

John Paff
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Plaintiff

JOHN PAFF,	:	SUPERIOR COURT OF NEW JERSEY
Plaintiff,	:	LAW DIVISION, CIVIL PART
	:	CAMDEN COUNTY
vs.	:	DOCKET NO. L-7027-06
	:	
LAWNSIDE BOROUGH COUNCIL	:	Civil Action
Defendant	:	
	:	FIRST AMENDED COMPLAINT

Plaintiff John Paff, by way of amended complaint against Defendant Lawnside Borough Council states as follows:

First and Second Counts
(Resolved, except for the issue of costs, by the Court's April 13, 2007 Order)

Third Count

1. Attached are true copies of the most current versions of the minutes of the following nonpublic meetings held by Defendant, sitting either as the Lawnside Borough Council or the Lawnside Redevelopment Agency:

Date of Closed Session	Exhibit Page(s)
January 23, 2006	1 through 5
February 1, 2006	6
February 22, 2006	7
March 7, 2006	8
March 8, 2006	9
March 14, 2006	10
March 27, 2006	11
April 5, 2006	12
April 24, 2006	13
March 31, 2006	14
August 28, 2006	15

2. Although the Court's *in camera* inspection of Defendant's nonpublic meeting minutes has not yet been completed, it is evident, on the current record, that at least some of the nonpublic meeting minutes are not "reasonably comprehensible" as required by N.J.S.A. 10:4-14.

3. Exhibits 13 and 15 are, respectively, minutes from the Defendant's nonpublic sessions held on April 24, 2006 and August 28, 2006.

4. Exhibits 13 and 15 have not been redacted. See ¶¶ 9 and 11 of Counsel's April 27, 2007 Certification, page 5 of which is attached as Exhibit 16.

5. Exhibits 13 and 15 both indicate that "personnel matters" were discussed by Defendant in closed session, but these unredacted minutes do not "contain sufficient facts and information to permit the public to understand and appraise the reasonableness of"¹ any determination that the Defendant may have made regarding these personnel matters.

WHEREFORE, Plaintiff demands judgment:

A. Declaring that the minutes from the Defendant's nonpublic sessions held on April 24, 2006 and August 28, 2006 violate N.J.S.A. 10:4-14 in that they are not "reasonably comprehensible."

B. Enjoining Defendant from failing or refusing to record and retain minutes of its future nonpublic meetings dealing with "personnel matters" that do not contain sufficient facts and information to permit the public to understand and appraise the reasonableness of" any determination, including a determination to take no action, that the Defendant made regarding the personnel matters discussed.

C. Awarding Plaintiff his costs of suit.

D. Such other relief as the Court deems equitable and just.

Fourth Count

6. On March 7, 2006, March 8, 2006 and March 14, 2006 the Defendant, sitting as the Borough's redevelopment entity, excluded the public from meetings that were attended by Defendant and representatives of American Real Estate, Vineland Construction Company and Brandywine LLC.

7. On information and belief, based in part upon a March 8, 2006 Courier-Post article entitled "Borough wants to redevelop part of Oak Avenue," (a true copy of which is attached as Exhibit 17), American Real Estate, Vineland Construction Company and Brandywine LLC were endeavoring to become "redevelopers," as that term is defined by N.J.S.A. 40A:12A-3, of a 120-acre site on Oak Avenue in the Borough of Lawnside.

8. N.J.S.A. 10:4-12 does not permit the exclusion of the public from Defendant's March 7, 2006, March 8, 2006 and March 14, 2006 meetings.

WHEREFORE, Plaintiff demands judgment:

E. Declaring that it was unlawful for Defendant to privately meet with representatives from American Real Estate, Vineland Construction Company and Brandywine LLC on March 7, 2006, March 8, 2006 and March 14, 2006.

F. Enjoining Defendant from excluding the public from meetings where Defendant interviews, receives from proposals from or otherwise converses with redevelopers or potential "redevelopers," as that term is defined by N.J.S.A. 40A:12A-3.

G. Awarding Plaintiff his costs of suit.

H. Such other relief as the Court deems equitable and just.

¹ As required by South Jersey Publishing Co. v. New Jersey Expressway Authority, 124 N.J. 478, 493 (1991)
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Certification Of No Other Actions

Pursuant to R.4:5-1, it is hereby stated that the matter in controversy is not the subject of any other action pending in any other court or of a pending arbitration proceeding to the best of my knowledge and belief. Also, to the best of my belief, no other action or arbitration proceeding is contemplated. Further, other than the parties set forth in this pleading, I know of no other parties that should be joined in the above action. In addition, I recognize the continuing obligation of each party to file and serve on all parties and the Court an amended certification if there is a change in the facts stated in this original certification.

Dated: May ____, 2007

John Paff
Plaintiff