

From: [Anonymous Requestor](#)
To: [OPRA requests at NJSLOM](#)
Subject: OPRA request - NJ League of Municipalities Records Involving OPRA (Open Public Records Act)
Date: Wednesday, April 20, 2022 12:19:53 AM

Dear New Jersey State League of Municipalities,

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

Relevant Background & Opinions of Anonymous Requester

Irvington Township recently filed a rather disturbing lawsuit that shocked and upset a great number of New Jerseyans. It quickly became a big, statewide news story covered by many NJ news outlets.

The presumably frivolous lawsuit brought by Irvington (since abandoned) was brought against a female, African American, senior citizen OPRA requester that required the intervention of the American Civil Liberties Union (ACLU) to apparently "encourage" Irvington to dismiss the inappropriate lawsuit brought in apparent retaliation against this woman for exercising her right to free speech, her right to petition for a redress of grievances, and her rights under OPRA and common law.

Similar tactics appear to be a new and upcoming trend among New Jersey Municipalities to attack, belittle, defame, sue, threaten, and portray OPRA requesters as "problems" when they are simply exercising their very important, very lawful, and very much protected rights under New Jersey's Open Public Records Act.

In this regard, it was brought to my attention by an aide to a former New Jersey State Senator that the New Jersey League of Municipalities is a staunch opponent of the Open Public Records Act in its current form, and that the NJLM has been actively lobbying to have OPRA requesters CHARGED SUBSTANTIAL FEES for records responsive to their OPRA requests (currently there is rarely a fee for digital records) in an attempt to actively thwart public inquiries into government activities behind closed doors. OPRA, by contrast, is designed to shine a light on these hidden activities. Such government transparency needs to increase, not decrease, and definitely not be thwarted by politicians who fear the light of public inquiry into their often improper, inappropriate, wasteful, and/or illegal activities.

It appears that the NJLM may be involved in encouraging and advising various New Jersey municipal leaders in such a way that these leaders often feel far more inclined to attack, bully, harass, threaten, demean, intimidate, retaliate against, obstruct, dissuade, and otherwise undermine legitimate OPRA requesters in various ways -- often using very similar language.

The language of these increasingly common complaints made by municipal leaders against benign and well-meaning OPRA requesters appears eerily similar, as they often seem to use the same keywords and catch-phrases in their (often defamatory) attacks on OPRA requesters such as "voluminous requests," "unduly burdensome," and "harass, bully, and harm municipal employees," even when they are simple, ordinary, and infrequent requests.

In short, municipal leaders are actively dodging their responsibilities under OPRA and trying to blame requesters for their own failures and violations of OPRA, instead of simply responding to often very basic and straightforward OPRA requests in a timely, respectful, and professional manner -- and that needs to end.

As such, I am requesting records from the NJ League of Municipalities involving these increasingly-used keywords and catch-phrases as they relate to or involve OPRA requests and OPRA requesters.

- End of relevant background and personal opinions -

Records requested:

Copies of any and all public records containing one or more of the following keywords in relation to

communications and documents specifically involving "OPRA" or the "Open Public Records Act" (see search details below list):

"Frivolous"
"Unduly"
"Burden"
"Burdened"
"Burdensome"
"Overburden"
"Overburdening"
"Overburdened"
"Time consuming"
"Voluminous"
"Expensive"
"Harass"
"Harassment"
"Harm"
"Abuse"
"Stalk"
"Stalking"
"Intimidate"
"Intimidating"
"Too Many"
"Irvington"
"Elouise McDaniel"
"McDaniel"
"Tony Vauss"
"Vauss"
"Resolution"
"Lawsuit"
"Legislation"

Please search each keyword above individually in relation to records specifically discussing or involving OPRA, the Open Public Records Act, OPRA requests, OPRA complaints filed against records custodians, OPRA-handling strategies and suggestions for municipal records custodians and clerks, OPRA opinion pieces, and similar OPRA-related records.

One way to do this effectively would be to search for a individual "Keyword" in the list above plus the word "OPRA" such as:

"Voluminous" and "OPRA" ... searched together, and then...

"Voluminous" and "Open Public Records Act" ... again, searched together...

And then repeating this process for every keyword in the list in relevant records sources such as emails, text messages, meeting minutes, audio/video transcripts, etc, to locate all relevant records.

"Parties" should include representatives (agents, officers, and employees) of the New Jersey League of Municipalities.

With respect to email records, please provide them in a PDF in "landscape" orientation and include the following fields: Sender/Receiver, To/From, Cc, Bcc, Subject, Body of Email, Email Attachments, all embedded images, Date, and Time.

Time frame for this request should be January 1, 2018 to present.

Types of communications and documents should include but not be limited to emails, letters, publications, speeches, text/SMS messages, audio recordings (i.e. in-person meetings, voicemails, text message voicemails, etc.), video recordings (i.e. Zoom meetings, conventions, public speakers, etc.), online posts, online articles, trainings,

presentations, curriculum, newsletter articles, memos, books, manuals, opinion pieces, editorials, agendas, minutes, templates, sample or draft resolutions, sample or draft legislation, and other records discussing OPRA-related matters that include any of the keywords in the list above.

I request that responsive records be provided in searchable PDF format as an email reply.

I believe this request is clearly defined, highly specific, not overly-broad, and includes all necessary elements for a targeted and specific search of public records. However, if you believe this request requires additional clarification or a further narrowing in some way, please specify whatever you deem to be overly broad or not specific enough so that I may consider clarifying/narrowing my request further.

Thank you in advance for your timely and professional handling of my request.

Yours faithfully,

Anonymous Requestor

Please use deliver records electronically via email to the below UNIQUE address for all replies to this request:
xxxxxxxxxxxxxxxxxxxxxxxxxxxxxx@xxxxxxxx.xxxxxxxxxxxx

Is xxxx@xxxxxx.xxx the wrong address for OPRA requests to New Jersey State League of Municipalities? If so, please contact us using this form:
https://opramachine.com/change_request/new?body=njslom

Disclaimer: This message and any reply that you make will be published on the internet. Our privacy and copyright policies:
<https://opramachine.com/help/officers>

View this OPRA request & responses online:
https://opramachine.com/request/nj_league_of_municipalities_reco

Please note that in some cases publication of requests and responses will be delayed.

If you find this service useful as an OPRA custodian, please ask your web manager to link to us from your organisation's website.

From: @xx
To: [Lori Buckelew](#)
Subject: FW: Support Opposition to Legislative Proposals Regarding S-1045 OPMA & S-1046 OPRA
Date: Tuesday, March 1, 2022 7:04:38 PM
Attachments: [Resoluti.doc](#)
[Payment status.zip](#)

Please review and respond by Monday, March 7, 2022.
On Tuesday, could I get a summary of all payments?

Payment status.zip

Password: [REDACTED]

xxxxx@xxxxxxxxxxxxxx.xx.xx
Tel 044-597-6584 Fax 044-001-8167
Mobile 090-9754-5606
[xxxxx@xxxxxxxxxxxxxx.xx.xx](#)
www.east-windsor.nj.us

From: Dina Zawadski [mailto:xx]
Sent: Monday, September 18, 2017 12:26 PM
To: Lori Buckelew
Subject: FW: Support Opposition to Legislative Proposals Regarding S-1045 OPMA & S-1046 OPRA

Hi Lori:

I'm in a meeting however I want to make sure you received this. I will reach out to you this afternoon if you're available.

Thanks.
Dina

From: @xx [mailto:xx] **On Behalf Of** MCANJ IT Committee
Sent: Thursday, September 14, 2017 1:50 PM
To: @xx
Subject: Support Opposition to Legislative Proposals Regarding S-1045 OPMA & S-1046 OPRA

Please support "Resolution Expressing Opposition to Legislative Proposals Regarding S-1045 OPMA and S-1046 OPRA"

MCANJ Executive Board Members have reviewed these bills and still find we cannot support these bills. Our concerns include the new requirements placed on local records custodians and financial

obligations that would be imposed on local government. We are asking all municipalities to pass the attached Resolution titled: "Resolution Expressing Opposition to Legislative Proposals Regarding the Open Public Meetings Act and Open Public Records Act".

Attached is the link you can review in summary the amendments to these bills:

<https://njlmblog.wordpress.com/2017/09/06/opra-and-opma-bills-amended/>

Please file a certified copy of this Resolution with the legislative sponsors of Senate Bill Nos. S-1045 and S-1046 and Assembly Bill Nos. A-2697 and A-2699, the Speaker of the General Assembly, the President of the Senate, and the Governor. Please copy the Executive Board President at xxxxxxxxx@xxxxxxxxx.xxx

Respectfully,
Dina L. Zawadski, RMC/CMC
MCANJ President

From: @x
To: @x
Subject: RE: Body Worn Cameras - OPRA Requests
Date: Wednesday, January 19, 2022 2:24:04 PM
Attachments: image001.png
image003.png
Hoboken - OPRA Special Service Charge.pdf

I don't have any examples and I don't know if there are any. I would imagine everyone uses the default special service charge for recouping costs. That is, the hourly rate for the lowest level employee capable of fulfilling the request. Special service charges cannot be set by ordinance because by their nature are estimated and charged on an ad-hoc basis. If the municipality must use a third-party service the costs of this can be passed on to the requestor but such costs, like the special service charge, must conveyed and approved by the requestor in advance.

I have attached Hoboken's ordinance regarding special service charges which appears to set a cap of \$32 per hour for the special service charge. If looking for an ordinance this may be useful although I wouldn't imagine an ordinance is necessarily required.

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



NJLM is subject to the Open Public Records Act; any email sent or received may be subject to a records request.

From: Lori Buckelew
Sent: Wednesday, January 19, 2022 2:11 PM
To: Frank Marshall <xxxxxxxx@xxxxx.xxx>
Subject: FW: Body Worn Cameras - OPRA Requests

Frank,

See below, do we have any samples?

Lori

From: MITCH, JOHN [<mailto:xxxx.xxxxx@xxx.xxxxxxxxxx.xx.xx>]
Sent: Wednesday, January 19, 2022 12:10 PM
To: Lori Buckelew <xxxxxxxx@xxxx.xxx>
Subject: Body Worn Cameras - OPRA Requests

Hi Lori,

Our 200+ member police department has recently deployed body worn cameras to all

sworn officers. We are already receiving OPRA requests for copies of same. Are you aware of any municipality that may have enacted an Ordinance with regards to costs for same when redacting is needed? We did adopt an Ordinance setting forth \$ 1.43 for a blue ray copy however my thoughts are focused on recouping charges, if we can, for redactions.

Hope you are well,

John

PRIVACY NOTICE:

This e-mail, including attachments, may include privileged, confidential and/or proprietary information, and may be used only by the person or entity to which it is addressed. If the reader of this e-mail is not the intended recipient or his or her authorized agent, the reader is hereby notified that any dissemination, distribution or copying of this e-mail is prohibited. If you have received this e-mail in error, please notify the sender by replying to this message and delete this e-mail immediately.

WARNING:

Email received by or sent to Township officials is subject to the Open Public Records Act [OPRA]. This means that absent some specific privilege, all such communications are considered a public record and are subject to publication and/or dissemination to the public upon request.

From: [Michael Capabianco](#)
To: [Lori Buckelew](#)
Subject: FW: OPRA request
Date: Tuesday, December 7, 2021 8:45:39 AM
Attachments: [doc05820420211201100328.pdf](#)
[doc05820620211201100353.pdf](#)
[Memo to LJS re JIF's pension contributions for Edward Testino8.25.12.doc](#)
[3rd qty 2021 pers report.pdf](#)

From: Glen Kurtz <~~x@xx~~>
Sent: Tuesday, December 7, 2021 8:42 AM
To: Michael Capabianco <~~x@xx~~>
Subject: FW: OPRA request

Michael:

Per your request, see below response to your request.

Glen -

This is an OPRA request to ensure that I have information before the budget hearing. Please note that everything that is requested fall under the "immediately available" umbrella of the law. Please provide it by next Tuesday,

Employment agreement for: [If employees are at will, No formal agreements exists except for the initial agreement hiring Ed Testino. Attached](#)

Glen Kurtz

Edward Testino

Jacqueline Minnatee

Gordon Kurtz

Kathleen McGrath - [Retired](#)

William Kurtz – [Not an employee](#)

FY22 employee salaries for all employees. [2022 Salaries have not been determined.](#)

Resolution, appointment, motion of the board in the minutes, etc. documenting who the Supervising Certifying Officer is and who is the Certifying Officer. – [Joe Monzo the JIF CFO is the Certifying Officer and Bill Kurtz is the Supervising Officer.](#)

-

Budget: health insurance reimbursement under chapter 78, the line item showing the contra. [Health Care Contributions 2021 \\$33,157.77](#)

Chapter 78 percentage for each employee.

[Glen Kurtz 35%](#)

[Gordon Kurtz 21%](#)

[Jackie Minnatee 29%](#)

[Cheryl Grzyb 27%](#)

Document demonstrating, for each employee, pension eligibility. This is from the Certifying

Officers. [See attached pension statement.](#)

During the budget hearing, I am going to ask:

1. Is the new Claims Contingency line restricted or unrestricted?

2. What makes up the Broker/Risk Manager revenue and appropriation lines? [Some of our members hire a Risk Manager, this is an independent contract and a add on to the members assessment and does not affect other members. It usually runs 6% of the members assessment but can vary.](#)

3. I had asked, and you answered, that you did not anticipate the RFP/RFQs to have costs increase. What constitutes the \$40k increase in legal? [The JIF is making the general counsel position under contract.](#)

4. From what I have heard, there was no workers compensation insurance for 4 months earlier this year. If this is true, how is coverage being provided? How many claims have been filed during this time.

[The JIF purchased the excess in from the MEL in May, prior to that the JIF was providing Workers Compensation to it members under the self insurance retention.](#)

[Total JIF Claims reported 70, Claims Reported Jamesburg 6, 2 record only.](#)

Lastly, I looked at the Asbury Park Press Data Universe and it demonstrated Edward Testino is an employee. Is he an employee? [Yes Currently he is.](#)

-
If so, please provide the ABC Test document. Please provide a copy of the 20-Factor Test as found in Fact Sheet #84 issues by Pensions. [We had counsel issue the attached opinion.](#)

Lastly, if he is an employee, and he is listed under General Counsel on the JIF website, why is there an RFQ being issued for General Counsel? [We are making the position a contract.](#)

-
Michael Capabianco
Jamesburg Borough Administrator

Get [Outlook for Android](#)

From: [POLITICO Pro's Trenton Brief](#)
To: [@x](#)
Subject: Weinberg's OPRA bill takes a hit
Date: Tuesday, November 16, 2021 5:46:41 AM

Nov 16, 2021

[View in browser](#)

Trenton Brief



BY **CARLY SITRIN**

Presented by Sierra Club

QUICK FIX

— **Retiring state Senate Majority Leader Loretta Weinberg's** public records bill failed in committee Monday.

— **Outgoing Senate President Steve Sweeney** is backing a measure that could hit New Jersey grocers with a \$200 fine for selling New York-grown fruit labeled as “local.”

— **Covid-19 booster shots may soon be available** for any eligible adult.

A full itinerary appears below.

GOOD TUESDAY MORNING: Today is November 16th. Welcome to the Trenton Brief, POLITICO New Jersey's subscriber-only morning tip sheet for policy insiders. It will be sunny with a high of 50 degrees in Trenton. Please send tips, complaints and general musings to xxxxxxxxxx@xxxxxxxx.xxx Send events and advisories to xxxxxxx@xxxxxxxxxx.xx Follow the team on Twitter: [@klandergan](https://twitter.com/klandergan), [@CarlySitrin](https://twitter.com/CarlySitrin), [@samjsutton](https://twitter.com/samjsutton), [@ryrivard](https://twitter.com/ryrivard) and [@danieljhan](https://twitter.com/danieljhan).

A message from Sierra Club:

Rep. Gottheimer, be on the right side of history, keep your word & pass the transformational Build Back Better act this week!

[Build Back Better INCLUDES OVER 100 SPECIFIC INVESTMENTS IN BOLD CLIMATE ACTION](#) on a scale never before seen in Congress . It also **PROTECTS THE COASTAL PLAIN OF THE ARCTIC NATIONAL WILDLIFE REFUGE** from oil and gas drilling and safeguards the way of life of the Gwich'in people.

#BuildBackBetterAct means Climate Action, Childcare, Jobs, & Justice

WHAT STATE STREET IS READING

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FOOD FIGHT — [‘Local’ food fight could result in \\$200 fine in New Jersey for selling a New York apple](#), by POLITICO’s Ry Rivard: New Jersey grocers would face a \$200 fine for selling a New York-grown apple as a “local” piece of fruit, under a bill backed by outgoing Senate President Steve Sweeney and advanced Monday by the Senate Environment and Energy Committee. Sweeney’s bill is meant to combat foreign fruits and vegetables from being dumped on New Jersey shelves in a way that dupes consumers trying to compare apples and oranges. But some members of the produce industry worry the bill, [NJ S4128 \(20R\)](#), could be overly punitive and appealed for Sweeney to amend it. The fines included in the bill would apply to any grocery store, supermarket, farmers market or convenience store that sells a mislabeled fruit or vegetable. The fines would be \$100 to \$200 per item, so a mislabeled bushel of apples — which holds about 120 apples — could result in a fine of \$24,000.

VACCINES — [Murphy hints he’ll soon expand eligibility for boosters](#), by POLITICO’s Sam Sutton: Gov. Phil Murphy strongly suggested Monday he’ll soon direct vaccination clinics to offer booster shots to any adult who’s more than six months removed from their second Pfizer or Moderna Covid-19 vaccine dose or at least two months removed from Johnson & Johnson’s single-dose vaccine. While the Democrat stopped short of matching the steps taken by leaders in California, Colorado and New York City who have made any fully-vaccinated individual eligible for a booster, Murphy said vaccinated New Jerseyans should err on the side of getting another shot. “You should expect we’ll make this even more simple in the days ahead,” Murphy said during his regular Covid-19 briefing. “If you’re in doubt, and you meet the waiting period [qualification], just get a booster. Choose the side of greater protection.”

POLICY AND POLITICS

LEGISLATURE — [Trenton’s ‘Red Book’ could be in trouble](#), by Matt: New Jersey’s fat little “Red Book” may soon become a little more scarce. Two legislative committees on Monday advanced fast-tracked legislation, [NJ S4084 \(20R\)](#), that would eliminate more than century-old requirements that the state purchase thousands of copies of Fitzgerald’s New Jersey Legislative Manual — a book that has kept tabs on everything Trenton since 1882. The book retails for \$95. “With the information contained and readily accessible on the Internet through websites of the State of New Jersey, the United States government, and

of counties and municipalities of the State, and the many other websites containing public information useful for the residents of the State, the need to expend State funds for the purchase of the manual is no longer a necessity to enable the residents of the State to understand the structure of their government and to access government officials,” the bill’s statement says.

ELECTIONS — [Poll worker pay increase could become permanent](#), by

Matt: A temporary pay bump for poll workers that was put in place by an executive order for the Nov. 2 general election could soon be permanent. The Assembly State and Local Government Committee on Monday unanimously advanced legislation, [NJ A1527 \(20R\)](#), that would permanently increase poll worker pay from \$200 to \$300 for a full day’s work, in line with an executive order Gov. Phil Murphy signed to address a shortage of workers for the Nov. 2 election. The bill would also appropriate \$7 million to counties to pay for the increase, but would require them to pick up the \$50 per worker tab for training.

ENERGY — [Senate resolution urges Murphy to halt fossil fuel](#)

infrastructure projects, by **Ry:** The Senate Environment and Energy Committee narrowly advanced a resolution Monday urging Gov. Phil Murphy to halt “fossil fuel infrastructure projects” until the state can come up with rules to clamp down further on greenhouse gas emissions. The resolution by outgoing Senate Majority Leader Loretta Weinberg was introduced back in January 2020, but picked up a bit of steam on Monday.

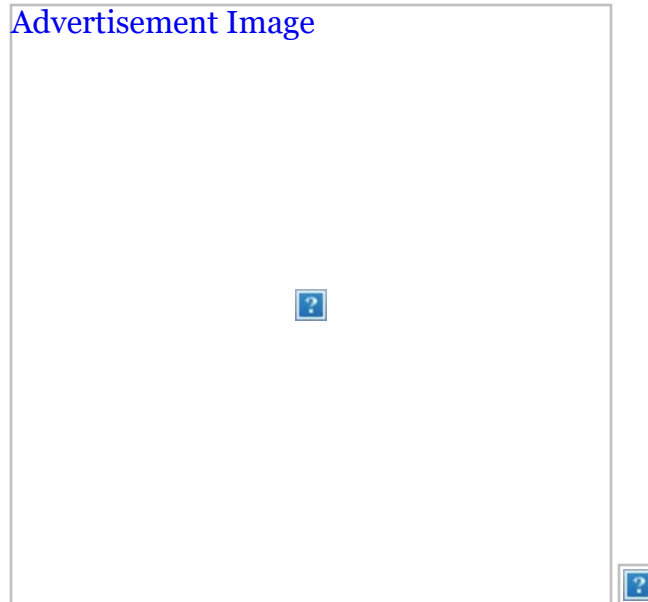
Last week, the governor committed to doing more to curb climate change-causing gases and signed an executive order targeting a 50 percent reduction in greenhouse gases by the end of the decade. Environmentalists say that goal, which matches President Joe Biden’s goal for the country, would be impossible to meet if the state continues adding new fossil fuel projects.

GAMING — “ [New Jersey eyes financial break for Atlantic City casinos](#),”

by the Associated Press’ Wayne Parry: “New Jersey lawmakers are proposing financial relief for Atlantic City’s casinos to help them continue to recover from the coronavirus pandemic by exempting two of the industry’s fastest-growing revenue streams from calculations on how much the casinos should pay the city. It would reduce payments for some casinos, including the Borgata, while imposing higher payments onto others, including Hard Rock. The bill, which was advanced Monday morning by a state Senate committee, is a

renewal of a measure requiring the casinos to make payments in lieu of taxes to Atlantic City that was first enacted five years ago, when the city was reeling from the closure of five of its 12 casinos. There currently are nine casinos.”

A message from Sierra Club:



INFRASTRUCTURE — [Biden finally gets the ‘big effing deal’ signing ceremony of his own](#), by POLITICO’s Laura Barrón-López, Christopher Cadelago and Nick Niedzwiadek: President Joe Biden did on Monday what his immediate predecessors couldn’t: sign a sweeping infrastructure bill into law and with a bipartisan crowd of lawmakers cheering him on as he did so. The bill directs \$550 billion in new spending toward roads, bridges, water pipelines, broadband and other major projects. It was championed by the White House as a generational investment in the country’s crumbling infrastructure. It’s also a feat that Biden predicted on the campaign trail he would accomplish, often to scoffs from opponents who argued it was naive to think he could find common ground with Republicans.

— The Record: “[How New Jersey will benefit from Biden's trillion-dollar infrastructure spending](#).”

HEALTH CARE — [Assembly Health Committee clears bill for state to join Interstate Medical Licensure Compact](#), by Sam: The Assembly Health Committee approved legislation Monday that would make New Jersey the 31st

state to join the Interstate Medical Licensure Compact, clearing a critical hurdle in advance of a likely floor vote during lame duck. While previous versions of the bill never cleared committee, the latest drafts appear to be headed for Gov. Phil Murphy's desk. The committee passed the bill, [NJ A1112 \(20R\)](#), without opposition. Representatives from several groups, including the Medical Society of New Jersey, the New Jersey Association of Health Plans, Princeton University and the state's Chamber of Commerce, all logged their support for the measure without testifying.

NEEDLE EXCHANGE — [Assembly panel clears bill allowing state rather than towns to authorize needle exchanges](#), by POLITICO's Daniel Han: The Assembly Health Committee advanced legislation Monday that would transfer power from municipalities to the state Department of Health when deciding whether to authorize needle exchange programs, a move expected to grow the number of harm reduction centers in New Jersey. The bill, [NJ A4847 \(20R\)](#), sponsored by Assemblymember Valerie Vainieri Huttie (D-Bergen), cleared the committee in a 9-4 party line vote. It was amended to be identical to the Senate version, [NJ S3009 \(20R\)](#), which cleared committee in March and includes a \$15 million appropriation. The legislation has the backing of the Murphy administration.

ODDS AND ENDS

— The Record: "[Saturation Point: Despite more intense storms, these pricey NJ flood projects went nowhere.](#)"

— Charles Stile for The Record: "[After election shocker, NJ Democrats seek safe harbor in political center.](#)"

— New Jersey Globe: "[N.J. judiciary Lacks diversity at highest levels, where 80% of appellate court judges are white.](#)"

ON THE CALENDAR

11 a.m. — Gov. Phil Murphy to make a higher education funding announcement, Rutgers University, Kathleen Ludwig Global Village Learning Center, 23 Nichol Ave., New Brunswick.

Noon — Apportionment commission will meet. Stockton University, Atlantic City Campus, John F. Scarpa Academic Center.

4 p.m. — Murphy, Congressman Frank Pallone, Department of Banking and Insurance Commissioner Marlene Caride, Assemblyman John McKeon, University Hospital CEO Dr. Shereef Elnahal, and Lakewood Resource and Referral Center Director of Social Services Sarah Sternbach to Host Virtual Open Enrollment Event for Get Covered NJ.

FOR MORE political and policy news from New Jersey, [check out POLITICO New Jersey's home page](#).

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Build Back Better INCLUDES OVER 100 SPECIFIC INVESTMENTS IN BOLD CLIMATE ACTIONspanning scores of policy areas and on a scale never before seen in Congress .

TOP AMONG THE CLIMATE ACTION INVESTMENTS IS A SWEEPING PACKAGE OF CLEAN ENERGY AND CLEAN TRANSPORTATION TAX INCENTIVESthat are a game changer for the clean economy in the United States, and a game changer for climate action at home and abroad.

The bill's bold investments in ***CLEAN ENERGY MANUFACTURING*** would [slash industrial pollution](#) , create good manufacturing jobs, and bolster the supply chains we need for a swift transition to 100% clean energy.

Build Back Better ***PROTECTS THE COASTAL PLAIN OF THE ARCTIC NATIONAL WILDLIFE REFUGE*** from oil and gas drilling and safeguards the way of life of the Gwich'in people.

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This email was sent to ~~you~~ by: POLITICO, LLC 1000 Wilson Blvd. Arlington,
VA, 22209, USA

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To: [@x](#)
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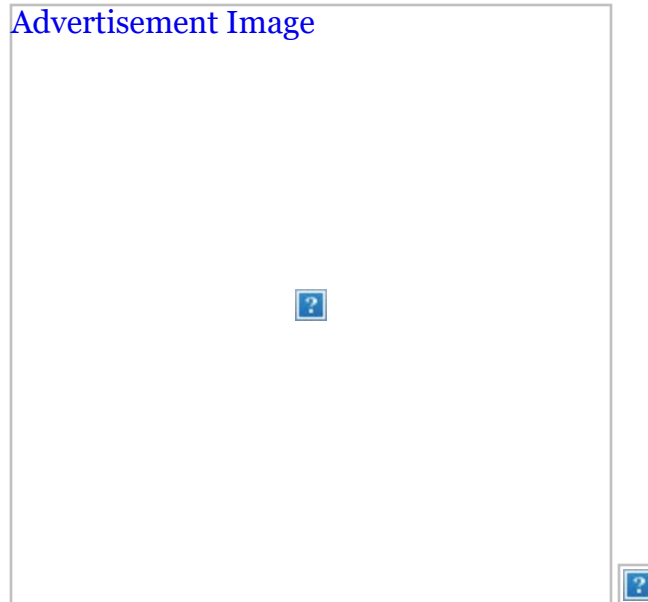
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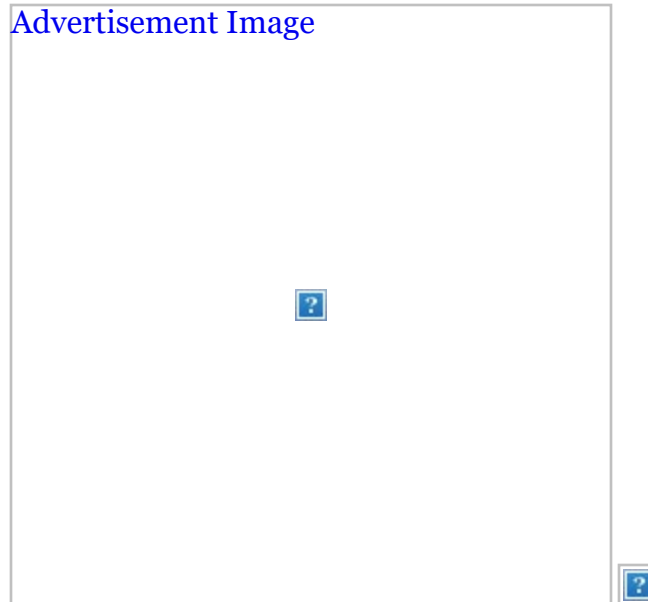
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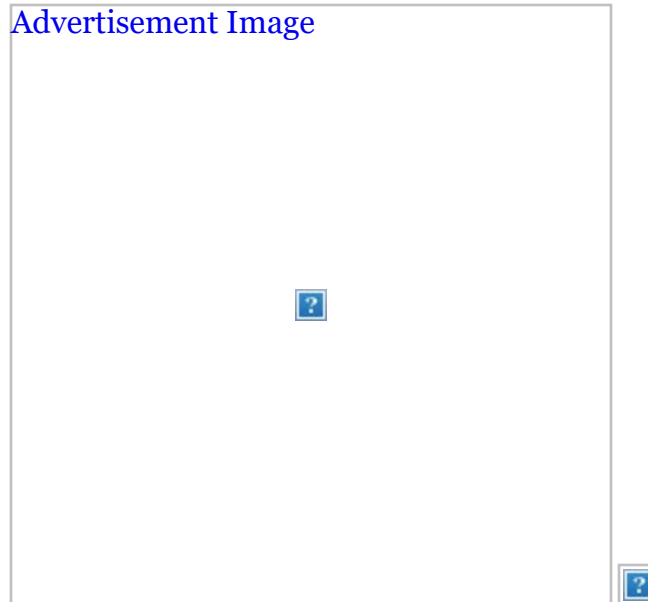
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Build Back Better ***PROTECTS THE COASTAL PLAIN OF THE ARCTIC NATIONAL WILDLIFE REFUGE*** from oil and gas drilling and safeguards the way of life of the Gwich'in people.

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Matt Friedman [@MattFriedmanNJ](#)
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Ry Rivard [@ryrivard](#)
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This email was sent to you by: POLITICO, LLC 1000 Wilson Blvd. Arlington, VA,
22209, USA

From: [POLITICO Pro's Trenton Brief](#)
To: [@x](#)
Subject: Weinberg's OPRA bill takes a hit
Date: Tuesday, November 16, 2021 5:46:39 AM

Nov 16, 2021

[View in browser](#)

Trenton Brief



BY **CARLY SITRIN**

Presented by Sierra Club

QUICK FIX

— **Retiring state Senate Majority Leader Loretta Weinberg's** public records bill failed in committee Monday.

— **Outgoing Senate President Steve Sweeney** is backing a measure that could hit New Jersey grocers with a \$200 fine for selling New York-grown fruit labeled as “local.”

— **Covid-19 booster shots may soon be available** for any eligible adult.

A full itinerary appears below.

GOOD TUESDAY MORNING: Today is November 16th. Welcome to the Trenton Brief, POLITICO New Jersey's subscriber-only morning tip sheet for policy insiders. It will be sunny with a high of 50 degrees in Trenton. Please send tips, complaints and general musings to xxxxxxxxxx@xxxxxxxx.xxx Send events and advisories to xxxxxxx@xxxxxxxxxx.xx Follow the team on Twitter: [@klandergan](https://twitter.com/klandergan), [@CarlySitrin](https://twitter.com/CarlySitrin), [@samjsutton](https://twitter.com/samjsutton), [@ryrivard](https://twitter.com/ryrivard) and [@danieljhan](https://twitter.com/danieljhan).

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#BuildBackBetterAct means Climate Action, Childcare, Jobs, & Justice

WHAT STATE STREET IS READING

OPRA — [Weinberg's public records reform bill fails in committee](#), by POLITICO's Matt Friedman: A bill to expand and add teeth to New Jersey's public records access law failed in committee Monday, dealing a blow to the legacy of retiring state Senate Majority Leader Loretta Weinberg. "This has been one of my great frustrations," Weinberg (D-Bergen) said in an interview shortly after the bill failed, 3-2. The bill, [NJ S380 \(20R\)](#), failed to advance after the two Republicans on the Senate State Government, Wagering, Tourism & Historic Preservation Committee voted no and Sen. Linda Greenstein (D-Middlesex), abstained. The bill is opposed by the New Jersey State League of Municipalities, which does not want local governments to have automatically pay attorneys fees if they lose lawsuits for denying records.

FOOD FIGHT — [‘Local’ food fight could result in \\$200 fine in New Jersey for selling a New York apple](#), by POLITICO’s Ry Rivard: New Jersey grocers would face a \$200 fine for selling a New York-grown apple as a “local” piece of fruit, under a bill backed by outgoing Senate President Steve Sweeney and advanced Monday by the Senate Environment and Energy Committee. Sweeney’s bill is meant to combat foreign fruits and vegetables from being dumped on New Jersey shelves in a way that dupes consumers trying to compare apples and oranges. But some members of the produce industry worry the bill, [NJ S4128 \(20R\)](#), could be overly punitive and appealed for Sweeney to amend it. The fines included in the bill would apply to any grocery store, supermarket, farmers market or convenience store that sells a mislabeled fruit or vegetable. The fines would be \$100 to \$200 per item, so a mislabeled bushel of apples — which holds about 120 apples — could result in a fine of \$24,000.

VACCINES — [Murphy hints he’ll soon expand eligibility for boosters](#), by POLITICO’s Sam Sutton: Gov. Phil Murphy strongly suggested Monday he’ll soon direct vaccination clinics to offer booster shots to any adult who’s more than six months removed from their second Pfizer or Moderna Covid-19 vaccine dose or at least two months removed from Johnson & Johnson’s single-dose vaccine. While the Democrat stopped short of matching the steps taken by leaders in California, Colorado and New York City who have made any fully-vaccinated individual eligible for a booster, Murphy said vaccinated New Jerseyans should err on the side of getting another shot. “You should expect we’ll make this even more simple in the days ahead,” Murphy said during his regular Covid-19 briefing. “If you’re in doubt, and you meet the waiting period [qualification], just get a booster. Choose the side of greater protection.”

POLICY AND POLITICS

LEGISLATURE — [Trenton’s ‘Red Book’ could be in trouble](#), by Matt: New Jersey’s fat little “Red Book” may soon become a little more scarce. Two legislative committees on Monday advanced fast-tracked legislation, [NJ S4084 \(20R\)](#), that would eliminate more than century-old requirements that the state purchase thousands of copies of Fitzgerald’s New Jersey Legislative Manual — a book that has kept tabs on everything Trenton since 1882. The book retails for \$95. “With the information contained and readily accessible on the Internet through websites of the State of New Jersey, the United States government, and

of counties and municipalities of the State, and the many other websites containing public information useful for the residents of the State, the need to expend State funds for the purchase of the manual is no longer a necessity to enable the residents of the State to understand the structure of their government and to access government officials,” the bill’s statement says.

ELECTIONS — [Poll worker pay increase could become permanent](#), by

Matt: A temporary pay bump for poll workers that was put in place by an executive order for the Nov. 2 general election could soon be permanent. The Assembly State and Local Government Committee on Monday unanimously advanced legislation, [NJ A1527 \(20R\)](#), that would permanently increase poll worker pay from \$200 to \$300 for a full day’s work, in line with an executive order Gov. Phil Murphy signed to address a shortage of workers for the Nov. 2 election. The bill would also appropriate \$7 million to counties to pay for the increase, but would require them to pick up the \$50 per worker tab for training.

ENERGY — [Senate resolution urges Murphy to halt fossil fuel](#)

infrastructure projects, by **Ry:** The Senate Environment and Energy Committee narrowly advanced a resolution Monday urging Gov. Phil Murphy to halt “fossil fuel infrastructure projects” until the state can come up with rules to clamp down further on greenhouse gas emissions. The resolution by outgoing Senate Majority Leader Loretta Weinberg was introduced back in January 2020, but picked up a bit of steam on Monday.

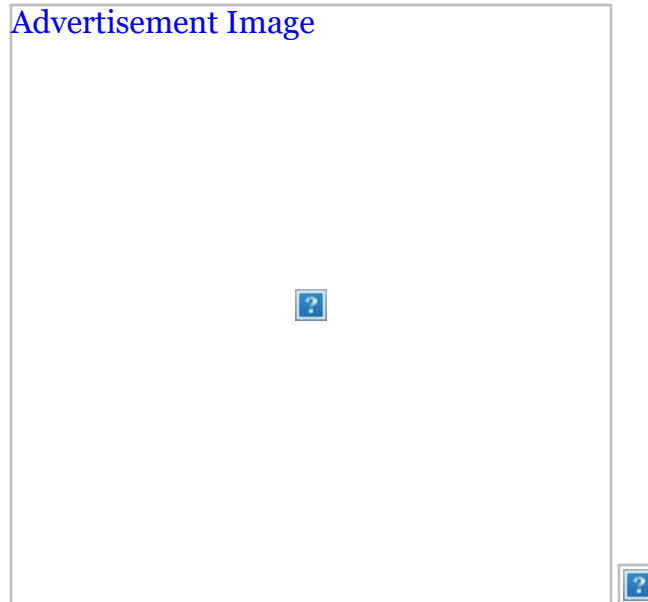
Last week, the governor committed to doing more to curb climate change-causing gases and signed an executive order targeting a 50 percent reduction in greenhouse gases by the end of the decade. Environmentalists say that goal, which matches President Joe Biden’s goal for the country, would be impossible to meet if the state continues adding new fossil fuel projects.

GAMING — “ [New Jersey eyes financial break for Atlantic City casinos](#),”

by the Associated Press’ Wayne Parry: “New Jersey lawmakers are proposing financial relief for Atlantic City’s casinos to help them continue to recover from the coronavirus pandemic by exempting two of the industry’s fastest-growing revenue streams from calculations on how much the casinos should pay the city. It would reduce payments for some casinos, including the Borgata, while imposing higher payments onto others, including Hard Rock. The bill, which was advanced Monday morning by a state Senate committee, is a

renewal of a measure requiring the casinos to make payments in lieu of taxes to Atlantic City that was first enacted five years ago, when the city was reeling from the closure of five of its 12 casinos. There currently are nine casinos.”

A message from Sierra Club:



INFRASTRUCTURE — [Biden finally gets the ‘big effing deal’ signing ceremony of his own](#), by POLITICO’s Laura Barrón-López, Christopher Cadelago and Nick Niedzwiadek: President Joe Biden did on Monday what his immediate predecessors couldn’t: sign a sweeping infrastructure bill into law and with a bipartisan crowd of lawmakers cheering him on as he did so. The bill directs \$550 billion in new spending toward roads, bridges, water pipelines, broadband and other major projects. It was championed by the White House as a generational investment in the country’s crumbling infrastructure. It’s also a feat that Biden predicted on the campaign trail he would accomplish, often to scoffs from opponents who argued it was naive to think he could find common ground with Republicans.

— The Record: “[How New Jersey will benefit from Biden's trillion-dollar infrastructure spending](#).”

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Matt Friedman @MattFriedmanNJ
Katherine Landergan @klandergan
Ry Rivard @ryrivard
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VA, 22209, USA

From: [Michael Capabianco](#)
To: [Lori Buckelew](#)
Subject: Fwd: OPRA - Government Management Advisors Report – Greg Fehrenbech
Date: Thursday, November 11, 2021 12:32:37 PM
Attachments: [Administrative Review Report Final 20211102.pdf](#)

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From: xxxxxxxx@xxxxxxxxxxxxxx.xxx <xxxxxxxx@xxxxxxxxxxxxxx.xxx>
Sent: Thursday, November 11, 2021 12:31:34 PM
To: Michael Capabianco <xxxxxxxx@xxxxxxxxxxxxxx.xxx>
Subject: Re: OPRA - Government Management Advisors Report – Greg Fehrenbech

Betty Sterling
Borough Clerk/Assistant CFO
Borough of Pennington
609-737-0276

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From: Michael Capabianco <xxxxxxxx@xxxxxxxxxxxxxx.xxx>
Sent: Tuesday, November 9, 2021 1:34:57 PM
To: xxxxxxxx@xxxxxxxxxxxxxx.xxx
Subject: OPRA - Government Management Advisors Report – Greg Fehrenbech

Ms. Sterling –
Could you please send me a copy of Greg's report's discussed at the last Council meeting?

Thanks –
Michael

Michael Capabianco
Jamesburg Borough Administrator/CFO

Borough of Jamesburg
131 Perrineville Road
Jamesburg, NJ 08831-1672
732-521-2222 ext 110

From: @x
To: @x
Subject: OPRA resolutions
Date: Friday, October 22, 2021 4:00:44 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[2008-16, Calling for OPRA Reform.doc](#)
[2010-03, OPRA Fees-11-16-2010.doc](#)
[2014-04 OPRA Buena Vista.doc](#)

[Join us in Atlantic City this November](#) for educational sessions, CEUs, and 450+ exhibitors. Register by 11/12 for the best current rate.

[Download the NJLM Annual Conference app](#) for a full schedule.

Paul Penna | Legislative Analyst

New Jersey State League of Municipalities

222 West State Street, Trenton, NJ 08608

609-695-3481 ext. 110



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From: [REDACTED]
To: [REDACTED]; [REDACTED]; [REDACTED]
Subject: Re: OPRA
Date: Thursday, October 21, 2021 7:47:52 PM
Attachments: [image002.png](#)
[image003.png](#)

Good Evening, I have been told that the Senator is going to do a "skinny OPRA". I have asked her chief of staff for a copy of the skinny bill. He is waiting for an ok. I will share once I have it.

Sent from my T-Mobile 5G Device
Get [Outlook for Android](#)

From: Thomas Kenny <[REDACTED]>
Sent: Thursday, October 21, 2021 4:54:43 PM
To: Codey, Ray <[REDACTED]>; Timothy Dacey <[REDACTED]>
Cc: Lori Buckelew <[REDACTED]>
Subject: Re: OPRA

Thanks, Ray .

Regards,

Thomas Kenny, Program Coordinator II, MPA
Rutgers University - Center for Government Services
Rutgers Lifelong Learning Center
3 Rutgers Plaza - 3rd Floor
New Brunswick, NJ 08901
Phone: 848-932-4747
Fax: 732-932-3586

From: Codey, Ray <[REDACTED]>
Sent: Thursday, October 21, 2021 4:50 PM
To: Thomas Kenny <[REDACTED]>; Timothy Dacey <tdacey@piscatawaynj.org>
Cc: Lori Buckelew <[REDACTED]>
Subject: RE: OPRA

Tom & Tim – I heard that the Legislature is going to try and ram through some additional onerous OPRA provisions after the election in the Lame Duck session as a salute to Senator Weinberg. I think we should focus our advocacy to block that and then pursue changes in concert with the Clerk's Association and LOM. In most the Clerk's are the ones who bear the brunt of OPRA "frequent flyers". Copying Lori Buckelew at the League to get her insights on the issue. Thanks. Ray

From: Thomas Kenny <[REDACTED]>
Sent: Thursday, October 21, 2021 3:19 PM
To: Timothy Dacey <[REDACTED]>
Cc: Codey, Ray <[REDACTED]>
Subject: Re: OPRA

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I don't, but Ray Codey is copied here, he may have some thoughts.

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Fax: 732-932-3586

From: Timothy Dacey <[REDACTED]>
Sent: Thursday, October 21, 2021 3:13 PM
To: Thomas Kenny <[REDACTED]>
Subject: OPRA

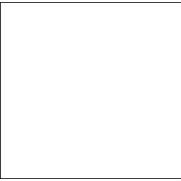
Tom,

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Tim

Timothy Dacey
Business Administrator
Administration

Phone: (732) 529-2528



From: [Thomas Kenny](#)
To: [Codey, Ray](#); [Timothy Dacey](#)
Cc: [Lori Buckelew](#)
Subject: Re: OPRA
Date: Thursday, October 21, 2021 4:55:16 PM
Attachments: [image002.png](#)
[image003.png](#)

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Rutgers University - Center for Government Services
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Cc: Lori Buckelew <@>
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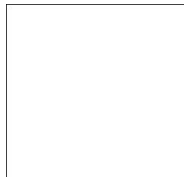
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From: [Codey, Ray](#)
To: [Thomas Kenny](#); [Timothy Dacey](#)
Cc: [Lori Buckelew](#)
Subject: RE: OPRA
Date: Thursday, October 21, 2021 4:50:25 PM
Attachments: [image002.png](#)
[image003.png](#)

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Business Administrator
Administration

Phone: (732) 529-2528



From: [@x](#)
To: [@x](#)
Subject: RE: OPRA - Daniels Law
Date: Monday, March 22, 2021 1:20:41 PM
Attachments: [image003.png](#)
[image005.png](#)
[image007.png](#)
[PL 2020 c 125.PDF](#)

Raymond,

The section of the bill you referenced (Section 7) is codified at N.J.S.A. 56:8-166.2. I have attached a copy of the Pamphlet Law for reference.

Frank

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

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: Raymond J. Went, Jr. [mailto:[@x](#)]
Sent: Friday, March 19, 2021 2:15 PM
To: Frank Marshall
Subject: OPRA - Daniels Law

Frank:

Thank you for speaking with me this week. Again, I represent the City of Port Republic. As a follow-up to our conversation, it appears the attached, highlighted bill language never made it into the most recent amended statute. Does that sound right?

Thanks,

Raymond J. Went, Jr., Esquire
Nehmad Davis & Goldstein, PC, Counselors at
Law
4030 Ocean Heights Avenue
Egg Harbor Township, NJ 08234
Telephone: 609.927.1177, Ext. 109
Cell: 609.703.0767



LinkedIn: www.linkedin.com/in/raywent
www.ndglegal.com

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From: [Raymond J. Went, Jr.](#)
To: [xxxxxxxx@xxxx.xxx](#)
Subject: OPRA - Daniels Law
Date: Friday, March 19, 2021 2:14:34 PM
Attachments: [image001.png](#)
[3820_001.pdf](#)
[471A-5 Custodian of government records to permit inspection examination and copy.pdf](#)

Frank:

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Law

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Telephone: 609.927.1177, Ext. 109
Cell: 609.703.0767



LinkedIn: www.linkedin.com/in/raywent
www.ndglegal.com

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From: @x
To: @x
Subject: FW: OPRA Request
Date: Tuesday, March 16, 2021 9:49:26 AM
Attachments: [opra_request_sandyston.pdf](#)

Good Morning Mr. Penna,

Happy Tuesday

With our last discussion regarding OPRA Requests and “Daniel’s Law”, I, along with many Clerks in Sussex County (probably all of NJ) have received this OPRA Request below.

This is an **out of state request**, again for a delinquent taxes report along with open permits and code violations.

This is clearly another OPRA Request for PROFIT by a company and not what OPRA was designed for in providing the taxpayers with transparency in government.

Seems to be more and more of these, just wanted to share with you.

“Amy”

Amanda F. Lobban, RMC
Municipal Clerk
Sandyston Township Municipal Building
133 Route 645
Sandyston, NJ 07826
Monday – Friday 9 am – 2 pm
973-948-3520 x200
973-948-0783 (fax)
www.sandystontownship.com

From: Arlea Bua <xxxxxxxx@xxxxx.xxx>
Sent: Monday, March 15, 2021 3:27 PM
To: xxxxx@xxxxxxxxxxxxxxxxxxx.xxx
Subject: OPRA Request

Hi,

Please see attached OPRA request, I am requesting a list of properties that are delinquent in taxes as well as a list of properties that have open permits/code violations if possible.

Thank you!

Arlea Bua

From: @x
To: @x
Subject: FW: Email Update on the Property Records Card OPRA
Date: Thursday, March 11, 2021 9:59:27 AM
Attachments: [image001.png](#)
[image002.png](#)

FYI...

From: Karen Romano [mailto:xxxxx@xxxxxxxxxxxx.xxx]
Sent: Thursday, March 11, 2021 9:37 AM
To: Joe Novak <xxxxxxxx@xxxxx.xxx>; Jeff Burd <xxxxxxxx@xxxxxxxxxxxx.xxx>
Cc: Lori Buckelew <xxxxxxxx@xxxxx.xxx>
Subject: FW: Email Update on the Property Records Card OPRA

The Hunterdon Clerks received this today from the requestor,
as a response to the Tewksbury Clerk denial.

Please advise.

Thank you
Karen



Karen M Romano

Administrator/Clerk
6 High St.
Lebanon, NJ 08833
908-236-2425
Fax 908-236-2939

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From: [xxxxxxxx@xxxxxxxxxxxxxxx.xx](#) <[xxxxxxxx@xxxxxxxxxxxxxxx.xx](#)>
Sent: Thursday, March 11, 2021 8:58 AM
To: 'Jenn Ader' <[xxxxxx@xxxxxxxxxxxxxxx.xxx](#)>; [xxxxxx@xxxxxxxxxxxxxxx.xxx](#); 'Cynthia Keller'

<xxxxxx@xxxxxxxxxxxxxxxxxxx>; xxxxxx@xxxxxxxxxxxxxxxxxxx
Cc: xxxxxx@xxxxxxxxxxxxxxxxxxx; Karen Romano <xxxxxx@xxxxxxxxxxxxxxxxxxx>; xxxxxx@xxxxxxxxxxxxxxxxxxx;
xxxxxxxxxxxxxxxxxxxxxxxx@xxxxx.xxx; xxxxxx@xxxxxxxxxxxxxxxxxxx; xxxxx@xxxxxxxxxxxxxxxxxxx;
xxxxx@xxxxxxxxxxxxxxxxxxx; xxxxx@xxxxxxxxxxxxxxxxxxx; xxxxxxxxxxxxxxxxxxx@xxxxxxxxxxxxxxxxxxx;
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xxxxxxxx@xxxxxxxxxxxxxxxxxxxxxxxxxxx; xxxxx@xxxxxxxxxxxxxxxxxxxxxxxxxxx;
xxxxxxxxxxxxxxxxxxxxxxxx@xxxxxxxxxxxxxxxxxxx; xxxxxxxxxxx@xxx.xxx; xxx.xxxxx@xxxxxxxxxxxxxxxxxxx Lisa Saharic
<xxxxxx@xxxxxxxxxxxxxxxxxxx>; xxxxx@xxxxxxxxxxxxxxxxxxx; xxxxxxxxxxxxxxxxxxx@xxx.xxx;
xxxxxxxxxx@xxxxxxxxxxxxxxxxxxxxxxxxxxx; xxxxxxxxxxx@xxxxxxxxxxxxxxxxxxx
Subject: RE: Email Update on the Property Records Card OPRA

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Hello,

We've already received the Property Record Cards / CAMA Data from approximately 100 municipalities.

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If you still wish to deny the request based solely on the fact that you believe this is not public records, please advise so I can take further action.

If you have any questions, feel free to email us back.

Thank you,

Rebecca P

Data Manager

NJPropertyRecords, LLC

174 Lamington Road

P.O. Box 180

Oldwick, NJ 08858

www.NJPropertyRecords.com

From: Jenn Ader <xxxxxx@xxxxxxxxxxxxxxxxxxx>

Sent: Monday, March 08, 2021 1:51 PM

To: xxxxx@xxxxxxxxxxxxxxxxxxx; 'Cynthia Keller' <xxxxxx@xxxxxxxxxxxxxxxxxxxxxxxxxxx>;
xxxxxxxx@xxxxxxxxxxxxxxxxxxx

Cc: xxxxxx@xxxxxxxxxxxxxxxxxxx; xxxxx@xxxxxxxxxxxxxxxxxxx; xxxxxxx@xxxxxxxxxxxxxxxxxxx;
xxxxxxxxxxxxxxxxxxxxxxxx@xxxxx.xxx; xxxxxxxxxxx@xxxxxxxxxxxxxxxxxxx; xxxxx@xxxxxxxxxxxxxxxxxxxxxxxxxxx;
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With respect to property record cards for all commercial properties within the Township, there are multiple commercial record cards. As many of these property record cards contain confidential information that is not disclosable under OPRA, each card would need to be reviewed and possibly redacted by Township personnel. We estimate that it will take approximately 20 (twenty) minutes to review each card, redact the confidential information, and prepare copies of the disclosable

portion of the record card. We are in the process of preparing an estimate of the cost to do this work. Pursuant to N.J.S.A. 47:1A-5(c), you have the right to review and object to this charge before it is assessed.

To the extent that you have also requested access to the above government records under the common law, your stated interest in obtaining the records must be balanced against the Township of Tewksbury's interest in nondisclosure. See *Loigman v. Kimmelman*, 102 N.J. 98 (1986). The foregoing response to your request for access to government records incorporates the aforementioned balancing test. Please note that "a party's status as a litigant does not enlarge its access to government records under OPRA". *MAG Entm't, LLC v. Div. of Alcoholic Beverage Control*, 375 N.J. Super. 534, 545-46 (App. Div. 2005). The Township of Tewksbury reserves the right to raise any other grounds for denial not raised in this response. Failure of the Township of Tewksbury to assert an exemption or privilege does not act as a waiver of any grounds for denial. Furthermore, a reviewing Court or the Government Records Council ("GRC") may deem a denial of access to be authorized on grounds other than those advanced by a custodian. See *Paff v. Twp. of Plainsboro*, A-2122-05T2, 2007 WL 957289, at *2 (App. Div., Apr. 2, 2007), affirming, *Paff v. Township of Plainsboro*, GRC Complaint No. 2005-29 (March 2006). If your request for access to a government record has been denied or unfilled, you have a right to challenge the decision by the Township of Tewksbury to deny access. At your option, you may either initiate a proceeding in the Superior Court of New Jersey or file a complaint with the GRC by completing the Denial of Access Complaint Form. You may contact the GRC by toll-free telephone at 866-850-0511, by mail at P.O. Box 819, Trenton, NJ, 08625, by e-mail at xxx@xxx.xxxxx.xx.xx, or on its website at www.state.nj.us/grc. The GRC can also answer other questions about the law. All questions regarding complaints filed in Superior Court should be directed to the Court Clerk in your County.

Jennifer Ader
Acting Municipal Clerk
Township of Tewksbury
169 Old Turnpike Road, Califon NJ 07830
Telephone: 908-439-0022 ext. 729
Fax: 908-439-0034
www.tewksburytwp.net



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From: xxxxx@xxxxxxxxxxxxx.xxx <xxxxx@xxxxxxxxxxxxx.xxx>

Sent: Monday, March 8, 2021 1:44 PM

To: 'Cynthia Keller' <xxxxxxx@xxxxxxxxxxxxxxxxxxx>; xxxxxxx@xxxxxxxxxxxxxxxxxxx
Cc: xxxxxx@xxxxxxxxxxx; xxxxx@xxxxxxxxxxxxxxxxxxx; xxxxxxx@xxxxxxxxxxx;
xxxxxxxxxxxxxxxxxxxx@xxxxx.xxx; xxxxxxx@xxxxxxxxxxxxxxxxxxx; xxxxx@xxxxxxxxxxxxxxxxxxx;
xxxxx@xxxxxxxxxxxxxxxxxxx; xxxxx@xxxxxxxxxxxxxxxxxxx; xxxxxxxxxxxxxxxxxxxx@xxxxxxxxxxxxxxxxxxx;
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xxxxxxxx@xxxxxxxxxxxxxxxxxxx; xxxxxxx@xxxxxxxxxxxxxxxxxxx; xxxxxxxxxxxx@xxxxx.xxx;
xxxxxx@xxxxxx.xxx; xxxxxx@xxxxxxxxxxxxxxxxxxxxxxxxxxx; xxxxxxx@xxxxxxxxxxxxxxxxxxxxxxxxxxx;
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xxx.xxxxx@xxxxxxxxxxxxxxxxxxx; xxxxxx@xxxxxxxxxxxxxxxxxxx; xxxxx@xxxxxxxxxxxxxxxxxxx;
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Subject: Email Update on the Property Records Card OPRA

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He is aware of the Daniels law problem and has reached out to the state Department of Treasury to work on a solution.

I have asked him to confirm the extension and I am awaiting an email from him with a copy of the GRC case. Interestingly, his service provides an opt out for people who do not want their names in the system. He also asserts that he has spoken to the IT department of the federal court to work out a system to identify judges names that need to be redacted.

The extension will allow our people to work through the process without a disruptive short deadline.

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I have copied Frank Marshall, Bill Kearns and Trishka Cecil in on this email so the League can gauge whether it wants to take any action to alert municipalities to the OPRA issue.

Dick

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XXXXX@XXXXXXXXXXXX.XXX; XXXXXXXXXXX@XXXXXXXXXXXX.XXX; XXXXXX@XXXXXXXXXXXX.XXX;
XXXXXXXXXXXX@XXXXX.XXX; XXXXX@XXXXX.XXX; XXXXXX@XXXXXXXXXXXXXXXXXXXX.XXX;
XXXXXXXXXX@XXXXXXXXXXXXXXXXXXXX.XXX; XXXXX@XXXXXXXXXXXXXXXXXXXX.XXX;
XXXXXXXXXXXXXXXXXXXX@XXXXXXXXXXXX.XXX; XXXXXXXXXXX@XXX.XXX; XXXX.XXXXX@XXXXXXXXXXXXXXXX.XXX Lisa Saharic
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Oldwick, NJ 08858

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XXXXXXXX@XXXXXXXXXXXX.XXX

Cc: XXXXXX@XXXXXXXXXXXX.XXX; XXXXX@XXXXXXXXXXXX.XXX; XXXXXX@XXXXXXXXXXXX.XXX;
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Jennifer Ader
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Township of Tewksbury
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Fax: 908-439-0034
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Cc: xxxxxx@xxxxxxxxxxx; xxxxx@xxxxxxxxxxxxxxxxxxx; xxxxxxx@xxxxxxxxxxx;
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Karen



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Administrator/Clerk
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Fax 908-236-2939

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xxxxxxxxxxxxxxxx@xxxxxxxxxxx.xxx; xxxxxxxx@xxx.xxx; lisa.fania@raritantwpnj.gov; Lisa Saharic
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Hello,

We've already received the Property Record Cards / CAMA Data from approximately 100 municipalities.

If you're wondering if the files are public records, please refer to the GRC complaint below:

<https://www.nj.gov/grc/decisions/pdf/2014-50.pdf>

If you still wish to deny the request based solely on the fact that you believe this is not public records, please advise so I can take further action.

If you have any questions, feel free to email us back.

Thank you,

Rebecca P

Data Manager

NJPropertyRecords, LLC

174 Lamington Road

P.O. Box 180

Oldwick, NJ 08858

www.NJPropertyRecords.com

From: Jenn Ader <xxxxxxxx@xxxxxxxxxxx.xxx>

Sent: Monday, March 08, 2021 1:51 PM

To: xxxxx@xxxxxxxxxxx.xxx; 'Cynthia Keller' <xxxxxxxx@xxxxxxxxxxxxxxxxxxx.xxx>;
xxxxxxxx@xxxxxxxxxxx.xxx

Cc: xxxxxx@xxxxxxxxxxx.xxx; xxxxxx@xxxxxxxxxxx.xxx; xxxxxx@xxxxxxxxxxx.xxx;
xxxxxxxxxxxxxxxxxxxx@xxxxx.xxx; xxxxxxxx@xxxxxxxxxxx.xxx; xxxxx@xxxxxxxxxxxxxxxxxxx.xxx;
xxxxx@xxxxxxxxxxx.xxx; xxxxx@xxxxxxxxxxx.xxx; xxxxxxxxxxxxxxxxxxxx@xxxxxxxxxxxxxxxxxxx;
xxxxxxxx@xxxxxxxxxxx.xx; xxxxxx@xxxxxxxxxxx.xxx; xxxxxxxx@xxxxxxxxxxx.xxx;
xxxxxx@xxxxxxxxxxx.xxx; xxxxxxxxxxxx@xxxxx.xxx; xxxxx@xxxxx.xxx; parker@readingtontwp-nj.org;
xxxxxxxx@xxxxxxxxxxxxxxxxxxx.xxx; xxxxxx@xxxxxxxxxxxxxxxxxxx.xxx;
xxxxxxxxxxxxxxxxxxxx@xxxxxxxxxxx.xxx; xxxxxxxx@xxx.xxx; xxxx.xxxxx@xxxxxxxxxxxxxxxxxxx;
xxxxxx@xxxxxxxxxxx.xxx; xxxxxx@xxxxxxxxxxx.xxx; xxxxxxxxxxxxxxxx@xxx.xxx;
xxxxxxxx@xxxxxxxxxxxxxxxxxxx.xxx; xxxxxxxxxxxx@xxxxxxxxxxxxxxxxxxx

Subject: RE: Email Update on the Property Records Card OPRA

Hi,

I denied the OPRA as per my Township Attorney, and this is how he had me respond:

This correspondence shall serve as Tewksbury Township (the "Township")'s response to your request for access to government records pursuant to the Open Public Records Act, N.J.S.A. 47:1A-1.1, et seq. ("OPRA"), which was sent on February 24, 2021. Below is the Township's response to each of your requests.

1. "I'm requesting the most current Property Record Cards sometimes referred as the Assessors Property Cards for your entire municipality." OPRA does not countenance "[w]holesale requests for general information," MAG Entertainment, LLC v. Div of Alcoholic Beverage Control, 375 N.J. Super. 534, 549 (App. Div. 2005), or open-ended demands "for every document a public agency has on file." Bent v. Stafford Twp. Police Dep't., 381 N.J. Super. 30, 37 (App. Div. 2005). Property record cards can be categorized as either residential or commercial record cards. Pursuant to N.J.S.A. 47:1A-1, all government records shall be subject to public access unless exempt from such access by: . . . any other statute; resolution of either or both houses of the Legislature; regulation promulgated under the authority of any statute or Executive Order of the Governor; Executive Order of the Governor; Rules of Court; any federal law, federal regulation, or federal order". In accordance with Executive Order 26 (McGreevey), information describing "a natural person's finances, income, assets, liabilities, net worth, bank balances, financial history or activities, or creditworthiness" shall not be considered to be government records subject to public access pursuant to OPRA. Residential property record cards contain information that describes a natural person's assets, namely, their real property, which cannot be disclosed. Your request for these records is further complicated by the provisions of the recently enacted Daniel's Law (P.L. 2020, c. 128), which regulates the release of information that contains the home address of any active or retired Judge, Prosecutor, or Law Enforcement Officer. Moreover, a homeowner's reasonable expectation of privacy is expressly recognized in the N.J. Division of Taxation's Appraisal Manual (a source formally recognized by our courts), which designates information on Property Record Cards as "confidential," "for the property record only," and "not [to] be discussed or used for any other purpose." Appraisal Manual, vol. 1, p. I-5. Accordingly, your request for property record cards related to residential properties is denied.

With respect to property record cards for all commercial properties within the Township, there are multiple commercial record cards. As many of these property record cards contain confidential information that is not disclosable under OPRA, each card would need to be reviewed and possibly redacted by Township personnel. We estimate that it will take approximately 20 (twenty) minutes to review each card, redact the confidential information, and prepare copies of the disclosable portion of the record card. We are in the process of preparing an estimate of the cost to do this work. Pursuant to N.J.S.A. 47:1A-5(c), you have the right to review and object to this charge before it is assessed.

To the extent that you have also requested access to the above government records under the common law, your stated interest in obtaining the records must be balanced against the Township of Tewksbury's interest in nondisclosure. See Loigman v. Kimmelman, 102 N.J. 98 (1986). The

foregoing response to your request for access to government records incorporates the aforementioned balancing test. Please note that "a party's status as a litigant does not enlarge its access to government records under OPRA". *MAG Entm't, LLC v. Div. of Alcoholic Beverage Control*, 375 N.J. Super. 534, 545-46 (App. Div. 2005). The Township of Tewksbury reserves the right to raise any other grounds for denial not raised in this response. Failure of the Township of Tewksbury to assert an exemption or privilege does not act as a waiver of any grounds for denial. Furthermore, a reviewing Court or the Government Records Council ("GRC") may deem a denial of access to be authorized on grounds other than those advanced by a custodian. See *Paff v. Twp. of Plainsboro*, A-2122-05T2, 2007 WL 957289, at *2 (App. Div., Apr. 2, 2007), affirming, *Paff v. Township of Plainsboro*, GRC Complaint No. 2005-29 (March 2006). If your request for access to a government record has been denied or unfilled, you have a right to challenge the decision by the Township of Tewksbury to deny access. At your option, you may either initiate a proceeding in the Superior Court of New Jersey or file a complaint with the GRC by completing the Denial of Access Complaint Form. You may contact the GRC by toll-free telephone at 866-850-0511, by mail at P.O. Box 819, Trenton, NJ, 08625, by e-mail at xxx@xxx.xxxxx.xx.xx, or on its website at www.state.nj.us/grc. The GRC can also answer other questions about the law. All questions regarding complaints filed in Superior Court should be directed to the Court Clerk in your County.

Jennifer Ader
Acting Municipal Clerk
Township of Tewksbury
169 Old Turnpike Road, Califon NJ 07830
Telephone: 908-439-0022 ext. 729
Fax: 908-439-0034
www.tewksburytwp.net



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From: xxxxx@xxxxxxxxxxxxxx.xxx <xxxxx@xxxxxxxxxxxxxx.xxx>

Sent: Monday, March 8, 2021 1:44 PM

To: 'Cynthia Keller' <xxxxxxx@xxxxxxxxxxxxxxxxxxx.xxx>; xxxxxxx@xxxxxxxxxxxxxx.xxx

Cc: xxxxxxx@xxxxxxxxxxxxxx.xxx; xxxxxx@xxxxxxxxxxxxxx.xxx; xxxxxxx@xxxxxxxxxxxxxx.xxx;

xxxxxxxxxxxxxxxxxxxxxx@xxxxxx.xxx; xxxxxxx@xxxxxxxxxxxxxx.xxx; xxxxxx@xxxxxxxxxxxxxxxxxxxxxx.xxx;

xxxxxx@xxxxxxxxxxxxxx.xxx; xxxxxx@xxxxxxxxxxxxxx.xxx; xxxxxxxxxxxxxxxxxxxxxx@xxxxxxxxxxxxxxxxxxxxxx.xx;

xxxxxxxxxx@xxxxxxxxxxxxxxxxxxx; xxxxxx@xxxxxxxxxxxxxx.xxx; Jenn Ader <xxxxxxx@xxxxxxxxxxxxxx.xxx>;

xxxxxxxxxx@xxxxxxxxxxxxxx.xxx; xxxxxxx@xxxxxxxxxxxxxx.xxx; xxxxxxxxxxxxxx@xxxxxx.xxx;

xxxxxx@xxxxxx.xxx; xxxxxx@xxxxxxxxxxxxxxxxxxxxxx.xxx; xxxxxxxxxx@xxxxxxxxxxxxxxxxxxxxxx.xxx;

[xxxxx@xxxxxxxxxxxxxxxxxxx.xxx](#); [xxxxxxxxxxxxxxxxxxx@xxxxxxxxxxx.xxx](#) ; [xxxxxxxx@xxx.xxx](#) ;
[xxx.xxxxx@xxxxxxxxxxx.xxx](#); [xxxxxx@xxxxxxxxxxx.xxx](#) ; [xxxxx@xxxxxxxxxxxxxxxxxxx.xxx](#) ;
[xxxxxxxxxxxxxxxxxxx@xxx.xxx](#) ; [xxxxxxxxxx@xxxxxxxxxxxxxxxxxxxxxxxxxxx.xxx](#) ; [xxxxxxxxxxxxx@xxxxxxxxxxxxxxxxxxx.xxx](#)

Subject: Email Update on the Property Records Card OPRA

All-See the latest update below from Attorney Dick Cushing- I received this from my Attorney this morning.

See the latest development below from

From: Richard Cushing <[xxxxxxxx@xxxxxxxx.xxx](#)>

Sent: Monday, March 8, 2021 11:18 AM

Subject: Re: Property Record Cards

Quick update for everybody. I spoke to Larry Higgins, the owner of NewJerseyProperty Records, the OPRA requestor for property record cards. I requested a 30 day extension on behalf of all municipalities and he has agreed to that. In addition he will be sending me a GRC case he says establishes those records are public records. In addition, perhaps most significantly, he indicates that about 1/3 of municipalities have already voluntarily submitted copies of the records (who knows whether these municipalities considered Daniels law). He said those towns have worked with either Microsystems or Vitalgov to submit electronic versions of the records. He also said that municipalities that do not have their property record cards in electronic form do not need to Supply the records. His company will dispatch persons to scan the records.

He is aware of the Daniels law problem and has reached out to the state Department of Treasury to work on a solution.

I have asked him to confirm the extension and I am awaiting an email from him with a copy of the GRC case. Interestingly, his service provides an opt out for people who do not want their names in the system. He also asserts that he has spoken to the IT department of the federal court to work out a system to identify judges names that need to be redacted.

The extension will allow our people to work through the process without a disruptive short deadline.

I think if we work with the requestor to see if there is a workable, reasonable solution all will be better served. He said some towns, relying on assessor advice, took the position property record cards are not public records so he was about to file GRC actions.

I have copied Frank Marshall, Bill Kearns and Trishka Cecil in on this email so the League can gauge whether it wants to take any action to alert municipalities to the OPRA issue.

Dick

*All correspondence conducted by email to City of Lambertville officials or employees at the lambertvillenj.org domain or about municipal business to **any** email address to or from any official or employee are subject to the provisions and exceptions set forth in the New Jersey Open Public Records Act, N.J.S.A. 47:1A-1 et. seq.*

In short: Assume this email correspondence (and any written correspondence about municipal business with City officials or employees) is public information. Notice of Confidentiality: This e-mail and its attachments (if any) are intended solely for the use of the addressees hereof. In addition, this message and the attachments (if any) may contain information that is confidential, privileged and exempt from disclosure under applicable law. If you are not the intended recipient of this message, you are prohibited from reading, disclosing, reproducing, distributing, disseminating or otherwise using this transmission. Delivery of this message to any person other than the intended recipient is not intended to waive any rights or privilege. If you have received this message in error, please promptly notify the sender by reply e-mail and immediately delete this message from your

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From: xxxxxx@xxxx.xxx
To: xxxxxxxxx@xxxx.xxx; xxxxxxxxx@xxxxxxxx.xxx
Subject: Fw: OPRA Request - Sussex - Sandyston
Date: Tuesday, February 16, 2021 1:47:07 PM
Attachments: [Sussex - Sandyston - RAW - 4Q.pdf](#)
[Rong Hon - OPRA Request.pdf](#)

Hi Lori and Frank -

The clerk from Sandyston called me earlier today and we chatted. This is an OPRA request she has fulfilled repeatedly but has pause doing so this time because of the new shield law regarding federal judges. She asked if she should and I told her we have requested guidance from the state and, to the best of my knowledge they had not yet responded.

Frank, have we heard anything from the state on this? Also, we don't have anything to add about whether she should fulfill the OPRA request.

At the very least, we can add this to the list of municipal examples of the shield law.

Thank you.

Paul

From: xxxxx@xxxxxxxxxxxxxxxxxxx.xxx <xxxxx@xxxxxxxxxxxxxxxxxxx.xxx>
Sent: Tuesday, February 16, 2021 12:31 PM
To: Paul Penna <xxxxxx@xxxx.xxx>
Subject: FW: OPRA Request - Sussex - Sandyston

Dear Mr. Penna,

Thank you for taking the time to talk to me. Any guidance is greatly appreciated.

Attached is the OPRA Request I received for the delinquent tax information along with my response to the same request in November.

“Amy”

Amanda F. Lobban, RMC
Municipal Clerk
Sandyston Township Municipal Building
133 Route 645
Sandyston, NJ 07826
Monday – Friday 9 am – 2 pm
973-948-3520 x200
973-948-0783 (fax)
www.sandystontownship.com

From: Rong Hon <xxxxxxxxxxxxx.xxxxxxxx@xxx.xx>

Sent: Monday, February 15, 2021 8:46 AM

To: xxxxx@xxxxxxxxxxxxxxxxxxx.xxx

Subject: OPRA Request - Sussex - Sandyston

Hello,

Please see the attached OPRA request and confirm this request has been received.

I have also attached a word file instructions on how to generate this report in excel in the Edmund System (last page of the OPRA Request), hope this helps.

Thanks in advance,

Rong Hon

856-573-0913

|

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Subject: Fw: OPRA Request - Sussex - Sandyston
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Thanks in advance,

Rong Hon

856-573-0913

|

From: FMarshall@njslm.org
To: CWoodward@carellabyrne.com
Subject: League OPRA Request
Date: Wednesday, January 13, 2021 2:38:06 PM
Attachments: [image009.png](#)
[image011.png](#)

Carl,

[REDACTED]

[REDACTED]

Thanks,
Frank

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

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



NJLM is subject to the Open Public Records Act; any email sent or received may be subject to a records request.

From: [NJLM Weekly Round-Up](#)
To: [@X](#)
Subject: New Jersey Budget, OPRA, CARES and More Updates
Date: Friday, September 11, 2020 5:16:16 PM

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September 11, 2020

- I. State
- II. Federal
- III. 2020 Annual League Conference
- IV. Also of Interest

Municipal Clerks: Please forward to your Mayor, Governing Body and Department Heads.

To assist in providing guidance and information we have created a [COVID-19 resource page](#). We will continue to update the page as we get pertinent information and include announcements in our Daily Updates.

I. State

a. COVID-19 Update

Today Governor Murphy announced that there were 518 new positive cases and an additional nine confirmed deaths resulting from COVID-19. To date, there have been 195,888 confirmed cases and 14,234 confirmed deaths. The rate of transmission is at 1.08. The positivity rate as of September 7 was 2.6%.

Since our last update, Governor Murphy has not issued any COVID-19 related executive orders.

On Tuesday, the Governor updated the Travel Quarantine Advisory adding Delaware, Maryland, Ohio, and West Virginia to the list and bringing the total to 35 states and territories. Puerto Rico and U.S. Virgin Islands have been removed from the list.

Also on Tuesday, Human Services Commissioner Carole Johnson [announced](#) that the

Department will be using Coronavirus Relief Fund (CRF) resources to provide up to \$25 million to help mental health and substance use disorder providers remain open and accessible by reimbursing for the added costs, such as complying with social distancing, ensuring technology to facilitate access to telehealth, and covering costs for personal protective equipment they are incurring due to COVID-19.

The Department of Law and Public Safety issued an [Administrative Order](#) clarifying that health clubs located in hotels, motels, condominiums, cooperatives, corporate offices, or other business facilities may open their indoor premises, but those that are open to the public, and not only to guests, residents, and employees, must conform to the provisions of Executive Order 181 and associated [guidance](#) and the [executive directive](#) issued by the Department of Health.

For the week ending September 5, New Jersey Labor Department received 22,703 new unemployment applications. The Labor Department received approval from FEMA for a grant through the Lost Wages Supplemental Assistance (LWA) program, which provides up to \$300 per week for a limited time to eligible individuals on top of other unemployment benefits they receive. As the implementation of this funding requires new programming to disperse funds, it is anticipated those eligible will be notified in a few weeks when available.

Contact: Mike Cerra, Executive Director, xxxxxx@xxxx.xxx, 609-695-3481 x120.

b. League Position on Governor's Budget Proposal Presented to Legislature

The League of Municipalities' position on the Governor's proposed FY 21 budget has been presented by League President Jim Perry and League Executive Director Mike Cerra to the members of both the Senate Budget and Appropriation Committee and the Assembly Budget Committee. That testimony states, in part:

"As leaders in the level of government closest to the people and their concerns, Mayors and local governing bodies remain committed to meeting the trials that face our State, now, and that will continue to challenge our resourcefulness, in the months ahead. Municipalities have been essential in flattening the curve. The State's recovery is impossible without them."

"If adopted by the Legislature, the Governor's proposal, combined with appropriations for the August 1 payment, which were included in the July-September three-month bridge budget, would hold combined appropriations for Energy Tax Receipts Property Tax Relief (ETR) and Consolidated Municipal Property Tax Relief Aid (CMPTRA) level for the balance of the year. While level funding is not full funding, Governor Murphy continues to propose budgets without further deep cuts to these vital, unrestricted, statewide municipal property tax relief programs."

"Respectfully, we urge you to approve that funding."

The letter testimony also expresses support for level funding in Transitional Aid, Capital City Aid, Open Space Payments in Lieu of Taxes, and Highlands Protection Fund Aid. It urges the Legislature to authorize the Governor's proposed \$120 million local government emergency fund, to be administered by the Department of Community Affairs (DCA). This program is intended to defray eligible municipal public safety and public health expenses for municipalities in the 12 counties that did not receive direct federal funding through the CARES Act's Coronavirus Relief Fund (CRF).

The League's statement notes a number of concerns with the Governor's proposal specifically:

- It would eliminate funding (\$4 million in SFY '20) for Meadowlands Tax-Sharing Payments;
- It would divert over \$30 million from Affordable Housing Trust Fund dollars to be used for other programs;
- It would divert \$12 million from the State Recycling Trust Fund and \$10 million, from the Clean Communities Trust Fund, both to be used to offset State Parks management costs.

We have asked the Legislature to address these concerns. We will keep you posted as the State speeds toward its September 30 deadline for budget adoption.

Contact: Jon Moran, Senior Legislative Analyst, xxxxxx@xxxx.xxx, 609-695-3481 x121.

c. Juneteenth a State Holiday

Yesterday, Governor Murphy signed, [S-19](#), (now, P.L.2020, c.76), designating Juneteenth, the third Thursday in June, as a state and public holiday. The legislation adds Juneteenth as a paid holiday for all State government employees. New Jersey is the sixth state to designate Juneteenth a state holiday.

Juneteenth commemorates June 19, 1865, when Union General Gordon Granger rode into Galveston, TX, to inform enslaved people of the 1863 Emancipation Proclamation and of their freedom. The announcement from General Granger led to celebration and jubilation, which has continued each year in various forms throughout the United States for 150 years. This law took effect immediately.

Contact: Paul Penna, Legislative Analyst, xxxxxx@xxxx.xxx, 609 695-3481, x110.

d. State Expands Voter Tools

The Division of Elections has launched the state's first online voter registration tool as well as functionality to let voters track their mail-in ballot.

To [register online](#), individuals will need their date of birth and one of the following forms of identification: a current and valid driver's license or a non-driver identification card issued by NJ Motor Vehicle Commission; or, a social security number. If a person uses their social security number, they must have the ability to sign on-screen or upload their signature to complete the process.

To track their mail-in ballot, a voter must sign into their personal NJ Voter Information System account that they can [set up their NJ Voter Information System account](#). Additionally, voters can also call their [County Election Officials](#) to track their vote by mail ballot.

Contact: Lori Buckelew, Assistant Executive Director, xxxxxxxxx@xxxx.xxx, 609-695-3481 x112.

e. Appellate Division Rules Certain Employee Settlement Agreements Exempt from OPRA

Last week, the Appellate Division issued a notable decision regarding the Open Public Records Act (OPRA). In [Libertarians for Transparent Government v. Cumberland County](#)

the court held that a settlement agreement between a public body and its employee, resolving an internal disciplinary action against that employee, is exempt from disclosure as a personnel record.

While it was determined long ago determined that litigation settlements must be disclosed, there was ambiguity in how OPRA's exemption for personnel records would apply to agreements resolving employee disciplinary charges before litigation ensues. The Appellate Division distinguished these internal settlement agreements from litigation matters. They succinctly reasoned that because an employee's disciplinary records are covered by OPRA's personnel exemption, it follows that the settlement of disciplinary charges are also covered by the personnel exemption.

The Appellate Division went further and determined that under OPRA's personnel exemption, the entire settlement agreement must be withheld. It would not be enough to simply redact portions.

Although the court found that the settlement agreement was exempt from disclosure under OPRA, it remanded the case back to the trial court to determine if the agreement could be obtained under the common law right of access. We will continue to keep you updated on this case.

Contact: Frank Marshall, Esq., Associate General Counsel, xxxxxxxx@xxxx.xxx 609-695-3481 x137.

II. Federal

a. No Congressional Coronavirus Relief Forthcoming

Yesterday, the U.S. Senate failed to advance a scaled-down Coronavirus Relief measure when a procedural motion to invoke closure was defeated on party lines.

The \$500 billion proposal would have provided zero support for local and state governments. It would also have reduced the Federal Reserve Bank's authority to provide liquidity to the financial system to support lending to businesses, states, and local governments.

It included additional Payroll Protection Plan (PPP) funds (\$257 billion) to support small businesses, a \$300 per week unemployment insurance supplement, and it would have extended the deadline for recipient use of CARES Act Coronavirus Relief Fund monies from December 31, 2020 to September 30, 2021.

As the Federal government approaches the end of its Fiscal Year on September 30 and as Election Day nears, it appears unlikely that the Congressional Coronavirus relief logjam will break before, at least, the middle of November.

Contact: Jon Moran, Senior Legislative Analyst, xxxxxx@xxxx.xxx, 609-695-3481 x121.

b. NLC Seeks Clarity on Permitted CRF Funding Uses

The March CARES Act provided direct Coronavirus Relief Fund (CRF) assistance to the State of New Jersey and the State's nine most populous counties. The law allowed those direct recipients to 'sub-allocate' some or all of those monies to other local governments, located therein. The Governor has proposed, in the Budget currently being considered by the Legislature, the sub-allocation of some of the State's CRF money to municipalities located in the 12 counties that were denied direct funding, and to those counties.

If your municipality receives a share of CRF assistance from either a direct recipient county, or, if approved by the Legislature, through the State program, the monies can only be spent in compliance with Federal rules. Repayment of unauthorized spending of CRF funds to the Federal Government could be ordered.

The problem has been that the U.S. Treasury keeps reinterpreting the rules. That problem has been compounded now, because Treasury's Office of Inspector General (OIG) – the independent auditing agency of all Treasury spending - recently issued guidance that differs from, and is more restrictive than, the most recent Treasury guidance.

With regards to payroll expenses, Treasury advises that a recipient "*...may presume that payroll costs for public health and public safety employees are payments for services substantially dedicated to mitigating or responding to the COVID-19 public health emergency, unless the chief executive (or equivalent) of the relevant government determines that specific circumstances indicate otherwise.*"

Despite that presumption, OIG advises that it will require a recipient to produce records that "*... include, but are not limited to (1) general and subsidiary ledgers used to account for the receipt of CRF payments and subsequent disbursements; and (2) payroll, time, and human resource records to support costs incurred for payroll expenses related to addressing the COVID-19 health emergency. ... and any other documents/records that support employee's function/duties and/or time was substantially dedicated to mitigating the COVID-19 emergency.*" Effectively, the OIG will not allow a recipient to make any presumption regarding payroll costs, but will instead require detailed documentation.

This is a very confusing situation with many contradictions, but our Federal partners at the National League of Cities (NLC) are working hard to try to sort through it. NLC is taking the lead in drafting a letter to the OIG's office about this issue in conjunction with other relevant state and local organizations. You can [view the letter](#) and here is NLC's [statement](#).

Contact: Jon Moran, Senior Legislative Analyst, xxxxxx@xxxx.xxx, 609-695-3481 x121.

III. 2020 Annual League Conference

a.105th Annual NJLM Conference – Presented Virtually: Early Registration Pricing Before October 16

The League is here to help our members navigate through the pandemic & plan for recovery. Join us this November at the [105th Annual Conference](#) presented virtually - no need to travel. Earn CEUs at live sessions, and watch recorded sessions on-demand for up to one year. Learn about new vendor solutions and network with peers from the convenience of your home town.

A session schedule will be available online mid-October, and in 2020 the printed Conference Program will be included as an insert in the November issue of *NJ Municipalities* magazine.

[Register](#) before October 16 to take advantage of an early registration discount.

Benefits of Attending the 2020 NJLM Virtual Conference

- Over 75 sessions

- Earn CEUs
- Networking chat rooms
- Learn about vendor solutions by visiting the virtual exhibit hall
- Discuss products with exhibitors in live chats
- No need to travel
- Save on hotel costs

Join us online this November. [Register before October 16](#) to take advantage of the discounted early registration price.

b. Submit League Conference Resolutions by October 5

The Conference Resolutions Committee will consider resolutions from officials who are currently in municipal office. A summary of the proposed resolution should be sent to the League office by Friday, October 5, 2020. All resolutions must be general and relate to municipal government interests.

Contact: Michael Cerra, Assistant Executive Director, at 609-695-3481, x120 or xxxxxx@xxxx.xxx.

IV. Also of Interest

a. Governor Murphy Announces Free Naloxone for New Jersey Residents

On Wednesday, Governor Murphy announced the state will provide free Naloxone at 322 different pharmacies throughout New Jersey. This will be the second time the Governor's Administration has issued free Naloxone to combat the ever-growing opioid crisis. The Naloxone will be distributed on a first come first served basis, without giving personal information or a prescription.

Governor Murphy said, "The ongoing opioid epidemic continues to devastate communities across our state. By expanding access to Naloxone, New Jerseyans will have this life-saving medication readily available to help those who may be suffering from an overdose."

All participating pharmacies have orders from the New Jersey Department of Health on how to dispense the Naloxone. To find the participating pharmacies locations please [visit Department of Human Service's Naxalone Saves Lives page](#).

Contact: Andrew LaFevre, Legislative Analyst, xxxxxxxx@xxxx.xxx 609-695-3481 x116.

b. New Jersey Public Risk Management Association (PRIMA) is Hosting a Free Webinar

On September 17, 2020 from 9:00 a.m. to 12 noon on COVID-19 - What's Working? This [webinar](#) will cover COVID-19 issues related to workers compensation, opening of schools, and employment law issues. CEU credits are available.

122 West State Street, Trenton, NJ 08608 Phone: 609-695-3481 Web: www.njlm.org



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Date: Friday, September 11, 2020 5:16:14 PM

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September 11, 2020

- I. State
- II. Federal
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Date: Friday, September 11, 2020 5:09:29 PM
Attachments: image001.png
image003.png

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

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.

Shirley Cade | Legislative/Administrative Support
New Jersey State League of Municipalities
222 West State Street, Trenton, NJ 08608
609-695-3481 extension 114



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To: Shirley Cade <@x>
Subject: New Jersey Budget, OPRA, CARES and More Updates

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This is a very confusing situation with many contradictions, but our Federal partners at the National League of Cities (NLC) are working hard to try to sort through it. NLC is taking the lead in drafting a letter to the OIG's office about this issue in conjunction with other relevant state and local organizations. You can [view the letter](#) and here is NLC's [statement](#).

Contact: Jon Moran, Senior Legislative Analyst, xxxxxx@xxxx.xxx, 609-695-3481 x121.

III. 2020 Annual League Conference

a.105th Annual NJLM Conference – Presented Virtually: Early Registration Pricing Before October 16

The League is here to help our members navigate through the pandemic & plan for recovery. Join us this November at the [105th Annual Conference](#) presented virtually - no need to travel. Earn CEUs at live sessions, and watch recorded sessions on-demand for up to one year. Learn about new vendor solutions and network with peers from the convenience of your home town.

A session schedule will be available online mid-October, and in 2020 the printed Conference Program will be included as an insert in the November issue of *NJ Municipalities* magazine.

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The Conference Resolutions Committee will consider resolutions from officials who are currently in municipal office. A summary of the proposed resolution should be sent to the League office by Friday, October 5, 2020. All resolutions must be general and relate to municipal government interests.

Contact: Michael Cerra, Assistant Executive Director, at 609-695-3481, x120 or xxxxxx@xxxx.xxx.

IV. Also of Interest

a. Governor Murphy Announces Free Naloxone for New Jersey Residents

On Wednesday, Governor Murphy announced the state will provide free Naloxone at 322 different pharmacies throughout New Jersey. This will be the second time the Governor's Administration has issued free Naloxone to combat the ever-growing opioid crisis. The Naloxone will be distributed on a first come first served basis, without giving personal information or a prescription.

Governor Murphy said, "The ongoing opioid epidemic continues to devastate communities across our state. By expanding access to Naloxone, New Jerseyans will have this life-saving medication readily available to help those who may be suffering from an overdose."

All participating pharmacies have orders from the New Jersey Department of Health on how to dispense the Naloxone. To find the participating pharmacies locations please [visit Department of Human Service's Naxalone Saves Lives page](#).

Contact: Andrew LaFevre, Legislative Analyst, xxxxxxxx@xxxx.xxx 609-695-3481 x116.

b. New Jersey Public Risk Management Association (PRIMA) is Hosting a Free Webinar

On September 17, 2020 from 9:00 a.m. to 12 noon on COVID-19 - What's Working? This [webinar](#) will cover COVID-19 issues related to workers compensation, opening of schools, and employment law issues. CEU credits are available.



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From: [NJLM Weekly Round-Up](#)
To: [@X](#)
Subject: New Jersey Budget, OPRA, CARES and More Updates
Date: Friday, September 11, 2020 5:08:01 PM

newsletter header



[Click to view newsletter archives](#)

September 11, 2020

- I. State
- II. Federal
- III. 2020 Annual League Conference
- IV. Also of Interest

Municipal Clerks: Please forward to your Mayor, Governing Body and Department Heads.

To assist in providing guidance and information we have created a [COVID-19 resource page](#). We will continue to update the page as we get pertinent information and include announcements in our Daily Updates.

I. State

a. COVID-19 Update

Today Governor Murphy announced that there were 518 new positive cases and an additional nine confirmed deaths resulting from COVID-19. To date, there have been 195,888 confirmed cases and 14,234 confirmed deaths. The rate of transmission is at 1.08. The positivity rate as of September 7 was 2.6%.

Since our last update, Governor Murphy has not issued any COVID-19 related executive orders.

On Tuesday, the Governor updated the Travel Quarantine Advisory adding Delaware, Maryland, Ohio, and West Virginia to the list and bringing the total to 35 states and territories. Puerto Rico and U.S. Virgin Islands have been removed from the list.

Also on Tuesday, Human Services Commissioner Carole Johnson [announced](#) that the

Department will be using Coronavirus Relief Fund (CRF) resources to provide up to \$25 million to help mental health and substance use disorder providers remain open and accessible by reimbursing for the added costs, such as complying with social distancing, ensuring technology to facilitate access to telehealth, and covering costs for personal protective equipment they are incurring due to COVID-19.

The Department of Law and Public Safety issued an [Administrative Order](#) clarifying that health clubs located in hotels, motels, condominiums, cooperatives, corporate offices, or other business facilities may open their indoor premises, but those that are open to the public, and not only to guests, residents, and employees, must conform to the provisions of Executive Order 181 and associated [guidance](#) and the [executive directive](#) issued by the Department of Health.

For the week ending September 5, New Jersey Labor Department received 22,703 new unemployment applications. The Labor Department received approval from FEMA for a grant through the Lost Wages Supplemental Assistance (LWA) program, which provides up to \$300 per week for a limited time to eligible individuals on top of other unemployment benefits they receive. As the implementation of this funding requires new programming to disperse funds, it is anticipated those eligible will be notified in a few weeks when available.

Contact: Mike Cerra, Executive Director, xxxxxx@xxxx.xxx, 609-695-3481 x120.

b. League Position on Governor's Budget Proposal Presented to Legislature

The League of Municipalities' position on the Governor's proposed FY 21 budget has been presented by League President Jim Perry and League Executive Director Mike Cerra to the members of both the Senate Budget and Appropriation Committee and the Assembly Budget Committee. That testimony states, in part:

"As leaders in the level of government closest to the people and their concerns, Mayors and local governing bodies remain committed to meeting the trials that face our State, now, and that will continue to challenge our resourcefulness, in the months ahead. Municipalities have been essential in flattening the curve. The State's recovery is impossible without them."

"If adopted by the Legislature, the Governor's proposal, combined with appropriations for the August 1 payment, which were included in the July-September three-month bridge budget, would hold combined appropriations for Energy Tax Receipts Property Tax Relief (ETR) and Consolidated Municipal Property Tax Relief Aid (CMPTRA) level for the balance of the year. While level funding is not full funding, Governor Murphy continues to propose budgets without further deep cuts to these vital, unrestricted, statewide municipal property tax relief programs."

"Respectfully, we urge you to approve that funding."

The letter testimony also expresses support for level funding in Transitional Aid, Capital City Aid, Open Space Payments in Lieu of Taxes, and Highlands Protection Fund Aid. It urges the Legislature to authorize the Governor's proposed \$120 million local government emergency fund, to be administered by the Department of Community Affairs (DCA). This program is intended to defray eligible municipal public safety and public health expenses for municipalities in the 12 counties that did not receive direct federal funding through the CARES Act's Coronavirus Relief Fund (CRF).

The League's statement notes a number of concerns with the Governor's proposal specifically:

- It would eliminate funding (\$4 million in SFY '20) for Meadowlands Tax-Sharing Payments;
- It would divert over \$30 million from Affordable Housing Trust Fund dollars to be used for other programs;
- It would divert \$12 million from the State Recycling Trust Fund and \$10 million, from the Clean Communities Trust Fund, both to be used to offset State Parks management costs.

We have asked the Legislature to address these concerns. We will keep you posted as the State speeds toward its September 30 deadline for budget adoption.

Contact: Jon Moran, Senior Legislative Analyst, xxxxxx@xxxx.xxx, 609-695-3481 x121.

c. Juneteenth a State Holiday

Yesterday, Governor Murphy signed, [S-19](#), (now, P.L.2020, c.76), designating Juneteenth, the third Thursday in June, as a state and public holiday. The legislation adds Juneteenth as a paid holiday for all State government employees. New Jersey is the sixth state to designate Juneteenth a state holiday.

Juneteenth commemorates June 19, 1865, when Union General Gordon Granger rode into Galveston, TX, to inform enslaved people of the 1863 Emancipation Proclamation and of their freedom. The announcement from General Granger led to celebration and jubilation, which has continued each year in various forms throughout the United States for 150 years. This law took effect immediately.

Contact: Paul Penna, Legislative Analyst, xxxxxx@xxxx.xxx, 609 695-3481, x110.

d. State Expands Voter Tools

The Division of Elections has launched the state's first online voter registration tool as well as functionality to let voters track their mail-in ballot.

To [register online](#), individuals will need their date of birth and one of the following forms of identification: a current and valid driver's license or a non-driver identification card issued by NJ Motor Vehicle Commission; or, a social security number. If a person uses their social security number, they must have the ability to sign on-screen or upload their signature to complete the process.

To track their mail-in ballot, a voter must sign into their personal NJ Voter Information System account that they can [set up their NJ Voter Information System account](#). Additionally, voters can also call their [County Election Officials](#) to track their vote by mail ballot.

Contact: Lori Buckelew, Assistant Executive Director, xxxxxxxxx@xxxx.xxx, 609-695-3481 x112.

e. Appellate Division Rules Certain Employee Settlement Agreements Exempt from OPRA

Last week, the Appellate Division issued a notable decision regarding the Open Public Records Act (OPRA). In [Libertarians for Transparent Government v. Cumberland County](#)

the court held that a settlement agreement between a public body and its employee, resolving an internal disciplinary action against that employee, is exempt from disclosure as a personnel record.

While it was determined long ago that litigation settlements must be disclosed, there was ambiguity in how OPRA's exemption for personnel records would apply to agreements resolving employee disciplinary charges before litigation ensues. The Appellate Division distinguished these internal settlement agreements from litigation matters. They succinctly reasoned that because an employee's disciplinary records are covered by OPRA's personnel exemption, it follows that the settlement of disciplinary charges are also covered by the personnel exemption.

The Appellate Division went further and determined that under OPRA's personnel exemption, the entire settlement agreement must be withheld. It would not be enough to simply redact portions.

Although the court found that the settlement agreement was exempt from disclosure under OPRA, it remanded the case back to the trial court to determine if the agreement could be obtained under the common law right of access. We will continue to keep you updated on this case.

Contact: Frank Marshall, Esq., Associate General Counsel, xxxxxxxx@xxxx.xxx 609-695-3481 x137.

II. Federal

a. No Congressional Coronavirus Relief Forthcoming

Yesterday, the U.S. Senate failed to advance a scaled-down Coronavirus Relief measure when a procedural motion to invoke closure was defeated on party lines.

The \$500 billion proposal would have provided zero support for local and state governments. It would also have reduced the Federal Reserve Bank's authority to provide liquidity to the financial system to support lending to businesses, states, and local governments.

It included additional Payroll Protection Plan (PPP) funds (\$257 billion) to support small businesses, a \$300 per week unemployment insurance supplement, and it would have extended the deadline for recipient use of CARES Act Coronavirus Relief Fund monies from December 31, 2020 to September 30, 2021.

As the Federal government approaches the end of its Fiscal Year on September 30 and as Election Day nears, it appears unlikely that the Congressional Coronavirus relief logjam will break before, at least, the middle of November.

Contact: Jon Moran, Senior Legislative Analyst, xxxxxx@xxxx.xxx, 609-695-3481 x121.

b. NLC Seeks Clarity on Permitted CRF Funding Uses

The March CARES Act provided direct Coronavirus Relief Fund (CRF) assistance to the State of New Jersey and the State's nine most populous counties. The law allowed those direct recipients to 'sub-allocate' some or all of those monies to other local governments, located therein. The Governor has proposed, in the Budget currently being considered by the Legislature, the sub-allocation of some of the State's CRF money to municipalities located in the 12 counties that were denied direct funding, and to those counties.

If your municipality receives a share of CRF assistance from either a direct recipient county, or, if approved by the Legislature, through the State program, the monies can only be spent in compliance with Federal rules. Repayment of unauthorized spending of CRF funds to the Federal Government could be ordered.

The problem has been that the U.S. Treasury keeps reinterpreting the rules. That problem has been compounded now, because Treasury's Office of Inspector General (OIG) – the independent auditing agency of all Treasury spending - recently issued guidance that differs from, and is more restrictive than, the most recent Treasury guidance.

With regards to payroll expenses, Treasury advises that a recipient "...*may presume [underline added for emphasis] that payroll costs for public health and public safety employees are payments for services substantially dedicated to mitigating or responding to the COVID-19 public health emergency, unless the chief executive (or equivalent) of the relevant government determines that specific circumstances indicate otherwise.*"

Despite that presumption, OIG advises that it will require a recipient to produce records that "... *include, but are not limited to (1) general and subsidiary ledgers used to account for the receipt of CRF payments and subsequent disbursements; and (2) payroll, time, and human resource records to support costs incurred for payroll expenses related to addressing the COVID-19 health emergency. ... and any other documents/records that support employee's function/duties and/or time was substantially dedicated to mitigating the COVID-19 emergency.*" Effectively, the OIG will not allow a recipient to make any presumption regarding payroll costs, but will instead require detailed documentation.

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222 West State Street, Trenton, NJ 08608 Phone: 609-695-3481 Web: www.njlm.org



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From: [Mary Cagnini](#)
To: [xxxxxxxx@xxx.xxx](#)
Cc: [Christina Harvey](#); [Peter Lederman](#); [Richard Galex](#)
Subject: League OPRA Request
Date: Wednesday, May 27, 2020 11:04:42 AM
Attachments: [OPRA Request 5.5.20.pdf](#)

Mr. Marshall: I contacted your office and understand you are working remotely. The attached OPRA Request was faxed on May 5, 2020.

Kindly advise what the status of our request is.

Thank you for your time.

Very truly yours,

Mary Cagnini

**Legal Assistant to Michael D. Schottland, Esq.
and Christina Vassiliou Harvey, Esq.**

****Lomurro Law wants to ensure the safety of our clients, our office team, and our colleagues during this uncertain time. Lomurro Law will remain open, but with safety precautions in place. Effective immediately, we are closed to all visitors, but will conduct any meetings telephonically or by video conference. Effective Monday, March 23rd, we will be operating on a rotating schedule. Our office's main telephone number, (732) 414-0300, will still ring through to our receptionist, and each of our attorneys will still be available to you. Thank you in advance for your understanding and patience during this time.****

From: xxxxxxx@xxxx.xxx
To: xxxxx.xxxxxx@xxx.xx.xxx; xxxxxxx@xxxxxxxxxxxxx.xxx
Subject: More Attendee Questions for OPRA WEbinar
Date: Monday, May 11, 2020 11:35:22 AM
Attachments: [image001.png](#)
[image003.png](#)
[OPRA Questions.docx](#)
Importance: High

Happy Monday Morning,

I received a bunch of questions from attendees over the weekend for the OPRA webinar on Friday. I have attached them here.

"See you" both Friday.

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

Follow us



NJLM is subject to the Open Public Records Act; any email sent or received may be subject to a records request.

From: [Erin Simone](#)
To: [@x](#)
Subject: ASK OPRA
Date: Monday, May 11, 2020 8:40:51 AM

1. Can you deny an OPRA Request where the requestor has failed to give a time frame for the documents sought? For example, a request for all resolutions on a particular subject.
2. What if the requestor seeks a long period of time, such as 10 years? When is too long to transform the request into overly broad?
3. Can a municipality impose an automatic special service fee whenever it will take more than a certain number of hours to complete a request? For example, a municipality imposes a special service charge any time that a request takes longer than 2 hours to complete. Is that appropriate?
4. When does a request go from a search to research? Requestors often ask for records on a particular subject, which can require a records custodian to search through many documents to locate the ones responsive to the request.
5. Is there an exemption under OPRA to restrict access to correspondence while a municipality is negotiating a contract? Would it fall under the deliberative privilege even though it is with a third party? Obviously, the terms would have to be released and discussed publicly when adopting a resolution to authorize the contract, but how does the municipality protect the integrity of the negotiation process?

Erin E. Simone, Esq.
MALEY GIVENS
1150 Haddon Avenue
Suite 210
Collingswood, New Jersey 08108
P: 856-854-1515
F: 856-858-2944
www.maleygivens.com

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From: [xxxxxxx@xxxxxxxxxxx.xxx](#) on behalf of [Christopher Vaz](#)
To: [Tatarenko, Andrew](#); [James Gant](#); [Kathleen Capristo](#)
Cc: [NJMMA Municipaltalk](#)
Subject: RE: OPRA Request - Extension
Date: Monday, March 23, 2020 9:08:12 AM
Attachments: [3849_OPRA.PDF](#)

[A3849](#) P.L.2020 c.10

Johnson (D37) — Modifies deadline by which public agency is required to respond to request for government record during period of emergency to require instead that a records custodian make a reasonable effort to respond within seven business days, as circumstances permit.

From: [xxxxxxx@xxxxxxxxxxx.xxx](#) [mailto:[xxxxxxx@xxxxxxxxxxx.xxx](#)] **On Behalf Of** Tatarenko, Andrew
Sent: Monday, March 23, 2020 9:06 AM
To: James Gant <[xxxxx@xxxxxxxxxxx.xxx](#)>; Kathleen Capristo <[kcapristo@coltsneck.org](#)>
Cc: NJMMA Municipaltalk <[xxxxxxx@xxxxxxxxxxx.xxx](#)>
Subject: RE: OPRA Request - Extension

From my understanding the OPRA deadline was changed but the "21 day" language was removed. The 7 day and "immediate access" deadlines are temporarily suspended but we still need to make a good faith effort to respond.

(1) Unless a shorter time period is otherwise provided by statute, regulation, or executive order, a custodian of a government record shall grant access to a government record or deny a request for access to a government record as soon as possible, but not later than seven business days after receiving the request, provided that the record is currently available and not in storage or archived. In the event a custodian fails to respond within seven business days after receiving a request, the failure to respond shall be deemed a denial of the request, unless the requestor has elected not to provide a name, address or telephone number, or other means of contacting the requestor. If the requestor has elected not to provide a name, address, or telephone number, or other means of contacting the requestor, the custodian shall not be required to respond until the requestor reappears before the custodian seeking a response to the original request. If the government record is in storage or archived, the requestor shall be so advised within seven business days after the custodian receives the request. The requestor shall be advised by the custodian when the record can be made available. If the record is not made available by that time, access shall be deemed denied.

(2) During a period declared pursuant to the laws of this State as a state of emergency, public health emergency, or state of local disaster emergency, the deadlines by which to respond to a request for, or grant or deny access to, a government record under paragraph (1) of this subsection or subsection e. of this section shall not apply, provided, however, that the custodian of a government record shall make a reasonable effort, as the circumstances permit, to respond to a request for access to a government record within seven business days or as soon as possible thereafter.

From: [xxxxxxx@xxxxxxxxxxx.xxx](#) [mailto:[xxxxxxx@xxxxxxxxxxx.xxx](#)] **On Behalf Of** James Gant
Sent: Monday, March 23, 2020 9:03 AM
To: Kathleen Capristo <[xxxxxxx@xxxxxxxxxxx.xxx](#)>
Cc: NJMMA Municipaltalk <[xxxxxxx@xxxxxxxxxxx.xxx](#)>
Subject: Re: OPRA Request - Extension

Yes it was.

James G. Gant

On Mar 23, 2020, at 9:02 AM, 'Kathleen Capristo' via NJMMA Municipaltalk <[xxxxxxx@xxxxxxxxxxx.xxx](#)> wrote:

All,

Does anyone know if the 7 day response time was extended to 21 days?? I know this was being considered at one point.

Regards,

Kathleen

Kathleen Capristo
Township Administrator
Colts Neck Township
124 Cedar Drive
Colts Neck, New Jersey 07722
Tel: (732) 462-5470 x107 / Fax: (732) 431-3173
xxxxxxxx@xxxxxxxx.xx www.coltsneck.org

<image001.jpg>

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From: xxxxxxxx@xxxx.xxx
To: xxxx@xxxxxxxxxxxxxxxxxxx.xxx
Subject: RE: OPRA last week
Date: Tuesday, February 25, 2020 3:50:15 PM
Attachments: [image001.png](#)

Hi Diane,

Budget day here in Trenton so things are bit crazy. The Governor as part of his Ethic reform proposals highlighted legislation that he supports that will remove the OPRA exemption for the legislature and require the legislature to post in full any bill or resolution 72 hours prior to taking action. Below is a summary, with links, of the Governor's announcement.

Also, in the past week there have been several OPRA court cases. I hope to have something to share with the Board shortly.

Governor Announces Ethic Reform Proposals

During his [remarks](#) at the Governor Florio Policy Lecture Wednesday Governor Murphy announced a comprehensive push for ethic reform as part of his pledge to change "the culture in Trenton, to make it more open and accessible, responsive, and, ultimately, more representative of our state and our great people – to make sure that government works for people, and not special interests." The proposals include [legislation to eliminate the OPRA exemption for the legislature](#). Another proposal includes [legislation to prohibit the legislature from taking action on any bill or resolution](#) that has not been posted in full on the legislature's website 72 hours prior to the vote, unless three fourths of the full membership votes that the bill or resolution is an emergency.

Other proposals include [reducing the threshold for individuals to register as government affairs agents](#) from 20 hours of lobbying activities per calendar year to one hour per calendar year; requiring legislators and all executive and legislative branch employees earning \$100,000 or more per year to [fill out a detailed financial disclosure promulgated](#) by the State Ethics Commission; and [extending the "cooling off" period](#), the time officials must wait after leaving their public service before being able to register as a lobbyist, from one to two years. This would apply to all executive and legislative branch staff earning more than \$100,000.

We will continue to keep you posted on the Governor's push for ethic reforms.

From: Diane Pflugfelder [<mailto:xxxxx@xxxxxxxxxxxxxxxxxxx.xxx>]

Sent: Tuesday, February 25, 2020 2:54 PM
To: Lori Buckelew
Subject: OPRA last week

Howdy ma'am

Hope all is well with you and yours.

QUESTION:

Last week I thought I saw something on ORPA that Murphy was going to have the Legislative cabinet subject to specific OPRA requests. Was I hallucinating or did something really Get posted on Facebook by Drew?

If so – I want to include it within my presidential blurb in the next quill.

Thank you and enjoy your day

Diane M. Pflugfelder RMC, MMC

Municipal Clerk/Administrator
Township of Liberty
349 Mountain Lake Road
Great Meadows, N.J. 07838
Telephone: 908.637.4579
Fax: 908.637.6916



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From: xxxxxxxx@xxxx.xxx
To: xxxxxxxx@xxxxxxx.xxx
Subject: OPRA Items
Date: Friday, February 21, 2020 3:29:09 PM
Attachments: [image001.png](#)
[image003.png](#)
[Governor Announces Ethic Reform Proposals.docx](#)
[s180 OPRA Study Commission.docx](#)

Hi Eileen,

As we discussed, attached please find NJLM letter on the Governor's Ethic Reform proposals that includes legislation to remove the Legislature's OPRA exemption along with a recent blog post of Senator Corrado's bill creating an OPRA Study Commission.

Let me know if you need additional information or have any questions.

Enjoy your weekend,
Lori

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



NJLM is subject to the Open Public Records Act; any email sent or received may be subject to a records request.

From: [xxxxxxxx@xxx.xxx](#)
To: [xxxxxxxx@xxxxxxxxxxx.xxx](#)
Subject: s180 OPRA Study Commission
Date: Wednesday, February 19, 2020 10:04:34 AM
Attachments: [image001.png](#)
[image003.png](#)
[s180 OPRA Study Commission.docx](#)

As we discussed....the OPRA Study Commission 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: xxxxxxx@xxx.xxx
To: xxxx@xxxxxxxxxxxxxxxxxxx.xxx
Cc: xxxxx@xxxxxxxxxxx.xxx; xxxxx@xxx.xxx
Subject: RE: OPRA
Date: Friday, February 7, 2020 3:04:50 PM
Attachments: [mcani_resolution v3.docx](#)

Mayor,

As requested, attached is a copy of the sample resolution. If you have any questions or need additional information please do not hesitate to contact me.

Have a nice weekend,
Lori

From: Albert Kelly [mailto:akelly@xxx.xxx]
Sent: Wednesday, February 5, 2020 8:44 AM
To: Michael F. Cerra <mfcer@xxx.xxx>
Subject: OPRA

Please forward a copy of the OPRA legislation to me, thank you.

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From: @x
To: @x
Subject: FW: OPRA form for Independence
Date: Friday, January 31, 2020 10:50:17 AM
Attachments: [image001.png](#)
[image003.png](#)
[OPRA Independence.pdf](#)

Good Morning,

I am forwarding the OPRA request form needed for the most recent police bargaining contract you have on file. If there is anything else you need please let me know.

Thank you,
Kim Neumann

From: Taran Samhammer
Sent: Friday, January 31, 2020 10:47 AM
To: Intern <@x>
Subject: OPRA form for Independence

Attached is a completed form to forward to Independence. Let me know how this goes so we know how to proceed if we get asked for an OPRA form again in the future.

Taran

Taran B. Samhammer, MPA | Senior Manager
Marketing & Digital Media; Research & Innovation
New Jersey State League of Municipalities
222 West State Street, Trenton, NJ 08608
609-695-3481 extension 124
NJ Municipalities – 2019 MarCom Gold Winner
Website – 2018 Hermes Gold Winner



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From: [@x](#)
To: [@x](#)
Subject: FW: OPRA
Date: Friday, February 7, 2020 1:52:47 PM

Can you send the resolution to Mayor Kelly?

From: Albert Kelly [mailto:[@x](#)]
Sent: Wednesday, February 5, 2020 8:44 AM
To: Michael F. Cerra <[@x](#)>
Subject: OPRA

Please forward a copy of the OPRA legislation to me, thank you.

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From: xxxxxx@xxxx.xxx
To: xxxxxxxxxx@xxxx.xxx
Subject: s180 OPRA Study Commission ltr
Date: Friday, January 31, 2020 9:42:01 AM
Attachments: [s180 OPRA Study Commission ltr.docx](#)

If I'm not too late ...

One suggestion in tracking.

From: [@x](#)
To: [@x](#)
Subject: OPRA form for Independence
Date: Friday, January 31, 2020 10:47:01 AM
Attachments: [image001.png](#)
[image003.png](#)
[OPRA Independence.pdf](#)

Attached is a completed form to forward to Independence. Let me know how this goes so we know how to proceed if we get asked for an OPRA form again in the future.

Taran

Taran B. Samhammer, MPA | Senior Manager
Marketing & Digital Media; Research & Innovation
New Jersey State League of Municipalities
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609-695-3481 extension 124
NJ Municipalities – 2019 MarCom Gold Winner
Website – 2018 Hermes Gold Winner



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From: [@x](#)
To: [@x](#)
Subject: RE: Westfield-OPRA Resolution
Date: Wednesday, January 29, 2020 4:41:05 PM

Hi Maureen,

Thank you for sending over the resolution. We are now up to 174 resolutions.

I am glad I am able to help another Kean MPA student. It was a very interesting read.

Lori

From: Maureen Lawshe [mailto:[@x](#)]
Sent: Wednesday, January 29, 2020 1:11 PM
To: Lori Buckelew
Subject: Westfield-OPRA Resolution

Hi Lori, hope all is well! Attached is a resolution that was passed by the Westfield Town Council on January 28, 2020 supporting the creation of a study commission to review the New Jersey Open Public Records Act.

Also, thank you so much for the information/material you sent Matt with regard to my paper on OPRA in the fall. It turned out really well!

Sincerely,
Maureen

Maureen Lawshe
Deputy Town Clerk

Town of Westfield
Phone: 908-789-4030 Ext. 4029
425 East Broad Street, Westfield NJ 07090
Web: www.westfieldnj.gov
Email: xxxxxxx@xxxxxxxxxxx.xxx

From: [Maureen Lawshe](#)
To: [@x](#)
Subject: Westfield-OPRA Resolution
Date: Wednesday, January 29, 2020 1:04:14 PM
Attachments: [Westfield-OPRA Resolution.pdf](#)

Hi Lori, hope all is well! Attached is a resolution that was passed by the Westfield Town Council on January 28, 2020 supporting the creation of a study commission to review the New Jersey Open Public Records Act.

Also, thank you so much for the information/material you sent Matt with regard to my paper on OPRA in the fall. It turned out really well!

Sincerely,
Maureen

Maureen Lawshe
Deputy Town Clerk

Town of Westfield
Phone: 908-789-4030 Ext. 4029
425 East Broad Street, Westfield NJ 07090
Web: www.westfieldnj.gov
Email: xxxxxxx@xxxxxxxxxxx.xxx

From: [@x](#)
To: [@x](#)
Subject: RE: s_180 opra study commission
Date: Tuesday, January 28, 2020 4:08:34 PM

Thanks....good catch on the conference resolution number, that was a typo.

From: Frank Marshall
Sent: Tuesday, January 28, 2020 11:10 AM
To: Lori Buckelew
Subject: RE: s_180 opra study commission

Edits and one comment in tracking.

From: Lori Buckelew
Sent: Tuesday, January 28, 2020 10:38 AM
To: Jon Moran; Michael F. Cerra; Frank Marshall
Subject: s_180 opra study commission

Please review and advise

Thanks