

From: **Lynn Hemmer** <[lhemmer@leonianj.gov](mailto:lhemmer@leonianj.gov)>  
Date: Thu, Dec 24, 2015 at 12:09 PM  
Subject: Re: OPRA Request Borough of Leonia  
To: John Paff <[paff@pobox.com](mailto:paff@pobox.com)>

I will send you a copy when the Governing Body approves them. Thank you.

Lynn Hemmer  
Borough of Leonia  
Administrative Assistant  
201-592-5780 ext 221

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On Thu, Dec 24, 2015 at 11:48 AM, John Paff <[paff@pobox.com](mailto:paff@pobox.com)> wrote:

Thank you Mr. Hemmer.

I apologize--I read the public meeting minutes from January 22, 2014 and April 7, 2014 incorrectly.

Will you be able to send me a copy of the revised July 6, 2015 closed minutes after approval by the governing body, or will I need to submit another OPRA request for them. If the latter, please let me know the date of the meeting at which those minutes will be presented.

*John Paff*  
*P.O. Box 5424*  
*Somerset, NJ 08875*  
*Voice: 732-873-1251*  
*Fax: 732-862-4449*  
*e-mail: [paff@pobox.com](mailto:paff@pobox.com)*

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On Wed, Dec 23, 2015 at 4:15 PM, Lynn Hemmer <[lhemmer@leonianj.gov](mailto:lhemmer@leonianj.gov)> wrote:

Mr. Paff,

This correspondence shall be responsive to your Open Public Records Act ("OPRA") request dated December 23, 2015.

I have attached the minutes you requested. Unfortunately, I can not answer why Mr. Bern wrote that the minutes were missing. The January 22, 2014 minutes were sent to Mr. Weimer in his initial OPRA request that prompted Mr. Bern's correspondence. I have attached another copy hereto. The April 7, 2014 minutes were done by the Borough Attorney at the time. I am not aware of your reference material indicating that I was present for both meetings? In fact, I was absent from the April 7, 2014 Meetings; there were two that night, one at 6:00 PM and then the regular meeting at 7:30 P.M. I am attaching the minutes from both the April 7, 2015 meetings including the roll call that shows me to have been absent.

I apologize for the error in the July 6, 2015 minutes; I did leave out the subject matter of the minutes and will present them again to the Governing Body for approval.

Should you have any further questions or concerns please feel free to contact me.

Very truly yours,  
Lynn Hemmer  
Borough of Leonia  
Administrative Assistant  
201-592-5780 ext 221

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On Wed, Dec 23, 2015 at 2:43 PM, John Paff <[paff@pobox.com](mailto:paff@pobox.com)> wrote:

Dear Ms. Hemmer:

Please accept this e-mail/fax as my request for government records in accordance with the Open Public Records Act (OPRA) and the common law right of access. Please respond and send all responsive documents to me via e-mail at [paff@pobox.com](mailto:paff@pobox.com). If e-mail is not possible, please fax responses and responsive records to me at 908-325-0129. Also, I would appreciate it if you would acknowledge your receipt of this e-mail.

Thank you for your December 22, 2015 response to my records request. Unfortunately, it raises more questions than answers regarding the Borough's compliance with the Open Public Meetings Act. There are two major areas of concern:

**Missing meeting minutes:**

According to [Mr. Bern's December 14, 2015 letter](#), you have apparently lost the Council's January 22, 2014 and April 7, 2014 closed session minutes. The public meeting minutes from both of those dates indicates that you were present at both of those meetings. Paragraphs 1 and 2 of my request below seek to establish that there were closed meetings held on those two dates and that no minutes for them are on file.

**Insufficient closed meeting minutes:**

The [minutes of the Council's July 6, 2015 closed session](#) do not meet the "reasonably comprehensible" standard imposed by N.J.S.A. 10:4-14 because they contain absolutely no information about the topic discussed (although the [July 6, 2015 public session minutes](#) suggest that the nurse's position was discussed). The [July 6, 2015 closed session resolution](#) is equally unhelpful. The purpose of paragraph 3 below is to determine whether anything has been redacted from the version of the July 6, 2015 closed session that you provided.

**Records requested:**

1. Minutes, in draft or final form, of all nonpublic (i.e. closed or executive) meetings held by the Borough Council on January 22, 2014 and April 7, 2014
2. Resolutions, beyond the motions embodied in the public meeting minutes, which authorized, in accordance with N.J.S.A. 10:4-13, the Borough Council's nonpublic meetings held on January 22, 2014 and April 7, 2014.
3. The Council's July 6, 2015 closed session minutes with any redactions being applied with "blackout" instead of "whiteout" as suggested by the Government Records Council.

Thank you.

*John Paff*  
*P.O. Box 5424*  
*Somerset, NJ 08875*  
*Voice: 732-873-1251*  
*Fax: 732-862-4449*  
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