



Lashway, Lisa


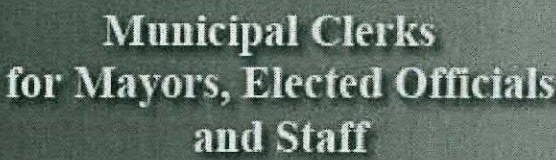

From: Lashway, Lisa
Sent: Tuesday, May 18, 2010 9:46 AM
To: Mayor David Scapicchio; Sohl, Bill; Tobey, Phil; Perkins, Ray
Cc: 'Tammy Probst-Smith'
Subject: FW: West Windsor OPMA

FYI - Correspondence

Lisa Lashway
Township Clerk
Township of Mount Olive
P.O. Box 450
Budd Lake, NJ 07828
973-691-0900 Ext. 7290

From: NJLM - Municipal Clerks [mailto:njlm-clerks@cityconnections.com]
Sent: Tuesday, May 18, 2010 9:38 AM
To: Lashway, Lisa
Subject: West Windsor OPMA

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May 18, 2010

Re: Bresler v. West Windsor-Plainsboro School Board-
OPMA and the 1st Amendment

Dear Mayor:

I wanted to make you aware of a decision released yesterday by the New Jersey Supreme Court.

Mr. Bresler believed that a coach in the West Windsor-Plainsboro school system was treating his daughter in an unfair and perhaps abusive manner. In an attempt to address the situation, he, among other things, attended public meetings of the school board and spoke on this issue during at least nine separate meetings.

At the tenth meeting, the chair informed the public that public comment would last no longer than 30 minutes, and that no speaker would have more

than five minutes of comment time. Several speakers went on longer than 5 minutes. However, when Mr. Bresler rose to speak, he was informed that no personnel discussions would take place at the meeting. When he attempted to go on, the chair of the meeting informed him that the board would not entertain his comments. Mr. Bresler then sued, claiming that the school board had violated his first amendment rights.

The Court agreed. In the majority opinion, Justice Albin stated: "A public body may control its proceedings in a content-neutral manner by stopping a speaker who is disruptive or who fails to keep to the subject matter on the agenda." The Court stated that this decision was not content neutral. The mere fact that the speaker was repeating comments he had made at nine previous meetings does not mean that his comments were disruptive.

We encourage you to review this case and your public comments policy with your municipal attorney. If you have any questions or need further information, please contact our staff attorney, Matthew Weng, at 609-695-3481 ext 137.

Very truly yours

William G. Dressel, Jr.

Executive Director

New Jersey League of Municipalities
222 West State Street, Trenton, NJ 08608
609-695-3481

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