



Evesham Township School District

Meland Administration Building, 25 South Maple Avenue, Marlton, NJ 08053

www.evesham.k12.nj.us · (856) 983-1800 · Fax # (856) 983-2939

Dr. Justin Smith, Superintendent
Mr. John Recchinti, School Business Administrator

Ms. Danielle T. Magulick, Director of Curriculum & Instruction
Mr. Richard G. Dantine, Jr., Director of Personnel

September 22, 2020

Via opramachine.com (opra+request-16124-@etd)

Dr. Bryan Richards

Re: OPRA Request

Dear Dr. Richards:

As you are aware, I am the Business Administrator and Records Custodian for the Evesham Township Board of Education (the "Board" or "District"). I am in receipt of your request for records, pursuant to the Open Public Meetings Act ("OPRA"), dated Thursday, August 20, 2020 at 7:20pm which was received on Monday, August 24, 2020, as the District is closed on Fridays. By correspondence dated September 1, 2020, I advised you that, due to the ongoing health crisis and the nature of the items requested, I would need a fourteen (14) business-day extension of time, or until **Tuesday, September 22, 2020**, to fulfill your request. Please accept this correspondence as the District's response to your OPRA request seeking:

- (1) All purchase requests for HVAC service for the 2018-2019 and 2019-2020 school years.**
- (2) "As built" drawings for all HVAC systems district-wide.**
- (3) HVAC System Commissioning Report.**
- (4) HVAC preventative maintenance schedule district-wide.**
- (5) HVAC certification of engineer responsible for HVAC system**
- (6) Any purchase orders for HVAC filters for the past two school years (2018-2019, 2019-2020) until the present day, specifically listing MERV specifications of the filters.**
- (7) Superintendent's Attestation Letter submitted to the state re: reopening of the schools.**

With respect to request number (1), please be advised that the District handles its own HVAC servicing. With respect to request number (7), please be advised that no such letter was submitted. Accordingly, with respect to requests numbered (1) and (7), no documents exist that are responsive to these requests.

With respect to requests numbered (3) through (6), kindly see the attached documents that are responsive to these requests.

With respect to request number (2), please be advised, the Board is constrained to deny the same as your request seeks information that is exempt from disclosure. Pursuant to N.J.S.A. § 47:1A-1.1, a government record shall not include "[e]mergency or security information or

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procedures for any buildings or facility which, if disclosed, would jeopardize security of the building or facility or persons therein. The same has been explained and reiterated in by the Government Records Council (the "GRC"). In Kohn v. Twp. of Livingston (Essex), GRC Complaint No. 2007-319 (July 2008) (citing Cardillo v. City of Hoboken Zoning Office, GRC Complaint No. 2005-158 (December 2006)), the complainant sought access to floor plans for the new municipal complex. In that case, the GRC held that, "[t]he requested floor plans are exempt from disclosure for containing security information or procedures for any building/facility which, if disclosed, would jeopardize security of the building or facility or persons therein pursuant to N.J.S.A. § 47:1A-1.1." Id. The GRC provided a more detailed explanation in its earlier decision, Cardillo v. City of Hoboken Zoning Office, GRC Complaint No. 2005-158 (December 2006), where the complainant requested renovation plans. In that decision, the GRC held that, "the requested records may be exempt from disclosure if they contain . . . information that could potentially be used by a person seeking to enter the building illegally for the purpose of causing harm to persons in the building or taking and destroying property." Id. This was reaffirmed in Kohn v. Twp. of Livingston (Essex), GRC Complaint No. 2011-330 (May 2013) (citing Cardillo v. City of Hoboken Zoning Office, GRC Complaint No. 2005-158 (December 2006)), where the complainant sought "as built" drawings. In that case, the GRC also held, "[t]hat the complainant may have previously received plans does not work to abrogate the security and safety exemption contained in OPRA." Id.

We consider this OPRA request satisfied and completed and will close out the request process. Should you have any questions or concerns, please do not hesitate to contact me. Thank you for your courtesies.

Sincerely,



John Recchinti
Business Administrator and Custodian of Records
Evesham Township Board of Education

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