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July 27, 2026

Via Email: opra+request-93721-85c2c4e1@requests.opramachine.com

John Greaves

**Re: July 27, 2026 OPRA Request to the Township of Clark
Cell Tower Lease & Trust Fund Financial Records**

Dear Ms. Greaves:

This firm serves as OPRA counsel to the Township of Clark. The Township of Clark received your request pursuant to the Open Public Records Act (OPRA) on July 27, 2026. As such, the seven (7) business day deadline to respond to your request is August 5, 2026.

Your request sought access to the following:

I request copies of the following records relating to the Township's wireless telecommunications facility lease at the municipal complex (Block 198; lease of November 20, 2014 with T-Mobile Northeast LLC, as amended by the First Amendment of October 12, 2015, the Second Amendment of March 15, 2021, and the Third Amendment of November 27, 2023, both with PTI US Towers 11, LLC).

I already hold the lease and all three amendments; this request is for the financial and deliberative records around them. I am requesting existing records and standard system reports, not the creation of new records.

A. Receipt of the two lump-sum payments

1. The cash receipt records for the \$576,000 payment received from PTI US Towers II, LLC (or an affiliate) pursuant to the

Second Amendment (on or about April 2021): receipt entry, date received, and the fund/account to which it was deposited.

2. The cash receipt records for the \$625,000 payment received pursuant to the Third Amendment (on or about November-December 2023): receipt entry, date received, and the fund/account to which it was deposited.

B. Trust fund ledger detail

3. The general-ledger transaction detail (all receipts and disbursements) for calendar years 2021 through 2025 for:

(a) the Trust Fund reserve titled "Tower Acquisition" as reported in the 2025 Annual Financial Statement (balance \$570,283.49 at December 31, 2024; \$70,283.49 at December 31, 2025); and (b) to the extent the amounts now reported under "Tower Acquisition" were previously carried within the "Developers Escrow" reserve of the Other Trust Fund, the ledger detail sufficient to show the deposit of the telecommunications lease payment into that reserve and any disbursements from those funds prior to their restatement as "Tower Acquisition."

A system-generated account activity report satisfies this item.

4. Any resolution, ordinance, or written authorization establishing the "Tower Acquisition" reserve or directing the deposit of either lease payment into a trust account, including any request to or approval from the Director of the Division of Local Government Services for a dedication by rider under N.J.S.A. 40A:4-39. If no such record exists, a statement to that effect satisfies this item.

C. Negotiation and deliberative records

5. All correspondence, term sheets, offer letters, or proposals between the Township (its officials, administrator, CFO, attorney, or consultants) and PTI US Towers II, LLC / Phoenix Tower International (or brokers acting for either side) concerning the Second Amendment (2020-2021) and the Third Amendment (2023), including any drafts of the consideration terms.

6. Any valuation, appraisal, broker opinion, or financial analysis prepared by or for the Township evaluating the lump-sum offers, the rent reduction, or the value of the remaining lease term, for either amendment.

7. Any competing offers or solicitations received by the Township from other lease-acquisition firms (e.g., Landmark Dividend, Unison, Tower Capital, Symphony, or similar) for purchase or prepayment of the tower lease or easement, 2019 through 2023.

8. The materials distributed to or reviewed by the Council finance committee in connection with the Third Amendment, referenced at the November 6, 2023 workshop meeting ("there was a meeting with the finance committee to go over the specifics"), and any minutes or notes of that finance-committee meeting.

9. Minutes of any closed/executive session at which the lease amendments were discussed, to the extent the need for confidentiality has expired; if confidentiality is asserted, please identify the session dates and the basis for continued confidentiality.

E. Budget treatment

10. The certification pages of the 2024 municipal budget showing whether the budget was subject to examination by the Division of Local Government Services or adopted under local self-examination for that cycle, and any correspondence with the Division concerning the anticipation of \$660,000 of Cell Tower Rental revenue in the 2024 budget or its subsequent non-realization. If no such correspondence exists, a statement to that effect satisfies this item.

Please be advised that your request requires additional time beyond the seven (7) business days to be fulfilled due to the scope of your request, and the need to review and redact the documents for potential privileged information exempted under the OPRA. This extension of time is permitted under the OPRA. See N.J.S.A. 47:1A-5(g); N.J.S.A. 47:1A-5(i); Rivera v. City of Plainfield Police Dep't (Union), GRC Complaint No. 2009-317 (May 2011); and Criscione v. Town of Guttenberg (Hudson), GRC Complaint No. 2010-68 (November 2010). It is anticipated that the responsive records may be made available to you by September 4, 2026. However, the Township reserves the right to request an additional extension, if necessary.

Sincerely,
La Corte, Bundy, Varady & Kinsella
/s/Christina M. DiPalo
Christina M. DiPalo, Esq.

cc: Nicole Castellucci, Township Clerk (via email)