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VIA EMAIL AND FIRST-CLASS MAIL

Carla Conner, Municipal Clerk
Clinton Township
1225 Route 31 South
Lebanon, New Jersey 08833

Re: Corcodilos *OPRA Request and OPMA Violations*

Dear Ms. Conner:

We write on behalf of Nick Corcodilos. With respect to your January 24, 2018 response to Mr. Corcodilos's request for Clinton Township Planning Board minutes, your response candidly reveals violations of the Open Public Meetings Act, *N.J.S.A. 10:4-6, et seq.* ("Act"). By this letter, we demand that these violations be corrected immediately; if not, Mr. Corcodilos may pursue enforcement through the remedies available to him under the Act. We also request that this matter be referred to the Township's counsel immediately. This letter is being written to give the Township notice and an opportunity to cure what we view are rather obvious violations of the Act that are prejudicing the ability of both Mr. Corcodilos and the public to participate meaningfully in the February 12, 2018 fairness hearing currently scheduled in *In re Township of Clinton Compliance with Third Round Mount Laurel Affordable Housing Obligation*, Docket No. HNT-L-000315-15.

As you know, on January 15, 2018, Mr. Corcodilos requested copies of the following records pursuant to OPRA: the minutes of the Planning Board's meetings for several dates in 2017; the minutes of the joint Planning Board and Council closed meeting held on August 21, 2017; and the minutes of the Planning Board's closed meeting held on March 20, 2017.

On January 24, 2018, via email, you responded to Mr. Corcodilos's request. In that response, you admitted the following violations of the Act:

- The Planning Board has no minutes for the following regular meetings: January 9, 2017; January 30, 2017; September 18, 2017; and December 4, 2017;
- The Planning Board has not yet approved minutes for the following regular meeting: November 6, 2017;
- The Planning Board has no minutes for the following closed meetings: March 20, 2017 and August 21, 2017.

As you know or should know, under the Act, any "public body" that holds a "meeting" "shall keep reasonably comprehensible minutes of all its meetings . . . which shall be promptly available to the public to the extent that making such matters public shall not be inconsistent with section 7 of this act." While there is no bright line rule about how many days or weeks constitutes "prompt" disclosure, I am highly confident that no court would hold that a delay of several months constitutes "promptly." To avoid a potential enforcement action, please prepare and have the Planning Board approve the undrafted or unapproved minutes immediately.

In addition, we are also concerned about the joint closed meeting between the Planning Board and the Township Council on August 21, 2017. It is not clear to me what

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exception under the Act permits two governing bodies that have separate responsibilities from meeting together while excluding the public. And, here, **in the absence of minutes, the public cannot even guess what would justify such a meeting.**

Please review this matter as soon as possible and advise us of the corrective measures you intend to take. Thank you.

Sincerely,

/s/ Walter M. Luers

Walter M. Luers