



TOWNSHIP OF ABERDEEN

ONE ABERDEEN SQUARE, ABERDEEN, NEW JERSEY 07747

MAYOR FRED TAGLIARINI

DEPUTY MAYOR ROBERT SWINDLE

COUNCILMAN GREG CANNON

COUNCILWOMAN MARGARET MONTONE

COUNCILWOMAN CONNIE KELLEY

COUNCILMAN JOSEPH MARTUCCI

COUNCILMAN ARTHUR HIRSCH

January 22, 2020

VIA E-MAIL

Frank Blanc

Re: Township of Aberdeen, OPRA Request from Frank Blanc

Dear Mr. Blanc:

This letter acknowledges receipt of your request to the Township of Aberdeen ("Township") received by the Custodian of Records on January 17, 2020. Please accept this as the Township's timely response and denial of your Open Public Records Act request.

For ease of reference, you requested the following items pursuant to the Open Public Records Act, N.J.S.A. 47:1A-1.1 et seq. ("OPRA") and the Common Law, as follows:

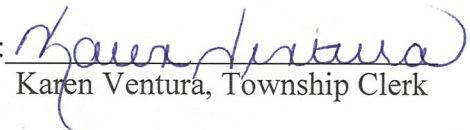
- 1) All email and text message communications between Councilman Cannon and David Healy.
- 2) A record of all cell phone calls made by and received by Councilman Cannon with the following phone numbers: (732) 496-5423 and (732) 505-5900.
- 3) All email communications with any email address containing, "Healy" in the address.

Please be advised that the Township hereby denies your request for the above-stated items for following reasons. Your request is overbroad and lacks the requisite specificity required for an OPRA request. Please be advised that OPRA does not "authorize a party to make a blanket request for every document" a public agency has on file. See Gannett New Jersey Partners L.P. v. County of Middlesex, 379 N.J. Super. 205, 219 (App. Div. 2005). Rather, a party requesting access to a public record under OPRA must specifically describe the document sought. Id.; see also MAG Entm't, LLC v. Div. of Alcoholic Beverage Control, 375 N.J. Super. 534, 546-49 (App. Div. 2005). Currently, your request fails to identify with reasonable clarity the specific government records sought, as is required by Bent v. Stafford Police Department, 381 N.J. Super. 30, 37 (App. Div. 2005). Your request does not provide a date range or time period, nor does it provide a subject matter or topic that the requested documents pertain to and, as such, it is a blanket request that would require the Township to perform an open-ended search of its files.

In addition, your request is violative of the Appellate Division's holding in MAG Entertainment, LLC v. Division of ABC, 375 N.J. Super. 534, 549 (App. Div. 2005), because it seeks any and all records. The Court held that "[u]nder OPRA, agencies are required to disclose only 'identifiable' government records not otherwise exempt . . . In short, OPRA does not countenance open-ended searches of an agency's files." Id. (emphasis added). Bent v. Stafford Police Dep't, 381 N.J. Super. 30, 37 (App. Div. 2005); 4 N.J. Builders Ass'n. v. N.J. Council on Affordable Hous., 390 N.J. Super. 166, 180 (App. Div. 2007); Schuler v. Borough of Bloomsbury, Government Records Council ("GRC") Complaint No. 2007-151 (February 2009).

Your request is now closed. Thank you.

Very truly yours,

By: 
Karen Ventura, Township Clerk