



# New Jersey Libertarian

Volume XXXI, Issue 7

## August 2007

### Candidates Speak Before the Members

On July 21, 2007 the NJLP annual picnic was held at Polanka Park in South River. The park is a beautiful wooded picnic area that provided a comfortable and relaxing place for NJLP members to enjoy the company of their fellow members as they listened to Libertarian candidates talk about campaigning and their perspectives on the issues. The members heard from four NJLP Assembly candidates for this year's election plus two men running for the National LP nomination for President in 2008.



At the Park (From Left to Right: Mark Preston, Frank Warren, Jason Scheurer, George Phillis, Bob Jackson, and Ken Kaplan)

The morning began with a Steering Committee meeting. The committee members discussed campaign progress and plans for future activities. Another General Meeting was scheduled for the beginning of the fall campaign on Saturday, September 15, 2007 to be held in South Jersey. Kevin Ferrizzi is in charge of finding a location for the meeting.

Plans for that meeting are to have a fundraiser with an attractive program including invitations to all seven National LP candidates for President in 2008 plus the NJLP's ten candidates for New Jersey state legislative offices. The NJLP State Board will meet on Sunday, August 19, 2007 at Tumulty's in New Brunswick, and this will be an important gathering of activists right before the fall campaign season begins.

#### NJLP Assembly Candidates

NJLP Chair Lou Jasikoff introduced the afternoon program. Starting off was Jason Scheurer, Assembly candidate for the 14<sup>th</sup> District. As an Assemblyman, Jason promises through his website (<http://www.jasonforassembly.com/>) that he will **never**:

vote to raise taxes, ever; choose government spending over our elderly; vote for an unbalanced budget; vote for any legislation that limits personal choices; accept a government pension; increase the power of government over your life, your children, or your property; vote to raise the salaries of elected officials; avoid answering the tough questions; or pander to any group.

Jason believes he can appeal to voters because he is a candidate who: isn't an incumbent, isn't a lawyer, can balance a budget, is an independent thinker, believes in a limited government, and doesn't hold hands with big interest groups.

Particularly interesting is this idea from Jason: a democracy cannot function if we can't trust the words of our leaders. Let's see to it that when state officials are caught lying to the public, they lose their jobs!



Lou Jasikoff next introduced Sean Colon, NJLP Assembly candidate in District 22. Sean's inspiring speech can be found on page 3.

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Ray Cragle, the NJLP's other District 14 Assembly candidate, spoke next and emphasized the dreadful health care system in New Jersey. Government imposed obstacles to competition like "Certificate of Need" requirements impose huge costs. He cited the great difficulty to determine prices for even the simplest and most obvious hospital services. He gave asking the price for a semiprivate room for **one day** as an example – the cost for Robert Wood Hospital in Hamilton was found to be \$5,016 after several phone calls!

The last Assembly speaker was Darren Young, who is running in District 21. He noted the excitement in this year's races and said he looked forward to running now because of the enthusiasm of our candidates this year. Darren is an experienced campaigner who has run several times before as an NJLP candidate, so his optimistic words are good to hear.



### National LP Presidential Candidates

Lou Jasikoff next introduced two men seeking to become the Presidential nominee at the May 23-26, 2008 National LP Convention in Denver: George Phillies and Bob Jackson. George says on his website [campaign@phillies2008.org](mailto:campaign@phillies2008.org) "America is in real trouble, and most Americans know it. The great majority of Americans agree: We are on the wrong track. The things that matter are getting worse, not better."



He continues, "We have the solutions that America longs for. Now all we need to do is to put our Libertarian solutions into effect and Save America. However, those solutions are worth nothing until they are presented to the American people and put into effect. We need effective spokespeople who will deliver our message in a way that will be heard. Those spokespeople are called candidates. Message delivery is called the campaign. Real campaigns are based on advocacy, activists, and advertising."

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"How do we advocate for our issues? How do we energize our friends to become active in politics? How do we justify those issue and campaign ads? We run candidates. Lots of candidates. Candidates at every level. In particular, in every election, every American should have the chance to vote Libertarian." (For more on candidates and campaigns, read George's book *Stand Up for Liberty* from Third Millennium.) George concludes: "I'm going to do my share."

Bob describes himself as an engineer and "engineers are trained so that all bridges, air bags, airplanes, etc work all the time. Typical candidates are lawyers where partisan arguments are the means and winning only half of the time is OK." His website



<http://bobjackson.org/default.aspx> adds that he is a "proven entrepreneur and innovator since childhood." The businesses he built represent "a true example of the free enterprise spirit backed with personal responsibility and hard work." Finally, his integrity shines through – Bob was an Eagle Scout showing decisive moral character and leadership.

The two candidates had only a few minutes to answer questions. Long time NJLP member and current candidate for 26<sup>th</sup> District



Assembly Ken Kaplan had a zinger for them: are they both currently compliant with the IRS and all tax and other legal obligations? Both answered in the affirmative – no tax protestors here! Hopefully, the next planned NJLP meeting on September 15, 2007 will provide additional time and more candidates to fully develop the issues.

*Special thanks to Jeff Hetrick for the photos of the picnic.*

## IT'S TIME FOR A PEOPLE'S AMERICA

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*Paid for by Christine Smith for President*

## Speech at Picnic by Sean Colon

We have many challenges facing us here at home: property taxes, government accountability, eminent domain abuse, environmental degradation, and more. I was born here in Jersey, I went to school here, worked at my first job here, and I am going to get married and raise my children here. When I left my state to go to college up in Boston, I was bombarded by Jersey jokes covering our corrupted politicians, nuclear waste sites, organized crime, and our eroding urban centers. The infamy of our state became known to me at that point in my life and it made me realize that I had gotten used to all of it. I had low expectations when it came to state government. I also realized that that was a grave mistake and something that many people in New Jersey make.

All of us here are aware of the rampant corruption originating from the political machines that currently run this state. All of us here know that the answer is not electing another Republican or electing another Democrat. All of us here know that the answer is electing a Libertarian. The Republicans won't keep their noses out of our bedrooms and the Democrats won't keep their hands out of our pockets. The responsibility falls on us to bring the freedoms our forefathers fought for back to the state of New Jersey.

The reason why the Republicans and the Democrats have a monopoly in political power is that they are highly organized and work together to maintain the status quo – the nonexistence of a competing third party. We need to break down the barriers they have built against third parties, such as the New Jersey Fair and Clean Elections Project, which takes tax money, the people's tax money, and gives it to the two ruling parties to run their campaigns and then portions out much smaller amounts to us as lip service to the "fairness" of the project. To break down these barriers, to challenge the Democrats and Republicans we must come together and act like a party. The state of New Jersey has very few if any functioning Libertarian county organizations and a limited membership. We need to change this.

We need to give ourselves a shot of adrenaline. Lou has been spending countless hours on working to achieve this goal, and I would like to thank him for his time and energy. Lou's enthusiasm is contagious. I've caught it, Jason Scheurer's caught it, and day by day others are catching the fever. We need to establish active local Libertarian groups, increase recruitment, increase the number of events we hold, and actively pursue the expansion of the party. To be a leader you must be willing to make that personal sacrifice. The fight we have ahead of us is long and hard. When we run for office we have to work many times harder than our opponents, have a stronger conviction and a thicker skin.

This year's campaign season should be a call to arms. This is a time for candidates to prove themselves as being up to the challenge, for others it is a time to show their support of the candidates and to help them lead the fight in changing our state

for the better. I'd like to see Libertarian fundraisers, TV commercials, speaking engagements, billboard ads, and new innovative ways of getting our message across to the voters.

But to make this all work we need volunteers. I know that my campaign is starving for help at the moment. I spend almost every spare moment working on literature, arranging speaking engagements, and building my website. I would tell you how many hours at work I spend working on my campaign but my boss is here and I don't want to get into trouble. We need new blood, more energy, and more minds and hands.

The future of our party lies with youth. We must reach out to students at local high schools, colleges and universities. We must educate them in freedom and individual rights and groom them to be leaders, Libertarian leaders. Having graduated from college myself not too long ago I know of the passion and optimism that students have for everything they do, the belief that they can change the world. We must exhibit this same attitude, this same belief. For an older person to do this is not to be naïve or childish but to be a visionary. And this year is the year to be a visionary.

Both the Democrats and Republicans have been showing low approval ratings. The American public is getting tired of the fake cookie cutter politicians that both parties have been pumping out for years. We are NOT politicians... but public servants. We must show this to everyone. This is the year to show them that they have a third choice and the only real choice to be made: to Vote Libertarian. We must tell them that we will not lower their expectations but lower their taxes. We must tell them to trade in Uncle Sam for Lady Liberty. We must show them how they can leave a legacy for their children of which they can be proud. We must show them that we mean business. We will have to face the apathy of the voters, their defeatist attitudes, their belief that a vote for us is a vote wasted. We must show them that a vote for us is the only vote worth making.

These challenges and goals I have proposed may sound very difficult, and I am pretty sure I saw some eyes widen and jaws drop at certain points, so I am going to end my speech with a quote from a famous New Jersey inventor, Thomas Edison, that I think addresses that concern. "Be courageous! Whatever setbacks America has encountered, it has always emerged as a stronger and more prosperous nation.... Be brave as your fathers before you. Have faith and go forward!"



**"We must tell them that we will not lower their expectations but lower their taxes. We must tell them to trade in Uncle Sam for Lady Liberty. We must show them how they can leave a legacy for their children of which they can be proud." – Sean Colon**

## Call from Chair Lou Jasikoff – Donations, Donations, and More Donations!

Let me explain what is at stake in the 14<sup>th</sup> District. We need 400 qualifying donations by the 16th of August to be allowed to put a 250 word statement on the sample ballot – a ballot that will go to all registered voters in the district.

How important is that? There are over 120,000 registered voters in the 14th District. Even after we qualify, the amount of money allowed us by the Greenstein/Baroni bill does not even give us enough money to buy the necessary stamps to send one piece of literature to these registered voters. Fair?

We must use this sample ballot to get our message to all voters in the district, direct them to our websites, and get our message out. It is the equivalent of over \$50,000 dollars that it would cost us to do a direct mailing. We are doing everything possible to make this happen but we cannot do it by ourselves.

So here is the Challenge. Email has gone out to over 250 people and more if you help distribute it to your friends. If everyone gets two \$10.00 donations from the district we are there. I am reaching out to Robert, Kevin, John, Tom, Andy, Frank, Ginny, Jay, Paul, Derek, Judy, Darren, Lou, Emerson, Len, Bill, Susan, Fred, Jeremy, Sean, Ray, David, Ken, Jeff, Sharon, Jack, Ed, William, Jim, Elizabeth, George, Ray, Chad, Scott, Joseph, Mark, Alex, Mike, Tim, Anthony, Joe, April, Frank, Tom, Dolores, and everyone on this list to just do it.

Darren, your donation forms are in the mail. Darren has people working in his office that live in the district and is getting them to sign up. Thanks. Jeremy if you need help getting those people you know who will contribute to our cause and live in

the district let me know and we will stop by this weekend. Thanks for getting involved too. I would also like to thank everyone who has already contributed.

We can all do this. Most likely everyone works with someone or knows someone that lives in the district. Lawyers, real estate and small business owners please use your contacts in the district to help us get these donations. If you plan to shop or go out this weekend consider doing it in the 14th and get your two donations. If ever there was a time to get engaged it is now. As a reminder, the 14th district consists of the following towns, Cranbury, Hamilton, Jamesburg, Monroe, Plainsboro, South Brunswick, and West Windsor.

This weekend and next weekend we will be organizing out of Jason Scheurer's home. Lunch and dinner will be available to all that help us get donations. Contact me direct for directions. I look forward to seeing as many of you as possible, and if making a donation direct to the campaigns, here are the addresses to send them to:

Jason Scheurer  
PO Box 3122  
West Windsor, NJ 08543

Ray Cragle  
37 Wallace Road  
Princeton Junction, NJ 08550

Sean Colon  
PO Box 836  
Scotch Plains, NJ 07076

Thanking you in advance for your help.

In Liberty,  
Lou Jasikoff  
Chair, NJLP  
609-235-5671 Campaign Number  
973-752-9164  
570-878-7532

## Politicians Have to Deal with John Paff on OPRA Issues

### Sayreville Board of Education Agrees to Keep More Detailed Minutes

According to an article by Michael Acker, Staff Writer for *The Suburban*: "Gov't watchdog found its minutes read like 'a table of contents'"

Sayreville - The Board of Education pledged to include more details in its closed-session minutes after an open government advocate threatened it with a lawsuit recently. John Paff, chairman of the Libertarian Party of Central New Jersey's Open Government Task Force, has for the past three years been checking on local government agencies to ensure that they comply with state laws on open public meetings and records.

He said he chose the Sayreville Board of Education at random in November and made a records request, but did not get a response. He followed up more recently and found what he felt

was a violation of state law due to a lack of details included in the minutes of the board's closed session meetings. Paff informed the board that he had drafted a lawsuit and would be submitting it, if he did not hear back from the board in a timely fashion.

The board discussed the matter in closed session last week, and board President Michael Macagnone later told *The Suburban* that more details will now be included in the closed session meeting minutes. He said it was an administrative oversight.

"Basically, [Paff] had come to us concerned on the clarity of our closed meeting minutes," Macagnone said. "He felt that they needed to be more detailed, and we agreed, and from now on we are going to do that." The board attorney, he said, spoke with Paff last week. "He's a fair guy," Macagnone said of Paff. "He's a watchdog, obviously, and we need those kinds of people."

It remains to be seen how the board intends to include more details in its minutes, Paff said, but he is pleased to hear that the board has pledged to do so. "That is all I really wanted," Paff said. "I don't want [this] to cost the taxpayers. The people of Sayreville have enough of a tax burden, but I almost feel like I have to do this to get [officials'] attention."

Several other boards and government agencies have been unwilling to change their ways when Paff has visited their town, and in those cases he has pursued litigation. In most cases, he has won or "settled favorably" in court. Last year, Paff filed a lawsuit against the Monroe Township Board of Education, and a judge ruled that the board was not specific enough when informing the public of what it would be discussing in closed session.

Since the ruling in the Monroe case, the Sayreville school board has provided more details on its closed session discussions at public meetings. But Paff said that the lack of detail in the board's minutes can make it difficult for voters to know where their elected representatives stand on important issues.

Most boards that struggle with the Open Public Meetings Act law keep detailed minutes but redact too much of the text, Paff said. In the case of Sayreville, they weren't even writing the redactable text. "It was more like a table of contents," Paff said of the board's closed session minutes. ... "It's not supposed to be a verbatim transcript, but the person should get an idea of what the board decided to do and why they did it."

Paff cited 10 exhibits in the draft lawsuit against the board. They included a resolution that authorized the board to go into closed session on April 10 and another exhibit with the minutes of that session. "The resolution is proper, because it gives the public a general idea of what topics are going to be privately discussed," Paff said. "... but the minutes of the meeting ought to lay out the elements of the discussion on that topic in some detail, so that the public can understand what was said. The Sayreville board's minutes simply repeat the topics that were listed in the resolution."

Paff cited Jefferson Township, Morris County, as an example of a municipality with detailed minutes on the content of closed session conversations. He noted that the governing body can redact information that they think should not be disclosed by drawing a black line over it and releasing the remainder. "Compare Jefferson's closed session minutes to those of the Sayreville board," Paff said, "and I think you'll see that I have a pretty good case that Sayreville's are not 'reasonably comprehensible' as required by law."

### **Keyport Borough Sued on OPMA and OPRA Violations**

On July 10, 2007 Paff filed a lawsuit in New Jersey Superior Court, Monmouth County against the Keyport Borough Council

and Keyport Borough Clerk Valerie T. Heilweil. (The lawsuit, as filed, is on-line at [www.lpcnj.org/OGTF/Keyport.pdf](http://www.lpcnj.org/OGTF/Keyport.pdf))

The suit alleges five counts:

1. The Borough Council violated the Open Public Meetings Act (OPMA) by not making its public and nonpublic meeting minutes "promptly available."
2. The Borough Council discussed topics behind closed doors that the OPMA requires to be discussed publicly.
3. Clerk Heilweil violated the Open Public Records Act (OPRA) by failing to adequately explain why certain material was redacted (i.e. blacked out) from the Council's closed session minutes.
4. Heilweil violated the OPRA by redacting the names of Borough officers and employees who were discussed by the Council during private session.
5. The Borough Council may have improperly discussed topics such as "Loitering of Day Workers" and "Proposed Ordinance - Smoking in Motor Vehicles with Children" as items of "Potential Litigation" when those topics were not authorized to be privately discussed. It is impossible to tell whether or not these discussions did indeed pertain to "Potential Litigation" because nearly all of the text within the minutes was redacted.

The Council and Clerk were served with the summons and complaint on July 23, 2007. According to the rules of court, the defendants must file their written response to the complaint by no later than August 27, 2007—35 days after the date of service.

### **Medford Reaches Agreement to Settle a Suit Over Meetings**

An article by Todd McHale of the *Burlington County Times* for August 1, 2007 describes another Paff triumph.

MEDFORD — The Medford Township Council has reached a settlement agreement with a Somerset County man who filed a lawsuit contending that the descriptions provided in the council's executive-session resolutions violated the state Open Public Meetings Act. Under the terms of the agreement, the council would state the subject matter and disclose as much information as possible about topics being discussed in the closed-door sessions. The township also agreed to pay \$226.24 to Franklin Township resident John Paff to cover court costs and fees.

"I think it's a great thing," said Paff, an open-government advocate for the Libertarian Party in New Jersey. "I think they recognized that there's no harm in letting the public know what's going to be discussed during these meetings..."

I think what they did is realize it's pretty hard to say, 'We don't want the public to know what we're talking about behind closed doors.'"

The consent judgment, which still must be signed by the presiding Superior Court judge, does not require the township to admit any fault or liability beyond Paff's out-of-pocket costs. Paff filed the lawsuit last month in state Superior Court in Mount Holly. He contended the council's resolutions for executive sessions only vaguely described the topics being discussed as "litigation" or "attorney client privilege," which lacked the details required by the state's Open Public Meetings Act.

Paff said the council should have been informing the public of the specific topics and subjects involved in these meetings. Township Solicitor Richard Hunt said that from a legal standpoint, he believes the township has been abiding by the Open Public Meetings Act, but he and the council didn't feel it was appropriate to spend any more time or money to litigate the matter further. "We feel that we were able to reach a very amicable solution," Hunt said. "It's a very minor procedural modification."

Paff disagreed that the issue is minor in nature. He said forcing municipalities, school boards and other public agencies to abide by the law and become more forthright about what's being discussed in executive sessions is extremely important and will result in fewer problems in the long run. "It's an accountability mechanism," Paff said. "The secrecy of these meetings is where corruption and cronyism develop."

He said that informing the public about what is going to be discussed in closed sessions limits the governing body or board to that subject matter and not a wide variety of topics that may or may not be allowed to be talked about in closed sessions. "This way it hems them in..., (otherwise) it's very easy to go into discussions not delineated if you just say 'litigation,'" Paff said. Paff has challenged numerous state agencies and municipalities in New Jersey on state Open Public Records Act and Open Public Meetings Act issues. Earlier this year, a Superior Court judge in Middlesex County ruled in a suit filed by Paff against the Monroe Township Board of Education that executive session resolutions must be specific.

Paff said he hopes other towns and school districts in the area will get the message from this lawsuit so he won't have to file any more lawsuits in Burlington County. "I just don't understand why they just don't follow the law," Paff said. "I guess sometimes it takes a wakeup call like this."

The lawsuit and settlement documents are on-line at <http://www.lpsmc.org/OGTF/Medford.pdf>

## **Man Didn't Give Up Fight for Release of Records in Chester Twp., Jefferson**

The NJLP got on the **front page** of the *Morristown Daily Record* on Sunday, July 22, 2007 with this Commentary by Abbott Koloff.

Jefferson officials were suspicious when John Paff showed up with requests for public documents. He wanted minutes from three dates when the council went into closed sessions. Officials apparently figured he was up to something, out to cause trouble. During one closed session last year, the council talked about an off-duty police officer backing into a light pole and failing to report an accident.

"The township doesn't want to give information out that would be used to smear someone," Howard Vex, the township attorney, said this past week. But government officials aren't supposed to guess at motives when someone asks for a public record. Last year, after Paff asked for closed-session minutes in Chester Township, an official there noted that he was from out of town. Officials aren't supposed to decide who gets public records and who doesn't. They're supposed to determine what's public and what's not.

"He's pretty much getting everything he asked for," Vex said. It only took a year, not to mention a complaint by Paff to state officials and the threat of a lawsuit. "They made this into a larger thing than it needed to be," Paff said.

### **Officials' Stance**

Jefferson officials said last week that they weren't hiding anything. In fact, it appears that they handled the accident involving the police officer soon after it came up early last year. It also appears that the accident was not such a big deal, with the police officer saying he didn't know he hit a light pole before driving away. That might have been the end of the story -- except for the delay in releasing documents.

Paff said he had no idea what he would find when he submitted his first request to Jefferson under the state's Open Public Records Act, known as OPRA, on July 3, 2006. He has made similar requests in dozens of municipalities around the state over the past three years as an advocate for the New Jersey Libertarian Party. He poked around the Jefferson website, reading council minutes, looking for closed-session council discussions. He said he picked three at random.

Lydia Magnotti, the township clerk, sent him a notice saying the council had not yet voted to release any of the closed-session minutes for public inspection. Paff said that the township didn't have to approve the minutes for at least the parts of them to be made public. He filed a complaint with the state Government Records Council, known as the GRC, which oversees the implementation of OPRA. That led to mediation and settlement in October, when township officials agreed to release the minutes. The agreement allowed officials to black out items

that OPRA permits to be kept private, such as certain personnel matters. State records show that Paff reached a similar agreement with Chester Township.

Paff, who lives in Somerset County, waited until May to request the Jefferson council minutes. The records he received include a reference to a personnel matter during a March 1, 2006 closed session. Mayor Russell Felter told the council, according to the minutes, about a police officer who backed into a light post at the Milton Inn, knocking it down, and who failed to report the accident. Felter said a summons would be issued to the officer, that he would receive "some suspension time." One item was blacked out – the officer's name.

### Missing Name

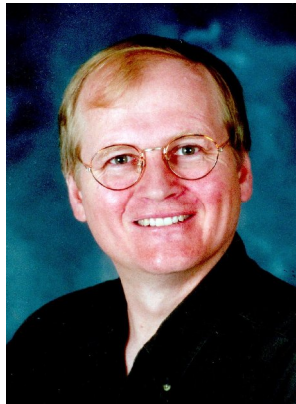
"I don't think the Jefferson Township Police would be worried about my name being in the newspaper," Paff said. Lt. John Ottina, the officer in the accident, said last week that he wasn't aware that his name had come up during a council meeting. He described the Feb. 18, 2006 accident, saying he thought he hit a curb when he backed up in the Milton Inn parking lot. He said the light pole didn't come down until later. Ottina received a summons for failing to report an accident and paid an \$89 fine, according to court records. Had this been made public a year ago, it probably would have been a small story and forgotten by now.

But the story no longer is about a minor accident. It's about how public officials go about letting the public know what they're doing. Paff asked for the name of the police officer, and Magnotti sent him a letter on May 29, saying the information he wanted isn't public because "it relates to a potential criminal investigatory matter and (a) personnel investigation." Magnotti said last week that while she signed the letter, she didn't come up with those reasons. She said she consulted Vex, the township attorney. Vex said last week that he doesn't know why the letter mentioned a "criminal investigation." It wasn't a criminal matter. Ottina received a motor vehicle summons. Any related investigation ended a long time ago -- which means documents related to the investigation should be public. And while township officials argued that personnel matters are private, Ottina's name was available all along on the summons, which no one disputes is a public record.

So what was the big deal about releasing Ottina's name with the council minutes? Paff threatened a lawsuit, writing a draft copy and sending it to the township. He said citizens have a right to know more about what happened, to determine whether the police officer had been shown favoritism following the accident. He wanted to know more about the investigation. He said a statute of limitations might apply to his proposed suit, so he needed a quick answer to his request for more records. He told township officials in June that he planned to file court papers by mid-July. He said last week that government officials always seem more responsive when he starts talking about lawsuits.

"We did some additional research and it appeared that we were required to turn the name over," Vex said. Earlier this month, Paff received an unredacted version of closed session minutes from last year's council meeting. He said he might pursue some records he requested but didn't receive -- an internal police investigation and documents showing how Ottina was disciplined. Vex maintains that those records are protected as private under OPRA. Paff says the public has a right to see them. But if there's still a dispute over some records, there's no longer a dispute over the closed-session minutes. The township, Vex said, has changed some its procedures.

So maybe anyone requesting similar records in Jefferson won't have to wait a year.



**It only took John Paff a year - not to mention a complaint to state officials and the threat of a lawsuit - to get the records he wanted from Jefferson. "They made this into a larger thing than it needed to be," Paff said.**

### Maurice River Township Committee

John Paff filed a complaint on Monday, July 23<sup>rd</sup> 2007 with the Cumberland County Prosecutor against the Maurice River Township Committee. The complaint explains to prosecutor Maurice Casella how his fellow prosecutors treat violations of the Open Public Meeting Act (OPMA) by local governments within their jurisdictions: "One end of the spectrum is represented by the Middlesex County Prosecutor, who in a November 29, 2006 letter, opines that scarcity of resources prohibits his office's involvement in OPMA matters. The other end of the spectrum is represented by the Union County Prosecutor who conducts extensive and detailed investigations into alleged OPMA violations." John then asks: "We have no experience with your office, so we would like to know, as a threshold matter, how receptive you are to investigating OPMA infractions, admonishing local agencies that violate the law and assessing penalties against local officials when appropriate."

John then recites the township's deficiencies in OPMA compliance that he asks the prosecutor to pursue. John's letter is available online at: [www.lpenj.org/OGTF/MauriceRiver.pdf](http://www.lpenj.org/OGTF/MauriceRiver.pdf)

The letter makes good reading!

## Watchdog: Make Suit Settlement Public County: It's Confidential

An article by Bob Jordan of the *Asbury Park Press*, Freehold Bureau—07/18/07 quotes John Paff and the NJLP to support its own OPRA request.

A good-government watchdog says Monmouth County officials are wrong to keep secret the details of a settlement of a lawsuit in which the county traffic engineer alleged that superiors ignored her complaints of discrimination and sexual harassment. The Board of Freeholders passed a resolution authorizing the settlement at its business meeting Thursday. County Counsel Malcolm V. Carton said attorneys for the county and the engineer — Carol C. Melnick, 47, of Jackson — had agreed not to divulge settlement details.

The *Asbury Park Press* filed an Open Public Records Act request for the information Friday (July 13). Under state law, access to such requested records "shall be granted or denied by the custodian as soon as possible." Carton said Tuesday that no decision has been made on the newspaper's request.

John Paff, the New Jersey Libertarian Party's open-government advocate, said there is no reason the records should be kept from the public. "They can't do that," Paff said. "For a government entity to claim there's a confidentiality agreement, I don't think that's a defensible position. The public is likely paying some

amount to settle this and they are entitled to know how much. And if there's wrongdoing, the public can evaluate that and demand there be disciplinary actions."

Paff said there is ample case law to support disclosure of the settlement. In 2003, a Pennsylvania court held that a settlement agreement entered into by a public entity is a public record. There have been similar rulings in New Jersey, Maine, Washington state, Alaska, West Virginia and Florida.

Melnick sued in state Superior Court on April 14, 2005, alleging that she had been initially passed over for promotion to department head because she is a woman. Melnick also said superiors ignored her complaints about discrimination and sexual harassment. Linda Wong, her Princeton attorney, said at the time the defendants had ruined her client's career. "It's humiliating and embarrassing to be subjected to harassment," Wong said at the time. "She only brought this suit because of what they did to her career." Neither Melnick nor Wong could be reached for comment after settling. Staffers at the law firm of Wong Fleming said they were instructed not to comment.

According to the suit, Melnick joined the county's Department of Public Works and Engineering as a senior traffic engineer in 1992. She claimed that sexual harassment and discriminatory treatment began in 1994 when she applied to head the traffic engineer department, a job she was eventually promoted to. Melnick still works for the county. She made \$112,800 in 2006.



Jay Edgar mans the grill at the picnic and sports a neat T-shirt...

### **The New Jersey Libertarian**

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### **Future Meetings & Events**

**Sunday, August 19** – NJLP State Board Meeting:  
Tumulty's Pub, New Brunswick at 1:00 PM

**Saturday, September 15** - NJLP General Membership Meeting and fundraiser at a South Jersey location still to be determined.

### **NJL Advertising Rates**

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Commentary and advertising should be submitted to the editor by the 25th of every month. Contact us at: *New Jersey Libertarian* c/o Len Flynn, Editor, P.O. Box 448, Morganville, NJ 07751 or editor@njlp.org.



## NJLP State Fund

The NJLP's state and local candidates will work hard, but they cannot do it without your contributions, both money and time. Please fill out this form with your check to help the freedom fight continue.

Please help our candidates help YOU. Your generous contributions are greatly appreciated.

I wish to support Libertarian Party candidates running for local, county, and state offices.

Enclosed is my contribution of  \$300  \$150  \$50  \$10  Other: \$ \_\_\_\_\_

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NOTE: We respect your privacy and will keep the identity and amount of our supporters' donations confidential to the extent permitted by law. Annual individual contributions to continuing political committees like the NJLP State Fund are limited to \$7,200, but only annual donations over \$300 must be publicly disclosed. Anonymous donations of any amount are prohibited.

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