

THE TOWNSHIP OF EWING

Municipal Complex
2 Jake Garzio Drive
Ewing, NJ 08628



Phone: (609) 883-2900
Admin. Fax: (609) 538-0729
Clerk Fax: (609) 771-0480
Web Address: www.ewingnj.org

October 7, 2020

VIA EMAIL

Evan Gross

opra-request-16510-bc6c4558@requests.opramachine.com

Re: Open Public Records Act Request

Dear Mr. Gross:

Ewing Township (the "Township") is in receipt of your Open Public Records Act (OPRA) request, which was received by the Township on September 8, 2020. As such, the seven (7) business-day deadline to respond to your request was September 17, 2020. Your OPRA request sought access to the following:

Residential Properties/Structures that have physical, environmental, structural, health and safety Code Violations

Residential Structures that are vacant and open to trespass

Residential Properties with grass or weeds in excess of the city's height limit

Residential Structures without a current city certificate of occupancy

Residential Properties on the cities' vacant property registry (if applicable)

After careful review, the Township is providing you with a copy of its Vacant Property List. With regard to the remainder of your OPRA request, the Township objects to your request as vague and overbroad, and as otherwise requiring impermissible research and analysis.

Controlling case law has repeatedly construed OPRA as limited to requests for reasonably identifiable records. *See Paff v. Galloway Twp.*, 229 N.J. 340, 355 (2017) ("A records request must be well defined so that the custodian knows precisely what records are sought."). Similarly, OPRA "is not intended as a research tool litigants may use to force government officials to identify and siphon useful information." *MAG Entm't, LLC v. Div. of Alcoholic Beverage Control*, 375 N.J. Super. 534, 546 (App. Div. 2005). "Seeking particular information from the custodian is permissible; expecting the custodian to do research is not." *Paff*, 229 N.J. at 355.

Here, your OPRA request is vague and overbroad as it fails to seek a particular record which can be readily and reasonably identified. Furthermore, complying with your OPRA request would require impermissible research and analysis on the part of the Township, as the records custodian would need to search and analyze records from every department in the Township to discern whether certain records are within the scope of your request.

Accordingly, should you wish to resubmit your OPRA request, we ask that you please clarify your request by clearly and reasonably describing the specific records you are seeking with sufficient identifying information.

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 Ewing Township Clerk's Office 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 email at grc@dca.state.nj.us, or at their website 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.

If you should have any questions or need additional assistance, please do not hesitate to contact this office at (609) 538-7609.

Sincerely,



Kim J. Macellaro, CMC
Ewing Municipal Clerk

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September 28, 2020

Evan Gross

Opra+request-16510-bc6c4558@requests.opramachine.com

Re: OPRA Request

Dear Mr. Gross:

The Ewing Township Clerk's Office received your OPRA Request on September 8, 2020. The official records Custodian, Kim Macellaro, received your OPRA Request on September 8, 2020. As such, the seven (7) business day deadline to respond to your request was September 17, 2020. On September 17, 2020, we asked for a seven (7) business day extension, bringing your new recall date to today, September 28, 2020. We are seeking another seven (7) business day extension today, **bringing your new recall date to October 7, 2020.** The Township thanks you for your patience during these unprecedented times.

Your OPRA request sought access to the following:

Residential Properties/Structures that have physical, environmental, structural, health and safety Code Violations;

Residential Structures that are vacant and open to trespass;

Residential Properties with grass or weeds in excess of the city's height limit;

Residential structures without a current city certificate of occupancy;

Residential properties on the cities vacant property registry (if applicable)

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If you should have any questions or need additional assistance, please do not hesitate to contact this office at (609)538-7609.

Respectfully,

Kim J. Macellaro, CMC
Ewing Municipal Clerk

Requesting another extension

Kim Macellaro <kmacellaro@ewingnj.org>

Mon 9/28/2020 4:20 PM

To: opra+request-16510-bc6c4558@requests.opramachine.com <opra+request-16510-bc6c4558@requests.opramachine.com>

 1 attachments (444 KB)

OPRA-gross20200928162346.pdf;

Please see attached.

Kim Macellaro, RMC, CMC
Ewing Municipal Clerk
2 Jake Garzio Drive
Ewing, New Jersey 08628
Work: (609)538-7609
Fax: (609)771-0480

Thank you for contacting Ewing Township. We are open but with minimal staff in the office Monday through Friday, and other essential Officials working alternate schedules or remotely. The building is closed to the public every day, regardless of whether staff is present.

This e-mail is being monitored, however there may be a delayed response to your e-mail. For further information regarding the changes in effect in response to the COVID-19 outbreak, please go to ewingnj.org

Stay home and stay healthy!

From: DoNotReply@ewingnj.org <donotreply@ewingnj.org>

Sent: Monday, September 28, 2020 5:23 PM

To: Kim Macellaro <kmacellaro@ewingnj.org>

Subject:

Please see attached document.

THE TOWNSHIP OF EWING

Municipal Complex
2 Jake Garzio Drive
Ewing, NJ 08628



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September 17, 2020

Evan Gross

Opra+request-16510-bc6c4558@requests.opramachine.com

Re: OPRA Request

Dear Mr. Gross:

The Ewing Township Clerk's Office received your OPRA Request on September 8, 2020. The official records Custodian, Kim Macellaro, received your OPRA Request on September 8, 2020. As such, the seven (7) business day deadline to respond to your request is today, September 17, 2020. Today, we are seeking a (7) business day extension, **bringing your new recall date to September 28, 2020.** If we should receive the information sooner, we will send out immediately. The Township thanks you for your patience during these unprecedented times.

Your OPRA request sought access to the following:

Residential Properties/Structures that have physical, environmental, structural, health and safety Code Violations;

Residential Structures that are vacant and open to trespass;

Residential Properties with grass or weeds in excess of the city's height limit;

Residential structures without a current city certificate of occupancy;

Residential properties on the cities' vacant property registry (if applicable)

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If you should have any questions or need additional assistance, please do not hesitate to contact this office at (609)538-7609.

Respectfully,

Kim J. Macellaro, CMC
Ewing Municipal Clerk

OPRA request - Code Violations

Evan Gross <opra+request-16510-bc6c4558@requests.opramachine.com>

Sun 9/6/2020 11:27 PM

To: Kim Macellaro <kmacellaro@ewingnj.org>

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Dear Ewing 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:

Residential Properties/Structures that have physical, environmental, structural, health and safety Code Violations

Residential Structures that are vacant and open to trespass

Residential Properties with grass or weeds in excess of the city's height limit

Residential Structures without a current city certificate of occupancy

Residential Properties on the cities vacant property registry (if applicable)

Yours faithfully,

Evan Gross

Please use deliver records electronically via email to the below UNIQUE address for all replies to this request:
opra+request-16510-bc6c4558@requests.opramachine.com

Is kmacellaro@ewingnj.org the wrong address for OPRA requests to Ewing Township? If so, please contact us using this form:

https://opramachine.com/change_request/new?body=ewing_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/code_violations_14

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 from your organisation's website.



OPRA - seeking extension

Kim Macellaro <kmacellaro@ewingnj.org>

Thu 9/17/2020 4:44 PM

To: opra+request-16510-bc6c4558@requests.opramachine.com <opra+request-16510-bc6c4558@requests.opramachine.com>

 1 attachments (436 KB)

opra-gross20200917164621.pdf;

Please see attached letter. Thank you.

Kim Macellaro, RMC, CMC
Ewing Municipal Clerk
2 Jake Garzio Drive
Ewing, New Jersey 08628
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Fax: (609)771-0480

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Stay home and stay healthy!

From: DoNotReply@ewingnj.org <donotreply@ewingnj.org>

Sent: Thursday, September 17, 2020 5:46 PM

To: Kim Macellaro <kmacellaro@ewingnj.org>

Subject:

Please see attached document.