

RESOLUTION 2012-26
NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
APPROVAL OF PAYMENT IN SETTLEMENT OF OPRA LITIGATION

WHEREAS, the Highlands Water Protection and Planning Act (Highlands Act) has created a public body corporate and politic with corporate succession known as the Highlands Water Protection and Planning Council (Highlands Council); and

WHEREAS, an Open Public Records Act (OPRA) litigation was instituted by Hampton Farm, LLC (“Hampton Farm”) against the Borough of Hampton (Borough) and the Highlands Council in October 2011; and

WHEREAS, the court entered final judgment on August 30, 2012, ordering the Highlands Council to turn over thirty-five (35) emails that it had asserted were shielded from disclosure by the deliberative process privilege; and

WHEREAS, Hampton Farm was a prevailing party under OPRA, Hampton Farm was awarded \$17,640 in attorneys’ fees, split 50/50 between the Highlands Council and the Borough, with each ordered to pay \$8,820; and

WHEREAS, Rule 2:4-1 requires an appeal to be filed within forty-five (45) days from the entry of final judgment, which gives the Highlands Council until October 15, 2012 to file an appeal or turn over the emails and pay Hampton Farm \$8,820; and

WHEREAS, on advise of the Highlands Council Deputy Attorney General, the Highlands Council will not appeal the decision; and

WHEREAS, the Highlands Council will turn over the 35 emails and pay Hampton Farm \$8,820; and

WHEREAS, pursuant to N.J.S.A. 13:20-5.j, no action authorized by the Highlands Council shall have force or effect until ten (10) days, Saturdays, Sundays and public holidays excepted, after a copy of the minutes of the meeting of the Council has been delivered to the Governor for review, unless prior to expiration of the review period the Governor shall approve same, in which case the action shall become effective upon such approval.

NOW, THEREFORE, BE IT RESOLVED that the Highlands Council hereby approves the payment of \$8,820 to Hampton Farm in settlement of the above-referenced OPRA litigation.

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CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the Highlands Council at its regular meeting held on the 20th day of September, 2012.



 Jim Rilee, Chairman

**Vote on the Approval of
 This Resolution**

	Motion	Second	Yes	No	Abstain	Absent
Councilmember Alstede	_____	_____	✓	_____	_____	_____
Councilmember Carluccio	_____	_____	_____	_____	_____	✓
Councilmember Dougherty	_____	✓	✓	_____	_____	_____
Councilmember Dressler	_____	_____	✓	_____	_____	_____
Councilmember Francis	_____	_____	✓	_____	_____	_____
Councilmember Holtaway	_____	_____	_____	_____	_____	✓
Councilmember James	_____	_____	_____	_____	_____	✓
Councilmember Mengucci	_____	_____	_____	_____	_____	✓
Councilmember Richko	_____	_____	✓	_____	_____	_____
Councilmember Sebetich	_____	_____	✓	_____	_____	_____
Councilmember Tfrank	_____	_____	✓	_____	_____	_____
Councilmember Visioli	✓	_____	✓	_____	_____	_____
Councilmember Vohden	_____	_____	✓	_____	_____	_____
Councilmember Walton	_____	_____	_____	_____	_____	✓
Chairman Rilee	_____	_____	✓	_____	_____	_____