

Libertarian Party of Central New Jersey

*John Paff, Secretary
P.O. Box 11853
New Brunswick, NJ 08906-1853
Phone: 732-873-1251
March 27, 2006*

Hon. Jun H. Choi, Mayor
Township of Edison
100 Municipal Blvd
Edison, New Jersey (via Fax only to 732-287-6679)

RE: Ordinance § 8.112.010(A) & (B)

Dear Mayor Choi:

Enclosed please find:

1. Our January 6, 2004 letter to then Council Member Parag P. Patel, requesting repeal of the captioned ordinances.
2. Mr. Patel's January 13, 2004 acknowledgement.
3. Our February 17, 2004 follow-up letter to Mr. Patel
4. Clerk's February 25, 2004 memo to Township Attorney Rainone.
5. Our March 25, 2004 follow-up letter to Mr. Patel.
6. Our May 11, 2004 records request.
7. Edison's May 20, 2004 response, advising that we'd need to pay \$55 for the requested computer diskette.

As you are well aware, the May 20, 2004 response set off litigation that culminated in a recent Appellate Division decision. And, as you may also be aware, the offending provisions of the Township's nuisance ordinance remain in Edison's code book, as per your website.

Would you please ask Mr. Rainone to study and give his legal opinion on the validity of the captioned ordinance provisions? We look forward to hearing from you.

Respectfully,

**LIBERTARIAN PARTY OF
CENTRAL NEW JERSEY**



John Paff
Secretary

Libertarian Party of Somerset and Middlesex Counties

*Howard Schoen, Chair
P.O. Box 11853
New Brunswick, NJ 08906-1853
Phone: 732-572-0207
January 6, 2004*

Parag P. Patel, Esq.
PO Box 81
Iselin, New Jersey 08830-0081

RE: Ordinance § 8.112.010(A) & (B)

Dear Councilman Patel:

As chairman of the local Libertarian Party chapter and as a resident of Edison Township, I ask the Council to repeal the captioned ordinance sections because they are unconstitutional. Those two ordinance sections prohibit:

A. Any matter, thing, condition or act which, in the opinion of the health officer, is or may become detrimental or a menace to the health of the inhabitants of this township;

B. Any matter, thing, condition or act which, in the opinion of the health officer, is or may become an annoyance to, or interferes with the comfort or general well-being of, the inhabitants of this township;

On October 29, 2003, the Appellate Division struck down an East Windsor ordinance nearly identical to Edison's § 8.112.010(B) on constitutional grounds in State v. Golin, 363 N.J. Super. 474 (App. Div. 2003). Specifically, the Court found that the ordinance "set forth unascertainable standards that encourage arbitrary and discriminatory enforcement." In 1996, the Appellate Division struck down an Atlantic City Ordinance nearly identical to Edison's § 8.112.010(A), also on constitutional grounds. See Guidi v. City of Atlantic City, 286 N.J. Super. 243 (App. Div. 1996).

The Libertarian Party opposes vague and overbroad laws and agrees with the Court that these laws are a "trap for the innocent" and "leave the citizen at the mercy of [the laws'] enforcers." Id. Unfortunately, these types of ordinances can be used to harass and discriminate against citizens whose religion, race, or political views are not to the liking of an enforcement officer or his or her employer.

We believe that as a past or present Board member of National Conference for Community and Justice you will agree with us that it is important to keep vague and overbroad ordinances out of the law books. As the Conference website¹ stresses, it strives to "work with national, state and local elected officials . . . to closely examine the implications of public policy issues and how they contribute to sustaining systems of exclusion and discrimination."

Would you please recommend that the Council repeal these two provisions? We look forward to hearing from you.

Sincerely,

**LIBERTARIAN PARTY OF
SOMERSET AND MIDDLESEX COUNTIES**

Howard Schoen
Chair

¹ <http://www.nccj.org/nccj/nccj.nsf/articleall/4528?opendocument&1#872>

Middlesex County

REINA A. MURPHY
TOWNSHIP CLERK



MUNICIPAL COMPLEX
100 Municipal Boulevard
Edison, NJ 08817
732-248-7350
Fax: 732-248-3738
E-Mail: clerk@edisonnj.org

January 13, 2004

Howard Schoen, Chair
Libertarian Party of Somerset and
Middlesex Counties
P.O. Box 11853
New Brunswick, NJ 08906-1853

Dear Mr. Schoen:

Thank you for your input regarding Ordinance 8.112.010(A) and (B).

This letter will be referred to legal counsel for an opinion.

Sincerely,


Rerag Patel
Council Vice President

PP:ram

c: Louis N. Rainone, Esq.

Libertarian Party of Somerset and Middlesex Counties

Howard Schoen, Chair
P.O. Box 11853
New Brunswick, NJ 08906-1853
Phone: 732-572-0207
February 17, 2004

Parag P. Patel, Esq.
PO Box 81
Iselin, New Jersey 08830-0081

RE: Ordinance § 8.112.010(A) & (B)

Dear Councilman Patel:

Thank you for your January 13, 2004 letter informing us that you have asked Township Attorney Louis Rainone for an opinion as to whether the captioned ordinances are unconstitutional.

Would you please inform us as to whether Mr. Rainone has completed his review, and if not, when we may expect it?

Thank you for your attention to this matter.

Sincerely,

**LIBERTARIAN PARTY OF
SOMERSET AND MIDDLESEX COUNTIES**

Howard Schoen
Chair

MEMORANDUM

DATE: February 25, 2004

TO: Louis N. Rainone, Esq. - Director of Law

FROM: Reina A. Murphy, RMC - Municipal Clerk *RAM/shd*

SUBJECT: LETTER FROM THE LIBERTARIAN PARTY OF SOMERSET & MIDDLESEX COUNTIES

The attached letter was received at the Municipal Council meeting of February 25, 2004.

It is being sent to your Department for recommendation and any action you deem necessary.

Thank you.

RAM/shd
Attachment

Libertarian Party of Somerset and Middlesex Counties

*Howard Schoen, Chair
P.O. Box 11853
New Brunswick, NJ 08906-1853
Phone: 732-572-0207
March 25, 2004*

Parag P. Patel, Esq.
PO Box 81
Iselin, New Jersey 08830-0081

RE: Ordinance § 8.112.010(A) & (B)

Dear Councilman Patel:

Clerk Reina A. Murphy informed me that the issue we raised regarding the validity of the captioned ordinance was received by the Council at its February 25, 2004 meeting and referred to the Department of Law for "recommendation and any action that [the Department] deems necessary."

Since the most recent minutes available on the Township's website are from the January 21, 2004 meeting, we do not know if Mr. Rainone has reported back to the council at any of the four meetings held in March 2004.

Would you please inform us whether Mr. Rainone reported on this matter to the Council in March, and if so, the results of his review? If he hasn't, would you please ask him at the April 12, 2004 meeting for a date by which he expects to have his review of this ordinance completed?

Thank you for your attention to this matter.

Sincerely,

**LIBERTARIAN PARTY OF
SOMERSET AND MIDDLESEX COUNTIES**

Howard Schoen
Chair

Libertarian Party of Somerset and Middlesex Counties

*John T. Paff, Secretary
P.O. Box 11853
New Brunswick, NJ 08906-1853
Phone: 732-873-1251
May 11, 2004*

Reina A. Murphy, R.M.C.
Township of Edison
100 Municipal Blvd
Edison, NJ 08817 (via Regular mail and fax 732-287-0743)

RE: Records Request

Dear Ms. Murphy:

Please accept this letter as our request for government records under the Open Public Records Act (N.J.S.A. 47:1A-1 et seq.) and the common law. This request is being made by both the Libertarian Party of Somerset and Middlesex Counties and John T. Paff individually. We request the following records:

The minutes of all Township Council meetings held after the January 21, 2004 meeting. We request that the minutes be made available to us in either Microsoft Word or Word Perfect format, or if the minutes are not kept in or cannot be converted to either of those formats without substantial manipulation, in whatever format the computer upon which the minutes are stored can produce. We do not need the signed or officially approved minutes. Rather we seek the most recently modified computer file available for each set of minutes.

We enclose a 3.5 inch floppy disk and John Paff's check for "not more than two dollars" to cover any fee or return postage. Kindly fill in the check for the appropriate amount.

Thank you for your attention to this matter.

Sincerely,

**LIBERTARIAN PARTY OF
SOMERSET AND MIDDLESEX COUNTIES**

John T. Paff
Secretary

Township of Edison

Middlesex County

REINA A. MURPHY
TOWNSHIP CLERK



MUNICIPAL COMPLEX
100 Municipal Boulevard
Edison, NJ 08817
732-248-7350
Fax: 732-248-3738
E-Mail: clerk@edisonnj.org

May 20, 2004

John T. Raff, Secretary
Libertarian Party of Somerset and Middlesex Counties
P.O. Box 11853
New Brunswick, NJ 08906-1853

Dear Mr. Raff:

REQUEST FOR PUBLIC RECORDS

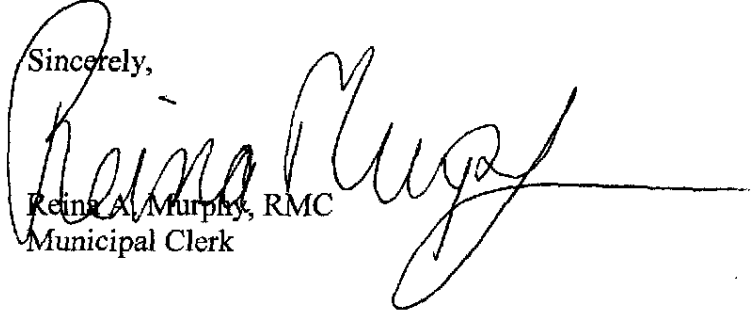
I am in receipt of your public records request. According to Township policy, there is a \$55 charge per disk for copies of documents on disk. I am hereby returning your 3.5 floppy disk, which was mailed with your request, along with your check in an amount not to exceed two dollars.

The cost for the copy of the disk is \$55.00. Please submit a check payable to the "Township of Edison", and we will mail you a copy of the record requested.

Also, please be advised that minutes are available on the Township's website free of charge. You can access them under the Township Clerk's Office at www.edisonnj.org.

Thank you.

Sincerely,


Reina A. Murphy, RMC
Municipal Clerk