



The Borough of Sayreville

Municipal Clerk's Office

167 Main Street

Sayreville, NJ 08872

Tel: 732-390-7020 • Fax: 732-390-0509

November 6, 2023

Marc Jellinek

opra+request-54573-7814f501@requests.opramachine.com

Re: Request for Access to Public Records

Dear Mr. Jellinek:

The Borough of Sayreville ("Borough") Records Custodian received your Open Public Records Act ("OPRA") request on October 26, 2023. The Borough is responding to your request within seven (7) business days after receipt of your request as required by New Jersey law. See N.J.S.A. 47:1A-5.

For ease of reference, your OPRA request seeks the following:

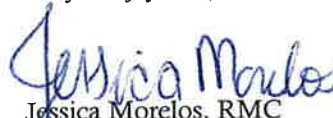
1. All interactions with Marc David Jellinek of 37 Overhill Drive, Parlin, NJ 08859.

In response to the portion of your request for "all interactions," the Borough must deny your request as invalid. An OPRA request "must be well defined so that the custodian knows precisely what records are sought. The request should not require the records custodian to undertake a subjective analysis to understand the nature of the request." Paff v. Galloway Township, 229 N.J. 340, 355 (2017).

If a request does not name specifically identifiable records or is overly broad, a custodian may deny access pursuant to the well-established case law. See MAG Entertainment, LLC v. Division of Alcoholic Beverage Control, 375 N.J. Super. 534 (App. Div. 2005); Bent v. Twp. of Stafford Police Dept., Custodian of Records, 381 N.J. Super. 30 (App. Div. 2005); N.J. Builders Ass'n v. New Jersey Council on Affordable Housing, 390 N.J. Super. 166 (App. Div. 2007); Schuler v. Borough of Bloomsbury, GRC Complaint No. 2007-151 (February 2009). "[W]hen a request ... fails to specifically identify the documents sought, then that request is not 'encompassed' by OPRA." N.J. Builders Ass'n, *supra*, 390 N.J. Super. at 179. "[A] proper request under OPRA must identify with reasonable clarity those documents that are desired, and a party cannot satisfy this requirement by simply requesting all of an agency's documents." Bent, *supra*, 381 N.J. Super. at 37.

In the event of a clarification or appeal, Borough reserves the right to raise any other ground for denial not raised in this response. The failure of Borough to assert an exception or privilege at this time does not act as a waiver of any grounds for denial. Thank you for your professional courtesies and attention to this matter.

Very truly yours,


Jessica Morelos, RMC
Municipal Clerk

JM/jo

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www.sayreville.com