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JAY C. SENDZIK*
KATE SENDZIK HAINES

January 23, 2024

JANICE L. RICHTER
Of Counsel

*1977-2021

M
Opra+request-57380-7d400eff@requests.opramachine.com

Dear M:

In response to your OPRA request received by the South Brunswick Fire District No. 3 on January 18, 2024 that sought "all emails sent and received to David Luck from the Kingston Volunteer Fire Company from October 2023 to December 2023", please be advised that due to a New Jersey Supreme Court decision in Verry v. Franklin Fire District No. 1, 230 N.J. 285 (2017), a fire company is not considered a public agency subject to OPRA. Whether requests to a fire district for fire company records are within the responsibility of the fire district is dependent upon whether the records sought are maintained by the fire district or are necessary for the fire district's supervisory function over the fire company.

Your request for all emails sent to or received by David Luck does not specify the source, recipient or subject matter of the emails sought, and may include personal emails not encompassed by OPRA. The following emails sent or received by the Fire District in connection with the business of the Fire District are enclosed for the period requested:

1. November 2, 2023 email Steve Manobianco re Meeting with Commissioners (2 pages)
2. November 4, 2023 email David Luck re: second request (3 pages)
3. November 13, 2023 email David Luck re: Update on Meeting (2 pages)
4. November 17, 2023 email David Luck re: Update on Meeting (1 page)
5. November 22, 2023 email David Luck re: Fire Company Banquet (1 page)

The Records Custodian represents and affirms that the enclosed non-privileged documents are the entire documentation relative to your request. If you believe that 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. At your option, you may either

M

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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, New Jersey 08625, by e-mail at grc@dca.state.nj.us, or at their web site at www.state.nj.us/grc. The GRC can also answer other questions about the law. All questions regarding complaints filed in the Superior Court should be directed to the Court Clerk in your county.

Very truly yours,

SENDZIK & SENDZIK, P.C.

A handwritten signature in blue ink, appearing to read 'KATE SENDZIK HAINES', is written over a circular blue ink stamp.

KATE SENDZIK HAINES, ESQ.

KSH:jj

Enclosures

cc: board@sbfiredistrict3.com (w/encl.)

From: Steve Manobianco
<steve.manobianco@sbfiredistrict3.com>
Sent: Thursday, November 2, 2023 6:13 PM
To: Chief@kingstonfireco.com;
President
<president@kingstonfireco.com>
Cc: Augie Racanati
<augie.racanati@sbfiredistrict3.com>;
SBFireDistrict3 Board
<board@sbfiredistrict3.com>
Subject: Meeting with Commissioners
Manobianco and Racanati

Hi Chief and President,

I would like to have a meeting with the both of you and Commissioner Racanati before this months district meeting.

The topics for discussion,

1. OPRA Request- response responsibilities and content
2. Current call response data
3. Details of the DCA audit and,
3. Remediation plan

Please email me with several convenient dates and times and I will confirm.

Thanks in advance

Stephen Manobianco

Chairman

South Brunswick Fire District 3

609.529.9809

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From: [David Luck](#)
To: [District 3 Commissioner Agostino Racanati](#)
Cc: [District 3 Commissioner Steve Manobianco; John Luck; Chief; President; District 3 Board Member Email](#)
Subject: Re: Second Request - RE: Meeting with Commissioners Manobianco and Racanati
Date: Saturday, November 4, 2023 2:27:04 PM

Are we confirming 4:30 for Tuesday?
David

Sent from my iPhone

On Nov 4, 2023, at 2:17 PM, Augie Racanati
<augie.racanati@sbfiredistrict3.com> wrote:

Works for me

On Sat, Nov 4, 2023, 2:16 PM Steve Manobianco
<steve.manobianco@sbfiredistrict3.com> wrote:
How does 4:30 at the firehouse work for everyone?

Stephen Manobianco
609.529.9809

On Nov 4, 2023, at 2:10 PM, Augie Racanati
<augie.racanati@sbfiredistrict3.com> wrote:

Hello,

I can only do Tuesday after at 4 or later.

Thank you,
Augie

On Sat, Nov 4, 2023, 2:03 PM John Luck
<John.Luck@kingstonfireco.com> wrote:

Good Afternoon Chairman Manobianco,

I have spoken with President David Luck and we would be available next Tuesday, November 7th or Wednesday, November 8th. On either date we would be available after 4 PM. Let us

know what day and time is best for you.

Regards,

Chief John H. Luck

Kingston Volunteer Fire Co., No. 1

From: Steve Manobianco
<steve.manobianco@sbfiredistrict3.com>
Sent: Saturday, November 4, 2023 1:22 PM
To: David Luck <David.Luck@kingstonfireco.com>
Cc: Chief <chief@kingstonfireco.com>; President
<president@kingstonfireco.com>; District 3 Commissioner
Agostino Racanati <augie.racanati@sbfiredistrict3.com>; District
3 Board Member Email <board@sbfiredistrict3.com>
Subject: Re: Second Request - RE: Meeting with Commissioners
Manobianco and Racanati

I haven't received an email from the Cheif as of yet.

He said he would be sending.

Stephen Manobianco

609.529.9809

On Nov 4, 2023, at 1:09 PM, David Luck
<David.Luck@kingstonfireco.com> wrote:

Steve:

I understand the Chief already replied and waiting
for your response.

David

Sent from my iPhone

On Nov 4, 2023, at 11:45 AM,
steve.manobianco@sbfiredistrict3.com
wrote:

Hi Chief and President Luck,

This is a follow up to my request to
schedule a meeting with you before this
month's District meeting. Can you
please provide a few dates and times?

Thanks in advance for your attention to
this matter.

Regards,

Steve Manobianco

Chairman of The Board

South Brunswick Fire District 3

609.529.9809

steve.manobianco@sbfiredistrict3.com

www.sbfiredistrict3.com

From: [David Luck](#)
To: [District 3 Commissioner Steve Manobianco](#); [District 3 Commissioner Agostino Racanati](#)
Cc: [District 3 Board Member Email](#)
Subject: Fwd: Update on meeting between Fire District 3 and Fire Company...
Date: Friday, November 17, 2023 10:34:53 AM

Steve and Augie:

Thank you for organizing and requesting the joint meeting between the Fire Company and Fire District 3 on November 7.

The sentiments expressed during this meeting demonstrated a willingness to work together and move forward. In regards to this commitment, I sent the attached email to All Members of the Fire Company on November 13.

We look forward to healing the divide and moving forward with a focus on unity.

David Luck, President

Sent from my iPhone

Begin forwarded message:

From: David Luck <David.Luck@kingstonfireco.com>
Date: November 13, 2023 at 7:46:49 PM EST
To: All Members <members@kingstonfireco.com>
Subject: Update on meeting between Fire District 3 and Fire Company...

All Members:

The Chief and I met with representatives from Fire District 3 (Chairman Steve Manobianco and Assistant Secretary/Treasurer Augie Racanati) on Tuesday, November 7. During the course of this meeting, we discussed various aspects of OPRA requests received by Fire District 3, current call response data, current status of the pending DCA audit and how to best move forward in unity between the two organizations. All parties agreed the Public Portion of the District Meeting should not continue to be our preferred way to communicate and the Fire District indicated their desire to work together with the Chief and President to resolve issues and concerns.

We are asking all members to respect the chain of command within the Fire Company and funnel concerns or complaints to the Chief or President to work them through this new agreement to better work together in resolving issues. Please do not interpret this as an attempt by any of the individuals involved in this meeting as a method of silencing your voice as a private citizen, but rather as an

effort to provide a united front of the fire company membership to the public and to rebuild a strong working relationship between the two organizations.

Comments and questions are welcome to both Chief and President.

David W. Luck, President

Kingston Volunteer Fire Company #1

PO Box 222

Kingston, NJ 08528-0222

Personal Cell: 609-712-1109

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From: [David Luck](#)
To: [District 3 Commissioner Steve Manobianco](#); [District 4 Commissioner Glen McParland](#)
Subject: Fire Company Banquet Invitation - Please RSVP
Date: Wednesday, November 22, 2023 2:57:36 PM
Attachments: [2023Banquetwquest \(1\).docx](#)

Dear Fire District Chair:

On behalf of the officers and members of the fire company you and a guest are invited to attend our Annual Banquet. Please RSVP as per attached invitation.

David W. Luck, President

Kingston Volunteer Fire Company #1
PO Box 222
Kingston, NJ 08528-0222
Personal Cell: 609-712-1109

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