

BOARD OF EDUCATION
WALLINGTON, N.J. 07057

JOSEPH BRUNACKI, III
BUSINESS ADMINISTRATOR
BOARD SECRETARY

JEFFERSON SCHOOL
(973) 777-4151
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April 8, 2020

Via E-mail

WallyWatchdog45

Re: Open Public Records Act Request

Dear WallyWatchdog45:

Please accept this correspondence in response to the Open Public Records Act ("OPRA") request received by the Wallington Board of Education ("the Board") on March 19, 2020. According to P.L. 2020, ch. 10, during a public health emergency declared pursuant to State law, the custodian of a government record shall make a reasonable effort as the circumstances permit to respond to an OPRA request within seven business days or as soon as possible thereafter. This response is transmitted to you on the fourteenth business day.

You have requested the following records:

A copy (PDF format) of the Feasibility Study by
Architects Alliance as reference in 2018.
Architects Alliance Inv. 18003-01 /
Wallington BOE PO#18000934

In accordance with the requirements of OPRA, the Board DENIES your request. The Feasibility Study at issue was presented to the Board in executive session for its pre-decisional consideration of a prospective capital project. As such, the record falls within the OPRA exemption for material that is advisory, consultative, or deliberative. N.J.S.A. 47:1A-1.1. See Libertarians for Transparent Government v. Government Records Council, 453 N.J. Super. 83, 89-90 (App. Div. 2018) (explaining that material is privileged if it is (1) pre-decisional, "generated before the adoption of an agency's policy or decision," and (2) deliberative, "contain[ing] opinions, recommendations, or advice about agency policies").

If your request for access to a government record has been denied or unfilled within the time required by law, you have a right to challenge the Board's decision 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 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 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.

If you should have any questions, please do not hesitate to contact me.

Very truly yours,

Wallington Board of Education

A handwritten signature in dark ink, appearing to read 'Joe Brunacki', written in a cursive style.

Joseph Brunacki III

Business Administrator/Board Secretary