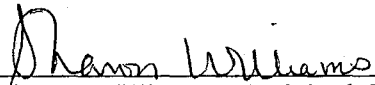
WHEREAS, the purpose of this resolution is to authorize the closed session previously conducted on May 14, 2008

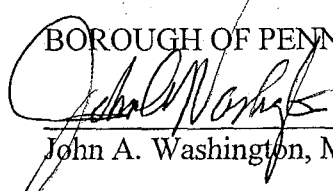
NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Penns Grove that the Council went into closed session on May 14, 2008 to discuss the following, in accordance with the aforesaid provisions of the Open Public Meetings Act:

1. Contract/Employment Relations – Discussion of Police Officers contract and staffing issues as it is related to the budget pursuant to N.J.S.A. 10:4-12b(4)(7) and (8).

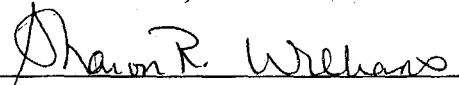
BE IT FURTHER RESOLVED, that the minutes of the closed session will be made available to the public when the need for privacy no longer exists.

ATTEST:


 Sharon Williams, Municipal Clerk

BOROUGH OF PENNS GROVE

 John A. Washington, Mayor

I certify that the foregoing is a true copy of a Resolution adopted by the Mayor and Council of the Borough of Penns Grove, in the County of Salem, at a regular meeting thereof held on the 18th day of November, 2008.


 Sharon R. Williams, Municipal Clerk

Council	MOVED	SECONDED	Y	N	ABSTAIN	ABSENT
Mincey		✓	✓			
Poindexter			✓			
Owensby			✓			
Bercute			✓			
Baytops			✓			
Venello	✓		✓			

BOROUGH OF PENNS GROVE
MAYOR AND COUNCIL EXECUTIVE SESSION MEETING
May 14, 2008

ROLL CALL:

Mincey: Present
Poindexter: Present
Ownsby: Present
Bercute: Present
Baytops: Present
Crescenzi: Present
Washington: Present

EXECUTIVE SESSION MEETING TO DISCUSS THE BUDGET:

[REDACTED]

[REDACTED]

[REDACTED]

Clerk's reason for redaction: "Ongoing Review"

Motion to close executive session by Crescenzi, second Poindexter. All in favor.

Respectively submitted,

Teresa Huckoby
Deputy Clerk

BOROUGH OF PENNS GROVE
MAYOR AND COUNCIL MEETING
May 20, 2008

RESOLUTION:

2008-5-52 Resolution Authorizing Executive Session

WHEREAS, the Open Public Meetings Act, N.J.S.A. 10:4-12b permits a public body to go into a closed session during a public meeting to discuss certain matters as follows:

(1) *Matters Required by law to be confidential:* Any matter which by express provision of the Federal law or State statute or rule of court shall be rendered confidential or excluded from the provisions of the Open Public Meetings Act.

(2) Any matter in which the release of information would impair the right to receive federal funding.

(3) *Matters involving individual privacy:* Any matter, the disclosure of which constitutes an unwarranted invasion of individual privacy such as records, data, reports, recommendations or other personal material of any education, training, social service, medical, health, custodial, child protection, rehabilitation, legal defense, welfare, housing relocation, insurance and similar program or institution operated by a public body pertaining to any specific individual admitted to or served by such institution or program, including, but not limited to information relative to the individual's personal and family circumstances, and any material pertaining to admission, discharge, treatment, progress or condition of any individual, unless the individual concerned .

(4) *Matters pertaining to a collective bargaining agreement:* Any matter involving a collective bargaining agreement, or the terms and conditions which are proposed for inclusion in any collective bargaining agreement, including the negotiation of the terms and conditions thereof with employees or representatives of employees of the public body.

(5) *Matters relating to the purchase, lease acquisition of real property or investment of public funds:* Any matter involving the lease, purchase or acquisition of real property with public funds, the setting of banking rates or investment of public funds, where it could adversely affect the public interest if discussion of such matters were disclosed.

(6) *Matters of public protection:* Any tactic and techniques utilized in protecting the safety and property of the public, provided that their disclosure could impair such protection.

(7) *Matters relating to litigation, negotiations and attorney-client privilege:* Any matter of pending or anticipated litigation or contract negotiation other than in (4) above in which the Township is or may become a party. Any matters falling within the attorney-client privilege, to the extent that confidentiality is required for the attorney to exercise ethical duties as a lawyer.

(8) *Matters relating to the employment relationship:* Any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance of , promotion or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the public body, unless all of the individual employees or appointees whose rights could be adversely affected request in writing that such matter or matters be discussed in public.

(9) *Deliberations after public hearing.* Deliberations by the Township occurring after a public hearing that may result in a civil penalty or the suspension or loss of a license or permit of a responding party; and WHEREAS, the Borough Council has determined that it is necessary to go into a closed session to discuss certain matters relating to the items as permitted by N.J.S.A. 10:4-12b

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Penns Grove that the Council will go into closed session to discuss the following, in accordance with the aforesaid provisions of the Open Public Meetings Act, after which it will reconvene in the public:

1. Discussion of Personnel matters
2. Discussion of Pending litigation from Department of Justice
3. Discussion of contract negotiations regarding Seaboard Inc.

BE IT FURTHER RESOLVED, that the minutes of the closed session will be made available to the public when the need for privacy no longer exists.

ATTEST:

Teresa Huckoby, Deputy Clerk

John A. Washington, Mayor

Motion to adopt by Baytops; second Mincey. All in favor.

Respectfully submitted,

Teresa Huckoby
Deputy Clerk

BOROUGH OF PENNS GROVE
RESOLUTION 2008-11-108
Resolution Authorizing Executive Session

WHEREAS, the Open Public Meetings Act, N.J.S.A. 10:4-12b permits a public body to go into a closed session during a public meeting to discuss certain matters as follows:

- (1) *Matters Required by law to be confidential:* Any matter which by express provision of the Federal law or State statute or rule of court shall be rendered confidential or excluded from the provisions of the Open Public Meetings Act.
- (2) Any matter in which the release of information would impair the right to receive federal funding.
- (3) *Matters involving individual privacy:* Any matter, the disclosure of which constitutes an unwarranted invasion of individual privacy such as records, data, reports, recommendations or other personal material of any education, training, social service, medical, health, custodial, child protection, rehabilitation, legal defense, welfare, housing relocation, insurance and similar program or institution operated by a public body pertaining to any specific individual admitted to or served by such institution or program, including, but not limited to information relative to the individual's personal and family circumstances, and any material pertaining to admission, discharge, treatment, progress or condition of any individual, unless the individual concerned .
- (4) *Matters pertaining to a collective bargaining agreement:* Any matter involving a collective bargaining agreement, or the terms and conditions which are proposed for inclusion in any collective bargaining agreement, including the negotiation of the terms and conditions thereof with employees or representatives of employees of the public body.
- (5) *Matters relating to the purchase, lease acquisition of real property or investment of public funds:* Any matter involving the lease, purchase or acquisition of real property with public funds, the setting of banking rates or investment of public funds, where it could adversely affect the public interest if discussion of such matters were disclosed.
- (6) *Matters of public protection:* Any tactic and techniques utilized in protecting the safety and property of the public, provided that their disclosure could impair such protection.
- (7) *Matters relating to litigation, negotiations and attorney-client privilege:* Any matter of pending or anticipated litigation or contract negotiation other than in (4) above in which the Township is or may become a party. Any matters falling within the attorney-client privilege, to the extent that confidentiality is required for the attorney to exercise ethical duties as a lawyer.
- (8) *Matters relating to the employment relationship:* Any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance of , promotion or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the public body, unless all of the individual employees or appointees whose rights could be adversely affected request in writing that such matter or matters be discussed in public.
- (9) *Deliberations after public hearing.* Deliberations by the Township occurring after a public hearing that may result in a civil penalty or the suspension or loss of a license or permit of a responding party; and

WHEREAS, on May 20, 2008 the Borough Council determined that it was necessary to go into closed session to discuss certain matters relating to the items as permitted by N.J.S.A. 10:4-12b; and

WHEREAS, certain matters were discussed in closed session that were not set forth in the authorizing resolution; and

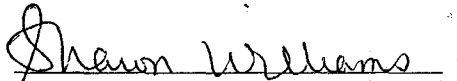
WHEREAS, the purpose of this resolution is to correct the prior resolution and disclose the items that were discussed in closed session and to authorization discussion of said items in closed session on May 20, 2008.

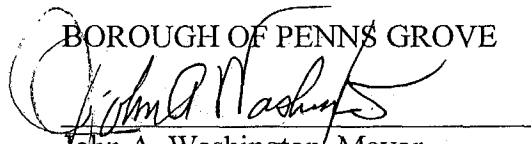
NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Penns Grove that the Mayor and Council went into closed session on May 20, 2008 to discuss the following, in addition to those items set forth in Resolution 2008-5-52, in accordance with the aforesaid provisions of the Open Public Meetings Act:

1. Litigation – Discussion of letter received from Salem County Prosecutors Office regarding Open Public Records Act pursuant to N.J.S.A. 10:4-12b(7)
2. Contracts- Discussion regarding appropriate forum to discuss contracts pursuant to N.J.S.A. 10:4-12b(7)


BE IT FURTHER RESOLVED, that the minutes of the closed session will be made available to the public when the need for privacy no longer exists.

ATTEST:


Sharon Williams, Municipal Clerk

BOROUGH OF PENNS GROVE

John A. Washington, Mayor

I certify that the foregoing is a true copy of a Resolution adopted by the Mayor and Council of the Borough of Penns Grove, in the County of Salem, at a regular meeting thereof held on the 18th day of November, 2008.


Sharon R. Williams, Municipal Clerk

Council	MOVED	SECONDED	Y	N	ABSTAIN	ABSENT
Mincey	✓		✓			
Poindexter		✓	✓			
Owensby			✓			
Bercute			✓			
Baytops			✓			
Venello			✓			

BOROUGH OF PENNS GROVE
MAYOR AND COUNCIL EXECUTIVE SESSION MEETING
May 20, 2008

ROLL CALL:

Mincey: Present
Poindexter: Present
Ownsby: Present
Bercute: Present
Baytops: Present
Crescenzi: Present

PERSONNEL

[REDACTED]

Clerk's reason for redaction: "Disciplinary Action"

LITIGATION

[REDACTED]

Clerk's reason for redaction: "Ongoing Litigation"

CONTRACTUAL

[REDACTED]

[REDACTED]

Clerk's reason for redaction: "Ongoing Negotiation"

Salem County Prosecutor's office distributed a letter recommending enforcement of OPRA requirements.

Budget workshop contracts should be closed session. Recommendations were to have the solicitor present, advertise meeting and schedule for 6:00PM.

Motion to close executive session by Ownsby, second Poindexter. All in favor.

Respectively submitted,

Teresa Huckoby
Deputy Clerk

BOROUGH OF PENNS GROVE
MAYOR AND COUNCIL MEETING
JUNE 4, 2008

2008-6-56

RESOLUTION AUTHORIZING EXECUTIVE SESSION

WHEREAS, the Open Public Meetings Act, N.J.S.A. 10:4-12b permits a public body to go into a closed session during a public meeting to discuss certain matters as follows:

- (1) *Matters Required by law to be confidential:* Any matter which by express provision of the Federal law or State statute or rule of court shall be rendered confidential or excluded from the provisions of the Open Public Meetings Act.
- (2) Any matter in which the release of information would impair the right to receive federal funding.
- (3) *Matters involving individual privacy:* Any matter, the disclosure of which constitutes an unwarranted invasion of individual privacy such as records, data, reports, recommendations or other personal material of any education, training, social service, medical, health, custodial, child protection, rehabilitation, legal defense, welfare, housing relocation, insurance and similar program or institution operated by a public body pertaining to any specific individual admitted to or served by such institution or program, including, but not limited to information relative to the individual's personal and family circumstances, and any material pertaining to admission, discharge, treatment, progress or condition of any individual, unless the individual concerned .
- (4) *Matters pertaining to a collective bargaining agreement:* Any matter involving a collective bargaining agreement, or the terms and conditions which are proposed for inclusion in any collective bargaining agreement, including the negotiation of the terms and conditions thereof with employees or representatives of employees of the public body.
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- (7) *Matters relating to litigation, negotiations and attorney-client privilege:* Any matter of pending or anticipated litigation or contract negotiation other than in (4) above in which the Township is or may become a party . Any matters falling within the attorney-client privilege, to the extent that confidentiality is required for the attorney to exercise ethical duties as a lawyer.
- (8) *Matters relating to the employment relationship:* Any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance of , promotion or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the public body, unless all of the individual employees or appointees whose rights could be adversely affected request in writing that such matter or matters be discussed in public.
- (9) *Deliberations after public hearing.* Deliberations by the Township occurring after a public hearing that may result in a civil penalty or the suspension or loss of a license or permit of a responding party; and

WHEREAS, the Borough Council has determined that it is necessary to go into a closed session to discuss certain matters relating to the items as permitted by N.J.S.A. 10:4-12b

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Penns Grove that the Council will go into closed session to discuss the following, in accordance with the aforesaid provisions of the Open Public Meetings Act, after which it will reconvene in the public:

1. Personnel- Discussion of personnel issues as it pertains to Jose Rosario pursuant to N.J.S.A. 10:4-12b(8).
2. Contract- Discussion of Riverwalk project and contract negotiations pursuant to N.J.S.A. 10:4-12b(7).
3. Contract- Discussion of Police Dispatchers contract pursuant to N.J.S.A. 10:4-12b(7).
4. Personnel/Contract- Discussion of Budget issues as it pertains to certain employees and certain contracts pursuant to N.J.S.A. 10:4-12b(7) and N.J.S.A. 10:4-12b(8).

BE IT FURTHER RESOLVED, that the minutes of the closed session will be made available to the public when the need for privacy no longer exists.

ATTEST:

Sharon Williams, Municipal Clerk

BOROUGH OF PENNS GROVE

John A. Washington, Mayor

Motion to adopt by Crescenzi; second Mincey. All in favor.

Respectfully submitted,

Sharon R. Williams
Municipal Clerk

BOROUGH OF PENNS GROVE
MAYOR AND COUNCIL MEETING
June 4, 2008

The executive session meeting of the mayor and council was held on the above date in the Borough Hall with Mayor Washington presiding.

ROLL CALL:

Mincey	-	Present
Poindexter	-	Absent
Owensby	-	Present
Bercute	-	Present
Baytops	-	Present
Crescenzi	-	Present

PERSONNEL – JOSE ROSARIO

Adam Telsey advised governing body of Jose Rosario failure to respond to the rice notice.

Owensby questioned if union representation is present.

Telsey stated that the union was notified, however, he received no response.

[REDACTED]

Clerk's reason for redaction: "Personnel Disciplinary Action"

Telsey asked Mr. Rosario if his union representative was to go attend.

Rosario stated that he had spoken with the union representative, who indicated that he had another meeting and that he would be late.

Members of council agreed to reschedule until the next council meeting.

Baytops questioned the suspension with pay.

Telsey stated that that would continue until matter was heard.

Crescenzi suggested that the matter be heard at the next council meeting regardless of union representative's attendance.

CONTRACT NEGOTIATIONS – RIVERWALK PROJECT

[REDACTED]

Clerk's reason for redaction: "Ongoing Negotiations"

CONTRACT NEGOTIATIONS - POLICE DEPARTMENT DISPATCHER'S

[REDACTED]

Clerk's reason for redaction: "Ongoing Negotiations"

PERSONNEL/CONTRACT – BUDGETARY ISSUES

[REDACTED]

Clerk's reason for redaction: "Ongoing Review"

Motion to close executive session by Baytops; second Mincey. All in favor.

Respectfully submitted,

Sharon R. Williams
Municipal Clerk