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December 5, 2025

Via Email

Livingston United Against Corruption
OPRA Machine
PO Box 3180
New Brunswick, NJ 08903

**Re: OPRA Request No. 25-0847
OPRA Request No. 25-0911
OPRA Request No. 25-0961**

Dear Sir/Madam:

I serve as Township Attorney for the Township of Livingston (the "Township"). In that connection, we are in receipt of the following Open Public Records Act ("OPRA") requests: (i) OPRA Request No. 25-0847, dated October 23, 2025; (ii) OPRA Request No. 25-0911, dated November 13, 2025; and (iii) OPRA Request No. 25-0961, dated December 2, 2025.

With respect to OPRA Request No. 25-0847, the Township emailed a response on November 3, 2025, provided links to meeting minutes and sought certain clarifications by November 13, 2025. The Township further extended its time to respond to the remainder of the OPRA request until and including December 5, 2025. Attached as, **Exhibit "A"**, is the Township's Response dated November 3, 2025. The Township is still in the process of reviewing and redacting the responsive records to OPRA request No. 25-0847, as such the Township will need a further extension of time. As such, expect a response on or before December 19, 2025. Refer to Scheeler v. N.J. Dept of Educ., GRC Complaint No. 2014-123 (February, 2016) (validating extension of time under N.J.S.A. 47:1A-5(g), and N.J.S.A. 47:1A-5(i)).

Moreover, the Township received OPRA Request No. 25-0911, and emailed a response on November 24, 2025, seeking certain clarifications by December 5, 2025. See, **Exhibit "B"**, the Township's Response dated November 24, 2025. The Township further stated in its response that there were no additional emails to be provided other than the emails already being processed and to be provided with the first OPRA Request No. 25-0847. See, **Exhibit "B"**. Therefore, as the Township is still in the process of reviewing and redacting the responsive records to OPRA request

No. 25-0847, as such the Township will need a further extension of time. As such, expect a response on or before December 19, 2025. Refer to Scheeler v. N.J. Dept of Educ., GRC Complaint No. 2014-123 (February, 2016) (validating extension of time under N.J.S.A. 47:1A-5(g), and N.J.S.A. 47:1A-5(i)).

Thereafter, the Township's Municipal Clerk, Carolyn Mazzucco, received an email on December 2, 2025, with respect to OPRA Request No. 25-0961. Given its unclear whether the December 2nd email is clarifying the questions asked by the Township on November 3, 2025, or on November 24, 2025, the Township will be treating the December 2nd email as a new OPRA request. As such, the Township is still in the process of determining whether there are any responsive records to this OPRA request and/or whether clarifications are necessary, as such the Township will need an extension of time to properly respond. Please expect a response on or before December 19, 2025. Refer to Scheeler v. N.J. Dept of Educ., GRC Complaint No. 2014-123 (February, 2016) (validating extension of time under N.J.S.A. 47:1A-5(g), and N.J.S.A. 47:1A-5(i)).

Very truly yours,

/s/ Jarrid H. Kantor
Jarrid H. Kantor

Encl.

cc: opra+request-82726-d461749a@requests.opramachine.com
opra+requests-83343-2e42fc84@requests.opramachine.com
xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx@xxxxx.xxx
opra+request-83917-75808c88@requests.opramachine.com
Client (via Email)

EXHIBIT “A”

25-0847 Livingston United Against Corruption OPRA and Common Law Request

1 message

OPRA@livingstonnj.org <OPRA@livingstonnj.org>

Mon, Nov 3, 2025 at 3:46 PM

To: opra+request-82726-d461749a@requests.opramachine.com

Good afternoon,

This is in response to your request for public records under OPRA and the Common Law. Please see responses **in bold type** to the following:

I am requesting the following information between January 1, 2024 and May 1, 2025

All correspondence regarding the Payment in Lieu of taxes PILOT regarding 45 Partners Unban Renewal, LLC, 19-43 and 45 South Livingston Avenue (Bottle King project)

Please provide all correspondence with the above address and any owner, builders, realtors, etc, associated with the above address with Town Manager Barry Lewis, Town Attorney Jarid Kantor and his firm, Councilman Al Anthony, Councilwoman Rosauro Bagolie, Councilman Ketan Bhuptani, Councilman Shawn Klein, Councilman Ed Meinhardt and Councilman Michael Viera.

Correspondence should include written, electronic, telephone records, etc.

The Township has not identified any responsive correspondence records to this request with the exception of email records, which will be addressed below.

The April 10, 2025 edition of the West Essex Tribune reported that the PILOT was approved at the councils April 8, 2025 meeting. What were the votes? What comments did any councilman make regarding the vote? **The minutes for the Regular Meeting on April 7, 2025 (the nearest meeting date) can be found at the following link: <https://livingstonnj.portal.civicclerk.com/event/982/files/agenda/2433>**

The article also reported that Councilman Ketan Bhuptani and Councilman Al Anthony "helped negotiate the terms of the PILOT"

What were the terms?

How many meeting took place during these negotiations?

Are their recording of these meetings? Were they in person, telephonic, zoom?

Who was present in these negotiations?

When (the dates) did these negotiations take place?

Where did these negotiations take place?

Was Town Manager Barry Lewis, Town Attorney Jarid Kantor or his firm, Councilwoman Rosauro Bagolie, Councilman Shawn Klein, Councilman Ed Meinhardt, Councilman Michael Viera part of these negotiations?

The Open Public Records Act ("OPRA") deals with requests for readily identifiable public records. See, MAG Entertainment, LLC v. Division of Alcoholic Beverage Control, 375 N.J. Super. 534, (App. Div. 2005) (the municipality does not have to provide the information sought under OPRA if it fails to identify any specificity or particularity the governmental records sought and seeks general information to be analyzed, collated and compiled by the responding government entity which is not encompassed by OPRA.)

While OPRA provides an alternative means of access to government documents not otherwise exempted from its reach, it is not intended as a research tool litigants may use to force government officials to identify and siphon useful information. Rather, OPRA simply operates to make identifiable government records "readily accessible for inspection, copying, or examination." Id., citing N.J.S.A. 47: 1A-1. Please identify specific records you are seeking within seven business days, by Thursday, November 13, 2025.

At the January 1, 2024 reorganization meeting, did anyone make any comments regarding PILOTS or 45 Partners Unban Renewal, LLC, 19-43 and 45 South Livingston Avenue (Bottle King project) **The minutes for the Reorganization**

Meeting on January 1, 2024 can be found at the following link: <https://livingstonnj.portal.civicclerk.com/event/917/files/agenda/1898>

Did the owners of the property who received the PILOT make any contribution, promises, etc. in exchange for a PILOT?

As stated in response to the earlier portion of your OPRA request, the Open Public Records Act (“OPRA”) deals with requests for readily identifiable public records. See, MAG Entertainment, LLC v. Division of Alcoholic Beverage Control, 375 N.J. Super. 534, (App. Div. 2005) (the municipality does not have to provide the information sought under OPRA if it fails to identify any specificity or particularity the governmental records sought and seeks general information to be analyzed, collated and compiled by the responding government entity which is not encompassed by OPRA.)

While OPRA provides an alternative means of access to government documents not otherwise exempted from its reach, it is not intended as a research tool litigants may use to force government officials to identify and siphon useful information. Rather, OPRA simply operates to make identifiable government records "readily accessible for inspection, copying, or examination." Id., citing N.J.S.A. 47: 1A-1. Please identify the specific records you are seeking within seven business days, by November 13, 2025.

Provide copies of email correspondence between any and all agents and representatives including attorneys of 45 Partners Unban Renewal, LLC, 19-43 and 45 South Livingston Avenue (Bottle King project) and Town Manager Barry Lewis, Town Attorney Jarid Kantor or his firm, Councilman Al Anthony, Councilwoman Rosauro Bagolie, Councilman Ketan Bhuptani, Councilman Shawn Klein, Councilman Ed Meinhardt, Councilman Michael Viera between January 1, 2024 and May 1, 2025.

The Township’s IT department has conducted a search of emails based on your criteria provided in this request. There are approximately 160 emails, many with large attachments, that have been deemed responsive that need to be collated and reviewed for redactions. This office requires an extension of time to respond to this portion of the request. You may expect a response no later than Friday, December 5, 2025.

Sincerely,



Township Clerk's Office

Livingston Township Hall

357 S. Livingston Avenue

Livingston, NJ 07039

P 973-992-5000 ext #5403 | F 973-535-7967

www.livingstonnj.org

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EXHIBIT “B”

25-0911 Livingston United Against Corruption OPRA and Common Law Request

1 message

OPRA@livingstonnj.org <OPRA@livingstonnj.org>

Mon, Nov 24, 2025 at 1:41 PM

To: opra+request-82726-d461749a@requests.opramachine.com

Good afternoon,

This is in response to your request for public records under OPRA and the Common Law. Please see responses **in bold type** to the following:

Based on comments made at the town council meetings, negotiations took place between Councilman Al Anthony and Councilman Ketan Bhuptani regarding the approval of a Payment in Lieu of Taxes (PILOT) deal with 45 South Livingston Avenue -Bottle King Property. Was Councilman Ed Meinhardt, Councilman Shawn Klein, Councilman Michael Vieira, Town Manager Barry Lewis, Attorney Jarrid Kantor in attendance at any of these negotiation meetings that took place with Councilman Al Anthony and Councilman Ketan Bhuptani and the owner/developer of 45 South Livingston Avenue -Bottle King Property?

Did Councilman Al Anthony and Councilman Ketan Bhuptani purposely change their prior objections to the Payment in Lieu of Taxes for the Bottle King Project based on their negotiations. What were the dates of the negotiations? Where did the negotiation meetings take place?

What was offered by the developer and added to the PILOT agreement for Councilman Al Anthony and Councilman Ketan Bhuptani to vote yes for the PILOT agreement?

Did Councilman Al Anthony and Councilman Ketan Bhuptani withhold or offer to cast a vote in favor of the PILOT in exchange for a donation or payment to the town by the owner/developer of 45 South Livingston Avenue -Bottle King Property that was not part of the original PILOT discussions. How much was the donation or payment?

If a payment or donation by the owner/developer was promised, this constitutes bribery, official misconduct, and extortion under color of official right. Has Councilman Al Anthony and Ketan Bhuptani been charged with official misconduct under the following statutes and including:

(1) N.J.S.A. 2C:27-2 (Bribery in Official and Political Matters) – It's illegal for a public official to solicit, accept, or agree to accept any benefit as consideration for a decision, vote, or exercise of discretion. Did Councilman Al Anthony and Councilman Ketan Bhuptani "sell" their vote?

The statute provides: "A person is guilty of bribery if he directly or indirectly offers, confers or agrees to confer upon another, or solicits, accepts or agrees to accept from another: (a) any benefit as consideration for a decision, opinion, recommendation, vote or exercise of discretion of a public servant, party official or voter..."

The statute makes clear that the "benefit" can be the motive for the official act (including a vote) — so if someone offers or accepts a donation in exchange for a vote, that may meet the "benefit as consideration for ... vote" language.

(2) N.J.S.A. 2C:30-2 (Official Misconduct) – Covers public officers who commit acts relating to their office with the purpose of benefiting themselves or another unlawfully.

This statute states: "A public servant is guilty of official misconduct when, with purpose to obtain a benefit for himself or another or township or to injure or to deprive another of a benefit: (a) commits an act relating to his office but constituting an unauthorized exercise of his official functions, knowing that such act is unauthorized or he is committing such act in an unauthorized manner; or (b) knowingly refrains from performing a duty which is imposed upon him by law or is clearly inherent in the nature of his office."

The statute covers situations where a public official uses the office for benefit (for self or another). It also covers omission (e.g., withholding a vote when he has a duty to vote impartially) if done with intent to benefit someone or someplace. Did Councilman Anthony and Councilman Bhuptani withhold their vote on a PILOT until an acceptable donation was offered?

Official misconduct under this law can be a second-degree felony if the benefit obtained (or sought) is more than a certain threshold.

(3) Federal law (18 U.S.C. § 201 or § 666) – Federal bribery and corruption statutes

(4) Quid Pro Quo (a vote in return for money or a donation) can still make it bribery — because the official is trading their official action for something of value, regardless of where the money ends up.

If a councilman says, “I’ll hold my vote until the builder agrees to donate to the town,” that’s not a negotiation — that’s an abuse of office and could expose the official to criminal prosecution and removal from office. Did Councilman Al Anthony and Councilman Ketan Bhuptani withhold their vote until a donation was secured?

Were any other councilmen or town officials part of these negotiations?

In response to all items above, the Open Public Records Act (“OPRA”) deals with requests for readily identifiable public records. See, *MAG Entertainment, LLC v. Division of Alcoholic Beverage Control*, 375 N.J. Super. 534, (App. Div. 2005) (the municipality does not have to provide the information sought under OPRA if it fails to identify any specificity or particularity the governmental records sought and seeks general information to be analyzed, collated and compiled by the responding government entity which is not encompassed by OPRA.)

While OPRA provides an alternative means of access to government documents not otherwise exempted from its reach, it is not intended as a research tool litigants may use to force government officials to identify and siphon useful information. Rather, OPRA simply operates to make identifiable government records "readily accessible for inspection, copying, or examination." Id., citing N.J.S.A. 47: 1A-1. Please identify specific records you are seeking within seven business days, by Friday, December 5, 2025.

Provide all correspondence regarding all negotiations with 45 South Livingston Avenue -Bottle King Property between Councilman Al Anthony, Councilman Ketan Bhuptani, Councilman Edward Meinhardt, Councilman Michael Vieira, Councilman Shawn Klein, Town Manager Barry Lewis, Town Attorney Jarrod Kantor and anyone in his law firm. Correspondence includes emails (including on personal email accounts), written notes, text messages (on town assigned and personal devices) from January 1, 2024 to May 15, 2025.

The Township’s IT department has conducted a search of emails based on your previous OPRA and Common Law request filed on October 23, 2025. This office required an extension of time to respond to this portion of the request. There are approximately 150 emails, many with attachments, that are deemed responsive that are being collated, reviewed for redactions, and recorded on a Vaughn Index. There was no other responsive correspondence received. A further search was conducted in order to cover the additional timeframe of May 2, 2025 through May 15, 2025 and no additional records were found. You may expect a response no later than Friday, December 5, 2025.

Sincerely,



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