

From: [John Burns](#)
To: [John Donnadio \(xxxxxxx@xxxx.xxx\)](#) [Lori Buckelew](#)
Subject: FW: Latest OPRA/OPMA Amendments
Date: Tuesday, October 16, 2018 11:46:17 AM
Attachments: [N209_0002.docx](#)
[N209_0001.docx](#)

See below.

John J. Burns, Esq.
Counsel
NJ School Boards Association
413 West State Street
Trenton, NJ 08618-5697
[@xx](#)
609-278-5275
www.njsba.org

From: Mitchell, Shane <[@xx](#)>
Sent: Tuesday, October 16, 2018 11:25 AM
To: John Burns <[@xx](#)>
Subject: RE: Latest OPRA/OPMA Amendments

Hey John,

Here are the amendments that would have been up yesterday. Will update you if there are any more changes coming down the pike... but there are none planned as of right now.

Best,
Shane

From: John Burns [<mailto:xxxxxxx@xxxxx.xxx>]
Sent: Wednesday, October 10, 2018 2:11 PM
To: Mitchell, Shane
Subject: RE: Latest OPRA/OPMA Amendments

Thanks! Will review and get back to you.

John J. Burns, Esq.
Counsel
NJ School Boards Association
413 West State Street
Trenton, NJ 08618-5697
[@xx](#)
609-278-5275
www.njsba.org

From: Mitchell, Shane <[@x](#)>
Sent: Wednesday, October 10, 2018 2:09 PM
To: John Burns <[@x](#)>
Subject: Latest OPRA/OPMA Amendments

Hey John,

Just got these back from the drafter a few minutes ago! Happy to discuss any issues NJSBA might have with the latest changes.

Best,

--

Shane Mitchell
Legislative Director
Senator Loretta Weinberg
Senate Majority Leader
(201) 928-0100

From: xxxxxx@xxxxxx.xxx
To: xxxxxx@xxxxxx.xxx; xxxxxx@xxxxxx.xxx
Cc: xxxxxx@xxxxxx.xxx
Subject: FW: OPRA
Date: Monday, January 7, 2019 1:17:28 PM
Attachments: [N06_0063.docx](#)

Lori and Frank, Please review attached. Looks like Cryan will drop this soon.

mike

From: Paul Anzano [mailto:xxxxxx@xxxxxx.xxx]
Sent: Monday, January 7, 2019 1:18 PM
To: Michael J. Darcy, CAE <xxxxxx@xxxxxx.xxx>; Michael F. Cerra <mcerra@njslom.org>; Michele.Hovan <xxxxxx@xxxxxx.xxx>
Subject: FW: OPRA

Three M's Please take a look and offer me any comments you may have. This is what Senator Cryan is willing to introduce in response to my discussion with him about that electronic fence company and its' lawyer requesting pet licensing information and then suing if the government entity is a day late with no subsequent attempt to resolve the request. Thank you. Paul

From: Cohen, Jessica [<mailto:xxxxxx@xxxxxx.xxx>]
Sent: Monday, January 07, 2019 12:55 PM
To: xxxxxx@xxxxxx.xxx
Subject: FW: OPRA

Please take a read....

From: xxxxxx@xxxxxx.xxx
To: xxxxxxxxx@xxxxxx.xxx
Cc: xxxxxx@xxxxxx.xxx
Subject: FW: OPRA
Date: Monday, January 7, 2019 1:40:01 PM
Attachments: [image001.png](#)
[image003.png](#)
[N06_0063.docx](#)

Michael J. Darcy, CAE | Executive Director
New Jersey State League of Municipalities
222 West State Street, Trenton, NJ 08608
609-695-3481 extn 116
c-609-510-9472



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From: Paul Anzano [mailto:xxxxxxx@xxx.xxx]
Sent: Monday, January 07, 2019 1:18 PM
To: Michael J. Darcy, CAE; Michael F. Cerra; Michele.Hovan
Subject: FW: OPRA

Three M's Please take a look and offer me any comments you may have. This is what Senator Cryan is willing to introduce in response to my discussion with him about that electronic fence company and its' lawyer requesting pet licensing information and then suing if the government entity is a day late with no subsequent attempt to resolve the request. Thank you. Paul

From: Cohen, Jessica [mailto:xxxxxxx@xxxxxx.xxx]
Sent: Monday, January 07, 2019 12:55 PM
To: xxxxxxx@xxx.xxx
Subject: FW: OPRA

Please take a read....

From: [Paul Anzano](#)
To: [Michael J. Darcy, CAE](#); [Michael F. Cerra](#); [Michele.Hovan](#)
Subject: FW: OPRA
Date: Monday, January 7, 2019 1:15:30 PM
Attachments: [N06_0063.docx](#)

Three M's Please take a look and offer me any comments you may have. This is what Senator Cryan is willing to introduce in response to my discussion with him about that electronic fence company and its' lawyer requesting pet licensing information and then suing if the government entity is a day late with no subsequent attempt to resolve the request. Thank you. Paul

From: Cohen, Jessica [mailto:xxxxxx@xxxxx.xxx]
Sent: Monday, January 07, 2019 12:55 PM
To: xxxxxxxx@xxx.xxx
Subject: FW: OPRA

Please take a read....

From: @x
To: @x
Subject: OPRA Case Law
Date: Thursday, October 25, 2018 1:08:55 PM
Attachments: [BOLKIN v. Borough of Fair Lawn, NJ Appellate Div. 2014.pdf](#)
[Rich Bernstein v. Borough of Allendale GRC Decision 2004-195.pdf](#)
[2009 WL 1562967 Atlantic County SPCA v Absecon.pdf](#)

This communication is not legal advice and all information contained within should be review with legal counsel for further guidance.

The matter of disclosure of dog and cat license applications under OPRA is not definitive but unpublished case law has determined that dog and cat license applications are government records that must be disclosed under OPRA. Attached are two court cases dealing with the disclosure of dog and cat license applications.

Bolkin v. Fair Lawn is an unpublished appellate court decision that seemingly overturned the GRC's prior holding in Bernstein v Allendale (also attached) which indicated that information contained in dog and cat license applications was exempt from OPRA under the privacy exemption. This decision is unique in that the requestor's use of the dog and cat license information was for political speech purposes.

Atlantic Count SPCA v. Absecon, another unpublished decision, ruled prior to Bolkin, that dog and cat license applications were not exempt from OPRA disclosure. In this case the requestor's purpose for getting the documents was to monitor animal owners.

Regards,
Frank

Frank Marshall, Esq., Staff Attorney
New Jersey State League of Municipalities
609-695-3481 extn 137
222 West State St.
Trenton, NJ 08608

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YouTube: <http://bit.ly/1P7GsVR>

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From: [Carl Woodward](#)
To: [Frank F. Caruso \(x@xxx\)](#)
Cc: [Lori Buckelew \(x@x\)](#)
Subject: OPRA Presentation for League Convention
Date: Tuesday, November 6, 2018 10:25:19 AM
Attachments: [NJILGA 2018 OPRA Presentation V.2.DOC](#)

Frank,

Enclosed is a copy of the case summary that I will be using next Wednesday. I suggest that we speak in advance to go over topics, order, etc.

Regards,

Carl R. Woodward, III
Carella, Byrne, Cecchi, Olstein,
Brody & Agnello, P.A.
5 Becker Farm Road
Roseland, New Jersey 07068
Phone: (973) 994-1700
Fax: (973) 994-1744
Email: [xxxxxxxx@xxxxxxxxxxx.xxx](#)

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more [Click Here](#).

From: [xxxxxxxx@xxxxx.xxx](#)
To: [xxxxxx@xxxxx.xxx](#); [xxxxxxxx@xxxxx.xxx](#); [xxxxxxxx@xxxxxx.xxx](#); [xxxxxxxx@xxxxx.xxx](#)
[xxxxxxxxxxxx@xxxxxxxxxxx.xxx](#)
Subject: OPRA/OPMA Amendments
Date: Thursday, October 11, 2018 11:25:07 AM
Attachments: [N209_0001.docx](#)
[N209_0002.docx](#)

Folks,

It is that time again when Senator Weinberg bills are scheduled before the Senate Budget Committee on Monday (Oct 15) and additional amendments will be made to the bills. Attached are a copy of the proposed amendments we received from Senator Weinberg's office today. Can you please provide me with your thoughts as soon as possible. To expedite the discussion here are the changes:

S-106 (OPMA)

- The definition of agenda is amended to include collective bargaining agreements (cba) and the number of employees covered by the cba under the identification of contracts, including employment contracts. This requirement, in practice, would require a town when ratifying an union contract to include on the agenda the number of employees subject to the cba and approximate dollar value. For example, Ratifying PBA Local 1 contract covering 8 employees with an approximate dollar value of \$800,000. This amendment was to address the concern with having to name every employee under the contract on the agenda to comply with the new requirement of including "...identify the names of the parties to and approximate dollar amounts of any contracts, including employment contracts..." for adequate notice.

S-107 (OPRA)

- Amends legislative findings to include access to "electronic transmission"
- Amends the definition of "commercial purpose" to remove "solicitation". In speaking with Senator Weinberg's staff this was done at the request of the ACLU. They were concerned that if they used names and addresses from OPRA request on another matter as part of their solicitation they could be considered commercial. This is a problem as most of the commercial request local units receive is for solicitation purposes.
- Added "and public" to the exemption of information, including location of private alarm systems and surveillance systems. This was a NJLM suggestion
- Added "month and day of birth" to the list of items exempted from disclosure from OPRA
- Amended definition of "criminal investigatory record" to not include "footage captured on a mobile video recording system as that term is defined in section 1 of P.L. 2014, c. 54 (C.40A:14-118.1)"

- Removed the requirement of affidavit or certified written statement for redactions so it is now just a written statement on redactions. This was a NJAC concern.
- Amends the section if the records that are in electronic format then the records custodian notifies the requestor that the records are available in electronic format and can be provided at no cost. The amendments include the requirement that the records custodian notify the requestor within 3 business days; may allow the delivery in electronic format; and removes the requirement for the records custodian to notify the requestor if the requestor has requested the record be provided in a printed format. In speaking with Senator Weinberg's staff the 3 business day requirement was a drafting error and will be removed.
- Removes the term "commercial" from the OPRA request form so it reads "The form shall also include a space for a requestor to certify that the information will be used for a commercial purpose"
- Removes the requirement that the denial of record be on the OPRA request form. Instead it should be transmitted written statement specifying the reasons to the requestor.
- Changes the section on appointment of additional municipal staff to response to OPRA request. For municipalities the governing body, instead of the records custodian, may appoint one or more deputy custodians who shall act on the record custodian's behalf for any OPRA request and make the record available under the law. However such appointment does not relieve the records custodian of any responsibility under OPRA.
- Amends the section on request received after 12 noon to be deemed to be received the next business day to include an exception for records available under the immediate access provisions
- Removes the requirement for public agencies to adopt procedures to have computer systems and computer applications collect, but not disclose, information exempt from access but maintained as electronic records
- Allows a requestor to institute a preceding to challenge the custodian's decision; seek injunction relief or both. This was an ACLU request
- Changes the composition of the Government Records Council (GRC)
- Requires GRC to not only have their decisions as a searchable index on their website but must also indicate, to the extent possible, whether or not an opinion has been superseded by statute or invalidated by a court of competent jurisdiction.
- Removes the Office of Dispute Settlement Provision. This was done as the Office of Dispute Settlement no longer exist.
-

Increases the fines for falsifying that a request is not a commercial request to be \$500 for 1 offense, \$1,000 for 2nd offense and \$2,000 for subsequent offenses. This was a NJLM concern

- Effective date is changed from 120 days to 180 days. This was a NJLM concern.

From: [xxxxxxxx@xxxxx.xxx](#)
To: [xxxxxxxx@xxxx.xx](#); [xxxxx@xxxxxxxxxxxxxxxxxxx.xx](#); [xxxxxx@xxxxxxxxxxx.xxx](#); [xxxxxx@xxxxxxxxxxx.xxx](#);
[xxxxxxxx@xxxxxxxxxxx.xx](#); [xxxxxxxx@xxxxxxxxxxx.xx](#); [xxxxxxxx@xxxxxxxxxxx.xx](#)
Subject: OPRA/OPMA Amendments
Date: Thursday, October 11, 2018 11:30:23 AM
Attachments: [N209_0001.docx](#)
[N209_0002.docx](#)

Folks,

As you know on Monday (Oct 15) the Senate Budget Committee will be considering Senator Weinberg's OPRA and OPMA bills. Attached are additional proposed amendments we received from Senator Weinberg's office. Can you please provide me with your thoughts as soon as possible. To expedite the discussion here are the changes:

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From: [xxxxxxxx@xxxxx.xxx](#)
To: [xxxxxxxx@xxxx.xxx](#); [xxxxx@xxxx.xxx](#); [xxxxxxxx@xxxx.xxx](#); [xxxxxxxx@xxxx.xxx](#)
Cc: [xxxxxxxx@xxxxx.xxx](#)
Subject: OPRA/OPMA Amendments
Date: Thursday, October 11, 2018 11:27:53 AM
Attachments: [N209_0001.docx](#)
[N209_0002.docx](#)

Sharing with you a summary of the proposed amendments. I would note that I spoke with Shane yesterday. The 3 business day requirement for electronic records was a drafting error and should be removed.

S-106 (OPMA)

- The definition of agenda is amended to include collective bargaining agreements (cba) and the number of employees covered by the cba under the identification of contracts, including employment contracts. This requirement, in practice, would require a town when ratifying an union contract to include on the agenda the number of employees subject to the cba and approximate dollar value. For example, Ratifying PBA Local 1 contract covering 8 employees with an approximate dollar value of \$800,000. This amendment was to address the concern with having to name every employee under the contract on the agenda to comply with the new requirement of including "...identify the names of the parties to and approximate dollar amounts of any contracts, including employment contracts..." for adequate notice.

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From: @x
To: @x
Subject: RE: NJLM OPRA decision
Date: Wednesday, September 5, 2018 10:41:11 AM
Attachments: Fair Share Housing Center v NJSLOM - 207 NJ 489.pdf

Attached is a copy of the decision.

From: Michael J. Darcy, CAE
Sent: Wednesday, September 05, 2018 10:38 AM
To: Frank Marshall
Subject: NJLM OPRA decision

Frank

Do you have a copy of the NJLM OPRA decision? I want to give it to the bank as part of our discussion on GUDPA.

Thanks

Michael J. Darcy, CAE, Executive Director
New Jersey State League of Municipalities
609-695-3481 extn 116
C-609-510-9472
222 West State St.
Trenton, NJ 08608

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From: [Mitchell, Shane](#)
To: [Lori Buckelew](#)
Subject: RE: OPRA Amendments
Date: Tuesday, October 16, 2018 11:26:13 AM
Attachments: [N209_0002.docx](#)
[N209_0001.docx](#)

Hey Lori,

Here are the updated amendments. I'll let you know if we get any new ideas from the Governor or the members on SBA.

Best,
Shane

From: Mitchell, Shane
Sent: Wednesday, October 10, 2018 1:54 PM
To: 'Lori Buckelew'
Subject: RE: OPRA Amendments

Hey Lori,

Instead of a list, I just have updated amendments. Everything is much the same, except we took out the ACLU's change on victim's records (with the ACLU's agreement). The Press Association pointed out some technical items... but otherwise I think this matches what we discussed over the summer. Please let me know if there are any issues or if we got something wrong vis-à-vis the agreed changes from the summer.

Best,
Shane

From: Mitchell, Shane
Sent: Wednesday, September 26, 2018 1:59 PM
To: 'Lori Buckelew'
Cc: Millsaps Wolfinger, Kate
Subject: RE: OPRA Amendments

Hey Lori,

I think I may have told you this in-person on Monday, but wanted to reiterate that we're looking at October 15th as a likely SBA date. Some of the other groups have identified issues in the amendments, which I'm going to try to put in a list to circulate to everyone next week for comment. If the League has something to add to that, please let me know!

Best,
Shane

From: Mitchell, Shane

Sent: Tuesday, September 04, 2018 11:04 AM
To: 'Lori Buckelew'
Cc: Millsaps Wolfinger, Kate
Subject: OPRA Amendments

Hey Lori,

Hope you had a good Labor Day weekend! I just received these draft amendments from OLS. Please let me know if we missed something or added something that wasn't agreed to! To my mind, there are only two things here that were not discussed at the summer meeting.

First, we eliminated section 13 on the Office of Dispute Settlement. We mentioned at the meeting that we were seeking a cost-neutral replacement for ODS, but none could be found! I'm talking now with the Governor's Office about additional funding for the GRC so they can handle their caseload in a more expeditious fashion, but otherwise it looks like this is a problem NOT being addressed through the bill.

Second, we added some language to the definition of criminal investigatory record to address the recent Paff decision on mobile video recordings. The Senator wants to address the issue, but we're still thinking this one through. If the League has any suggestions, please let us know! As it stands, it appears it will be incredibly rare for the public to ever have access to dashcam/bodycam footage; whereas, the Senator believes that it would be appropriate for the public to have access if access does not compromise an ongoing investigation or some privacy concern.

I'm sharing this with everyone else, too, so I imagine there will likely be a need for some tinkering after everyone has a look. The Senator is still gunning for Senate Budget in September/October, so hopefully we'll all be on the same page by the end of the month!

Best,
Shane

From: [Mitchell, Shane](#)
To: [Lori Buckelew](#)
Subject: RE: OPRA Amendments
Date: Wednesday, October 10, 2018 1:53:50 PM
Attachments: [N209_0001.docx](#)
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Cc: Millsaps Wolfinger, Kate
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Best,
Shane

609-695-3481 extn 137

222 West State St.

Trenton, NJ 08608

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YouTube: <http://bit.ly/1P7GsVR>

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From: xxxxxxxx@xxxxxx.xxx
To: xxxxx@xxxxxxxxxxxxxxx.xxx
Subject: RE: OPRA request
Date: Monday, December 10, 2018 3:50:33 PM
Attachments: [2018 Registration List 12-10-18.pdf](#)
[2018 Draft League Conference Resolutions.pdf](#)
[Survey_Report - 2018 Conference Badge Scan.xls](#)
[2018 12 03 - Katie Sobko - OPRA Request.docx](#)

Katie,

In response to your records request, please find attached to this email the following:

- "2018 Registration List 12-10-18" (pdf)
- "2018 Draft League Conference Resolutions" (pdf)
- "Survey_Report – 2018 Conference Badge Scan" (Microsoft Excel Worksheet)

Please note that the 2018 Registration List is subject to changes. While all individuals who registered for the League's 2018 Conference are included in the list their titles and affiliation may be corrected.

For your convenience, I have also attached your initial OPRA request with notations regarding the sessions with badge scanners. The notations indicate with additional detail why scanner log information is not available for the particular conference sessions you have requested. There are a variety of reasons for no scanners being present during the sessions, the most common reason is because the sessions are not League sessions and scanners were not requested or supplied by the League to those hosting the session. Please note that this is merely being provided as a courtesy to you. While best efforts were made to ensure the accuracy of notations each session should be verified before being relied on.

You should also note that the scanner records do not necessarily indicate all of those in attendance at particular conference sessions. There is no requirement that all of those who attend a conference session scan in and out. Typically those that scan in do so in order to have a record for professional credentialing purposes. Often times, those that do not need professional credits do not scan in or out of conference sessions.

With this response I now consider your document request to be fully satisfied and complete. Please respond to this email to confirm receipt of these documents and to confirm full satisfaction of your request for documents made under OPRA and the common law right of access.

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

Regards,

Frank Marshall, Esq., Staff Attorney
New Jersey State League of Municipalities
609-695-3481 extn 137
222 West State St.
Trenton, NJ 08608

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From: Frank Marshall
Sent: Monday, December 03, 2018 9:13 AM
To: 'Sobko, Katie'
Subject: RE: OPRA request

Katie,

This message is to confirm receipt of your records request.

Regards,

Frank Marshall, Esq., Staff Attorney
New Jersey State League of Municipalities
609-695-3481 extn 137
222 West State St.
Trenton, NJ 08608

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YouTube: <http://bit.ly/1P7GsVR>

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From: Sobko, Katie [mailto:xxxxx@xxxxxxxxxxxxx.xxx]
Sent: Monday, December 03, 2018 9:06 AM
To: OPRA
Subject: OPRA request

Please confirm receipt of this request via response e-mail. Thanks for your help.

Katie

Katie Sobko

Reporter

NorthJersey.com | The Record

PART OF THE USA TODAY NETWORK

North Jersey Media Group

1 Garret Mountain Plaza

Woodland Park, NJ 07424

Office: 973-569-7111

Cell: 973-271-8867

Fax: 201-457-2520

xxxxx@xxxxxxxxxxx.xxx

www.NorthJersey.com

From: [xxxxxxxx@xxxxx.xxx](#)
To: [xxxxxx@xxxxxx.xxx](#); [xxxxxxxx@xxxxxx.xxx](#)
Cc: [xxxxxx@xxxxxx.xxx](#)
Subject: RE: OPRA
Date: Monday, January 7, 2019 3:20:22 PM
Attachments: [N06_0063 - FM Comments.docx](#)

Frank Marshall, Esq., Staff Attorney
New Jersey State League of Municipalities
609-695-3481 x. 137
222 West State St.
Trenton, NJ 08608

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From: Michael F. Cerra
Sent: Monday, January 07, 2019 1:17 PM
To: Lori Buckelew; Frank Marshall
Cc: Michael J. Darcy, CAE
Subject: FW: OPRA

Lori and Frank, Please review attached. Looks like Cryan will drop this soon.

mike

From: Paul Anzano [mailto:~~x@x~~]
Sent: Monday, January 7, 2019 1:18 PM
To: Michael J. Darcy, CAE <~~x@x~~>; Michael F. Cerra <mcerra@njslom.org>;
Michele.Hovan <~~x@x~~>
Subject: FW: OPRA

Three M's Please take a look and offer me any comments you may have. This is what Senator Cryan is willing to introduce in response to my discussion with him about that electronic fence company and its' lawyer requesting pet licensing information and then suing if the government entity is a day late with no subsequent attempt to resolve the request. Thank you. Paul

From: Cohen, Jessica [[mailto:xxxxxx@xxxxx.xxx](#)]
Sent: Monday, January 07, 2019 12:55 PM
To: [xxxxxx@xxx.xxx](#)
Subject: FW: OPRA

Please take a read....

From: [John Burns](#)
To: [Lori Buckelew](#); [John Donnadio \(xxxxxxxx@xxx.xxx\)](#) [Allen Weston](#)
Cc: [Michael F. Cerra](#); [Michael Vrancik](#)
Subject: RE: OPRA/OPMA Amendments
Date: Wednesday, October 10, 2018 4:09:59 PM
Attachments: [N209_0001.docx](#)
[N209_0002.docx](#)

Yes. Sorry. I didn't realize I was Weinberg's point person for the loyal opposition. Here are the amendments.

I'm available all day Friday. Perhaps Friday morning would work best?

John J. Burns, Esq.
Counsel
NJ School Boards Association
413 West State Street
Trenton, NJ 08618-5697
[@xx](#)
609-278-5275
www.njsba.org

From: Lori Buckelew <[@xx](#)>
Sent: Wednesday, October 10, 2018 4:05 PM
To: John Donnadio ([@xx](#) <[@xx](#)>); Allen Weston <[@xx](#)>;
John Burns <[@xx](#)>
Cc: Michael F. Cerra <[@xx](#)>; Michael Vrancik <mvrancik@njsba.org>
Subject: OPRA/OPMA Amendments

I understand that Senator Weinberg has sent you copies of the proposed amendments to the OPRA/OPMA bills. Do we want to schedule a quick conference call to discuss our game plan for Monday?

Lori

From: [@x](#)
To: [@x](#)
Subject: FW: MCANJ Statement OPMA OPRA
Date: Monday, June 18, 2018 9:32:29 AM

From: Galland, Kevin [mailto:[@x](#)]
Sent: Thursday, June 14, 2018 1:03 PM
To: Lori Buckelew
Subject: FW: MCANJ Statement OPMA OPRA

FYI

From: Galland, Kevin
Sent: Thursday, June 14, 2018 12:15 PM
To: Mitchell, Shane ([@x](#); [@x](#))
Cc: Zawadski, Dina ([@x](#)); Diane Pflugfelder (clerk@libertytownship.org); Gore, Eileen ([@x](#); [@x](#) dszabo@bernards.org);
[@x](#) Denise Cafone ([@x](#))
Subject: MCANJ Statement OPMA OPRA

Good Afternoon Shane:

Just wanted to reach out to you to let you know that the email below, sent by the current President of the MCANJ, is the opinion of one individual who happens to be the current President of the Association. Unfortunately, the content of the email was created without input from the balance of the MCANJ Executive Board, nor did the balance of the Board have the opportunity to review and/or discuss its content prior to its release.

My personal opinion was not to take a position on the amendments as I believe our meeting of April 30th was the foundation for moving forward in a positive manner. To express a negative position would not be new news and would only reestablish/reinforce our prior adversarial relationship. It goes without saying that our Association, representing Municipal Clerks, would have extreme difficulty in supporting any OPRA legislation, but we are committed to working with the Senator in the future to express, at a minimum, our differences.

Regards on behalf of the following MCANJ Executive Board:

Kevin Galland – 1st V.P.

Diane Pflugfelder – 2nd V.P.

Kim Marie White – Secretary

Denise Szabo – Immediate Past President

Joel Popkin – MCANJ Executive Director

From: Dina Zawadski [mailto:[@x](#)]
Sent: Wednesday, June 13, 2018 5:16 PM

To: @xx
Cc: Galland, Kevin; Diane Pflugfelder; @xx; @xx;
@xx; Lori Buckelew (@xx)
Subject: statement

Good afternoon:

As President of MCANJ Association, we held many discussions with the Executive Board and MCANJ representatives, MCANJ does not believe a realistic solution is feasible and does not seem that our substantial differences can be resolved unless the amendments being proposed tomorrow address our previous concerns. At this time we still oppose these bills. The costs and practical burden of your legislation, discussed at length in the past are simply too much to overcome in attempting to reach a consensus on the existing legislation.

Thank you.

Dina L. Zawadski, RMC,CMC
Township Clerk
MCANJ President
Public Information Officer
1011 Cooper St.
Deptford, NJ 08096
xxxxxxxxx@xxxxxxxxxxxxx.xxx

(p) 856-686-2203
(fax) 856-845-8804

~~~~~  
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~~~~~

From: [@x](#)
To: [@x](#)
Subject: FW: OPRA
Date: Monday, July 30, 2018 2:16:29 PM
Attachments: [AdvisoryOpinionNo2006-01 - Use of Official OPRA Forms.pdf](#)
[407 NJ Super 230 - Renna v County of Union - use of official OPRAForms.pdf](#)

Anthony, See below and attached,

mike

From: Frank Marshall
Sent: Monday, July 30, 2018 2:14 PM
To: Michael F. Cerra <[@x](#)>; Lori Buckelew <lbuckelew@njslom.org>
Subject: RE: OPRA

Mike,

Attached are two items. The first is GRC Advisory Opinion No. 2006-01, this is the GRC's position that all OPRA requests must be on official OPRA forms. This Advisory Opinion, however, was struck down by the Appellate Division in [Renna v. County of Union](#) (also attached) because the court determined that the OPRA does not require request be on official forms, but simply that a request be in writing.

-Frank

From: Michael F. Cerra
Sent: Monday, July 30, 2018 1:44 PM
To: Frank Marshall; Lori Buckelew
Subject: FW: OPRA

From: Cancro, Anthony [<mailto:@x>]
Sent: Monday, July 30, 2018 1:21 PM
To: Michael F. Cerra <[@x](#)>
Subject: OPRA

Hello Michael. I seem to recall a ruling overriding the GRC about ORPA requests *not* having to be on a "official" OPRA form. Would you happen to have a copy of that ruling?

Thanks Anthony

Anthony Cancro
Township Administrator
Township of Plainsboro

641 Plainsboro Road
Plainsboro, NJ 08536
609.799.0909 ext 1103
xxxxxxx@xxxxxxxxxxxxx.xxx
<http://www.plainsboronj.com>

From: [Mitchell, Shane](#)
To: [Lori Buckelew](#)
Cc: [Millsaps Wolfinger, Kate](#)
Subject: OPRA Amendments
Date: Tuesday, September 4, 2018 11:04:20 AM
Attachments: [N209_0003.pdf](#)

Hey Lori,

Hope you had a good Labor Day weekend! I just received these draft amendments from OLS. Please let me know if we missed something or added something that wasn't agreed to! To my mind, there are only two things here that were not discussed at the summer meeting.

First, we eliminated section 13 on the Office of Dispute Settlement. We mentioned at the meeting that we were seeking a cost-neutral replacement for ODS, but none could be found! I'm talking now with the Governor's Office about additional funding for the GRC so they can handle their caseload in a more expeditious fashion, but otherwise it looks like this is a problem NOT being addressed through the bill.

Second, we added some language to the definition of criminal investigatory record to address the recent Paff decision on mobile video recordings. The Senator wants to address the issue, but we're still thinking this one through. If the League has any suggestions, please let us know! As it stands, it appears it will be incredibly rare for the public to ever have access to dashcam/bodycam footage; whereas, the Senator believes that it would be appropriate for the public to have access if access does not compromise an ongoing investigation or some privacy concern.

I'm sharing this with everyone else, too, so I imagine there will likely be a need for some tinkering after everyone has a look. The Senator is still gunning for Senate Budget in September/October, so hopefully we'll all be on the same page by the end of the month!

Best,
Shane

From: [@xx](#)
To: [@xx](#); [@xx](#)
Subject: RE: OPRA Request - email addresses for municipal council members
Date: Friday, June 22, 2018 2:59:57 PM
Attachments: [NJLM Directory - 2018.pdf](#)

Ms. Baum,

Thank you for speaking with me on the phone to clarify your OPRA request. As we discussed, I have attached to this email the League's 2018 Municipal Directory which satisfies your request. With this correspondence, I now consider your request fulfilled and complete. Please respond to this email to confirm receipt of this document and to confirm full satisfaction of your requests for documents made under OPRA and the common law right of access.

Best regards,

Frank Marshall, Esq., Staff Attorney
Records Custodian
New Jersey State League of Municipalities
609-695-3481 extn 137
222 West State St.
Trenton, NJ 08608

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YouTube: <http://bit.ly/1P7GsVR>

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From: Frank Marshall
Sent: Thursday, June 21, 2018 9:28 AM
To: 'Linda Baum (NJFOG)'; OPRA
Subject: RE: OPRA Request - email addresses for municipal council members

Ms. Baum,

This email is to confirm receipt of your request for documents made under the NJ Open Public Records Act and the common law right of access.

Best regards,

Frank Marshall, Esq., Staff Attorney
Records Custodian
New Jersey State League of Municipalities
609-695-3481 extn 137
222 West State St.
Trenton, NJ 08608

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YouTube: <http://bit.ly/1P7GsVR>

The NJLM is subject to Open Public Records Act. Any email sent or received by the League may be subject to a records request.

From: Linda Baum (NJFOG) [mailto:~~xxx~~]

Sent: Thursday, June 21, 2018 6:39 AM

To: OPRA

Subject: OPRA Request - email addresses for municipal council members

To the Custodian of Records:

This request for public records is made under the Open Public Records Act (OPRA) and the common law right of access.

I would like a document(s) listing the email addresses for the mayors and governing body members for all municipalities in New Jersey. I would like the following additional records along with the email addresses, if available: name, public office held (e.g., mayor vs. council member), municipality, and county. *The email addresses sought are those used in the course of official public business and therefore are disclosable under OPRA.*

Please provide the requested records in an **Excel spreadsheet**, if available, and deliver the records to me as an attachment(s) to email.

If you need to discuss this request, please call me at your earliest opportunity.

Kindly acknowledge receipt of this email via brief reply.

Thank you.

Respectfully,
Linda Baum
732-992-6550

~~xxx~~

From: [@xx](#)
To: [@xx](#); [@xx](#)
Subject: RE: OPRA Request - email addresses for municipal council members
Date: Friday, June 22, 2018 2:59:57 PM
Attachments: [NJLM Directory - 2018.pdf](#)

Ms. Baum,

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Best regards,

Frank Marshall, Esq., Staff Attorney
Records Custodian
New Jersey State League of Municipalities
609-695-3481 extn 137
222 West State St.
Trenton, NJ 08608

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YouTube: <http://bit.ly/1P7GsVR>

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From: Frank Marshall
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To: 'Linda Baum (NJFOG)'; OPRA
Subject: RE: OPRA Request - email addresses for municipal council members

Ms. Baum,

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Best regards,

Frank Marshall, Esq., Staff Attorney
Records Custodian
New Jersey State League of Municipalities
609-695-3481 extn 137
222 West State St.
Trenton, NJ 08608

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The NJLM is subject to Open Public Records Act. Any email sent or received by the League may be subject to a records request.

From: Linda Baum (NJFOG) [mailto:~~xxx~~]

Sent: Thursday, June 21, 2018 6:39 AM

To: OPRA

Subject: OPRA Request - email addresses for municipal council members

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Please provide the requested records in an **Excel spreadsheet**, if available, and deliver the records to me as an attachment(s) to email.

If you need to discuss this request, please call me at your earliest opportunity.

Kindly acknowledge receipt of this email via brief reply.

Thank you.

Respectfully,
Linda Baum
732-992-6550

~~xxx~~

From: @x
To: @x; @x
Cc: @x
Subject: RE: OPRA Request #166-2018
Date: Monday, June 18, 2018 11:55:42 AM
Attachments: [image001.png](#)
[Verry v Franklin Fire District No 1 GRC Complaint No 2014-387.pdf](#)

Michael,

The attached GRC Decision may be instructive to the councilman. There is no specific statute which would mention text messages but the attached decision addresses some of the issues.

-Frank

From: Michael J. Darcy, CAE
Sent: Monday, June 18, 2018 9:45 AM
To: Michael F. Cerra; Frank Marshall
Cc: Lori Buckelew
Subject: RE: OPRA Request #166-2018

I left him a vm this morning responding to this inquiry.

Michael J. Darcy, CAE, Executive Director
New Jersey State League of Municipalities
609-695-3481 extn 116
C-609-510-9472
222 West State St.
Trenton, NJ 08608

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From: Michael F. Cerra
Sent: Thursday, June 14, 2018 10:26 AM
To: Michael J. Darcy, CAE; Frank Marshall
Cc: Lori Buckelew
Subject: FW: OPRA Request #166-2018

FYI.

From: Daniel G. Flynn [mailto:xxxxxx@xxxxxxxxxxxxxxx.xxx]
Sent: Thursday, June 14, 2018 10:25 AM
To: Michael F. Cerra <xxxxxx@xxxxxx.xxx>
Subject: Fwd: OPRA Request #166-2018

Mike,

As you can see by this email someone is OPRA requesting our private cell texts between a certain date. Do you have a statute I can cite that refers to why this would not be legal? I am sure our attorney will render the proper decision.

Thank you,

Daniel G. Flynn

Councilman
Town of Newton

----- Forwarded message -----

From: **Michelle Estremera** <xxxxxxxxx@xxxxxxxxxxxxxxxxxxx.x>
Date: Thu, Jun 14, 2018 at 10:01 AM
Subject: OPRA Request #166-2018
To: Helen LeFrois <xxxxxxxxx@xxxxxxxxxxxxxxxxxxx.x>, Sandra Diglio
<xxxxxxxxx@xxxxxxxxxxxxxxxxxxx.x>, Daniel Flynn <xxxxxxx@xxxxxxxxxxxxxxxxxxx.x>, Kevin
Elvidge <xxxxxxxxx@xxxxxxxxxxxxxxxxxxx.x>
Cc: "Lorraine A. Read" <xxxxxx@xxxxxxxxxxxxxxxxxxx.x>, "Thomas S. Russo Jr."
<xxxxxxx@xxxxxxxxxxxxxxxxxxx.x>

Good Morning Council,

Please be advised we are in receipt of an OPRA requesting your personal cell phone records including texts for the dates of February 21, 2018 through March 10, 2018 pertaining to the 3/5/18 hearing and other related matters. The Attorney is reviewing said request and will advise if we need any information directly from you. Thank you.

Kind regards,



Michelle Estremera

Municipal Clerk Secretary

[39 Trinity Street](http://39TrinityStreet.com)

[Newton, NJ 07860](http://Newton.NJ.07860.com)

PH: 973-383-3521 ext. 221

E-mail: xxxxxxxxx@xxxxxxxxxxxxxxxxxxx.x

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From: @x
To: @x ; @x
Subject: RE: OPRA
Date: Monday, July 30, 2018 2:14:13 PM
Attachments: [AdvisoryOpinionNo2006-01 - Use of Official OPRA Forms.pdf](#)
[407 NJ Super 230 - Renna v County of Union - use of official OPRAForms.pdf](#)

Mike,

Attached are two items. The first is GRC Advisory Opinion No. 2006-01, this is the GRC's position that all OPRA requests must be on official OPRA forms. This Advisory Opinion, however, was struck down by the Appellate Division in [Renna v. County of Union](#) (also attached) because the court determined that the OPRA does not require request be on official forms, but simply that a request be in writing.

-Frank

From: Michael F. Cerra
Sent: Monday, July 30, 2018 1:44 PM
To: Frank Marshall; Lori Buckelew
Subject: FW: OPRA

From: Cancro, Anthony [mailto:@x]
Sent: Monday, July 30, 2018 1:21 PM
To: Michael F. Cerra <@x>
Subject: OPRA

Hello Michael. I seem to recall a ruling overriding the GRC about ORPA requests *not* having to be on a "official" OPRA form. Would you happen to have a copy of that ruling?

Thanks Anthony

Anthony Cancro
Township Administrator
Township of Plainsboro
641 Plainsboro Road
Plainsboro, NJ 08536
609.799.0909 ext 1103
xxxxxxx@xxxxxxxxxxxxx.xxx
<http://www.plainsboronj.com>

