

RESOLUTION NO. 169-2018

BOROUGH OF ROSELAND
COUNTY OF ESSEX, STATE OF NEW JERSEY

RESOLUTION AUTHORIZING THE SETTLEMENT OF:
GORMAN V. WATKINS, BOROUGH OF ROSELAND
DOCKET NO. L-5760-17

WHEREAS, on July 27, 2017, Scott Gorman served an OPRA request upon the Borough of Roseland; and

WHEREAS, the law technically requires a response to the same pursuant to N.J.S.A. 47:A-1- to 14 et seq. within seven (7) business days of receipt thereof; and

WHEREAS, the Borough Clerk, Jock Watkins, immediately began processing the same; and

WHEREAS, since the Borough Clerk, in the interest of fiscal conservancy, is a part time position (only 3 days a week); and

WHEREAS, the compilation of records required the assistance of third parties outside the full employment of the Borough; and

WHEREAS, the Borough Clerk's initial response was not sent to the requestor Gorman until August 15, 2017 when Watkins e-mailed OPRA responses to Gorman and followed up on August 16, 2017 with additional documents; and

WHEREAS, the time period to respond to the OPRA request technically expired on August 7, 2017; and

WHEREAS, without any follow-up request or inquiry as to the status of said OPRA request, Plaintiff Scott Gorman instituted suit on August 9, 2017 seeking to exploit the technical deficiency for political gain and recuperation of attorney's fees; and

WHEREAS, said OPRA request was fully responded to on or about August 16, 2017; and

WHEREAS, the Borough requested that Plaintiff withdraw said complaint to conserve taxpayer dollars in the continued litigation of a moot matter as said records were provided to Plaintiff; and

WHEREAS, Plaintiff refused to withdraw the same and insisted on continuing to incur attorney's fees and sought the Court to compel payment of the same; and

WHEREAS, the Borough appeared in Court to oppose the application for attorney's fees and costs; and

WHEREAS, the Court was reluctant to award attorneys fee, and suggested that the matter settle for costs only as there was no evidence of any intent on the behalf of the Borough to deny access to public records; and


WHEREAS, both parties agreed conditioned upon approval from the governing body of the Borough of Roseland to settle all claims associated with the aforementioned litigation and OPRA demand for costs only in the amount of \$479.00;

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Roseland hereby agrees to authorize the execution of a settlement agreement and stipulation of dismissal with prejudice in consideration for payment of \$479.00 in filing fees and costs only, without the payment of any other penalty or attorney’s fees to Plaintiff ; and


BE IT FURTHER RESOLVED that copies of this Resolution are to be provided to the Borough Clerk and Borough Attorney, Mark Semeraro, Esq.

COUNCIL	MOTION	SECOND	AYE	NAY	ABSTAIN	RECUSE	ABSENT
Councilman Bardi				X			
Councilman Jacobs			X				
Councilman Leonard							X
Councilman Smith	X		X				
Council President Tolli			X				
Councilman Tsilionis		X	X				
Mayor Duthie (In case of tie)							
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I do hereby certify that the forgoing is a true and exact copy of a Resolution adopted by the Mayor and Borough Council of the Borough of Roseland on May 15, 2018.



John Duthie, Mayor



Jock H. Watkins, Borough Clerk