

LA CORTE, BUNDY, VARADY & KINSELLA
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July 18, 2022

opra+request-33652-ae2ddea@requests.opramachine.com

James M

Re: Township of Clark OPRA Requests – Gas (Fuel) Access

Dear James M::

The Township of Clark received your Open Public Records Act (OPRA) request on July 8, 2022. The official Records Custodian, Edith Merkel, received your OPRA request on July 8, 2022. As such, the seven (7) business day deadline to respond to your request is July 19, 2022. This response to your request is being provided to you on the Sixth business day after the custodian's receipt of said request.

Your OPRA request sought access to the following:
List with:

1. Every person (Township employees/elected and appointed officials/contactors/etc.).

Response: Denied, no such retrievable records exist.

2. Respective Department.

Response: Granted, see column B of spreadsheets.

3. Assigned device identifier (i.e.: electronic card, key fob, pin code) used to operate and obtain fuel from the Township's fuel pumps located in the rear of the Clark Police building.

Response: Denied, as per N.J.S.A 47:1A-1 regarding security information that jeopardizes building, facility or persons, thereof.

4. List of fuel usage from the above mentioned Township owned fuel pumps for the months of April 2022, May 2022 and June 2022 to indicate the date, time, person's name or other assigned identifier, access device identifier, amount of fuel dispensed and vehicle identifier.

Response: Granted, as to amount of fuel and vehicle identifier. See columns B, C and G of spreadsheets.

5. Name of Township employee or contractor responsible for assigning the devices (i.e.: electronic cards, key fobs, pin codes) to the individual users.

Response: Denied, no such retrievable records exist.

6. Name of Township employee or contractor responsible for auditing the usage of the devices.

Response: Denied, no such retrievable records exist.

7. Township of Clark policies/memorandums/procedures related to the Township owned fuel pumps, its usage, authorized/unauthorized access by Township employees/officials/contractors, assignment of access devices, auditing of access devices and fuel usage.

Response: Granted, see attached MEL-JIF Policy.

This response is being transmitted to you electronically via email to following address as per your request:

opra+request-33652-aee2ddea@requests.opramachine.com

A list of OPRA's exemptions is attached to this response letter.

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 Township of Clark 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 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 Superior Court should be directed to the Court Clerk in your County.

IF YOU HAVE ANY QUESTIONS, PLEASE RESPOND DIRECTLY TO ME AT
RVARADY@LBVKLAW.COM.

Sincerely,

By: s/Robert F. Varady
Robert F. Varady, Esq.
(Via Email: rvarady@lbvklaw.com)
La Corte, Bundy, Varady & Kinsella
For Municipal Clerk, Township of Clark

RFV/ms

Cc: Edith Merkel, Township Clerk (Via Email: clerk@ourclark.com)