



May 24, 2022



William Millaway
110 Dutch Road
Marlton NJ 08053

Sent via email: wmillaway@solardivision.net
opra+request-32161-f83b2383@requests.opramachine.com

Dear Mr. Millaway:

The Evesham Township Clerk's Office received your Open Public Records Request (OPRA) on **May 24, 2022**. The Evesham Township Police Department received your OPRA request on **May 24, 2022**. The Evesham Township Police Department Records Custodian received both OPRA requests on **May 24, 2022**. The seven (7) business day deadline to respond to your request is **June 3, 2022**. This response on behalf of both offices is being provided to you on the **1st** business day after the custodian's receipt of your request.

You requested *"911 calls made on May 23 rd 2022 between the hours of 2pm and 4pm"* and *"records of all the calls made to Evesham police & fire departments for the hours 2:00pm (sic) to 4:00 pm on May 23, 2022..."*

Your request is being denied as there are no records responsive to this request. **911 records are received and maintained at the Burlington County Central Communications Center. Accordingly, requests for 911 tapes must be directed to the Burlington County offices in Mount Holly. For more information and the County OPRA form, please visit: <https://co.burlington.nj.us/533/OPRA-Requests>.** I've also attached a hard copy of the form for your convenience.

If your request for access to a government record has been denied or unfilled within the seven (7) business days required by law, you have a right to challenge the decision by the Evesham Township Police Department to deny access. At your option, you may either institute a proceeding in the Superior Court of New Jersey or file a complaint with the Government Records Council (GRC) by completing the Denial of Access Complaint Form. You may contact the GRC by toll-free telephone at 866-850-0511, by mail at P.O. Box 819, Trenton, NJ, 08625, by e-mail at grc@dca.state.nj.us, or at their web site at www.state.nj.us/grc. The GRC can also answer other questions about the law. All questions regarding complaints filed in Superior Court should be directed to the Court Clerk in your County.

Sincerely,

Katherine Corbett
Risk Management Coordinator
Evesham Township Police Department
984 Tuckerton Road
Evesham NJ 08053

Corbett, Katherine

From: Bergh, Mary Lou
Sent: Tuesday, May 24, 2022 6:34 AM
To: Corbett, Katherine
Subject: Fwd: [EXTERNAL] OPRA request - 911 calls

Kate I think this is yours . Thanks.

Sent from my iPhone

Begin forwarded message:

From: William Millaway <opra+request-32161-f83b2383@requests.opramachine.com>
Date: May 24, 2022 at 1:23:48 AM EDT
To: "Bergh, Mary Lou" <berghm@evesham-nj.gov>
Subject: [EXTERNAL] OPRA request - 911 calls

Dear Evesham Township,

This is a request for public records made under OPRA and the common law right of access. I am not required to fill out an official form. Please acknowledge receipt of this message.

Records requested:

911 calls made on May 23 rd 2022 between the hours of 2pm and 4pm.

Yours faithfully,
William J Millaway

Please use deliver records electronically via email to the below UNIQUE address for all replies to this request:

opra+request-32161-f83b2383@requests.opramachine.com

Is berghm@evesham-nj.gov the wrong address for OPRA requests to Evesham Township? If so, please contact us using this form:

https://opramachine.com/change_request/new?body=evesham_township

Disclaimer: This message and any reply that you make will be published on the internet. Our privacy and copyright policies:

<https://opramachine.com/help/officers>

View this OPRA request & responses online:

https://opramachine.com/request/911_calls_13

Please note that in some cases publication of requests and responses will be delayed.

If you find this service useful as an OPRA custodian, please ask your web manager to link to us

*No reply response. Directed to
Be OPRA site.
WJMA 5/24/22*

from your organisation's website.

** [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. **

27-334

June 6/3/22

Where a special service charge is warranted under OPRA, that amount will be communicated to you as required under the statute. You have the opportunity to review and object to the charge prior to it being incurred. If, however, you approve of the fact and amount of the special service charge, you may be required to pay a deposit or pay in full prior to reproduction of the documents.

Reviewed*

☒ I have reviewed the information relating to my rights concerning government records.

OPRA Request Form

Date

5/24/2022

Maximum Authorization Cost

\$ 30.00

enter an amount if you wish to set a maximum cost.

First Name*

William

Middle Initial

J

Last Name*

Millaway

Address

Street Address

110 Dutch Rd

Address Line 2

City

Marlton

State

NJ

Postal / Zip Code

08053

Email*

wmillaway@solardivision.net

Confirm Email*

wmillaway@solardivision.net

Telephone

8565205006

Fax**Preferred Delivery**☒ Pick Up☐ US Mail☐ On-Site Inspect☐ Fax☐ Email

Please note that your preferred method of delivery will only be accommodated if the custodian as the technological means and the integrity of the records will not be jeopardized by such method of delivery.

No pending response. Directed
to BC OPRA site

[Signature]

5/24/22

Record Request Information *

Please be as specific as possible in describing the records being requested.

I am requesting the records of all the calls made to Evesham police & fire departments for the hours 2:00pm to 4:00 pm on May 23, 2022. On this date, I feel that a fire department official overstepped his boundaries by misrepresenting that he received a call about a certain activity happening on our property, which was actually not going on at that time. He claimed a phone call came in reporting an active fire on my property. There was no smoke or flames, as there was no active fire. However, he brazenly started walking onto my property to carry out what I feel was an illegal search. He informed my wife, who was outside weeding, that he was going to inspect the property. He did not ask permission, but instead harassed and bullied my wife, who suffers from extreme anxiety. He was aggressive and overbearing, causing my wife great discomfort and stress, to the point that she became very withdrawn and fearful. I was inside our home working when I was made aware that a fire marshal was on my property. When I made my way outside, I finally found my wife with this fire marshal in the back portion of my property, approximately 700 feet from our residence. As I approached them, I heard him harassing my wife with numerous questions that were not relevant to his station. I then asked him to leave. As he left he was still commenting and asking invasive questions that had no bearing on the alleged call of a fire. He also stated his thoughts of what I had and had not been burning in my very well built fire pit, which he and I spoke about last week, prior to this event. At that time, I was not home, so upon learning of his visit last week, I had visited the township building to find out what happened. I misunderstood him, as he told me what was and wasn't allowed in our town, mainly due to his condescending attitude. I believe that his actions and attitude during both of our interactions was improper conduct. I feel that his visit to my home was improper as they were uncalled for. I am contemplating filing a charge against him for harassing my wife and for trespassing. I am writing this as there is no other legal way to report his actions. I cannot imagine the township would approve of their fire marshal treating their lifelong residents in this manner.

If you are requesting records containing personal information, please check one:

Under penalty of N.J.S.A 2C:28-3, I certify that I

☐ HAVE

☒ HAVE NOT

been convicted of any indictable offense under the laws of New Jersey, and other state, or the United States.

Request For Records Under The Common Law

If, in addition to requesting records under OPRA, you are also requesting the government records under the common law, please check the box below.

A public record under the common law is one required by law to be kept, or necessary to be kept in the discharge of a duty imposed by law, or directed by law to serve as a memorial and evidence of something written, said, or done, or a written memorial made by a public officer authorized to perform that function, or a writing filed in a public office. The elements essential to constitute a public record are that it be a written memorial, that it be made by a public officer, and that the officer be authorized by law to make it.

Common Law

☐ Yes, I am also requesting the documents under common law.

If the information requested is a "public record" under common law and the requestor has a legally recognized interest in the subject matter contained in the material, then the material must be disclosed if the individual's right of access outweighs the State's interest in preventing disclosure.

Please set forth your interest in the subject matter contained in the requested material:

I believe thats explained above.

Note that any challenge to a denial of a request for records under the common law cannot be made to the Government Records Council, as the Government Records Council only has jurisdiction to adjudicate challenges

to denials of OPRA requests. A challenge to the denial of access under the common law can be made by filing an action in Superior Court.

Signature

A handwritten signature in black ink, appearing to be 'M. J. M.', written in a cursive style.

Note: You will receive an email notification when your request has been received by the custodian of records.

Action History (UTC-05:00) Eastern Time (US & Canada)

Submit by Anonymous User 5/24/2022 2:59:48 AM (Start)

Approve by Katherine Corbett 5/24/2022 8:20:10 AM (User Task)

- The task was assigned to PDOpra Approval 5/24/2022 2:59:49 AM
- Katherine Corbett assigned the task to Katherine Corbett 5/24/2022 8:20:05 AM



Police Department - O.P.R.A - Open Public Records Request

Evesham Township Police Department - 984 Tuckerton Road, Marlton, NJ 08053 - 856-983-1116

Important Information

1. All government records are subject to public access under the Open Public Records Act ("OPRA"), unless specifically exempt.
2. A request for access to a government record under OPRA must be in writing, hand-delivered, mailed, transmitted electronically, or otherwise conveyed to the appropriate custodian. N.J.S.A. 47:1A-5.g. The seven (7) business day response time does not commence until the records custodian receives the request form. If you submit the request form to any other officer or employee of the Evesham Township Police Department, that officer or employee must either forward the request to the appropriate custodian, or direct you to the appropriate custodian. N.J.S.A. 47:1A-5.h.
3. Requestors may submit requests anonymously. If you elect not to provide a name, address, or telephone number, or other means of contact, the custodian is not required to respond until you reappear before the custodian seeking a response to the original request.
4. The fees for duplication of a government record in printed form are listed on the front of this form. We will notify you of any special service charges or other additional charges authorized by State law or regulation before processing your request. Payment shall be made by cash, check or money order payable to the Evesham Township Police Department.
5. You may be charged a 50% or other deposit when a request for copies exceeds \$25. The Evesham Township Police Department custodian will contact you and advise you of any deposit requirements. You agree to pay the balance due upon delivery of the records. Anonymous requests in excess of \$5.00 require a deposit of 100% of estimated fees.
6. Under OPRA, a custodian must deny access to a person who has been convicted of an indictable offense in New Jersey, any other state, or the United States, and who is seeking government records containing personal information pertaining to the person's victim or the victim's family. This includes anonymous requests for said information.
7. By law, the Evesham Township Police Department must notify you that it grants or denies a request for access to government records within seven (7) business days after the agency custodian of records receives the request. If the record requested is not currently available or is in storage, the custodian will advise you within seven (7) business days after receipt of the request when the record can be made available and the estimated cost for reproduction.
8. You may be denied access to a government record if your request would substantially disrupt agency operations and the custodian is unable to reach a reasonable solution with you.
9. If the Evesham Township Police Department is unable to comply with your request for access to a government record, the custodian will indicate the reasons for denial on the request form or other written correspondence and send you a signed and dated copy.
10. Except as otherwise provided by law or by agreement with the requester, if the agency custodian of records fails to respond to you within seven (7) business days of receiving a request, the failure to respond is a deemed denial of your request.
11. If your request for access to a government record has been denied or unfilled within the seven (7) business days required by law, you have a right to challenge the decision by the Evesham Township Police Department to deny access. At your option, you may either institute a proceeding in the Superior Court of New Jersey or file a complaint with the Government Records Council ("GRC") by completing the Denial of Access Complaint Form. You may contact the GRC by toll-free telephone at 866-850-0511, by mail at PO Box 819, Trenton, NJ, 08625, by e-mail at grc@dca.state.nj.us, or at their web site at www.state.nj.us/grc. The Council can also answer other questions about the law. All questions regarding complaints filed in Superior Court should be directed to the Court Clerk in your County.
12. Information provided on this form may be subject to disclosure under the Open Public Records Act.

Fees: \$0.05 per page Letter size paper, \$0.07 per page Legal size paper

The custodian may require a deposit against costs for reproducing documents sought through an anonymous request whenever the custodian anticipates that the documents requested will cost in excess of \$5 to reproduce.

BURLINGTON COUNTY CUSTODIAN OF RECORDS
OPEN PUBLIC RECORDS ACT REQUEST FORM

Administration Building
49 Rancocas Rd
Mount Holly, NJ 08060
FAX: 609-265-5151
opra@co.burlington.nj.us

Important Notice

The last page of this form contains important information related to your rights concerning government records. Please read it carefully.

Requestor Information – Please Print

First Name _____ MI _____ Last Name _____

E-mail Address _____

Mailing Address _____

City _____ State _____ Zip _____

Telephone _____ FAX _____

Preferred Delivery: Pick Up _____ US Mail _____ On-Site Inspect _____ Fax _____ E-mail _____

If you are requesting records containing personal information, please circle one: Under penalty of N.J.S.A. 2C:28-3, I certify that I **HAVE / HAVE NOT** been convicted of any indictable offense under the laws of New Jersey, any other state, or the United States.

Signature _____ Date _____

Payment Information

Maximum Authorization Cost \$ _____

Select Payment Method

Cash _____ Check _____ Money Order _____

Fees: Letter size pages - \$0.05 per page
Legal size pages - \$0.07 per page
Other materials (CD, DVD, etc) – actual cost of material
Delivery: Delivery / postage fees additional depending upon delivery type.

Extras: Special service charge dependent upon request.

Record Request Information: Please be as specific as possible in describing the records being requested. Also, please note that your preferred method of delivery will only be accommodated if the custodian has the technological means and the integrity of the records will not be jeopardized by such method of delivery.

AGENCY USE ONLY

Est. Document Cost _____
Est. Delivery Cost _____
Est. Extras Cost _____
Total Est. Cost _____
Deposit Amount _____
Estimated Balance _____

Deposit Date _____

AGENCY USE ONLY

Disposition Notes
Custodian: If any part of request cannot be delivered in seven business days, detail reasons here.

In Progress - Open _____
Denied - Closed _____
Filled - Closed _____
Partial - Closed _____

AGENCY USE ONLY

Tracking Information

Final Cost

Tracking # _____	Total _____
Rec'd Date _____	Deposit _____
Ready Date _____	Balance Due _____
Total Pages _____	Balance Paid _____

Records Provided _____

Custodian Signature _____

Date _____

DEPOSITS

The custodian may require a deposit against costs for reproducing documents sought through an anonymous request whenever the custodian anticipates that the documents requested will cost in excess of \$5 to reproduce.

Where a special service charge is warranted under OPRA, that amount will be communicated to you as required under the statute. You have the opportunity to review and object to the charge prior to it being incurred. If, however, you approve of the fact and amount of the special service charge, you may be required to pay a deposit or pay in full prior to reproduction of the documents.

YOUR REQUEST FOR RECORDS IS DENIED FOR THE FOLLOWING REASON(S):

(To be completed by the Custodian of Records – check the box of the numbered exemption(s) as they apply to the records requested. If multiple records are requested, be specific as to which exemption(s) apply to each record. Response is due to requestor as soon as possible, but no later than seven business days.)

N.J.S.A. 47:1A-1.1

- ☐ Inter-agency or intra-agency advisory, consultative or deliberative material
- ☐ Legislative records
- ☐ Law enforcement records:
 - ☐ Medical examiner photos
 - ☐ Criminal investigatory records (however, N.J.S.A. 47:1A-3.b. lists specific criminal investigatory information which must be disclosed)
 - ☐ Victims' records
- ☐ Trade secrets and proprietary commercial or financial information
- ☐ Any record within the attorney-client privilege
- ☐ Administrative or technical information regarding computer hardware, software and networks which, if disclosed would jeopardize computer security
- ☐ Emergency or security information or procedures for any buildings or facility which, if disclosed, would jeopardize security of the building or facility or persons therein
- ☐ Security measures and surveillance techniques which, if disclosed, would create a risk to the safety or persons, property, electronic data or software
- ☐ Information which, if disclosed, would give an advantage to competitors or bidders
- ☐ Information generated by or on behalf of public employers or public employees in connection with:
 - ☐ Any sexual harassment complaint filed with a public employer
 - ☐ Any grievance filed by or against an employee
 - ☐ Collective negotiations documents and statements of strategy or negotiating
- ☐ Information that is a communication between a public agency and its insurance carrier, administrative service organization or risk management office
- ☐ Information that is to be kept confidential pursuant to court order
- ☐ Certificate of honorable discharge issued by the United States government (Form DD-214) filed with a public agency
- ☐ Social security numbers
- ☐ Credit card numbers
- ☐ Unlisted telephone numbers
- ☐ Drivers' license numbers
- ☐ Certain records of higher education institutions:
 - ☐ Research records
 - ☐ Questions or scores for exam for employment or academics
 - ☐ Charitable contribution information
 - ☐ Rare book collections gifted for limited access
 - ☐ Admission applications
 - ☐ Student records, grievances or disciplinary proceedings revealing a students' identification
- ☐ Biotechnology trade secrets N.J.S.A. 47:1A-1.2
- ☐ Convicts requesting their victims' records N.J.S.A. 47:1A-2.2
- ☐ Ongoing investigations of non-law enforcement agencies (must prove disclosure is inimical to the public interest) N.J.S.A. 47:1A-3.a.
- ☐ Public defender records N.J.S.A. 47:1A-5.k.
- ☐ Upholds exemptions contained in other State or federal statutes and regulations, Executive Orders, Rules of Court, and privileges created by State Constitution, statute, court rule or judicial case law N.J.S.A. 47:1A-9
- ☐ Personnel and pension records (however, the following information must be disclosed:
 - An individual's name, title, position, salary, payroll record, length of service, date of separation and the reason for such separation, and the amount and type of any pension received
 - When required to be disclosed by another law, when disclosure is essential to the performance of official duties of a person duly authorized by this State or the US, or when authorized by an individual in interest
 - Data contained in information which disclose conformity with specific experiential, educational or medical qualifications required for government employment or for receipt of a public pension, but not including any detailed medical or psychological information N.J.S.A. 47:1A-10

N.J.S.A. 47:1A-1

- ☐ "a public agency has a responsibility and an obligation to safeguard from public access a citizen's personal information with which it has been entrusted when disclosure thereof would violate the citizen's reasonable expectation of privacy."

Burnett v. County of Bergen, 198 N.J. 408 (2009). Without ambiguity, the court held that the privacy provision "is neither a preface nor a preamble." Rather, "the very language expressed in the privacy clause reveals its substantive nature; it does not offer reasons why OPRA was adopted, as preambles typically do; instead, it focuses on the law's implementation." "Specifically, it imposes an obligation on public agencies to protect against disclosure of personal information which would run contrary to reasonable privacy interests."

Executive Order No. 21 (McGreevey 2002)

- ☐ Records where inspection, examination or copying would substantially interfere with the State's ability to protect and defend the State and its citizens against acts of sabotage or terrorism, or which, if disclosed, would materially increase the risk or consequences of potential acts of sabotage or terrorism.
- ☐ Records exempted from disclosure by State agencies' proposed rules.

Executive Order No. 26 (McGreevey 2002)

- ☐ Certain records maintained by the Office of the Governor
- ☐ Resumes, applications for employment or other information concerning job applicants while a recruitment search is ongoing
- ☐ Records of complaints and investigations undertaken pursuant to the Model Procedures for Internal Complaints Alleging Discrimination, Harassment or Hostile Environments
- ☐ Information relating to medical, psychiatric or psychological history, diagnosis, treatment or evaluation
- ☐ Information in a personal income or other tax return.
- ☐ Information describing a natural person's finances, income, assets, liabilities, net worth, bank balances, financial history or activities, or creditworthiness, except as otherwise required by law to be disclosed
- ☐ Test questions, scoring keys and other examination data pertaining to the administration of an examination for public employment or licensing
- ☐ Records in the possession of another department (including NJ Office of Information Technology or State Archives) when those records are made confidential by regulation or EO 9.

Other Exemption(s) contained in a State statute, resolution of either or both House of the Legislature, regulation, Executive Order, Rules of Court, any federal law, federal regulation or federal order pursuant to N.J.S.A. 47:1A-9.a.
(Please provide detailed information regarding the exemption from disclosure for which you are relying to deny access to government records. If multiple records are requested, be specific as to which exemption(s) apply to each record.)

REQUEST FOR RECORDS UNDER THE COMMON LAW

If, in addition to requesting records under OPRA, you are also requesting the government records under the common law, please check the box below.

A public record under the common law is one required by law to be kept, or necessary to be kept in the discharge of a duty imposed by law, or directed by law to serve as a memorial and evidence of something written, said, or done, or a written memorial made by a public officer authorized to perform that function, or a writing filed in a public office. The elements essential to constitute a public record are that it be a written memorial, that it be made by a public officer, and that the officer be authorized by law to make it.

☐ Yes, I am also requesting the documents under common law.

If the information requested is a "public record" under common law and the requestor has a legally recognized interest in the subject matter contained in the material, then the material must be disclosed if the individual's right of access outweighs the State's interest in preventing disclosure.

Please set forth your interest in the subject matter contained in the requested material:

Note that any challenge to a denial of a request for records under the common law cannot be made to the Government Records Council, as the Government Records Council only has jurisdiction to adjudicate challenges to denials of OPRA requests. A challenge to the denial of access under the common law can be made by filing an action in Superior Court.

1. All government records are subject to public access under the Open Public Records Act ("OPRA"), unless specifically exempt.
2. A request for access to a government record under OPRA must be in writing, hand-delivered, mailed, transmitted electronically, or otherwise conveyed to the appropriate custodian. N.J.S.A. 47:1A-5.g. The seven (7) business day response time does not commence until the records custodian receives the request form. If you submit the request form to any other officer or employee of the **Department of Education**, that officer or employee must either forward the request to the appropriate custodian, or direct you to the appropriate custodian. N.J.S.A. 47:1A-5.h.
3. Requestors may submit requests anonymously. If you elect not to provide a name, address, or telephone number, or other means of contact, the custodian is not required to respond until you reappear before the custodian seeking a response to the original request.
4. The fees for duplication of a government record in printed form are listed on the front of this form. We will notify you of any special service charges or other additional charges authorized by State law or regulation before processing your request. Payment shall be made by cash, check or money order payable to the **Department of Education**.
5. ***You may be charged a 50% or other deposit when a request for copies exceeds \$25.*** The **Department of Education** custodian will contact you and advise you of any deposit requirements. You agree to pay the balance due upon delivery of the records. Anonymous requests in excess of \$5.00 require a deposit of 100% of estimated fees.
6. Under OPRA, a custodian must deny access to a person who has been convicted of an indictable offense in New Jersey, any other state, or the United States, and who is seeking government records containing personal information pertaining to the person's victim or the victim's family. This includes anonymous requests for said information.
7. By law, the **Department of Education** must notify you that it grants or denies a request for access to government records within seven (7) business days after the agency custodian of records receives the request. If the record requested is not currently available or is in storage, the custodian will advise you within seven (7) business days after receipt of the request when the record can be made available and the estimated cost for reproduction.
8. You may be denied access to a government record if your request would substantially disrupt agency operations and the custodian is unable to reach a reasonable solution with you.
9. If the **Department of Education** is unable to comply with your request for access to a government record, the custodian will indicate the reasons for denial on the request form or other written correspondence and send you a signed and dated copy.
10. Except as otherwise provided by law or by agreement with the requester, if the agency custodian of records fails to respond to you within seven (7) business days of receiving a request, the failure to respond is a deemed denial of your request.
11. If your request for access to a government record has been denied or unfilled within the seven (7) business days required by law, you have a right to challenge the decision by the **Department of Education** to deny access. At your option, you may either institute a proceeding in the Superior Court of New Jersey or file a complaint with the Government Records Council ("GRC") by completing the Denial of Access Complaint Form. You may contact the GRC by toll-free telephone at 866-850-0511, by mail at PO Box 819, Trenton, NJ, 08625, by e-mail at grc@dca.state.nj.us, or at their web site at www.state.nj.us/grc. The Council can also answer other questions about the law. All questions regarding complaints filed in Superior Court should be directed to the Court Clerk in your County.
12. Information provided on this form may be subject to disclosure under the Open Public Records Act.