

MAYOR

James P. Mehaffey

TOWNSHIP COMMITTEE

Megan Kerr
Ashley Morrell
Adam Reid
Jim Robinson

**WEST DEPTFORD TOWNSHIP****Municipal Building**

400 Crown Point Road
West Deptford, New Jersey 08086
Phone (856) 845-4004

Township Administrator

Lee Ann DeHart

Chief Finance Officer

Michael Kwasizur

Registered Municipal Clerk

Lee Ann DeHart

December 13, 2023

Via email only (opra+request-55646-c3ac62fc@requests.opramachine.com)

Marc Jellinek

Re: Open Public Records Act/Common Law Records Request

Dear Mr. Jellinek:

The West Deptford Township Records Custodian received your request for records pursuant to the Open Public Records Act (OPRA) and the New Jersey common law right of access, dated after-hours on November 29, 2023, on November 30, 2023. Accordingly, the initial seven (7) business day deadline to respond to your request under OPRA is December 13, 2023. This response is being provided on the seventh business day after receipt of your request.

Your records request was as follows:

From: Marc Jellinek opra+request-55646-c3ac62fc@requests.opramachine.com
Sent: Wednesday, November 29, 2023 10:20 PM
To: Lee Ann DeHart lDeHart@westdeptford.com
Subject: OPRA request - Interaction with Marc Jellinek 29 Nov 2023

Dear West Deptford Township,

This is a request for public records made under OPRA and the common law right of access. I am not required to fill out an official form. Please acknowledge receipt of this message.

Records requested:

Please provide recordings of Marc Jellinek's conversation with the dispatcher on the non-emergency line for the West Deptford Police Department made 29 Nov 2023 at approximately 10:15 pm.

Please include the police report for any resulting interactions with XXXXXXXX of XXXXXXXXXXXXXXXX. Please include any notes taken by the responding officers. Please include recordings and transcripts of any resulting conversations with Ms. XXXXXXXX, including assessment of her mood, demeanor, level of cooperation and willingness to engage in a reasonable and respectful conversation. Please document any outcome and provide these in writing.

A search of our available records has identified the following as responsive to your request:

11/29/23 CAD Activity Detail 23-029750
11/29/23 Axon_Body_3_Video_2023-11-29_2227_X60AD643N
11/30/23 Incident Report 23-029750 (incident date 11/29/23)

A copy of the identified CAD Activity Detail Report is enclosed. Please note that, after consultation with the Township records attorney, parts of this record have been redacted as follows:

Privacy/Personal Information. Part(s) of the identified record(s) containing information and/or images for which identified persons have a reasonable expectation of privacy have been redacted. N.J.S.A. 47:1A-1; Executive Order No. 21 (McGreevey 2002); *Paff v. Ocean County Prosecutor's Office*, 235 N.J. 1 (2018); *Brennan v. Bergen County Prosecutor's Office*, 233 N.J. 330 (2018); *In the Matter of the New Jersey State Fireman's Association*, 230 N.J. 258 (2017); *Burnett v. County of Bergen*, 198 N.J. 408 (2009); *North Jersey Media Group v. Township of Nutley*, slip op., Docket No. A-3483-14T3 (App. Div. September 30, 2016); *Nelson v. N.J. Department of Law & Public Safety*, No. 2013-124 (GRC 2014); *Merino v. Borough of Ho-Ho-Kus*, No. 2003-110 (GRC 2004).

After consultation with the Township records attorney, your request for the identified Incident Report is denied under OPRA for the following reason(s):

Criminal Investigatory Record(s). The requested record(s) or parts thereof are not required by law to be made, maintained or kept on file, pertain to a criminal investigation, and are therefore exempt from disclosure pursuant to the criminal investigatory records exception of OPRA. N.J.S.A. 47:1A-1.1; *Paff v. Ocean County Prosecutor's Office*, 235 N.J. 1 (2018); *North Jersey Media Group, Inc. v. Township of Lyndhurst*, 229 N.J. 541 (2017); *Schulz v. N.J. State Police*, Complaint No. 2014-390 (GRC 2015).

After consultation with the Township records attorney, your request for the identified Incident Report is denied under the common law right of access for the following reason(s):

No common law interest. The common law right to access public records depends on three requirements: (1) the records must be common law public documents; (2) the person seeking access must establish an interest in the subject matter of the material; and (3) the citizen's right to access must be balanced against the State's interest in preventing disclosure. *Richard Rivera v. Union County Prosecutor's Office*, 250 N.J. 124, 143-44 (2022); *South Jersey Publishing Co. v. New Jersey Expressway Auth.*, 124 N.J. 478, 487 (1991); *Loigman v. Kimmelman*, 102 N.J. 98 (1986); *Nero v. Hyland*, 76 N.J. 213, 222 (1978). Your common law request is denied due to your failure to identify your interest in the requested records.

Further processing of your request for the identified BWC video(s) will require an extraordinary expenditure of time and effort since it would involve review and redaction of privacy, security, medical and/or other material exempt from disclosure from the video(s).

The Open Public Records Act and New Jersey common law allow public agencies to impose special service charges whenever the nature, format, manner of collation, or volume of a government record embodied in the form of printed matter to be inspected, examined, or copied is such that the record cannot be reproduced by ordinary document copying equipment in ordinary business size or when fulfilling a request requires an extraordinary expenditure of time and effort. See N.J.S.A. 47:1A-5.c. Due to the nature of your request and the volume and type of records identified, it will be necessary to impose a special service charge to fulfill your request.

Special service charges must be based upon the actual direct cost of providing the copy or copies. OPRA mandates that the requestor shall have the opportunity to review and object to the charge prior to it being incurred. *See* N.J.S.A. 47:1A-5.c. As such, a detailed estimate is provided below:

lowest level person capable of fulfilling the request	Kathryn Scirrotto
direct hourly rate (minus fringe benefits)	\$20.81
number of hours anticipated to complete request	1.0
estimated review/redaction BWC special service charge	\$20.81

lowest level person capable of fulfilling the request	Jill Magill
direct hourly rate (minus fringe benefits)	\$24.21
number of hours anticipated to complete request	0.5
<u>estimated compilation/response special service charge</u>	<u>\$12.11</u>

TOTAL ESTIMATED SPECIAL SERVICE CHARGE	\$32.92
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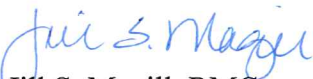
IN ORDER TO PROCEED WITH FULFILLING YOUR REQUEST, WE REQUIRE A DEPOSIT IN THE AMOUNT OF \$32.92, REPRESENTING THE ESTIMATED BWC VIDEO SPECIAL SERVICE CHARGE.

PLEASE SUBMIT A CHECK PAYABLE TO "WEST DEPTFORD TOWNSHIP" IN THE TOTAL AMOUNT OF \$32.92 FOR FURTHER PROCESSING OF YOUR REQUEST. PLEASE NOTE THAT WE WILL CONSIDER THIS REQUEST CLOSED IF PAYMENT IS NOT RECEIVED WITHIN THIRTY (30) DAYS.

Kindly respond in writing with your acceptance or rejection of this estimated charge. We will not begin to further process this request until we receive your written acceptance and the estimated special service charge deposit. If you reject the estimated charge and you wish to challenge the special service charge, you have a right to challenge the decision.

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 West Deptford Clerk's office 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.

Sincerely,



Jill S. Magill, RMC

Deputy Clerk

856-845-4004 ext. 174



CAD Activity Detail Report

Printed On: 11/30/23 09:36

West Deptford Township

23-029750 [REDACTED];T Harassment (HARA)

Reported : 11/29/2023 22:10:21 Prime Unit : P4152
Priority : 2 Call Taker : [REDACTED]
Stacked : 22:15:54 Dispatcher : [REDACTED]
Dispatched : 22:17:27 Case# : 23-029750
Arrived : 22:25:27 Finished : 23:28:52
Disposition : Clear Yes A Case Report Required

Notes

Date	Unit	Notes	PF
11/29/2023 22:10:21		Has been doing business with a female// gave equipment to her// now she refusing to work or return the equipment [REDACTED] is the accused-[REDACTED] caller lives in parlin nj caller wants equipment back and to speak to the female owes the male caller \$4216.77 would like to be called back	DF6308
11/29/2023 22:15:54		Names Added : Jellenick, Mark; Caller	DF6308
11/29/2023 22:17:27		Dispatched: P4173, P4152	DF6308
11/29/2023 22:29:10		Unit Changed to Prime - P4152	DF6308
11/29/2023 23:11:25	P4152	4152 confrenced with caller mark	DF6308

Names

Activity	Name	DOB	Address	Phone#
Caller	Jellenick, Mark			[REDACTED]
Suspect	Jellinek, Marc D	[REDACTED]	37 Overhill Dr Parlin ,NJ 08859	[REDACTED]
Victim	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

Units

Unit	Unit Time	Activity	Officer	Dispatcher	Disposition
P4173	11/29/23 22:17:27	DI	IH4173		
P4152	11/29/23 22:17:27	DI	WR4152		
P4173	11/29/23 22:17:27	EN	IH4173		
P4152	11/29/23 22:17:27	EN	WR4152		
P4152	11/29/23 22:25:27	OS	WR4152	WR4152	
P4152	11/29/23 22:29:10	MP	WR4152		
P4173	11/29/23 22:29:15	FI	IH4173		Finish
P4152	11/29/23 23:28:52	IC	WR4152		Clear No Report Required

Summary

PtIm. W. Reichert #4152

I responded to [REDACTED] after Marc Jellinek reported that [REDACTED] had terminated her employment with him, and was refusing to return a computer. While speaking with [REDACTED] she reported that she was harassed by Marc earlier in the day by text message.

See Incident Report for details.

*****TO BE COMPLETED*****

Wednesday, November 29, 2023

Hausman, Ian (IH4173)

22:17:27 DI P4173 Prime Unit Dispatched: P4173, P4152
22:17:27 EN P4173
22:29:15 FI P4173



CAD Activity Detail ReportPrinted On: 11/30/23 09:36

Reichert, William D (WR4152)

22:17:27	DI	P4152	Dispatched: P4173, P4152
22:17:27	EN	P4152	
22:25:27	OS	P4152	
22:29:10	MP	P4152	Unit Changed to Prime - P4152
23:28:52	IC	P4152	