

**Machado Law Group**

1 Cleveland Place  
Springfield, NJ 07081  
973-232-5291

Isabel Machado, Esq. - 02237-1998  
Christine Magee, Esq. - 11719-2014

Attorneys for Plaintiff Oceanport Board of Education

**Capehart & Scatchard, P.A.**

8000 Midlantic Drive, Suite 300S  
P.O. Box 5016  
Mount Laurel, N.J. 08054-5016  
(856) 234-6800

Joseph F. Betley, Esq. - 03990-1983  
Geoffrey N. Stark, Esq. - 01811-2010

Attorneys for Plaintiff Shore Regional High School Board of Education

---

OCEANPORT BOARD OF EDUCATION,  
Monmouth County, and SHORE REGIONAL  
HIGH SCHOOL BOARD OF EDUCATION  
Monmouth County,

Plaintiffs,

v.

CHRISTINE GIORDANO HANLON, in her  
official capacity as the Monmouth County  
Clerk; BOROUGH OF SEA BRIGHT,  
Monmouth County; and BOROUGH OF  
HIGHLANDS, Monmouth County,

Defendants.

---

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION: MONMOUTH COUNTY

DOCKET NO. \_\_\_\_\_

**VERIFIED COMPLAINT**

The Oceanport Board of Education (“Oceanport”) and the Shore Regional High School Board of Education (“Shore Regional”) (collectively “Plaintiffs”), by and through their respective attorneys, Machado Law Group and Capehart & Scatchard, P.C., by way of Verified Complaint against Defendants Christine Giordano Hanlon, in her official capacity as Monmouth County

Clerk, Borough of Sea Bright (“Sea Bright”), and Borough of Highlands (“Highlands”), allege as follows:

**PRELIMINARY STATEMENT**

1. This is an action to restrain all Defendants from taking any further action regarding the inclusion of non-binding referendum questions on the November 2024 General Election ballot in Monmouth County, and invalidate the resolutions approving the same which were passed by Defendant Highlands at their regular meeting on July 17, 2024, and Defendant Sea Bright at their special meeting on July 26, 2024.

**PARTIES**

2. The Oceanport Board of Education (“Oceanport”), a Type II public school district organized under Title 18A of the New Jersey Statutes educating students in grades PK-8, including students residing in the Boroughs of Oceanport and Sea Bright. Its principal place of business is 29 Wolf Hill Avenue, Oceanport, Monmouth County, New Jersey 07757.
3. The Shore Regional High School Board of Education (“Shore Regional”), a is a limited purpose regional high school district organized pursuant to N.J.S.A. 18A:13-2. Shore Regional operates a regional high school educating students in grades 9-12, including students residing in the boroughs of Oceanport and Sea Bright. Its principal place of business is at 132 Monmouth Park Highway, West Long Branch, Monmouth County, New Jersey 07764.
4. Defendant Christine Giordano Hanlon, in her official capacity, is County Clerk for Monmouth County, New Jersey. Her principal place of business is 33 Mechanic Street, Freehold, Monmouth County, New Jersey 07728.

5. Defendant Borough of Sea Bright (“Sea Bright”) is a municipality in New Jersey. Its principal place of business is 1099 Ocean Avenue, Sea Bright, Monmouth County, New Jersey 07760
6. Defendant Borough of Highlands (“Highlands”) is a municipality in New Jersey. Its principal place of business is 151 Navesink Ave., Highlands, Monmouth County, New Jersey 07732

### VENUE

7. Venue is properly laid in Monmouth County as all parties are located within Monmouth County. R. 4:3-2(a).

### FACTUAL BACKGROUND

1. On June 30, 2009, the Legislature passed P.L. 2009, c.78, clarifying the procedure for the elimination of non-operating school districts, with the law taking effect immediately.
2. On July 1, 2009, the New Jersey Commissioner of Education (“Commissioner”) eliminated the non-operating school district of Sea Bright and merged it with Oceanport pursuant to P.L. 2009, c.78, creating a new local school district known as the Oceanport School District for grades PK-8. Sea Bright ceased being a non-operating school district pursuant P.L. 2009, c 78. *See* The New Jersey Department of Education July 1, 2009, Memo attached as **Exhibit A**.
3. Sea Bright does not have a separate board of education as the local Oceanport School District is responsible for the education of both Oceanport and Sea Bright students.
4. Pursuant to N.J.S.A. 18A:8-47, enacted by P.L. 2009, c.78, the Oceanport School District holds annual school elections in which the voters of the Borough of Sea Bright and the Borough of Oceanport participate at-large and there is no apportionment of board seats.

The Oceanport School District also receives the state aid funding for both the students of Borough of Sea Bright and the students of Borough of Oceanport directly from the State of New Jersey.

5. Once the students of the Oceanport School District, which includes students from both Sea Bright and Oceanport, reach high school they attend Shore Regional High School.
6. On January 18, 2022, the Legislature passed P.L. 2021, c.402, modifying certain procedures pertaining to school district regionalization and establishing a grant program for cost reimbursement of conducting regionalization feasibility studies, with the law taking effect immediately.
7. Between February 2022 and July 2022 Sea Bright along with the Boroughs of Highlands and Atlantic Highlands and the Henry Hudson Regional Board of Education, Atlantic Highlands Board of Education, and Highlands Board of Education, resolved to seek the separation of Sea Bright from Oceanport and Shore Regional, and the regionalization of Sea Bright and the Tri-Districts into a new, all-purpose regional school district.
8. In July 2022, these bodies filed a petition for regionalization with the New Jersey Commissioner of Education (“Commissioner”) seeking permission to form a new, all-purpose regional district which included Sea Bright.
9. Oceanport and Shore Regional opposed these efforts, which resulted in litigation before the Commissioner, and ultimately the Appellate Division, under docket number A-2652-22T4.
10. During the pendency of that litigation, the Henry Hudson Regional Board of Education, Atlantic Highlands Board of Education, and Highlands Board of Education filed a new

petition with the Commissioner which sought to create the new regional district without Sea Bright. The Commissioner approved that amended petition on July 21, 2023.

11. In response, Sea Bright wrote to the Commissioner seeking recognition of the right of Sea Bright to withdraw from Oceanport and Shore Regional pursuant to N.J.S.A. 18A:13-47.11.
12. This was opposed by Oceanport and Shore Regional, and in response the Commissioner issued a final agency decision on September 22, 2023, finding, in part, that Sea Bright was entitled to seek withdrawal from Oceanport and Shore Regional, but that their request to do so was premature. Oceanport and Shore Regional filed a Notice of Appeal, and the matter has proceeded before the Appellate Division, as *I/M/O The Verified Petition for the Proposed Creation of a PK-12 All-Purpose Regional School District by the Borough of Sea Bright, Borough of Highlands, Borough of Atlantic Highlands, Henry Hudson Regional School District, Atlantic Highlands School District*, Docket No. A-000716-23.
13. On July 17, 2024, Sea Bright filed a Motion to Accelerate Docket No. A-000716-23. The motion was approved by the Appellate Division on August 2, 2024.
14. On July 17, 2024, upon information and belief, Highlands passed a resolution authorizing the placement of a non-binding ballot question on the November 5, 2024, General Election ballot. Specifically, the question states “Do you support the Borough exploring tax relief for Highlands by having students from Sea Bright attend the Henry Hudson Regional School District?” (“Highlands Non-Binding Question”). *See* Highlands July 17, 2024, Resolution 24-138 attached as **Exhibit B**.
15. On July 26, 2024, upon information and belief, Sea Bright passed a resolution authorizing a non-binding question to be printed on the November 5, 2024, General Election ballot.

Specifically, the question states “Do you support the borough exploring educational opportunities and property tax relief available to Sea Bright by having students from Sea Bright attend the Henry Hudson Regional School District?” (“Sea Bright”) Non-Binding Question”). *See* Sea Bright July 26, 2024, Resolution 144-2024 attached as **Exhibit C**.

16. Plaintiffs have an interest in determining whether the actions taken at the meetings described above are lawful and complied with the requirements of the Open Public Meetings Act (“OPMA”), N.J.S.A. 10:4-6 to -21, as the resolutions authorizing non-binding referendum questions regarding the reconfiguration of the regionalization structure that includes the withdrawal of Sea Bright students from Oceanport and Shore Regional, has a substantial and detrimental impact on the financial, demographical, cultural and educational interests of both Oceanport and Shore Regional.
17. On July 26, 2024, Isabel Machado, Esq., acting on behalf of Oceanport, filed an Open Public Records Act (“OPRA”) request with Highlands seeking documents regarding its compliance with the OPMA for its July 17, 2024, regular meeting. Specifically, the July 26, 2024, OPRA request sought the following:
  - a. A copy of the notice prominently posted in at least one public place reserved for such or similar announcements pursuant to the OPMA regarding the Regular Meeting of the Borough of Highlands on July 17, 2024. Identity of the location where the notice was posted.
  - b. Correspondence and/or emails from January 1, 2024 to the present between the Borough of Highlands and the Asbury Park Press regarding the posting of the notice of the July 17, 2024 Regular Meeting of the Borough of Highlands, and a copy of the corresponding notice.

- c. Correspondence and/or emails from January 1, 2024 to the present between the Borough of Highlands and the Two River Times regarding the posting of the notice of the July 17, 2024 Regular Meeting of the Borough of Highlands, and a copy of the corresponding notice.
  - d. Correspondence and/or emails from January 1, 2024 to the present between the Borough of Highlands Council and the Municipal Clerk of the Borough of Highlands, regarding the posting of the notice of the July 17, 2024 Regular Meeting of the Borough of Highlands, and a copy of the corresponding notice.
18. Highlands responded to the request on July 29, 2024, through their “NextRequest” online system, providing requested documentation. *See* a copy of Highlands’ July 29, 2024, OPRA Response, attached as **Exhibit D**.
19. On July 26, 2024, Isabel Machado, Esq., acting on behalf of Oceanport, filed an OPRA request with Sea Bright seeking documents regarding its compliance with the OPMA for its July 26, 2024, special meeting. *See* a copy of the July 26, 2024, OPRA Request attached as **Exhibit E**. Specifically, the July 26, 2024 OPRA request sought the following:
- a. A copy of the notice prominently posted in at least one public place reserved for such or similar announcements pursuant to the OPMA regarding the Special Meeting of the Borough of Sea Bright on July 26, 2024. Identity of the location where the notice was posted.
  - b. Correspondence and/or emails from July 1, 2024 to the present between the Borough of Sea Bright and the Asbury Park Press regarding the posting of the notice of the July 26, 2024 Special Meeting of the Borough of Sea Bright, and a copy of the corresponding notice.

- c. Correspondence and/or emails from July 1, 2024 to the present between the Borough of Sea Bright and the second newspaper as required by the Open Public Meetings Act regarding the posting of the notice of the July 26, 2024 Special Meeting of the Borough of Sea Bright, and a copy of the corresponding notice.
  - d. Correspondence and/or emails from July 1, 2024 to the present between the Borough of Sea Bright Council and the Municipal Clerk of the Borough of Sea Bright, regarding the posting of the notice of the July 26, 2024 Special Meeting of the Borough of Sea Bright, and a copy of the corresponding notice.
20. Sea Bright's borough clerk, Christine Pfeiffer, responded to the July 26, 2024, request on behalf of Sea Bright on July 26, 2024, and provided a copy of (1) an email sent to Asbury Park Press, Hub New, Link News, and Two River Times, and (2) the agenda for the July 26, 2024, special meeting. Ms. Pfeiffer also stated that the documents responded to items a-c in Paragraph 19 above, and that there were no documents responsive to item d. *See* Ms. Pfeiffer's July 26, 2024, response on behalf of Sea Bright attached as **Exhibit F**.
21. Based on Sea Bright's official response to the July 26, 2024, OPRA, adequate notice was not provided for Sea Bright's July 26, 2024, special meeting, as required by N.J.S.A. 10:4-8. **Exhibit F**.
22. Generally, the OPMA requires that all meetings of public bodies provide adequate notice of such meeting. N.J.S.A. 10:4-9. "Adequate notice" is defined as advance notice of at least 48 hours "giving the time, date, location and, to the extent known, the agenda of any regular, special or rescheduled meeting, which notice shall accurately state whether formal action may or may not be taken." N.J.S.A. 10:4-8(d).



23. Based on Sea Bright's official response to the July 26, 2024, OPRA, the notice did not include the required language regarding whether formal action may or may not be taken.
24. Sea Bright is aware of the obligation to state on the notice whether formal action may be taken as they have previously complied with the same. *See* Sea Bright's response to a September 15, 2022, OPRA regarding OPMA compliance for an August 19, 2022, special meeting, attached as **Exhibit G**.
25. Based on Sea Bright's official response to the July 26, 2024, OPRA, there was no separate notice posted in at least one public place reserved for such or similar announcements. Ms. Pfeiffer stated that the documentation provided in response to the OPRA was responsive to the request for the same. **Exhibit F**. As such, there was no other public notice which stated whether formal action may or may not be taken at the July 26, 2024, meeting.
26. Upon information and belief, on July 30, 2024, Sea Bright, along with Highlands, filed another petition for regionalization with the Commissioner of Education seeking permission for contingent withdrawal from Oceanport and Shore Regional for the purpose of joining the recently expanded Henry Hudson Regional School District.
27. The official deadline for mailing out the ballot for the November 2024 general election is September 21, 2024. See 2024 General Election Timeline attached as **Exhibit H**.

**COUNT I  
VIOLATION OF N.J.S.A. 19:37-1**

28. Plaintiff hereby repeats and incorporates by reference Paragraphs 1-27 of this Verified Complaint.
29. Municipalities and counties are permitted to ascertain the sentiment of their voters' views on proposed action through the submission of non-binding referendum questions provided

that the same is within their governmental power and there is no other statute through which the sentiment can be ascertained.

30. Defendant Sea Bright's resolution authorizing the submission of Sea Bright's non-binding question is illegal and void as the content of the same is not within their governmental power.
31. Defendant Highlands' resolution authorizing the submission of Highlands' non-binding question is illegal and void as the content of the same is not within their governmental power.
32. Highlands' and Sea Bright's passage of the resolutions on July 17, 2024, and July 26, 2024, respectively, constitute illegal interference with the affairs of the Henry Hudson Regional School District, Oceanport School District, and Shore Regional High School District.
33. Further, even if the content of the non-binding questions were within the governmental power of Sea Bright and Highlands, there is another statute through which the sentiment on school district regionalization can be ascertained. N.J.S.A. 18A:13-43.

**WHEREFORE**, Plaintiffs demand:

- A. An Order of Judgment stating that the non-binding referendum questions submitted by Sea Bright and Highlands are void as they constitute illegal interference with the affairs of the Henry Hudson Regional School District, Oceanport School District, and Shore Regional High School District;
- B. An Order of Judgment stating that the resolution adopted by Highlands at their July 17, 2024, regular meeting is void;
- C. An Order of Judgment stating that the resolution adopted by Sea Bright at their July 26, 2024, special meeting is void;

- D. Preliminary and permanent injunctive relief prohibiting Defendants from taking any acting in furtherance of placing the non-binding referendum questions on the November 2024 General Election ballot; and,
- E. Such other, further and different relief as the Court may deem equitable and just.

**COUNT II  
VIOLATION OF THE OPEN PUBLIC MEETINGS ACT  
(N.J.S.A. 10:4-6 ET SEQ.)**

- 34. Plaintiff hereby repeats and incorporates by reference Paragraphs 1-33 of this Verified Complaint.
- 35. The OPMA requires that public entities provide “adequate notice” of a special meeting at least 48 hours in advance of the meeting.
- 36. To provide “adequate notice” a public entity must public notice giving the time, date, location and, to the extent known, the agenda of any regular, special or rescheduled meeting, and the notice must state whether formal action may or may not be taken. N.J.S.A. 10:4-8(d).
- 37. As addressed above, Sea Bright failed to provide adequate notice of its July 26, 2024, special meeting.

**WHEREFORE**, Plaintiffs demand:

- F. An Order of Judgment stating that the resolution adopted by Sea Bright at their July 26, 2024, special meeting is void;
- G. Preliminary and permanent injunctive relief prohibiting Defendants from taking any action in furtherance of the resolution passed at Sea Bright’s July 26, 2024, special meeting; and
- H. Such other, further and different relief as the Court may deem equitable and just.

### **DESIGNATION OF TRIAL COUNSEL**

Plaintiff Oceanport hereby designates Isabel Machado as trial counsel. Plaintiff Shore Regional hereby designates Joseph F. Betley as trial counsel.

### **CERTIFICATION PURSUANT TO R. 1:38-7(b)**

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.

### **CERTIFICATION OF NO OTHER ACTIONS**

Pursuant to R. 4:5-1, it is hereby stated that the matter in controversy is not the subject of any other action pending in any other court or of a pending arbitration proceeding to the best of my knowledge and belief. To the best of my belief, no other action or arbitration proceeding is pending or contemplated. Further, other than the parties set forth in the pleading, I know of no other parties that should be joined in the above action. In addition, I recognize the continuing obligation of each party to file and serve on all parties and the Court an amended certification if there is a change in the facts stated in this original certification.

To the extent that there remains the question of whether Sea Bright may withdraw from Oceanport and Shore Regional and join the recently expanded Henry Hudson Regional School District, a Notice of Appeal is pending with the Appellate Division. This matter is listed below:

- *I/M/O The Verified Petition for the Proposed Creation of a PK-12 All-Purpose Regional School District by the Borough of Sea Bright, Borough of Highlands, Borough of Atlantic*

*Highlands, Henry Hudson Regional School District, Atlantic Highlands School District,*  
Docket No. A-000716-23.

Respectfully submitted,

MACHADO LAW GROUP  
Attorneys for Plaintiff  
Oceanport Board of Education



---

Isabel Machado, Esq.

Date: August 30, 2024

CAPEHART & SCATCHARD, P.C.  
Attorneys for Plaintiff  
Shore Regional High School  
Board of Education

s/ Geoffrey N. Stark

Geoffrey N. Stark, Esq.

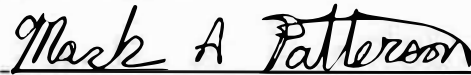
Date: August 30, 2024

**VERIFICATION**

I, Mark Patterson, of full age, being duly sworn upon his oath according to law deposes and says:

1. I am the President of the Oceanport Board of Education in the foregoing matter.
2. I have read the Verified Complaint and aver that the facts contained herein are true to the best of my knowledge and belief.

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



---

Mark Patterson, Oceanport Board of  
Education President



UNION COUNTY: MAIN OFFICE  
1 CLEVELAND PLACE  
SPRINGFIELD, NEW JERSEY 07081  
973.232.5291  
973.232.6261 (FAX)  
WWW.MACHADOLAWGROUP.COM

MONMOUTH COUNTY  
SEA BRIGHT, NEW JERSEY 07760  
973.232.5291  
973.232.6261 (FAX)

SUSSEX COUNTY  
NEWTON, NEW JERSEY 07860  
973.232.5291  
973.232.6261 (FAX)

REPLY TO MAIN OFFICE

August 30, 2024

**Via E-Courts**

Honorable Marc C. Lemieux, A.J.S.C.  
Superior Court – Civil Division  
Monmouth County Courthouse  
71 Monument Street, 3<sup>rd</sup> Floor  
Freehold, NJ 07728

Re: *Oceanport Board of Education and Shore Regional High School Board of Education v. Christine Giordano Hanlon, in her official capacity as the Monmouth County Clerk; Borough of Sea Bright; and Borough of Highlands*  
Docket No.: TBA

Dear Judge Lemieux:

We are counsel to Plaintiff the Oceanport Board of Education, and write jointly with Capehart & Scatchard, P.A., counsel for the Shore Regional High School Board of Education (“Shore Regional”) (collectively “Plaintiffs”). Kindly accept this letter brief in lieu of a more formal brief in support of Plaintiffs’ verified complaint and order to show cause. With this action, Plaintiffs seek a preliminary injunction restraining Defendants from taking any acting in furtherance of placing the non-binding referendum questions concerning school district regionalization, submitted by the Borough of Sea Bright (“Sea Bright”) and the Borough of Highlands (“Highlands”), on the November 2024 General Election ballot.

## STATEMENT OF FACTS

For the facts of this matter, we respectfully refer the Court to Plaintiffs' Verified Complaint and the exhibits being filed herewith.

## LEGAL ARGUMENT

### **I. PLAINTIFFS ARE ENTITLED TO INJUNCTIVE RELIEF.**

In Crowe v. De Gioia, 90 N.J. 126 (1981), the New Jersey Supreme Court set forth the elements necessary to obtain a preliminary injunction. Namely, to obtain temporary injunctive relief, the moving party must demonstrate by clear and convincing evidence that:

1. The injunction is necessary to prevent irreparable harm;
2. The legal right underlying petitioner's claims is settled as a matter of law;
3. The moving party has a reasonable probability of success on the merits of the underlying claim; and
4. In balancing the conveniences and equities, the injury to the moving party in the absence of an injunction outweighs the foreseeable harm to the opposing party.

Crowe v. De Gioia, 90 N.J. 126, 132-35 (1981); Parks v. Commerce Bank, 377 N.J. Super. 378, 387 (App. Div. 2005). In addition, courts have required that the criteria to obtain injunctive relief be established by "clear and convincing proof." Dolan v. DeCorpa, 16 N.J. 587 (1955). However, in instances where the party requesting injunctive relief seeks only to preserve the status quo, he may not need to establish all four *Crowe* factors. See Waste Mgmt. of N.J., 399 N.J. Super. 508, 520 (App. Div. 2008). Rather, the court may "place less emphasis on a particular *Crowe* factor if another greatly requires the issuance of the remedy." *Id.*



A. **The Underlying Law Is Well-Settled and Plaintiffs Can Establish a Reasonable Likelihood of Success on the Merits as the referendum questions constitute illegal interference with the affairs of the Henry Hudson Regional School District, Oceanport School District, and Shore Regional High School District and are impermissible under N.J.S.A. 19:37-1.**

Neither Sea Bright nor Highlands have the authority to submit a nonbinding referendum question relating to the internal affairs of the Oceanport Board of Education, Shore Regional Board of Education, or the Henry Hudson Regional School District Board of Education, which are each separate and distinct governing bodies.

*i. The proposed action is not within the governmental power of Defendant Sea Bright or Highlands.*

While N.J.S.A. 19:37-1 provides a method for municipalities and counties to determine their voters' views on proposed action within their governmental power, it does not permit a municipality or county to solicit the views of their voters on a question merely because it is one of public interest. See Borough of Bogota v. Donovan, 388 N.J. Super. 248. The public question on the ballot must relate to a matter within the power of the local government proposing it. N.J.S.A. 19:37-1 provides, in pertinent part:

When the governing body of any municipality or of any county desires to ascertain the sentiment of the legal voters of the municipality or county upon any question or policy pertaining to the government or internal affairs thereof, and there is no other statute by which the sentiment can be ascertained by the submission of such question to a vote of the electors in the municipality or county at any election to be held therein, the governing body may adopt at any regular meeting an ordinance or a resolution requesting the clerk of the county to print upon the official ballots to be used at the next ensuing general election a certain proposition to be formulated and expressed in the ordinance or resolution in concise form.

Further, N.J.S.A. 19:37-1 does not permit submission of a non-binding question when there is another statute by which the sentiment can be ascertained. N.J.S.A. 18A:13-43 – Enlargement of regional districts; referendum – provides that:

If the board of education of a regional district and the board or boards of education of one or more local districts, and the commissioner or his representative, after consultation, study and investigation, shall determine that it is advisable to enlarge the regional school district so as to include said local district or districts therein, **the board of education of the regional district and of each such local district shall by resolution frame and adopt a proposal to that effect and shall submit** upon the same day, in such regional district and in each such local school district, at a special school election held pursuant to the provisions of P.L.1995, c.278 (C.19:60-1 et seq.) or at an election to be held on the third Tuesday in April **the question whether or not said proposal shall be approved** briefly describing the contents of said resolution and stating the date of its adoption and they may submit also at such special election as part of such proposal any other provision which may be submitted at such a special election under the provisions of this chapter.

[Emphasis added]

Here, the statute regarding enlargement of a regional school district, N.J.S.A. 18A:13-43, expressly provides that it is *the board of education* that is authorized to take action regarding the same. As a result, any action regarding the same is outside of the governmental power of both Sea Bright and Highlands.

The present matter is analogous to Botkin v. Mayor & Borough Council of Borough of Westwood, 52 N.J. Super. 416; 145 A.2d 618 (1958). In Botkin, two school districts joined to become a Chapter 7 (now known as “Type II”) school district under N.J.S.A. 18:7-1 et seq. The defendant borough officials sought to have the municipality vote on a non-binding referendum to decide whether to deconsolidate. Specifically, "Should any action be considered to effect a deconsolidation of the Consolidated School District of Westwood and Washington Township?". The plaintiff brought an action to have the referendum removed from the ballot. On appeal, the Appellate Division held that the referendum question did “constitute a prohibited intrusion... in school district affairs by a body which has no business intermeddling with them in the slightest degree except as the legislature has permitted”. Id.

Conversely, in Town of Harrison Bd. of Educ. v. Netchert, 439 N.J. Super. 164 (2014), the Harrison board of education's suit, to restrain a county clerk from placing on the ballot a non-binding referendum question submitted by a borough asking voters whether to send the borough's high school students to a different high school, was denied. Specifically, the question at issue stated, "Should East Newark High School students be sent to Kearny High School instead of Harrison High School?". Critically, the East Newark board of education was a Type I school district which enjoyed much less freedom and autonomy from the governing body. Here, the Court found that a decision to continue the relationship with the Harrison board of education would be impossible if the Type 1 district's Board of School Estimate, an arm of the municipality, refused to provide the added funds needed to maintain it. Thus, it determined that the question was within the municipality's authority to act upon.

Here, neither the recently expanded all-purpose Henry Hudson Regional School District, nor the Oceanport Board of Education, nor the Shore Regional Board of Education, have a Board of School Estimate under the control of municipalities of Sea Bright or Highlands. Thus, they are separate, distinct, and free from control by the municipal governing bodies.

Accordingly, the non-binding referendum questions submitted by Sea Bright and Highlands do not relate to matters within their power of the local government and are thus illegal interference with the affairs of the Henry Hudson Regional School District, Oceanport School District, and Shore Regional High School District and impermissible under the statute.

- ii. Sea Bright's resolution authorizing the submission of the non-binding referendum question is voidable as Defendant Sea Bright failed to comply with the Open Public Meetings Act by not providing adequate notice for the July 26, 2024, special meeting.***

Defendant Sea Bright failed to comply with the Open Public Meetings Act ("OPMA"), N.J.S.A. 10:4-6 to -21 notice requirement for their July 26, 2024, special meeting. Generally, the

OPMA requires that all meetings of public bodies provide adequate notice of such meeting. N.J.S.A. 10:4-9. “Adequate notice is defined as advance notice of at least 48 hours “giving the time, date, location and, to the extent known, the agenda of any regular, special or rescheduled meeting, which notice shall accurately state whether formal action may or may not be taken.”

N.J.S.A. 10:4-8(d). Additionally, the notice must be:

(1) prominently posted in at least one public place reserved for such or similar announcements, (2) mailed, telephoned, telegraphed, or hand delivered to at least two newspapers which newspapers shall be designated by the public body to receive such notices because they have the greatest likelihood of informing the public within the area of jurisdiction of the public body of such meetings, . . . and (3) filed with the clerk of the municipality when the public body’s geographic boundaries are coextensive with that of a single municipality . . . . For any other public body the filing shall be with the clerk or chief administrative officer of such other public body and each municipal or county clerk of each municipality or county encompassed within the jurisdiction of such public body.

[Ibid. (emphasis added).]

As set forth below, based upon the evidence produced to date, the July 26, 2024, special meeting did not satisfy all of these requirements. Specifically, there is no evidence that the required notice stated whether formal action may or may not be taken. As a result of Defendant Sea Bright’s failure to provide adequate notice under the OPMA, the actions taken at the July 26, 2024, special meeting are voidable.

**B. Plaintiffs Will Suffer Irreparable Harm in the Absence of an Injunction.**

By way of brief background, following the elimination of the Borough of Sea Bright’s former non-operating school district and merger with the Oceanport School District pursuant to N.J.S.A. 18A:8-44, the children of Sea Bright attend school in Oceanport for grades PK-8 and Shore Regional for grades 9-12. Sea Bright is attempting to undo the Commissioner’s 2009 merger of Sea Bright with Oceanport by separating its resident students from Oceanport and Shore

Regional and instead joining the recently expanded Henry Hudson Regional School District. The statutory authority that Sea Bright relies upon to effectuate such a change is currently under review before the Appellate Division in, *I/M/O The Verified Petition for the Proposed Creation of a PK-12 All-Purpose Regional School District by the Borough of Sea Bright, Borough of Highlands, Borough of Atlantic Highlands, Henry Hudson Regional School District, Atlantic Highlands School District*, Docket No. A-000716-23.

Pursuant to Defendant Highlands's July 17, 2024, resolution #24-138, the question approved was "Do you support the Borough exploring tax relief for Highlands by having students from Sea Bright attend the Henry Hudson Regional School District?". Likewise, in Defendant Sea Bright's July 26, 2024, resolution #144-2024, the question approved was "Do you support the borough exploring educational opportunities and property tax relief available to Sea Bright by having students from Sea Bright attend the Henry Hudson Regional School District?"

The questions of "exploring tax relief" and "exploring educational opportunities and property tax relief" are incredibly broad, and clearly tailored to elicit a specific response. It is also pertinent to note that *after* approving their respective non-binding referendum questions for submission on July 26, 2024, Sea Bright and Highlands submitted a Petition for Regionalization to the Commissioner on July 30, 2024. It is clear that neither Sea Bright nor Highlands feel that a response to the non-binding questions are necessary to take further action, whether permissible or not, regarding the regionalization.

Ultimately, the pretext of the non-binding questions is clear. The outcome of the broad and biased questions will produce skewed results which will result in undue influence upon the currently pending Appellate Division matter. Therefore, to the extent the same must still be shown given the impermissible questions under N.J.S.A. 19:37-1, Plaintiffs will suffer irreparable harm

in the absence of injunctive relief. As the official deadline for the mailing of ballots for the November 2024 general election is September 21, 2024, an urgent resolution is required.

C. **The Balance of Equities Weighs in Favor of Granting Plaintiffs' Application.**

Here, the balance of the hardships clearly favors the issuance of the equitable relief requested. As mentioned above, Sea Bright is attempting to undo the Commissioner's 2009 merger of Sea Bright with Oceanport by separating its resident students from Oceanport and Shore Regional and instead joining the recently expanded Henry Hudson Regional School District. The statutory authority that Sea Bright relies upon to effectuate such a change is currently under review before the Appellate Division.

As it relates to the non-binding referendum questions, the issue of whether Sea Bright may withdraw from Oceanport and Shore Regional and join the recently expanded Henry Hudson Regional School District, is precisely the question currently pending before the Appellate Division. Further, on July 17, 2024, Sea Bright filed a Motion to Accelerate the Appellate Division matter, which was granted on August 2, 2024. Based on the same, it is anticipated that oral argument will be scheduled on an expedited basis, with a decision following soon thereafter.

Additionally, should the Court grant the request for temporary restraints, Defendants would suffer no harm. As mentioned above, both Sea Bright and Highlands have continued to take action, impermissible as it might be, regarding regionalization despite the purported need to submit the non-binding referendum question at issue to their respective votes. Further, as opined by the Court in Botkin, Sea Bright and Highlands are not without proper means to raise the question and have it determined as "local sentiment can undoubtedly be ascertained by interested civic groups or organizations through postal questionnaire or similar means, if such an expression is thought desirable". Botkin at 432.

Therefore, the balance of equities weighs in favor of restraining Defendant from placing the non-binding referendum questions on the November 2024 General Election ballot.

**CONCLUSION**

To avoid immediate irreparable harm, we respectfully urge the Court to restrain Defendants from acting in furtherance of the impermissible non-binding referendum questions. Specifically, we request that the Court restrain Defendants from taking any acting in furtherance of placing the non-binding referendum questions on the November 2024 General Election ballot.

Respectfully submitted,



---

Isabel Machado, Esq.  
MACHADO LAW GROUP

s/ Geoffrey N. Stark

---

Geoffrey N. Stark, Esq.  
CAPEHART & SCATCHARD, P.C.

OCEANPORT BOARD OF EDUCATION,  
Monmouth County, and SHORE REGIONAL  
HIGH SCHOOL BOARD OF EDUCATION  
Monmouth County,

Plaintiffs,

v.

CHRISTINE GIORDANO HANLON, in her  
official capacity as the Monmouth County  
Clerk; BOROUGH OF SEA BRIGHT,  
Monmouth County; and BOROUGH OF  
HIGHLANDS, Monmouth County,

Defendants.

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION – CIVIL PART  
MONMOUTH COUNTY

DOCKET NO. \_\_\_\_\_

Civil Action

**CERTIFICATION OF  
ISABEL MACHADO**

I, ISABEL MACHADO, of full age, hereby certify:

1. I am an attorney of the State of New Jersey and a partner in the law firm of Machado Law Group, and Board Counsel for the Oceanport Board of Education.
2. Attached to the Verified Complaint as Exhibit A is a true and correct copy of The New Jersey Department of Education July 1, 2009, Memo.
3. Attached to the Verified Complaint as Exhibit B is a true and correct copy of the Borough of Highlands' July 17, 2024, Resolution 24-138.
4. Attached to the Verified Complaint as Exhibit C is a true and correct copy of the Borough of Se Bright's July 26, 2024, Resolution 144-2024.
5. Attached to the Verified Complaint as Exhibit D is a true and correct copy of the July 29, 2024, OPRA response received from the Borough of Highlands.
6. Attached to the Verified Complaint as Exhibit E is a true and correct copy of the July 26, 2024, OPRA request sent to the Borough of Sea Bright.



7. Attached to the Verified Complaint as Exhibit F is a true and correct copy of the July 26, 2024, OPRA response received from the Borough of Sea Bright.
8. Attached to the Verified Complaint as Exhibit G is a true and correct copy of the September 15, 2022, OPRA response received from the Borough of Sea Bright.
9. Attached to the Verified Complaint as Exhibit H is a true and correct copy of the 2024 General Election Timeline available at <https://nj.gov/state/elections/election-information-2024.shtml>.
10. 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.



Dated: August 30, 2024

---

Isabel Machado, Esq.

# EXHIBIT A



## NJDOE News

**For More Information Contact the Public Information Office:**

**Kathryn Forsyth, Director**  
**Richard Vespucci**  
**Beth Auerswald**  
**609-292-1126**

**For Release: July 1, 2009**

### 13 Non-Operating School Districts Eliminated

Education Commissioner Lucille E. Davy today announced the State has eliminated 13 school districts that were operating without any schools and with relatively few students.

The elimination and merger of the so-called non-operating school districts comes a day after Governor Jon S. Corzine signed legislation to establish procedures for merging the districts with larger, neighboring districts where children from the non-operating districts already attend classes. The legislation ensures compliance with a 2007 law that included numerous requirements to enhance efficiency and accountability in the operation of school districts.

"This is an important step forward in Governor Corzine's efforts to share services and make government more efficient," said Commissioner Davy. "These districts don't operate any schools; they are charged tuition by the districts to which they send their students. Many of them have only a handful of students, yet they have boards of education and many hire staff to fulfill their duties.

"It is important to note, however, that eliminating the districts will have no impact whatsoever on the quality of the education provided," the Commissioner said. "Children will continue to attend the same schools and enjoy the same educational opportunities."

The concept of eliminating these non-operating districts was first proposed in a legislative study in 1969. Forty years later, Governor Jon S. Corzine signed legislation paving the way to eliminating the state's non-operating school districts. With the mergers announced today, the number of districts in the state is decreased 616 to 603; when the final 13 districts are eliminated, there will be 590 districts.

The commissioner said the initial 13 mergers are effective July 1 to coincide with the start of the State and school fiscal years. "We wanted this to be as seamless as possible," she said.

Commissioner Davy said that the first 13 districts eliminated were those that were in a sending-receiving relationship with a single school district. The remaining 13 districts have additional considerations that must be addressed before a merger can be effectuated. The Executive County Superintendents in these counties will continue to review these matters and will advise the Commissioner when a transition can be made.

Here is the list of the 13 non-operating districts eliminated effective today:

<b>County</b>	<b>District Eliminated</b>	<b>District Nonop Merged With</b>
Burlington	Pemberton Boro	Pemberton Twp (k-12)
Camden	Audubon Park	Audubon Boro (K-12)
Camden	Tavistock	Haddonfield (K-12)
Cumberland	Shiloh Boro	Hopewell Twp (K-8)

Hunterdon	Glen Gardner	Clinton Town (K-8)
Middlesex	Helmetta	Spotswood (K-12)
Monmouth	Sea Bright Boro	Oceanport Boro (K-8)
Morris	Victory Gardens	Dover Town (K-12)
Ocean	Mantoloking	Point Pleasant Beach Boro (K-12)
Somerset	Millstone	Hillsborough Twp (K-12)
Somerset	Rocky Hill	Montgomery Twp (K-12)
Sussex	Branchville Boro	Frankford Twp (K-8)
Warren	Hardwick	Blairstown Twp (K-6)

The reports of the Executive County Superintendent on the elimination of the initial 13 non-operating districts are available here: <http://www.state.nj.us/education/counties/>

The remaining 13 non-operating districts that will be addressed at a later date are Longport (Atlantic), Corbin City (Atlantic), Rockleigh (Bergen), Teterboro (Bergen), Pine Valley (Camden), Chesilhurst (Camden), Hi Nella (Camden), Cape May Point (Cape May), West Wildwood (Cape May), Newfield (Gloucester), Allenhurst (Monmouth), Interlaken (Monmouth), and Lake Como (Monmouth).

# EXHIBIT B



BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH

**RESOLUTION 24-138**

**AUTHORIZING THE PLACEMENT OF A NON-BINDING BALLOT QUESTION ON THE NOVEMBER 5, 2024 GENERAL ELECTION BALLOT REGARDING SUPPORT BY THE BOROUGH OF HIGHLANDS TO EXPLORE TAX RELIEF BY ADDING SEA BRIGHT TO THE HENRY HUDSON REGIONAL SCHOOL DISTRICT**

**WHEREAS**, N.J.S.A. 19:37-1 permits municipalities to adopt a Resolution authorizing the placement of a non-binding question on the general election ballot to “ascertain the sentiment of the legal voters of the municipality” and request the County Clerk to print the question upon the official ballot of the next general election; and

**WHEREAS**, pursuing a change for tax relief is a proper and reasonable policy-pursuit of the municipal governing body; and

**NOW, THEREFORE, BE IT RESOLVED**, by the governing body of the Borough of Highlands that it requests that the County Clerk print upon the official ballot at the next general election to be held on November 5, 2024, the following question:

“Do you support the Borough exploring tax relief for Highlands by having students from Sea Bright attend the Henry Hudson Regional School District?”

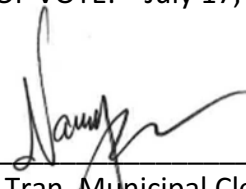
**BE IT FURTHER RESOLVED**, that a copy of this Resolution certified by the Borough Clerk to be a true copy be immediately filed with the Monmouth County Clerk together with the request that the ballot question be placed upon the ballot for the general election to be held on November 5, 2024.

Motion to Approve R 24-138:

	INTRODUCED	SECOND	AYE	NAY	RECUSE	ABSENT
CERVANTES			X			
CHELAK	X		X			
MELNYK						X
OLSZEWSKI		X	X			
BROULLON			X			

This is a Certified True copy of the Original Resolution on file in the Municipal Clerk’s Office.

DATE OF VOTE: July 17, 2024

  
\_\_\_\_\_  
Nancy Tran, Municipal Clerk  
Borough of Highlands

# EXHIBIT C

**RESOLUTION NO. 144-2024**

**A RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF SEA BRIGHT AUTHORIZING A NON-BINDING QUESTION TO BE PRINTED ON THE BALLOT FOR CONSIDERATION BY THE VOTERS WITHIN THE BOROUGH AT THE GENERAL ELECTION ON NOVEMBER 5, 2024**

Councilmember Leckstein offered the following Resolution and moved its adoption; seconded by Councilmember Bieber:

**WHEREAS**, the Borough of Sea Bright, in the County of Monmouth, New Jersey (the "Borough") has determined that it is in the interest of the Borough to explore the possibility of tax relief by sending Borough students to schools in the Henry Hudson School District (the "School District"); and

**WHEREAS**, the Borough wishes to ascertain the sentiment of its legal voters with respect to having Borough students attend the schools in the School District; and

**WHEREAS**, N.J.S.A. 19:37-1, authorizes the Borough to request that the Clerk of the County of Monmouth place a non-binding question on the ballot used at the next general election in the Borough, which is scheduled for November 5, 2024; and

**WHEREAS**, the Borough desires to place a non-binding question on the ballot for the general election in order to ascertain the sentiment of its voters regarding having Borough students attend the schools in the School District.

**NOW, THEREFORE, BE IT ORDAINED** by the Borough Council of the Borough of Sea Bright, County of Monmouth, State of New Jersey, as follows:

**SECTION I**

The recitals are hereby incorporated as if set forth in full herein.

**SECTION II**

The Borough Council hereby requests and directs the Clerk of the County of Monmouth to place the following question on the ballot of the next general election, such to be substantially in the form as follows:

**"Do you support the borough exploring educational opportunities and property tax relief available to Sea Bright by having students from Sea Bright attend the Henry Hudson Regional School District?"**

\_\_\_\_\_ **Yes**                      \_\_\_\_\_ **No**

**SECTION III**

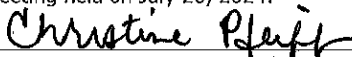
The Borough Clerk shall immediately file a certified copy of this Resolution with the Clerk of the County of Monmouth together with the request that the above ballot question be placed upon the ballot for the general election to be held on November 5, 2024. The Mayor, Administrator, Clerk and all other appropriate officials of the Borough are hereby authorized to take such other actions deemed necessary to effectuate the terms of this Resolution.

**Roll Call:**      Bieber,      Catalano,      Gorman,      Keeler,      Lamia,      Leckstein  
                    Yes              Absent              Yes              Yes              Yes              Yes

July 26, 2024

**CERTIFICATION**

I, Christine Pfeiffer, do hereby certify that the foregoing is a resolution adopted by the Borough Council of the Borough of Sea Bright, County of Monmouth, State of New Jersey, at a Council Meeting held on July 26, 2024.

  
Christine Pfeiffer, Borough Clerk



# EXHIBIT D

# Request #24-218

Access to this request is limited to staff & the requester.

If you are the requester, check your email for a note with instructions describing how to sign in and view your request. You should receive it within a few minutes.

If you are staff, please sign in to see this request.

**Nancy Tran**

---

**From:** Nancy Tran  
**Sent:** Tuesday, January 2, 2024 12:21 PM  
**To:** Charlie Wells; Donald Melnyk - Councilmember; Donna Conrad; 'Edward Sulkowski'; Highlands OEM; Highlands Publicworks; Jacqueline Kane; Jay Briscione; Joanne Olszewski - Council President; Jorgi Craig; Council Member Karen Chelak; Kevin Rooney, Cashier; Council Member Leo Cervantes; 'Matlack, Bennett'; Mayor Carolyn Broullon; Michael Muscillo; Pat DeBlasio; Robert Burton; Spencer Carpenter; William F. Brunt, Jr.; 'HFD'; Heidi Brunt; 'hfas1721@gmail.com'; 'Rosemary Ryan'; Highlands Environmental; Paul Murphy; Steve Winters; Lisa Natale; Courtney Lopez; Diane Alvator; Alicia Jones; Justin McClung; Jay Everard; Michael Winch; Downtown Network Info Email; 'Highlands EMS 1721'; Sandra Akes  
**Subject:** RE: Agenda & Meeting Materials for 01-01-2024 Council Meeting

**Importance:** High

**Follow Up Flag:** Flag for follow up  
**Flag Status:** Completed

**Tracking:**

Recipient	Delivery
Charlie Wells	Delivered: 1/2/2024 12:22 PM
Donald Melnyk - Councilmember	Delivered: 1/2/2024 12:21 PM
Donna Conrad	Delivered: 1/2/2024 12:22 PM
'Edward Sulkowski'	
Highlands OEM	Delivered: 1/2/2024 12:21 PM
Highlands Publicworks	Delivered: 1/2/2024 12:22 PM
Jacqueline Kane	Delivered: 1/2/2024 12:22 PM
Jay Briscione	Delivered: 1/2/2024 12:21 PM
Joanne Olszewski - Council President	Delivered: 1/2/2024 12:21 PM
Jorgi Craig	Delivered: 1/2/2024 12:21 PM
Council Member Karen Chelak	Delivered: 1/2/2024 12:22 PM
Kevin Rooney, Cashier	Delivered: 1/2/2024 12:22 PM
Council Member Leo Cervantes	Delivered: 1/2/2024 12:21 PM
'Matlack, Bennett'	
Mayor Carolyn Broullon	Delivered: 1/2/2024 12:21 PM
Michael Muscillo	Delivered: 1/2/2024 12:22 PM
Pat DeBlasio	Delivered: 1/2/2024 12:21 PM
Robert Burton	Delivered: 1/2/2024 12:21 PM
Spencer Carpenter	Delivered: 1/2/2024 12:22 PM
William F. Brunt, Jr.	Delivered: 1/2/2024 12:21 PM
'HFD'	
Heidi Brunt	Delivered: 1/2/2024 12:21 PM
'hfas1721@gmail.com'	
'Rosemary Ryan'	
Highlands Environmental	Delivered: 1/2/2024 12:21 PM

Recipient	Delivery
Paul Murphy	Delivered: 1/2/2024 12:21 PM
Steve Winters	Delivered: 1/2/2024 12:21 PM
Lisa Natale	Delivered: 1/2/2024 12:21 PM
Courtney Lopez	Delivered: 1/2/2024 12:21 PM
Diane Alvator	Delivered: 1/2/2024 12:21 PM
Alicia Jones	Delivered: 1/2/2024 12:21 PM
Justin McClung	Delivered: 1/2/2024 12:21 PM
Jay Everard	Delivered: 1/2/2024 12:21 PM
Michael Winch	Delivered: 1/2/2024 12:21 PM
Downtown Network Info Email	
'Highlands EMS 1721'	
Sandra Akas	Delivered: 1/2/2024 12:21 PM

Happy 2024!

You can find adopted Resolutions R 24-001 through R 24-049 that were voted on at yesterday's Reorganization Council meeting at <https://highlandsborough.org/government/resolutions/>. Ordinance O-24-01 that was introduced can be found at <https://highlandsborough.org/government/ordinances/>.

Feel free to print out resolution(s)/ordinance you may need and if you need a copy with the raised seal, please let me know.

nancy

---

**From:** Nancy Tran  
**Sent:** Sunday, December 31, 2023 11:57 AM  
**To:**  
**Subject:** Agenda & Meeting Materials for 01-01-2024 Council Meeting  
**Importance:** High

Happy Last Day of 2023!

January 1, 2024 Council Meeting materials can be found at <https://highlands-nj.municodemeetings.com/bc-bc/page/council-reorganization-meeting-2>.

Hope 2023 was great to you and yours and wishing 2024 will be even be better!

Please join us so we can start 2024 together 😊

Sincerely,

Nancy Tran  
Municipal Clerk & Registrar

**\*\*PLEASE NOTE OUR NEW ADDRESS: 151 NAVESINK AVE., HIGHLANDS, NJ 07732\*\***

Central Jersey Registrars' Association - [www.cjregistrars.org](http://www.cjregistrars.org)

CONFIDENTIALITY NOTICE: This communication, including any attachments, is intended solely for the individual/entity to whom it is addressed. It may contain confidential or legally privileged information. Any unauthorized disclosure or copying is prohibited and may be unlawful. If you have received this communication in error, please notify the sender immediately and delete it from your system.



BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH

## RESOLUTION 24-042

### SETTING THE SCHEDULE FOR MEETINGS OF THE MAYOR AND COUNCIL OF THE BOROUGH OF HIGHLANDS FOR THE CALENDAR YEAR 2024

**WHEREAS**, N.J.S.A. 10:4-18 provides that at least once each year, within seven (7) days following the annual organization or reorganization meeting of a public body, every public body shall adopt, post and distribute a schedule of its regular meetings for the coming year. The schedule must contain the date, time, and location of the meeting. In addition, it shall be mailed to at least two (2) newspapers which newspapers shall be designated by the public body to receive such notices,

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Borough of Highlands, County of Monmouth, and State of New Jersey, that Regular Meetings of the Borough Council will be held at 7:00pm during the year 2024, at the Highlands Municipal Building, 151 Navesink Ave., Highlands New Jersey 07732, in the Court Room/Council Chambers on the following dates:

1. Regular Meetings shall be held on the following dates:

January 17	August 21
February 7 & 21	September 4 & 18
March 6 & 20	October 2 & 16
April 3 & 17	November 6
May 1 & 15	December 4 & 18
June 5 & 19	January 1, 2025 Reorganization/Regular
July 17	

Formal action will be taken at all Regular meetings. Public comments will be permitted at designated periods during all meetings. Executive Sessions, which are closed to the public, may be held to discuss matters authorized for closed sessions under N.J.S.A. 10:4-12. Executive Session will be held following the Regular Council Meeting during the year 2024. Prior to each Executive Session, the Borough Council will convene in open session at which time a resolution will be adopted in accordance with N.J.S.A. 10:4-13. Regular or Special meetings may be adjourned, rescheduled, or held on different dates providing such are duly noticed as provided by law.

2. The Reorganization Meeting for 2025 shall be held at 12:00 noon on January 1, 2025, at the Highlands Municipal Building, 151 Navesink Ave., Highlands New Jersey 07732, in the Court Room/Council Chambers.

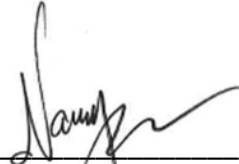
3. The Municipal Clerk shall post this “Annual Notice” on the official bulletin board in the Municipal Building, transmit it to the ***Asbury Park Press and Two River Times***, and file this notice in the Office of the Municipal Clerk of the Borough of Highlands, all in accordance with the “Open Public Meetings Law.”

Motion to Approve R 24-042:

	INTRODUCED	SECOND	AYE	NAY	ABSTAIN	ABSENT
CERVANTES			X			
CHELAK			X			
MELNYK			X			
OLSZEWSKI		X	X			
BROULLON	X		X			

This is a Certified True copy of the Original Resolution on file in the Municipal Clerk’s Office.

DATE OF VOTE: January 1, 2024




---

Nancy Tran, Municipal Clerk  
Borough of Highlands

**Nancy Tran**

---

**From:** Microsoft Outlook  
<MicrosoftExchange329e71ec88ae4615bbc36ab6ce41109e@highlandsborough.org>  
**To:** 'applegals@gannett.com'  
**Sent:** Tuesday, January 2, 2024 4:03 PM  
**Subject:** Relayed: Borough of Highlands - Annual Notice

**Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:**

['applegals@gannett.com'](mailto:applegals@gannett.com) ([applegals@gannett.com](mailto:applegals@gannett.com))



Borough of  
Highlands - Ann...

Subject: Borough of Highlands - Annual Notice



## Nancy Tran

---

**From:** Nancy Tran  
**Sent:** Tuesday, January 2, 2024 4:03 PM  
**To:** applegals@gannett.com  
**Subject:** Borough of Highlands - Annual Notice  
**Attachments:** R 24-042 Annual Notice.docx

**Importance:** High

Howdy and Happy New Year!

Please publish in your next edition of the Asbury Park Press and provide an affidavit. Thank you 😊

Here's to another great year together!

Sincerely,

Nancy Tran  
Municipal Clerk & Registrar

**\*\*PLEASE NOTE OUR NEW ADDRESS: 151 NAVESINK AVE., HIGHLANDS, NJ 07732\*\***

Central Jersey Registrars' Association - [www.cjregistrars.org](http://www.cjregistrars.org)

**CONFIDENTIALITY NOTICE:** This communication, including any attachments, is intended solely for the individual/entity to whom it is addressed. It may contain confidential or legally privileged information. Any unauthorized disclosure or copying is prohibited and may be unlawful. If you have received this communication in error, please notify the sender immediately and delete it from your system.

**From:** [Stephen Appezzato](#)  
**To:** [Nancy Tran](#)  
**Subject:** Re: Borough of Highlands - Annual Notice  
**Date:** Tuesday, January 2, 2024 4:17:55 PM  
**Attachments:** [image001.png](#)

---

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Happy New Year! This will publish on 1/11/24.

Best,  
STEPHEN APPEZZATO

Reporter



75 W FRONT STREET, RED BANK, NJ 07701  
PHONE: 732-219-5788 | FAX: 732-747-7213

The information contained in this e-mail message is intended only for the personal and confidential use of the recipient(s) named above. If the reader of this message is not the intended recipient or an agent responsible for delivering it to the intended recipient, you are hereby notified that you have received this document in error and that any review, dissemination, distribution, or copying of this message is strictly prohibited. If you have received this communication in error, please notify us immediately by e-mail, and delete the original message.

---

**From:** Nancy Tran <clerk@highlandsborough.org>  
**Date:** Tuesday, January 2, 2024 at 4:04 PM  
**To:** Stephen Appezzato <sappezzato@tworivertimes.com>  
**Subject:** Borough of Highlands - Annual Notice

Howdy and Happy New Year, Stephen!  
Please publish in your next edition of the Two River Times and provide an affidavit. Thank you  
Here's to another great year together!

Sincerely,  
Nancy Tran

Municipal Clerk & Registrar

**\*\*PLEASE NOTE OUR NEW ADDRESS: 151 NAVESINK AVE., HIGHLANDS, NJ 07732\*\***

Central Jersey Registrars' Association - [www.cjregistrars.org](http://www.cjregistrars.org)

CONFIDENTIALITY NOTICE: This communication, including any attachments, is intended solely for the individual/entity to whom it is addressed. It may contain confidential or legally privileged information. Any unauthorized disclosure or copying is prohibited and may be unlawful. If you have received this communication in error, please notify the sender immediately and delete it from your system.

# EXHIBIT E



UNION COUNTY: MAIN OFFICE  
1 CLEVELAND PLACE  
SPRINGFIELD, NEW JERSEY 07081  
973.232.5291  
973.232.6261 (FAX)  
WWW.MACHADOLAWGROUP.COM

MONMOUTH COUNTY  
SEA BRIGHT, NEW JERSEY 07760  
973.232.5291  
973.232.6261 (FAX)

SUSSEX COUNTY  
NEWTON, NEW JERSEY 07860  
973.232.5291  
973.232.6261 (FAX)

REPLY TO MAIN OFFICE

Isabel Machado, Esq.  
imachado@machadolawgroup.com

July 26, 2024

**Via Electronic Mail**

Borough of Sea Bright  
c/o Ms. Christine Pfeiffer, Borough Clerk  
1167 Ocean Avenue,  
Sea Bright, NJ 07760  
[cpfeiffer@seabrightnj.org](mailto:cpfeiffer@seabrightnj.org)

**Re: OPRA Request**

Dear Ms. Pfeiffer,

Please accept this letter as a request for government records (the "Request") pursuant to the Open Public Records Act, N.J.S.A. § 47:1A-1, et seq. (the "OPRA") and the Common Law Right of Access. The within Request seeks the following:

- Copies of documentation regarding compliance with the OPMA, N.J.S.A 10:4-6, requirement for adequate notice to the public for the Borough of Highlands regular meeting on July 26, 2024, specifically:
  1. A copy of the notice prominently posted in at least one public place reserved for such or similar announcements pursuant to the OPMA regarding the Special Meeting of the Borough of Sea Bright on July 26, 2024. Please identify the location where the notice was posted.
  2. Correspondence and/or emails from July 1, 2024 to the present between the Borough of Sea Bright and the Asbury Park Press regarding the posting of the notice of the July 26, 2024 Special Meeting of the Borough of Sea Bright, and a copy of the corresponding notice.
  3. Correspondence and/or emails from July 1, 2024 to the present between the Borough of Sea Bright and the second newspaper as required by the Open Public Meetings Act regarding the posting of the notice of the July 26, 2024 Special Meeting of the Borough of Sea Bright, and a copy of the corresponding notice.

4. Correspondence and/or emails from July 1, 2024 to the present between the Borough of Sea Bright Council and the Municipal Clerk of the Borough of Sea Bright, regarding the posting of the notice of the July 26, 2024 Special Meeting of the Borough of Sea Bright, and a copy of the corresponding notice.

To the extent any or all of the aforementioned requested documents are in the possession of a third-party, please be advised that the OPRA requires the Borough of Sea Bright to retrieve, assemble, and send any responsive documents made or maintained by such entities as part of its response to the within Request. See *Burnett v. Gloucester County*, 415 N.J. Super. 506, 517 (App. Div. 2010) (holding that government documents made or maintained by a third party on behalf of a governmental entity are subject to disclosure under the OPRA).

Please provide a written response, including copies of any responsive documents to the Request, to [eramella@machadolawgroup.com](mailto:eramella@machadolawgroup.com) within the timelines prescribed by the OPRA. Thank you for your attention to this Request.

Should you have any questions please do not hesitate to contact me.

Respectfully,  
Machado Law Group

A handwritten signature in black ink, appearing to read "Isabel Machado". The signature is fluid and cursive, with a large initial "I" and a stylized "M".

Isabel Machado, Esq.

cc: Dr. Karen Barry, Superintendent (Email)

# EXHIBIT F

**Christine Pfeiffer**

---

**From:** Christine Pfeiffer  
**Sent:** Tuesday, July 23, 2024 12:01 PM  
**To:** Asbury Park Press; Hub News; Link News; Two River Times (editor@tworivertimes.com)  
**Subject:** Special Meeting Notice - Not for Publication  
**Attachments:** MEETING AGENDA.pdf

**DO NOT PUBLISH – NOTIFICATION ONLY  
BOROUGH OF SEA BRIGHT**

Pursuant to the notice requirements of the Open Public Meetings Act, this shall serve as public notice that the Borough Council of the Borough of Sea Bright will hold a Special Meeting via teleconference only on **Friday, July 26, 2024 at 8:30 AM**. Members of the public may participate using the following access information:

<https://meet.goto.com/178159885>

OR DIAL: 872-240-3311

**Access Code:** 178-159-885

The opportunity for public comments will be announced during the meeting. All comments shall be held until such time as individually recognized. Written public comments may be submitted and will be read aloud at the meeting. Any written questions must be submitted at least 24 hours in advance of a scheduled meeting via email or regular mail to the Borough Clerk ([cpfeiffer@seabrightnj.org](mailto:cpfeiffer@seabrightnj.org)).

The purpose of this meeting is to conduct regular Borough business as listed on the attached meeting agenda. Agendas are posted on the Borough of Sea Bright website at [www.seabrightnj.org](http://www.seabrightnj.org).

*Chris*

Christine Pfeiffer, RMC  
Borough Clerk  
Borough of Sea Bright  
1099 Ocean Avenue  
Sea Bright, NJ 07760  
732-842-0099 x118

**AGENDA  
SPECIAL VIRTUAL MEETING  
BOROUGH OF SEA BRIGHT**

**JULY 26, 2024 (Friday) SEA BRIGHT, NEW JERSEY**

**TO ATTEND THIS MEETING REMOTELY PLEASE USE THE FOLLOWING:**

<https://meet.goto.com/178159885>

OR DIAL: 872-240-3311

**Access Code:** 178-159-885

**CALL MEETING TO ORDER: 8:30 AM**

**PLEDGE OF ALLEGIANCE**

**COMPLIANCE STATEMENT (N.J.S.A. 10:4-18) - 48 Hour Notice Requirement**

Good Morning Ladies and Gentlemen,

This meeting is now called to order. In line with the Borough of Sea Bright's longstanding policy of open government, and in compliance with the "Open Public Meetings Act", I wish to advise you that the **48-hour** notice requirement for this meeting has been met. A copy of the agenda was sent to the Asbury Park Press and other local newspapers on July 23, 2024, and posted on the bulletin board in the Borough office. This meeting is open to the public.

**ROLL CALL:**

**Councilmember(s)**      BIEBER \_\_\_\_ CATALANO \_\_\_\_ GORMAN \_\_\_\_  
   KEELER \_\_\_\_ LAMIA \_\_\_\_ LECKSTEIN \_\_\_\_  
**Mayor**                              KELLY \_\_\_\_

**REMARKS FROM THE AUDIENCE: (limited to 3 minutes)**

The Public Comment portion of this meeting allows members of the audience to bring their concerns or comments to the Mayor and Council's attention. Pursuant to Borough Ordinance 3-2011, a member of the public who wishes to speak shall give his/her name and address for the record and may have up to three minutes to state his/her comments to the Mayor and Council as a Body. If additional time or information is requested, an appointment can be made with the Administrator's office during regular business hours.

**Resolution(s):**

**No. 144-2024      AUTHORIZING A NON-BINDING QUESTION TO BE PRINTED ON  
THE BALLOT FOR CONSIDERATION BY THE VOTERS WITHIN THE  
BOROUGH AT THE GENERAL ELECTION ON NOVEMBER 5, 2024**

Councilmember                              offered a motion to adopt Resolution No. 144-2024, seconded by  
Councilmember

**Roll Call:** Bieber \_\_\_\_ Catalano \_\_\_\_ Gorman \_\_\_\_ Keeler \_\_\_\_ Lamia \_\_\_\_ Leckstein \_\_\_\_

**ADJOURNMENT:**

Councilmember                              offered a motion to Adjourn the Special meeting; seconded by  
Councilmember

**Roll Call:** Bieber \_\_\_\_ Catalano \_\_\_\_ Gorman \_\_\_\_ Keeler \_\_\_\_ Lamia \_\_\_\_ Leckstein \_\_\_\_





---

**From:** Christine Pfeiffer <[cpfeiffer@seabrightnj.org](mailto:cpfeiffer@seabrightnj.org)>  
**Sent:** Friday, July 26, 2024 11:50 AM  
**To:** Eileen Ramella <[eramella@machadolawgroup.com](mailto:eramella@machadolawgroup.com)>  
**Subject:** RE: OPRA Request - Sea Bright

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

In response to your OPRA request below, please see the attached notice which responds to numbers 1-3 on your request. Regarding number 4 – there is not any correspondence relating to that request. Thank you – this completes your OPRA request.

*Chris*  
Christine Pfeiffer, RMC  
Borough Clerk  
Borough of Sea Bright  
1099 Ocean Avenue  
Sea Bright, NJ 07760  
732-842-0099 x118

---

**From:** Eileen Ramella <[eramella@machadolawgroup.com](mailto:eramella@machadolawgroup.com)>  
**Sent:** Friday, July 26, 2024 10:38 AM  
**To:** Christine Pfeiffer <[cpfeiffer@seabrightnj.org](mailto:cpfeiffer@seabrightnj.org)>  
**Subject:** OPRA Request - Sea Bright

**CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Good morning,

Please find attached on behalf of Isabel Machado, Esq.  
Thank you.

Eileen Ramella  
Paralegal  
Machado Law Group  
1 Cleveland Place  
Springfield, NJ 07081  
T 973-232-5291  
F 973-232-6261

This transmission is intended only for the party to whom it is addressed and may contain privileged and confidential information. If you are not the intended recipient, you are hereby notified that any use, dissemination or copying of this transmission is prohibited. If you have received this transmission in error, please notify us immediately by telephone and return this transmission and any copies to us. Thank you.

# EXHIBIT G

**Christine Pfeiffer**

---

**From:** Christine Pfeiffer  
**Sent:** Tuesday, August 16, 2022 4:11 PM  
**To:** Asbury Park Press; Hub News; Link News; Two River Times (editor@tworivertimes.com)  
**Subject:** Special Meeting Notice for August 19, 2022  
**Attachments:** 08-19-22 SPECIAL MEETING NOTIFICATION.doc

**DO NOT PUBLISH – NOTIFICATION ONLY  
BOROUGH OF SEA BRIGHT - PUBLIC NOTICE**

Pursuant to the notice requirements of the Open Public Meetings Act, this shall serve as public notice that the Borough Council of the Borough of Sea Bright will hold a **REMOTE** Special Meeting on Friday, **August 19, 2022 at 8:30 AM**. Members of the public who wish to attend may participate using the following access information:

<https://meet.goto.com/300225765>  
United States: [+1 \(224\) 501-3412](tel:+12245013412)  
**Access Code:** 300-225-765

The opportunity for public comments will be announced during the meeting. All comments shall be held until such time as individually recognized. Written public comments may be submitted and will be read aloud at the meeting. Any written questions must be submitted at least 24 hours in advance of a scheduled meeting via email or regular mail to the Borough Clerk ([cpfeiffer@seabrightnj.org](mailto:cpfeiffer@seabrightnj.org)).

The purpose of this meeting is to conduct regular Borough business as listed on the attached meeting agenda. Agendas are posted on the Borough of Sea Bright website at [www.seabrightnj.org](http://www.seabrightnj.org).

Formal action will be taken at this meeting

*Chris*  
Christine Pfeiffer, RMC  
Borough Clerk  
Borough of Sea Bright  
1099 Ocean Avenue  
Sea Bright, NJ 07760  
732-842-0099 x118

**BOROUGH OF SEA BRIGHT  
1099 OCEAN AVENUE  
SEA BRIGHT, NEW JERSEY 07760**

**732-842-0099 x 118**

**732-963-8998 Fax**

TO: ASBURY PARK PRESS  
TWO RIVER TIMES  
HUB/ATLANTICVILLE  
THE LINK

FROM: CHRISTINE PFEIFFER, BOROUGH CLERK

DATE: AUGUST 16, 2022

RE: 48 HOUR MEETING NOTICE  
DO NOT PUBLISH – NOTIFICATION ONLY

\*\*\*\*\*

**BOROUGH OF SEA BRIGHT  
PUBLIC NOTICE**

Pursuant to the notice requirements of the Open Public Meetings Act, this shall serve as public notice that the Borough Council of the Borough of Sea Bright will hold a **REMOTE** Special Meeting on **Friday, August 19, 2022 at 8:30 AM**. Members of the public who wish to attend may participate using the following access information:

<https://meet.goto.com/300225765>

OR DIAL: (224) 501-3412

Access Code: 300-225-765

The opportunity for public comments will be announced during the meeting. All comments shall be held until such time as individually recognized. Written public comments may be submitted and will be read aloud at the meeting. Any written questions must be submitted at least 24 hours in advance of a scheduled meeting via email or regular mail to the Borough Clerk ([cpfeiffer@seabrightnj.org](mailto:cpfeiffer@seabrightnj.org)).

The purpose of this meeting is to conduct regular Borough business as listed on the attached meeting agenda. Agendas are posted on the Borough of Sea Bright website at [www.seabrightnj.org](http://www.seabrightnj.org).

Formal action will be taken at this meeting.

CHRISTINE PFEIFFER  
BOROUGH CLERK

**AGENDA  
SPECIAL MEETING  
BOROUGH OF SEA BRIGHT**

**AUGUST 19, 2022 (Friday)**

**SEA BRIGHT, NEW JERSEY**

**TO ATTEND THIS MEETING REMOTELY PLEASE USE THE FOLLOWING:**

<https://meet.goto.com/300225765>

OR DIAL: (224) 501-3412

Access Code: 300-225-765

**CALL MEETING TO ORDER: 8:30 AM**

**PLEDGE OF ALLEGIANCE**

**COMPLIANCE STATEMENT (N.J.S.A. 10:4-18)**

Good Morning Ladies and Gentlemen,

**48 Hour Notice Requirement:**

This meeting is now called to order. In line with the Borough of Sea Bright’s longstanding policy of open government, and in compliance with the “Open Public Meetings Act”, I wish to advise you that the 48-hour notice requirement for this meeting has been met. A copy of the agenda was sent to the Asbury Park Press and other local newspapers on August 16, 2022 and posted on the bulletin board in the Borough office. This meeting is open to the public.

**ROLL CALL:**

**Councilmember(s):** BIEBER\_\_\_\_ BIRDSALL\_\_\_\_ BOOKER\_\_\_\_  
CATALANO \_\_\_\_ KEELER\_\_\_\_ LAMIA\_\_\_\_  
**Mayor** KELLY \_\_\_\_

**REMARKS FROM THE AUDIENCE: (limited to 3 minutes)**

The Public Comment portion of this meeting allows members of the audience to bring their concerns or comments to the Mayor and Council's attention. Pursuant to Borough Ordinance 3-2011, a member of the public who wishes to speak shall give his/her name and address for the record and may have up to three minutes to state his/her comments to the Mayor and Council as a Body. If additional time or information is requested, an appointment can be made with the Administrator’s office during regular business hours.

**RESOLUTION:**

Councilmember \_\_\_\_\_ introduced and offered for adoption the following Resolution;  
seconded by Councilmember \_\_\_\_\_ :

**No. 153-2022** Authorizing a School Regionalization Referendum

**Roll Call:** Bieber\_\_\_\_ Birdsall\_\_\_\_ Booker\_\_\_\_ Catalano\_\_\_\_ Keeler\_\_\_\_ Lamia\_\_\_\_

**ADJOURNMENT**

Councilmember \_\_\_\_\_ offered a motion to adjourn the meeting; seconded by  
Councilmember \_\_\_\_\_

**Roll Call:** Bieber\_\_\_\_ Birdsall\_\_\_\_ Booker\_\_\_\_ Catalano \_\_\_\_ Keeler\_\_\_\_ Lamia\_\_\_\_

# EXHIBIT H

# 2024 General Election Timeline

## June

### **June 4 – 4 p.m.**

#### **Nomination Petition Filing Deadline for Independent Candidates for General Election**

(before 4:00 p.m. of the day of the primary election)

*N.J.S.A. 19:13-9*

### **June 4**

#### **School & Fire District to Submit Notice to County Clerks of Available Offices for Upcoming General Election**

(on or before primary election)

*N.J.S.A. 19:60-7; N.J.S.A. 40A:14-71*

### **June 7 – 4 p.m.**

#### **Deadline for Amendments to Defective Petitions for Independent General Election Candidates**

(3 days after filing deadline)

*N.J.S.A. 19:13-13*

### **June 10 – 4 p.m.**

#### **Filing Deadline for Objections to Nomination Petitions for Independent General Election Candidates**

(before 4 p.m. no later than 4 days after filing deadline)

*N.J.S.A. 19:13-10*

### **June 13**

#### **Deadline for Determination of Petition Challenge for Independent General Election Candidates**

(9 days after the last day for filing nomination petitions)

*N.J.S.A. 19:13-11*

## July

### **July 1**

#### **Submission of Evening Registration Plan by County Commissioners of Registration to the Secretary of State**

(on or before July 1st)

*N.J.S.A. 19:31-2*

*\*\*In counties where there is a Superintendent of Elections, that office serves as the Commissioner of Registration; in all other counties it is the County Board of Election.*

### **July 8**

#### **Publication of Notice of Fire District Nomination Petition Filing Deadline by the Board of Fire Commissioners**

(21 days prior to the nomination petition filing deadline)

*N.J.S.A. 40A:14-72(c)*

### **July 29**

#### **Deadline for Secretary of State to Submit to the County Clerks the Statement of All Duly Nominated Candidates for General Election- U.S. Senate & U.S. House of Representatives**

(not later than 99 days before election)

*N.J.S.A. 19:13-22*



# 2024 General Election Timeline

**July 29 – 4 p.m.**

**Nomination Petition Filing Deadline for Independent Electors of President and Vice President for General Election**

(before 4:00 p.m. of the 99<sup>th</sup> day preceding the general election)

*N.J.S.A. 19:13-9*

**July 29 – 4 p.m.**

**Nomination Petition Filing Deadline for School & Fire District Election Candidates for General Election**

(last Monday in July)

*N.J.S.A. 19:60-7; N.J.S.A. 40A:14-71b*

## August

**August 1**

**Deadline for Amendments to Defective Petitions for Independent Electors of President and Vice President Candidates**

(3 days after filing deadline)

*N.J.S.A. 19:13-13*

**August 1**

**Deadline for Amendments to Defective Petitions for School & Fire District Election Candidates**

(3 days after filing deadline)

*N.J.S.A. 19:13-13*

**August 2 – 4 p.m.**

**Filing Deadline for Objections to Nomination Petitions for Electors of President and Vice President Candidates**

(no later than 4 days after filing deadline)

*N.J.S.A. 19:13-10*

**August 2 – 4 p.m.**

**Filing Deadline for Objections to Nomination Petitions for School & Fire District Election Candidates**

(no later than 4 days after filing deadline)

*N.J.S.A. 19:13-10*

**August 5**

**Deadline for Submission of Proposed Amendments to the State Constitution to be Voted Upon at the General Election**

(not less than 3 months prior to submission to the voters)

*NJ Constitution, Article IX, par. 3*

**August 7**

**Deadline for Determination of Petition Challenge Independent Electors of President and Vice President**

(9 days after the last day for filing nomination petitions)

*N.J.S.A. 19:13-11*

# 2024 General Election Timeline

## August 7

### Deadline for Determination of Petition Challenge for Fire District Election Candidates for General Election

(9 days after the last day for filing nomination petitions)

*N.J.S.A. 40A:14-71b*

## August 8

### Deadline for Determination of Petition Challenge for School Election Candidates for General Election

(10 days after the last day for filing nomination petitions)

*N.J.S.A. 19:60-7*

## August 9

### Deadline for Secretary of State to Submit to the County Clerks the Statement of All Duly Nominated Candidates for General Election- President

(not later than 88 days before election)

*N.J.S.A. 19:13-22*

## August 9

### Deadline for Submission of Non-binding County and Municipal Public Questions to the County Clerks for Printing on the General Election Ballot

(88 days before election)

*N.J.S.A. 19:37-1*

## August 10

### Deadline for Filing in Superior Court to Protect School & Fire District Election Candidate's Rights

(12 days after petition filing deadline)

*N.J.S.A. 19:60-7; N.J.S.A. 40A:14-71b*

## August 12- 3 p.m.

### Drawing of Ballot Position for General Election Candidates by the County Clerks

(85 days before election)

*N.J.S.A. 19:14-12*

## August 16

### Deadline for Independent Candidates to Decline Nomination for General Election

(81 days before election)

*N.J.S.A. 19:13-16*

## August 16

### Deadline for Withdrawal of School Board & Fire District Candidates

(81 days before election)

*N.J.S.A. 19:60-7*

## August 22

### Nomination Petition Filing Deadline for New Nomination Petition to fill a Vacancy for Independent Candidates and School Election & Fire District Candidates for the General Election

(before 4:00 p.m. on or before 75th day prior to election)

*N.J.S.A. 19:13-19*

# 2024 General Election Timeline

## August 22

### **Nomination Petition Filing Deadline for Municipal Non-Partisan Candidates to be voted at the November General Election**

(on or before 75th day prior to election)

*N.J.S.A. 40:45-8*

## August 23

### **Deadline for Submission to the County Clerk of Municipal Non-binding Public Questions Adopted by the Municipal Governing Body Upon the filing of a Qualified Petition by the Local Electorate**

(74 days before election)

*N.J.S.A. 19:37-1.1*

## August 23

### **Deadline to Submit Public Question for November School Board Elections to the County Clerk by the School Board Secretary**

(74 days before election)

*N.J.S.A. 19:60-4*

## August 26

### **Filing Deadline for Objections to Nominating Petitions for Municipal Non-Partisan Candidates**

(no later than 4 days after filing deadline)

*N.J.S.A. 19:13-10*

## August 26

### **Deadline for Amendment to Defective Petitions for Municipal Non-Partisan Candidates to be voted at the November General Election**

(not later than 72 days before election)

*N.J.S.A. 40:45-9*

## August 27

### **Deadline for Submission of Public Questions (Other Than Proposed Amendments to the NJ Constitution)**

(not less than 70 days following final action of the Governor or the Legislature)

*NJ Constitution, Article II, Sec. 1, P. 2*

## August 27

### **Last Day Vacancy Can Occur for Primary Election Nominees for the General Election**

(70 days before election)

*N.J.S.A. 19:13-20*

## August 29

### **Deadline for Filling Primary Nominee Vacancy for General Election**

(68 days before election)

*N.J.S.A. 19:13-20*

## August 31

### **Deadline for Determination of Petition Challenge to Municipal Non-Partisan Candidates to be Voted at the November General Election**

(9 days after the last day for filing nomination petitions)

*N.J.S.A. 19:13-11*

# 2024 General Election Timeline

## September

### September 2\*

#### Deadline for Preparation of Official General Election Ballot for Printing

(64 days before election)

*N.J.S.A. 19:14-1*

*\* County Commissioner of Registration is to provide notice to the two County Chairpersons of the date to inspect voting machines after they have been prepared for the upcoming election. This date will vary from county to county. N.J.S.A. 19:48-6*

### September 10

#### Publication of Notice of Mail-In Ballot Availability for General Election by County Clerks

(prior to the 55th day before election)

*N.J.S.A. 19:63-6*

### September 15 - October 14

#### Publication of Notice of General Election by County Boards of Election

(within 30 days before the close of registration election)

*N.J.S.A. 19:12-7*

### September 21

#### Commencement of Mailing of Mail-In Ballots for General Election

(45 days before election)

*N.J.S.A. 19:63-5, N.J.S.A. 19:63-9*

## October

### October 15

#### Voter Registration Deadline for General Election

(21 days before election)

*N.J.S.A. 19:31-6*

### October 15

#### Mandated Evening Voter Registration Available for General Election in Offices of County Commissioners of Registration

(optional for Municipal Clerks)

(21 days before election)

*N.J.S.A. 19:31-2*

### October 22

#### Deadline for Filing of Challenger Appointments for General Election

(second Tuesday preceding election)

*N.J.S.A. 19:7-3*

### October 23

#### Mailing of Sample Ballots for General Election

(on or before 12 noon on Wednesday preceding the start of the early voting period for the general election)

*N.J.S.A. 19:14-25*

### October 26 - November 3

#### Early Voting Period

(start on the 10th calendar day before a general election and end on the second calendar day before that general election)

*N.J.S.A. 19:15A-1*

# 2024 General Election Timeline

## October 27 - November 2

### Publication of Notice of General Election by County Boards of Election

(once during the calendar week prior to election)

*N.J.S.A. 19:12-7*

## October 29

### Publication of Challenge and Complaint Procedures for General Election by County Boards of Election

(7 days before election)

*N.J.S.A. 19:12-9*

## October 29

### Deadline to apply for a Mail-In Ballot by Mail for General Election

(not less than 7 days prior to election)

*N.J.S.A. 19:63-3*

## October 31

### Last Recommended Day for Testing of Electronic Scanning Equipment for Tabulation of Paper Ballots for General Election

(A county board of elections may begin opening the inner envelopes for each mail-in ballot and canvassing each mail-in ballot from the inner envelope no earlier than five days prior to the day of the election-November 5) (notice to be given 48 hours prior to the start of testing)

*N.J.S.A. 19:53A-8; 19:63-22 (b)*

## November

## November 1

### Deadline for Application to Receive General Election Mail-In Ballots by Electronic Means for Qualified Overseas Civilian and Military Voters

(4th day before election)

*N.J.S.A. 19:59-4*

## November 4 – by 3:00 p.m.

### Deadline for In-Person Mail-In Ballot Applications for General Election

(up to 3:00 p.m. on the day before election)

*N.J.S.A. 19:63-3*

## November 4

### Publication of Challenge and Complaint Procedures for General Election by County Boards of Election

(1 day before election)

*N.J.S.A. 19:12-9*

## November 5

### General Election

(Tuesday after first Monday in November)

*N.J.S.A. 19:2-3, N.J.S.A. 19:15-2*

## November 5

### Deadline for Post Office Receipt of Mail-In Ballots from the General Election

# 2024 General Election Timeline

## November 5

**Deadline for in Person Submission of General Election Mail-In Ballots to County Boards of Election and to Authorized Ballot Drop Boxes**

(by 8:00 p.m. on the day of election)

*N.J.S.A. 19:63-16; N.J.S.A. 19:63-16.1e*

## November 5 - November 18

**Impoundment Period for Voting Machines Used in the General Election that are exempted by paragraph (2) of subsection b. of R.S. 19:48-1**

*(13 days following the closure and locking of the voting machines to comply with P.L. 2023, c.124)*

*N.J.S.A. 19:52-6*

## November 7

**Deadline for Receipt by County Boards of Elections of Mail-In Ballots by delivery of the United States Postal Service that DO NOT Bear a Postmark of Delivery**

*(no later than 48 hours (2 days) after the time of the closing of the polls for the election)*

*N.J.S.A. 19:63-2*

## November 11

**Deadline for Receipt of Timely Mailed Postmarked Mail-In Ballots to County Boards of Election**

*(no later than 144 hours (6 days) after the time of the closing of the polls for the election)*

*N.J.S.A. 19:63-22*

## November 16

**Deadline for Receipt of Cure Form to County Boards of Election**

*(within 11 days after the general election)*

*N.J.S.A. 19:63-17*

## November 18

**Deadline for Applications for Recheck of Voting Machines Used in the General Election that are exempted by paragraph (2) of subsection b. of R.S. 19:48-1**

*(within 13 days after election)*

*N.J.S.A. 19:52-6*

## November 20

**Meeting of County Board of Canvassers for General Election**

*(15 days after the election)*

*N.J.S.A. 19:19-1; N.J.S.A. 19:19-4; N.J.S.A. 19:19-6*

## November 20

**Deadline for Preparation of Emergency and Provisional Ballot Reports by Each County Board of Election for the General Election**

*(within 15 days after the election or the day of the certification of the results of the election)*

*N.J.S.A. 19:53B-21; N.J.S.A. 19:53C-21*

## November 23

**Deadline for Recount Applications for General Election**

*(within 3 days after the certification of the results of the election)*

*N.J.S.A. 19:28-1*

# 2024 General Election Timeline

## November 25

**Deadline for County Clerk to transmit Official General Election Results to the Secretary of State**

(5 days after the meeting of the board)

*N.J.S.A. 19:19-13; N.J.S.A. 19:20-6*

## December

### December 3

**Municipal Non-Partisan Run-Off Election**

(Tuesday next after the first Monday in December)

*N.J.S.A. 40:45-19*

### December 5

**Deadline for Meeting of Board of State Canvassers to Certify General Election Results**

(on or before the 30th day after election)

*N.J.S.A. 19:21-1*

### December 7

**Deadline for Filing of Election Contest Petitions for General Election**

(not later than 32 days after election)

*N.J.S.A. 19:29-3*

### December 15

**Deadline for County Boards of Election to Submit Early Voting Plan to the Secretary of State**

(December 15 of each year; changes can be made no later than February 1 of each year)

*N.J.S.A.19:15A-1*

### December 17

**Meeting of Electoral College**

(first Tuesday after second Wednesday in December)

*U.S.C. Title 3, Chapter 1, Section 7*