

From: [@x](#)
To: [@x](#)
Subject: Certificate for OPRA Webinar
Date: Friday, May 15, 2020 2:03:58 PM
Attachments: [image001.png](#)
[image003.png](#)
[5.15.2020 krista.pdf](#)
[2020 NJLM Recent OPRA Decisions \(Combined Presentation\).pdf](#)
Importance: High

Krista,
Thank for participating as much as you could. Here is your certificate for partial credit and the pdf of the presentation.

Have a great weekend.

See the League [COVID-19 page](#) for all our resources and communications.

Danielle Holland-Htut, MPA | Continuing Education/Special Programs Manager
New Jersey State League of Municipalities
222 West State Street ,Trenton, NJ 08608
Phone: 609-695-3481 ext 118

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Date: Friday, May 15, 2020 1:52:43 PM
Attachments: [image001.png](#)
[image003.png](#)
[5.15.2020.pdf](#)
[_cle_cert_attendopra.pdf](#)
[2020 NJLM Recent OPRA Decisions \(Combined Presentation\).pdf](#)
Importance: High

Good Afternoon,

Here is the CEU certificate from the webinar titled "Recent Opra Decisions and Q and A with the GRC." Depending on the license you hold, there is a specific certificate for you.

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From: [Kim White](#)
To: [Galland, Kevin](#)
Cc: [Diane Pflugfelder](#); [Lori Buckelew](#); [xxxxxxxxxxxxx@xxxxxxxx.xx](#); [Denise Cafone \(xxxxxx@xxxxxxxxxxxx.xx\)](#)
[xxxxx@xxxxxxxxxxxx.xx](#); [Joel Popkin \(xxxxxxxxx@xxxxxxxx.xx\)](#); [xxxxx@xxxxxxxxxxxx.xx](#)
Subject: Re: We don't need another study of OPRA, says Senate Majority Leader Loretta Weinberg
Date: Wednesday, April 1, 2020 6:45:23 PM

Very interesting! Hmmmmm

Kim
Sent from my iPhone

On Apr 1, 2020, at 3:21 PM, Galland, Kevin <xxxxxxxx@xxxx.xx> wrote:

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From: Diane Pflugfelder <xxxxx@xxxxxxxxxxxxxxxxxxx>
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To: Lori Buckelew; xxxxxxxxxxxxxxx@xxxxxxxx.xx; Kim Marie White (xxxxxxxxx@xxxx.xx); Denise Cafone (xxxxxx@xxxxxxxxxxxx.xx); 'xxxxx@xxxxxxxxxxxx.xx'; Galland, Kevin; Joel Popkin (joelpopkin@optonline.net); xxxxx@xxxxxxxxxxxx.xx
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[<image006.png>](#)

[<image007.jpg>](#)

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To: [Diane Pflugfelder](#); [Lori Buckelew](#); [xxxxxxxxxxxx@xxxxxxxx.xxx](#); [Kim Marie White \(xxxxxxxxxx@xxxxx.xxx\)](#); [Denise Cafone \(xxxxxxxx@xxxxxxxxxxx.xxx\)](#); ['xxxxx@xxxxxxxxxxxxxxx.xxx'](#); [Joel Popkin \(xxxxxxxxxx@xxxxxxxxxxx.xxx\)](#)
Subject: Re: We don't need another study of OPRA, says Senate Majority Leader Loretta Weinberg
Date: Wednesday, April 1, 2020 3:21:04 PM
Attachments: [image005.png](#)
[image006.png](#)
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Sent: Wednesday, April 1, 2020 2:52 PM
To: Lori Buckelew; xxxxxxxxxxxxxxx@xxxxxxxxxxx; Kim Marie White (kimwhite2xx@xxxxx.xxx); Denise Cafone (xxxxxxxx@xxxxxxxxxxx.xxx); 'xxxxx@xxxxxxxxxxxxxxx.xxx'; Galland, Kevin; Joel Popkin (xxxxxxxxxx@xxxxxxxxxxx.xxx); xxxxx@xxxxxxxxxxxxxxx
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To: xxxx@xxxxxxxxxxxxxxx.x?xxxxxxxxxxxxxx@xxxxxxxx.x?xxxxxxxxxxxx@xxxx.xxx; xxxxxx@xxxxxxxxxxxxxxx.x?xxxxxx@xxxxxxxxxxxxxxx.x?xxxxxx@xxxxxxxxxxxxxxx.x
Subject: We don't need another study of OPRA, says Senate Majority Leader Loretta Weinberg
Date: Wednesday, April 1, 2020 2:28:47 PM
Attachments: [image001.png](#)
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S380 also creates a “special administrative charge” for commercial entities which would cover the ongoing operational expenses of producing a record. Commercial entities would then pay the high costs referenced in the article, not the taxpayers.

Finally, S380 would allow municipal governments to seek protective orders from the courts in the case of “harassing” records requests. There does need to be some recourse when the nature and volume of requests is more than a custodian could reasonably handle. Current law offers no such recourse, but S380 does.

What would be accomplished by a new study commission that has not already been accomplished by years of negotiations other than kicking the can down the road? The removal of fee shifting under OPRA would be the death of government transparency in New Jersey. All of us who have worked on OPRA reform — the League included — know the progress that’s been made.

The burden being borne today by municipal clerks and other records custodians is real and concerning: There is no reason to let the League of Municipalities dictate terms to the rest of us when well-considered solutions and compromises are at hand.

As has been the case for several years, I will continue to work to improve OPRA for requesters and custodians alike.

And as has been true the entire time I have worked on this issue, I welcome the input of the Municipal Clerks Association, the League of Municipalities, as well as individual clerks and local elected officials.

State Senate Majority Leader Loretta Weinberg, D-Bergen, is the sponsor of S380, the OPRA reform bill.

https://www.pressofatlanticcity.com/opinion/commentary/we-don-t-need-another-study-of-opra-says-senate-majority-leader-loretta-weinberg/article_3a4c2c44-8237-569a-8d35-be83fb232eb7.html

See the League [COVID-19 page](#) for all our resources and communications.

Lori Buckelew | Senior Legislative Analyst

New Jersey State League of Municipalities

222 West State Street, Trenton, NJ 08608

609-695-3481 extension #112



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From: @x
To: @x
Subject: No need for a study delay. OPRA reform bill is ready to go, senator says
Date: Thursday, January 9, 2020 2:51:18 PM
Attachments: [image001.png](#)
[image003.png](#)

No need for a study delay. OPRA reform bill is ready to go, senator says

Today 11:25 AM

By [Star-Ledger Guest Columnist](#)

By Loretta Weinberg

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Lori Buckelew | Senior Legislative Analyst
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609-695-3481 extension #112



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From: [Thomas H. Prol](#)
To: [Lori Buckelew](#)
Subject: RE: No need for a study delay. OPRA reform bill is ready to go, senator says
Date: Thursday, January 9, 2020 1:50:22 PM

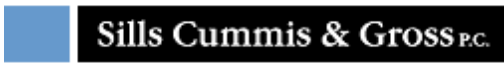
Lori, As Oscar Wilde famously said, the only thing worse than them talking about you is them not talking about you. Keep up the good work.

Can you ask the person who is involved in the Gann amicus activity to call me, please?

Happy New Year.

Sincerely, Tom

Thomas H. Prol, JD/MPH
Member
Past President – NJ State Bar Association (2016-17)
Adjunct Professor – Seton Hall University School of Law



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One Riverfront Plaza, Newark, NJ 07102
p (973) 643-5059 | f (973) 643-6500 [map](#)

From: Lori Buckelew <xxxxxxxx@xxxx.xxx>
Sent: Wednesday, January 8, 2020 5:03 PM
To: xxxxxxxx@xxxxxxxx.xxx; xxxxxxxxxxxxxxx@xxxxxxxx.xxx; 2VicePresident@njclerks.org; xxxxxxxx@xxxxxxxx.xxx; xxxxxxxx@xxxxxxxx.xxx; executivedirector@NJclerks.org; Thomas H. Prol <xxxxx@xxxxxxxxxxxxx.xxx>
Subject: No need for a study delay. OPRA reform bill is ready to go, senator says

*** External Email ***

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From: @x
To: @x; @x; @x; @x
Subject: RE: No need for a study delay. OPRA reform bill is ready to go, senator says
Date: Thursday, January 9, 2020 10:14:00 AM
Attachments: [image017.png](#)
[image018.png](#)
[image020.png](#)
[image022.png](#)
[image024.png](#)
[image005.png](#)
[image007.png](#)

Weinberg is getting scorched in the comments section, particularly for her defense of the legislative exemption. One commenter scoffed at the comment regarding government bodies of 40 or 80 need different rules, responding that the federal government seems to do ok with FOIA. This also hints that Weinberg is aware of the burdens OPRA places on governing bodies.

Frank Marshall, Esq. | Associate General Counsel
New Jersey State League of Municipalities
222 West State Street, Trenton, NJ 08608
609-695-3481 x. 137



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From: Michael J. Darcy, CAE
Sent: Wednesday, January 08, 2020 2:34 PM
To: Lori Buckelew; Michael F. Cerra; Jon Moran; Frank Marshall
Subject: RE: No need for a study delay. OPRA reform bill is ready to go, senator says

For Lori, who has earned many more than this.



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



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Sent: Wednesday, January 08, 2020 1:37 PM
To: Michael J. Darcy, CAE; Michael F. Cerra; Jon Moran; Frank Marshall
Subject: No need for a study delay. OPRA reform bill is ready to go, senator says

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From: xxxxxxxx@xxx.xxx
To: xxxxxxxx@xxxxxxxx.xx; xxxxxxxxxxxx@xxxxxxxx.xx; xxxxxxxxxxxx@xxxxxxxx.xx; xxxxxxxx@xxxxxxxx.xx; xxxxxxxx@xxxxxxxx.xx; xxxxxxxxxxxx@xxxxxxxx.xx; xxxxxxxx@xxxxxxxx.xx
Subject: No need for a study delay. OPRA reform bill is ready to go, senator says
Date: Wednesday, January 8, 2020 5:02:32 PM

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Today 11:25 AM

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From: @x
To: @x ; @x ; @x ; @x
Subject: RE: No need for a study delay. OPRA reform bill is ready to go, senator says
Date: Wednesday, January 8, 2020 2:33:33 PM
Attachments: [image005.png](#)
[image006.png](#)
[image008.png](#)
[image010.png](#)
[image012.png](#)

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It would be folly to throw away well-considered solutions and compromises, especially if the real aim of doing so is an absolute victory for government unaccountability and non-transparency.

Senate Majority Leader Loretta Weinberg (D-Bergen) is the sponsor of S107, the OPRA reform bill.

Lori Buckelew | Senior Legislative Analyst
New Jersey State League of Municipalities
222 West State Street, Trenton, NJ 08608
609-695-3481 extension #112



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From: @x
To: @x; @x; @x; @x
Subject: RE: No need for a study delay. OPRA reform bill is ready to go, senator says
Date: Wednesday, January 8, 2020 2:32:50 PM
Attachments: [image001.png](#)
[image003.png](#)

Putting aside differences, this is very poorly written...probably rushed.

From: Lori Buckelew
Sent: Wednesday, January 8, 2020 1:37 PM
To: Michael J. Darcy, CAE <@x>; Michael F. Cerra <mcerra@njlm.org>; Jon Moran <@x>; Frank Marshall <@x>
Subject: No need for a study delay. OPRA reform bill is ready to go, senator says

No need for a study delay. OPRA reform bill is ready to go, senator says

Today 11:25 AM

9

shares

By [Star-Ledger Guest Columnist](#)

By Loretta Weinberg

Once again, the League of Municipalities is pushing for a commission to study the Open Public Records Act (OPRA), a study that would delay reform and weaken the only statute in New Jersey that guarantees the press and the public access to public records.

Speaking for the League, staffer Lori Buckelew complained in [a recent NJ Advance Media/Star-Ledger article](#) about the high costs and the burdensome work imposed by OPRA and calls for a study. She neglects to mention that over the past several years, I have met regularly with Ms. Buckelew and the League, as well as the Municipal Clerks Association, the Press Association of New Jersey, the American Civil Liberties Union of New Jersey, and a bevy of other organizations, records custodians, and local and county elected officials. That process has produced [a bill, S107](#), which reforms the Open Public Records Act.

In a public letter to the New Jersey Senate dated June 20, 2019, the League of Municipalities laid out its argument against S107. If I might paraphrase, there are three points of contention raised in the letter.

First, S107 does not abolish “attorney fee shifting” in the law. Under current law, when a party wins an OPRA lawsuit against a government body, the government body is obligated to pay that party’s attorney’s fees. This is the only reasonable enforcement mechanism available for the law. There is no way a private citizen — not to mention a great deal of news

organizations! — would be able to afford constant legal challenges, and there is no avenue for the Attorney General to pursue OPRA violations.

Second, S107 expands the definition of “public record” to include records “required to be made, maintained, or kept on file.” This simply means that the responsibility of a public body to furnish a record is not diminished by the destruction of that record. Certainly, there is no penalty under the bill should a records custodian fail to produce a destroyed record, but I think the public has a right to know the difference between a record that does not exist because it never existed and a record that used to exist but does not now.

Third, S107 does not put the same requirements on the Legislature as it does other public bodies. This is a feature of the current law, and it is unlikely that a majority of the Legislature would vote to put these obligations on their offices. Bodies of 40 and 80 need different rules from official bodies of five, seven, or nine. Also, in at least one respect, the Legislature already does more than local governments: unlike in many towns, our subcommittee meetings are open to the public and available for viewing online in real time.

You may notice something missing from this letter -- the League of Municipalities does not mention the burden of commercial requests, which was the primary complaint laid out in the Star-Ledger article of January 5. Why? The answer is that S107, being the product of years of stakeholder meetings, addresses this concern! Per recommendations received from the League of Municipalities, S107 offers records custodians several avenues of relief when it comes to voluminous commercial requests.

First, unlike current law, S107 allows records custodians to direct requesters to view records online if the records are so available. Once made available online, a records custodian might never again have to produce a physical copy of that record for a requester. The bill appropriates some state monies to set up a centralized open data website on which records custodians could post their records cost-free to the municipality.

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Senate Majority Leader Loretta Weinberg (D-Bergen) is the sponsor of S107, the OPRA reform bill.

Lori Buckelew | Senior Legislative Analyst
New Jersey State League of Municipalities
222 West State Street, Trenton, NJ 08608
609-695-3481 extension #112



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From: [@x](#)
To: [@x](#); [@x](#); [@x](#); [@x](#)
Subject: No need for a study delay. OPRA reform bill is ready to go, senator says
Date: Wednesday, January 8, 2020 1:36:36 PM
Attachments: [image001.png](#)
[image003.png](#)

No need for a study delay. OPRA reform bill is ready to go, senator says

Today 11:25 AM

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By [Star-Ledger Guest Columnist](#)

By Loretta Weinberg

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Lori Buckelew | Senior Legislative Analyst
New Jersey State League of Municipalities
222 West State Street, Trenton, NJ 08608
609-695-3481 extension #112



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From: [@x](#)
To: [@x](#)
Subject: FW: WAYNE Reso 294 CALLING FOR A STUDY COMMISSION TO REVIEW THE OPRA
Date: Tuesday, January 7, 2020 1:01:15 PM
Attachments: [R19294 Study Commission to Review the Open Public Records Act.pdf](#)

From: Margiotta, Paul [mailto:xxxxxxxxxx@xxxxxxxxxxxxx.xxx]

Sent: Thursday, November 7, 2019 2:32 PM

To: Mike DeLamater (xxxx.xxxxxxx@xx.xxx) <xxxx.xxxxxxx@xx.xxx>; senwexxxxx@xxxx.xxx; Caruso, Frank <xxxx.xxxxx@xxx.xxxxx.xx.xx>; executivedirector@NJClerks.org; Lori Buckelew <xxxxxx@xxxx.xxx>; Asm. Chris DePhillips (xxxxxxxxxx@xxxx.xxx) <xxxxxxxxxx@xxxx.xxx>; Asm. Rooney (xxxxxxxx@xxxx.xxx) <AsmRoonex@xxxx.xxx>; Kristin Corrado (xxxxxxxx@xxxx.xxx) <xxxxxxxx@xxxx.xxx>; Frank Marshall <xxxxxxxx@xxxxxxx.xxx>; Michael J. Darcy, CAE <xxxxxx@xxxx.xxx>; Michael F. Cerra <mcerra@njlm.org>; Assemblyman Coughlin <xxxxxxxxxx@xxxx.xxx>; xxxxxxxxx@xxxx.xxx

Subject: WAYNE Reso 294 CALLING FOR A STUDY COMMISSION TO REVIEW THE OPRA

Good afternoon

Please see attached.

Paul

Paul V. Margiotta, RMC, CMC, MMC
Township Clerk
Township of Wayne - New Jersey
[OFFICE OF THE TOWNSHIP CLERK](#)

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[illegible]



David G. Brown II, MPA, QPA
Executive Director
Linden Roselle Sewerage Authority
P.O. Box 4118
5005 South Wood Avenue
Linden, NJ 07036

(908) 862-7100 Main Office
(908) 862-474-8685 Fax
xxxxxx@xxxxxx.xxx

[illegible]



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(908) 862-7100 Main Office
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xxxxxx@xxxxxx.xxx

From: xxxxxx@xxxx.xxx
To: xxxxxxxxx@xxxx.xxx
Subject: FW: WAYNE Reso 294 CALLING FOR A STUDY COMMISSION TO REVIEW THE OPRA
Date: Thursday, November 7, 2019 3:21:21 PM
Attachments: [image001.png](#)
[image003.png](#)
[R19294 Study Commission to Review the Open Public Records Act.pdf](#)

Help from Wayne!

[Download the 2019 Conference app](#) to view the Annual Conference schedule and exhibit listing.

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: Margiotta, Paul [mailto:xxxxxxxxxx@xxxxxxxxxxxxxxx.xxx]
Sent: Thursday, November 07, 2019 2:32 PM
To: Mike DeLamater (xxxx.xxxxxxxxxx@xx.xxx); xxxxxxxxxxxx@xxxxx.xxx; Caruso, Frank; xxxxxxxxxxxxxxxxxxxx@xxxxxxxx.xxx; Lori Buckelew; Asm. Chris DePhillips (Axxxxxxxxxxxxx@xxxxx.xxx); Asm. Rooney (xxxxxxxxx@xxxxx.xxx); Kristin Corrado (xxxxxxxxx@xxxxx.xxx); Frank Marshall; Michael J. Darcy, CAE; Michael F. Cerra; Assemblyman Coughlin; xxxxxxxxxxxx@xxxxx.xxx
Subject: WAYNE Reso 294 CALLING FOR A STUDY COMMISSION TO REVIEW THE OPRA

Good afternoon

Please see attached.

Paul

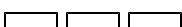
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From: [Margiotta, Paul](#)
To: [Mike DeLamater \(xxxx.xxxxxxxx@xx.xxx\)](#); [xxxxxx@xxxx.xxx](#); [Caruso, Frank](#); [xxxxxxxxxxxxxxxx@xxxxxxxx.xxxxxxx@xxxx.xxx](#); [Asm. Chris DePhillips \(xxxxxxxxxxxxxxxx@xxxx.xxx\)](#); [Asm. Rooney \(xxxxxxxx@xxxx.xxx\)](#); [Kristin Corrado \(xxxxxxxx@xxxx.xxx\)](#); [Frank Marshall \(xxxxxxxx@xxxx.xxx\)](#); [Michael Darcy \(xxxxxx@xxxx.xxx\)](#); [Michael F. Cerra](#); [Assemblyman Coughlin](#); [xxxxxxxx@xxxx.xxx](#)
Subject: WAYNE Reso 294 CALLING FOR A STUDY COMMISSION TO REVIEW THE OPRA
Date: Thursday, November 7, 2019 2:31:56 PM
Attachments: [R19294 Study Commission to Review the Open Public Records Act.pdf](#)

Good afternoon

Please see attached.

Paul

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Township Clerk
Township of Wayne - New Jersey
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From: [Margiotta, Paul](#)
To: [Mike DeLamater \(xxxx.xxxxxxxx@xx.xxx\)](#); [xxxxxx@xxxx.xxx](#); [Caruso, Frank](#); [xxxxxx@xxxx.xxx](#); [xxxxxx@xxxx.xxx](#); [Asm. Chris DePhillips \(xxxxxx@xxxx.xxx\)](#); [Asm. Rooney \(xxxxxx@xxxx.xxx\)](#); [Kristin Corrado \(xxxxxx@xxxx.xxx\)](#); [Frank Marshall \(xxxxxx@xxxx.xxx\)](#); [Michael Darcy \(xxxxxx@xxxx.xxx\)](#); [Michael F. Cerra](#); [Assemblyman Coughlin](#); [xxxxxx@xxxx.xxx](#)
Subject: WAYNE Reso 294 CALLING FOR A STUDY COMMISSION TO REVIEW THE OPRA
Date: Thursday, November 7, 2019 2:31:55 PM
Attachments: [R19294 Study Commission to Review the Open Public Records Act.pdf](#)

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Paul

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From: @X
To: @X ; @X ; @X
Subject: Amendments to OPRA/OPMA Bills
Date: Thursday, June 14, 2018 9:47:14 AM
Attachments: [S107 Amendments.pdf](#)
[S106 Amendments.pdf](#)

Attached are the proposed amendments to Senator Weinberg's OPRA/OPMA bills and below is the OLS description of the changes.

Please review and provide your thoughts.

If you are so inclined you can listen to today's 1pm Senate State Government Committee hearing at http://www.njleg.state.nj.us/media/live_audio.asp. You will need to refresh the link, maybe several times, until you see LISTEN. Click on Listen to for the hearing. There may be moments of silence.

Lori

From: Couture, Louis
Sent: Wednesday, June 13, 2018 7:00 PM
To: Lori Buckelew
Subject: Amendments to S106 and S107

Hi Lori,

As promised, please find attached the draft amendments for tomorrow.

Here are the OLS descriptions:

S106 PROPOSED COMMITTEE AMENDMENTS :

The committee proposes to amend the bill to:

- permit members of public bodies to communicate privately with independent consultants or advisors about matters on an agenda;
- require that the Legislature keep comprehensive, rather than reasonably comprehensible, minutes of its meetings;
- clarify that minutes shall be made available to the public within 15 business days after its next meeting;
- provides municipalities with 5,000 or less inhabitants, boards of education with 500 or less pupils, and public authorities with less than \$10 million in assets will have 20 business days after the next meeting to make the amendments available to the public;
- permits a public body to vote in favor of a reasonable delay in making the minutes available due to an emergency;
- requires the Legislature to record its voting sessions;
- requires subcommittees to prepare reports of meetings that are closed to the public;
- removes language concerning a public body keeping reports of meetings of subcommittees.

S107 PROPOSED COMMITTEE AMENDMENTS:

The committee proposes to amend the bill to:

- remove a provision permitting volunteer fire companies or departments to contract with a municipal governing body to have its clerk serve as the fire company's records custodian;
- exclude volunteer fire companies and departments from the definition of "public agency" and "quasi-governmental agency";
- exempt from disclosure any portion of a document that discloses personal identifying information of minors, except when permitted by law for the New Jersey Motor Vehicle Commission, or when driver information is disclosed to insurance companies for use in connection with claims investigation activities, antifraud activities, rating or underwriting;
- remove a provision that would have included interns and volunteer employees in the definition of "public employee";
- permit a public agency to charge a special service charge whenever a person requests a paper copy of a record that is available electronically after the person was advised that the record may be emailed at no charge to the requestor or advised as to the specific location that the record may be accessed online;
- removes the requirement that the *sole* purpose of a requestor's request must be harassment in order to file a petition in court against the requestor;
- incorporates into the "New Jersey Open Data Initiative" law, N.J.S.A.52:18A-234.1 et seq, rather than creating a new section of law, the requirement that the State maintain a single, searchable Internet website providing certain State agency information;
- requires the Office of Information Technology to develop and maintain a searchable, online database to which units of local government may submit any government record for retention on the database;
- updates certain provisions to current law and updates references to specific dates; and
- makes a technical correction.

Let me know what you think. You can share the description with other groups, but please refrain from sharing the documents with people outside the League.

Thanks,

Louis Couture
NJ Senate Democratic Office

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@xxxx.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: [Christopher Pianese](#)
To: [xxxxxx@xxx.xxx](#)
Subject: FW: MEMO from June 2015.....OPMA S. 781/OPRA S. 782 Legislation Memo June 2015
Date: Wednesday, June 19, 2019 1:04:56 PM
Attachments: [OPMA S. 781OPRA S. 782 Legislation Memo June 2015.docx](#)

Mike, busy day here, I will try giving you a call later this afternoon.

Attached, you will find our comments, prepared by Jon Boguchwal back in 2015 on the original bills.

Chris

From: jboguchwal (via Google Docs) <@x>
Sent: Wednesday, June 19, 2019 9:22 AM
To: Christopher Pianese <@x>
Subject: MEMO from June 2015.....OPMA S. 781/OPRA S. 782 Legislation Memo June 2015

[@x](#) has attached the following document:



OPMA S. 781/OPRA S. 782 Legislation Memo June 2015



this was the last memo i did on it from june 2015. obviously different bill numbers.

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From: @x
To: @x
Subject: FW: OPRA Seminar April 16, 2018
Date: Friday, April 13, 2018 9:01:20 AM
Attachments: image001.png
image003.png
DOCSLIB-#651139-v1-OPRA Presentation April 2018.DOC

Fyi ☺

*Danielle Holland-Htut, Program Specialist
New Jersey State League of Municipalities
222 West State Street Trenton, NJ 08608
Phone: 609-695-3481 ext 118
Fax: 609-695-0151
xxxxxxxx@xxxxxxxx.xxx*

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From: Carl Woodward [mailto:@x]
Sent: Thursday, April 12, 2018 12:16 PM
To: Danielle Holland; Lewis Scheindlin (@x)
Subject: OPRA Seminar April 16, 2018

Danielle,

Attached please find my update on OPRA cases for 2017 and the first quarter of 2018. It should be available for distribution to the attendees, either in hard copy or on-line, or both. I will not be using a Powerpoint, but will refer to various decisions summarized therein.

Please contact me with any questions. Looking forward to seeing you on Monday.

Kindest 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: xxxxxxx@xxxxxxxxxx.xxx

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From: [Galland, Kevin](#)
To: [Diane Pflugfelder \(xxxxxxxxxxxxxxxx@xxxx.xx\)](#); [Gore, Eileen \(xxxx@xxxxxxxxxxx.xx\)](#); [xxxxxxxx@xxxx.xx](#); [xxxxxxxx@xxxx.xx](#); [xxxx@xxxxxxxx.xx](#); [xxxxxxxx@xxxx.xx](#)
Subject: FW: Updated OPRA Amendments
Date: Tuesday, June 4, 2019 7:09:05 PM
Attachments: [N209_0001.pdf](#)

Please see page 24 of the attachment.

From: Galland, Kevin
Sent: Tuesday, June 04, 2019 7:02 PM
To: 'xxxxxxxx@xxxx.xx'
Subject: FW: Updated OPRA Amendments

Thank you Shane and please thank the Senator for me. The revision is certainly a compromise and that's what makes our meetings worthwhile.

As you are aware I believe the proposed Committee should take on this task now, but a 24 month delay needs to be seen as a half-a-loft is better than none.

Best regards and enjoy your summer,

Kevin Galland

Administrator/Municipal Clerk
Borough of Woodland Park
5 Brophy Lane
Woodland Park, NJ 07424
973-345-8100 ext. 201
Fax 973-345-8194

From: Mitchell, Shane [<mailto:xxxxxxxx@xxxx.x>]
Sent: Tuesday, June 04, 2019 4:18 PM
To: Galland, Kevin
Subject: Updated OPRA Amendments

Hey Kevin,

Hope you're doing well! As mentioned, we're putting in a study commission to review the law and make recommendations. Otherwise, this should be the same as the last document I sent. Senator Weinberg is going to try to move this through Senate Budget Committee this month (perhaps as early as the 13th), but is not going to try to move the bill on the floor until at least the fall.

Happy to discuss any time!

Best,

--

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

~~~~~

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~~~~~

From: [Paul Tomasko](#)
To: [@x](#); [@x](#)
Subject: Fwd: Memorandum on proposed OPRA and OPMA legislation
Date: Tuesday, February 6, 2018 4:02:15 PM
Attachments: [\[16178061 Comments to S1045-217.pdf](#)
[Comments to S1046-217.pdf](#)

Mike and Lori,
FYI.
Are the OPMA and OPRA bills still being pushed?
Thanks,
Paul

-----Original Message-----

From: Stephanie Wehmann <[@x](#)>
To: Paul Tomasko <[@x](#)>
Cc: Nancy Wehmann <[@x](#)>
Sent: Tue, Feb 6, 2018 3:14 pm
Subject: FW: Memorandum on proposed OPRA and OPMA legislation

From: John L. Shahdanian II [<mailto:@x>]
Sent: Tuesday, February 06, 2018 2:35 PM
To: Stephanie Wehmann <[@x](#)>; Boro Clerk <[@x](#)>
Subject: Memorandum on proposed OPRA and OPMA legislation

Mayor Tomasko:

Attached please find the memoranda regarding the pending bills on OPRA/OPMA.

Regards,

John Shahdanian



JOHN L. SHAHDANIAN II
CHASAN LAMPARELLO MALLON & CAPPUZZO, PC
300 LIGHTING WAY, SUITE 200
SECAUCUS, NEW JERSEY 07094

201-809-6038

201-348-6633

[@x](#)

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David G. Brown II, MPA, QPA
Executive Director
Linden Roselle Sewerage Authority
P.O. Box 4118
5005 South Wood Avenue
Linden, NJ 07036

(908) 862-7100 Main Office

(908) 862-474-8685 Fax

xxxxxx@xxxxxx.xxx

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: [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: [@x](#)
To: [x@x](#)
Subject: OPRA Proposed Amendments
Date: Tuesday, June 11, 2019 3:27:27 PM
Attachments: [image001.png](#)
[image003.png](#)
[N209_0001.pdf](#)

Stephan,

As we discussed.

Lori

NJLM has recently changed its web and email addresses to njlm.org (previously njslom.org). Please update your email safe lists and saved web bookmarks.

Lori Buckelew | Senior Legislative Analyst
New Jersey State League of Municipalities
222 West State Street, Trenton, NJ 08608
609-695-3481 extension #112



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From: [xxxxxxxx@xxx.xxx](#)
To: [xxxxxxxx@xxx.xxx](#); [xxxx@xxx.xxx](#); [xxxxxx@xxx.xxx](#)
Subject: OPRA SBA Summary
Date: Tuesday, June 18, 2019 4:29:53 PM
Attachments: [S107_opra_summary_061819_SBA_amendments.docx](#)

FYI, attached is the summary of OPRA to reflect the SBA amendments.
The SBA amendments are in **red**.

If you have any questions or need additional information please let me know.

Lori

From: [Carl Woodward](#)
To: [Danielle Holland \(x\)](#); [LewisScheindlin \(x\)](#)
Subject: OPRA Seminar April 16, 2018
Date: Thursday, April 12, 2018 12:15:55 PM
Attachments: [DOCSLIB-#651139-v1-OPRA Presentation April 2018.DOC](#)

Danielle,

Attached please find my update on OPRA cases for 2017 and the first quarter of 2018. It should be available for distribution to the attendees, either in hard copy or on-line, or both. I will not be using a Powerpoint, but will refer to various decisions summarized therein.

Please contact me with any questions. Looking forward to seeing you on Monday.

Kindest 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: [xxxxxxx@xxxxxxxxxx.xxx](#)

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From: [xxxxxxxx@xxxxx.xxx](#)
To: [xxxxxxxx@xxxx.xx](#); [xxxxx@xxxxxxxxxxxxxxxxxxx.xx](#); [xxxxxx@xxxxxxxxxxxxxxx.xxx](#); [xxxxxx@xxxxxxxxxxxxxxx.xxx](#);
[xxxxxxxx@xxxxxxxxxxxxxxx.xx](#); [xxxxxxxx@xxxxxxxxxxxxxxx.xx](#); [xxxxxxxx@xxxxxxxxxxxxxxx.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:

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 proceeding 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 1st

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.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: [xxxxxxxx@xxxxx.xxx](#)
To: [xxxxxx@xxxxx.xxx](#); [xxxxxxxx@xxxxx.xxx](#); [xxxxxx@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.

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-

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: @x
To: @x ; @x ; @x
Subject: OPRA-OPMA Bills - Sen Weinberg Memo
Date: Thursday, June 14, 2018 9:37:25 AM
Attachments: [OPRA-OPMA Weinberg Memo June 2018.pdf](#)

All,

Sorry for the delay in sending the attached and notice that Senator Weinberg's OPRA and OPMA bills are before the Senate State Government Committee today. I have been out sick since Monday.

The attached is a memo from Senator Weinberg outlining the proposed changes she will be making to the bills. The Senator has committed to meeting over the summer again to address the outstanding issues.

Under a separate email I will forward you a copy of the proposed amendments for your review and comments.

Thanks,
Lori

From: [@x](#)
To: [@x](#); [@x](#); [@x](#)
Subject: OPRA-OPMA Weinberg Memo June 2018.pdf
Date: Monday, June 11, 2018 7:57:31 PM
Attachments: [OPRA-OPMA Weinberg Memo June 2018.pdf](#)

I haven't read the document yet...in a congested/medicated haze. But I figure I would share as soon as I received it.

Senator Weinberg is also agreeing to meet with the stakeholders over the summer.

Sent from my T-Mobile 4G LTE Device

From: xxxxxxx@xxx.xxx
To: xxxxxxx@xxxxxxxxxxx.xxx; xxxxx@xxx.xxx
Subject: RE: Follow-up OPRA Requests
Date: Tuesday, June 25, 2019 4:17:32 PM
Attachments: [subcommittees_062019.docx](#)
[S107_opra_summary_061819_SBA_amendments.docx](#)
[s106_opma_summary_061719_SBA_amendments.docx](#)

Mayor,

10am works for me. In the meantime, I am attaching a copy of my notes that summarizes each section of the bill that is up to date to include the Sen Budget and Appropriations Committee amendments. I am also attaching a detail position piece on subcommittees. I am working for one on the other issues.

In the meantime, please call or email me if you have any questions or would like additional information.

Lori

From: Gary Passanante [mailto:xxxxxxxxxxx@xxxxxxxxxxxxx.xxx]
Sent: Tuesday, June 25, 2019 1:54 PM
To: Michael F. Cerra; Lori Buckelew
Subject: FW: Follow-up OPRA Requests

Mike/Lori,

I got the attached through my clerk who is the VP for the Clerk's Association. Not sure if you saw this.

I suggest we meet at your office before the 11:00 am meeting on Thursday to discuss a strategy. How about I be there at 10:00 am? We can walk over together if that works for you.

Thanks

From: Michele Miller <miller@xxx.xxx>
Sent: Tuesday, June 25, 2019 1:40 PM
To: Gary Passanante <passanante@xxx.xxx>
Subject: Fwd: Follow-up OPRA Requests

Michele D. Miller, RMC
Municipal Clerk
Borough of Somerdale

Begin forwarded message:

From: "Galland, Kevin" <kgalland@xxx.xxx>
Date: June 25, 2019 at 12:57:20 PM EDT
To: Michele Miller <miller@xxx.xxx>
Subject: RE: Follow-up OPRA Requests

Michele,

Please see the attached letter that was sent to all of the State Senators on June 19th.

Kevin Galland

Administrator/Municipal Clerk
Borough of Woodland Park
5 Brophy Lane
Woodland Park, NJ 07424
973-345-8100 ext. 201
Fax 973-345-8194

From: Michele Miller [mailto:xxxxxxx@xxxxxxxxxxxxx.xxx]
Sent: Tuesday, June 25, 2019 12:02 PM
To: Galland, Kevin
Subject: RE: Follow-up OPRA Requests
Importance: High

Good afternoon Kevin,

My Mayor, Gary Passanante, is meeting with Senator Weinberg this week regarding OPRA and OPMA. There is a committee of mayors that is being put together to discuss the many impacts that the proposed bill has for not only the clerks, but the municipalities, as a whole. Do you have the information that was gathered from the request below, and is it possible to forward it to me? He would like to have this as part of the discussion of the impact.

Thank you and feel free to reach out to me with any questions.
Michele

Michele D. Miller, RMC, CMR
Municipal Clerk & Registrar of Vital Statistics
Borough of Somerdale
105 Kennedy Boulevard
Somerdale, New Jersey 08083
856.733.6320 phone

http://secure-web.cisco.com/twRl6Zs2SjSWJW36SdMl0BkvE78gME450pJny__3BFSjCKRmzhYRT6tsSk4p3BnV__tdP42Zl0-nZ5isimlWkm/cXLRnhxVZl7_YlePY6V53hS/r1P2wto/Zwhgqoh_p607p2m03_RklJZ4-Kn-B3MytPthBtBtJkPrdAY3q0zatnYl0Pyf5__4cu3TFnChpRkKpnyvS2PLyZ4rcdXarR46mWYlMqZXX0bn90AK3Lue0ZLqsYZ6Dzvn0thPY703Lmnc9M7nTHvd034yf08S6o3Vz5j1B0llynnLq79X11PHevIF_Rdm_r2KJa/http%3A%2F%2Fwww.somerda-le-nj.com

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](#)
[N209_0002.docx](#)

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Best,
Shane

From: xxxxxxx@xxxxxx.xxx
To: xxxxx@xxxxxxxx.xxx
Subject: RE: OPRA In Depth: Privacy and Law Enforcement Issues
Date: Wednesday, April 18, 2018 3:16:14 PM
Attachments: [ScheidlinLeague2018.pptx](#)
[DOCSLIB-#651139-v1-OPRA Presentation April 2018.DOC](#)

Good Afternoon Edith,

For this particular seminar I am not able to offer a refund. I can send you the information from the seminar(see attached) and I will absolutely forward your questions onto the speakers so they can answer you directly.

Danielle Holland-Htut, Program Specialist
New Jersey State League of Municipalities
222 West State Street Trenton, NJ 08608
Phone: 609-695-3481 ext 118
Fax: 609-695-0151
xxxxxxx@xxxxxx.xxx

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****Please be advised that the New Jersey State League of Municipalities is subject to the New Jersey Open Public Records Act. As such, any email sent or received by the League may be subject to a records request.

-----Original Message-----

From: Clerk's Dept. [<mailto:xxxxxx@xxxxxxxxxx.x>]
Sent: Tuesday, April 17, 2018 4:40 PM
To: Danielle Holland
Subject: FW: OPRA In Depth: Privacy and Law Enforcement Issues
Importance: High

To: D. Holland, NJLM
From: Edith Merkel, Township Clerk, Township of Clark
Re: OPRA questions
Date: April 17, 2018

The Tax Collector and I were registered for yesterday's class. Flooding and poor visibility made it too dangerous for us to make the trip. The PO is sitting on my desk, ready to be paid. Is the township obligated to pay even though we could not get there? If so, can we have a credit to attend a class at a later date?

Please ask the presenters: Carl Woodward, Esq. and Lew Scheindlin, Esq. to address the following concerns:

1. Within the Tax Office I have received Oprah requests for all delinquent balances on properties, overpayments on properties, tax sale properties and list of open Tax Liens.

I am aware, according to State Statute that we are required to provide this information.

My concerns:

1. After filing such OPRA requests as listed above, I have received numerous calls from residents:

- a. Senior Citizens that had delinquent balances for taxes were receiving calls or letters from someone claiming to be representing the tax office of Clark - and advising them that they were at risk of losing their property for this delinquency.
- b. A resident, that had an open lien on his property, came to the office very irate- saying that someone knocked on their door saying that they were going to have their house taken away for an open lien. The resident was extremely upset because his teenage daughter was home alone when this person came and really made her nervous.
- c. Residents are receiving soliciting calls offering their services - to help them obtain a refund for an overpayment on their taxes.

These are only a few of the scenarios. It concerns me that this information is being used to take advantage of our citizens. Since our responsibility as Tax Collector's is to protect and serve the tax payer, I feel we need to address this concern. There has to be a way to fulfill the requests while protecting the homeowners.

Any input would be greatly appreciated.

Thank you
Laura Caliguire
Tax Collector
Township of Clark

-----Original Message-----

From: xxx@xxx.xxxxx.xx.xx <xxx@xxx.xxxxx.xx.xx>
Sent: Thursday, March 01, 2018 2:31 PM
To: Clerk's Dept. <xxxxx@xxxxxxxxx.xxx>
Subject: OPRA In Depth: Privacy and Law Enforcement Issues

Dear Municipal Clerk:

On April 16, 2018 at the DoubleTree Hotel in Tinton Falls from 8:30a.m. to 12:30p.m. the NJ League of Municipalities will have a seminar titled "OPRA In Depth: Privacy and Law Enforcement Issues." This seminar will discuss two critical areas of OPRA: the statute's privacy provision, and OPRA's requirements governing law enforcement records. Topics to be discussed with regard to privacy issues include: the application of OPRA's privacy exemption to various government records and information contained in government records; recent case law developments concerning OPRA and privacy interests; and the procedures that public bodies should follow when in receipt of an OPRA request that presents a privacy issue. The seminar will also provide an in depth review of OPRA and law enforcement records. This includes an overview of the statute's provisions concerning investigatory and security records, and also a discussion of recent court cases on the public's access to law enforcement records, such as police reports and videos from dashcams, bodycams and surveillance cameras. In addition, there will be a discussion of other recent notable OPRA opinions issued by the courts.

Presenters:

- Carl Woodward, Esq, League Associate Counsel, Carella, Byrne, Cecchi, Olstein, Brody & Agnello, P.C.
- Lew Scheindlin, Esq, Former Assistant Attorney General for OPRA, New Jersey Division of Law, Office of Attorney General, Firm of Lewis A. Scheindlin, Esq.

Member Rate: \$70.00* / Non-Member: \$90.00 *Member rate applies to: Municipalities, State, County, and Municipal Utilities & Authorities.

CEU's - CMFO/CCFO-4.0 Off Mgmt/Anc; CTC-4.0 Gen/Sec; CPWM-4.0 Govt;RMC-4.0 Rec; QPA- 4.0 Off Admin/Gen Duties; RPPO/RPPS-4.0 M/S; CRP-3.0 Classroom; CPA-4.0PD; NJCLE-4.0; PACLE-3.5*

Registration: www.njslom.org/seminars/

More Information: 609-695-3481 ext 118 or xxxxxxxx@xxxxxx.xxx

DISTRIBUTION: Municipal Clerk, Chief Financial Officer, Tax Collector / County Freeholder Board Clerk, Chief Financial Officer / Authority Officials / Fire District Officials / Procurement Officials

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: [xxxxxxxx@xxx.xxx](#)
To: [xxxxxxxx@xxx.xxx](#); [xxxxx@xxx.xxx](#); [xxxxxx@xxx.xxx](#)
Subject: Revised S107 SBA OPRA
Date: Tuesday, June 18, 2019 4:36:22 PM
Attachments: [S107_opra_summary_061819_SBA_amendments.docx](#)

Corrected copy – changed footer to reflect correct date/meeting.

From: [Lori Buckelew](#)
To: [@x](#)
Subject: Teaneck OPRA article
Date: Monday, November 4, 2019 10:57:07 AM

YOU CAN'T FIGHT CITY HALL CAN YOU? THIS GUY DID AND IT COST TEANECK NEARLY \$40,000

By Megan Burrow of the North Jersey Record

TEANECK — The township's yearslong legal battle with a resident over his access to public records has come to an end.

The state Supreme Court has denied Teaneck's motion for the court to review an Appellate Division decision in favor of Elie Jones, a resident who submitted hundreds of public records requests over the span of a couple of months.

The township sued Jones in 2017 to bar him from filing additional requests and to relieve officials from the obligation of fulfilling his requests that were still outstanding. Township attorneys argued Jones was abusing the state's Open Public Records Act to harass employees and disrupt municipal business.

Jones prevailed in Superior Court in 2017 and, after an appeal by the township, the Appellate Division ruled in his favor in July. The township's last recourse was a petition for the state Supreme Court to review the case, which it denied in an order last week.

"I have the right to file an OPRA and Teaneck has a responsibility to answer them accordingly without retaliation and without spite," Jones said. "This is a directive to Teaneck to comply with the laws of OPRA or face legal consequences."

The Appellate Court dismissed Teaneck's appeal as moot because the records requests Jones had submitted had either been fulfilled or withdrawn.

John Shahdanian, the township attorney, argued that the Appellate Division had not addressed the substantive issues of the case and that the Supreme Court should weigh in to set a precedent for towns in similar situations.

"We're obviously disappointed that the Supreme Court chose not to review the Appellate Division decision," Shahdanian said. "Certainly these matters are capable of repetition but they escape review once the documents are provided to the party. That doesn't mean the underlying issue shouldn't be adjudicated."

Jones was awarded nearly \$20,000 in legal fees for the trial court and about \$17,000 for the appellate court case. Walter Luers, Jones' attorney, said he is still negotiating his fees for his work before the Supreme Court.

The case should serve as a warning to other municipalities to honor residents' requests for public records, Luers said.

"Public agencies have to understand that the public has the right to submit OPRA's even if they may deem them to be voluminous or burdensome," Luers said. "This was a fight that Teaneck

picked, and I think they were wrong to pick it. Litigation against a requester is never appropriate unless there's the rare instance where there is criminal harassment going on."

From: [Mitchell, Shane](#)
To: [@x](#)
Subject: Updated OPRA Amendments
Date: Tuesday, June 4, 2019 4:23:12 PM
Attachments: [N209_0001.pdf](#)

Hey Lori,

Hope you're doing well! We've been working with individual members of the budget committee to try to get the votes to move S106 and S107. Here's where we are right now with S107. The Senator is going to try to get these up in SBA in June (perhaps as early as the 13th), though she does not intend to put either bill up for a floor vote before the fall, at the earliest.

Happy to discuss these changes any time! I am available to explain where the changes come from/what we intend by them. The tweaks are relatively minor, I think, except for the new section 16 where we basically swallow Dancer's OPRA study commission bill whole.

Best,

--

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