



THE TOWNSHIP OF MAPLE SHADE
IN THE COUNTY OF BURLINGTON

Dear Mr. Duff:

My office is in receipt of your request for records received on January 3, 2018. The records requested are:

- 1. All email communications and electronic files between the dates of 12-1-2014 and 12-31-2018 regarding the proposed memorial for Martin Luther King Jr. that council voted install in January of 2015 between all current and former city council members, current and former Mayors, current and former city managers as well as employees of Maple Shade.**

With regard to your request for emails between Township council members, Mayors and Township Managers, the Township requests an extension until Monday, January 22, 2018 (an additional 6 business days) in order to complete the required search and attorney review of the emails responsive to your request.

I also note that you requested emails until 12/31/18. I will assume you mean 12/31/17 unless you advise otherwise.

With regard to your request for emails to/from "employees of Maple Shade" this request is overly broad. A request pursuant to the Open Public Records Act, N.J.S.A. 41:1A-1 etseq. ("OPRA") must identify the records sought with specificity. Bart v. Passaic County Pub. Hous. Agency, 406 N.J. Super. 445, 451 (App. Div. 2009). As stated in Palkowitz v. Bor. of Hasbrouck Heights, GRC Complaint No. 2014-303:

The GRC established criteria deemed necessary under OPRA to specifically request an email communication in Elcavage v. West Milford Twp. (Passaic), GRC Complaint No. 2009-07 (April 2010). The Council determined that to be valid, such requests must contain: (1) the content and/or subject of the email, (2) the specific date or range of dates during which the email(s) were transmitted, and (3) the identity of the sender and/or the recipient thereof. See Elcavage, GRC 2009-07; Sandoval v. NJ State Parole Bd., GRC Complaint No. 2006-167 (Interim



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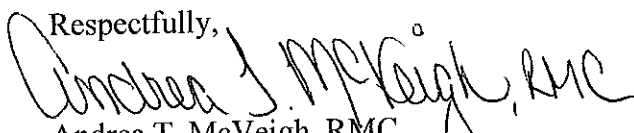
Order March 28, 2007). The Council has also applied the criteria set forth in *Elcavage*, to other forms of correspondence, such as letters. See *Armenti v. Robbinsville Bd. of Educ. (Mercer)*, GRC Complaint No. 2009-154 (Interim Order May 24, 2011). In *Verry v. Borough of South Bound Brook (Somerset)*, GRC Complaint No. 2009-124 (April 2010), the complainant's OPRA request sought all e-mails to or from a particular e-mail account for a specific time period. The custodian's counsel responded advising the complainant that his OPRA request was invalid because it represented an open-ended search of the Borough's files. The Council held that the complainant's request was invalid under *Elcavage*, GRC 2009-07 because it did not include a subject or content. *Id.* at 7.

While your request establishes a range of dates and subject matter, it does not specify the employees whose emails you are seeking. For these reasons, your request is **denied**.

If you would please send me an email confirming your receipt of this response, I would appreciate it. Should you have any questions or wish to discuss this matter, please contact me.

If your request for access to a government record has been denied or unfilled within seven (7) business days required by law, you have a right to challenge the decision by Maple Shade Township 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 its website 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.

Respectfully,


Andrea T. McVeigh, RMC
Maple Shade Township Clerk

cc: Joe Andl, Township Manager
Eileen Fahey, Township Attorney