

BOROUGH OF POINT PLEASANT BEACH

416 New Jersey Avenue
POINT PLEASANT BEACH, NJ 08742

MAYOR:
STEPHEN D. REID
(732) 892-1118 EXT. 211

MUNICIPAL CLERK:
Eileen Farrell
(732) 892-1118, Ext. 210
efarrell@pointbeach.org
Fax: (732) 892-1270



COUNCIL PRESIDENT:
Thomas Vogel

COUNCIL MEMBERS:
Andy Cortes
Paul M. Kanitra
Thomas H. Migut
Robert A. Santanello
Thomas Toohey

May 24, 2019

OCSN 32
opra+request-5350-07d151d8@requests.opramachine.com

Dear OCSN 32:

I received your OPRA request on May 8, 2019. As such, the 7 business day deadline to respond was May 17, 2019. Per my May 16, 2019 letter, an extension until today was required.

Your OPRA request seeks access to "All Documentation regarding Resolution 4C : Approval of payment to Pashman Stein Walder Hayden for stipulation of dismissal (\$4K)...Please include all documentation as well as minutes from Council Session regarding 4C discussed held on May 7, 2019 and minutes from any previous Closed Council Sessions regarding 4C...In your response please include Minutes for both Open and Closed Sessions that were conducted regarding 4C Approval of payment to Pashman Stein Walder Hayden for stipulation of dismissal (\$4K)...Please include also all correspondence, letters, emails regarding 4C Approval of payment to Pashman Stein Walder Hayden for stipulation of dismissal (\$4K) and all history regarding this situation"

Your request for "all history regarding this situation" does not identify specific government and is, therefore, invalid. Your requests for "all documentation" and "all correspondence, letters, emails" also fail to identify with reasonable clarity the specific government records sought.* All clearly responsive documents, with redaction & privilege log, are attached.

Sincerely,

Eileen A. Farrell, RMC
Municipal Clerk

Attachments

**When a request is complex because it fails to specifically identify the documents sought, then that request is not encompassed by OPRA. See New Jersey Builders Association v. New Jersey Council on Affordable Housing, 390 N.J.Super. 166, 180 (App. Div. 2007). A proper request under OPRA must identify with reasonable clarity those documents that are desired, and a party cannot satisfy this requirement by simply requesting all of an agency's documents. See Bent v. Stafford Police Department, 381 N.J.Super. 30, 37 (App. Div. 2005). Custodians are not required to conduct research or create new records in response to an OPRA request. In Elcavage v. West Milford Township, the GRC found that "...in order to specifically identify an e-mail, OPRA requests must contain (1) the content and/or subject of the e-mail, (2) the specific date or range of dates during which the e-mail was transmitted or the e-mails were transmitted, and (3) a valid e-mail request must identify the sender and/or the recipient thereof."*

DOCUMENT PRIVILEGE & REDACTION LOG IN RESPONSE TO OPRA REQUEST 2019-91

EXHIBIT	Date	Document Description	Subject	Privilege Asserted	Production Status
1	12/20/18	Email chain involving Farrell, Riordan, McLean, Mutter, Reid, Richl, Kile	DRAFT Response to OPRA 2018-150.docx	Attorney-Client Privileged	NON-PRIVILEGED PORTION PRODUCED
2	2/15/19	Letter from Sable/Qual-Lynx to Richl	RE Patrick Duff Claim	OPRA Exemption #14: Information which is a communication between a public agency and its insurance carrier, administrative service organization or risk management office.	NOT PRODUCED
3	2/18/19	Letter from Thomas/Summit Risk Services to Richl	RE Patrick Duff Claim	OPRA Exemption #14: Information which is a communication between a public agency and its insurance carrier, administrative service organization or risk management office.	NOT PRODUCED
4	2/19/19	Closed Session Minutes	1) Personnel (Non-Union Contract Negotiations) 2) 11) Court Shared Services Agreement 3) Pending Litigation Regarding OPRA	Attorney-Client Privileged and Advisory/Consultative/Deliberative Exemption	NON-PRIVILEGED PORTION PRODUCED
5	3/8/19	Letter from Thomas/Summit Risk Services to Richl & Farrell	RE Patrick Duff Claim -- Denial of Coverage	OPRA Exemption #14: Information which is a communication between a public agency and its insurance carrier, administrative service organization or risk management office.	NOT PRODUCED
6	12/20/18	Email chain involving Farrell, Riordan, McLean, Mutter, Richl, Kile	DRAFT Response to OPRA 2018-150.docx	Attorney-Client Privileged	NON-PRIVILEGED PORTION PRODUCED
7	2/13/19	Email chain involving Farrell, Cangiano (Zabarsky), Duff	FW: FW: OPRA Request -- Emails for Mayor Stephen D Reid	Attorney-Client Privileged	NON-PRIVILEGED PORTION PRODUCED
8	2/19/19	Email between Farrell, Wilkie, Mutter	DRAFT Response to OPRA 2019-31.pdf; OPRA 2019-14; OPRA 2019-32.pdf; OPRA 2019-31.pdf	Attorney-Client Privileged	NON-PRIVILEGED PORTION PRODUCED
9	2/19/19	Email chain involving Farrell, Richl, Thomas	RE Initial Correspondence Duff, Patrick/ Borough of Point Pleasant Beach	OPRA Exemption #14: Information which is a communication between a public agency and its insurance carrier, administrative service organization or risk management office.	NON-PRIVILEGED PORTION PRODUCED
10	3/7/19	Email chain involving Farrell, Wilkie, Cangiano (Zabarsky), Richl	RE: GRC Comp	Attorney-Client Privileged	NON-PRIVILEGED PORTION PRODUCED

11	3/11/19	Email chain involving Farrell, Zabarsky, Riehl, Cangiano, Wilkie	RE: Duff v. Point Pleasant Beach, et al.	Attorney-Client Privileged	NON-PRIVILEGED PORTION PRODUCED
12	3/12/19	Email chain involving Farrell, Wilkie, Zabarsky, Riehl, Cangiano	RE: Duff v. Point Pleasant Beach, et al.	Attorney-Client Privileged	NON-PRIVILEGED PORTION PRODUCED
13	3/12/19	Email chain involving Farrell, Zabarsky, Riehl, Cangiano	RE: Duff v. Point Pleasant Beach, et al.	Attorney-Client Privileged	NON-PRIVILEGED PORTION PRODUCED
14	3/13/19	Email chain involving Farrell, Zabarsky, Cangiano, Griffin	RE: Duff v. Point Pleasant Beach, et al.	Attorney-Client Privileged	NON-PRIVILEGED PORTION PRODUCED
15	3/29/19	Email chain involving Farrell, Wilkie, Zabarsky	RE: Duff v. Point Pleasant	Attorney-Client Privileged	NON-PRIVILEGED PORTION PRODUCED
16	4/2/19	Email chain involving Farrell, Wilkie, Griffin	RE: Duff v. PBB	Attorney-Client Privileged	NON-PRIVILEGED PORTION PRODUCED
17	4/2/19	Email chain involving Farrell, Wilkie, Griffin	RE: Duff v. PBB	Attorney-Client Privileged	NON-PRIVILEGED PORTION PRODUCED
18	4/16/19	Closed Session Minutes	1) Litigation (Duff vs. PPB) 2) Litigation (PPB vs. Van Schoick)	Attorney-Client Privileged and Advisory/Consultative/Deliberative Exemption	NON-PRIVILEGED PORTION PRODUCED
19	4/29/19	Email chain involving Farrell, Riehl, Zabarsky, Rosemarie, Griffin	FW: Duff v. Point Pleasant	Reasonable Expectation of Privacy	NON-PRIVILEGED PORTION PRODUCED

Janet Mutter

From: Eileen Farrell
Sent: Wednesday, December 12, 2018 3:37 PM
To: Janet Mutter
Subject: FW: OPRA request - Emails for Mayor Stephen D Reid.

-----Original Message-----

From: Patrick Duff [<mailto:opra+request-3219-194cb103@requests.opramachine.com>]
Sent: Wednesday, December 12, 2018 3:29 PM
To: Eileen Farrell <EFarrell@pointbeach.org>
Subject: OPRA request - Emails for Mayor Stephen D Reid.

Dear Point Pleasant Beach Borough,

This is a request for public records made under OPRA and the common law right of access. I am not required to fill out an official form. Please acknowledge receipt of this message.

Records requested:

I am requesting emails sent and received by Mayor Reid @ sreid@pointbeach.org from 12-1-2017 through 12-12-2018 with the query of the words "marijuana" and or "dispensary" in either the body or the subject line.

Yours faithfully,

Patrick Duff

Please use deliver records electronically via email to the below UNIQUE address for all replies to this request:
opra+request-3219-194cb103@requests.opramachine.com

Is efarrell@pointbeach.org the wrong address for OPRA requests to Point Pleasant Beach Borough? If so, please contact us using this form:

https://opramachine.com/change_request/new?body=point_pleasant_beach_borough

Disclaimer: This message and any reply that you make will be published on the internet. Our privacy and copyright policies:

<https://opramachine.com/help/officers>

View this OPRA request & responses online:

https://opramachine.com/request/emails_for_mayor_stephen_d_reid

Please note that in some cases publication of requests and responses will be delayed.

If you find this service useful as an OPRA custodian, please ask your web manager to link to us from your organisation's website.

Eileen Farrell

From: Eileen Farrell
Sent: Thursday, December 20, 2018 5:02 PM
To: 'KRiordan'; 'GMcLean'
Cc: Janet Mutter
Subject: RE: OPRA 2018-150
Attachments: DRAFT Response to OPRA 2018-150.docx

Attached is a draft of the letter to be sent with the documents tomorrow. [REDACTED]

Thank you.

From: Eileen Farrell
Sent: Thursday, December 20, 2018 4:42 PM
To: 'KRiordan' <KRiordan@kbrlawfirm.com>; 'GMcLean' <GMcLean@kbrlawfirm.com>
Cc: Janet Mutter <jmutter@pointbeach.org>
Subject: RE: OPRA 2018-150

...one more document attached.

From: Eileen Farrell
Sent: Thursday, December 20, 2018 4:25 PM
To: KRiordan <KRiordan@kbrlawfirm.com>; 'GMcLean' <GMcLean@kbrlawfirm.com>
Cc: Janet Mutter <jmutter@pointbeach.org>
Subject: FW: OPRA 2018-150

Kevin/Gary,

Please see attached OPRA and documents for review. (Response is due tomorrow – responses are posted online.) I have 95 other responsive e-mails – press releases, mass/subscriber e-mails and newsletters, which I have not included here and can provide tomorrow. I can require an extension on the attached, if you cannot get back to me right away, as I will be out of the office tomorrow afternoon and several days next week and I need to prepare the Reorganization agenda.

[REDACTED]
Eileen

From: Janet Mutter
Sent: Wednesday, December 12, 2018 3:41 PM
To: Stephen Reid <sreid@pointbeach.org>
Cc: Christine Riehl <Criehl@pointbeach.org>; Patricia Kile <pkile@pointbeach.org>; Eileen Farrell <EFarrell@pointbeach.org>; Kevin Riordan (KRiordan@kbrlawfirm.com) <KRiordan@kbrlawfirm.com>
Subject: OPRA 2018-150

Response due 12/21

*Janet Mutter
Deputy Clerk & Deputy Registrar
Borough of Point Pleasant Beach
(732) 892-1118, Ext 227*

jmutter@pointbeach.org
www.pointpleasantbeach.org

9

1

3

2

Eileen Farrell

From: Eileen Farrell
Sent: Friday, January 04, 2019 3:44 PM
To: 'bkorcz@comcast.net'
Subject: FW: OPRA request - Emails for Mayor Stephen D Reid.

Steven,
FYI, per our discussion.
Eileen

-----Original Message-----

From: Eileen Farrell
Sent: Friday, January 04, 2019 3:43 PM
To: 'Patrick Duff' <opra+request-3219-194cb103@requests.opramachine.com>
Subject: RE: OPRA request - Emails for Mayor Stephen D Reid.

Good Afternoon Mr. Duff,

Thank you for following up on this. I will require an additional 7 business days to respond. The Borough's previous attorney had been unavailable since my previous response to you. A new Borough Attorney was appointed on Tuesday and needs an opportunity to review the e-mails to determine if any material is excluded under OPRA. I appreciate your patience.

Thank you and Happy New Year.

Eileen Farrell, RMC/CMR
Municipal Clerk & Registrar of Vital Statistics Borough of Point Pleasant Beach
416 New Jersey Avenue
Point Pleasant Beach, NJ 08742
Phone: 732-892-1118 x210
Fax: 732-892-1270
E-mail: efarrell@pointbeach.org

-----Original Message-----

From: Patrick Duff [mailto:opra+request-3219-194cb103@requests.opramachine.com]
Sent: Tuesday, January 01, 2019 7:04 PM
To: Eileen Farrell <EFarrell@pointbeach.org>
Subject: RE: OPRA request - Emails for Mayor Stephen D Reid.

Dear Eileen Farrell,

Do you know when I will get the rest of the emails?

Yours sincerely,

Patrick Duff

-----Original Message-----

5 of 5

Please use this UNIQUE email address for all replies to this request and no other:
opra+request-3219-194cb103@requests.opramachine.com

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<https://opramachine.com/help/officers>

View this OPRA request & responses online:
https://opramachine.com/request/emails_for_mayor_stephen_d_reid

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If you find this service useful as an OPRA custodian, please ask your web manager to link to us from your organisation's website.

Eileen Farrell

From: Eileen Farrell
Sent: Wednesday, January 09, 2019 11:24 AM
To: 'Rosemarie Cangiano'
Subject: FW: FW: OPRA request - Emails for Mayor Stephen D Reid.

Mr. Zabarsky,

Please see below. Per the draft copies of the e-mails I forwarded to you on Friday in response to this OPRA (2018-150), I have redacted personal e-mail addresses, as I have always done.
Please advise.

Eileen Farrell, RMC/CMR
Municipal Clerk & Registrar of Vital Statistics Borough of Point Pleasant Beach
416 New Jersey Avenue
Point Pleasant Beach, NJ 08742
Phone: 732-892-1118 x210
Fax: 732-892-1270
E-mail: efarrell@pointbeach.org

-----Original Message-----

From: Patrick Duff [mailto:opra+request-3219-194cb103@requests.opramachine.com]
Sent: Wednesday, January 09, 2019 11:20 AM
To: Eileen Farrell <EFarrell@pointbeach.org>
Subject: Re: FW: OPRA request - Emails for Mayor Stephen D Reid.

Dear Eileen Farrell,

There are three characteristics of an OPRA request that must be met as it pertains to emails. The Sender/receiver, the subject and the day and time must not be redacted. These have dozens of sender/receiver redactions that I am want to give you the chance to correct and send them back to me with no redactions. Please let me know what your city attorney says.

3 characteristics pursuant to Elcavage v. West Milford Township (Passaic), GRC Complaint No. 2009-08 (April 2010): 1. Content and/or subject 2. Specific date or range of dates 3. Sender and/or recipient

Yours sincerely,

Patrick Duff

-----Original Message-----

Part 3 of 3 attached.
This OPRA is now complete.

Please use this UNIQUE email address for all replies to this request and no other:

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Eileen Farrell

From: Eileen Farrell
Sent: Wednesday, January 16, 2019 1:28 PM
To: 'Patrick Duff'
Subject: RE: FW: OPRA request - Emails for Mayor Stephen D Reid.
Attachments: Response III to OPRA 2018-150.pdf

Mr. Duff,
Please see attached.
Thank you.

Eileen Farrell, RMC/CMR
Municipal Clerk & Registrar of Vital Statistics Borough of Point Pleasant Beach
416 New Jersey Avenue
Point Pleasant Beach, NJ 08742
Phone: 732-892-1118 x210
Fax: 732-892-1270
E-mail: efarrell@pointbeach.org

-----Original Message-----

From: Patrick Duff [mailto:opra+request-3219-194cb103@requests.opramachine.com]
Sent: Wednesday, January 09, 2019 11:20 AM
To: Eileen Farrell <EFarrell@pointbeach.org>
Subject: Re: FW: OPRA request - Emails for Mayor Stephen D Reid.

Dear Eileen Farrell,

There are three characteristics of an OPRA request that must be met as it pertains to emails. The Sender/receiver, the subject and the day and time must not be redacted. These have dozens of sender/receiver redactions that I am want to give you the chance to correct and send them back to me with no redactions. Please let me know what your city attorney says.

3 characteristics pursuant to Elcavage v. West Milford Township (Passaic), GRC Complaint No. 2009-08 (April 2010): 1. Content and/or subject 2. Specific date or range of dates 3. Sender and/or recipient

Yours sincerely,

Patrick Duff

-----Original Message-----

Part 3 of 3 attached.
This OPRA is now complete.

Please use this UNIQUE email address for all replies to this request and no other:

opra+request-3219-194cb103@requests.opramachine.com

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BOROUGH OF POINT PLEASANT BEACH

416 New Jersey Avenue
POINT PLEASANT BEACH, NJ 08742

MAYOR:
STEPHEN D. REID
(732) 892-1118 EXT. 211

MUNICIPAL CLERK:
Eileen Farrell
(732) 892-1118, Ext. 210
efarrell@pointbeach.org
Fax: (732) 892-1270



COUNCIL PRESIDENT:
Thomas Vogel

COUNCIL MEMBERS:
Andy Cortes
Paul M. Kanitra
Thomas H. Migut
Robert A. Santanello
Thomas Toohey

January 16, 2018

Mr. Patrick Duff
opra+request-3219-194cb103@requests.opramachine.com

Dear Mr. Duff,

This is in further response to your OPRA request seeking access to "emails sent and received by Mayor Reid @ sreid@pointbeach.org from 12-1-2017 through 12-12-2018 with the query of the words 'marijuana' and or 'dispensary' in either the body or the subject line."

You have requested that the sender/receiver redactions in some of the e-mails provided to you be "corrected" and sent back with no redactions, citing 3 characteristics identified in GRC Complaint, Elcavage v. West Milford Township.

I spoke with the Borough Attorney. In this complaint, the GRC found that "...in order to specifically identify an e-mail, OPRA requests must contain (1) the content and/or subject of the e-mail, (2) the specific date or range of dates during which the e-mail was transmitted or the e-mails were transmitted, and (3) a valid e-mail request must identify the sender and/or the recipient thereof."

The characteristics you referenced pertain to the OPRA request, not the response. The redactions provided are appropriate pursuant to the reasonable expectation of privacy in the e-mails.

Sincerely,

Eileen A. Farrell, RMC
Municipal Clerk

Eileen Farrell

From: Patrick Duff <opra+request-3733-a38d252d@requests.opramachine.com>
Sent: Saturday, January 26, 2019 9:17 PM
To: Eileen Farrell
Subject: OPRA request - All emails to or from Patrick Kennedy to former and current council members, mayors and clerks.

Dear Point Pleasant Beach Borough,

This is a request for public records made under OPRA and the common law right of access. I am not required to fill out an official form. Please acknowledge receipt of this message.

Records requested:

All emails to or from Patrick Kennedy and or mentioning www.NJ-RAMP.ORG to former and current council members, mayors and clerks from 1-1-2017 through 1-26-2019.

Yours faithfully,

Patrick Duff

Please use deliver records electronically via email to the below UNIQUE address for all replies to this request:
opra+request-3733-a38d252d@requests.opramachine.com

Is efarrell@pointbeach.org the wrong address for OPRA requests to Point Pleasant Beach Borough? If so, please contact us using this form:

https://opramachine.com/change_request/new?body=point_pleasant_beach_borough

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View this OPRA request & responses online:

https://opramachine.com/request/all_emails_to_or_from_patrick_ke

Please note that in some cases publication of requests and responses will be delayed.

If you find this service useful as an OPRA custodian, please ask your web manager to link to us from your organisation's website.

Eileen Farrell

From: Eileen Farrell
Sent: Wednesday, February 13, 2019 9:18 AM
To: Rosemarie Cangiano
Cc: lsable@qual-lynx.com; Christine Riehl
Subject: FW: FW: OPRA request - Emails for Mayor Stephen D Reid.

Steven,
Please review the lawsuit in the link below and advise.
Eileen

-----Original Message-----

From: Patrick Duff [mailto:opra+request-3219-194cb103@requests.opramachine.com]
Sent: Wednesday, February 13, 2019 7:32 AM
To: Eileen Farrell <EFarrell@pointbeach.org>
Subject: RE: FW: OPRA request - Emails for Mayor Stephen D Reid.

Dear Eileen Farrell,

Here is the complaint for your records as well. Nothing has been redacted.
<https://www.scribd.com/document/399552976/Verified-Complaint-against-Point-Pleasant-Beach>

Yours sincerely,

Patrick Duff

-----Original Message-----

Mr. Duff,
Please see attached.
Thank you.

Eileen Farrell, RMC/CMR
Municipal Clerk & Registrar of Vital Statistics Borough of Point Pleasant Beach
416 New Jersey Avenue
Point Pleasant Beach, NJ 08742
Phone: 732-892-1118 x210
Fax: 732-892-1270
E-mail: [Point Pleasant Beach Borough request email]

Please use this UNIQUE email address for all replies to this request and no other:
opra+request-3219-194cb103@requests.opramachine.com

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View this OPRA request & responses online:

https://opremachine.com/request/emails_for_mayor_stephen_d_reid

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If you find this service useful as an OPRA custodian, please ask your web manager to link to us from your organisation's website.

Eileen Farrell

From: Eileen Farrell
Sent: Wednesday, February 13, 2019 9:37 AM
To: Rosemarie Cangiano
Subject: FW: FW: OPRA request - Emails for Mayor Stephen D Reid.

Steven,
The below e-mail was sent to me yesterday (I didn't receive it until today, as I've been out sick).

~~REDACTED~~
Eileen

-----Original Message-----

From: Patrick Duff [mailto:opra+request-3219-194cb103@requests.opramachine.com]
Sent: Tuesday, February 12, 2019 10:37 AM
To: Eileen Farrell <EFarrell@pointbeach.org>
Subject: RE: FW: OPRA request - Emails for Mayor Stephen D Reid.

Dear Eileen Farrell,

I guess we will see what the court says. I filed suit against yourself and Point Pleasant Beach yesterday for this request not being properly filled. Tell your attorney he can explain it to a Judge.

<https://www.scribd.com/document/399463861/Lawsuit-brief-against-Point-Pleasant-Beach-and-Mayor-Reid?fbclid=IwAR32n-WKfmgZlgwOEeWC06EF6giBJJw3AUTdZfm7S7O2UXjHdKt-PpWbxgdg>

Yours sincerely,

Patrick Duff

-----Original Message-----

Mr. Duff,
Please see attached.
Thank you.

Eileen Farrell, RMC/CMR
Municipal Clerk & Registrar of Vital Statistics Borough of Point Pleasant Beach
416 New Jersey Avenue
Point Pleasant Beach, NJ 08742
Phone: 732-892-1118 x210
Fax: 732-892-1270
E-mail: [Point Pleasant Beach Borough request email]

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If you find this service useful as an OPRA custodian, please ask your web manager to link to us from your organisation's website.

Eileen Farrell

From: Eileen Farrell
Sent: Wednesday, February 13, 2019 10:25 AM
To: 'Rosemarie Cangiano'
Cc: 'Isable@qual-lynx.com'; Christine Riehl
Subject: FW: FW: OPRA request - Emails for Mayor Stephen D Reid.

Please see link below.

Eileen A. Farrell, RMC/CMR
Municipal Clerk & Registrar of Vital Statistics Borough of Point Pleasant Beach
416 New Jersey Avenue
Point Pleasant Beach, NJ 08742
Tel: 732-892-1118 x210
Fax: 732-892-1270

-----Original Message-----

From: Patrick Duff [mailto:opra+request-3219-194cb103@requests.opramachine.com]
Sent: Tuesday, February 12, 2019 10:37 AM
To: Eileen Farrell <EFarrell@pointbeach.org>
Subject: RE: FW: OPRA request - Emails for Mayor Stephen D Reid.

Dear Eileen Farrell,

I guess we will see what the court says. I filed suit against yourself and Point Pleasant Beach yesterday for this request not being properly filled. Tell your attorney he can explain it to a Judge.

<https://www.scribd.com/document/399463861/Lawsuit-brief-against-Point-Pleasant-Beach-and-Mayor-Reid?fbclid=IwAR32n-WKfmgZlgwOEeWC06EF6giBJw3AUTdZfm7S7O2UXjHdKt-PpWbxdg>

Yours sincerely,

Patrick Duff

-----Original Message-----

Mr. Duff,
Please see attached.
Thank you.

Eileen Farrell, RMC/CMR
Municipal Clerk & Registrar of Vital Statistics Borough of Point Pleasant Beach
416 New Jersey Avenue
Point Pleasant Beach, NJ 08742
Phone: 732-892-1118 x210
Fax: 732-892-1270
E-mail: [Point Pleasant Beach Borough request email]

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If you find this service useful as an OPRA custodian, please ask your web manager to link to us from your organisation's website.

Eileen Farrell

From: Eileen Farrell
Sent: Friday, February 15, 2019 8:41 AM
To: 'Brian K. Wilkie, Esq.'
Subject: FW: FW: OPRA request - Emails for Mayor Stephen D Reid.

Brian,
Click the link below for the complaint.
Eileen

-----Original Message-----

From: Patrick Duff [mailto:opra+request-3219-194cb103@requests.opramachine.com]
Sent: Wednesday, February 13, 2019 7:32 AM
To: Eileen Farrell <EFarrell@pointbeach.org>
Subject: RE: FW: OPRA request - Emails for Mayor Stephen D Reid.

Dear Eileen Farrell,

Here is the complaint for your records as well. Nothing has been redacted.
<https://www.scribd.com/document/399552976/Verified-Complaint-against-Point-Pleasant-Beach>

Yours sincerely,

Patrick Duff

-----Original Message-----

Mr. Duff,
Please see attached.
Thank you.

Eileen Farrell, RMC/CMR
Municipal Clerk & Registrar of Vital Statistics Borough of Point Pleasant Beach
416 New Jersey Avenue
Point Pleasant Beach, NJ 08742
Phone: 732-892-1118 x210
Fax: 732-892-1270
E-mail: [Point Pleasant Beach Borough request email]

Please use this UNIQUE email address for all replies to this request and no other:
opra+request-3219-194cb103@requests.opramachine.com

Disclaimer: This message and any reply that you make will be published on the internet. Our privacy and copyright policies:
<https://opramachine.com/help/officers>

View this OPRA request & responses online:
https://opramachine.com/request/emails_for_mayor_stephen_d_reid

Please note that in some cases publication of requests and responses will be delayed.

If you find this service useful as an OPRA custodian, please ask your web manager to link to us from your organisation's website.

Eileen Farrell

From: Eileen Farrell
Sent: Friday, February 15, 2019 8:42 AM
To: 'Brian K. Wilkie, Esq.'
Subject: RE: GRC Comp

Hi Brian,
I just forwarded what I received from Mr. Duff.

Eileen A. Farrell, RMC/CMR
Municipal Clerk & Registrar of Vital Statistics
Borough of Point Pleasant Beach
416 New Jersey Avenue
Point Pleasant Beach, NJ 08742
Tel: 732-892-1118 x210
Fax: 732-892-1270

From: Brian K. Wilkie, Esq. [mailto:wilkieesq@gmail.com]
Sent: Thursday, February 14, 2019 4:56 PM
To: Eileen Farrell <EFarrell@pointbeach.org>
Subject: GRC Comp

Hi Eileen,

Can you forward any information you have on the GRC Complaint that's allegedly been filed by Duff?

Regards,
s/ Brian K. Wilkie, Esq.
Associate Attorney
Citta, Holzapfel & Zabarsky
732.349.1600 – Office
609.290.6125 – Cell

Eileen Farrell

From: Eileen Farrell
Sent: Friday, February 15, 2019 2:13 PM
To: Brian K. Wilkie Esq.
Subject: RE: GRC Comp

Brian,

I just forwarded you the lawsuit as well. I'm not sure what was forwarded to you from Rosemarie – I sent her both on Wednesday – I assumed you had seen them both. I apologize for any confusion - I assumed the "complaint" was a GRC complaint. I have not received either in hard copy. I checked with the Administrator office to see if she had received anything – she has not.

Eileen

From: Brian K. Wilkie Esq. [mailto:wilkieesq@gmail.com]
Sent: Friday, February 15, 2019 2:06 PM
To: Eileen Farrell <EFarrell@pointbeach.org>
Subject: RE: GRC Comp

That's it? I was under the impression that there's also a GRC complaint. You haven't received service in hard copy yet, correct?

--BKW

Sent from [Mail](#) for Windows 10

From: [Eileen Farrell](#)
Sent: Friday, February 15, 2019 8:41 AM
To: [Brian K. Wilkie, Esq.](#)
Subject: RE: GRC Comp

Hi Brian,

I just forwarded what I received from Mr. Duff.

Eileen A. Farrell, RMC/CMR
Municipal Clerk & Registrar of Vital Statistics
Borough of Point Pleasant Beach
416 New Jersey Avenue
Point Pleasant Beach, NJ 08742
Tel: 732-892-1118 x210
Fax: 732-892-1270

From: Brian K. Wilkie, Esq. [mailto:wilkieesq@gmail.com]
Sent: Thursday, February 14, 2019 4:56 PM
To: Eileen Farrell <EFarrell@pointbeach.org>
Subject: GRC Comp

Hi Eileen,

Can you forward any information you have on the GRC Complaint that's allegedly been filed by Duff?

Regards,
s/ Brian K. Wilkie, Esq.
Associate Attorney
Citta, Holzapfel & Zabarsky
732.349.1600 – Office
609.290.6125 – Cell

Eileen Farrell

From: Brian K. Wilkie Esq. <wilkieesq@gmail.com>
Sent: Friday, February 15, 2019 2:14 PM
To: Eileen Farrell
Subject: RE: FW: OPRA request - Emails for Mayor Stephen D Reid.

No, I've seen that. It's been filed on eCourts as well. [REDACTED]
[REDACTED]
[REDACTED]. Thanks.

--BKW

Sent from Mail for Windows 10

From: Eileen Farrell
Sent: Friday, February 15, 2019 2:09 PM
To: Brian Wilkie
Subject: FW: FW: OPRA request - Emails for Mayor Stephen D Reid.

Brian,
Please see lawsuit below...
Eileen

-----Original Message-----

From: Patrick Duff [mailto:opra+request-3219-194cb103@requests.opramachine.com]
Sent: Tuesday, February 12, 2019 10:37 AM
To: Eileen Farrell <EFarrell@pointbeach.org>
Subject: RE: FW: OPRA request - Emails for Mayor Stephen D Reid.

Dear Eileen Farrell,

I guess we will see what the court says. I filed suit against yourself and Point Pleasant Beach yesterday for this request not being properly filled. Tell your attorney he can explain it to a Judge. <https://www.scribd.com/document/399463861/Lawsuit-brief-against-Point-Pleasant-Beach-and-Mayor-Reid?fbclid=IwAR32n-WKfmgZlgwOEeWC06EF6giBJJw3AUTdZfm7S7O2UXjHdKt-PpWbxgdg>

Yours sincerely,

Patrick Duff

-----Original Message-----

Mr. Duff,
Please see attached.
Thank you.

Eileen Farrell, RMC/CMR
Municipal Clerk & Registrar of Vital Statistics Borough of Point Pleasant Beach

416 New Jersey Avenue
Point Pleasant Beach, NJ 08742
Phone: 732-892-1118 x210
Fax: 732-892-1270
E-mail: [Point Pleasant Beach Borough request email]

Please use this UNIQUE email address for all replies to this request and no other:
opra+request-3219-194cb103@requests.opramachine.com

Disclaimer: This message and any reply that you make will be published on the internet. Our privacy and copyright policies:
<https://opramachine.com/help/officers>

View this OPRA request & responses online:
https://opramachine.com/request/emails_for_mayor_stephen_d_reid

Please note that in some cases publication of requests and responses will be delayed.

If you find this service useful as an OPRA custodian, please ask your web manager to link to us from your organisation's website.

Eileen Farrell

From: Eileen Farrell
Sent: Tuesday, February 19, 2019 9:33 AM
To: Brian K. Wilkie, Esq.
Cc: Janet Mutter
Subject: RE: OPRA Questions
Attachments: DRAFT Response to OPRA 2019-31.pdf; OPRA 2019-14.pdf; OPRA 2019-32.pdf; OPRA 2019-31.pdf

Hi Brian,

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Eileen

From: Eileen Farrell
Sent: Thursday, February 14, 2019 9:56 AM
To: 'Brian K. Wilkie, Esq.' <wilkieesq@gmail.com>
Cc: Janet Mutter <jmutter@pointbeach.org>
Subject: OPRA Questions

Hi Brian,

Thanks for all of your OPRA help so far. I understand from Steve that you have reviewed the GRC complaint and lawsuit filed by Mr. Duff and that you will be calling me to discuss. In the meantime, I want to call your attention to 3 other OPRA's. Attached is OPRA 2019-14, for which I have gone through all of the Mayor's emails and printed out @350 pages for review (I have an extension until 2/25 to get this done). I received attached OPRA 2019-31 yesterday and drafted the attached response. I received attached OPRA 2019-32 this morning. [REDACTED]

[REDACTED] It takes a long time to go through so many e-mails and print them before even having a chance to review them. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] I just need get a handle on how to best handle these requests going forward, as I don't see them stopping soon and it's already gotten out of hand.

Thanks.

Eileen A. Farrell, RMC/CMR
Municipal Clerk & Registrar of Vital Statistics
Borough of Point Pleasant Beach
416 New Jersey Avenue
Point Pleasant Beach, NJ 08742
Tel: 732-892-1118 x210
Fax: 732-892-1270

Eileen Farrell

From: Eileen Farrell
Sent: Tuesday, February 19, 2019 12:30 PM
To: Christine Riehl
Subject: RE: Initial Correspondence: Duff, Patrick / Borough of Point Pleasant Beach / / /
[REDACTED]

Chris,
Would you please forward me the attachment.
Thank you.
Eileen

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Point Pleasant Beach Council Closed Session
February 19, 2019

Closed Session began at 7:05PM and ended at 7:41PM.

Present: Mayor Reid, Councilmen Cortes, Kanitra, Toohey, Migut & Santanello, Attorney Zabarsky, BA/CFO Riehl, Clerk Farrell (Councilman Vogel arrived at 7:18PM after non-union negotiations discussion)

- I) Personnel (Non-Union Contract Negotiations) – BA/CFO Riehl: the Personnel Committee met – did not agree non-union employees' request for uniform allowance nor an extra .5% salary increase – they agreed to requests, with amounts as discussed, for payout of unused vacation days and comp in lieu of OT ([REDACTED]) – also agreed to 7 bereavement days for loss of child or spouse and use of Borough vehicle, as discussed, for DPW Super. Trout.
- II) Court Shared Services Agreement - BA/CFO Riehl: Point Pleasant Mayor Sabosik wants to reduce compensation to PPB from \$50K to \$20K – [REDACTED]
[REDACTED]
[REDACTED] would need videoconferencing and bulletproof glass – [REDACTED]
[REDACTED] would need an answer before April (Councilman Vogel: action would need to be taken at Council meeting in March) shared service agreement expires on June 30th.
- III) Pending Litigation Regarding OPRA – Attorney Zabarsky: referred to publicized lawsuit that hasn't even been served – knows the attorney involved – quoted what can be redacted in OPRA
[REDACTED]
[REDACTED]
[REDACTED]

ATTEST: _____

Eileen A. Farrell, RMC
Municipal Clerk

Janet Mutter

From: Janet Mutter
Sent: Friday, February 22, 2019 2:50 PM
To: 'thomas@summitrisk.com'; 'Steve Zabarsky (bkorcz@comcast.net)'
Cc: Eileen Farrell; Christine Riehl; Patricia Kile
Subject: Patrick Duff Complaint
Attachments: doc01365020190222143608.pdf; doc01365120190222143710.pdf

Good morning

Eileen was served with both of these attachments this afternoon.

They are exactly the same thing but being that she accepted and stamped both of them, we figured we would send both of them out.

Thank you

Janet Mutter
Deputy Clerk & Deputy Registrar
Borough of Point Pleasant Beach
(732) 892-1118, Ext 227
jmutter@pointbeach.org
www.pointpleasanteach.org

CJ GRIFFIN
Member
cgriffin@pashmanstein.com
Direct: 201.270.4930



February 19, 2019

VIA SERVICE PROCESSOR

Borough of Point Pleasant Beach
416 New Jersey Avenue
Point Pleasant Beach, New Jersey 08742

Eileen Farrell, Records Custodian for Borough
of Point Pleasant
416 New Jersey Avenue, Point Pleasant Beach,
New Jersey 08742

RE: *Patrick Duff v. Borough of Point Pleasant Beach, et al.*
Docket No.: OCN-L-383-19
Our File No. 28251-001

Dear Sir/Madam:

On behalf of Plaintiff, Patrick Duff, enclosed herewith and served upon you are an executed Order to Show Cause, Civil Case Information Statement, Verified Complaint with Exhibits, and Letter Brief.

Pursuant to the enclosed Order, the Hearing is scheduled for **April 2, 2019 at 9:00 a.m.** at the Superior Court of New Jersey, Ocean County Courthouse, 118 Washington Street, Toms River, NJ 08754 before the Honorable Marlene Lynch Ford, A.J.S.C.

Please be guided accordingly.

Very truly yours,

/s/ CJ Griffin

CJG/jj
Enclosures

RECEIVED
FEB 20 2019
2:30 PM

PASHMAN STEIN WALDER HAYDEN

A Professional Corporation

Court Plaza South

21 Main Street, Suite 200

Hackensack, New Jersey 07601

Ph: (201) 488-8200

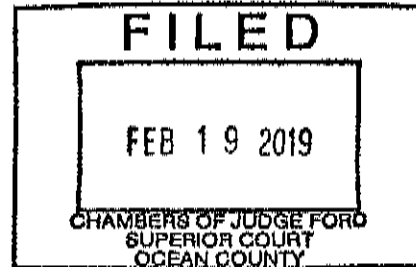
F: (201) 488-5556

CJ GRIFFIN (#031422009)

cgriffin@pashmanstein.com

Attorneys for Plaintiff,

Patrick Duff



PATRICK DUFF

Plaintiff,

v.

**BOROUGH OF POINT PLEASANT BEACH
and EILEEN FARRELL, in her official capacity
as Records Custodian for the Borough of Point
Pleasant Beach,**

Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: OCEAN COUNTY

DOCKET NO.: **2-383-19**

Civil Action

ORDER TO SHOW CAUSE

THIS MATTER being brought before the court by Pashman Stein Walder Hayden, a Professional Corporation, attorneys for Plaintiff Patrick Duff, CJ Griffin, Esq. appearing, seeking relief by way of summary action pursuant to R. 4:67-1(a), based upon the facts set forth in the Verified Complaint filed herewith; and the court having determined that this matter may be commenced by Order to Show Cause as a summary proceeding pursuant to the Open Public Records Act, N.J.S.A. 47:1A-6, and for good cause shown:

IT IS on this 19th day of February, 2019, **ORDERED** that Defendants Borough of Point Pleasant Beach and Eileen Farrell, shall appear and show cause on the 2nd day of April, 2019 before the Superior Court at the Ocean

County Courthouse in Toms River, New Jersey, at 10:00 a.m./p.m., or as soon thereafter as counsel can be heard, why judgment should not be entered:

1. Declaring said actions of Defendants to be in violation of OPRA, N.J.S.A. 47:1A-1 *et seq.* by failing to provide lawful access to government records and unlawfully redacting government records;

2. Ordering Defendants to release the requested government records with unlawful redactions removed pursuant to OPRA;

3. Ordering Defendants to preserve the requested records pending resolution of these proceedings or as otherwise required by law;

4. Alternatively, ordering Defendants to release the records pursuant to the common law right of access.

5. Awarding counsel fees and costs pursuant to N.J.S.A. 47:1A-6; and

6. For such other relief as the Court may deem just and equitable.

AND IT IS FURTHER ORDERED that:

1. A copy of this Order to Show Cause, Verified Complaint and all supporting affidavits or certifications submitted in support of this application be served upon Defendants personally or by Certified Mail, Return Receipt Requested, within 7 days of the date the Plaintiff received this Order, in accordance with *R.* 4:4-3 and *R.* 4:4-4, this being original process.

3. The Plaintiff must file with the court its proof of service of the pleadings on the Defendants no later than three (3) days before the return date.

4. Defendants shall file and serve a written answer and opposition papers to this Order to Show Cause and the relief requested in the Verified Complaint and proof of service of

the same by March 15, 2019. The reply papers must be filed with the Clerk of the Superior Court in the county listed above and TWO courtesy copies of the papers must be sent directly to the chambers of Honorable Marlene Lynch Ford, A.J.S.C. A copy must be served on Plaintiff that same date.

5. The Plaintiff must file and serve any written reply to the Defendants' opposition to the Order to Show Cause by March 22, 2019. The reply papers must be filed with the Clerk of the Superior Court in the county listed above and TWO copies of the reply papers must be sent directly to the chambers of Judge Jacobson.

6. If the Defendants do not file and serve opposition to this Order to Show Cause, the application will be decided on the papers on the return date and relief may be granted by default, provided that the Plaintiff files a proof of service and a proposed form of order at least three days prior to the return date.

7. If Plaintiff has not already done so, a proposed form of order addressing the relief sought on the return date (along with a self-addressed return envelope with return address and postage) must be submitted to the Court no later than three (3) days before the return date.

8. Defendants take notice that the Plaintiff has filed a lawsuit against you in the Superior Court of New Jersey. The Verified Complaint attached to this Order to Show Cause states the basis of the lawsuit. If you dispute this complaint, you, or your attorney, must file a written answer and opposition papers and proof of service before the return date of the order to show cause.

These documents must be filed with the Clerk of the Superior Court in the county listed above. A directory of these offices is available in the Civil Division Management Office in the county listed above and online at <http://www.judiciary.state.nj.us/prose/10153deptyclerklawref.pdf>.

Include a \$175 filing fee payable to the "Treasurer State of New Jersey." You must also send a copy of your Answer and opposition papers to the Plaintiffs' attorney whose name and address appear above, or to the Plaintiff, if no attorney is named above. A telephone call will not protect your rights; you must file and serve your answer and opposition papers (with the fee) or judgment may be entered against you by default.

9. If you cannot afford an attorney, you may call the Legal Services office in the county in which you live or the Legal Services of New Jersey Statewide Hotline at 1-888-LSNJ-LAW (1-888-576-5529). If you do not have an attorney and are not eligible for free legal assistance you may obtain a referral to an attorney by calling one of the Lawyer Referral Services. A directory with contact information for local Legal Services Offices and Lawyer Referral Services is available in the Civil Division Management Office in the county listed above and online at <http://www.judiciary.state.nj.us/prosc/10153deptyclerklawref.pdf>.

10. The Court will entertain argument, but not testimony, on the return date of the Order to Show Cause.


HON. MARLENE LYNCH FORD, A.J.S.C.

OCEAN COUNTY SUPERIOR COURT
OCEAN COUNTY COURTHOUSE
CIVIL LAW DIVISION
TOMS RIVER NJ 08754

TRACK ASSIGNMENT NOTICE

COURT TELEPHONE NO. (732) 929-2016
COURT HOURS 8:30 AM - 4:30 PM

DATE: FEBRUARY 11, 2019
RE: DUFF PATRICK VS BORO OF POINT PLEASANT BEACH
DOCKET: OCN L -000383 19

THE ABOVE CASE HAS BEEN ASSIGNED TO: TRACK 1.

DISCOVERY IS 150 DAYS AND RUNS FROM THE FIRST ANSWER OR 90 DAYS
FROM SERVICE ON THE FIRST DEFENDANT, WHICHEVER COMES FIRST.

THE PRETRIAL JUDGE ASSIGNED IS: HON MARLENE L. FORD

IF YOU HAVE ANY QUESTIONS, CONTACT TEAM 001
AT: (732) 288-7830 EXT 7830.

IF YOU BELIEVE THAT THE TRACK IS INAPPROPRIATE YOU MUST FILE A
CERTIFICATION OF GOOD CAUSE WITHIN 30 DAYS OF THE FILING OF YOUR PLEADING.
PLAINTIFF MUST SERVE COPIES OF THIS FORM ON ALL OTHER PARTIES IN ACCORDANCE
WITH R.4:5A-2.

ATTENTION:

ATT: CJ GRIFFIN
PASHMAN STEIN WALDER HAYDEN, P
COURT PLAZA SOUTH
21 MAIN ST STE 200
HACKENSACK NJ 07601-7054

ECOURTS

Civil Case Information Statement

Case Details: OCEAN | Civil Part Docket# L-000383-19

Case Caption: DUFF PATRICK VS BORO OF POINT
PLEASANT BEACH
Case Initiation Date: 02/11/2019
Attorney Name: CJ GRIFFIN
Firm Name: PASHMAN STEIN WALDER HAYDEN, PC
Address: COURT PLAZA SOUTH 21 MAIN ST STE 200
HACKENSACK NJ 076017054
Phone:
Name of Party: PLAINTIFF : Duff, Patrick
Name of Defendant's Primary Insurance Company
(if known): None

Case Type: OPEN PUBLIC RECORDS ACT (SUMMARY ACTION)
Document Type: Verified Complaint
Jury Demand: NONE
Hurricane Sandy related? NO
Is this a professional malpractice case? NO
Related cases pending: NO
If yes, list docket numbers:
Do you anticipate adding any parties (arising out of same transaction or occurrence)? NO

THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE

CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION

Do parties have a current, past, or recurrent relationship? NO

If yes, is that relationship:

Does the statute governing this case provide for payment of fees by the losing party? NO

Use this space to alert the court to any special case characteristics that may warrant individual management or accelerated disposition:

According to NJSA 47 1A 6 this lawsuit should be assigned to the designated OPRA Judge. This lawsuit "shall proceed in a summary or expedited manner."

Do you or your client need any disability accommodations? NO

If yes, please identify the requested accommodation:

Will an interpreter be needed? NO

If yes, for what language:

I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with *Rule 1:38-7(b)*

02/11/2019
Dated

/s/ CJ GRIFFIN
Signed

PASHMAN STEIN WALDER HAYDEN

A Professional Corporation

Court Plaza South

21 Main Street, Suite 200

Hackensack, New Jersey 07601

Ph: (201) 488-8200

F: (201) 488-5556

CJ GRIFFIN (#031422009)

cgriffin@pashmanstein.com

Attorneys for Plaintiff,

Patrick Duff

PATRICK DUFF

Plaintiff,

v.

BOROUGH OF POINT PLEASANT BEACH
and EILEEN FARRELL, in her official capacity
as Records Custodian for the Borough of Point
Pleasant Beach,

Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: OCEAN COUNTY

DOCKET NO.:

Civil Action

VERIFIED COMPLAINT

Plaintiff Patrick Duff, through his undersigned counsel, Pashman Stein Walder Hayden, A Professional Corporation, complains against Defendants as follows:

1. This is an action alleging violation of the New Jersey Open Public Records Act, N.J.S.A. 47:1A-1 to -13, ("OPRA") and the common law right of access to public records, seeking government records from the Borough of Point Pleasant Beach.

PARTIES

2. Plaintiff Patrick Duff ("Duff") is a resident of New Jersey.

3. Defendant Borough of Point Pleasant Beach ("Point Pleasant Beach") is a public agency formed under the laws of the State of New Jersey. Defendant has its principal place of business at 416 New Jersey Avenue, Point Pleasant Beach, New Jersey 08742.

4. Defendant Eileen Farrell (“Farrell”) is the Municipal Clerk and custodian of records for Point Pleasant Beach. She is being sued in her professional capacity. Upon information and belief, she also maintains a principal office at 416 New Jersey Avenue, Point Pleasant Beach, New Jersey 08742.

5. Point Pleasant Beach “ma[kes], maintain[s] or ke[eps] on file,” or “receive[s] in the course of...its official business” government records, and is thereby subject to OPRA.

VENUE AND JURISDICTION

6. Venue is properly laid in Ocean County because Defendant Point Pleasant Beach is located in Ocean County and because the cause of action arose in Ocean County. R. 4:3-2(a).

7. This Court has subject matter jurisdiction pursuant to N.J.S.A. 47:1A-6.

FACTUAL ALLEGATIONS

A. Background Information

8. Plaintiff Duff is a journalist, community organizer, and activist for various issues, including the legalization of marijuana for almost two decades.

9. Stephen D. Reid (“Reid”) is the Mayor of Point Pleasant Beach.

10. Reid is also the founder and principal of Stephen Reid Associates (“SRA”), a public affairs and lobbying firm, and happens to be the Executive Director of NJ Responsible Approaches to Marijuana Policy (“NJ RAMP”) and the self-touted “David in the Goliath fight” against the legalization of marijuana. See “Residents Ask Montville Twp Committee to Pass Anti-Marijuana Ordinance,” TAP INTO MONTVILLE (Nov. 26, 2018), available at <https://www.tapinto.net/towns/montville/articles/residents-ask-montville-twp-committee-to-pass-anti-marijuana-ordinance>; “Point Pleasant Beach Mayor Stephen Reid Will Run For Assembly,”

PATCH (Jan. 29, 2019), available at <https://patch.com/new-jersey/pointpleasant/point-pleasant-beach-mayor-stephen-reid-will-run-assembly>.

11. On December 26, 2017, Point Pleasant Beach council approved a full ban on marijuana sales, including both medical marijuana dispensaries and any retail business looking to sell marijuana for recreational use. *See* “NJ Marijuana Legalization: Point Pleasant Beach Bans Medical, Recreational Weed Sales,” APP (Dec. 26, 2017), available at <https://www.app.com/story/news/local/public-safety/2017/12/26/nj-marijuana-weed-legalization-point-pleasant-beach-phil-murphy/982249001/>.

12. Point Pleasant Beach was the first New Jersey municipality to pass such a ban and since then, more than 50 other municipalities have passed similar bans.

13. The ban was a real victory for NJ RAMP, which is known as the “most powerful anti-marijuana lobbying group in the country.” *See* “Legal Weed Already Facing Backlash in New Jersey,” ROLLINGSTONE.COM (Jan. 7, 2019), available at <https://www.rollingstone.com/culture/culture-news/legal-weed-new-jersey-backlash-775860/>.

14. Reid has been instrumental in promoting NJ RAMP’s anti-marijuana agenda across New Jersey, but has not always disclosed the fact that he was really working on NJ RAMP’s behalf through SRA, his lobbying firm, and as a paid employee of NJ RAMP. Instead, Reid has often promoted NJ RAMP’s anti-marijuana agenda in his official capacity of Mayor of Point Pleasant Beach, while downplaying or not disclosing his ties to NJ RAMP. *See* NJ101.5 Interview at <https://www.youtube.com/watch?v=B8ZfITyISmI>; “Marijuana Debate Reaches An Unpleasant Point At The Beach,” NJ.COM (Dec. 11, 2018), available at <https://www.nj.com/opinion/2018/12/marijuana-debate-reaches-an-unpleasant-point-at-the.html>.

15. For example, in May 2018, the *Asbury Park Press* published a Letter to the Editor written by Reid. He begins his letter by stating, "As the Mayor of Point Pleasant Beach, I am writing in response to Mike Davis's recent report on marijuana tourism in Colorado." Reid notes that Point Pleasant Beach passed an ordinance in December 2017 banning all marijuana and that many other municipalities "are following our lead to preserve the character of their communities and protect their families." He letter advocates against "marijuana shops and pot dens littering our coasts" and is signed "Stephen Reid, Mayor, Point Pleasant Beach." His role in NJ RAMP is never disclosed. [Attached hereto as **Exhibit A** is a true and accurate copy of the May 27, 2018 letter published in *Asbury Park Press*.]

16. Reid's dual role of Mayor of Point Pleasant Beach and paid lobbyist of NJ RAMP poses a serious conflict of interest. Under Reid's leadership, Point Pleasant Beach banned marijuana dispensaries all while Reid may have been simultaneously working for NJ RAMP, an anti-legalization group. Subsequently Reid has appeared at public meetings and events across the State encouraging municipalities to ban marijuana and rarely, if ever, does he disclose that he is affiliated with NJ RAMP. Rather he holds himself out solely as being the mayor of a town that successfully banned marijuana.

17. Plaintiff, as a concerned citizen and journalist, is investigating Reid's likely conflict of interest and ethics violations.

18. On December 8, 2017, Plaintiff posted a message on Reid's public Facebook page asking him if he was "being paid as a lobbyist by RAMP to move forward their anti-marijuana propaganda?" Reid responded and stated, "Not as their lobbyist but as there [sic] Executive Director." [Attached hereto as **Exhibit B** is a true and accurate blog post written by Plaintiff, which contains screenshots of his Facebook posts.]

19. However, despite admitting that he is paid by NJ RAMP, Reid failed to include NJ RAMP as a source of income on his 2018 Financial Disclosure Statement. [Attached hereto as **Exhibit C** is a true and accurate copy of Reid's 2018 Financial Disclosure Statement.]

20. At a meeting at Hunterdon Central High School on December 12, 2018, Reid told the public that he has been traveling around the state speaking to mayors and town councils about banning marijuana. He referred to himself as someone who "doesn't get paid" to do that advocacy. After Plaintiff questioned Reid in front of the public regarding whether he is paid by NJ RAMP, Reid admitted that he is indeed a paid registered lobbyist for NJ RAMP. This contradicts Reid's statement on his public Facebook account that he is not a lobbyist for NJ RAMP.

21. Plaintiff has filed OPRA requests with Point Pleasant Beach in order to explore the extent to which Reid has used his government position or government resources to promote NJ RAMP's agenda. Responses to those OPRA requests, which are discussed in detail below, have been redacted to prevent Plaintiff from ascertaining the extent of the connection between Reid's lobbyist work and his government business.

22. Plaintiff's investigation and several news stories about Reid's role with NJ RAMP have caused Reid to change course.

23. On January 4, 2019, Reid filed a Notice of Representation with the New Jersey Election Law Enforcement Commission ("ELEC"), disclosing that he and his lobbying firm (SRA) represent NJ RAMP. [Attached hereto as **Exhibit D** is a true and accurate copy of Reid's January 4, 2019 Notice of Representation form.]

24. Kevin Sabet is listed on Reid's ELEC form as having organizational or financial control over NJ RAMP. Sabet is President, CEO, and Co-Founder of Smart Approaches to Marijuana ("SAM"), of which NJ RAMP is an affiliate.

25. On January 26, 2019, Plaintiff called Sabet seeking comment for an article he is writing related to Reid, including his failure to disclose his work on behalf of NJ RAMP on his financial disclosure statement and his use of his public office to promote NJ RAMP's agenda.

26. Sabet did not respond to Plaintiff's inquiry, but two days later on January 28, 2019 Reid filed a Notice of Termination form with ELEC notifying that his lobbying activities on behalf of NJ RAMP have ceased. [Attached hereto as **Exhibit E** is a true and accurate copy of Reid's January 28, 2019 Notice of Termination form.]

27. One day later, on January 29, 2019, Reid announced that he would not run for re-election as Mayor of Point Pleasant Beach if he is nominated to run for the Statehouse Assembly seat. See "Point Pleasant Beach Mayor Stephen Reid Will Run For Assembly," PATCH (Jan. 29, 2019), available at <https://patch.com/new-jersey/pointpleasant/point-pleasant-beach-mayor-stephen-reid-will-run-assembly>.

28. This lawsuit challenges Point Pleasant Beach's response to two of Plaintiff's OPRA requests.

B. Plaintiff's First OPRA Request

29. On December 12, 2018, Plaintiff submitted an OPRA request to Point Pleasant Beach seeking "emails sent and received by Mayor Reid @sreid@pointbeach.org from 12-1-2017 through 12-12-2018 with the query of the words "marijuana" and or "dispensary" in either the body or the subject line." [Attached hereto as **Exhibit F** is a true and accurate copy of Plaintiff's December 12, 2018 OPRA request and all responsive communications.]

30. On December 21, 2018, Ms. Farrell partially responded to Plaintiff's OPRA request by attaching approximately 94 responsive emails, but requested an extension to provide the rest. See Exhibit F.

31. On January 8, 2019, Ms. Farrell responded to Plaintiff's OPRA request by producing the remaining responsive emails, along with redaction and privilege logs. [Attached hereto as **Exhibit G** is a true and accurate copy of Point Pleasant Beach's January 8, 2019 OPRA response letter, without attachments.]

32. The emails produced on January 8, 2019 included dozens of redactions to the sender/receiver of the emails. [Attached hereto as **Exhibit H** is a true and accurate copy of the redaction and privilege logs and samples of emails with redactions to the sender/receiver, as produced on January 8, 2019.]

33. In most instances, the redactions are to another email address held by Reid beyond his government account. Plaintiff seeks to have the redactions removed so that he can determine whether there is further evidence that Reid is mixing his lobbying activities with his government business. For example, in some instances, Reid will forward an email from a redacted email address to the clerk, who will then forward it on to other public officials. In other instances, the clerk emails Reid at his government email account and a redacted email account, asking him to tend to something anti-marijuana related. If this redacted account is his lobbying account (or even his personal account that he may use for lobbying activities), it is clear evidence that Reid is effectively using the clerk as a secretary for his lobbying business and having her pass information that benefits his lobbying client. The current redactions prohibit Plaintiff from ascertaining this information.

34. On January 9, 2019, Plaintiff objected to the redactions and provided Point Pleasant Beach an opportunity to correct and provide a full response. See Exhibit F.

35. On January 16, 2019, Ms. Farrell advised Plaintiff that the redactions were “appropriate pursuant to the reasonable expectation of privacy in the emails.” [Attached hereto as **Exhibit I** is a true and accurate copy of Ms. Farrell’s January 16, 2019 response.]

C. Plaintiff’s Second OPRA Request

36. On January 26, 2019, Plaintiff submitted a second request to Point Pleasant Beach seeking: “all emails to or from Patrick Kennedy and or mentioning www.NJ-RAMP.ORG to former and current council members, mayors and clerks from 1-1-2017 through 1-26-2019.” [Attached hereto as **Exhibit J** is a true and accurate copy of Plaintiff’s January 26, 2019 OPRA request and all responsive communications.]

37. On February 6, 2019, Ms. Farrell responded to Plaintiff’s January 26, 2019 OPRA request by attaching responsive emails, however, as with the response to Plaintiff’s first OPRA request, these emails also contained unlawful redactions related to the sender/receiver. [Attached hereto as **Exhibit K** is a true and accurate copy of sample of the emails with redactions to the sender/receiver, as produced on February 6, 2019.]

38. While Plaintiff does not challenge the redactions to email addresses belonging to private citizens, as he has no reason to need such information, Plaintiff does challenge the redactions to Mayor Reid’s email addresses and the email addresses of other government officials. There is no reasonable privacy interest in a public official’s email addresses and the public’s interest in knowing the scope to which Reid is mingling his lobbying activities with his government business is significant.

FIRST COUNT
(Violation of OPRA)

39. Plaintiff repeats and incorporates by reference the allegations set forth in the preceding paragraphs as though fully set forth at length herein.

40. Pursuant to N.J.S.A. 47:1A-1, all government records must be "readily accessible" to the citizens of this State unless exempted by law.

41. The records requested by Plaintiff are "government records" as that term is defined by OPRA because it was "made, maintained or kept on file in the course of [the DOH's] official business." N.J.S.A. 47:1A-1.1.

42. Plaintiff has a significant interest in reviewing the records to investigate the potential conflict of interest related to Reid and possible violation of NJ ethics laws.

43. A public agency has the burden of proving that any denial of access is authorized by law. N.J.S.A. 47:1A-6.

44. There is generally no reasonable expectation of privacy in an email address.

45. A public official in particular has no reasonable expectation of privacy in his email addresses, especially when he has used those email addresses to conduct government business.

46. Even if a reasonable expectation of privacy did exist, the public's interest in disclosure of the addresses in this case is significant and outweighs any privacy interest because it will reveal the scope of which the mayor is mixing his lobbying and government business.

47. Therefore, there was no lawful basis for redacting the email addresses of public officials in the records responsive to Plaintiff's OPRA requests, including the email addresses of Reid.

48. Accordingly, Defendants have violated OPRA by:

- a. Failing to make the records requested “readily accessible for inspection, copying, or examination” in violation of N.J.S.A. 47:1A-1;
- b. Failing to prove that the denial of access is authorized by law, in violation of N.J.S.A. 47:1A-6; and
- c. Unlawfully denying access to non-exempt portions of government records, in violation of N.J.S.A. 47:1-5(i).

WHEREFORE, Plaintiff demands judgment against Defendants:

- a. Declaring said actions of Defendants to be in violation of OPRA, N.J.S.A. 47:1A-1 et seq., by failing to provide lawful access to the requested records and redacting non-exempt information from government records;
- b. Directing Defendants to release the requested record to Plaintiff with the unlawful redactions removed forthwith;
- c. Ordering Defendants to preserve the requested records pending resolution of these proceedings or as otherwise required by law;
- d. Awarding counsel fees and costs pursuant to N.J.S.A. 47:1A-6; and
- e. For such other relief as the Court may deem just and equitable.

SECOND COUNT
(Common Law Right of Access)

49. Plaintiff repeats and incorporates by reference the allegations set forth in the preceding paragraphs as though fully set forth at length herein.

50. The public enjoys a vested common law right of access to public records generated or maintained by public entities. See, e.g., Keddie v. Rutgers, 148 N.J. 36 (1997); S. Jersey Publ'ing Co. v. N.J. Exp'way Auth., 124 N.J. 478 (1991).

51. The requested records are public records subject to access under the common law.

52. Reid's dual role as mayor of Point Pleasant Beach and paid lobbyist of NJ RAMP poses an inherent conflict of interest.

53. In numerous public forums and other settings, Reid advocated for marijuana bans in his official capacity as Mayor of Point Pleasant Beach and downplayed or failed to mention any role with NJ RAMP or SRA.

54. Plaintiff as a concerned citizen and journalist has the right to know the extent of Reid's conflict and whether Reid blurred the line between his position as a government official and his employment with NJ RAMP.

55. Plaintiff's interest in the records outweighs any interest in privacy.

56. Accordingly, Defendants' failure to disclose the requested records violated Plaintiff's common law right of access to public records.

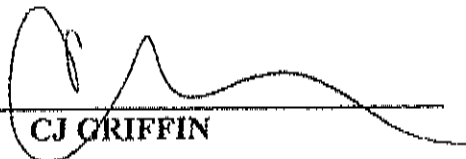
WHEREFORE, Plaintiff demands judgment:

- a. Declaring said actions of Defendants to be unlawful and invalid;
- b. Directing Defendants to release the requested records in non-redacted form to Plaintiff forthwith;
- c. Ordering Defendants to preserve the requested records pending resolution of these proceedings or as otherwise required by law;
- d. Awarding attorney fees and costs of suit; and
- e. For such other relief as the Court may deem just and equitable.

PASHMAN STEIN WALDER HAYDEN
A Professional Corporation
Attorneys for Plaintiff,
Patrick Duff

Dated: February 11, 2019

By: _____


CJ GRIFFIN

CERTIFICATION PURSUANT TO R. 4:5-1

Plaintiff, by its attorney, hereby certifies that it has no knowledge of any contemplated action or arbitration regarding the subject matter of this action and that Plaintiff is not aware of any other parties who should be joined in this action.

PASHMAN STEIN WALDER HAYDEN
A Professional Corporation
Attorneys for Plaintiff,
Patrick Duff

Dated: February 11, 2019

By: _____



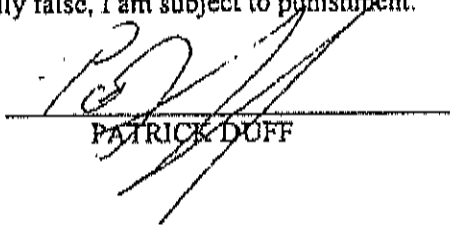
CJ GRIFFIN

VERIFICATION

Patrick Duff, of full age, deposes and says:

1. I am the Plaintiff in this matter.
2. I have read the Verified Complaint. The allegations of the Verified Complaint are true. The said Verified Complaint is based on personal knowledge and is made in truth and good faith and without collusion, for the causes set forth herein. As to any facts alleged to be upon information and belief, I believe those facts to be true.
3. All documents attached to the Verified Complaint are true copies and have not been redacted, changed, modified, adjusted or otherwise altered in any manner by me or my agents unless so stated.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.



PATRICK DUFF

Dated: 2/10/2019

EXHIBIT A

Enforce New Jersey's law on license plates, or scrap it

Apparently, I didn't receive the memo. Maybe you did. As I drive these days I can't help but see three, four, maybe even five cars driving by with no front New Jersey license plate in the span of 10 minutes. No, they aren't from Delaware or Pennsylvania. It's a New Jersey plate on the back.

The "memo" must have said it is no longer required. At the very least, based on all the cars I see now, you can safely say the police are not enforcing it. They have way too much on their "plate" to worry about your plates. Too bad, because it could add a lot of revenue to any town who needs it.

Call it license plate envy or something. You see it in all the nice car commercials. They show no front plate, and let's face it, the cars look much better without it. But the cars I see without them are not all new. It's older model trucks and economy cars too. Not just the expensive luxury models.

But call me old fashioned. I follow the law. And I think that anyone who is driving without a plate must feel the law doesn't apply to them. It would be an easy one to fix if the state wanted to. Raise the penalty for first and repeat violations. Or get rid of it altogether.

Tom Jones Toms River

Legal pot in New Jersey would hurt Shore tourism

As mayor of Point Pleasant Beach, I am writing in response to Mike Davis's recent report on marijuana tourism in Colorado. "NJ marijuana legalization: Colorado tourism exploded with legal weed. Is NJ tourism next?"

According to Davis, "leaders of the cannabis industry have long dreamed of

making New Jersey the East Coast version of Colorado." The article goes on to describe a pot den called iBake Denver, where tourists can walk in and get high for as little as \$3 a visit.

Tourism is one of New Jersey's biggest industries, generating \$38.7 billion of state gross domestic product in 2017 and accounting for \$45.4 billion in economic impact. Known as a family-friendly destination with world-class beaches, do we really want out-of-town tourists coming to New Jersey to get high? Families vacationing at the Jersey shore don't deserve to smell the scent of weed wafting down the boardwalk when walking with their kids. And we shouldn't have to worry about out-of-town tourists getting high at a facility like iBake and then driving under the influence of marijuana on our roadways.

For all of the reasons listed above and many more, Point Pleasant Beach officials in December passed an ordinance to ban the sale of marijuana in our town. And many other municipalities throughout the state — including Gov. Phil Murphy's hometown of Middletown — are following our lead to preserve the character of their communities and protect their families.

With 130 miles of the best beaches on the East Coast, New Jersey doesn't need marijuana shops and pot dens littering our coast. Make no mistake: the Jersey Shore will suffer a loss in tourism if recreational marijuana is legalized and commercialized.

Stephen Reid Mayor, Point Pleasant Beach

'Militia' cited in Constitution akin to today's National Guard

I agree with the May 24 letter "Second Amendment doesn't reflect today's realities." I also note that "militia" appears

Stephen Reid

Clipped By:



101etm

Tue, Dec 11, 2018

EXHIBIT B

News from where the sun don't shine.



December 11, 2018December 18, 2018

Landfills over dispensaries.

In December of 2017 (<https://www.app.com/story/news/local/public-safety/2017/12/26/nj-marijuana-weed-legalization-point-pleasant-beach-phil-murphy/982249001/>) the Borough of Point Pleasant Beach voted to ban any type of marijuana dispensaries, whether medicinal or recreational. They were the first municipality to enforce a ban and since then more than fifty other municipalities have joined in. The driving force behind the ban was Mayor Stephen D. Reid, who even though he has been claiming he is not, he also just happens to be a paid Lobbyist for an anti-legalization group called RAMP, which reeks of ethics violations.

📶 XFINITY Mobile

10:36 AM



facebook.com



Ellen Sprovaen replied · 5 replies



Patrick Duff

Are you being paid as a lobbyist by RAMP to help move forward their anti-marijuana propaganda?

on Sat Like Reply More



Stephen Reid

Not as their Lobbyist but as there Executive Director. Why you don't like my positions?

on Sun Like Reply More



Patrick Duff

I watched you speak on the issue and you failed to mention you were the executive director of RAMP, you were introduced as the Mayor of your town. Can I ask, have hundreds of people come out to any council meetings saying they do not want a dispensary? Have you asked them or did you make the choice for them? Why not add it as a question on your local ballot?



1 hr Like Reply More



Write a reply...

Reply



 GOVERNMENTAL AFFAIRS AGENT REGISTRATION NEW JERSEY ELECTION LAW ENFORCEMENT COMMISSION P.O. Box 185, Trenton, NJ 08625-0185 (609) 292-0700 or Toll Free Within NJ 1-800-313-ELEC (3532) Website: www.elec.state.nj.us	FORM REG FOR STATE USE ONLY ELEC Received Oct 01, 2018 2:31 PM
	Name of Governmental Affairs Agent First Name <u>Stephen</u> Last Name <u>Reid</u> Business Name <u>Stephen Reid Associates</u> Business Address <u>616 New Jersey Avenue</u> City <u>Point Pleasant Beach</u> State <u>NJ</u> Zip Code <u>08742</u> (Area Code) Telephone Number <u>(732) 740-6514</u>
Action(s) ☒ New Agent Registration ☐ Amendment, Specify Below	
(Part I) The following questions pertain to the Governmental Affairs Agent (GAA) named above: 1 State your occupation: <u>Public Affairs Director</u> 2 Describe your proposed services as a GAA. 3. Are you: (please check) ☐ Employed solely as a GAA ☒ Employed as a GAA in addition to having other duties. If so, please explain other duties: I have a Public Affairs Firm as well as an Executive Director of NJRAMP, Responsible Approaches to Marijuana Policies	

What also reeked at last weeks council meeting was the marijuana that several patients had brought with them and left open so the council chambers smelled like an unwanted dispensary. This group calls themselves the **Ignorance Is No Excuse Tour** (<https://www.facebook.com/groups/466479960053501/>) and they travel around the state advocating for medical cannabis patients and also wheelchair access. Mike Vintzileos brought a legal jar of some fine fragrant cannabis and left it open during the council meeting.

landfills over dispensaries. – News from where the sun don't shine.

<https://rabblrouser.blog/2018/12/11/landfills-over-dispensari>



Citizens On Pot T...
Posted by Edward...
1,797 Views

As Vintzileos approached the microphone to make a public comment Mayor Reid said "Umm, gentleman, this guy here has got some marijuana, he's been leaving it open so this whole place smells like marijuana" Reid continued "I don't really appreciate you coming to my town and making it smell like marijuana, but if you'd like to speak.. (speaking to the other members of the council) You'se guys don't need to be here, this is, ahh ahh, that they're upset with me about".

Well that's pretty odd, why would Mayor Reid tell the rest of the council they can leave before the comments section is over? What is it he is trying to hide? Could it be that the rest of the council didn't know he was being paid by RAMP to put on a reefer madness show? Does Mr Reid really care that much about the smell of marijuana or was he trying to cover up the stink from his ethics violations.

I can tell you that back in the 1990's Reid didn't care about what the residents of Manchester and Dover thought about smell, because he was and still is the PR Lobbyist for the Ocean County Landfill. When hundreds of residents showed up to complain about the smell of methane, not marijuana, Reid was a no show at a meeting (https://www.newspapers.com/clip/26075599/stephen_reid/) he had promised to appear at. Instead of trying to ban the landfill, as he did for dispensaries in his town, he stumped for the landfill to increase in size and impede upon the residents even further (https://www.newspapers.com/clip/26075653/stephen_reid/).

He also represented Home Depot (https://www.newspapers.com/clip/26075108/stephen_reid/) and NJDOT (https://www.newspapers.com/clip/26075175/stephen_reid/), and when people had concerns over arsenic and late night noise Reid said that they were not doing anything illegal so the residents would just have to live with it. What is illegal though is being a paid lobbyist and not disclosing it on your financial disclosure statement you file every year with the state, as it looks like Reid has done. Banning dispensaries in your town while you are working for an anti-legalization group proves that you are promoting the agenda of the organization you are being paid to represent and is in direct violation of NJ ethics laws (https://nj.gov/dca/divisions/dlgs/programs/ethics_docs/Local%20Government%20Ethics%20Law%20and%20Rules.pdf).

Share

State of New Jersey Department of Community Affairs Division of Local Government Services Local Finance Board		Local Government Ethics Law Financial Disclosure Statement This Financial Disclosure Statement is required annually of all local government officers in accordance with N.J.A.C. 17:27. For more information, please visit the Local Government Ethics Law.		Year of Service: 2018
Section I. Personal Information - Local Government Officer				
Full Name: Stephen	Middle: Douglas	Last Name: Reid	Suffix: nil	
Home Address (Optional):		Telephone Numbers: Home (Optional):	Business:	
Spouse (includes Civil Union partners)				
First Name: Jacqueline	Middle: Carolee	Last Name: Reid	Suffix: nil	
Optional Information: (If supplied, will not appear on the public search of the FDS)				
Entity:	Agency/Board:	Position Held:	Term Expires:	
1. Point Pleasant Beach Borough - County of Governing Body		Mayor		
2. If applicable:				
Section II. Financial Information				
Provide the following information for yourself and members of your immediate family for the prior calendar year. If none, please indicate NONE in the space provided.				
A. List the name and address of each source of income, earned and unearned, which you received in excess of \$2,000. If a publicly traded security is the source of income, the security must not be reported unless you or a member of your immediate family has an interest in the business organization.				
Name	Address	Self/Spouse	(Dependent Name)	
1. Brian A. Selkman	402 Rising Sun Road Bordenaville NJ	Self		
2. Eaglecrest Asphalt	P.O. Box 187763	Self		
3. Public Affairs Company/Point Pleasant Beach	615 New Jersey Avenue, Point Pleasant Beach, NJ 08742	Self		
4. JOLIBY MIKE'S SUBS	2244 LAURELHURST PLACE MANHASQUAN NJ 08036	Self		
5. pentase development	Philadelphie PA	Self		
6. Brian A. Carlinos	upper middle class NJ	Self		
7. Ocean County Landfill	Manchester NJ	Self		

landfills over dispensaries. – News from where the sun don't shine.

<https://rabblrouser.blog/2018/12/11/landfills-over-dispensaries>

d. No local government officer or employee shall act in his official capacity in any matter where he, a member of his immediate family, or a business organization in which he has an interest, has a direct or indirect financial or personal involvement that might reasonably be expected to impair his objectivity or independence of judgment.

I can find dozens of examples of where Reid was promoting the anti-legalization agenda for RAMP as the Mayor of Point Pleasant Beach, not the executive director of RAMP (https://www.newspapers.com/clip/26139125/stephen_reid/). It is clear that Reid is a paid shill and has been for most of his life and has no ethics when it comes to working as a public servant. Just take a look at the video below and see Reid try and double talk but finally admit he is a paid lobbyist.

Landfill Lobbyist gets Trashed!



Leave a comment



EXHIBIT C

State of New Jersey
Department of Community Affairs
Division of Local Government Services
Local Finance Board

Local Government Ethics Law
Financial Disclosure Statement
This Financial Disclosure Statement is required annually of all local government officers in accordance with N.J.S.A. 40A:9-22.1 et seq., the Local Government Ethics Law.

Year of Service:
2018

Section I. Personal Information - Local Government Officer

First Name: Stephen	Middle: Douglas	Last Name: Reid	Suffix: mr
Home Address: (Optional +)		Telephone Numbers: Home: (Optional +)	Business:
Spouse (includes Civil Union partner).			
First Name: Jacqueline	Middle: Caroline	Last Name: Reid	Suffix: mrs
+ Optional information, if supplied, will not appear on the public search of the FDS.			

Entity	Agency/Board	Position Held	Term Expires *
1 Point Pleasant Beach Borough - County of Governing Body Ocean		Mayor	
* = if applicable			

Section II. Financial Information

Provide the following information for yourself and members of your immediate family for the prior calendar year. If none, please indicate NONE in the space provided.

A. List the name and address of each source of income, earned and unearned, which you received in excess of \$2,000. If a publicly traded security is the source of income, the security need not be reported unless you or a member of your immediate family has an interest in the business organization.

Name	Address	Self/Spouse	Dependent Name
1 Smith & Solomon	402 Rising Sun Road, Bordentown, NJ	Self	
2 Eaglesnest Airport	P.O. Box NJ 07763	Self	
3 Public Affairs Company/Point Pleasant Beach	616 New Jersey Avenue, Point Pleasant Beach, NJ 08742	Self	
4 JERSEY MIKES SUBS	2251 LANDMARK PLACE, MANASQUAN NJ 08736	Self	
5 penrose development	Philadelphia, PA	Self	
6 Brown & Caldwell	upper saddle river, nj	Self	
7 Ocean County Landfill	Manchester, NJ	Self	

B. List the name and address of each source of fees and honorariums having an aggregate amount exceeding \$250 received from any single source for personal appearances, speeches, or writing.

Name	Address	Self/Spouse	Dependent Name
1 None			

C. List the name and address of each source of gifts, reimbursements or prepaid expenses having an aggregate value exceeding \$400 from any single source,

Name	Address	Self/Spouse	Dependent Name
1 Borough of Point Pleasant Beach, NJ	416 New Jersey Avenue, PPB, NJ 08742	Self	

D. List the name and address of all business organizations in which an interest was held.

Name	Address	Self/Spouse	Dependent Name
1 Stephen REID	616 new jersey ave, point pleasant beach, nj 08742	Self	

E. List the address and a brief description of all real property in the State of New Jersey in which an interest was held.

Are you a law enforcement officer or retired law enforcement officer or is a member of your household a law enforcement officer pursuant to N.J.S.A. 47:1-17?

☐ Yes, I qualify as a law enforcement officer for purposes of N.J.S.A. 47:1-17

☒ No, I do not qualify as a law enforcement officer for purposes of N.J.S.A. 47:1-17

Pursuant to N.J.S.A. 47:1-17, the home addresses and unpublished telephone numbers of law enforcement officers are protected. If you or a member of your household, are a law enforcement officer/ retired law enforcement officer, you must answer YES to identify your home address as exempt from online disclosure. Please note that you must still provide the real property information under Section II.E. If you do not select the YES check box, you have waived protection under N.J.S.A. 47:1-17 and the provided real property information will be available on the Internet as part of your Financial Disclosure Statement.

Municipality/County	Block	Lot	Qual.	Address	% Own *	Self/Spouse	Dependent Name
1 Point Pleasant Beach (Ocean)	35.03	51			100.00	Spouse	Jacqueline

* = % of Ownership

F. Optional Comments:

Section III. Certification & online filing process

I hereby certify that this Financial Disclosure Statement contains no willful misstatement of fact or omission of material fact and, constitutes a full disclosure with respect to all matters required by N.J.S.A. 40A:9-22.1 et seq., to the best of my knowledge. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to fines and possible disciplinary action.

Date: 04/17/2018

Name: STEPHEN D REID

I further certify that I intend my electronic signature on this statement to be the legally binding equivalent of my traditional handwritten signature.

EXHIBIT D



**GOVERNMENTAL AFFAIRS AGENT
NOTICE OF REPRESENTATION
(For Registering a Represented Entity)**

NEW JERSEY ELECTION LAW ENFORCEMENT COMMISSION
P.O. Box 185, Trenton, NJ 08625-0185
(609) 292-8700 or Toll Free Within NJ 1-888-313-ELEC (3532)
Website: www.elec.state.nj.us

FORM NR

FOR STATE USE ONLY

ELEC Received
Jan 04, 2019 12:28 PM

Name of Governmental Affairs Agent

First Name STEPHEN Last Name REID

Edge Number 2133-1 ☐ Amendment Specify _____

Business Name STEPHEN REID ASSOCIATES

Business Address 616 NEW JERSEY AVENUE

City POINT PLEASANT BEACH State NJ Zip Code 08742

Area Code) Telephone Number 732 740 6514

Part I)

The following questions pertain to the represented entity from whom the Governmental Affairs Agent (GAA) receives compensation for acting as a GAA.

State the full name, business address, and occupation or principal business of the represented entity from whom the GAA receives compensation:

Name of Represented Entity NJ RAMP

Address 400 N COLUMBUS STREET

City ALEXANDRIA State VA Zip Code 22314

Occupation or Principal Business RESPONSIBLE APPROACHES TO MARIJUANA POLICIES

2. If the represented entity named above is a membership organization or corporation whose name or occupation does not clearly reveal the interest in which it seeks advancement through the services of its GAA, please complete the information below:

A. Describe the represented entity's primary economic, social, political, or other interest:

RESPONSIBLE APPROACHES TO MARIJUANA POLICIES

B. List the person(s) having organizational or financial control of the membership organization or corporation:

Name KEVIN SABOT

Address 400 N COLUMBUS STREET

City ALEXANDRIA State VA Zip Code 22314

Occupation PRESIDENT

State the full name, business address, and occupation or principal business of any person or entity in whose interest the GAA acts in consideration of the compensation paid, if such person or entity is other than the represented entity listed above in Question #1 of Part I.

Name _____

Address _____

City _____ State _____ Zip Code _____

Occupation or Principal Business _____

Part II)

Check one of the following

- ☒ The Represented Entity will be represented by the GAA filing this NR.
☐ The Represented Entity will be represented by all GAAs registered under the Business Name indicated herein.
☐ The Represented Entity will be represented by specific GAAs registered under the Business Name indicated herein. They are listed below.

(Part III)

Please list the type(s) of, and any specific, legislation, regulation(s), or governmental process(es), in which the within GAA(s) will be promoting or opposing on behalf of the Represented Entity.

LOBYING AGAINST SENATE BILL #S-2703 OPPOSING LEGALIZATION OF MARIJUANA

Registration Number: ***** PIN: *****

STEPHEN D REID

01/04/2019

Signature of Governmental Affairs Agent

Date

EXHIBIT E



GOVERNMENTAL AFFAIRS AGENT
NOTICE OF TERMINATION

NEW JERSEY ELECTION LAW ENFORCEMENT COMMISSION
P.O. Box 185, Trenton, NJ 08625-0185
(609) 292-8700 or Toll Free Within NJ 1-888-313-ELEC (3532)
Website: www.elec.state.nj.us

FORM NI

FOR STATE USE ONLY

ELEC Received
Jan 28, 2019 9:13 AM

Name of Governmental Affairs Agent

First Name Stephen Last Name Reid

Badge Number 2133-1 *(Area Code) Telephone Number 7327406514

Business Name STEPHEN REID ASSOCIATES

Business Address 616 NEW JERSEY AVENUE

City Point Pleasant Beach State NJ Zip Code 08742

☒ Notice is hereby given that lobbying activities as a Governmental Affairs Agent (GAA) on behalf of the Represented Entity listed below have ceased.

Name of Represented Entity NEW JERSEY RAMP

Address 400 N COLUMBUS STREET

City ALEXANDRIA State VA Zip code 22314

☒ Check here if the Represented Entity should be terminated for all GAAs employed by the Business Name listed on the form.

OR

☐ Check here if the termination applies to specific GAAs. List the names of the GAAs for which the above Represented Entity should be terminated:

Effective Date of Termination 01/28/2019

☒ Notice is hereby given that all my activities as a Governmental Affairs Agent are terminated and, my badge will be forwarded to the Commission.

☒ Check here if terminating association with the above Business Name.

OR

☐ Check here if terminating all activities as a GAA.

Effective Date of Termination 01/28/2019

Registration Number ***** PIN *****

STEPHEN D REID

Signature of Governmental Affairs Agent

01/28/2019

Date

EXHIBIT F

Emails for Mayor Stephen D Reid.

Patrick Duff made this OPRA request to Point Pleasant Beach Borough

The request was partially successful.

Patrick Duff December 12, 2018

Unknown

Dear Point Pleasant Beach Borough,

This is a request for public records made under OPRA and the common law right of access. I am not required to fill out an official form. Please acknowledge receipt of this message.

Records requested:

I am requesting emails sent and received by Mayor Reid @ [email address] from 12-1-2017 through 12-12-2018 with the query of the words "marijuana" and or "dispensary" in either the body or the subject line.

Yours faithfully,

Patrick Duff

Patrick Duff December 20, 2018

Unknown

Dear Point Pleasant Beach Borough,

I have yet to receive a response to my request. I am just making sure this is being processed?

Yours faithfully,

Patrick Duff

Eileen Farrell, Point Pleasant Beach Borough December 20, 2018

Mr. Duff,

Your request has been received and is being processed.

Thank you.

Eileen Farrell, RMC/CMR

Please use this UNIQUE email address for all replies to this request and no other:
[OPRA #3219 email]

Disclaimer: This message and any reply that you make will be published on the Internet. Our privacy and copyright policies:

<https://opramachine.com/help/officers>

View this OPRA request & responses online:

https://opramachine.com/request/emails_f...

Please note that in some cases publication of requests and responses will be delayed.

If you find this service useful as an OPRA custodian, please ask your web manager to link to us from your organisation's website.

hide quoted sections

Patrick Duff January 09, 2019

Unknown

Dear Eileen Farrell,

There are three characteristics of an OPRA request that must be met as it pertains to emails. The Sender/receiver, the subject and the day and time must not be redacted. These have dozens of sender/receiver redactions that I am want to give you the chance to correct and send them back to me with no redactions. Please let me know what your city attorney says.

3 characteristics pursuant to Elcavage v. West Milford Township (Passaic), GRC Complaint No. 2009-08 (April 2010): 1. Content and/or subject 2. Specific date or range of dates 3. Sender and/or recipient

Yours sincerely,

Patrick Duff

Eileen Farrell, Point Pleasant Beach Borough January 16, 2019

1 Attachment

Response III to OPRA 2018 150.pdf

41K Download View as HTML

EXHIBIT G

BOROUGH OF POINT PLEASANT BEACH

416 New Jersey Avenue
POINT PLEASANT BEACH, NJ 08742

MAYOR:
STEPHEN D. REID
(732) 892-1118 EXT. 211

MUNICIPAL CLERK:
Eileen Farrell
(732) 892-1118, Ext. 210
efarrell@pointbeach.org
Fax: (732) 892-1270



COUNCIL PRESIDENT:
Thomas Vogel

COUNCIL MEMBERS:
Andy Corio
Paul M. Kantro
Thomas H. Migut
Robert A. Santanella
Thomas 'Tooney'

January 8, 2018

Mr. Patrick Duff
opra+request-3219-194cb103@requests.opramachine.com

Dear Mr. Duff:

This is in further response to your OPRA request, which I received on December 12, 2018, seeking "emails sent and received by Mayor Reid @ scrida@pointbeach.org, from 12-1-17 through 12-12-18, with the query of the words 'marijuana' and or 'dispensary' in either the body or the subject line."

An extension was required to fulfill your request.

Attached are the remaining responsive e-mails, along with redaction and privilege logs.

Sincerely,

Eileen A. Farrell, RMC
Municipal Clerk

Attachments

DOCUMENT PRIVILEGE LOG IN RESPONSE TO OPRA REQUEST 2018-150

EXHIBIT	Date	Document Description	Subject	Privilege Asserted	Production Status
1	5/30/18	Email involving Michigan, Reid, Vogel, Cortes, Kanitra, Toohay, Migut, Santanella, Richi, Duffy, Quaglia	Memorial Day Weekend	Deliberative	NOT PRODUCED
2	12/13/17	Email involving Farrell, Reid, Mayer, Richi	2017-1219 Agenda - DRAFT	Deliberative	NOT PRODUCED
3	6/26/18	Email involving Michigan, Reid, Vogel, Cortes, Kanitra, Toohay, Migut, Santanella, Richi, Duffy, Quaglia	Weekend Activity & Friday, June 29 th	Deliberative	NOT PRODUCED
4	6/30/18	Email involving Santanella, Michigan, Reid, Vogel, Cortes, Kanitra, Toohay, Migut, Santanella	Beach Party Detail	Deliberative	NOT PRODUCED
5	12/18/17	Email chain involving Farrell, Reid	Boards & Committee/ Miscellaneous Appointments	Deliberative	NOT PRODUCED
6	8/13/18	Email chain involving Riordan, Farrell, Richi, Michigan, Reid, Karsh	Medical Marijuana Rights	Attorney/Client	NON-PRIVILEGED EMAIL PRODUCED

REDACTION INDEX IN RESPONSE TO OPRA REQUEST 2018-150

EXHIBIT	Date	Document Description	Subject	Redaction	Production Status
1	12/27/17	Email involving Powers & Reid	Pt Pleasant Beach marijuana sales ban	Telephone #	PRODUCED
2	12/27/17	Email involving Gregory & Reid	Media request	Telephone #	PRODUCED
3	12/11/17	Email chain involving Farrell, Santanello, Migut, Toohey, Reid, Mayer, Cortes, Vogel, Richi, Kile, Mutter, Kanitra, Mayor Council	DART coalition conference	Telephone #	PRODUCED
4	12/27/17	Email involving Reid, DiDonato	Chasing News skype interview request for today	Email addresses & Telephone #	PRODUCED
5	12/27/17	Email involving Waters & Reid	Marijuana dispensary	Email address	PRODUCED
6	12/27/17	Email involving Evans, Reid, Mayer, Vogel, Migut, Santanello, Toohey, Cortes	From David Evans to the Mayor and Council thank you for rejecting pot	Email address & Telephone #	PRODUCED
7	12/28/17	Email involving Capko, Reid	RWJ Barnabas Health marijuana presentation	Telephone #	PRODUCED
8	12/29/17	Email chain involving Farrell, Reid, Richi, Speechman	Speaking request	Email address, Address & Telephone #	PRODUCED
9	12/18/17	Email involving Burns, Reid	Pot ban	Email address & Telephone #	PRODUCED
10	1/1/18	Email involving Evans, Reid, Mayer, Vogel, Migut, Santanello, Toohey, Cortes	From David Evans to the Mayor and Council here is what legalized pot looks like	Email address & Telephone #	PRODUCED
11	1/3/18	Email involving Dudo, Reid	TV interview	Email address & Telephone #	PRODUCED
12	1/4/18	Email involving Bandazian, Reid	Rick Bandazian	Address, Email address & Telephone #	PRODUCED
13	1/8/18	Email involving Morgan, Reid, Santanello, Vogel, Migut, Kanitra, Toohey, Cortes	Ordinance open questions	Email address, address & Telephone #	PRODUCED
14	1/25/18	Email chain involving Kanitra, Farrell, Santanello, Migut, Toohey, Reid, Cortes, Vogel, Richi	Save the Date: Cannabis education for local officials - February 20th Trenton, NJ	Email address	PRODUCED
15	2/6/18	Email chain involving Farrell, Santanello, Migut, Toohey, Reid, Kanitra, Cortes, Vogel, Richi, Kile, Mutter	Reminder: New Jersey CannabisBusiness Association cannabis education seminar for state and local officials	Telephone #	PRODUCED
16	2/14/18	Email involving Stahky, czeplien, disnoliterer, Once, Reid	Confirming this Thursday	Telephone #s	PRODUCED
17	2/20/18	Email involving Stahky, disnoliterer, czeplien, Hanlon, Reid	Marijuana forum Thursday 2/22 event at Rider	Telephone #s	PRODUCED
18	3/7/18	Email involving Farrell, Santanello, Migut, Toohey, Reid, Kanitra, Cortes, Vogel, Richi, Kile, Mutter, Michigan	Slide presentations - marijuana conference February 21	Telephone #	PRODUCED
19	4/16/18	Email chain involving Farrell, Reid, Richi, Kile, LiVolsi	Marijuana legalization	E-mail addresses, Address, Telephone #	PRODUCED
20	4/16/18	Email involving Farrell, Reid	Marijuana legalization	E-mail addresses, Address, Telephone #	PRODUCED
21	5/23/18	Email involving Sloan, Reid	Your top 3 morning headlines	Email addresses	PRODUCED
22	5/25/18	Email involving Farrell, Reid, Richi, Kile, Luke	Vote to stop alcoholic Republican Nazi thugs	Address & Telephone #	PRODUCED

23	5/29/18	Email involving Farrell, Reid, Riehl, Kile	Cannabis	Email addresses	PRODUCED
24	6/5/18	Email involving Sloan, Riehl, Kile, Coyne, Farrell, Mutter, Mills, Gardner, Reid, Santanella	NRTAC - 2018 invite.pdf	Email addresses	PRODUCED
25	6/29/18	Email involving Reid, Smart Approaches to Marijuana	You won't believe what Senator Schumer did...	Email address	PRODUCED
26	7/6/18	Email involving Reid, Mayer, Vogel, Migut, Santanella, Toohy, Cortes, Evans	From Dave Evans webinar on litigating against the marijuana industry	Email addresses & Telephone #	PRODUCED
27	7/17/18	Email involving Reid	Please join me in stopping the next big tobacco	Email address	PRODUCED
28	7/18/18	Email involving Reid, Mayer, Vogel, Migut, Santanella, Toohy, Cortes, Evans	From Dave Evans webinar on litigating against the marijuana industry	Email addresses & Telephone #	PRODUCED
29	7/30/18	Email involving Reid	Action alert: stop big marijuana - contact your legislators today!	Email address	PRODUCED
30	8/1/18	Email chain involving Mozumetli, Spurell, Engelszad, Naughton, Quinn, Reid, Chapland, Spivak	Jersey Shore program Friday	Email addresses & Telephone #	PRODUCED
31	8/9/18	Email involving Reid, Boccia	A request from a fellow Mayor	Email address & Telephone #	PRODUCED
32	8/16/18	Email involving Reid	Your help is vital	Email address	PRODUCED
33	9/6/18	Email chain involving Mutter, Reid, Riehl, Kile, Farrell, Kelly, Brown, Kelly	Legalization of marijuana can provide investment in housing as reparative justice	Telephone #	PRODUCED
34	9/19/18	Email chain involving Michigan, Reid, Santanella, Cortes, Kantra, Riehl, Duffy, Quaglia, Ocean Chiefs, Undisclosed Recipients	Meeting invitation	Email addresses	PRODUCED
35	10/3/18	Email involving Reid	Urgent: tell these senators to vote no	Email address	PRODUCED
36	11/13/18	Email involving Kile, Reid	WNYC Radio	Telephone #	PRODUCED
37	11/20/18	Email involving Reid	This is not a drill: marijuana legalization bill to be voted on Monday	Email address	PRODUCED
38	11/26/18	Email involving Reilly, Reid	Article	Email addresses	PRODUCED
39	11/26/18	Email involving Reid, Riehl, Kile	Legalize marijuana vote to defeat GOP alcoholic Nazi thugs	Address & Telephone #	PRODUCED
40	12/7/17	Email chain involving Farrell, Santanella, Migut, Toohy, Reid, Mayer, Cortes, Vogel, Riehl, Kile, Mutter, Riordan	Planning Board	Email address	PRODUCED
41	12/10/18	Email involving Conway, Reid	Friendly advocate communication regarding marijuana	Email address	PRODUCED
42	12/27/17	Email involving Waters, Reid	Marijuana dispensary	Email address	PRODUCED
43	12/27/17	Email involving Farrell, Reid	NJ TV News - PBS for New Jersey interview	Email address	PRODUCED
44	12/11/18	Email involving Reid	Urgent: tell these lawmakers to vote no	Email address	PRODUCED
45	12/27/18	Email involving Sloan, Reid, Greenbaum, Rowe, Smt & Davis LLP	New Jersey sets the stage for passage of adult-use cannabis legislation - now what?	Email addresses	PRODUCED
46	1/2/18	Email involving Kile, Reid	Messages for you	Telephone #s	PRODUCED
47	3/13/18	Email chain involving Riordan, Farrell, Riehl, Michigan, Reid, Karsh	Medical Marijuana Rights	Email address	NON-PRIVILEGED EMAIL, PRODUCED
48	4/18/18	Email chain involving Farrell, Reid, Livorsi	Marijuana legislation	Email addresses, address, phone #	PRODUCED

49	5/8/18	Email chain involving Farrell, Santanella, Migut, Toohey, Reid, Kanitra, Cortes, Vogel, Riehl, Kile, Mutter, Clerks	Opposition legalization of recreational marijuana use & sale	Email addresses	PRODUCED
50	3/15/18	Email chain involving Farrell, Santanella, Migut, Toohey, Reid, Kanitra, Cortes, Vogel, Riehl, Kile, Mutter, Clerks	Harnegat Township Adopted Resolution	Email addresses	PRODUCED
51	5/7/18	Email chain involving Farrell, Santanella, Migut, Toohey, Reid, Kanitra, Cortes, Vogel, Riehl, Kile, Mutter, Clerks	Resolution opposing the enactment of legislation to legalize the recreational use and sale of marijuana	Email addresses	PRODUCED

EXHIBIT H

FW: Speaking Request

Eileen Farrell

Fri 12/29/2017 10:55 AM

to: Stephen Reid <sreid@pointbeach.org>; 'Stephen' [REDACTED];

cc: Christine Riehl <Criehl@pointbeach.org>;

Mayor,
Please see e-mail below.
Eileen

-----Original Message-----

From: bsprechman@mercercouncil.org [mailto:bsprechman@mercercouncil.org]
Sent: Friday, December 29, 2017 8:45 AM
To: Eileen Farrell <EFarrell@pointbeach.org>
Subject: Speaking Request

** WEBSITE INQUIRY ****

AME: Barbara Sprechman

EMAIL: bsprechman@mercercouncil.org

COMPANY: Mercer Council on Alcoholism and Drug Addiction

ADDRESS: [REDACTED]

Y: [REDACTED]

TE: [REDACTED]

[REDACTED]

PHONE: [REDACTED]

TIME TO CALL: Anytime after January 1st

SUBJECT: Speaking Request

BEST: PLEASE SELECT

DEPARTMENT: Mayors Office

MESSAGE: Dear Mayor Reid:

I am reaching out to you and your Borough Council for prohibiting the sale of marijuana in your municipality. Would you be willing to host our upcoming forum on marijuana to be held February 22nd at Rider University at 6pm? We are inviting local government officials to learn more about how they can prohibit marijuana sales in their jurisdiction. We are expecting over

100 in attendance. Please let me know when I can call your office to discuss further. Thank you!
Barbara Sprechman

FW: Barnegat Township Adopted Resolution

Eileen Farrell

Thu 3/15/2018 11:04 AM

From: Robert Santanello <rsantanello@pointbeach.org>; Thomas Migut <tmigut@pointbeach.org>; Thomas Toohey <ttoohy@pointbeach.org>; Stephen Reid <sreid@pointbeach.org>; Paul Kanitra <pkanitra@pointbeach.org>; Andy Cortes <acortes@pointbeach.org>; Thomas Vogel <tvogel@pointbeach.org>; Christine Riehl <Criehl@pointbeach.org>;

Cc: Patricia Kife <pkife@pointbeach.org>; Janet Mutter <jmutter@pointbeach.org>;

1 attachment (813 KB)

Barnegat Reso 2018-124.pdf

From: Andrea Christensen [mailto:andrea@barnegat.net]

Sent: Thursday, March 15, 2018 10:53 AM

To: Brenda Kuhn <brenda.kuhn@barnegatlight.com>; Bay Head Borough <papplegate@bayheadnj.us>; Boroughclerk@beachhaven-nj.gov; smnock@beachwoodusa.com; townshipclerk@twp.berkeley.nj.us; clerk@twp.brick.nj.us; Andy Maresca <cmaresca@eagleswoodtwpnj.us>; clerk@harveycedars.org; Katherine Fenton-Newman <boroughclerk@islandheightsboro.com>; Ann Marie Eden <clerk@jacksontwpnj.net>; Lacey Township <laceyclerk@laceytownship.org>; Bernadette Ougan <lakehurstclerk@gmail.com>; Kathryn Hutchinson <kathryn.hutchinson@lakewoodnj.gov>; Donnelly Amico <damico@lavallette.org>; Diana McCracken <dianamccracken@longbeachtownship.com>; sskibo@manchestertwp.com; baroclerk@mantoloking.org; [REDACTED]; [REDACTED]; rk@twpoceanj.gov; [REDACTED]; Dorothy Hendrickson <municipalclerk@plumsted.org>; Antoinette Jones <ones@ptboro.com>; Eileen Farrell <EFarrell@pointbeach.org>; Municipalclerk@seaside-heightsnj.org; clerk@seasideparknj.org; [REDACTED]; joseph.kostecki@boroughofsouthtomsriver.com; Linda Martin <clerk@staffordnj.gov>; [REDACTED]; jmutter@tomsrivertownship.com; Tuckerton Borough <[REDACTED]>; Christopher Connors <senconnors@njleg.org>; Dianné Gove <aswgove@njleg.org>; Brian Rumpf <asmrumpf@njleg.org>; Robert Clifton <mclifton@njleg.org>; Ronald Dancer <asmdancer@njleg.org>; Samuel Thompson <senthompson@njleg.org>; Sean Kean <nkean@njleg.org>; Davis Rible <asmrible@njleg.org>; Robert Singer <sensinger@njleg.org>; James Holzapfel <jholzapfel@njleg.org>; Gregory McGuckin <asmmcguckin@njleg.org>; David Wolfe <asmwolfe@njleg.org>

Subject: Barnegat Township Adopted Resolution

Attached is a resolution adopted by the the Barnegat Township Committee at there March 6, 2018 meeting. Resolution is opposing the enactment of legislation to legalize the recreational use and sale of marijuana.

Andrea Christensen
Township of Barnegat Clerks Office
West Bay Avenue
Barnegat, NJ 08005
856-598-0080 X174
856-609-698-7834

Re: You won't believe what Senator Schumer did...

Stephen <[REDACTED]>

Fri 6/29/2018 9:29 AM

To: reply@learnaboutsam.org <reply@learnaboutsam.org>;

Cc: Stephen Reid <sreid@pointbeach.org>;

Unbelievable!!

Sent from my iPhone

On Jun 29, 2018, at 8:31 AM, SAM Action (Smart Approaches to Marijuana) <reply@learnaboutsam.org> wrote:

Dear Friend,

As you might have seen, New York Senator Chuck Schumer introduced a bill on Wednesday that would remove marijuana from the Controlled Substances Act... essentially legalizing it at the federal level.

This bill would make it legal to manufacture and sell 99% pure THC extracts, candies, gummies, and other edibles. What's worse, because the U.S. Department of Transportation derives its drug testing regulations from the Controlled Substance Act, the bill would essentially end the ability to perform random drug tests for marijuana for DOT licensees, including pilots and truck drivers.

Another shocking takeaway from this bill: it removes the ability of the National Forest system to police highly dangerous illegal grows, which have been devastating to the ecology of

National Forests with pesticides and illegal water diversion and are also connected to foreign cartels.

By all accounts, Senator Schumer and his staff were so excited to start getting checks from the marijuana industry, they slapped together a half-baked proposal without giving a single thought to the potential damages.

It is one thing when junior level senators and representatives introduce bills, but it is an entirely different scenario when the Senate Minority Leader introduces a bill that is such a blatant giveaway to Big Marijuana.

Friend, this is what we are up against.

The pot industry is showering lawmakers with money and gaining influence, but this fight is far from over. As evidenced by the many victories our supporters have been able to accomplish at both the state and federal level this year, we know we can stop this train.

If you can, please [click here to chip in with a donation](#) to SAM Action to help us mobilize.

If we are going to win the struggle for public health, it is going to take small sacrifices from advocates who believe in the cause, and I am thankful to be in the trenches everyday with all of you.

Thank you for all that you do.

Dr. Kevin Sabet
Founder and President
Smart Approaches to Marijuana Action

About SAM Action

SAM Action is a non-profit, 501(c)(4) social welfare organization dedicated to promoting healthy marijuana policies that do not involve legalizing drugs. SAM Action engages in high-impact political campaigns to oppose marijuana legalization and commercialization. Under the IRS code, political activity cannot be deducted for tax purposes. Your contribution will be used for maximum impact, but is not tax-deductible as a charitable contribution (IRC § 170) or business expense (IRC § 162 (e)(1)).

www.samaction.net

SAM (Smart Approaches to Marijuana), 400 N. Columbus Street,
Suite 202, Alexandria, VA 22314

[SafeUnsubscribe™ sreid@pointbeach.org](mailto:SafeUnsubscribe%20sreid@pointbeach.org)

[Forward this email](#) | [Update Profile](#) | [About our service provider](#)

Sent by reply@learnaboutsam.org in collaboration with

Constant Contact

Try it free today

FROM DAVE EVANS WEBINAR ON LITIGATING AGAINST THE MARIJUANA INDUSTRY

Fri 7/6/2018 9:44 AM

To: Stephen Reid <sreid@pointbeach.org>; William Mayer <wmayer@pointbeach.org>; Thomas Vogel <tvogel@pointbeach.org>; Thomas Migut <tmigut@pointbeach.org>; Robert Santanello <rsantanello@pointbeach.org>; Thomas Toohey <ttoohey@pointbeach.org>; Andy Cortes <acortes@pointbeach.org>;

[REDACTED]

ear friends

On July 19 at 2 PM EST I am giving a one hour free webinar on litigating against the marijuana industry. Non lawyers will find it of interest.

to register go to:

<https://www.tasanet.com/Knowledge-Center/Upcoming-Events/ArtMID/474/ArticleID/1251600/Litigating-Against-the-Marijuana-Industry>

I hope you will attend.

When you register and they ask for your bar number just put in N/A

I will discuss:

- marijuana industry victims
- damage reports
- federal laws
- product liability
- medical malpractice
- environmental lawsuits

- RICO
- Server liability
- Drug Dealer Liability Act

David G. Evans, Esq.
General Counsel
Cannabis Industry Victims Educating Litigators (CIVEL)
203 Main St. Suite 149
Flemington, NJ 08822
[REDACTED]

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IRS Circular 230 Disclosure:

To ensure compliance with requirements imposed by the IRS, we inform you that any U.S. federal tax advice contained in this communication (including any attachments) is not intended or written to be used, and cannot be used, for the purpose of (i) avoiding penalties under the Internal Revenue Code or (ii) promoting, marketing or recommending to another party any transaction or matter addressed herein.

ACTION ALERT: Stop Big Marijuana -- Contact your legislators today!

Stephen Reid <[REDACTED]>

Mon 7/30/2018 3:29 PM

To: Stephen Reid <sreid@pointbeach.org>;

Dear NJ-RAMP Supporter:

It's been 200 days since Governor Murphy took office and promised to legalize recreational marijuana. Because of the support of volunteers and grassroots advocates like you, we've been successful in pushing back on the Big Marijuana industry and blocking their agenda.

However, the battle is not over. We are asking for your help to stop lawmakers from passing a short-sighted bill to legalize recreational marijuana in the Garden State this summer. The marijuana industry is working with political bosses in New Jersey to pass legislation in August - when they think most New Jerseyans are on vacation and won't be paying attention.

We are asking for your help to contact your legislators TODAY to let them know you're opposed to this dangerous proposal. Click [here](#) to send a letter to your legislator. Or visit <http://nj-ramp.org/action>.

Thank you for your help. Together, we can stop Big Marijuana from profiting at the expense of our communities and families.

Sincerely,

Stephen Reid
Executive Director, NJ-RAMP

[SafeUnsubscribe™ !\[\]\(6537180990c12456af045bb5b9cb19b3_img.jpg\) \[safeid@pointb2ch.org\]\(mailto:safeid@pointb2ch.org\)](#)

[Forward this email](#) | [Update Profile](#) | [About our service provider](#)

Sent by  in collaboration with

Constant Contact

Try it free today

NJ TV News - PBS for New Jersey Interview

Eileen Farrell

Wed 12/27/2017 4:22 PM

To: Stephen Reid <sreid@pointbeach.org>;

Cc: 'Stephen' [REDACTED];

Importance: High

Mayor,

Julie Daurio from NJ TV News – PBS for New Jersey called (cell [REDACTED]). She would like to speak with you on camera tomorrow morning, @10:00 or 11:00 at Borough Hall, regarding the marijuana dispensary ordinance. She asked that you call her back.
Eileen

Re: Chasing News Skype Interview request for today

Stephen <[REDACTED]>

Wed 12/27/2017 9:55 AM

To: Tom DiDonato <[REDACTED]>

Cc: Stephen Reid <sreid@pointbeach.org>

Stephen Reid, [REDACTED]

sent from my iPhone

On Dec 27, 2017, at 9:33 AM, Tom DiDonato <[REDACTED]> wrote:

Hi Mr. Mayor,

Good morning and Happy Holidays.

We would like to have you on our show today, Tuesday 12/27, to talk about the marijuana vote by your council last week. Bill Spadea would be doing the interview.

Please email or call to confirm for a Skype interview 1:15 and 2:15.

Best regards,
Tom DiDonato
Chasing News
[REDACTED]

Fwd: Your top 5 morning headlines

Seth Sloan <[REDACTED]>

Tue 5/22/2018 8:19 AM

To: Stephen Reid <sreid@pointbeach.org>; [REDACTED] <[REDACTED]>;

Hi

Sent from my iPhone

Begin forwarded message:

From: "Central Jersey" <noreply@reply.mycentraljersey.com>

Date: May 22, 2018 at 4:30:54 AM EDT

To: <[REDACTED]>

Subject: Your top 5 morning headlines

Reply-To: "Central Jersey" <reply-fe6112747062077f7114-7569103 HTML-676463228-10733416-266@reply.mycentraljersey.com>

Having trouble viewing this email? | [View it in your browser](#)

May 22

Top 5

FOLLOW US

NJ marijuana legalization: Legal weed forever changed Colorado, California

With New Jersey heading toward marijuana legalization, we traveled to Colorado and California to see the impacts, good and bad, of legal weed.

Read Story

SHARE

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EXHIBIT I

BOROUGH OF POINT PLEASANT BEACH

416 New Jersey Avenue
POINT PLEASANT BEACH, NJ 08742

MAYOR:
STEPHEN D. REID
(732) 892-1118 EXT. 211

MUNICIPAL CLERK:
Eileen Farrell
(732) 892-1118, Ext. 210
efarrell@pointbeach.org
Fax: (732) 892-1270



COUNCIL PRESIDENT:
Thomas Vogel

COUNCIL MEMBERS:
Andy Cortes
Paul M. Kanitra
Thomas H. Migut
Robert A. Santanello
Thomas Toohy

January 16, 2018

Mr. Patrick Duff
opra+request-3219-194cb103@requests.opramachine.com

Dear Mr. Duff,

This is in further response to your OPRA request seeking access to "emails sent and received by Mayor Reid @ sreid@pointbeach.org from 12-1-2017 through 12-12-2018 with the query of the words 'marijuana' and or 'dispensary' in either the body or the subject line."

You have requested that the sender/receiver redactions in some of the e-mails provided to you be "corrected" and sent back with no redactions, citing 3 characteristics identified in GRC Complaint, Elcavage v. West Milford Township.

I spoke with the Borough Attorney. In this complaint, the GRC found that "...in order to specifically identify an e-mail, OPRA requests must contain (1) the content and/or subject of the e-mail, (2) the specific date or range of dates during which the e-mail was transmitted or the e-mails were transmitted, and (3) a valid e-mail request must identify the sender and/or the recipient thereof."

The characteristics you referenced pertain to the OPRA request, not the response. The redactions provided are appropriate pursuant to the reasonable expectation of privacy in the e-mails.

Sincerely,

Eileen A. Farrell, RMC
Municipal Clerk

EXHIBIT J

Your password has been changed.

All emails to or from Patrick Kennedy to former and current council members, mayors and clerks.

Patrick Duff made this OPRA request to Point Pleasant Beach Borough

We're waiting for Patrick Duff to read recent responses and update the status.

Patrick Duff January 26, 2019

Unknown

Dear Point Pleasant Beach Borough,

This is a request for public records made under OPRA and the common law right of access. I am not required to fill out an official form. Please acknowledge receipt of this message.

Records requested:

All emails to or from Patrick Kennedy and or mentioning www.NJ-RAMP.ORG to former and current council members, mayors and clerks from 1-1-2017 through 1-26-2019.

Yours faithfully,

Patrick Duff

Patrick Duff February 05, 2019

Unknown

Dear Point Pleasant Beach Borough,

I am just making sure you received this request.

Yours faithfully,

Patrick Duff

Eileen Farrell, Point Pleasant Beach Borough February 05, 2019

Mr. Duff,
I am in receipt of your request.
Thank you.

Eileen A. Farrell, RMC/CMR
Municipal Clerk & Registrar of Vital Statistics
Borough of Point Pleasant Beach
416 New Jersey Avenue
Point Pleasant Beach, NJ 08742
Tel: 732-892-1118 x210
Fax: 732-892-1270

-----Original Message-----

From: Patrick Duff [mailto:[OPRA #3733 email]]
Sent: Tuesday, February 05, 2019 9:16 AM
To: Eileen Farrell <[email address]>
Subject: Re: OPRA request - All emails to or from Patrick Kennedy to former and current council members, mayors and clerks.

Dear Point Pleasant Beach Borough,

I am just making sure you received this request.

Yours faithfully,

Patrick Duff

Please use this UNIQUE email address for all replies to this request and no other:
[OPRA #3733 email]

Disclaimer: This message and any reply that you make will be published on the internet. Our privacy and copyright policies:

<https://opramachine.com/help/officers>

View this OPRA request & responses online:

https://opramachine.com/request/all_email...

Please note that in some cases publication of requests and responses will be delayed.

If you find this service useful as an OPRA custodian, please ask your web manager to link to us from your organisation's website.

hide quoted sections

Janet Mutter, Point Pleasant Beach Borough February 06, 2019

2 Attachments

doc01256620190206132111.pdf

1.3M Download View as HTML

2019 16.pdf

145K Download View as HTML

Good afternoon

Please see attached response to your OPRA request

Thank you

Janet Mutter

Deputy Clerk & Deputy Registrar

Borough of Point Pleasant Beach

(732) 892-1118, Ext 227

[1][email address]

[2]www.pointpleasantbeach.org

References

Visible links

1. mailto:[email address]
2. <http://www.pointpleasantbeach.org/>

EXHIBIT K

2/5/2019

NEW POLL: Majority of New Jerseyans Oppose Outright Legaliza... - Stephen Reid

NEW POLL: Majority of New Jerseyans Oppose Outright Legalization

Stephen Reid [REDACTED]

Thu 12/20/2018 2:07 PM

To: Stephen Reid <sreid@pointbeach.org>;



**For Immediate Release:
December 20th, 2018**

Contact:
Pat Brogan
Pat@learnaboutsam.org
(703) 462-0530

New Poll: 62% of New Jersey Voters Support Other Policy Options Than Legalization

1 in 3 New Jersey residents less likely to support elected officials if they accepted contributions from the pot industry

(Trenton, New Jersey) - According to a new poll, 62% of New Jerseyans are opposed to the outright legalization of marijuana when given the full range of policy options. Additionally, 1 in 3 registered New Jersey voters were less likely to support political candidates if they received donations from the pot industry. Four in ten voters in the state agree that if marijuana was legalized in the state, their top concern would be access of the drug to minors.

The poll, conducted by IPSOS, found that only 38% of New Jersey voters support legalizing marijuana sales. One in four voters (25%) support keeping the current policy of medicinal marijuana and 26% support the decriminalization of the drug for adults. 10% of voters favor full prohibition of the substance.

"This poll should serve as a wake-up call to New Jersey lawmakers, for multiple reasons," said Stephen Reid, Executive Director of New Jersey Responsible Approaches to Marijuana Policy (NJ-RAMP). "Not only do most New Jerseyans want to see our marijuana laws stay the way they are, but they are also very concerned about exposing our kids to this mind-altering drug."

"This poll continues to prove that, given the option between all possible options of drug policy, people want to see something other than full legal sales of marijuana," said Dr. Kevin Sabet, president of Smart Approaches to Marijuana. "Other polls on this subject offer a false dichotomy that the only options here are either full legalization or full prohibition and that could not be further from the truth."

###

About NJ-RAMP:

NJ-RAMP is a coalition of individuals and associations who believe that the health, safety and economic consequences of recreational marijuana legalization far outweigh the perceived social benefits. The grassroots organization consists of medical doctors, community groups, treatment providers, drug prevention professionals, business owners, law enforcement officers, parents, religious leaders, and many others. For more information, visit www.nj-ramp.org.

NJ-RAMP, a project of SAM Action, 400 N. Columbus Street,
Suite 202, Alexandria, VA 22314

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2/5/2019

URGENT: Tell These Senators to Vote NO - Stephen Reid

URGENT: Tell These Senators to Vote NO

Stephen Reid <[REDACTED]>

Fri 10/5/2018 4:09 PM

To: Stephen Reid <sreid@pointbeach.org>;



Dear Supporter:

The bill to legalize commercial marijuana in New Jersey is imminent. The Senate committee is going to move on this bill any day... **WE MUST TAKE ACTION.**

There are a handful of Senators on the committee that are still on the fence and they need to hear from you that legalizing marijuana in New Jersey would be disastrous. Follow the steps below to make sure your voice is heard above smokescreen from the marijuana industry.

Step 1: **CALL** these **MUST-WIN** offices (see talking points below):

Senator Nia Gill: (973) 509-0388
Senator Nellie Pou: (973) 247-1555
Senator Paul Sarlo: (201) 804-8118
Senator Brian Stack: (201) 721-5263

Step 2: **CALL** these supporters and ask them to call these four offices. Go to **www.NJ-RAMP.org/calls** to find the list of people and phone numbers you need call!

Tell them:

- **Do NOT legalize pot in New Jersey.** The bill under consideration is a disaster: it would allow for 99% THC pot edibles, candies, dabs, "consumption rooms," delivery services, and Big Pot - hurting families, kids, communities, drivers, and businesses.
- **In states that have already legalized** the drug, there has been an increase in drugged driving crashes and youth marijuana use.
- **Since Colorado legalized marijuana**, first time youth pot use by youth is now #1 in the nation and more than 50% higher than the national average.
- **More minority kids** are being arrested for pot in CO than before legalization.
- **Please oppose the legalization** of recreational marijuana in New Jersey. Don't let Big Marijuana profit at the expense of our communities and families.

Marijuana legalization is not inevitable, but it will take a group effort to protect public health, safety, and commonsense. Please call these senators and other supporters as soon as possible.

[Click here to forward this to a friend to increase our impact.](#)

If you have any questions, please contact Stephen Reid,
Executive Director for NJ-RAMP at
info@learnaboutsam.org

www.njramp.org

NJ-RAMP, a project of SAM Action, 400 N. Columbus Street,
Suite 202, Alexandria, VA 22314

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2/5/2019

URGENT: Tell These Senators to Vote NO - Stephen Reid

Try it free today

CJ GRIFFIN
Member of the Firm
cgriffin@pashmanstein.com
Direct: 201.270.4930

**PashmanStein
WalderHayden,**
A Holmwood Corporation

February 11, 2019

Via ECF

Honorable Marlene Lynch Ford, A.J.S.C.
Ocean County Courthouse
118 Washington St.
Toms River, New Jersey 08754

**Re: Patrick Duff v. Borough of Point Pleasant Beach, et al.
Our File No. 28251-001**

Dear Judge Ford:

This firm represents Plaintiff, Patrick Duff, in the above-captioned matter. Please accept this letter brief, in lieu of a more formal brief, in support of Plaintiff's application for an Order to Show Cause seeking relief from Defendants' denial of the Open Public Records Act ("OPRA") request identified in the Verified Complaint and discussed in detail below.

PRELIMINARY STATEMENT

Stephen D. Reid wears many hats. He is the Mayor of Point Pleasant Beach and the founder and principal of Stephen Reid Associates, a public affairs and lobbying firm. Reid also happens to be the Executive Director of NJ RAMP, an anti-marijuana lobbying group that is the client of Reid's lobbying firm.

In December 2017, Point Pleasant Beach became the first municipality in New Jersey to ban both medical and recreational marijuana. Since then, more than 50 other municipalities have followed its lead. Reid has been instrumental in pushing for these bans, as he has travelled around the state speaking at public meetings and advocating for the bans. In these public meetings, he holds himself out as the Mayor of Point Pleasant Beach, the first town to fight back against the cannabis industry and to successfully ban marijuana. What he has downplayed is that

Court Plaza South	Phone: 201.488.8200
21 Main Street, Suite 200	Fax: 201.488.5556
Hackensack, NJ 07601	www.pashmanstein.com

he is actually a lobbyist for NJ RAMP and is furthering its agenda. In fact, Reid's 2018 financial disclosure form does not disclose income from NJ RAMP; Reid has written letters to the editor about marijuana issues, identifying himself as the Mayor of Point Pleasant Beach and never mentioning NJ RAMP; and he has even publicly stated that he is doing his advocacy work across the state as someone "who doesn't get paid," leading the public to believe he was just a very concerned mayor who wants to help other public agencies implement marijuana bans.

Plaintiff, Patrick Duff, is a journalist and activist who has been researching Reid's use of his public office to advocate for a lobbying client. In furtherance of his investigation, Plaintiff filed OPRA requests for emails from Point Pleasant Beach relating to Reid and his marijuana activities. In response, Point Pleasant Beach produced volumes of emails in which the email addresses are redacted. Plaintiff is not challenging the redactions of private citizens who wrote to Reid to support or object to his marijuana positions because Plaintiff has no need for those addresses. Plaintiff does object, however, to redactions to Reid's email address(es). Often, an email will be sent to Reid at his government account and another redacted account is copied, or Reid will send material from NJ RAMP from a redacted email account to his government account or the clerk's address. Plaintiff seeks to have those redactions removed, as they prohibit him from learning whether the emails are coming from Reid's lobbying firm address, NJ RAMP address, or some other address. The redactions prohibit Plaintiff and the public from learning the extent to which Reid is mingling his government business with his lobbying activities. While Point Pleasant Beach claimed OPRA's privacy provision as a basis for the redactions, there is simply no reasonable expectation of privacy in an email address, especially those held by public officials.

Accordingly, as set forth below, Plaintiff requests that the Court finds Defendants in violation of OPRA; compel them to disclose the requested non-redacted emails pursuant to OPRA; and declare Plaintiff a prevailing party entitled to an award of attorneys' fees. In the alternative, Plaintiff asks the Court to grant access pursuant to the common law right of access.

STATEMENT OF FACTS

A. Background Information

Plaintiff is a journalist, community organizer, and activist for various issues, including the legalization of marijuana for almost two decades.

Stephen D. Reid ("Reid") is the Mayor of Point Pleasant Beach. Reid is also the founder and principal of Stephen Reid Associates ("SRA"), a public affairs and lobbying firm, and happens to be the Executive Director of NJ Responsible Approaches to Marijuana Policy ("NJ RAMP") and the self-touted "David in the Goliath fight" against the legalization of marijuana. See "Residents Ask Montville Twp Committee to Pass Anti-Marijuana Ordinance," TAPINTO MONTVILLE (Nov. 26, 2018)¹; "Point Pleasant Beach Mayor Stephen Reid Will Run For Assembly," PATCH (Jan. 29, 2019).²

On December 26, 2017, Point Pleasant Beach council approved a full ban on marijuana sales, including both medical marijuana dispensaries and any retail business looking to sell marijuana for recreational use. See "NJ Marijuana Legalization: Point Pleasant Beach Bans Medical, Recreational Weed Sales," APP (Dec. 26, 2017).³ Point Pleasant Beach was the first New Jersey municipality to pass such a ban and since then, more than 50 other municipalities

¹ <https://www.tapinto.net/towns/montville/articles/residents-ask-montville-twp-committee-to-pass-anti-marijuana-ordinance>

² <https://patch.com/new-jersey/pointpleasant/point-pleasant-beach-mayor-stephen-reid-will-run-assembly>

³ <https://www.app.com/story/news/local/public-safety/2017/12/26/nj-marijuana-weed-legalization-point-pleasant-beach-phil-murphy/982249001/>

have passed similar bans. The ban was a real victory for NJ RAMP, which is known as the “most powerful anti-marijuana lobbying group in the country.” See “*Legal Weed Already Facing Backlash in New Jersey*,” ROLLINGSTONE.COM (Jan. 7, 2019).⁴

Reid has been instrumental in promoting NJ RAMP’s anti-marijuana agenda across New Jersey, but has not always disclosed the fact that he was really working on NJ RAMP’s behalf through SRA, his lobbying firm, and as a paid employee of NJ RAMP. Instead, Reid has often promoted NJ RAMP’s anti-marijuana agenda in his official capacity of Mayor of Point Pleasant Beach, while downplaying or not disclosing his ties to NJ RAMP. See NJ101.5 Interview at <https://www.youtube.com/watch?v=B8ZfITyISmI>; “*Marijuana Debate Reaches An Unpleasant Point At The Beach*,” NJ.COM (Dec. 11, 2018).⁵

For example, in May 2018, the *Asbury Park Press* published a Letter to the Editor written by Reid. He begins his letter by stating, “As the Mayor of Point Pleasant Beach, I am writing in response to Mike Davis’s recent report on marijuana tourism in Colorado.” Reid notes that Point Pleasant Beach passed an ordinance in December 2017 banning all marijuana and that many other municipalities “are following our lead to preserve the character of their communities and protect their families.” He letter advocates against “marijuana shops and pot dens littering our coasts” and is signed “Stephen Reid, Mayor, Point Pleasant Beach.” His role in NJ RAMP is never disclosed. See Exhibit A to Verified Complaint.

Reid’s dual role of Mayor of Point Pleasant Beach and paid lobbyist of NJ RAMP poses a serious conflict of interest. Under Reid’s leadership, Point Pleasant Beach banned marijuana dispensaries all while Reid may have been simultaneously working for NJ RAMP, an anti-

⁴ <https://www.rollingstone.com/culture/culture-news/legal-weed-new-jersey-backlash-775860/>

⁵ <https://www.nj.com/opinion/2018/12/marijuana-debate-reaches-an-unpleasant-point-at-the.html>

legalization group. Subsequently Reid has appeared at public meetings and events across the State encouraging municipalities to ban marijuana and rarely, if ever, does he disclose that he is affiliated with NJ RAMP. Rather he holds himself out solely as being the mayor of a town that successfully banned marijuana.

Plaintiff, as a concerned citizen and journalist, is investigating Reid's likely conflict of interest and ethics violations. On December 8, 2017, Plaintiff posted a message on Reid's public Facebook page asking him if he was "being paid as a lobbyist by RAMP to move forward their anti-marijuana propaganda?" Reid responded and stated, "Not as their lobbyist but as there [sic] Executive Director." See Exhibit B to Verified Complaint. However, despite admitting that he is paid by NJ RAMP, Reid failed to include NJ RAMP as a source of income on his 2018 Financial Disclosure Statement. See Exhibit C to Verified Complaint

At a meeting at Hunterdon Central High School on December 12, 2018, Reid told the public that he has been traveling around the state speaking to mayors and town councils about banning marijuana. He referred to himself as someone who "doesn't get paid" to do that advocacy. After Plaintiff questioned Reid in front of the public regarding whether he is paid by NJ RAMP, Reid admitted that he is indeed a paid registered lobbyist for NJ RAMP. This contradicts Reid's statement on his public Facebook account that he is not a lobbyist for NJ RAMP.

Plaintiff has filed OPRA requests with Point Pleasant Beach in order to explore the extent to which Reid has used his government position or government resources to promote NJ RAMP's agenda. Responses to those OPRA requests, which are discussed in detail below, have been redacted to prevent Plaintiff from ascertaining the extent of the connection between Reid's lobbyist work and his government business.

Plaintiff's investigation and several news stories about Reid's role with NJ RAMP have caused Reid to change course. On January 4, 2019, Reid filed a Notice of Representation with the New Jersey Election Law Enforcement Commission ("ELEC"), disclosing that he and his lobbying firm (SRA) represent NJ RAMP. See Exhibit D to Verified Complaint. Kevin Sabet is listed on Reid's ELEC form as having organizational or financial control over NJ RAMP. Sabet is President, CEO, and Co-Founder of Smart Approaches to Marijuana ("SAM"), of which NJ RAMP is an affiliate.

On January 26, 2019, Plaintiff called Sabet seeking comment for an article he is writing related to Reid, including his failure to disclose his work on behalf of NJ RAMP on his financial disclosure statement and his use of his public office to promote NJ RAMP's agenda. Sabet did not respond to Plaintiff's inquiry, but two days later on January 28, 2019 Reid filed a Notice of Termination form with ELEC notifying that his lobbying activities on behalf of NJ RAMP have ceased. See Exhibit E to Verified Complaint. One day later, on January 29, 2019, Reid announced that he would not run for re-election as Mayor of Point Pleasant Beach if he is nominated to run for the Statehouse Assembly seat. See "*Point Pleasant Beach Mayor Stephen Reid Will Run For Assembly*," PATCH (Jan. 29, 2019).⁶

B. Plaintiff's First OPRA Request

On December 12, 2018, Plaintiff submitted an OPRA request to Point Pleasant Beach seeking "emails sent and received by Mayor Reid @sreid@pointbeach.org from 12-1-2017 through 12-12-2018 with the query of the words "marijuana" and or "dispensary" in either the body or the subject line." See Exhibit F to Verified Complaint

⁶ <https://patch.com/new-jersey/pointpleasant/point-pleasant-beach-mayor-stephen-reid-will-run-assembly>.

On December 21, 2018, Ms. Farrell partially responded to Plaintiff's OPRA request by attaching approximately 94 responsive emails, but requested an extension to provide the rest. See Exhibit F. On January 8, 2019, Ms. Farrell responded to Plaintiff's OPRA request by producing the remaining responsive emails, along with redaction and privilege logs. See Exhibit G to Verified Complaint.

The emails produced on January 8, 2019 included dozens of redactions to the sender/receiver of the emails. See Exhibit H to Verified Complaint. In most instances, the redactions are to another email address held by Reid beyond his government account. Plaintiff seeks to have the redactions removed so that he can determine whether there is further evidence that Reid is mixing his lobbying activities with his government business. For example, in some instances, Reid will forward an email from a redacted email address to the clerk, who will then forward it on to other public officials. In other instances, the clerk emails Reid at his government email account and a redacted email account, asking him to tend to something anti-marijuana related. If this redacted account is his lobbying account (or even his personal account that he may use for lobbying activities), it is clear evidence that Reid is effectively using the clerk as a secretary for his lobbying business and having her pass information that benefits his lobbying client. The current redactions prohibit Plaintiff from ascertaining this information.

On January 9, 2019, Plaintiff objected to the redactions and provided Point Pleasant Beach an opportunity to correct and provide a full response. See Exhibit F. On January 16, 2019, Ms. Farrell advised Plaintiff that the redactions were "appropriate pursuant to the reasonable expectation of privacy in the emails." See Exhibit I to Verified Complaint

C. Plaintiff's Second OPRA Request

On January 26, 2019, Plaintiff submitted a second request to Point Pleasant Beach seeking: “all emails to or from Patrick Kennedy and or mentioning www.NJ-RAMP.ORG to former and current council members, mayors and clerks from 1-1-2017 through 1-26-2019.” See Exhibit J to Verified Complaint

On February 6, 2019, Ms. Farrell responded to Plaintiff’s January 26, 2019 OPRA request by attaching responsive emails, however, as with the response to Plaintiff’s first OPRA request, these emails also contained unlawful redactions related to the sender/receiver. See Exhibit K to Verified Complaint.

While Plaintiff does not challenge the redactions to email addresses belonging to private citizens, as he has no reason to need such information, Plaintiff does challenge the redactions to Mayor Reid’s email addresses and the email addresses of other government officials. There is no reasonable privacy interest in a public official’s email addresses and the public’s interest in knowing the scope to which Reid is mingling his lobbying activities with his government business is significant.

LEGAL ARGUMENT

I. DEFENDANTS VIOLATED OPRA BY DENYING ACCESS TO THE NON-REDACTED EMAILS

“An informed citizenry is essential to a well-functioning democracy.” Paff v. Twp. of Galloway, 229 N.J. 340 (2017). This State has a long “history of commitment to public participation in government” and a “tradition favoring the public’s right to be informed about governmental actions.” S. Jersey Pub. Co. Inc. v. N.J. Expressway Auth., 124 N.J. 478, 486-87 (1991). OPRA’s promise of accessible records enables “citizens and the media [to] play a watchful role in curbing wasteful government spending and guarding against corruption and

misconduct.” Sussex Commons Assoc., LLC v. Rutgers, 210 N.J. 531, 541 (2012) (quoting Burnett v. Cty. of Bergen, 198 N.J. 408, 414 (2009)). In fact, the “bedrock principle” underlying OPRA is that “our government works best when its activities are well-known to the public it serves.” Burnett, 198 N.J. at 414.

OPRA provides that “*any* limitations on the right of access . . . shall be construed *in favor of the public's right of access*.” N.J.S.A. 47:1A-1 (emphasis added). Thus, the Appellate Division has deemed a citizen’s right to access public records nearly “unfettered.” Courier News v. Hunterdon County Prosecutor’s Office, 358 N.J. Super. 373, 382-83 (App. Div. 2003) (emphasis added). Where OPRA is unclear, “any ambiguities [must be resolved] in a manner consistent with [OPRA’s] broad purpose.” Paff v. Ocean Cty. Prosecutor’s Office, 446 N.J. Super. 163, 181 (App. Div. 2016) (citing Fair Share Hous. Ctr., Inc. v. N.J. State League of Municip., 207 N.J. 489, 502 (2011); Sussex Commons Assocs. v. Rutgers, 210 N.J. 531, 540-41 (2012)). At all times, the public agency bears the burden of proving the denial of access is lawful. N.J.S.A. 47:1A-6.

For the reasons argued below, Defendants cannot meet this heavy burden of proof and prove that they lawfully responded to Plaintiff’s OPRA requests.

A. OPRA’s Privacy Provision Does Not Justify Redacting The Email Addresses

Defendants claim that the redactions were “appropriate pursuant to the reasonable expectation of privacy in the emails.” See Exhibit J to Verified Complaint. Defendants are mistaken.

OPRA provides that “a public agency has a responsibility and an obligation to safeguard from public access a citizen’s personal information with which it has been entrusted when disclosure thereof would violate the citizen’s reasonable expectation of privacy.” N.J.S.A. 47:1A-

1. In 2009, the Supreme Court issued Burnett v. County of Bergen, 198 N.J. 408 (2009), a case involving potential disclosure of millions of records containing social security numbers, and adopted a 7-factor balancing test that should apply to balance the privacy interest against a requestor's need for the records. Since Burnett, the Court has made it clear that OPRA's privacy provision only applies in the unique circumstances like Burnett, where there was a real harm of identity theft or other serious harms. In Brennan v. Bergen Cnty Prosecutor's Office, 230 N.J. 330 (2018), the Court held that OPRA's privacy provision was limited to circumstances where there was a very "serious" privacy concern and held that there was generally no privacy interest at all in a home address. In fact, the Court made it clear that lower courts should not even engage in the Burnett balancing test unless there was a "colorable claim that public access to the records requested would invade a person's objectively reasonable expectation of privacy." Id. at 333.

Here, there is no colorable claim of an objectively reasonable expectation of privacy in an email address. This is especially true where the email address belongs to a public official. Plaintiff is not seeking access to the email addresses of private citizens who have written the mayor, as he has no need for them whatsoever. He is, however, seeking access to Reid's email address, which the Borough Clerk and others have used to send him emails about government business. There's no colorable claim that Reid is entitled to privacy.

However, even if there was a colorable claim of privacy, the Burnett factors would weigh in favor of access because the privacy interest would be so minimal in contrast to the public's interest in transparency. There is a significant interest in discovering further evidence that Reid is mingling his lobbying work for NJ RAMP with his official work on behalf of Point Pleasant Beach. It appears that Reid may be using a SRA affiliated account or NJ RAMP affiliated

account to email information to his Borough account, which is then passed on to others in his capacity as Mayor. In other instances, the Borough Clerk forwards information to Reid's redacted account, suggesting she is essentially serving as an assistant for Reid's lobbying activities. Given that there is at most a very minimal privacy interest at stake, the public's interest in learning more about Reid's conduct weighs heavily in favor of disclosure. Plaintiff's lawsuit advances OPRA's core purpose: "guarding against corruption and misconduct." Sussex Commons, 210 N.J. at 541.

Accordingly, there is no reasonable expectation of privacy in the email addresses and this Court should order Defendants to produce the non-redacted emails in question. See Exhibit G to Verified Complaint.

II. PLAINTIFF IS A PREAVAILING PARTY ENTITLED TO AN AWARD OF ATTORNEY'S FEES

Plaintiff is statutorily entitled to reasonable attorney's fees and costs. Pursuant to OPRA,

A person who is denied access to a government record by the custodian of the record, at the option of the requestor, may . . . institute a proceeding to challenge the custodian's decision by filing an action in Superior Court The public agency shall have the burden of proving that the denial of access is authorized by law. **If it is determined that access has been improperly denied, the court or agency head shall order that access be allowed. A requestor who prevails in any proceeding shall be entitled to a reasonable attorney's fee.**

[N.J.S.A. 47:1A-6 (emphasis added).]

New Jersey law has long recognized the "catalyst theory" as one method to prove entitlement to an award of attorney's fees under OPRA. Mason v. City of Hoboken, 196 N.J. 51, 73 (2008). Under the catalyst theory, a plaintiff is entitled to attorney's fees if they can demonstrate "1) a factual causal nexus between plaintiff's litigation and the relief ultimately achieved; and 2) that

the relief ultimately secured by plaintiffs had a basis in law.” Id. at 76; See also Smith v. Hudson Cnty. Register, 422 N.J. Super. 387, 394 (App. Div. 2011) (“A plaintiff may qualify as a prevailing party, and thereby be entitled to a fee award, by taking legal action that provides a ‘catalyst’ to induce a defendant’s compliance with the law.”).

Here, Plaintiff made a valid OPRA request for government records and Defendants unlawfully redacted material from them. This litigation, if successful, will serve as the catalyst for Plaintiff obtaining the new versions of the documents without redactions. Therefore, Plaintiff is entitled to an award of attorney’s fees and costs of suit.

III. PLAINTIFF IS ENTITLED TO THE RECORDS UNDER THE COMMON LAW RIGHT OF ACCESS

At common law, a citizen has an enforceable right to require custodians of public records to make records available for reasonable inspection and examination. Irval Realty v. Bd. of Pub. Util. Comm’rs, 61 N.J. 366, 372 (1972). In Irval, the Supreme Court stated:

At common law a citizen had an enforceable right to require custodians of public records to make them available for reasonable inspection and examination. It was, however, necessary that the citizen be able to show an interest in the subject matter of the material he sought to scrutinize. Such interest need not have been purely personal. As one citizen or taxpayer out of many, concerned with a public problem or issue, he might demand and be accorded access to public records bearing upon the problem, even though his individual interest may have been slight.

[Id.]

Thus, three issues must be addressed in determining whether the common law requires production of the records at issue here: (1) whether the records are “public records” as defined by the common law; (2) whether the plaintiff has the requisite interest to inspect the public records; and, (3) whether an interest in confidentiality outweighs disclosure. See S. Jersey Publ’g Co. v.

N.J. Expressway Auth., 124 N.J. 478, 487-88 (1991); Techniscan Corp. v. Passaic Valley Water Comm'n., 113 N.J. 233, 237 (1988); Shuttleworth, *supra*, 258 N.J. Super. at 582; Home News Publ'g Co. v. State, 224 N.J. Super. 7, 16 (App. Div. 1988).

A. The Requested Records are Public Records Under Common Law

The definition of government record under OPRA is essentially the same as under common law:

one required by law to be kept, or necessary to be kept in the discharge of a duty imposed by law, or directed by law to serve as a memorial and evidence of something written, said, or done, or a written memorial made by a public officer authorized to perform that function, or a writing filed in the public office. The elements essential to constitute a public record are that it be a written memorial, that it be made by a public officer, and that the officer be authorized by law to make it....

[Nero v. Hyland, 76 N.J. 213, 222 (1978).]

Accordingly, the requested records are public records under common law for essentially the same reasons that they constitute government records under OPRA. Point Pleasant Beach maintains them during the course of its official duties.

B. Plaintiff has the Requisite Interest to Inspect the Public Records

Under the common law rule of access to public documents, it has long been held that a citizen is entitled to inspect documents of a public nature "provided he shows the requisite interest therein." Ferry v. Williams, 41 N.J.L. 332, 334 (Sup. Ct. 1879). The New Jersey Supreme Court has confirmed that reporters hold the requisite interest for inspection of public documents:

To satisfy the standing requirement, the applicant's interest need not be personal; thus, a citizen's concern about a public problem is a sufficient interest for purposes of standing. The press's role as "the eyes and ears of the public" generally is sufficient to

confer standing on a newspaper that seeks access to public documents. . . . Indeed, a legitimate, private profit motive is also sufficient. As a commercial entity, newspapers regularly pursue and print stories based on their potential public interest and appeal, as contrasted with news stories that inherently serve the public interest; the newsworthiness and commercial value of such stories clearly suffice to confer standing on a newspaper under the common-law right of access.

[Home News v. State, Dep't of Health, 144 N.J. 446, 454 (1996) (internal citations omitted).

Plaintiff has investigated Reid and his actions related to NJ RAMP, SAM, and as Mayor of Point Pleasant Beach. As a result of his investigation, Plaintiff has discovered that Reid is using his public office to advance his lobbying client. Plaintiff is a citizen of New Jersey and a reporter. Accordingly, Plaintiff has the requisite interest to gain access to the records under the common law right of access.

C. Plaintiff's Interest in Disclosure Outweighs Any Interest in Keeping The Records Confidential

The last question to be addressed is whether the public interest in confidentiality of the application, if any, outweighs disclosure. "Ordinarily, only an assertion of citizen or taxpayer status is necessary for production of common-law records, subject to a showing of good faith." Loigman v. Kimmelman, 102 N.J. 98, 104 (1986). The court in Loigman further stated: "Thus, if the government need in confidentiality is slight or non-existent, citizen-taxpayer status will ordinarily warrant that the matters be disclosed. On the other hand, when the public interest in confidentiality is greater, the citizen's right of access is qualified." Id. at 105.

Discovery of the email addresses will shed further light upon the extent to which Reid is using his public office to advance the private interests of his lobbying client. The public has a right to know whether unethical or illegal conduct is occurring and whether its mayor is acting in

its best interest. In contrast, any interest in non-disclosure is very minimal. The emails in question belong to Reid and other public officials. As elected officials and entities, there is no reasonable expectation of privacy in the email addresses. Their interest in non-disclosure simply do not outweigh the public's interest in disclosure of possible corruption and ethical violations.

Accordingly, the Court should grant access to the records pursuant to the common law right of access if for some reason it denies access under OPRA.

CONCLUSION

For the foregoing reasons, Plaintiff asks the Court to grant his Order to Show Cause and enter an Order 1) finding Defendants in violation of OPRA for redacting non-exempt information from emails; 2) ordering Defendants to remove unlawful redactions from the e-mails; and 3) declaring Plaintiff a prevailing party entitled to an award of attorney's fees. Alternatively, Plaintiff asks the Court to grant access to the non-redacted emails pursuant to the common law.

Respectfully Submitted,

/s CJ Griffin

Eileen Farrell

From: Eileen Farrell
Sent: Thursday, March 07, 2019 9:44 AM
To: 'Brian K. Wilkie Esq.'
Cc: 'Rosemarie Cangiano'; Christine Riehl
Subject: RE: GRC Comp
Attachments: doc01365020190222143608.pdf

Good Morning,

I'm following up on the status of this complaint, as there is a hearing scheduled for April 2nd. [REDACTED]

Thank you.

Eileen

From: Eileen Farrell
Sent: Friday, February 15, 2019 2:13 PM
To: Brian K. Wilkie Esq. <wilkieesq@gmail.com>
Subject: RE: GRC Comp

Brian,
I just forwarded you the lawsuit as well. I'm not sure what was forwarded to you from Rosemarie – I sent her both on Wednesday – I assumed you had seen them both. I apologize for any confusion - I assumed the "complaint" was a GRC complaint. I have not received either in hard copy. I checked with the Administrator office to see if she had received anything – she has not.

Eileen

From: Brian K. Wilkie Esq. [mailto:wilkieesq@gmail.com]
Sent: Friday, February 15, 2019 2:06 PM
To: Eileen Farrell <EFarrell@pointbeach.org>
Subject: RE: GRC Comp

That's it? I was under the impression that there's also a GRC complaint. You haven't received service in hard copy yet, correct?

--BKW

Sent from Mail for Windows 10

From: Eileen Farrell
Sent: Friday, February 15, 2019 8:41 AM
To: Brian K. Wilkie, Esq.
Subject: RE: GRC Comp

Hi Brian,

I just forwarded what I received from Mr. Duff.

Eileen Farrell

From: Eileen Farrell
Sent: Monday, March 11, 2019 2:25 PM
To: 'Steven Zabarsky'
Cc: Christine Riehl; 'Rosemarie'; 'Brian K. Wilkie Esq.'
Subject: RE: Duff v. Point Pleasant Beach, et al.
Attachments: Sample Unredacted Lawsuit Document.pdf

Steven,

I reprinted the questionable emails, as I unfortunately did not save an unredacted copy. I am re-redacting the necessary pages (without removing the e-mail addresses of government officials, including the Mayor's). [REDACTED]

I'd like to get the documents to Mr. Duff ASAP.

Thank you.
Eileen

From: Steven Zabarsky [mailto:szabarsky@comcast.net]
Sent: Thursday, March 07, 2019 3:08 PM
To: Eileen Farrell <EFarrell@pointbeach.org>
Cc: Christine Riehl <Cr1ehl@pointbeach.org>; 'Rosemarie' <bkorcz@comcast.net>
Subject: FW: Duff v. Point Pleasant Beach, et al.

If you have any questions please do not hesitate to contact me. Thank you, steven

From: Steven Zabarsky [<mailto:szabarsky@comcast.net>]
Sent: Thursday, March 07, 2019 3:06 PM
To: 'Eileen Farrell' <EFarrell@pointbeach.org>
Cc: 'Christine Riehl' <CRiehl@pointbeach.org>; 'Rosemarie' <bkorc@comcast.net>
Subject: Duff v. Point Pleasant Beach, et al.

ATTORNEY CLIENT PRIVILEGED: Eileen: I just spoke to C.J. Griffin, counsel for the Plaintiff with regard to the above-referenced matter. She confirmed that they are just looking for the Mayor's emails unredacted as to the address that they were forwarded to from his gvt email address. She said that you can email them to her client. She said that she will confirm with her client as to receipt and then send me her invoice for counsel fees which, as part of the suit, she would be entitled to and should be minimal. At that point, the case should be resolved if the Council approves payment of fees.

Eileen A. Farrell, RMC/CMR
Municipal Clerk & Registrar of Vital Statistics
Borough of Point Pleasant Beach
416 New Jersey Avenue
Point Pleasant Beach, NJ 08742
Tel: 732-892-1118 x210
Fax: 732-892-1270

From: Brian K. Wilkie, Esq. [<mailto:wilkieesq@gmail.com>]
Sent: Thursday, February 14, 2019 4:56 PM
To: Eileen Farrell <EFarrell@pointbeach.org>
Subject: GRC Comp

Hi Eileen,

Can you forward any information you have on the GRC Complaint that's allegedly been filed by Duff?

Regards,
s/ Brian K. Wilkie, Esq.
Associate Attorney
Citta, Holzapfel & Zabarsky
732.349.1600 – Office
609.290.6125 – Cell

Re: Chasing News Skype Interview request for today

Stephen <sreidassoc@yahoo.com>

Wed 12/27/2017 9:55 AM

to: Tom DiDonato <trdidonato@verizon.net>;

cc: Stephen Reid <sreid@pointbeach.org>;

Stephen Reid, (732) 740-6514

sent from my iPhone

on Dec 27, 2017, at 9:33 AM, Tom DiDonato <trdidonato@verizon.net> wrote:

Hi Mr. Mayor,

Good morning and Happy Holidays,

We would like to have you on our show today, Tuesday 12/27, to talk about the marijuana vote by your council last week. Bill Spadea would be doing the interview.

Please email or call to confirm for a Skype interview 1:15 and 2:15.

Best regards,
Tom DiDonato
Chasing News
201-400-1763

[Privacy Policy](#)
[Terms of Service](#)
[Contact Us](#)
[Feedback](#)

I just want to be sure I understand [REDACTED]

[illegible][illegible][illegible]

[illegible]

place on the

Thank you.
Eileen

If you have any questions please do not hesitate to contact me. Thank you. steven

ATTORNEY CLIENT PRIVILEGED: Eileen: I just spoke to C.J. Griffin, counsel for the Plaintiff with regard to the above-referenced matter. She confirmed that they are just looking for the Mayor's emails unredacted as to the address that they were forwarded to from his gvt email address. She said that you can email them to her client. She said that she will confirm with her client as to receipt and then send me her invoice for counsel fees which, as part of the suit, she would be entitled to and should be minimal. At that point, the case should be resolved if the Council approves payment of fees.

Eileen Farrell

From: Eileen Farrell
Sent: Tuesday, March 12, 2019 3:16 PM
To: 'Patrick Duff'
Subject: RE: FW: OPRA request - Emails for Mayor Stephen D Reid.
Attachments: REVISED Response II to OPRA 2018-150 - 3 of 3.pdf

Part 3 attached.

-----Original Message-----

From: Eileen Farrell
Sent: Tuesday, March 12, 2019 3:15 PM
To: 'Patrick Duff' <opra+request-3219-194cb103@requests.opramachine.com>
Subject: RE: FW: OPRA request - Emails for Mayor Stephen D Reid.

Part 2 attached.

-----Original Message-----

From: Eileen Farrell
Sent: Tuesday, March 12, 2019 3:14 PM
To: 'Patrick Duff' <opra+request-3219-194cb103@requests.opramachine.com>
Subject: RE: FW: OPRA request - Emails for Mayor Stephen D Reid.

Mr. Duff,
Please see attached revised response to your OPRA request, with un-redacted email addresses of the mayor and other government officials.
There are 2 more e-mails to follow.
Thank you.

Eileen A. Farrell, RMC/CMR
Municipal Clerk & Registrar of Vital Statistics Borough of Point Pleasant Beach
416 New Jersey Avenue
Point Pleasant Beach, NJ 08742
Tel: 732-892-1118 x210
Fax: 732-892-1270

-----Original Message-----

From: Eileen Farrell
Sent: Wednesday, January 16, 2019 1:28 PM
To: 'Patrick Duff' <opra+request-3219-194cb103@requests.opramachine.com>
Subject: RE: FW: OPRA request - Emails for Mayor Stephen D Reid.

Mr. Duff,
Please see attached.
Thank you.

Eileen Farrell, RMC/CMR
Municipal Clerk & Registrar of Vital Statistics Borough of Point Pleasant Beach
416 New Jersey Avenue

Point Pleasant Beach, NJ 08742
Phone: 732-892-1118 x210
Fax: 732-892-1270
E-mail: efarrell@pointbeach.org

-----Original Message-----

From: Patrick Duff (<mailto:opra+request-3219-194cb103@requests.opramachine.com>)
Sent: Wednesday, January 09, 2019 11:20 AM
To: Eileen Farrell <EFarrell@pointbeach.org>
Subject: Re: FW: OPRA request - Emails for Mayor Stephen D Reid.

Dear Eileen Farrell,

There are three characteristics of an OPRA request that must be met as it pertains to emails. The Sender/receiver, the subject and the day and time must not be redacted. These have dozens of sender/receiver redactions that I am want to give you the chance to correct and send them back to me with no redactions. Please let me know what your city attorney says.

3 characteristics pursuant to Elcavage v. West Milford Township (Passaic), GRC Complaint No. 2009-08 (April 2010): 1. Content and/or subject 2. Specific date or range of dates 3. Sender and/or recipient

Yours sincerely,

Patrick Duff

-----Original Message-----

Part 3 of 3 attached.
This OPRA is now complete.

Please use this UNIQUE email address for all replies to this request and no other:
opra+request-3219-194cb103@requests.opramachine.com

Disclaimer: This message and any reply that you make will be published on the internet. Our privacy and copyright policies:
<https://opramachine.com/help/officers>

View this OPRA request & responses online:
https://opramachine.com/request/emails_for_mayor_stephen_d_reid

Please note that in some cases publication of requests and responses will be delayed.

If you find this service useful as an OPRA custodian, please ask your web manager to link to us from your organisation's website.

Eileen Farrell

From: Eileen Farrell
Sent: Tuesday, March 12, 2019 3:30 PM
To: 'Steven Zabarsky'
Cc: Christine Riehl; 'Rosemarie'
Subject: RE: Duff v. Point Pleasant Beach, et al.

Steven,
[REDACTED]
[REDACTED]
[REDACTED]
Eileen

From: Eileen Farrell
Sent: Thursday, March 07, 2019 4:03 PM
To: 'Steven Zabarsky' <szabarsky@comcast.net>
Cc: Christine Riehl <Criehl@pointbeach.org>; 'Rosemarie' <bkorcz@comcast.net>
Subject: RE: Duff v. Point Pleasant Beach, et al.

Thank you, Steven. We will gather the un-redacted copies and forward them to Mr. Duff within the next couple of days.

From: Steven Zabarsky [mailto:szabarsky@comcast.net]
Sent: Thursday, March 07, 2019 3:08 PM
To: Eileen Farrell <EFarrell@pointbeach.org>
Cc: Christine Riehl <Criehl@pointbeach.org>; 'Rosemarie' <bkorcz@comcast.net>
Subject: FW: Duff v. Point Pleasant Beach, et al.

If you have any questions please do not hesitate to contact me. Thank you. steven

From: Steven Zabarsky [mailto:szabarsky@comcast.net]
Sent: Thursday, March 07, 2019 3:06 PM
To: 'Eileen Farrell' <EFarrell@pointbeach.org>
Cc: 'Christine Riehl' <Criehl@pointbeach.org>; 'Rosemarie' <bkorcz@comcast.net>
Subject: Duff v. Point Pleasant Beach, et al.

ATTORNEY CLIENT PRIVILEGED: Eileen: I just spoke to C.J. Griffin, counsel for the Plaintiff with regard to the above-referenced matter. She confirmed that they are just looking for the Mayor's emails unredacted as to the address that they were forwarded to from his gvt email address. She said that you can email them to her client. She said that she will confirm with her client as to receipt and then send me her invoice for counsel fees which, as part of the suit, she would be entitled to and should be minimal. At that point, the case should be resolved if the Council approves payment of fees.
[REDACTED]
[REDACTED]

Eileen Farrell

From: Eileen Farrell
Sent: Wednesday, March 13, 2019 3:03 PM
To: 'Steven Zabarsky'
Cc: 'Rosemarie'
Subject: RE: Duff v. Point Pleasant

Ok. Thank you.

From: Steven Zabarsky [mailto:szabarsky@comcast.net]
Sent: Wednesday, March 13, 2019 10:36 AM
To: Eileen Farrell <EFarrell@pointbeach.org>
Cc: 'Rosemarie' <bkorcz@comcast.net>
Subject: FW: Duff v. Point Pleasant

Eileen: I received this from CJ Griffin, counsel for Mr. Duff. [REDACTED]
[REDACTED]
[REDACTED]

From: CJ Griffin [mailto:CGriffin@pashmanstein.com]
Sent: Tuesday, March 12, 2019 4:24 PM
To: szabarsky@comcast.net
Subject: Duff v. Point Pleasant

Mr. Zabarsky:

I know my client has some dissatisfaction with the new production because not all redactions were removed, but I have been unable to touch base with him further due to some issues beyond our control. Hopefully I can get it resolved in the next day or so, but I know your brief is technically due on Friday so I will consent to an adjournment so that we can wrap this up amicably as we planned. I just need to be able to figure out what remaining issues there are in the production that need to be resolved or addressed.

CJ Griffin

Partner
Pashman Stein Walder Hayden, P.C.

201.270.4930 Direct
cgriffin@pashmanstein.com

Court Plaza South, 21 Main St, Hackensack, NJ 07601
201.488.8200 | 201.488.5556 Fax | pashmanstein.com

**PashmanStein
WalderHayden**
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Eileen Farrell

From: Eileen Farrell
Sent: Friday, March 29, 2019 8:46 AM
To: 'Brian K. Wilkie Esq.'
Cc: szabarsky@comcast.net
Subject: RE: Duff v. Point Pleasant

Brian,
Thank you. [REDACTED] Also, please confirm that there is no hearing on 4/2, as noted in the lawsuit (or is there?)
Eileen

From: Brian K. Wilkie Esq. [mailto:wilkieesq@gmail.com]
Sent: Thursday, March 28, 2019 10:03 PM
To: Eileen Farrell <EFarrell@pointbeach.org>
Cc: szabarsky@comcast.net
Subject: RE: Duff v. Point Pleasant

Hi Eileen,

I apologize for the delayed response. I was in trial all day.

I read through the new edits to the Duff docs— [REDACTED]
[REDACTED] am reaching out to his attorney in a moment to see if there are any specific concerns that he would like us to address with these new edits. Feel free to forward them to him, otherwise.

--BKW

Sent from Mail for Windows 10

From: Eileen Farrell
Sent: Thursday, March 28, 2019 3:18 PM
To: wilkieesq@gmail.com
Subject: RE: Duff v. Point Pleasant

Brian,

Please see my attached revised redaction log, to go along with my attached response (no changes to the one I sent you yesterday). [REDACTED]

FYI, When I sent Mr. Duff the first set of revisions after the lawsuit (the ones he is further disputing), I did not send a revised log. This log here pertains only to this new response with only those documents that I pulled from the previous response for re-redaction (the ones I did not pull were correctly redacted). I apologize if I did this incorrectly, but it is getting very confusing with the volume of paperwork and the number of OPRA's we are receiving).

Thank you.

Eileen

From: Eileen Farrell
Sent: Wednesday, March 27, 2019 2:22 PM
To: wilkiesq@gmail.com
Subject: FW: Duff v. Point Pleasant

From: Eileen Farrell
Sent: Monday, March 25, 2019 9:44 PM
To: 'Steven Zabarsky' <szabarsky@comcast.net>
Subject: RE: Duff v. Point Pleasant

Steven,

It would have been clearer if Mr. Duff had indicated, from the redaction log I provided, exactly which redactions he is disputing. Since he did not, I went through my previous responses and did some further un-redacting (see attached),

[REDACTED]

[REDACTED] I will be out of the office in a seminar all day tomorrow (3/26), but I wanted to get this out to you. Please let me know if ok to forward the response to Mr. Duff [REDACTED]. If I can get back to the office late in the day after my seminar, I'll send it then – otherwise, I'll send it on Wednesday.

Thank you.

Eileen

From: Steven Zabarsky [<mailto:szabarsky@comcast.net>]
Sent: Monday, March 25, 2019 12:48 PM
To: Eileen Farrell <EFarrell@pointbeach.org>
Subject: FW: Duff v. Point Pleasant

Eileen: These are the examples from Mr. Duff that are disputed. Please review and then we can discuss. Thank you.
steven

From: CJ Griffin [<mailto:CGriffin@pashmanstein.com>]
Sent: Monday, March 25, 2019 11:06 AM
To: Steven Zabarsky <szabarsky@comcast.net>
Subject: FW: Duff v. Point Pleasant

Here's what I sent last week

From: CJ Griffin
Sent: Thursday, March 21, 2019 12:02 PM
To: Steven Zabarsky <szabarsky@comcast.net>
Subject: Duff v. Point Pleasant

Mr. Zabarsky: Not sure you have spoken to the clerk or not, but the client sent me some examples of what's still redacted in the materials, some of which belong to Reid and others for other public officials...See attached images.

CJ Griffin

Partner

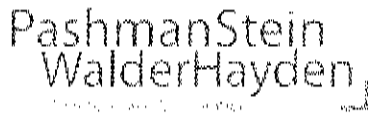
Pashman Stein Walder Hayden, P.C.

201.270.4930 Direct

cgriffin@pashmanstein.com

Court Plaza South, 21 Main St, Suite 200, Hackensack, NJ 07601

201.488.8200 | 201.488.5556 Fax | pashmanstein.com



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Eileen Farrell

From: Eileen Farrell
Sent: Friday, March 29, 2019 10:54 AM
To: 'Patrick Duff'
Subject: RE: FW: OPRA request - Emails for Mayor Stephen D Reid.
Attachments: Revised Redaction Log - OPRA 2018-150.pdf; 2ND Revised Response II to OPRA 2018-150.pdf

Mr. Duff,
Attached please find some further re-redacted e-mails and a revised redaction log.
I am hopeful that this will satisfy your request.
Thank you.

Eileen A. Farrell, RMC/CMR
Municipal Clerk & Registrar of Vital Statistics Borough of Point Pleasant Beach
416 New Jersey Avenue
Point Pleasant Beach, NJ 08742
Tel: 732-892-1118 x210
Fax: 732-892-1270

-----Original Message-----

From: Eileen Farrell
Sent: Tuesday, March 12, 2019 3:16 PM
To: 'Patrick Duff' <opra+request-3219-194cb103@requests.opramachine.com>
Subject: RE: FW: OPRA request - Emails for Mayor Stephen D Reid.

Part 3 attached.

-----Original Message-----

From: Eileen Farrell
Sent: Tuesday, March 12, 2019 3:15 PM
To: 'Patrick Duff' <opra+request-3219-194cb103@requests.opramachine.com>
Subject: RE: FW: OPRA request - Emails for Mayor Stephen D Reid.

Part 2 attached.

-----Original Message-----

From: Eileen Farrell
Sent: Tuesday, March 12, 2019 3:14 PM
To: 'Patrick Duff' <opra+request-3219-194cb103@requests.opramachine.com>
Subject: RE: FW: OPRA request - Emails for Mayor Stephen D Reid.

Mr. Duff,
Please see attached revised response to your OPRA request, with un-redacted email addresses of the mayor and other government officials.
There are 2 more e-mails to follow.
Thank you.

Eileen A. Farrell, RMC/CMR
Municipal Clerk & Registrar of Vital Statistics Borough of Point Pleasant Beach
416 New Jersey Avenue
Point Pleasant Beach, NJ 08742
Tel: 732-892-1118 x210
Fax: 732-892-1270

-----Original Message-----

From: Eileen Farrell
Sent: Wednesday, January 16, 2019 1:28 PM
To: 'Patrick Duff' <opra+request-3219-194cb103@requests.opramachine.com>
Subject: RE: FW: OPRA request - Emails for Mayor Stephen D Reid.

Mr. Duff,
Please see attached.
Thank you.

Eileen Farrell, RMC/CMR
Municipal Clerk & Registrar of Vital Statistics Borough of Point Pleasant Beach
416 New Jersey Avenue
Point Pleasant Beach, NJ 08742
Phone: 732-892-1118 x210
Fax: 732-892-1270
E-mail: efarrell@pointbeach.org

-----Original Message-----

From: Patrick Duff [mailto:opra+request-3219-194cb103@requests.opramachine.com]
Sent: Wednesday, January 09, 2019 11:20 AM
To: Eileen Farrell <EFarrell@pointbeach.org>
Subject: Re: FW: OPRA request - Emails for Mayor Stephen D Reid.

Dear Eileen Farrell,

There are three characteristics of an OPRA request that must be met as it pertains to emails. The Sender/receiver, the subject and the day and time must not be redacted. These have dozens of sender/receiver redactions that I am want to give you the chance to correct and send them back to me with no redactions. Please let me know what your city attorney says.

3 characteristics pursuant to Elcavage v. West Milford Township (Passaic), GRC Complaint No. 2009-08 (April 2010): 1. Content and/or subject 2. Specific date or range of dates 3. Sender and/or recipient

Yours sincerely,

Patrick Duff

-----Original Message-----

Part 3 of 3 attached.

This OPRA is now complete.

Please use this UNIQUE email address for all replies to this request and no other:
opra+request-3219-194cb103@requests.opramachine.com

Disclaimer: This message and any reply that you make will be published on the internet. Our privacy and copyright policies:

<https://opramachine.com/help/officers>

View this OPRA request & responses online:

https://opramachine.com/request/emails_for_mayor_stephen_d_reid

Please note that in some cases publication of requests and responses will be delayed.

If you find this service useful as an OPRA custodian, please ask your web manager to link to us from your organisation's website.

Eileen Farrell

From: Eileen Farrell
Sent: Friday, March 29, 2019 12:34 PM
To: Janet Mutter
Subject: FW: PPB adv. Duff adjournment letter
Attachments: PPB adv. Duff adjournment letter.pdf

Janet,
Please file with the lawsuit
Eileen

From: Brian Wilkie (via Google Docs) [mailto:wilkieesq@gmail.com]
Sent: Friday, March 29, 2019 11:40 AM
To: Eileen Farrell <EFarrell@pointbeach.org>
Cc: szabarsky@comcast.net
Subject: PPB adv. Duff adjournment letter

Brian Wilkie has attached the following document:



PPB adv. Duff adjournment letter



See attached adjournment request.

--BKW

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CITTA, HOLZAPFEL & ZABARSKY

A PROFESSIONAL CORPORATION
ATTORNEYS AT LAW
248 WASHINGTON STREET
TOMS RIVER, NEW JERSEY 08753
(732) 349-1600
Fax: (732) 349-0792
-Founded 1934-
www.cittaholzapfelzabarsky.com

JOSEPH A. CITTA
(1934-2009)

JAMES W. HOLZAPFEL
Member NJ & FL Bars

STEVEN A. ZABARSKY

E. DAVID MILLARD
(of Counsel)

ROBERT A. GREITZ
(of Counsel)

BRIAN K. WILKIE

RONALD F. DeLIGNY
(of Counsel)

MATTHEW A. LEAHEY
(1977-2005)

JOHN J. MERCUN
(1976-2015)

March 29, 2019

Hon. Marlene Lynch Ford, AJSC
118 Washington St.
Courtroom 1, 2nd Floor
Toms River, New Jersey 08753

RE: Patrick Duff v. Borough of Point Pleasant Beach; OCN-L-000383-19

Dear Judge Ford,

I am writing to you today in regards to the above-referenced case, currently scheduled for argument on April 2, 2019. Please be advised that a settlement agreement is in the process of being finalized. Accordingly, the Borough of Point Pleasant is respectfully requesting a two-week adjournment in light of the contemplated settlement. Plaintiff's Counsel, CJ Griffin, Esq., has consented to same. Thank you for extending your courtesies. I remain

Respectfully Yours,

Brian K. Wilkie

Brian K. Wilkie, Esq.

CC: CJ Griffin, Esq., *via* email

Eileen Farrell

From: Eileen Farrell
Sent: Monday, April 01, 2019 10:36 AM
To: Janet Mutter
Subject: FW: PPB adv. Duff adjournment letter
Attachments: PPB adv. Duff adjournment letter.pdf

Janet,
Please file with the Duff lawsuit.
Thank you.
Eileen

From: Steven Zabarsky [mailto:szabarsky@comcast.net]
Sent: Friday, March 29, 2019 12:55 PM
To: Christine Riehl <Criehl@pointbeach.org>
Cc: Eileen Farrell <EFarrell@pointbeach.org>
Subject: FW: PPB adv. Duff adjournment letter

Attached please find letter sent to the Court today with regard to the above-referenced matter. Thank you. steven

From: Brian Wilkie (via Google Docs) [mailto:wilkieesq@gmail.com]
Sent: Friday, March 29, 2019 11:40 AM
To: szabarsky@comcast.net
Cc: EFarrell@pointbeach.org
Subject: PPB adv. Duff adjournment letter

Brian Wilkie has attached the following document:



PPB adv. Duff adjournment letter



See attached adjournment request.

--BKW

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(1977-2005)

JOHN J. MERCUN
(1976-2015)

March 29, 2019

Hon. Marlene Lynch Ford, AJSC
118 Washington St.
Courtroom 1, 2nd Floor
Toms River, New Jersey 08753

RE: Patrick Duff v. Borough of Point Pleasant Beach; OCN-L-000383-19

Dear Judge Ford,

I am writing to you today in regards to the above-referenced case, currently scheduled for argument on April 2, 2019. Please be advised that a settlement agreement is in the process of being finalized. Accordingly, the Borough of Point Pleasant is respectfully requesting a two-week adjournment in light of the contemplated settlement. Plaintiff's Counsel, CJ Griffin, Esq., has consented to same. Thank you for extending your courtesies. I remain

Respectfully Yours,

Brian K. Wilkie

Brian K. Wilkie, Esq.

CC: CJ Griffin, Esq., *via* email

Eileen Farrell

From: Eileen Farrell
Sent: Tuesday, April 02, 2019 7:27 PM
To: 'Brian Wilkie'
Subject: RE: Duff v. PBB

Thank you, Brian.

From: Brian Wilkie [mailto:wilkieesq@gmail.com]
Sent: Tuesday, April 02, 2019 4:45 PM
To: Eileen Farrell <EFarrell@pointbeach.org>
Subject: Re: Duff v. PBB

Sorry, I've been in court all day. It looks good to me for release. I'll also send an email to counsel and let her know. Thanks for all your work on this.

—BKW

On Tue, Apr 2, 2019 at 4:28 PM Eileen Farrell <EFarrell@pointbeach.org> wrote:

Brian,

See below. Ok to send the attached, as worded to Mr. Duff?

Eileen

From: Eileen Farrell
Sent: Tuesday, April 02, 2019 10:36 AM
To: 'Brian K. Wilkie, Esq.' <wilkieesq@gmail.com>
Subject: RE: Duff v. PBB

Brian,

Attached is the certification – [REDACTED]
[REDACTED]

Also, the Schuner and NJ TV News emails (unredacted) were provided to Mr. Duff on 3/12 ("Revised Response II to OPRA 2018-150 - 2 of 3" and "Revised Response II to OPRA 2018-150 - 3 of 3"). I will send them again, with that noted.

[REDACTED]

Eileen

From: Brian K. Wilkie, Esq. [mailto:wilkieesq@gmail.com]
Sent: Monday, April 01, 2019 4:45 PM
To: Eileen Farrell <EFarrell@pointbeach.org>
Subject: FW: Duff v. PBB

Eileen,

See the forwarded email below. The first two must've just slipped through the wicker gates; [REDACTED]

[REDACTED]

Regards,
s/ Brian K. Wilkie, Esq.
Associate Attorney
Citta, Holzapfel & Zabarsky
732.349.1600 – Office
609.290.6125 – Cell

From: CJ Griffin
Sent: Monday, April 1, 2019 4:37 PM
To: Brian K. Wilkie Esq. (wilkieesq@gmail.com)
Subject: re: Duff v. PBB

My client said there are still these three emails that were not re-produced.

Re: You won't believe what Senator Schumer did...

Stephen <[REDACTED]>

Fri 02/29/2018 9:02 AM

To: reply@learnaboutsam.org <reply@learnaboutsam.org>;

Cc: Stephen Reid <streid@pointbeach.org>;

Unbelievable!!

Sent from my iPhone

On Jun 29, 2018, at 8:21 AM, SAM Action (Smart Approaches to Marijuana) <reply@learnaboutsam.org> wrote:

NJ TV News - PBS for New Jersey Interview

Eileen Farrell

wed 12/27/2017 4:22 PM

To: Stephen Reid <streid@pointbeach.org>;

Cc: 'Stephen' <[REDACTED]>

Importance: High

Mayor,

Julie Daurio from NJ TV News - PBS for New Jersey called (cell [REDACTED]). She would like to speak with you on camera tomorrow morning, @10:00 or 11:00 at Borough Hall, regarding the marijuana dispensary ordinance. She asked that you

ack.

Eileen

FROM DAVID EVANS TO THE MAYOR AND COUNCIL HERE IS WHAT LEG... - Stephen Reid
FROM DAVID EVANS TO THE MAYOR AND COUNCIL HERE IS WH
LEGALIZED POT LOOKS LIKE

[REDACTED]

Mon 1/1/2016 5:53 AM

To: [REDACTED]; Stephen Reid <sreid@pointbeach.org>; William Mayer <wmayer@pointbeach.org>; Vogel <tvogel@pointbeach.org>; Thomas Migut <tmigut@pointbeach.org>; Robert Santanello <bsantanello@pointbeach.org>; Toohey <ttohey@pointbeach.org>; Andy Cortes <acortes@pointbeach.org>;

1 attachment (1 MB)

KIDS ADS.pptx;

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Brian K. Wilkie, Esq.-- ID#208062017
CITTA, HOLZAPFEL & ZABARSKY
248 Washington Street
Toms River, NJ 08753
(732) 349-1600
(732) 349-0792 facsimile
Attorney for Defendant

PATRICK DUFF,

Plaintiff,

v.

BOROUGH OF POINT PLEASANT
BEACH, and EILEEN FARRELL

Defendants.

SUPERIOR COURT OF NEW JERSEY,
OCEAN VICINAGE

DOCKET NO.: OCN-L-000383-19

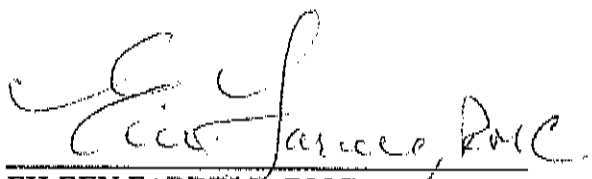
CIVIL ACTION

CERTIFICATION OF EILEEN FARRELL

I, EILEEN FARRELL, RMC, being of full age, being duly sworn, according to law, upon my oath, depose and say:

1. I am a Registered Municipal Clerk in the State of New Jersey, currently employed by the Borough of Point Pleasant Beach in that capacity. I submit this Certification in support of a settlement agreement for the above-referenced case.
2. I am the records custodian for the Borough of Point Pleasant Beach.
3. Plaintiff PATRICK DUFF submitted a request for email documents to the Borough of Point Pleasant Beach, pursuant to and in compliance with the Open Public Records Act.
4. In satisfying this request and complying with the pertinent law, I, Eileen Farrell, RMC, was required to redact a number of email addresses.
5. All of the email addresses redacted were, to the best of my knowledge, private email addresses belonging to private citizens, and were therefore privileged under the current state of the law.

6. I, Eileen Farrell, RMC, certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are wilfully false, I am subject to punishment.

A handwritten signature in cursive script, reading "Eileen Farrell, RMC", written over a horizontal line.

EILEEN FARRELL, RMC

April 2, 2019

Eileen Farrell

From: Eileen Farrell
Sent: Tuesday, April 02, 2019 9:16 PM
To: 'Brian Wilkie'
Subject: RE: Duff v. PBB

Please let me know if you need the original or if the e-mailed signed copy will suffice.

From: Brian Wilkie [mailto:wilkieesq@gmail.com]
Sent: Tuesday, April 02, 2019 4:47 PM
To: Eileen Farrell <EFarrell@pointbeach.org>
Subject: Re: Duff v. PBB

Regarding the certification, I think it's fine as it is. I will address it with counsel. Will advise if any changes need to be made.

—BKW

On Tue, Apr 2, 2019 at 10:36 AM Eileen Farrell <EFarrell@pointbeach.org> wrote:

Brian,

Attached is the certification — [REDACTED]

Also, the Schumer and NJ TV News emails (unredacted) were provided to Mr. Duff on 3/12 ("Revised Response II to OPRA 2018-150 - 2 of 3" and "Revised Response II to OPRA 2018-150 - 3 of 3"). I will send them again, with that noted.

[REDACTED]

Eileen

From: Brian K. Wilkie, Esq. [mailto:wilkieesq@gmail.com]
Sent: Monday, April 01, 2019 4:45 PM

To: Eileen Farrell <EFarrell@pointbeach.org>

Subject: FW: Duff v. PBB

Eileen,

See the forwarded email below. The first two must've just slipped through the wicker gates: [REDACTED]
[REDACTED]

Regards,
s/ Brian K. Wilkie, Esq.
Associate Attorney
Citta, Holzapfel & Zabarsky
732.349.1600 – Office
609.290.6125 – Cell

From: CJ Griffin

Sent: Monday, April 1, 2019 4:37 PM

To: Brian K. Wilkie Esq. (wilkieesq@gmail.com)

Subject: re: Duff v. PBB

My client said there are still these three emails that were not re-produced.

Eileen Farrell

From: Eileen Farrell
Sent: Tuesday, April 02, 2019 9:21 PM
To: Patrick Duff
Subject: RE: FW: OPRA request - Emails for Mayor Stephen D Reid.
Attachments: 3RD Response II to OPRA 2018-150.pdf

Mr. Duff,
Please see attached.
Thank you.

Eileen A. Farrell, RMC/CMR
Municipal Clerk & Registrar of Vital Statistics Borough of Point Pleasant Beach
416 New Jersey Avenue
Point Pleasant Beach, NJ 08742
Tel: 732-892-1118 x210
Fax: 732-892-1270

-----Original Message-----

From: Eileen Farrell
Sent: Friday, March 29, 2019 10:54 AM
To: 'Patrick Duff' <opra+request-3219-194cb103@requests.opramachine.com>
Subject: RE: FW: OPRA request - Emails for Mayor Stephen D Reid.

Mr. Duff,
Attached please find some further re-redacted e-mails and a revised redaction log.
I am hopeful that this will satisfy your request.
Thank you.

Eileen A. Farrell, RMC/CMR
Municipal Clerk & Registrar of Vital Statistics Borough of Point Pleasant Beach
416 New Jersey Avenue
Point Pleasant Beach, NJ 08742
Tel: 732-892-1118 x210
Fax: 732-892-1270

-----Original Message-----

From: Eileen Farrell
Sent: Tuesday, March 12, 2019 3:16 PM
To: 'Patrick Duff' <opra+request-3219-194cb103@requests.opramachine.com>
Subject: RE: FW: OPRA request - Emails for Mayor Stephen D Reid.

Part 3 attached.

-----Original Message-----

From: Eileen Farrell
Sent: Tuesday, March 12, 2019 3:15 PM
To: 'Patrick Duff' <opra+request-3219-194cb103@requests.opramachine.com>
Subject: RE: FW: OPRA request - Emails for Mayor Stephen D Reid.

Part 2 attached.

-----Original Message-----

From: Eileen Farrell
Sent: Tuesday, March 12, 2019 3:14 PM
To: 'Patrick Duff' <opra+request-3219-194cb103@requests.opramachine.com>
Subject: RE: FW: OPRA request - Emails for Mayor Stephen D Reid.

Mr. Duff,
Please see attached revised response to your OPRA request, with un-redacted email addresses of the mayor and other government officials.
There are 2 more e-mails to follow.
Thank you.

Eileen A. Farrell, RMC/CMR
Municipal Clerk & Registrar of Vital Statistics Borough of Point Pleasant Beach
416 New Jersey Avenue
Point Pleasant Beach, NJ 08742
Tel: 732-892-1118 x210
Fax: 732-892-1270

-----Original Message-----

From: Eileen Farrell
Sent: Wednesday, January 16, 2019 1:28 PM
To: 'Patrick Duff' <opra+request-3219-194cb103@requests.opramachine.com>
Subject: RE: FW: OPRA request - Emails for Mayor Stephen D Reid.

Mr. Duff,
Please see attached.
Thank you.

Eileen Farrell, RMC/CMR
Municipal Clerk & Registrar of Vital Statistics Borough of Point Pleasant Beach
416 New Jersey Avenue
Point Pleasant Beach, NJ 08742
Phone: 732-892-1118 x210
Fax: 732-892-1270
E-mail: efarrell@pointbeach.org

-----Original Message-----

From: Patrick Duff [mailto:opra+request-3219-194cb103@requests.opramachine.com]
Sent: Wednesday, January 09, 2019 11:20 AM
To: Eileen Farrell <EFarrell@pointbeach.org>
Subject: Re: FW: OPRA request - Emails for Mayor Stephen D Reid.

Dear Eileen Farrell,

There are three characteristics of an OPRA request that must be met as it pertains to emails. The Sender/receiver, the subject and the day and time must not be redacted. These have dozens of sender/receiver redactions that I am want to give you the chance to correct and send them back to me with no redactions. Please let me know what your city attorney says.

3 characteristics pursuant to Elcavage v. West Milford Township (Passaic), GRC Complaint No. 2009-08 (April 2010): 1. Content and/or subject 2. Specific date or range of dates 3. Sender and/or recipient

Yours sincerely,

Patrick Duff

-----Original Message-----

Part 3 of 3 attached.
This OPRA is now complete.

Please use this UNIQUE email address for all replies to this request and no other:
opra+request-3219-194cb103@requests.opramachine.com

Disclaimer: This message and any reply that you make will be published on the internet. Our privacy and copyright policies:
<https://opramachine.com/help/officers>

View this OPRA request & responses online:
https://opramachine.com/request/emails_for_mayor_stephen_d_reid

Please note that in some cases publication of requests and responses will be delayed.

If you find this service useful as an OPRA custodian, please ask your web manager to link to us from your organisation's website.

BOROUGH OF POINT PLEASANT BEACH

416 New Jersey Avenue
POINT PLEASANT BEACH, NJ 08742

MAYOR:
STEPHEN D. REID
(732) 892-1118 EXT. 211

MUNICIPAL CLERK:
Eileen Farrell
(732) 892-1118, Ext. 210
efarrell@pointbeach.org
Fax: (732) 892-1270



COUNCIL PRESIDENT:
Thomas Vogel

COUNCIL MEMBERS:
Andy Cortes
Paul M. Kantra
Thomas H. Migut
Robert A. Santanello
Thomas Toohy

April 2, 2019

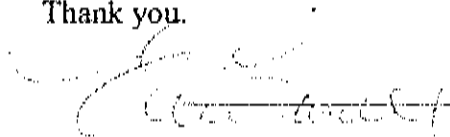
Mr. Patrick Duff
opra+request-3219-194cb103@requests.opramachine.com

Dear Mr. Duff,

Please see attached e-mails, #25 and #43 from original redaction log, with e-mail addresses un-redacted. These e-mails were provided to you, with the un-redacted e-mail addresses on March 12, 2019 in the documents named "Revised Response II to OPRA 2018-150 - 2 of 3" and "Revised Response II to OPRA 2018-150 - 3 of 3."

Attached e-mail #10, from the original and revised redaction logs, was provided to you, with phone number un-redacted, on March 29, 2019 in the document named "2ND Revised Response II to OPRA 2018-150. The remaining three redactions are the same private e-mail address, with no name attached to any of the three.

Thank you.


Eileen A. Farrell, RMC
Municipal Clerk

Attachments

Re: You won't believe what Senator Schumer did... - Stephen Reid

Page 1 of 3

Re: You won't believe what Senator Schumer did...

Stephen <sreidassoc@yahoo.com>

Fri 6/29/2018 9:29 AM

To: reply@learnaboutsam.org <reply@learnaboutsam.org>;

Cc: Stephen Reid <sreid@pointbeach.org>;

Unbelievable!!

Sent from my iPhone

On Jun 29, 2018, at 8:31 AM, SAM Action (Smart Approaches to Marijuana) <reply@learnaboutsam.org> wrote:

Dear Friend,

As you might have seen, New York Senator Chuck Schumer introduced a bill on Wednesday that would remove marijuana from the Controlled Substances Act... essentially legalizing it at the federal level.

This bill would make it legal to manufacture and sell 99% pure THC extracts, candies, gummies, and other edibles. What's worse, because the U.S. Department of Transportation derives its drug testing regulations from the Controlled Substance Act, the bill would essentially end the ability to perform random drug tests for marijuana for DOT licensees, including pilots and truck drivers.

Another shocking takeaway from this bill: it removes the ability of the National Forest system to police highly dangerous

3/11/2019

National Forests with pesticides and illegal water diversion and are also connected to foreign cartels.

By all accounts, Senator Schumer and his staff were so excited to start getting checks from the marijuana industry, they slapped together a half-baked proposal without giving a single thought to the potential damages.

It is one thing when junior level senators and representatives introduce bills, but it is an entirely different scenario when the Senate Minority Leader introduces a bill that is such a blatant giveaway to Big Marijuana.

Friend, this is what we are up against.

The pot industry is showering lawmakers with money and gaining influence, but this fight is far from over. As evidenced by the many victories our supporters have been able to accomplish at both the state and federal level this year, we know we can stop this train.

If you can, please [click here to chip in with a donation](#) to SAM Action to help us mobilize.

If we are going to win the struggle for public health, it is going to take small sacrifices from advocates who believe in the cause, and I am thankful to be in the trenches everyday with all of you.

Thank you for all that you do.

Dr. Kevin Sabet
Founder and President
Smart Approaches to Marijuana Action

About SAM Action

SAM Action is a non-profit, 501(c)(4) social welfare organization dedicated to promoting healthy marijuana policies that do not involve legalizing drugs. SAM Action engages in high-impact political campaigns to oppose marijuana legalization and commercialization. Under the IRS code, political activity cannot be deducted for tax purposes. Your contribution will be used for maximum impact, but is not tax-deductible as a charitable contribution (IRC § 170) or business expense (IRC § 162 (e)(1)).

www.samaction.org

SAM (Smart Approaches to Marijuana), 400 N. Columbus Street,
Suite 202, Alexandria, VA 22314

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Sent by csaid@joinreach.org in collaboration with:

Constant Contact

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NJ TV News - PBS for New Jersey Interview

Eileen Farrell

Wed 12/27/2017 4:22 PM

To: Stephen Reid <sreid@pointbeach.org>;

Cc: 'Stephen' <sreidassoc@yahoo.com>;

Importance: High

Mayor,

Julie Daurio from NJ TV News - PBS for New Jersey called (cell: [REDACTED]). She would like to speak with you on camera tomorrow morning, @10:00 or 11:00 at Borough Hall, regarding the marijuana dispensary ordinance. She asked that you call her back.

Eileen

3/11/2019

FROM DAVID EVANS TO THE MAYOR AND COUNCIL HERE IS WHAT LEGALIZED POT LOOKS LIKE

[REDACTED]

Mon 1/1/2018 5:53 AM

To: [REDACTED]; Stephen Reid <sreid@pointbeach.org>; William Mayer <wmayer@pointbeach.org>; Thomas Vogel <tvogel@pointbeach.org>; Thomas Migut <tmigut@pointbeach.org>; Robert Santanella <bsantanella@pointbeach.org>; Thomas Toohey <ttoohey@pointbeach.org>; Andy Cortes <acortes@pointbeach.org>;

1 attachment (1 MB)

KIDS ADS.pptx

Mayor Reid and the Council

The marijuana industry is following the play book of the tobacco industry in trying to get our kids addicted. They market to young people with potent edibles such as cookies, candies, "gummie bears," sodas, brownies and ice cream. Their advertising uses cartoon characters and Santa Claus and images from popular kids' movies. See the enclosed examples from states that have legalized marijuana.

Would you want the kids in your town to be exposed to these ads?

Please keep speaking out about this.

Thank you.

Dave Evans
908-963-0254

1

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MARKETPLACE

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PURCHASE OVER \$20

608 9TH AVENUE
LONGMONT, CO
303.682.8876

AT&T

8:15 AM

thecannabist.co

The Cannabist

MENU

THREE
BUDDS

10% OFF PURCHASE SET
COMES WITH YOU BRING YOUR
FRIENDS AND FAMILY

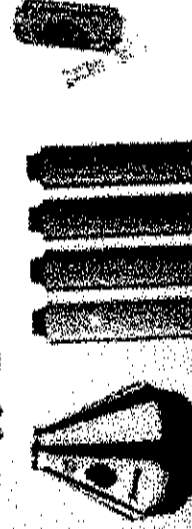


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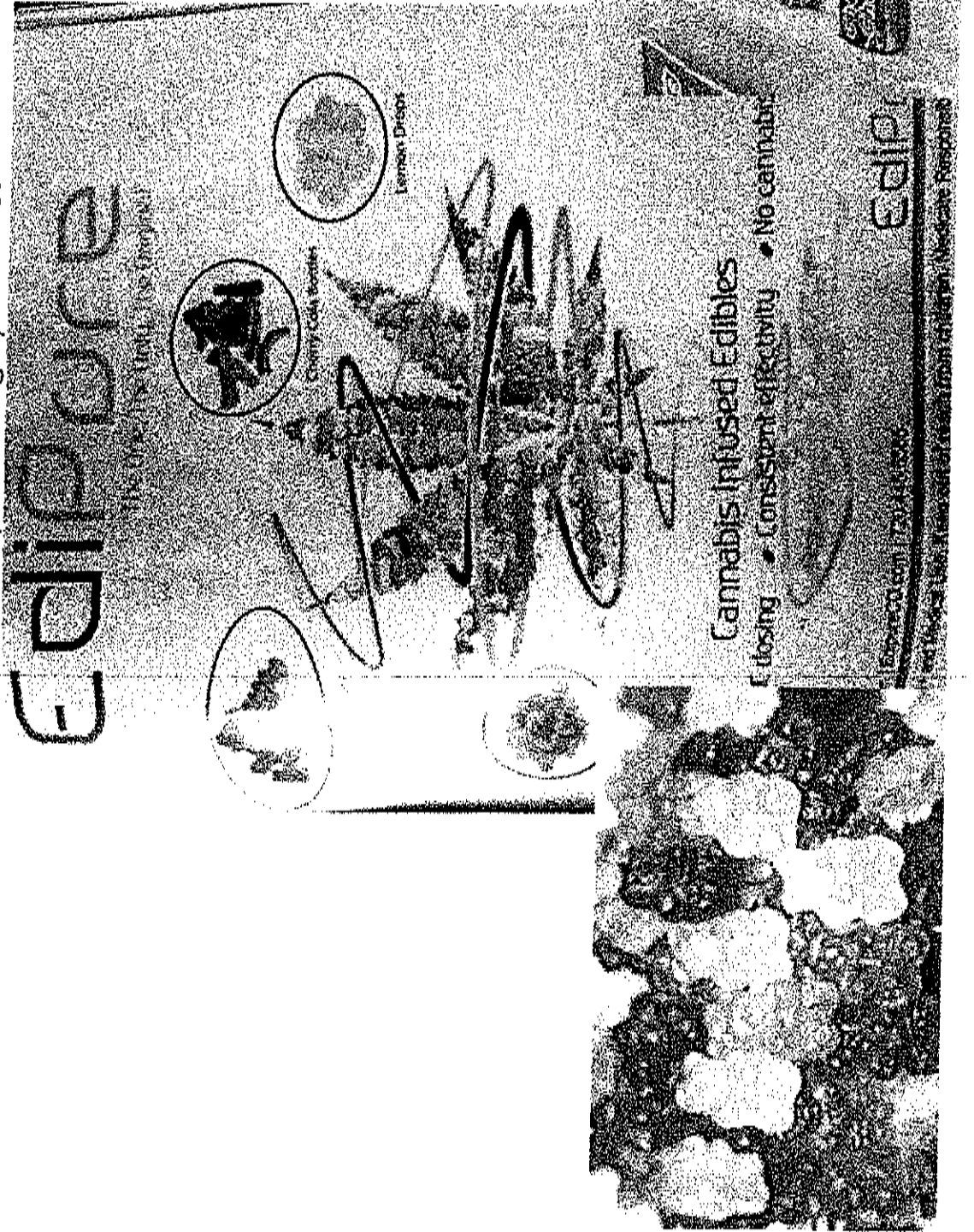
WWW.MEDICAL.COM

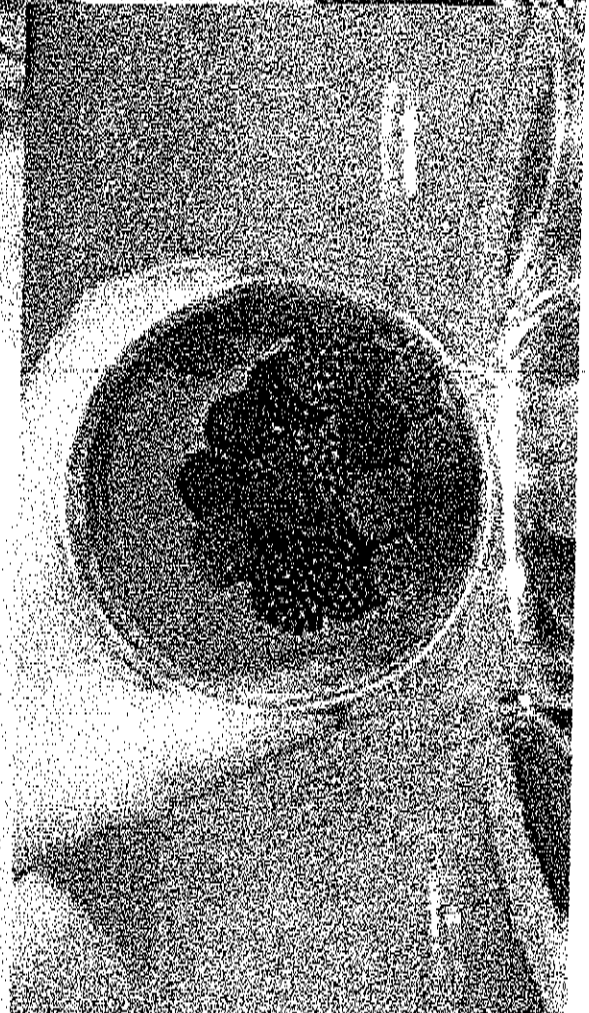
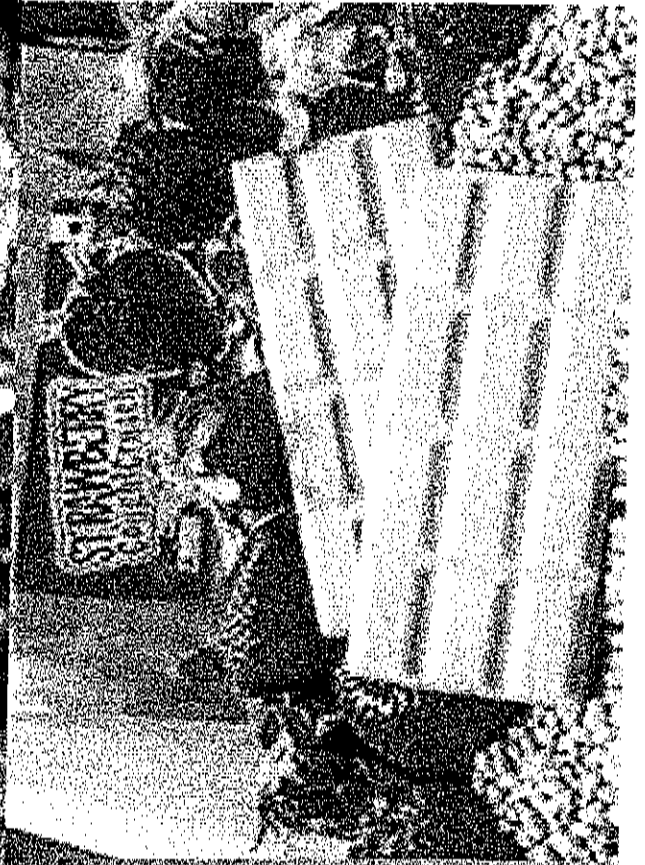
f t u

BUDS JOINTS BLUNTS MT. MED

\$10 each \$250

In a report published in the Journal of the American Medical Association last month, Andrew Monte, MD; Richard Zane, MD; and Kennon Heard, MD, pointed to edible marijuana as the culprit behind the most troubling cases arriving at the UCH and Children's Hospital Colorado emergency departments, including severe burns and cycling vomiting syndrome.







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THE CLEAR



Point Pleasant Beach Council Closed Session
April 16, 2019

Closed Session began at 7:26PM and ended at @7:44PM.

Present: Mayor Reid, Councilmen Cortes, Kanitra, Toohey & Migut, Attorney Zabarsky, BA/CFO Riehl, Clerk Farrell (Councilman Vogel arrived at 7:33PM). Councilman Santanello was absent.

- I) Litigation (Duff vs. PPB) – Attorney Zabarsky: regarding OPRA'd emails – all have gone out through the Clerk's office – [REDACTED] – spoke to C.J. Griffin (Duff's attorney) to resolve – looking for counsel fees of \$4K (her bill is \$10K) – [REDACTED] (Councilman Kanitra: didn't get what they wanted prior to filing suit – a deeper issue – email addresses of public officials from other towns were redacted; Clerk Farrell: disagreed; [REDACTED]) OPRA pendulum has swing pretty far (Councilman Kanitra: asked if Council can review OPRA requests for that time period) yes (Councilman Vogel: have always followed advice of legal Counsel) all agreed to vote on settlement. "Authorization to settle outstanding litigation with regard to Duff vs. PPB" to be added to agenda.
- II) Litigation (PPB vs. Van Schoick) – Attorney Zabarsky: Van Schoick appealed award– Attorney Riordan received an offer to settle for \$10K under the appeal – recommended trying to settle – commission's award was \$6,300 – can settle for \$700 on top of that. "Authorization to settle outstanding litigation with regard to PPB vs. Van Schoick" to be added to agenda.

ATTEST: _____

Eileen A. Farrell, RMC
Municipal Clerk

**Borough of Point Pleasant Beach
Council Meeting Minutes
April 16, 2019**

Councilman Toohey called the meeting to order at 6:38PM. Present were Councilmen Cortes, Kanitra, Toohey and Migut. Mayor Reid arrived at approximately 6:45PM. Councilmen Vogel and Santanello were absent. The Municipal Clerk read the notice indicating compliance with the Open Public Meetings Act: "Adequate notice of the time and place of this meeting was given under the provisions of the Open Public Meetings Act and was posted and sent to the officially designated newspapers in compliance with the law."

Flag Salute & Invocation

CAUCUS: Update on Dunes Project

Councilman Toohey: introduced Engineer Savacool who explained the beach fill project and fielded questions from residents/oceanfront homeowners – the project is being constructed by Weeks Marine under a contract with the Army Corps of Engineers (ACOE) – NJDEP is the local sponsor – goes from PPB to Island Beach State Park (IBSP) - pumping 460,000 cubic yards of sand onto the beach in PPB to construct a beach berm and beach dune – dune will be 22' in elevation at southern end, transitioning to 18' in elevation from New Jersey to Trenton Aves. – landing is down, adjacent to Makin Ave. – pumping north over the next 3 days to Trenton Ave. – will then turn around and pump south to the recently-expanded outfall, to be completed by about April 27, pending weather delays – around May 1, will pump north to finish PPB and the northern reach of Bay Head – dune is formed after sand is pumped – Weeks Marine's subcontractor will construct public dune walkovers within 14 days thereafter – a moving 1,000' construction limit – security guards will be in place – can walk over the pipe if not within the limits of construction – started April 8th – expect completion by May 1, pending expected weather delays – 138,000 yards were placed as of this morning – walkways are to be constructed within 14 days of constructing the dune in front of the street end – Washington Ave. walkover should be constructed and accessible within 14 days of today – when Maryland Ave. is closed during the beach fill, will have 14 days to construct the handicap-accessible dune walkover there – all should be done by Memorial Day weekend – every street end has a 10-wide dune walkover running down to grade, up the dune, with a viewing platform on top of the dune area, east to the beach berm area – walkovers are constructed of I-5 material (like packed stone – can ride a bicycle on it) – handicap ramps will be constructed at Forman and Maryland Aves. – will be a couple of vehicular crossings – but every street end gets a dune crossover/public access point – once dune work is complete, property owners can construct private dune crossovers within DEP regulations – during beach fill operation, there is seismic monitoring installed every 500' at the contractor work limit line (CWL) – contractor can't go farther west than there) – dune is graded on a 1 on 5 slope to get to the top of the elevation – dune crest 25'-wide and slopes down 5 to 1 to the beach berm, which is constructed at an elevation, and graded out into the ocean – lifeguard shed will remain at Maryland Ave. (BA/CFO Riehl: port a john will be there and showers reattached) can't construct a handicap ramp on dunes – starts at the end of the Maryland Ave. roadway, where the steps used to be – beach fill is done by cutter dredging – sand is picked up from a sampled and permitted pit, the ship hooks up on the buoy, pumps it to shore and goes back for more – as the beach is filled, the pipe is extended – currently, the pipe is continuing to extend north and sand is

being pushed north – at Trenton Ave., the limit of the dune, the pipe is taken apart and flipped to go south – public access at Carter Ave./Beacon Beach will be reconstructed – other than that, all public access will be at street ends – parking on Maryland Ave. will remain the same (1 Maryland Ave. resident complained that trucks park in her driveway and that the shed doesn't leave room to pull out of that driveway; Mayor Reid: when the time comes, will talk to Aqua Serve and make it work) – a letter went to residents to remove any improvements within the CWL or the contractor is required to remove them and put them in the dumpster – supposed to mobilize today or tomorrow to sift sand down to 2' in the work zone to ensure nothing is left behind and all material removed or, if it is clean I-5 material, buried in the dune (Councilman Kanitra: outfall pipe is unsightly and industrial-looking with bolts coming out and is probably unsafe – lot of the sand covering it will be washed with wave action toward the Inlet – concerned that there is no plan for a jetty or wood structure surrounding it to make it safer or less unsightly – some screws are being capped with metal and some are cut down – asked if something can be done with the County to make it aesthetically pleasing, more functional, safer and delineated – as sand disappears, the outfall will be exposed – when people are running and swimming near it, somebody's foot could get caught underneath) County maintains the outfall – in cooperating with DEP, decided to extend it with aluminum guard – doesn't know how to make it more aesthetically pleasing (Councilman Kanitra: asked about pilings) wouldn't recommend a bulkhead, which would halt movement of sand – idea of the pipe is to allow movement of sand along the shore past that pipe – all but the last couple lengths of pipe will be covered with sand in the initial beach fill – discharge is now out in the water – to some degree, it will function like a jetty – cofferdam was built in excess of the pipe length (Councilman Kanitra: asked how far out the pipe will be exposed where water hits the end of the new beach) pipe will be exposed at the last 50' – invert elevation of the pipe, 1.28, which is not quite below tide – almost 8' of sand on top of most of the pipe length – better than the pill box that was originally there – beach will be maintained and regulated the same as it is now – if a badge is needed to get onto Elizabeth Carter Beach now, it will still be needed – not hear to argue about beach easements and rights of access – the project is under construction – he had nothing to do with that and can't help with anything in that regard – Sea Beach Amaranth has shifted the emergency vehicle access point from New York Ave. to Philadelphia Ave. – access to the beach is up and over the dunes (Mayor Reid: it will be harder sand) per Kelly Staffieri at DEP, it's advantageous for private homeowners install their walkway where they want, so the fence will be broken there and the walkway won't be blocked and grass won't be planted there – will be about 250' from the toe of the dune to low water (Mayor Reid: asked about the width of the beach) about the same usable amount of beach but with the addition of a dune – could potentially be a gap between the old and new dunes (Mayor Reid: doesn't seem right – would think they would bring them together) in order for Weeks Marine to get paid, before they start pumping, they take transects and get approved with initial condition – most machines have GPS, so it's almost self-grading – then they take another transect to prove out how much sand they take and they get a quantity for payment (Mayor Reid: have to close this discussion, but likes what is going on – should do this again at the next Council meeting; Councilman Cortes: described how Seaside Height's walkways look and function – wide, sloping ramps – can see water if standing on the Boardwalk – bit of a dip off the Boardwalk, but it rises and traverses back for handicap) will be no handicap access on New York or Philadelphia Aves. – normal ramp is 1 on 5 or less – ACOE is committed to 50-year maintenance cycle – Federal Government is on the hook for the next 50 years to help maintain the project – dune elevation at 18' has a berm elevation of 11.5 – dune elevation at 22' feet has a berm elevation of 8.5 – varies along the beach (Mayor Reid closed the presentation; Engineer Savacool left his business cards and invited all to call him with questions).

The Municipal Clerk read the Resolution for Executive Session: "Whereas, Section 8 of the Open Public Meetings Act permits the exclusion of the public from a meeting in certain circumstances; and whereas, this governing body is of the opinion that such circumstances presently exist, now, therefore, be it resolved by the Mayor and Council of the Borough of Point Pleasant Beach, County of Ocean and State of NJ, as follows: the public shall be excluded from discussions concerning the hereinafter specified subject matter; the general nature of the subject matter discussed is as follows: two litigation matters (Duff vs. PPB and PPB vs. Van Schoick). It is anticipated that the subject matter discussed may be made public upon its conclusion or final disposition." Motion by Councilman Toohey to enter Executive Session was seconded by Councilman Kanitra and carried by consent of Council. The Governing Body reserves its right to amend and supplement the purposes of executive session by motion at the public meeting.

CLOSED SESSION BEGAN AT 7:26PM AND ENDED AT @7:44PM.

Mayor Reid called the meeting to order at 7:46PM. Present were Councilmen Vogel, Cortes, Kanitra, and Migut. Councilman Toohey arrived after the vote on the April 2nd minutes. Councilman Santanello was absent. The Municipal Clerk read the notice indicating compliance with the Open Public Meetings Act: "Adequate notice of the time and place of this meeting was given under the provisions of the Open Public Meetings Act and was posted and sent to the officially designated newspapers in compliance with the law."

Flag Salute & Invocation

Motion by Councilman Migut to approve the April 2, 2019 Council meeting minutes was seconded by Councilman Kanitra and carried by roll call vote.

VOTE: Councilmen Vogel, Cortes, Kanitra, Migut....YEA

Councilmen Toohey and Santanello....ABSENT

PROCLAMATIONS:

Mayor Reid presented a proclamation to the Point Pleasant Beach & Manasquan High Schools Cooperative 2019 Boys Varsity Swim Team and thanked Superintendent and Mrs. Smith for coming (Councilman Toohey: to place in the Shore Conference or Monmouth County events, is incredible).

Mayor Reid presented a proclamation to representatives of Ocean Fire Company No. 1, Point Pleasant Beach Fire Company No. 2 and the Point Pleasant Beach First Aid & Emergency Squad, in recognition of National Volunteer Week – also recognized Councilmen Vogel and Migut, as they are also firemen.

Mayor Reid presented a proclamation to Patricia Sullivan of the Woman's Club of Point Pleasant, in recognition of 2019 Child Abuse Prevention Month (Patricia Sullivan: noted the pinwheels around town to raise awareness, especially on this anniversary of Columbine).

Mayor Reid presented a proclamation to Sabrina Fioretti, in recognition of National Donate Life Month (Sabrina Fioretti: encouraged all to check the driver's license box or register on the New Jersey Sharing Network web site as organ donors because it can save so many lives – currently, 3 people in Point Pleasant and PPB are waiting for a life-saving transplant, as well as people in Brick, Brielle and Manasquan).

The Municipal Clerk added items to the agenda.

DISCUSSION: Historic Properties

Councilman Kanitra: introduced Greg Cox to address historic properties in PPB – lot of business and building owners are in attendance – PPB's Master Plan is not much of a guiding document, as it is not referenced regularly and doesn't give a cohesive vision – a vibrant downtown with character is extremely important for residents and business owners – brings more shoppers, tourists, increased property values and a livelier experience for residents – Council took great strides recently, starting the PPB Arts Committee and providing more programming for residents – asked Mr. Cox to discuss how to preserve town character and incentivize business and building owners to restore hidden character in buildings, like what's behind the Ocean First Bank and Bank of America facades, to their former glory and use them in a way conducive to an overall aesthetic – there are fewer and fewer of these buildings – takes a ton of work to do something like Mr. Bezerra did with the hardware store, which gives the town character – by allowing any type of building to go up or down can be a detriment to the businesses, the residents and town's history – once certain buildings are gone, they are gone forever – suggested a move towards a historic downtown in the 2020 Master Plan – asked Mr. Cox to explain some options and what other towns are doing.

Mayor Reid: Governing Body worked with Mr. Cox a few years ago to come up with an inventory of houses and buildings of a certain age.

Greg Cox Historic Preservation Commission: Commission was formed in 2003 – since then, been listing historically-significant properties – 45 have been recognized by Council – are in various stages of preservation or restoration – lot of buildings have been covered with vinyl siding, which is protecting history if the underlying detail hasn't been taken away – don't have an ordinance stating what is allowed to be done to a building that has been recognized as historically significant – two 1875 Victorians on Arnold Ave., which have been successfully restored without interference were in jeopardy of being knocked down because of a project that was approved, but never built – Mr. Bezerra did the right thing by restoring the hardware store facade, a key building in town – no one would want to see the Coast Guard Station knocked down – town has a tremendous wealth of history – one of the Mayor's key points, with rocking chairs on the Boardwalk – sees other towns make it very difficult and punishing for people with historic buildings – need to give people a reason to do the right thing – a great opportunity is when commercial and residential projects come before the board – parking variances, for example, can be given if an applicant doesn't knock down a historic building and makes it look nice – don't want to see holes in PPB's history – is poignant that the roof was just burned off Notre Dame Cathedral – nobody is talking about taking that down – every little piece of history that disappears is gone for good – wants future generations to benefit from the beauty of PPB – idea is not to be punitive, but encouraging – every town crafts a historic ordinance in their own way – was discussed, but not implemented, during the last Master Plan review – Commission's duties include inventory and working with the Planning Board and Master Plan to come up with something that works for the property owner and PPB – need to get the ball rolling

(Mayor Reid: doesn't want to be laying down laws and rules that hinder property owners) Commission can provide maintenance and cost-friendly construction options (Mayor Reid: respects Mr. Cox, but is concerned about creating another layer of government or loophole – Planning and Zoning Boards do a great job) they do and they also need to know what buildings are of historic significance (Councilman Cortes: asked if it applies to only the outside façade) it depends how the ordinance is written – overwhelming direction in preservation is the exterior because that's what people see – buildings are being repurposed on the inside, while still looking correct on the outside – his office was Ocean County's first stand-alone firehouse – they re-did the outside but turned it into an office building – you don't buy an antique building to tear it apart – without being overbearing and creating layers of government, need to put the word out that we care about these buildings because of the way they shape PPB – buildings like Ridsen's South and Ridsen's North used to be up and down the coast – there are a handful left and 2 of them are in PPB – PPB led by example by restoring Ridsen's South after Sandy – there was a lot of talk about tearing it down (Councilman Kanitra: need a vision or plan with teeth or PPB will be a hodgepodge of building up and knocking down of buildings – Planning and Zoning are restrained by the types of ordinances they have to work with – Mayor referenced that adding anything to do with historic preservation would be adding another layer of government, but those layers are already in place – would just be looking to incentivize maintaining PPB's character and history – Mr. Dolan, owner of the former McLaughlin's Building, is here – it was fairly easy for him to put in apartments, but he developed a soft spot for the old Arnold Hall Theater, a huge part of PPB's history – every type of vibrant downtown has a theater or history component – Mr. Dolan wants to refurbish Arnold Hall and is running into variance issues – would be nice to put something in place to incentivize people who want to maintain history and bring in something that will benefit residents and businesses – if people have a theater to go to, they will spend more in the restaurants and frequent the shops more after hours – Attorney Zabarsky researched other towns – some, like Ocean Grove, are super restrictive – majority of downtowns have Historic Preservation districts (Attorney Zabarsky: according to the State and Municipal Land Use Law, it starts with the Master Plan, which the Planning Board is obligated to adopt, to state the objective, policies and standards of development, and to have a land use element – the rest of the Plan is discretionary – it can have a Historic Preservation Plan element, indicating location and significance of historic sites, identifying standards and analyzing the impact of those standards – can then adopt a zoning ordinance which would designate historic building, structures or districts, pursuant to the Master Plan Preservation element; Councilman Kanitra: can be very hands-off, but encouraging; Attorney Zabarsky: it is up to the Governing Body and their legislative power to decide how they want to develop a Historic District or Site and what type of elements to put in the zoning ordinance – he referenced the Tinton Falls ordinance, which can be fairly burdensome) other towns have a historic piece to the Master Plan but they don't have Commissions – need everything to work together – should PPB be lucky enough to get the Coast Guard Station, a Historic Preservation ordinance will allow for grant applications to maintain it – problem arise when the Commission, the Building Department and the Planning Board don't talk to one another – ordinance can be viewed as a way to expedite approvals – need give and take (Councilman Vogel: asked what happens when there are conflicts, like with residential flooding regulations) there are different levels of historic buildings – National Register, State Register, local level – buildings deemed historic are exempted from flood regulations and get benefits for flood insurance – there are a lot of good Federal reasons to do this and it's a way to keep people doing the right thing (Councilman Toohey stepped out briefly 8:23PM; Councilman Vogel: asked what happens if someone buys a structure and then finds there are issues and what they are permitted to do doesn't work) need to know

structural concerns prior to purchasing a building – there usually are issues (Councilman Cortes: asked how many of the 45 recognized structures are residential and how many are commercial) can get back to him with the count – Monmouth & Ocean County Freeholders funded a study in the 1980's to see what was left and of value – that's what they used as a guideline to identify those 45 properties – one of the reasons the Commission was formed was that the Arnold House was taken down in the Boro and there was a huge outcry, but it was too late (Mayor Reid: this meeting came from a response involving the Gotlieb Building – invited the owner, Joseph Carannate, to speak).

Joseph Carannate, PPB/owner of Cara Realtors: building restrictions stop investments, kill the downtown and stop new businesses from coming in – when he opened 20 years ago, every other store had a sign for rent – no longer the case – finally have great restaurants with a great vibe – his building is structurally unsound (Councilman Kanitra: doesn't question that – understands that his plans to replace that building require a multitude of variances) not a multitude (Councilman Kanitra: his understanding is that asking for variances is asking to change the rules that come with a property – asked if he would like to be incentivized to do something with the facade if he wasn't able to get those variances and how the town could make it financially viable or him to restore the building) if there was a historical building ordinance, he would never have bought it – the variance he is asking for is parking – one that almost all other Arnold Ave. buildings have – developers will not develop in a town with historic restrictions – he loves the downtown – it's a great vibe – agrees that some buildings are beautiful – asked who is to say his will not be – should leave it up to the property owner (Councilman Kanitra: clarified his viewpoint that business owners and investors should be able to buy any property downtown, regardless of historic significance, and do whatever they want with it) whatever is in the Master Plan (Councilman Kanitra: and the Master Plan having no preservation for any historic properties whatsoever) yes and PPB will continue to thrive.

Edward R. McGlynn, Attorney & President of McStorman Real Estate Development: purchased properties when downtown was not what it is today – made significant improvements – if there was a historic ordinance, wouldn't have been able to do what they did with Abramowitz building on Bay and Arnold Aves. and wouldn't have purchased it if required to comply with historical type regulations – not to say that there shouldn't be something in the ordinances which takes that into consideration – downtown investments have been done in a positive manner (Councilman Kanitra: not talking about being restrictive but options to incentivize) 25% of developer costs in downtown PPB are soft costs – to put something in the Master Plan is fine, but a separate government layer to determine the historic nature of the property will stymie development – they had a contract on the Gotlieb Building – an engineering study disclosed that to do it in a historical fashion, would cost double what it would to take it down and build something different – they didn't buy it – Mr. Carannate did – downtown is good now – not yet thriving, as there are still vacancies and no list of people who want the properties – opposed to another level of government (Councilman Kanitra: on the same page in terms of restrictiveness – just looking at how to incentivize; Mayor Reid: when developer or homeowner is told to see a commission, it adds soft costs, which is restrictive – development is restrictive as it is and it is tough to get approvals in PPB – Boards do a great job and PPB has a great lawyer – going in the right direction).

John Bezerra, PPB: mixed feelings – believes in preserving history – but must be careful about how extreme to get – would be upset if he was in Mr. Carannate's shoes, if he purchased a building with a plan and an ordinance was formed to stop it – should be a long discussion – has seen buildings dating back to the 12th Century, where municipalities have a very extreme way of preserving them – in many cases, because preservation costs so much, owners abandon the buildings and they come down on their own – important to work with building owners through incentivizing,

but there must be middle ground – doesn't know that a proposed ordinance should affect Mr. Carannate's building, as he just bought it – nothing wrong with him building a façade similar to what is there, but having to spend twice as much is detrimental – everyone is trying to do the right thing – should be an ongoing conversation – wasn't easy for him to restore the hardware store – cost a lot at the height of the recession – thought it was an integral part of PPB and bit the bullet (Councilman Kanitra: should be commended) tough place to be in – need to think about it and talk with business owners (Councilman Vogel: there is no ordinance to be added to agenda – maybe Historic Preservation Commission should set up a meeting to get the stakeholders involved; Councilman Kanitra: suggested a working group to get input from businesses and community; Councilman Vogel: Mr. Cox can have a conversation with his neighbors and let the stakeholders talk about it).

Scott Dolan, PPB/owner 637 Arnold (Arnold Hall): an advocate of free market economy and property rights – a new ordinance will make it harder for historical properties – existing ordinances make it hard to do what he is doing – the variance is the vehicle that is already in place – maybe add the Historical Society to the list of requirements to get a variance – adding another law and more costs makes it more discouraging – on the other side, there are people who are interested because a building is historical – they don't want to buy a big box – people want the character – doesn't think historical properties will lose value (Mayor Reid: asked how his project is coming along) a lot of structural issues – major challenge – found ticket stubs from 1910, playbills from 1912, paper bottle caps from different farms – in 1921, Arnold, Riden and Chadwick signed their names to the wall – they pre-date Ocean County – it's got a lot of character – will be good for the town to make it what it was, but current legislation makes it tough – additional legislation will make it harder – Historical Society will want to control the property and the land – could be a double edge sword.

Vince Castin, PPB: ambiguous – asked who decides what is historical and the criteria – businesses should be allowed to construct as they see fit (Mayor Reid: loves historical things – can tell by his car – has an 1865 one-room school house in Bucks County, PA – registered as a historic building, but he can do what he wants with it – that is very important, as upkeep is expensive).

COMMITTEE REPORTS:

Councilman Vogel: Chamber Easter Parade is Sunday at 1PM – met with ZO Petrillo about ongoing issues – asked for Council feedback on driveway delineation and parking – can require more permanent barriers and consider performance bonds for non-Building Code requirements with regard to reallocated curb cuts – the Mayor has concerns about fire pits in the bungalow area – Fire Official will do some education on existing rules and regulations; need to circle back on stone driveway issue and creating an ordinance to create a barrier, an extension of the cement pad, to keep stones from going out – requests for seasonal rental licensing have been down – private unfit structure hearings are coming up; would like to look into reviving the Municipal Alliance Committee – has spoken with interested parties, who would like to get involved – important to help put youth on the right path – will research – maybe not get involved with Project Graduation, but in offering more programs and information; it's National Telecommunications Operators Week – extremely stressful job – acknowledged and thanked PPB's has great professionals who do an outstanding job.

Councilman Cortes: Personnel Committee is scheduling interviews for a Violations Clerk; Curtis Ave. drainage improvement paving is complete and is great; paving behind Borough Hall is done – awaiting structure to house Police vehicles; ordering replacement parts for downtown green streetlights; went out for quotes for basement waterproofing – 2 contractors surveyed the site

(BA/CFO Riehl: award at next meeting) -- new parking machines are out -- look nice, modern and solar -- concrete was poured on the Rte. 35 bridge -- hopes all 4 lanes are on schedule to open before Memorial Day (Mayor Reid: May 15th) asked about getting an informational arrow that says Right Turn Only on Cramer and Trenton Aves. (Mayor Reid: should talk to neighbors first -- there are enough signs in town) -- saw 3 dogs, a smoker and a bike on the Boardwalk (Chief Michigan: have officers up there); gave Police Committee Report -- will continue to crack down on distracted drivers by participating in UDrive UText UPay enforcement campaign -- it's National Telecommunications Week -- May 5th is the summer orientation meeting for seasonal personnel -- he, Mayor Reid and Councilman Santanello will welcome them -- thanked Capt. Duffy and Lt. Quaglia, who have worked hard to prepare these new employees -- wished all a safe, happy Easter on behalf of Police.

Councilman Kanitra: Arts Committee's Bike in Movie Theater will be at the Antrim football stadium on May 31st -- showing "Back to the Future" -- trying to get a real DeLorean, so people can see that 80's history; met with JCP&L's John Meehan and Maria Sessa, along with BA/CFO Riehl, on outstanding lights and the double cobra head light in the northeast corner of Silver Lake Lot -- will be addressed -- concrete stumps were ground in Silver Lake Lot -- LED conversions are about to start on Ocean, Broadway, Arnold and Bay Aves. in the off-hours before summer, resulting in significant cost savings; as referenced by Councilman Toohey at the last meeting, looking at removable recycling stickers for awareness -- don't want to be restrictive -- not enforcement -- just to let people know what type of violations there might have been -- should help recycling rates (Councilman Vogel stepped out briefly at 9:06PM; Councilman Toohey: asked if anyone talked to DPW about it) yes, they said they'd be fine with it.

Councilman Toohey: no report.

Councilman Migut: Animal Welfare Committee postponed spring fundraiser at The Ark until June to consolidate with the summer fundraiser; Mayor signed the Water Meter Project contract this evening -- per contractor, job should be done in 3 months -- letters will be going out to residents to schedule appointments -- invited resident to speak about Ocean Ave. divot.

Tony Andretta, PPB: deep divot on Ocean Ave. -- people are crossing the double line to avoid it -- will cause an accident -- major safety issue to be dealt with immediately -- at least a temporary fix until Ocean Ave. is paved (Mayor Reid: he or BA/CFO Riehl: will call the County); at the last Planning Board meeting, an ecologically-planned house on River Ave. with natural lighting and ventilation and a green roof deck with plantings was approved -- roof decks are becoming a popular feature -- model is in Karen Mills' office -- in Hoboken a deed restriction is put on the house that the roof be maintained as 50% green, to limit the number of people that can be on it for parties.

Mayor Reid: received a few calls in winter regarding fire pits -- spoke to Fire Marshall who wrote a memo to Council -- already rules in effect that it can't be 5 feet from a structure -- Chief Michigan will probably get calls about fire pits close to houses -- been going on for a while; Saturday was Recreation Easter Egg Hunt -- Committee did an amazing job -- great event; threw out first pitch for baseball and softball at the Little League Parade -- thanked Chief for having officers there; tonight's dune meeting was good -- apologized for arriving late, as his daughter had just gotten home from college -- communication is important -- Engineer Savacool did a great job answering questions and gave out his card to continue the conversation; Boardwalk Easter Parade is Sunday at 1PM.

BA/CFO Riehl: met yesterday with DOT on Rte. 35 rehabilitation project for drainage improvements and road overlay – last met with them in 2016, primarily on flooding, with their drainage going into the lakes and through the outfall – they took the last few years to come up with concept and development plan – were originally looking at construction in 2020 – now looking at 2024-2026 (Mayor Reid: an amazing meeting 3 years ago – this is frustrating) they originally said it was funded, but didn't say they had to fund each phase of the project – they only funded concept and development (Councilman Vogel: on a positive note, they committed to looking into existing drainage, fixing the collapsed pipe issue and traffic signalization – their long term plans are great, but too long – voiced concerns about areas flooding more often and more severely – hopes they'll follow up on that); contractor figures 270 days for completion of the Water Metering project – contract was signed, letters went out and contractor will get a notice to proceed – will probably have areas of concern with non-resident taxpayers and renters being able to access their homes – less than an hour to install each meter (Councilman Vogel: Attorney Zabarsky is looking into existing regulations and a policy for people who get large bills; asked if PPB pays Animal House professionals if services are not used (BA/CFO Riehl: only when there is a hearing).

PULIC PARTICIPATION BEGAN AT 9:23PM

Vince Castin, PPB: asked about Ocean Ave. paving, 1aa and restroom hours.

Tony Andretta, PPB: asked about ordinance against dogs on Boardwalk and ticketing.

PULIC PARTICIPATION ENDED AT 9:29PM

Motion by Councilman Toohey to close public participation and approve the items listed below was seconded by Councilman Vogel and carried by roll call vote.

CONSENT RESOLUTION 1:

- 1a Approval of payment to D. Sweet from Planning Bd & BOA escrow accounts
- 1b Approval of payment of Payroll # 9 (\$252,166.69)
- 1c Approval of payment to J. Gould from Planning Board escrow account
- 1d Approval of payment to Offshore Pools for release of dewatering bond (\$500)
- 1e Approval of pymt to Vehicle Tracking Solutions for silent passenger subscription (\$14,694.12)
- 1f Memorialization of approval of taxi vehicle license for Mantoloking Taxi
- 1g Approval of release of maint guarantee & inspect fees for 600 Bay Ave from Dev. Escrow acct
- 1h Approval of amendment to PPB Rec Cmte Easter Egg Hunt approval (date is 4/13, not 4/14)
- 1i Memorialization of approval of payment to Vitale Motors for bucket truck (\$24,134)
- 1j Approval of payment to T&M Associates from BOA, PI Bd & Developer escrow accounts
- 1k Participation in DLGS program permitting municipal self-examination of 2019 Budget
- 1l Approval of PO to JR Henderson Labs for 2019 water testing (\$6K)
- 1m Approval of revision Rec Cmte S/E app, amend camp time from 9AM-12PM to 8:30AM-12:30PM
- 1n Auth to advertise for/hire 2 DPW Laborers, 1 W/S Laborer & 1 seasonal Code Enf Officer
- 1o Approval of payment to OCUA for 2nd quarter sewerage (\$318,071.25)
- 1p Approval of payment to OC Treasurer for 2nd quarter tax levy (\$2,192,673.23)
- 1q Approval of pymt to Ground Hawg Demo for removal of concrete pads for water tower (\$20,780)
- 1r Approval of payment to Lasting Line Painting for layout/paint space numbers (\$8,120)
- 1s Approval of payment to BTMUA for water (\$64,921.50) – FIXED TYPO
- 1t Approval of payment to Carporti for 2 DPW sheds (\$12,379)

- 1u Approval of payment to Riggins for DPW diesel fuel (\$4,873.50)
 - 1v Approval of W/S relief request
 - 1w Approval of PO to Hutchinson Plumbing for plumbing and heating service (\$5K)
 - 1x Approval of PO to Water Works Supply Co for 2019 W/S repair parts (\$2,500)
 - 1y Approval of payment to Woszczak for Broadway/Chicago water main break (\$8,619.99)
 - 1z Approval of Thursday Night Concert Series, with food vendors, 6/13-8/29 at the Bandshell
 - 1aa Approval of payment and PO to Crown Paving for parking lot repairs (\$20K)
 - 1bb Approval of PO to All Points for 2019 Parking Passes (\$3,320.00)
 - 1cc Approval of NJ OPRA Banner Permit App for 2019 Offshore Grand Prix banner on Rte 35
 - 1dd Support for NJ DOT Route 35, Osborne Ave to Manasquan River & Old Bridge Rd to Rt 34 & Rt 70 Rehabilitation and Drainage Project
 - 1ee Authorization to settle outstanding litigation with regard to Duff v. PPB – CLOSED SESSION
 - 1ff Auth to settle outstanding litigation with regard to PPB v. Van Schoick – CLOSED SESSION
- CONSENT RESOLUTION 2:
- 2a Approval of computer-generated vouchers (\$3,478,301.38)
 - 2b Approval of payment to Solutions II for Spillman/Persistent VPN Connection (\$11,828.65)
 - 2c Authorization for PD to auction 23 bikes on Municibid
 - 2d Approval of Fire Permit Fee Waiver for Fishing Partnership Support Svcs/USCG for training
- VOTE: Councilmen Vogel (1), Cortes, Kanitra (except 1ee), Toohey, Migut....YEA
Councilman Kanitra (1ee)....NAY
Councilman Vogel (2)....ABSTAIN
Councilman Santanello....ABSENT

ORDINANCE 2019-06 (Cap Bank) was considered on second reading. Mayor Reid opened the public hearing with no member of the public wishing to be heard. Motion by Councilman Cortes to close the public hearing and adopt Ordinance 2019-06 was seconded by Councilman Kanitra and carried by roll call vote.

VOTE: Councilmen Vogel, Cortes, Kanitra, Toohey, MigutYEA
Councilman Santanello....ABSENT

PUBLIC PARTICIPATION BEGAN AT 9:31PM.

Vince Castin, PPB: asked if it would make a difference if he got more signatures on his restroom petition.

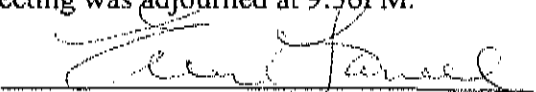
Marilyn Burke, PPB: asked about charging to use the bathroom.

Dave Cavagnaro, PPB: asked if Silver Lake Lot lights will be fixed and about dune height vs. Jenkinson's wall height.

PUBLIC PARTICIPATION ENDED AT 9:36PM.

Motion by Councilman Migut to close public participation and adjourn was seconded by Councilman Toohey and carried by consent of Council. Meeting was adjourned at 9:36PM.

ATTEST:


Eileen A. Farrell, RMC
Municipal Clerk

Eileen Farrell

From: Eileen Farrell
Sent: Monday, April 29, 2019 9:48 AM
To: 'Steven Zabarsky'
Cc: 'Rosemarie Cangiano'
Subject: FW: Duff v. Point Pleasant

Hi Steve,
Would you check with the attorney and see if the address on the W9 is the correct address for the check -
Eileen

From: Christine Riehl
Sent: Monday, April 29, 2019 9:40 AM
To: Eileen Farrell <EFarrell@pointbeach.org>
Subject: RE: Duff v. Point Pleasant

I will need to prepare a purchase order for payment approval. I will make it payable to the name and address provided on the w9.
OK?

Christine Riehl,
Borough Administrator
Chief Financial Officer
Tax Collector
732-892-8770

From: Eileen Farrell
Sent: Monday, April 29, 2019 9:00 AM
To: Christine Riehl <Criehl@pointbeach.org>
Subject: FW: Duff v. Point Pleasant

Chris,
I spoke to Steve. He needs to know, from an auditing standpoint, how you want to handle the payment.
Eileen

From: Steven Zabarsky [mailto:szabarsky@comcast.net]
Sent: Sunday, April 28, 2019 11:34 AM
To: Eileen Farrell <EFarrell@pointbeach.org>
Cc: Christine Riehl <Criehl@pointbeach.org>; 'Rosemarie' <bkorcz@comcast.net>
Subject: FW: Duff v. Point Pleasant

Eileen: Please review and call me to discuss as to the best way to proceed. Thank you. steven.

From: CJ Griffin [mailto:CGriffin@pashmanstein.com]
Sent: Thursday, April 25, 2019 9:51 AM
To: Steven Zabarsky <szabarsky@comcast.net>
Subject: RE: Duff v. Point Pleasant

Steven: Attached is a stip of dismissal, which I can file upon payment of fees (or, I can sign and you hold in escrow until fees are paid). I am also attaching my W9 and Business Registration Form, as I imagine they will need that for the payment voucher. If they want to email that to me, I can sign and return it.

From: Steven Zabarsky <szabarsky@comcast.net>

Sent: Monday, April 22, 2019 6:15 PM

To: CJ Griffin <CGriffin@pashmanstein.com>

Cc: 'Christine Riehl' <Criehl@pointbeach.org>; EFarrell@pointbeach.org; 'Rosemarie' <bkorcz@comcast.net>

Subject: Duff v. Point Pleasant

CJ: The governing body approved payment in the amount of \$4,000.00 to you for counsel fees at its meeting held on Tuesday, April 16, 2019 with regard to the above-referenced matter. Please be so kind as to prepare the Stipulation of Dismissal for my review and signature. Thank you for your consideration with regard to this matter. I remain, very truly yours. steven

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PASHMAN STEIN WALDER HAYDEN

A Professional Corporation
Court Plaza South
21 Main Street, Suite 200
Hackensack, NJ 07601
(201) 488-8200
CJ GRIFFIN, ESQ (#031422009)
sgriffin@pashmanstein.com
Attorneys for Plaintiff,
Patrick Duff

PATRICK DUFF

Plaintiff,

v.

BOROUGH OF POINT PLEASANT BEACH
and EILEEN FARRELL, in her official capacity
as Records Custodian for the Borough of Point
Pleasant Beach,

Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: OCEAN COUNTY

DOCKET NO.: OCN-L-000383-19

Civil Action

**STIPULATION OF DISMISSAL
WITH PREJUDICE**

IT IS hereby stipulated and agreed that all claims in this above-captioned matter between
Plaintiff, Patrick Duff, and all Defendants are hereby dismissed with prejudice and without costs.

**PASHMAN STEIN WALDER HAYDEN,
P.C.**
Attorneys for Plaintiff, Patrick Duff

CITTA, HOLZAPFEL & ZABARSKY
Attorneys for Defendants, Borough of Point
Pleasant Beach and Eileen Farrell

CJ GRIFFIN, ESQ.

Dated:

STEVEN A. ZABARSKY, ESQ.

Dated:

Request for Taxpayer Identification Number and Certification

Give Form to the
requester. Do not
send to the IRS.

Print or type
See Specific Instructions on page 2.

1 Name (as shown on your income tax return). Name is required on this line; do not leave this line blank. <u>Pashman Stern, P.C.</u>	
2 Business name/disregarded entity name, if different from above <u>d/b/a Pashman Stern Walden Hayden</u>	
3 Check appropriate box for federal tax classification; check only one of the following seven boxes: ☐ Individual/sole proprietor or single-member LLC ☐ Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=partnership) ▶ ☐ Other (see instructions) ▶ ☐ C Corporation ☒ S Corporation ☐ Partnership ☐ Trust/estate Note. For a single-member LLC that is disregarded, do not check LLC; check the appropriate box in the line above for the tax classification of the single-member owner.	4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3): Exempt payee code (if any) _____ Exemption from FATCA reporting code (if any) _____ (Applies to accounts maintained outside the U.S.)
5 Address (number, street, and apt. or suite no.) <u>21 Main Street, Suite 200</u>	
6 City, state, and ZIP code <u>Hackensack, New Jersey 07601</u>	
7 List account number(s) here (optional)	

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the Part I Instructions on page 3. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN* on page 3.

Note. If the account is in more than one name, see the instructions for line 1 and the chart on page 4 for guidelines on whose number to enter.

Social security number								
				-			-	
OR								
Employer identification number								

Part II Certification

Under penalties of perjury, I certify that:

1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
2. I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
3. I am a U.S. citizen or other U.S. person (defined below); and
4. The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions on page 3.

Sign Here
Signature of U.S. person [Signature]

Date ▶ 4/4/17

General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Future developments. Information about developments affecting Form W-9 (such as legislation enacted after we release it) is at www.irs.gov/fw9.

Purpose of Form

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following:

- Form 1099-INT (interest earned or paid)
- Form 1099-DIV (dividends, including those from stocks or mutual funds)
- Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)
- Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)
- Form 1099-S (proceeds from real estate transactions)
- Form 1099-K (merchant card and third party network transactions)

- Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)
- Form 1099-C (canceled debt)
- Form 1099-A (acquisition or abandonment of secured property)

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.

If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See *What is backup withholding?* on page 2.

By signing the filled-out form, you:

1. Certify that the TIN you are giving is correct (or you are waiting for a number to be issued),
2. Certify that you are not subject to backup withholding, or
3. Claim exemption from backup withholding if you are a U.S. exempt payee. If applicable, you are also certifying that as a U.S. person, your allocable share of any partnership income from a U.S. trade or business is not subject to the withholding tax on foreign partners' share of effectively connected income, and
4. Certify that FATCA code(s) entered on this form (if any) indicating that you are exempt from the FATCA reporting, is correct. See *What is FATCA reporting?* on page 2 for further information.

STATE OF NEW JERSEY
BUSINESS REGISTRATION CERTIFICATE

DEPARTMENT OF TREASURY
DIVISION OF REVENUE
PO BOX 287
TRENTON, NJ 08646-0287

TAXPAYER NAME:

PASHMAN STEIN, A PROFESSIONAL CORPORATION

TRADE NAME:

TAXPAYER IDENTIFICATION:

SEQUENCE NUMBER:

0003338

ADDRESS:

COURT PLAZA SOUTH 21 MAIN STR
HACKENSACK, NJ 07601

ISSUANCE DATE:

06/25/04

EFFECTIVE DATE:

07/01/04

FORM-BRC106-011

Acting Director

This Certificate is NOT assignable or transferable. It must be continuously displayed at above address.

Eileen Farrell

From: CJ Griffin <CGriffin@pashmanstein.com>
Sent: Tuesday, April 30, 2019 8:55 AM
To: Steven Zabarsky
Cc: Eileen Farrell; Christine Riehl; 'Rosemarie'
Subject: RE: Duff v. Point Pleasant

Send the check to: Pashman Stein Walder Hayden, 21 Main Street, Suite 200, Hackensack, NJ 07601

Yes, I'll file stip upon receipt of check.

From: Steven Zabarsky <szabarsky@comcast.net>
Sent: Tuesday, April 30, 2019 8:36 AM
To: CJ Griffin <CGriffin@pashmanstein.com>
Cc: EFarrell@pointbeach.org; 'Christine Riehl' <Criehl@pointbeach.org>; 'Rosemarie' <bkorcz@comcast.net>
Subject: RE: Duff v. Point Pleasant

CJ: Please confirm that the address on the W-9 is the correct address for the check. We need to process a purchase order. Further I trust that you will file the Stip with prejudice upon receipt of the check. Thank you. steven

From: CJ Griffin [<mailto:CGriffin@pashmanstein.com>]
Sent: Thursday, April 25, 2019 9:51 AM
To: Steven Zabarsky <szabarsky@comcast.net>
Subject: RE: Duff v. Point Pleasant

Steven: Attached is a stip of dismissal, which I can file upon payment of fees (or, I can sign and you hold in escrow until fees are paid). I am also attaching my W9 and Business Registration Form, as I imagine they will need that for the payment voucher. If they want to email that to me, I can sign and return it.

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Sent: Monday, April 22, 2019 6:15 PM
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Subject: Duff v. Point Pleasant

CJ: The governing body approved payment in the amount of \$4,000.00 to you for counsel fees at its meeting held on Tuesday, April 16, 2019 with regard to the above-referenced matter. Please be so kind as to prepare the Stipulation of Dismissal for my review and signature. Thank you for your consideration with regard to this matter. I remain, very truly yours. steven

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**Borough of Point Pleasant Beach
Council Meeting Minutes
May 7, 2019**

Mayor Reid called the meeting to order at 7:34PM. Present were Councilmen Vogel, Cortes, Kanitra, Toohey, Migut and Santanello. The Municipal Clerk read the notice indicating compliance with the Open Public Meetings Act: "Adequate notice of the time and place of this meeting was given under the provisions of the Open Public Meetings Act and was posted and sent to the officially designated newspapers in compliance with the law."

Flag Salute & Invocation

Motion by Councilman Vogel to approve the April 16, 2019 Council meeting minutes was seconded by Councilman Toohey and carried by roll call vote.

VOTE: Councilmen Vogel, Cortes, Kanitra, Toohey, MigutYEA

Councilman Santanello....ABSTAIN

DEPARTMENT HEAD MEMOS/DISCUSSION:

Councilman Cortes: addressed ZO Petrillo's memos regarding the following curb cut requests:

159 Baltimore/Lot 1 – single family house on double lot, which is being subdivided – they want to close in the spot on Yale – asking for 20' – ZO Petrillo recommends the allowable 16' cut and removing the one on Yale – agrees – ADDED AS ITEM 4L1.

159 Baltimore/Lot 2 – asking for 20' – ZO Petrillo recommends the allowed 16' – will lose 2 or 3 spots and gain 1 – agrees – ADDED AS ITEM 4L2.

513 McLean – narrow lot – looking for 12' cut, 2 feet off property line – 5' is required – ZO Petrillo has no problem with 2' – agrees – ADDED AS ITEM 4L3.

Councilman Vogel: clarified that relief is not being granted on the setback requirements – asked Attorney Zabarsky to give directions to the Board of Adjustment (BOA) for getting the Yale Ave. curb cut filled in in a timely matter (Attorney Zabarsky: can request bond not be release until conditions are met – resolution of conditions – can make request of the BOA – Council has jurisdiction with regard to the curb cut – can send the Board a letter).

Councilman Kanitra: discussed Recycling Stickers – Environmental Commission Chair Ritchings emailed Council and BA/CFO Riehl on May 3rd addressing what should but is not being recycled regularly and, despite public outreach, what is being put in recycling when it shouldn't be – with the current crises of China not buying recycling and the County asking the municipality to increase its recycling efficiency, Commission recommends pilot project to enable DPW employees to place nicely-worded, educational, fully-removable stickers, possibly with check boxes, on recycling cans as reminders of infractions – Commission members Sogorka and Romanowski are in attendance for questions – looking for Council approval – doesn't anticipate blowback from residents – Commission would pay for stickers out of their budget – 1½ years ago, DPW Super. Trout told him that if the Governing Body had an appetite for it, he would be fine with it (Councilman Cortes: on April 17th, he met with DPW Super. Trout, who said he was not on board with it as it didn't work in the past – asking laborers to be quasi code enforcement people – when he and Councilman Kanitra road on the back of a truck, they were 1½ hours later than the others) but they were sorting through

everything (Councilman Cortes: that's almost what is being asked by the sticker – to look in and check off what shouldn't be there) is shocked about DPW Super. Trout – that's not what they spoke about previously – construct of previous program was very different, with wording on the sticker about being in violation and the bins with violations not being picked up, causing consternation – this pilot does not involve that – not trying to punish residents – not looking for DPW to dig through recycling, just to attach a sticker if they see something egregious.

Cathy Sogorka, PPB/Environmental Commission: has lived in PPB a long time – remembers residents being upset about not being able to use plastic bags – would like to know what year stickers went on recycling cans (Councilman Toohey: remembers big yellow or orange stickers and recycling not picked up) want to do it educationally, like the Boro – not looking at boxes on the stickers for laborers to have to remove their gloves and mark (Mayor Reid: understands people are offended by stickers – sent out 2 letters in the last 6-12 months – Country has a serious recycling issue – suggested everyone get a big sticker, explaining how and what to recycle) County has them – people don't want stickers on their cans forever (Mayor Reid: can get removable ones – trying to educate, not upset people) lot of people are doing it right – they don't need stickers – others do, to make them think twice (Mayor Reid: Borough would put the stickers, with pictures and County wording, on the cans; Councilman Santanello: likes that idea of a one-time thing – spoke to DPW Super. Trout – asked BA/CFO Riehl for his reaction; BA/CFO Riehl: it came up early this year or late last year – he said it was tried before – unless ordered to do it, he wouldn't want to; Councilman Vogel: problem with check mark stickers is rental season – would be nice if the Commission would help with outreach – DPW is on a tight schedule; Councilman Kanitra: were proposing a removable sticker – asked if municipality has authority to affix permanent stickers to private bins; Councilman Santanello: doesn't have to be permanent – doesn't like DPW being trash Police; BA/CFO Riehl: showed the Point Pleasant's sticker to the Governing Body; Councilman Toohey: asked the Commission's thoughts about DPW putting a sticker on every recycling can – actually generating trash while alerting people) thinks Commission would be fine with it – should be on municipal cans also (Mayor Reid: asked if Ocean County would provide stickers – Commission does an amazing job and is appreciated; recycling is a #1 issue in the Country – taking it very seriously) bungalow area is always a problem – suggested going through Realtors (Mayor Reid: asked BA/CFO Riehl to send the letter to Realtors for renters; Councilman Vogel: offered to help Mr. Ritchings – hasn't heard back – suggested social media and reaching out to kids) Commission took recycling on in January – would like to see informational labels on every can in PPB for people from outside the County (Councilman Kanitra: will do an email poll of the Commission; Councilman Vogel: asked if DPW has sufficient resources for this; BA/CFO Riehl: Boro has outside garbage and recycling, so they have more leeway but, either through Code Enforcement or DPW, if the Governing Body wants it done, it will be; Councilman Kanitra: he is the one who brought this up – thinks his idea is less intrusive than the solution being figured out now – maybe stickers can be mailed to people, asking that they affix them to their bins; Mayor Reid: that's costs a lot of money) have to do something, while trying to avoid phone calls (Councilman Toohey: just talking about levels of adhesive – by default, a sticker is removable).

COMMITTEE REPORTS:

Councilman Vogel: gave Shade Tree Commission updates – 8 new trees planted on Broadway – last Friday, trees were removed on Rte. 35S between Cedar and McLean, as a follow-up from discussion with JCP&L – existing ordinance mirrors State regulations, which provides latitude for utility companies to trim trees, unless done maliciously – JCP&L paid for them to be cut down – DPW

removed bigger pieces that remained – Commission will plant more appropriate trees along that area; Building & Code is very active with annual license renewals – asking for more analysis year after year – continuing to see construction – met with the new Fire Official, who presented at the Chamber meeting – he is doing inspections and proactively meeting with businesses – provided Chamber with information including helpful hints, ways to avoid issues and an explanation of the process – been significant fire code changes recently – could be changes in the inspection process – wanted to get ahead of it and open a dialogue; Chamber is looking at a restaurant tour in September; had spoken last meeting about a Municipal Alliance Committee (MAC) – reached out to some interested parties to get it going – had discussions with Preferred Behavioral and Jim Dowd about outreach programs including self-esteem for young women and something aimed more at athletes – things they'd like to see a MAC move on, going forward – May is Mental Health Awareness Month.

Councilman Cortes: recognized May employee anniversaries – Janet Mutter 7 years, Kathy Beno 22, Josie McCrystal 16, Lynda Hapstak 1, Katie Paterson 3, Stephen Roe 7, Jarred Popp 12, Jason Headley 11, Clint Daniel 18, Frank Finn 18, Kyle Boturla 15, Gary Siculietano 11, Catherine Bradley 5; Beautification Committee received a plaque for their award-winning butterfly garden on Parkway – mulch was delivered and spread – thanked DPW for spreading it and Jenkinson's for use of Perks parking lot – other gardens were weeded – flowers for barrels were ordered – 65 small US flags are ready for downtown lights – he'll use the bucket truck to put them up next week; all dirt was removed from the concrete lid on the Borough Hall basement, which was leaking – getting ready to waterproof, so it will be a more usable storage space; the cell tower in Silver Lake Lot is up – bringing the Court back from shared service in the Boro at the end of June – new office was built (BA/CFO Riehl: painting started today); Sea Coast Building is empty and ready for demolition; communicated with the Engineer about flooding on the corner of Chicago and Broadway during rainstorm – Engineer spoke to County – they cleared out the storm drains – will video as well – too much water for a newly-paved road (Councilman Vogel: County Engineering Department was out last week at Baltimore & Yale); Army Corps of Engineers is moving quickly – they're in Bay Head now; received an email from a resident who walks the beach and has suggestions for garbage – new containers in the Silver Lake Lot are great – downtown ones need to be replaced – DPW will gauge the cost to replace street-end receptacles with something sturdier [Councilman Santanello: per that resident, people in England bring bags and shovels to clean while collecting sea glass – will research; Mayor Reid: in Newport, garbage cans compact and call DPW when full – can put nice pictures on them too – resident(s) might be willing to pay for them – asked BA/CFO Riehl to look into them].

Councilman Kanitra: Arts Committee met last night – has a Boardwalk building mural in the works, to be completed by July 4th weekend – Jim Inzera owner of the Stella Luna gallery, came up with the idea – Storinos sent their marketing guy to review the drawings – thinks the town will like to follow this over the next of couple months; thanked the Environmental Commission for purchasing cigarette urns – less butts than last year – very heavy – none knocked down – look great for now – will see how they work; asked about the demolition timeline for Sea Coast building (BA/CFO Riehl: ready to go next week); seems there is always a sewer main collapse and the Borough is constantly paying tens of thousands of dollars on emergency repairs – T&M had mapped out some of these – asked BA/CFO Riehl if this is related and if the lining is just for a small section (BA/CFO Riehl: had a break in that line – need it repaired before summer – just finished the asset management plan required by DEP, in which significant areas of need are itemized over the next 10 years– sent to Bond Counsel for review – looking at \$8M over next 10 years – Rte. 35, Ocean and Arnold are bad – if State and

County are doing road improvements, can jump in on their timeline – potential financing through EIT and other water programs – first come/first served – referenced most of the infrastructure back to the early 1900's; Councilman Vogel: in combination, there is paving work to be done) can map out a plan to do it in the most effective way; with heavy heart, he shared the sad news that former Councilwoman Monica Walsh passed away this morning – a 4-term Councilwoman, she represented her constituents to the best of her ability – was also a reporter and worked with the State Legislature – she had a fantastic life and loved this town – asked that flags be lowered in her behalf.

Councilman Toohey: thanked Councilman Kanitra for the information about former Councilwoman Walsh; spoke about the 2019 Budget – after Sandy, PPB took out a Community Disaster Loan (CDL) of @\$1M, with the first repayment of @\$200K due this year – equals 1 cent/\$100 of assessed home value, which was not passed directly on to the taxpayer – also kept 2 things intact, setting PPB up nicely for infrastructure work – reduced revenue projections in 2017, 2018 & 2019 and conservatively budgeted the reserve for uncollected taxes, based on a worse-case collection rate of 98.1% – ended up with a budget that costs tax payers only \$2.30/month more than they pay now – BA/CFO Riehl worked with Bond Counsel to convert high interest notes to bonds – was nervous starting the process but BA/CFO Riehl worked really hard and figured it out (BA/CFO Riehl: were looking for the whole CDL loan this year – were able to apply and show a need for taxpayer relief to spread it out over 5 years – not all towns got to take advantage of that; Mayor Reid: it's a real shame – the State advised taking out the CDL, saying it wouldn't have to be paid back and it does; former Councilman Mayer said it was not necessary, but a directive was given by another former Governing Body member – doesn't want the perception to be that Borough employees borrowed money frivolously) in really good shape, maintaining surplus and preparing for major infrastructure overhauls – a 98.1% reserve for uncollected taxes is a testament to the taxpayers and says a lot about the community (Mayor Reid: the day after Sandy, were worried that people would walk away and the effect it would have on PPB – people did pay and on time – it was a real surprise to everybody, compared to other towns – great job done by Councilman Toohey, BA/CFO Riehl and the whole committee) Councilman Toohey stepped out 8:22PM-8:27PM.

Councilman Migut: Animal Welfare Committee ran into a problem with their spring fundraiser – looking for another venue – otherwise, it will be a summer fundraiser; received a complaint from a fisherman about trash in the Inlet parking lot – turns out, it's the seagulls diving into the garbage cans and throwing it – asked if DPW notices a lot of wind-blown debris and about getting new trash cans with caps and doors to keep the birds out (Councilman Kanitra: the cans are pretty beat up as well; Councilman Santanello: asked BA/CFO Riehl to have DPW look at them); asked Mayor Reid if he had any success with the County fixing the divot on Ocean Ave. (BA/CFO Riehl: been doing patches – the problem is that their patching doesn't last long – not due to be paved for at least a year – tried to bring in Pothole Killers, but didn't have enough work for them – Boro helped last year – will reach out to them again); St. Louis paving and sidewalk repairs are on the agenda for approval.

Councilman Santanello: thanked all for their kind thoughts and prayers and good wishes (on his surgery); thanked CFO Riehl for the job done on the budget – also thanked all Department Heads for working hard to keep budgets down – none complained or raised any issues; thanked BA/CFO Riehl for tearing down the towers and building new storage buildings, his biggest goal since being on Council – increasing storage so not everything is sitting outside in the weather – also thanked her for the new parking meters, his other big goal, which look great and will work fantastic, as he uses them

all over the Country when he travels on business – next biggest goal is to increase and refresh the Police Department – will need to find a place for the Historical Society; Recreation Committee Park Program is on the agenda to be extended by a week – also looking to extend days by 1/2 hour, but parents must pick-up and drop-off on time, as counselors will not be there before 8:30 a.m. or after 12:30 p.m. – having an emergency meeting next week to hire counselors and director – Best Day is July 13-14 at the former Risdén's beach; gave Police report since last meeting and thanked Councilman Cortes for giving it during the last 2 meetings – training includes Canine In Service, SWAT, Alcotest Refresher Course, DWI Detection and Standard Field Sobriety, Megan's Law Offenders, Security and Vigilance (Councilman Vogel stepped out 8:30PM-8:33PM) Police Department Youth Camp dates have been set for July 25-26 and July 29-August 2 – School Resource Officer/Detective O'Neill will coordinate the week's events and applications will soon be ready for pick up – camp is for students going into 6th-8th grades – there is a prescription drop box in the Police lobby for residents to safely discard unwanted medicines – 20 SLEO II's will graduate from Ocean County Police Academy on May 16th – yearly summer orientation meeting was held on May 5th with 60-70 seasonal employees, who were welcomed and instructed on keeping a family-friendly town by Chief Michigan and Mayor Reid – thanked Capt. Duffy and Lt. Quaglia for preparing these new employees – Department will join Police around the Country in cracking down on unbuckled motorists and passengers as part of the national Click It or Ticket campaign May 20-June 2 – next week is the start of National Police Week, honoring officers killed in the line of duty – 163 officers lost in 2018 and the 39 so far in 2019 – Officers Gippetti and Marchetti will join hundreds of other Officers biking to Washington, DC to raise money for the National Police Memorial – wished them a safe journey; appealed for parents of children in the school system to volunteer for the Recreation Committee – people like to complain about how programs are run, but no one wants to step up and do anything about it – the vast number of people on the committee no longer have kids in the school or take advantage of the programs – will be losing at least 3 members next year, including the director (Mayor Reid: need to work on that – the Rec does a lot of really great stuff).

Mayor Reid: congratulated and thanked Chief Michigan for inviting him to speak to the next class – very proud of the new SLEOs – people of PPB should be grateful for them and they will be grateful starting off in such a great town; spoke about the cleanliness of downtown – one of his first jobs was with Mike's Subs – cleaning it with bleach and scrubbing the doorway was a big part of it – people like Bob Hoffman swept and scrubbed their storefronts every morning – it was important to be as clean as can be – one of the first things he did on Council is tackle the weeds downtown – Chamber has been aggravated – have sent out letters – in the past few years, have had County detainees come and pick them – spoke with BA/CFO Riehl about having them out more – Chamber will donate up to \$1K to buy flowers to put around trees and plantings – hired someone to handle weeds and other projects like that – with new trash and recycling cans, thinks town will look great.

BA/CFO Riehl: less prisoners are available than there have been in the past – called about 1½ weeks ago – first available date is June 20th (Councilman Cortes: Johnson & Johnson has volunteers available June 6th – thinks he can get them to do some weeding and planting; BA/CFO Riehl: received 8 pallets of new water meters today – project is gearing up and should start in the next week or 2 – letters went out, along with recycling flyers, in the water bills – it's mandatory that all call to get their meters switched out – hopes to have the project done within 60-90 days; District 3&4 parking passes went out last week – anyone who doesn't receive them should call her office – passes must be on dashboards on May 15th; Fishermen's Memorial Celebration is coming to fruition – will be May 17th at 1PM – guest speakers and dignitaries are coming – had a great response (Councilman Toohey: is having shoulder surgery on the 15th and has a school program on the 17th, but he will be there); passed

Unfit and Vacant Uninhabited Building ordinances – Code Enforcement identified homes and letters were received from residents – 4 properties are scheduled for arbitration hearings this week – one on Sanborn was demolished today, one was put up for sale, one is believed to be unresponsive and one is expected to come forward with plans – have already taken in several thousand dollars in penalties (Mayor Reid: great work – long time coming).

The Municipal Clerk added items to the agenda.

PUBLIC PARTICIPATION BEGAN AT 8:46PM

Dave Cavagnaro, PPB: asked about 3z, 4a, 4c and 4i.

Vince Castin, PPB: spoke about recycling, Inlet playground safety, dune height and the cell tower, asked about the Coast Guard Property, restroom hours.

Marilyn Burke, PPB: asked what is considered affordable housing, what is being built, who decides who lives there and how it will affect the population

Ann Marie O'Hare, Point Pleasant/Treasurer of Point Pleasant Elks: appreciates that their Tailgate Party is on the agenda – wants to ensure Governing Body has everything needed; about a week prior to filing this application, filed one for the Oktoberfest – asked if any information is missing – need to know if will be turned down, for planning and budgeting purposes.

PUBLIC PARTICIPATION ENDED AT 9:12PM

Motion by Councilman Toohey to close public participation and approve RESOLUTION 1: Authorization for 2019 Municipal Budget to be Read by Title, was seconded by Councilman Migut and carried by roll call vote.

VOTE: Councilmen Vogel, Cortes, Kanitra, Toohey, Migut, Santanello....YEA

Motion by Councilman Toohey to close public participation and approve RESOLUTION 2: Second Reading/Public Hearing 2019 Municipal Budget was seconded by Councilman Vogel and carried by roll call vote.

VOTE: Councilmen Vogel, Cortes, Kanitra, Toohey, Migut, Santanello....YEA

Motion by Councilman Toohey to close public participation and approve the items listed below was seconded by Councilman Santanello and carried by roll call vote. (Councilman Vogel: in future, should review semi-annually and authorize more than one handicap parking amendment at once.)

CONSENT RESOLUTION 3:

- 3a Approval of payment of Payroll #9 (\$274,222.25)
- 3b Retroactive re-appointment of F. Millman as Tax Assessor, per State guidelines
- 3c Recognition of Municipal Clerks Week, 5/5-5/11
- 3d Award of contract to Gavan Gen'l Contracting for Municipal Bldg Basement Wall Imp. (\$20,146.18)
- 3e Approval of payment to NJ DCA for 4th Q 2018 and 1st Q 2019 State training fees (\$7,203)
- 3f Approval of pymt of Pay Cert #1 to Shore Top Const. for Curtis Ave. Drainage Imp. (\$85,970.50)
- 3g Approval of payment to CCW, LLC for Recreation insurance (\$3,075)
- 3h Approval of payment to Integrated Technical Systems for Luke II parking machines (\$309,896)
- 3i Approval of PO to Integrated Technical Systems for thermal paper for parking machines (\$2,779)
- 3j Approval of payment to the Ocean County Landfill to replenish escrow (\$50K)

- 3k Approval of Emergency Appropriation for Arnold Ave. sewer main repair (\$125K)
- 3l Award of contract to North American Pipeline Services for Emergency Lining of Arnold Ave. Sanitary Sewer Project (\$116,750)
- 3m Approval of extension of Rec Summer Camp through 8/9 (from 8/2)
- 3n Approval of increase of Rec Summer Camp registration fee from \$225 to \$250 w/late fee after 6/8
- 3o Approval of payment to M. Woszczak for sewer main collapse at Arnold & Chicago (\$10,674.46)
- 3p Approval of payment to OC JIF for 2nd installment (\$269,169)
- 3q Approval of scope & budget/auth Engineer to commence Arnold Ave. sidewalk/curb ramp improvements, per DOT grant (NTE \$172,210)
- 3r Approval of scope & budget/auth Engineer to commence Phase 2 reconstruction of St. Louis Ave., per DOT grant (NTE \$632,500)
- 3s Appointment of M. Schwarz to the F/T position of Violations Clerk in the Court
- 3t Approval of payment to BTMUA for April bulk water usage (\$56,173.50)
- 3u Approval of S/E application for PP First Aid & Emerg Squad Monster Dash on Bdwlk, 10/26
- 3v Approval of S/E app for Chamber Grand Prix Parade, 6/15, and any & all boat race activities including boat display in railroad lot
- 3w Approval of S/E app for Chamber Grand Prix Block Party on 6/14
- 3x Approval of S/E app for St. Peter PTA Car Raffle on Boardwalk, 5/17-9/30
- 3y Approval of ABC S/A app for Elks Baseball Tailgate Party, 6/23
- 3z Approval of ABC S/A app for Chamber Kick-Off Concert for Boat Race Weekend, 6/13

CONSENT RESOLUTION 4:

- 4a Approval of payment to GRQ Building for 2nd floor Borough Hall office work (\$5,180)
- 4b Approval of payment to State of NJ for May employee & retiree health benefits (\$123,654.97)
- 4c Approval of payment to Pashman Stein Walder Hayden for stipulation of dismissal (\$4K)
- 4d Extension of probationary period for 3 new DPW laborers
- 4e Approval of PO to Whirl Construction for installation of playground swings (\$3K)
- 4f Approval of PO to Bluegrass Playgrounds for Pleasure Park swings (\$6,467)
- 4g Auth for Attorney to draft an ordinance amendment to eliminate handicap space at 309 Arnold Ave.
- 4h Approval of pymt to Lasting Line Painting for painting of parking stalls & curbing (\$19,822.00)
- 4i Approval of scope of work/auth for COAH Planner to prepare Housing Element & Fair Share Plan (NTE \$30K)
- 4j Approval of S/E app for PPB Farmers Market in Borden's Lot, Sundays, 6/2-10/27
- 4k Approval of registration dates & locations for the Recreation Summer Park Program
- 4l Approval of curt cuts at 159 Baltimore Lots 1&2 and 513 McLean – ADDED PER DH MEMOS

CONSENT RESOLUTION 5:

- 5a Approval of computer-generated vouchers (\$843,726.03)
- 5b Approval of payments on BOA, Planning Board and Developer Escrow bill list (\$31,131.46)
- 5c Approval of payment of hand checks (\$1,796,180)
- 5d Approval of payment to National Business Furniture for Police Chief's office furniture (\$3,614.19)
- 5e Approval of payment to Meridian Occupational Health for Police physicals (\$7,708)
- 5f Approval of payment to Motorola for Police dispatch area upgrades (\$35,344.20)
- 5g Approval of payment to CDWG for RAM Intelliskin, SAM Galaxy Tab, Tripp Lite power module & UPS battery pack, Otterbox Defender Galaxy for Police Dept. (\$5,707.83)
- 5h Reappointment of T. Wilson as SLEO II
- 5i Approval of PO to Beyond the Office Door for 2 dispatch chairs (\$3,285.72)
- 5j Support for Click It or Ticket Mobilization, 5/20-6/2

VOTE: Councilmen Vogel (except 3u&5), Cortes, Kanitra (except 4c), Toohey, Migut, Santanello....YEA
Councilman Kanitra (4c)....NAY
Councilman Vogel (3u & 5)....ABSTAIN

PUBLIC PARTICIPATION BEGAN AT 9:15PM.

Vince Castin, PPB: spoke about affordable housing -- thinks COAH is a scam and a sham.

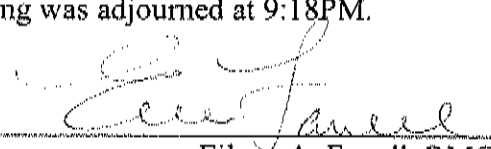
Attorney Zabarsky clarified that the vote on Resolution 2 should have included the public hearing. Councilman Toohey opened the public hearing on the 2019 Municipal Budget, with no member of the public wishing to be heard. Motion by Councilman Toohey to close the public hearing and adopt the 2019 Municipal Budget was seconded by Councilman Vogel and carried by roll call vote.

VOTE: Councilmen Vogel, Cortes, Kanitra, Toohey, Migut, Santanello....YEA

PUBLIC PARTICIPATION ENDED AT 9:18PM.

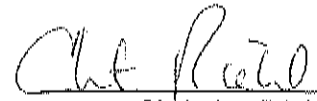
Motion by Councilman Cortes to close public participation and adjourn was seconded by Councilman Toohey and carried by consent of Council. Meeting was adjourned at 9:18PM.

ATTEST: _____


Eileen A. Farrell, RMC
Municipal Clerk

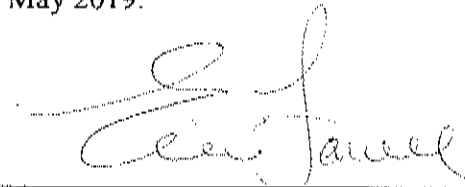
RESOLUTION 2019-0507/4C

BE IT RESOLVED by the Mayor and Council of the Borough of Point Pleasant Beach, County of Ocean and State of New Jersey, payment to Pashman Stein Walder Hayden, Hackensack, NJ, in the amount of \$4,000.00, for stipulation of dismissal (Duff vs. PPB), is hereby approved. Funds for this purpose are contained in the 2019 Municipal Budget, sub-account 9-01-107-212.


Christine Riehl, CFO

CERTIFICATION

I, Eileen Farrell, Municipal Clerk, do hereby certify the foregoing to be a true copy of a resolution adopted by the Governing Body of the Borough of Point Pleasant Beach, County of Ocean and State of New Jersey, on the 7th day of May 2019.


Eileen A. Farrell, RMC
Municipal Clerk

MOTION BY:	Councilman Toohey
SECOND BY:	Councilman Santanello
VOTING AYE:	Councilmen Vogel, Cortes, Toohey, Migut, Santanello
VOTING NAY:	None
ABSTAINING:	Councilman Kanitra
ABSENT:	None

Eileen Farrell

From: Eileen Farrell
Sent: Tuesday, May 21, 2019 3:57 PM
To: Janet Mutter
Subject: FW: Duff v. Point Pleasant Beach Borough
Attachments: Scan-POINT BEACH-DUFF-STIPULATION OF DISMISSAL WITH PREJUDICE.pdf

Janet,
Please file with lawsuit.
Eileen

From: Rosemarie Cangiano [mailto:bkorc@comcast.net]
Sent: Tuesday, May 21, 2019 3:39 PM
To: cgriffin@pashmanstein.com; Eileen Farrell <EFarrell@pointbeach.org>; Christine Riehl <Criehl@pointbeach.org>
Subject: Duff v. Point Pleasant Beach Borough

Please see fully executed Stipulation of Dismissal which has been efiled with the Court today.

Regards,
Rosemarie Cangiano
Paralegal to Steven A. Zabarsky, Esq.
CITTA HOLZAPFEL & ZABARSKY
248 Washington St.
Toms River, NJ 08753
Phone: 732-349-1600
Fax: 732-349-0792

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Eileen Farrell

From: Eileen Farrell
Sent: Tuesday, May 21, 2019 3:59 PM
To: Janet Mutter
Subject: FW: Patrick Duff v. Borough of Point Pleasant Beach, et al.
Attachments: Scan-POINT BEACH-DUFF-STIPULATION OF DISMISSAL WITH PREJUDICE.pdf

Janet,
Please file with the lawsuit.
Eileen

From: Rosemarie Cangiano [mailto:bkorc@comcast.net]
Sent: Tuesday, May 21, 2019 3:35 PM
To: Eileen Farrell <EFarrell@pointbeach.org>; Christine Riehl <Criehl@pointbeach.org>
Cc: sgriffin@pashmanstein.com
Subject: Patrick Duff v. Borough of Point Pleasant Beach, et al.

Please see the attached Stipulation of Dismissal with Prejudice that has been signed by the parties and which has been filed with the Court. Thank you.

Regards,
Rosemarie Cangiano
Paralegal to Steven A. Zabarsky, Esq.
CITTA HOLZAPFEL & ZABARSKY
248 Washington St.
Toms River, NJ 08753
Phone: 732-349-1600
Fax: 732-349-0792

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PASHMAN STEIN WALDER HAYDEN

A Professional Corporation

Court Plaza South

21 Main Street, Suite 200

Hackensack, NJ 07601

(201) 488-8200

CJ GRIFFIN, ESQ. (#031422009)

sgriffin@pashmanstein.com

Attorneys for Plaintiff,

Patrick Duff

PATRICK DUFF

Plaintiff,

v.

BOROUGH OF POINT PLEASANT BEACH
and EILEEN FARRELL, in her official capacity
as Records Custodian for the Borough of Point
Pleasant Beach,

Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: OCEAN COUNTY

DOCKET NO.: OCN-L-000383-19

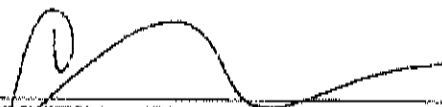
Civil Action

**STIPULATION OF DISMISSAL
WITH PREJUDICE**

IT IS hereby stipulated and agreed that all claims in this above-captioned matter between
Plaintiff, Patrick Duff, and all Defendants are hereby dismissed with prejudice and without costs.

**PASHMAN STEIN WALDER HAYDEN,
P.C.**

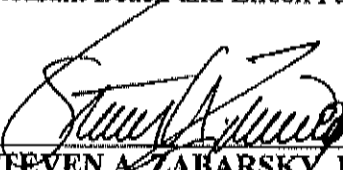
Attorneys for Plaintiff, Patrick Duff


CJ GRIFFIN, ESQ.

Dated: 5-20-19

CITTA, HOLZAPFEL & ZABARSKY

Attorneys for Defendants, Borough of Point
Pleasant Beach and Eileen Farrell


STEVEN A. ZABARSKY, ESQ.

Dated: MAY 21, 2019