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July 29, 2022

opra+request-33982-838bb5ac@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 18, 2022. The official Records Custodian, Edith Merkel, received your OPRA request on July 18, 2022. This response to your request is being provided to you.

Your OPRA request sought access to the following:

I am requesting an internal review of the records released by the Township's attorney in reference to a previous request regarding the usage of fuel by employees and township officials. The following issues need to be addressed and all the records need to be released without further delay:

- The township attorney improperly redacted numerous dates from records of the lists of fuel usage without any justification nor citing any legal basis for doing so. Please correct this immediately.

Response: Information was not redacted.

- When requested a list of employees, township officials and contractors that is assigned a device to operate the Township owned fuel pumps, the Township's attorney cited one of the OPRA exemptions regarding security information. I wish to remind you that the names of Township employees, officials and contractors and

respective department that are assigned and use public funded equipment, in this case fuel, do not fall under the "security" exemption cited by Mr. Varady. If the Township wishes to claim that releasing the specific information about the fuel access devices themselves can be a security risk, please do so, but it cannot deny the entire request because of it. Therefore, we are asking for the township to release the list of names and assigned departments of all township employees and officials assigned an access device to operate the Township owned fuel pumps.

Response: Granted. Please see the attached spreadsheet. Due to the volume of information contained in the spreadsheet, columns A-F are on pages 1-3 and columns G-O are on pages 4-6. In order to view properly, it is suggested to place page 4 alongside page 1, page 5 alongside page 2 and page 6 alongside page 3.

- The township attorney failed to provide policies held by the Clark Police Department, a department within the Township in reference to the Township owned fuel pumps, its usage, assignment of access devices, fuel usage, etc. as it was part of my original request.

Response: Documents were previously supplied.

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

opra+request-33982-838bb5ac@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)