

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

Very interesting! Hmmmmm

Kim
Sent from my iPhone

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

It's amazing that the Senator would release this piece at this time of craziness, especially in The Atlantic City Press when nobody is in AC.

From: Diane Pflugfelder <xxxxx@xxxxxxxxxxxxxxxxxxx>
Sent: Wednesday, April 1, 2020 2:52 PM
To: Lori Buckelew; xxxxxxxxxxxxxxx@xxxxxxxx.xx; Kim Marie White (xxxxxxxx@xxxx.xx); Denise Cafone (xxxxxx@xxxxxxxxxxxx.xx); 'xxxx@xxxxxxxxxxxx.xx'; Galland, Kevin; Joel Popkin (joelpopkin@optonline.net); xxxxx@xxxxxxxxxxxx.xx
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Thank you Lori

Diane M Pflugfelder RMC, MMC

Municipal Clerk/Administrator

Township of Liberty
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Great Meadows, N.J. 07838
Telephone: 908.637.4579
Fax: 908.637.6916

<image005.png>

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Subject: Re: We don't need another study of OPRA, says Senate Majority Leader Loretta Weinberg
Date: Wednesday, April 1, 2020 3:21:04 PM
Attachments: [image005.png](#)
[image006.png](#)
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New Jersey State League of Municipalities

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609-695-3481 extension #112



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[<image006.png>](#)

[<image007.jpg>](#)

[<image008.png>](#)

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Subject: RE: We don't need another study of OPRA, says Senate Majority Leader Loretta Weinberg
Date: Wednesday, April 1, 2020 2:53:02 PM
Attachments: [image005.png](#)
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From: xxxxxxxx@xxx.xxx
To: xxxx@xxxxxxxxxxxxxxx.x?xxxxxxxxxxxxx@xxxxxxxx.x?xxxxxxxxxxxxx@xxxx.xxx; xxxxxx@xxxxxxxxxxxxxxx.x?xxxxxx@xxxxxxxxxxxxxxx.x?xxxxxx@xxxxxxxxxxxxxxx.x?xxxxxx@xxxxxxxxxxxxxxx.x
Subject: We don't need another study of OPRA, says Senate Majority Leader Loretta Weinberg
Date: Wednesday, April 1, 2020 2:28:47 PM
Attachments: [image001.png](#)
[image003.png](#)

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From: [@x](#) on behalf of [TAPinto Flemington/Raritan](#)
To: [@x](#)
Subject: Judge Rules Against Raritan Township in OPRA Case Regarding Lanza DUI Charges
Date: Friday, February 7, 2020 6:04:29 AM



TAPinto Flemington/Raritan

Your Neighborhood News Online



Editor

Audrey Blumberg & Joey Novick
908-279-0303



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Your FLEMINGTON/RARITAN Daily Newsletter

LAW & JUSTICE

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By AUDREY BLUMBERG

February 6, 2020

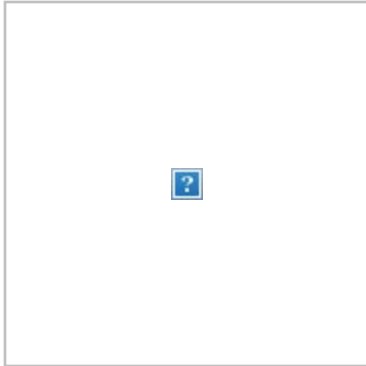
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GOVERNMENT

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By CINDY FORREST

February 6, 2020

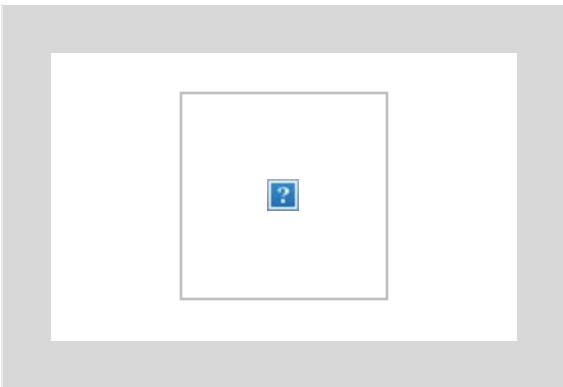
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Hunterdon County Historic Courthouse,
Flemington

[Screening of 'Anne Morrow
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Arts & Entertainment, Other



Wed, February 12, 5:30 PM

Shimon and Sara Birnbaum JCC,
Bridgewater

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Education, Other

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By TYLER GRIMM

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

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

Today 11:25 AM

By [Star-Ledger Guest Columnist](#)

By Loretta Weinberg

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



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

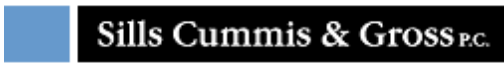
Lori, As Oscar Wilde famously said, the only thing worse than them talking about you is them not talking about you. Keep up the good work.

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

Happy New Year.

Sincerely, Tom

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



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

*** External Email ***

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Date: Thursday, January 9, 2020 10:14:00 AM
Attachments: [image017.png](#)
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[image020.png](#)
[image022.png](#)
[image024.png](#)
[image005.png](#)
[image007.png](#)

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

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



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

For Lori, who has earned many more than this.



Michael J. Darcy, CAE | Executive Director
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222 West State Street, Trenton, NJ 08608
609-695-3481 extn 116
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Sent: Wednesday, January 08, 2020 1:37 PM
To: Michael J. Darcy, CAE; Michael F. Cerra; Jon Moran; Frank Marshall
Subject: No need for a study delay. OPRA reform bill is ready to go, senator says

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Subject: No need for a study delay. OPRA reform bill is ready to go, senator says
Date: Wednesday, January 8, 2020 5:02:32 PM

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From: @xx
To: @xx; @xx; @xx; @xx
Subject: RE: No need for a study delay. OPRA reform bill is ready to go, senator says
Date: Wednesday, January 8, 2020 2:33:33 PM
Attachments: [image005.png](#)
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It would be folly to throw away well-considered solutions and compromises, especially if the real aim of doing so is an absolute victory for government unaccountability and non-transparency.

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

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



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

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

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

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

Today 11:25 AM

9

shares

By [Star-Ledger Guest Columnist](#)

By Loretta Weinberg

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

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

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

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

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

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

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

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

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

Second, S107 creates a new charge for commercial entities, a “special administrative charge,” which is meant to cover the ongoing operational expenses of producing a record. The high costs referenced in the January 5 article would thus be borne by the commercial entities making these requests, not the taxpayers.

Finally, S107 would allow municipal governments to seek protective orders from the courts in the case of “harassing” records requests. There does need to be some recourse when the nature and volume of requests is more than a custodian could reasonably handle. Current law offers no such recourse, but S107 does.

What would be accomplished by a new study commission, which has not already been accomplished by years of negotiations? The members of the proposed commission are essentially the same groups we have been meeting with for years. The only purpose of such a commission would be to kick the can down the road in the hopes of addressing the three points raised in the League of Municipalities’ letter.

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New Jersey State League of Municipalities
222 West State Street, Trenton, NJ 08608
609-695-3481 extension #112



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

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

Today 11:25 AM

9

shares

By [Star-Ledger Guest Columnist](#)

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From: [Carl Woodward](#)
To: [Danielle Holland](#); [Caruso, Frank](#)
Subject: RE: Following Up on OPRA Seminar For NJLM -April 15, 2020
Date: Tuesday, January 7, 2020 3:49:59 PM
Attachments: [image001.png](#)
[image003.png](#)
[PUBLIC RECORDS.DOCX](#)

Danielle,

Thanks for answering my questions about the content of the program. Accordingly, I have attached a copy of the OPRA Update I used at the November League conference, together with the following description:

The seminar will include a review of recent OPRA and common law right of access court and GRC decisions (see attached) to be updated prior to the seminar date. Registrants will be invited to submit questions in advance for the lecturers to respond to. Questions will also be taken directly at the seminar.

Please let me know if you need anything else.

Kindest regards,

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

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From: Danielle Holland <@>

Sent: Monday, January 6, 2020 2:09 PM

To: Carl Woodward <@>; Caruso, Frank <Frank.Caruso@dca.nj.gov>

Subject: Following Up on OPRA Seminar For NJLM -April 15, 2020

Importance: High

Good Afternoon Carl and Frank,

I am following up on a conversation we had in December regarding an OPRA seminar on April 15, 2020 at the Doubletree Hotel in Tinton Falls from 9:00am-12:30pm.

We are looking at doing a similar program to what you did at the November Conference along with resubmitted questions from the audience. Could you both give me a write up of what you plan to speak about? You can indicate what OPRA Decisions or Court cases you plan to discuss. I will need this by as soon as possible so I can get everything submitted for credits.

If you have any questions please let me know.

Thank you so much!

Danielle Holland-Htut, MPA | Continuing Education/Special Programs Manager

New Jersey State League of Municipalities

222 West State Street ,Trenton, NJ 08608

Phone: 609-695-3481 ext 118

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From: [@x](#)
To: [@x](#)
Subject: FW: NJLM Conference - Recent OPRA Decisions
Date: Friday, November 15, 2019 11:53:46 AM
Attachments: [image001.png](#)
[image003.png](#)
[PUBLIC RECORDS.DOCX](#)

Danielle,

For Wed Nov 20 OPRA session

Thanks
Lori

From: Carl Woodward [mailto:[@x](#)]
Sent: Friday, November 15, 2019 11:52 AM
To: Lori Buckelew; Caruso, Frank
Subject: RE: NJLM Conference - Recent OPRA Decisions

Lori,

Frank and I have spoken about our presentation next week. As in the past, I am enclosing the case summaries I will be referring to in the presentation. I think that the League may make them available online. If so, please feel free to do so.

Kindest regards,

Carl Woodward

From: Lori Buckelew [mailto:[xxxxxxxxx@xxxx.xxx](#)]
Sent: Tuesday, October 22, 2019 12:01 PM
To: Carl Woodward <[xxxxxxxxx@xxxxxxxxxxxxx.xxx](#)>; Caruso, Frank <[Frank.Caruso@dca.nj.gov](#)>
Subject: RE: NJLM Conference - Recent OPRA Decisions

Carl and Frank,

I had the wrong session open in my book when I sent the email below.
The *Recent OPRA Decision* conference session is Wednesday, November 20 at 2:00 p.m.

Sorry for any confusion.

Lori

From: Lori Buckelew
Sent: Tuesday, October 22, 2019 12:00 PM
To: 'Carl Woodward'; Caruso, Frank
Subject: NJLM Conference - Recent OPRA Decisions

Carl and Frank,

Thank you for agreeing to be panelist on the Wednesday, November 20, 9:00 a.m. *Recent OPRA Decisions* conference session. As we quickly approach the conference I am reaching out go over a few items.

First, as reminder, the conference session room will include a head table with appropriate number of chairs, lectern with microphone, and a microphone in the center aisle for question and answers. **If you wish to do a PowerPoint presentation please let me know no later than October 30.** The League will arrange for a table and screen. **You will need to bring your own projector, laptop, and 20' extension cord.** You can order projectors, electrical extension cords, and internet connections from the Convention Center for a fee.

If you are doing a PowerPoint presentation please send me a copy so we can post it to the web for folks to access at the conference.

If you would like a conference call before the session with the other members of the panel, all of whom are copied on this email, please let me know and I can facilitate a conference call.

As always, if you have any questions or need additional information please do not hesitate to contact me.

Thank you,

Lori

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: [Carl Woodward](#)
To: ["Lori Buckelew"; Caruso, Frank](#)
Subject: RE: NJLM Conference - Recent OPRA Decisions
Date: Friday, November 15, 2019 11:51:46 AM
Attachments: [image001.png](#)
[image003.png](#)
[PUBLIC RECORDS.DOCX](#)

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From: Lori Buckelew [mailto:xxxxxxxxx@xxxx.xxx]
Sent: Tuesday, October 22, 2019 12:01 PM
To: Carl Woodward <xxxxxxxxx@xxxxxxxxxxx.xxx>; Caruso, Frank <Frank.Caruso@dca.nj.gov>
Subject: RE: NJLM Conference - Recent OPRA Decisions

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From: @x
To: @x
Subject: RE: FINAL TEST FW: Best Practices, OPRA and Budget Cap: Weekly Round-Up, October 25
Date: Friday, October 25, 2019 11:55:05 AM
Attachments: [image001.png](#)
[image003.png](#)
[image005.png](#)

MD had a change and MC had same change as you then said ok to send so it's then scheduled to send out, once scheduled I have a hard time going back to modify if I can even catch in time.

Thanks!

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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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From: Ciara Bradley
Sent: Friday, October 25, 2019 11:51 AM
To: Shirley Cade <@x>; Michael F. Cerra <@x>; Michael J. Darcy, CAE <@x>
Subject: RE: FINAL TEST FW: Best Practices, OPRA and Budget Cap: Weekly Round-Up, October 25



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Ciara S. Bradley | Legislative Administrator

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From: Shirley Cade
Sent: Friday, October 25, 2019 11:46 AM
To: Ciara Bradley; Michael F. Cerra; Michael J. Darcy, CAE
Subject: RE: FINAL TEST FW: Best Practices, OPRA and Budget Cap: Weekly Round-Up, October 25

Believe the two changes MD & MC sent but thanks. Ciara.

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609-695-3481 extension 114



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From: Ciara Bradley
Sent: Friday, October 25, 2019 11:40 AM
To: Michael F. Cerra <[@x](#)>; Shirley Cade <[@x](#)>; Michael J. Darcy, CAE <[@x](#)>
Subject: RE: FINAL TEST FW: Best Practices, OPRA and Budget Cap: Weekly Round-Up, October 25



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From: Michael F. Cerra

Sent: Friday, October 25, 2019 11:32 AM

To: Shirley Cade; Michael J. Darcy, CAE

Cc: Ciara Bradley

Subject: RE: FINAL TEST FW: Best Practices, OPRA and Budget Cap: Weekly Round-Up, October 25

[REDACTED]

[REDACTED]

With that change, I think it's good to go.

From: Shirley Cade

Sent: Friday, October 25, 2019 11:22 AM

To: Michael J. Darcy, CAE <xx@xx>; Michael F. Cerra <xx@xx>

Cc: Ciara Bradley <xx@xx>

Subject: FINAL TEST FW: Best Practices, OPRA and Budget Cap: Weekly Round-Up, October 25

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From: NJLM Weekly Round-Up [<mailto:noreply@civicplus.com>]

Sent: Friday, October 25, 2019 11:21 AM

To: Shirley Cade <scade@njlm.org>

Subject: Best Practices, OPRA and Budget Cap: Weekly Round-Up, October 25

[newsletter header](#)



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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

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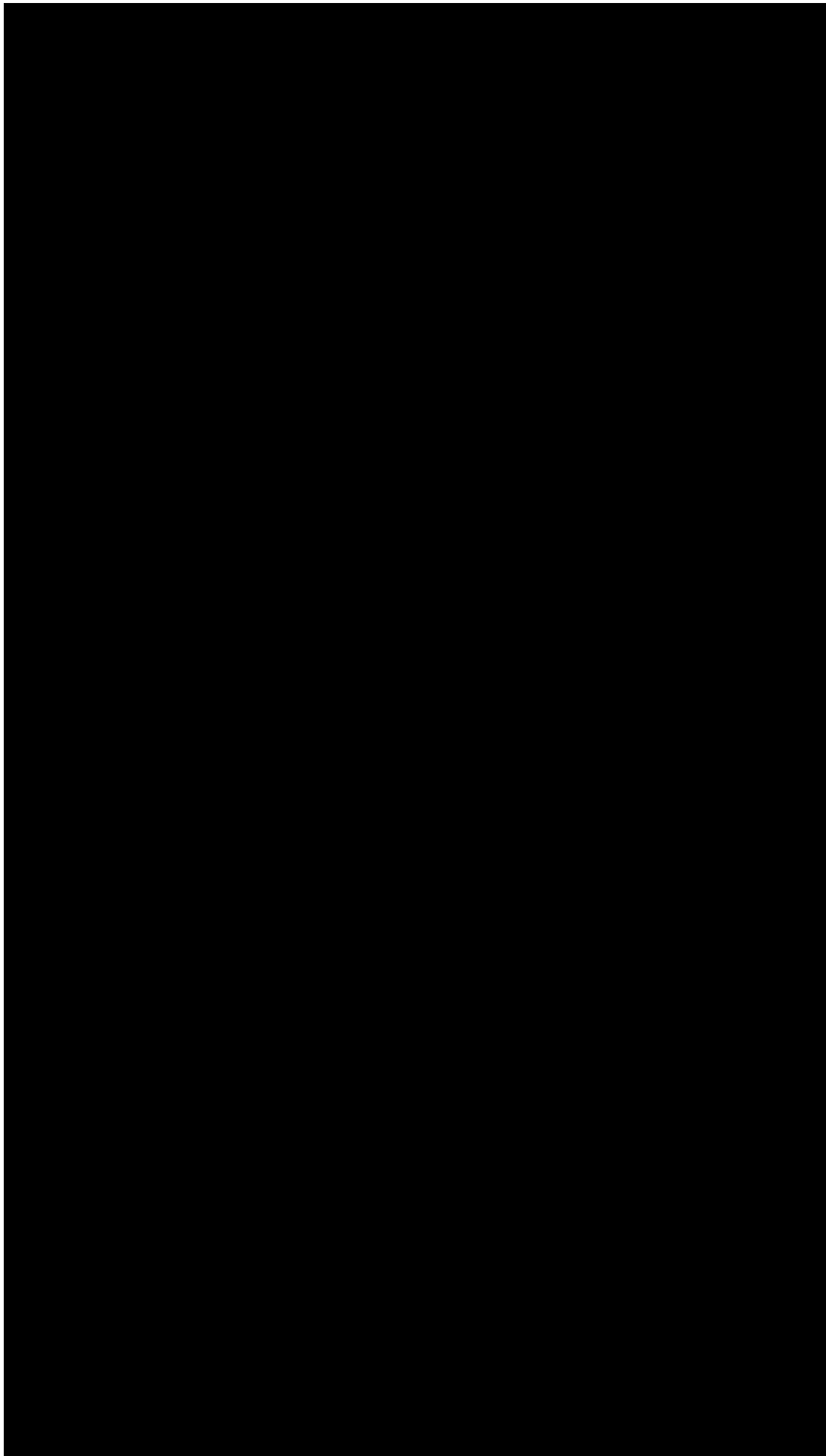
[REDACTED]

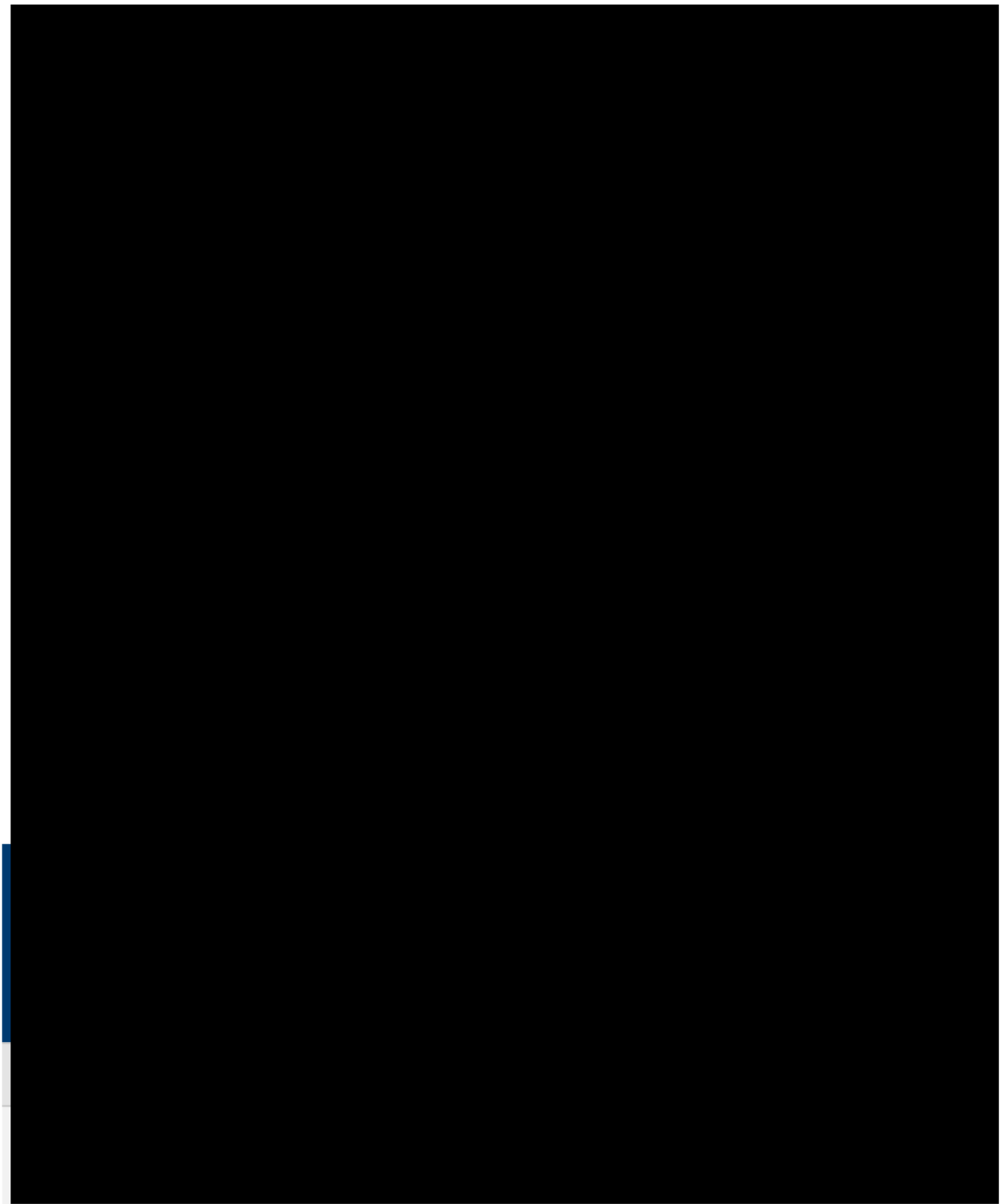
[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]





From: @x
To: @x; @x; @x
Subject: RE: FINAL TEST FW: Best Practices, OPRA and Budget Cap: Weekly Round-Up, October 25
Date: Friday, October 25, 2019 11:51:23 AM
Attachments: [image001.png](#)
[image005.png](#)
[image007.png](#)

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Sent: Friday, October 25, 2019 11:46 AM

To: Ciara Bradley; Michael F. Cerra; Michael J. Darcy, CAE

Subject: RE: FINAL TEST FW: Best Practices, OPRA and Budget Cap: Weekly Round-Up, October 25

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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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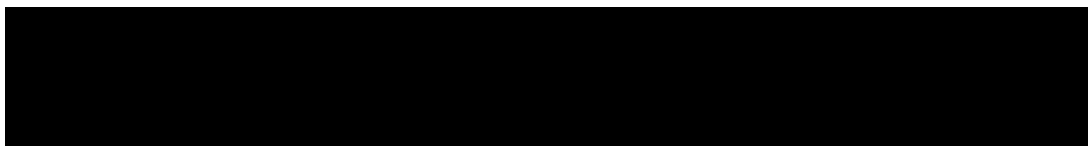
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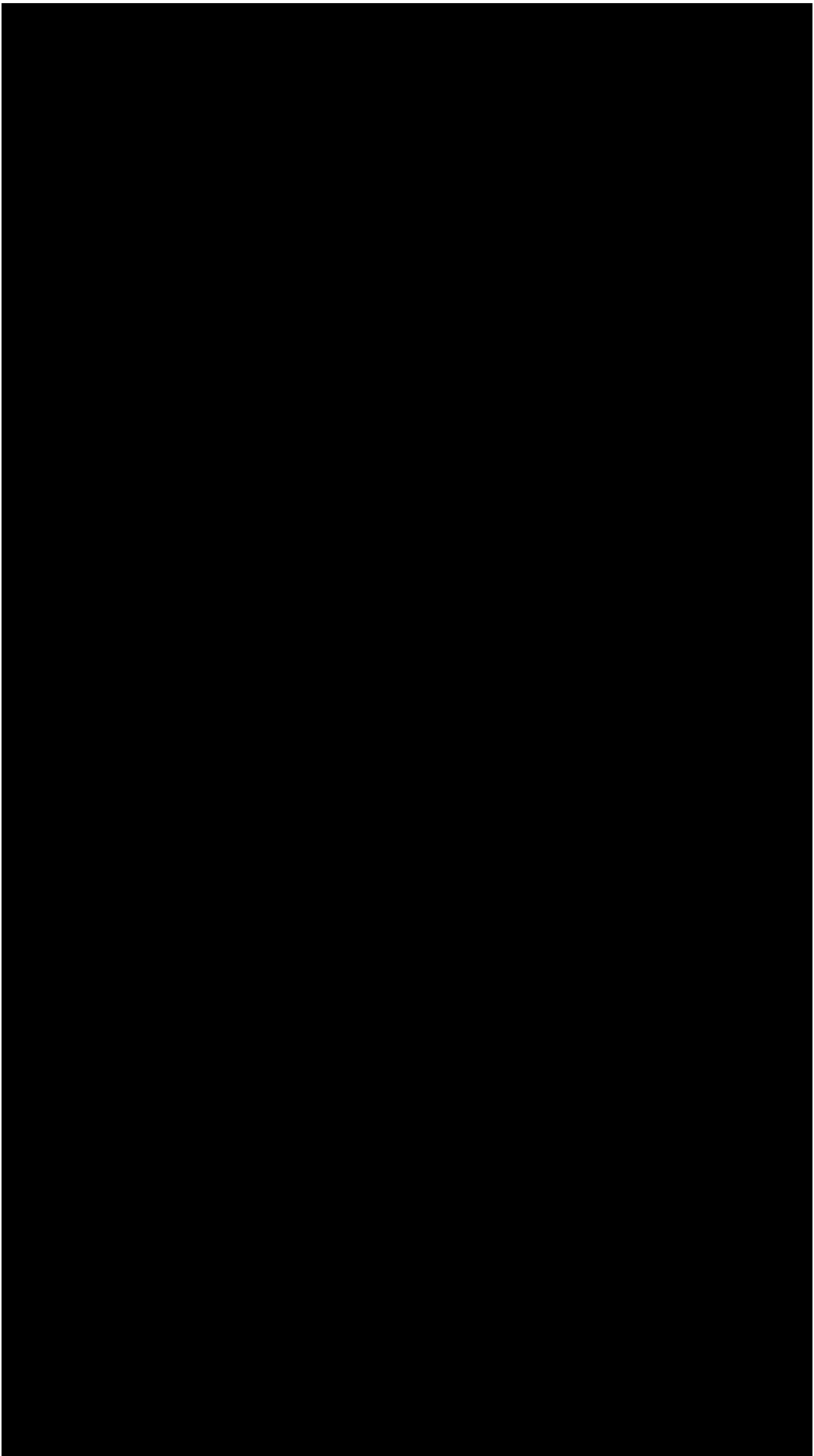
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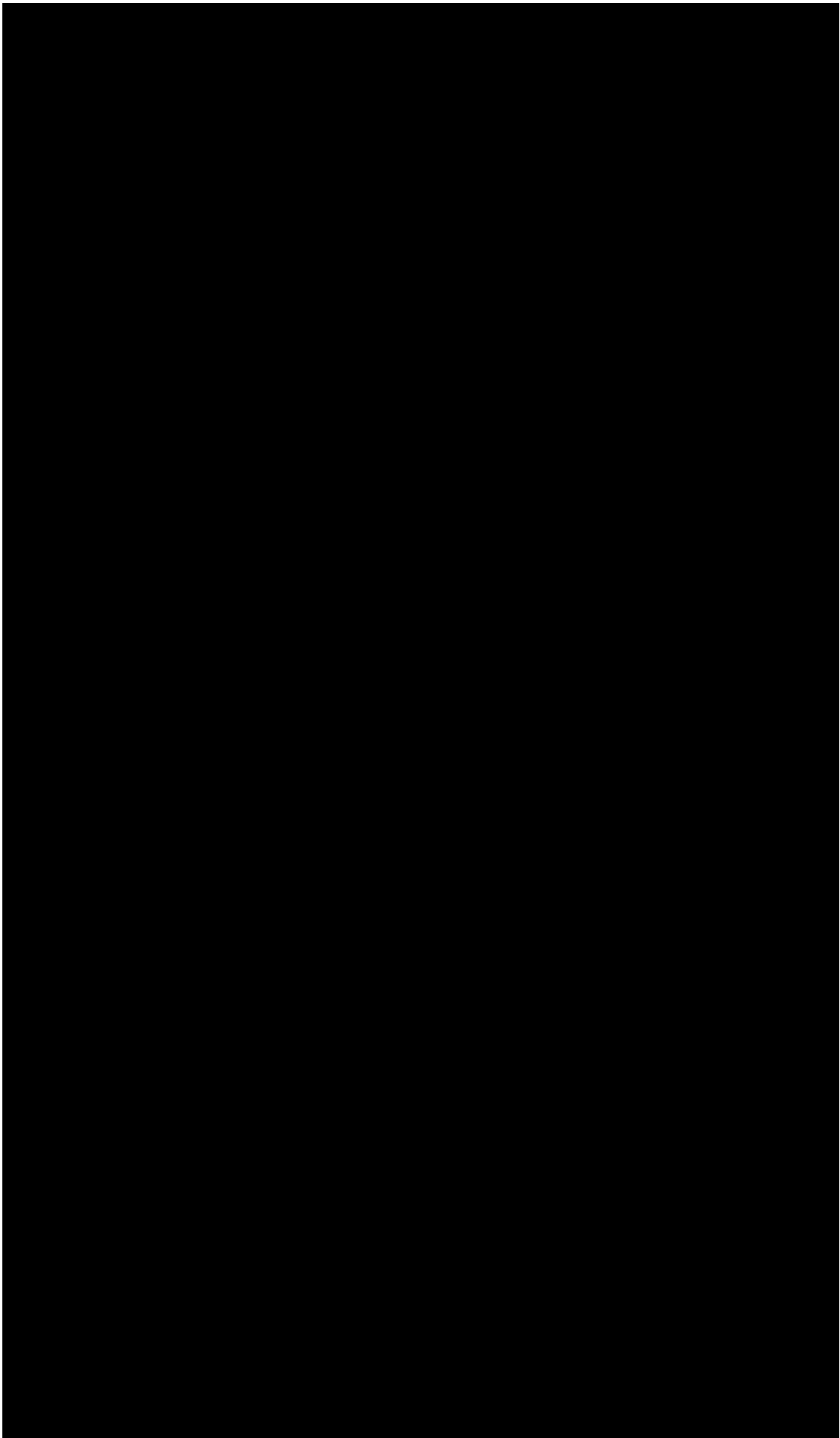
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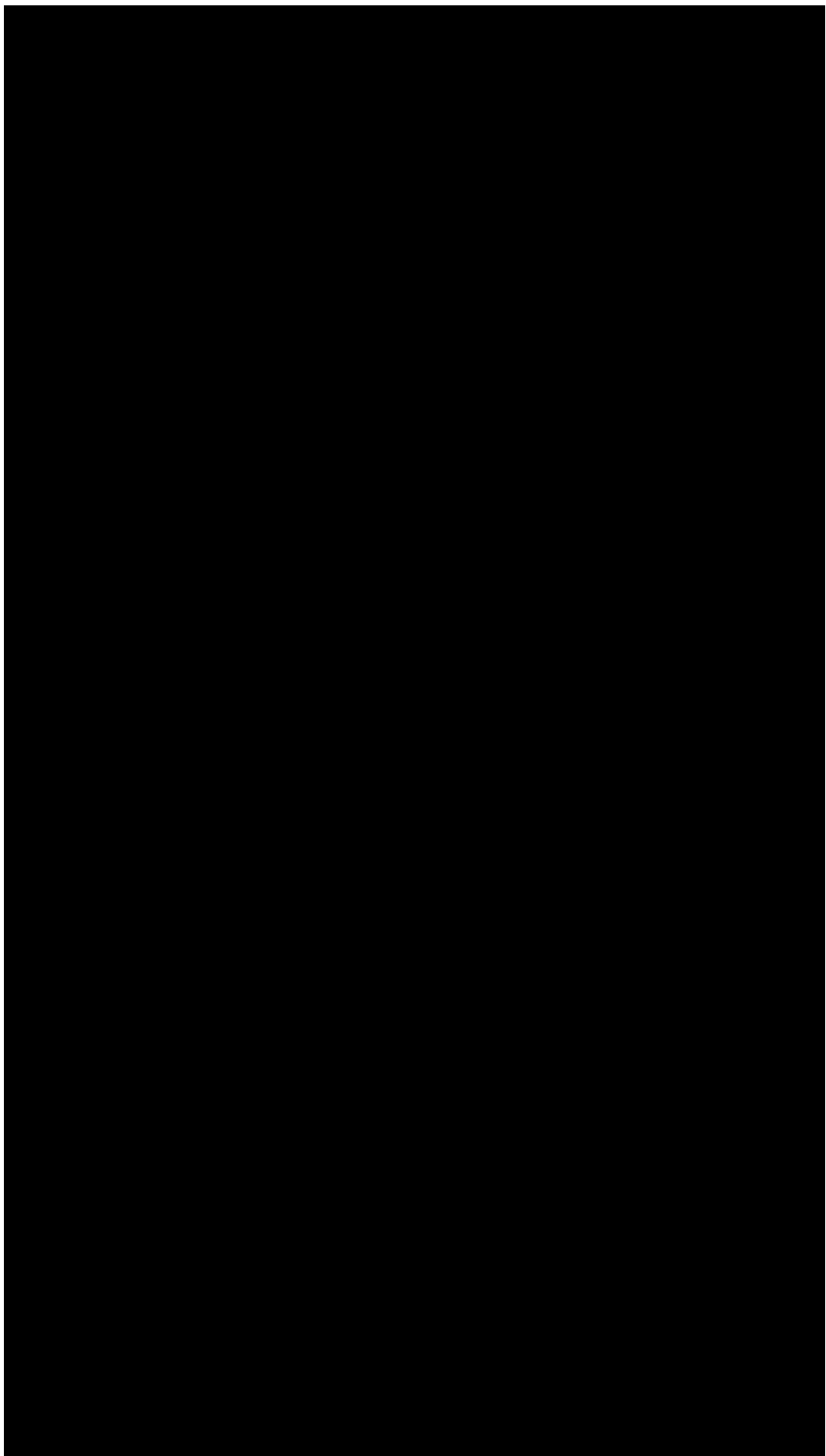


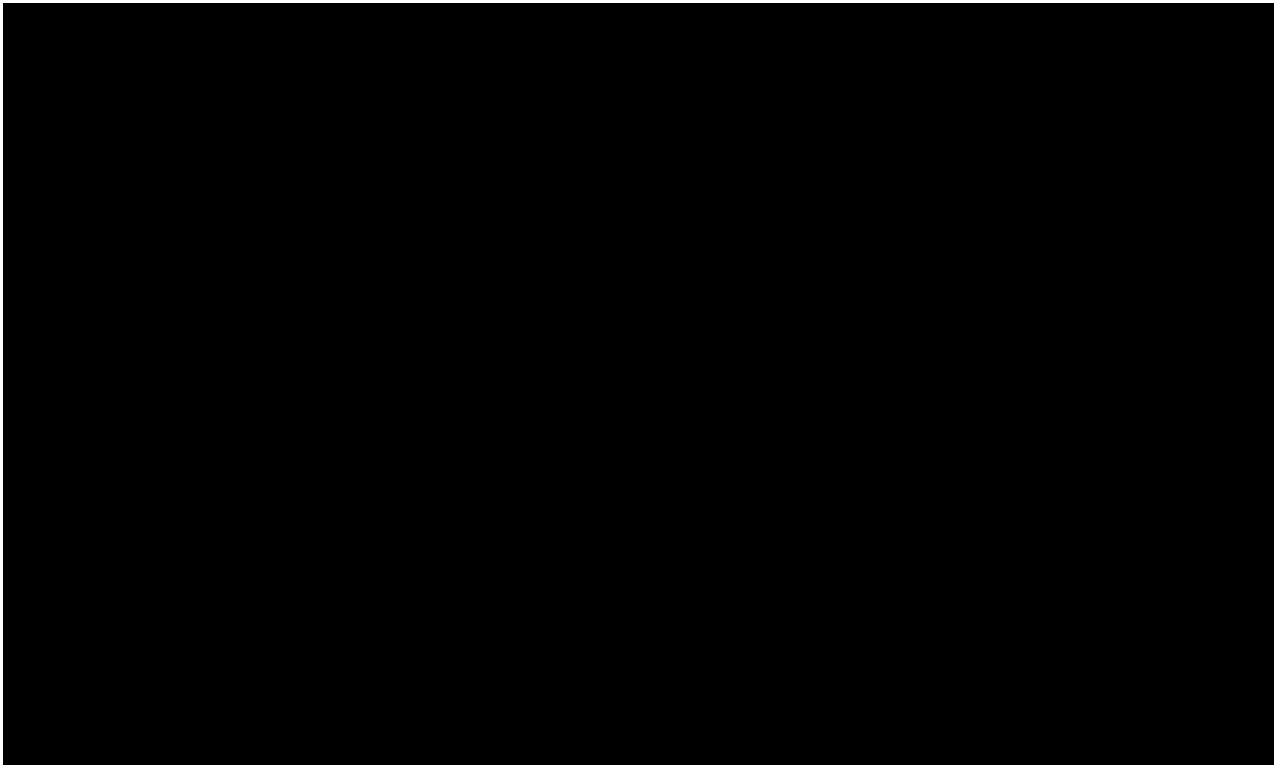
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October 25, 2019

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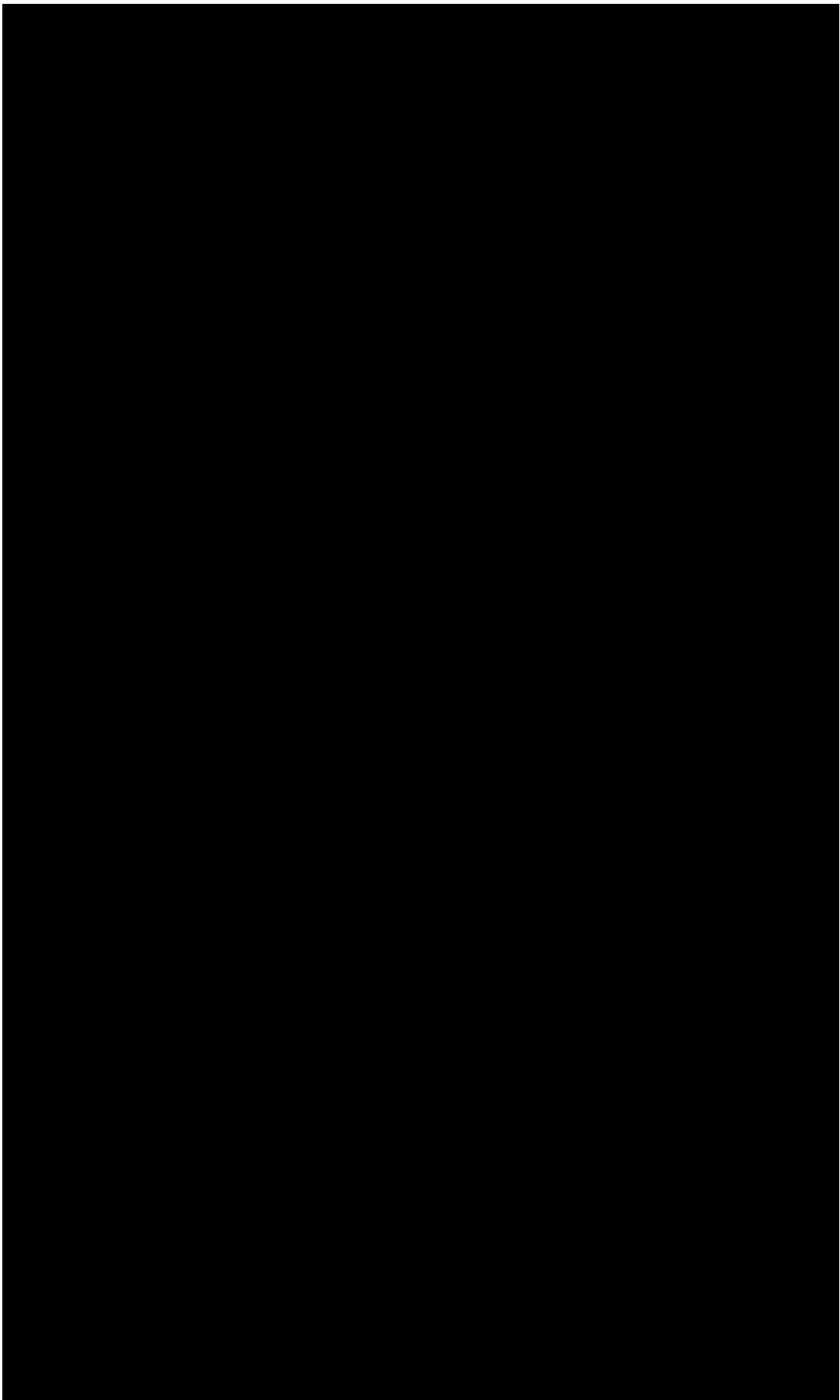
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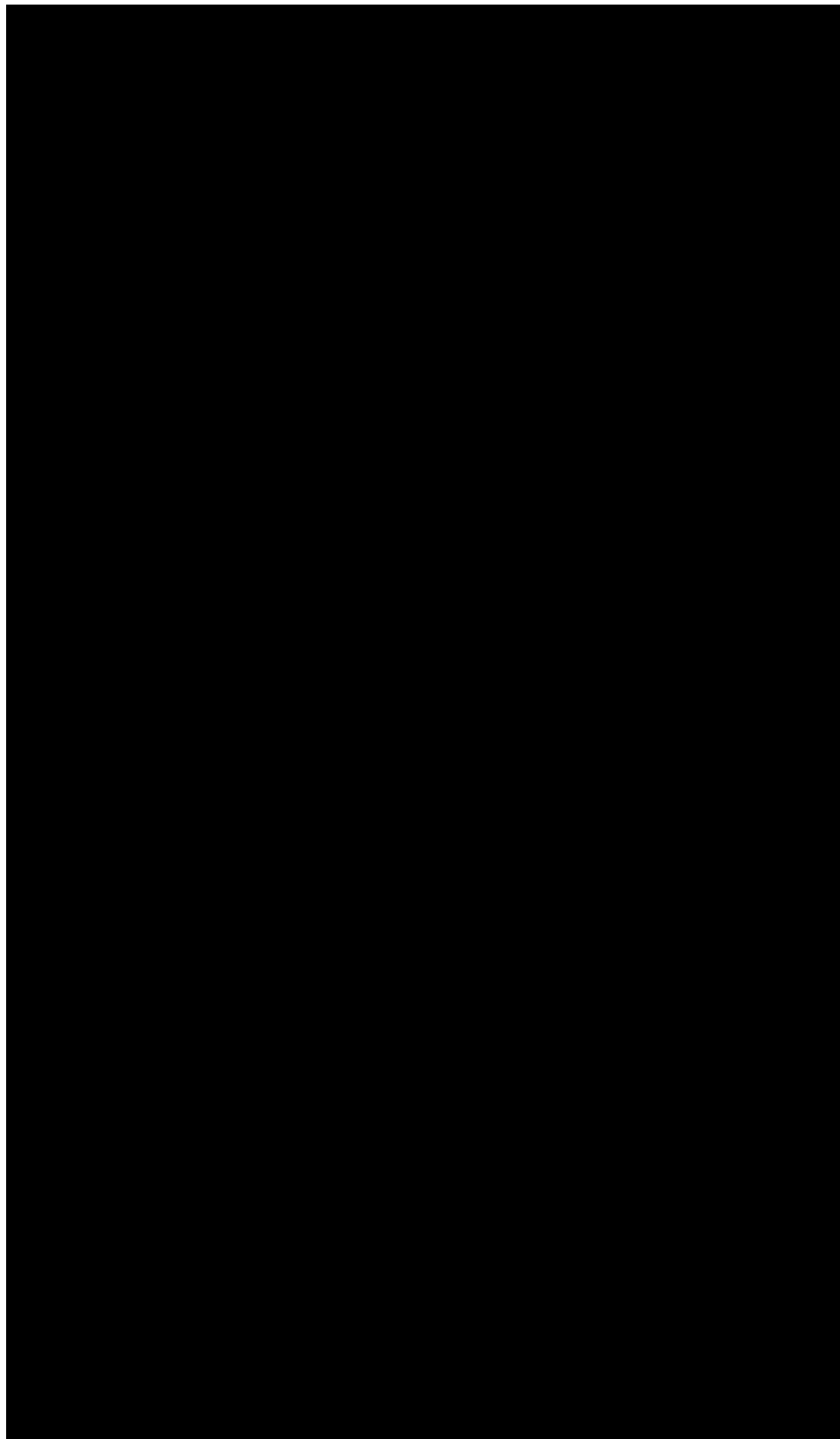
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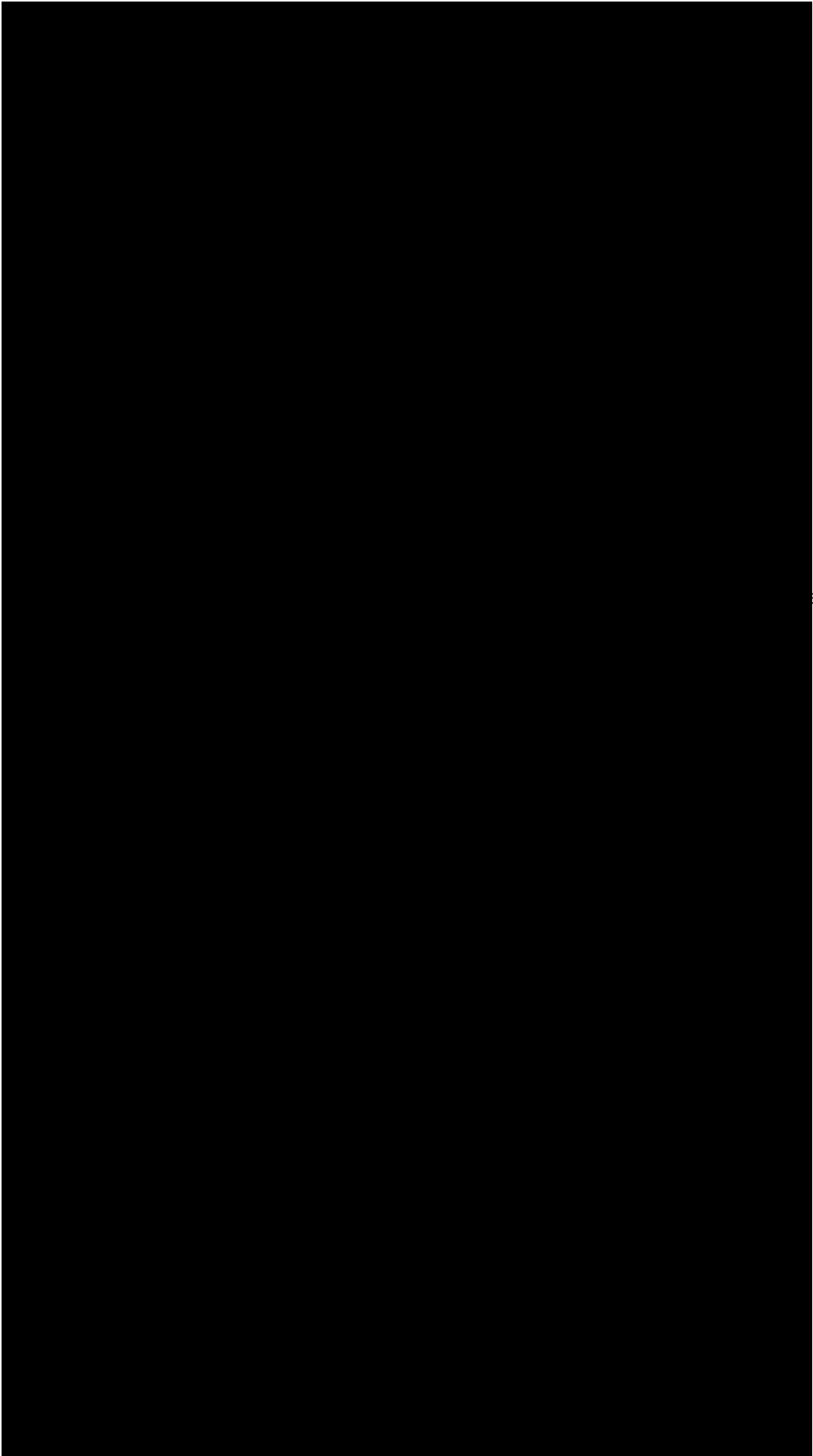
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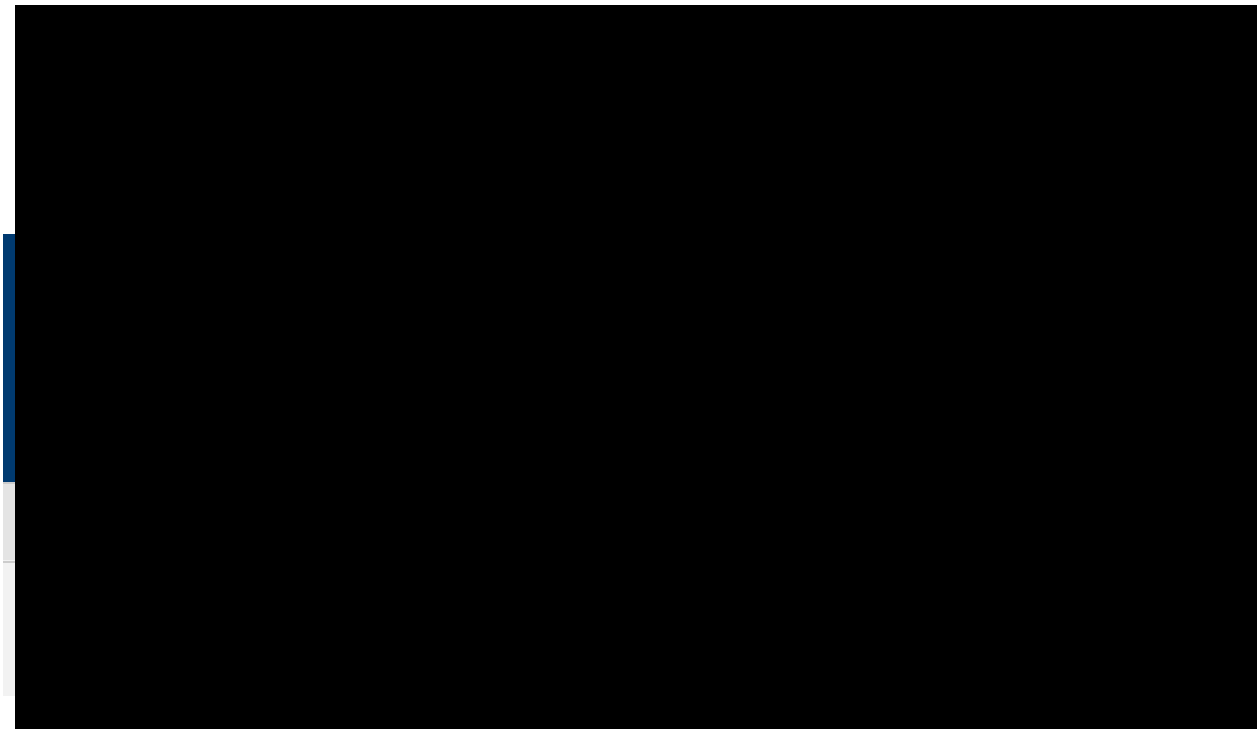


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From: 
To: 
Subject: Undeliverable: Best Practices, OPRA and Budget Cap: Weekly Round-Up, October 25
Date: Friday, October 25, 2019 11:47:54 AM
Attachments: [Best Practices OPRA and Budget Cap Weekly Round-Up October 25.msg](#)



Your message to [xxxxxx@xxxxxx.xxx](#) couldn't be delivered.

[dbaltz](#) wasn't found at [njslom.com](#).

listserv	Office 365	dbaltz
Action Required		Recipient
Unknown To address		

How to Fix It

The address may be misspelled or may not exist. Try one or more of the following:

- Send the message again following these steps: In Outlook, open this non-delivery report (NDR) and choose **Send Again** from the Report ribbon. In Outlook on the web, select this NDR, then select the link "**To send this message again, click here.**" Then delete and retype the entire recipient address. If prompted with an Auto-Complete List suggestion don't select it. After typing the complete address, click **Send**.
- Contact the recipient (by phone, for example) to check that the address exists and is correct.
- The recipient may have set up email forwarding to an incorrect address. Ask them to check that any forwarding they've set up is working correctly.
- Clear the recipient Auto-Complete List in Outlook or Outlook on the web by following the steps in this article: [Fix email delivery issues for error code 5.1.10 in Office 365](#), and then send the message again. Retype the entire recipient address before selecting **Send**.

If the problem continues, forward this message to your email admin. If you're an email admin, refer to the **More Info for Email Admins** section below.

Was this helpful? [Send feedback to Microsoft](#)

More Info for Email Admins

Status code: 550 5.1.10

This error occurs because the sender sent a message to an email address hosted by Office 365 but the address is incorrect or doesn't exist at the destination domain. The error is reported by the recipient domain's email server, but most often it must be fixed by the person who sent the message. If the steps in the **How to Fix It** section above don't fix the problem, and you're the email admin for the recipient, try one or more of the following:

The email address exists and is correct - Confirm that the recipient address exists, is correct, and is accepting messages.

Synchronize your directories - If you have a hybrid environment and are using directory synchronization make sure the recipient's email address is synced correctly in both Office 365 and in your on-premises directory.

Errant forwarding rule - Check for forwarding rules that aren't behaving as expected. Forwarding can be set up by an admin via mail flow rules or mailbox forwarding address settings, or by the recipient via the Inbox Rules feature.

Recipient has a valid license - Make sure the recipient has an Office 365 license assigned to them. The recipient's email admin can use the Office 365 admin center to assign a license (Users > Active Users > select the recipient > Assigned License > Edit).

Mail flow settings and MX records are not correct - Misconfigured mail flow or MX record settings can cause this error. Check your Office 365 mail flow settings to make sure your domain and any mail flow connectors are set up correctly. Also, work with your domain registrar to make sure the MX records for your domain are configured correctly.

For more information and additional tips to fix this issue, see [Fix email delivery issues for error code 5.1.10 in Office 365](#).

Original Message Details

Created Date: 10/25/2019 3:47:47 PM
Sender Address: xxxxxxxx@xxxxxxxxxxx.xxx
Recipient Address: xxxxxx@xxxxxx.xxx

Subject: Best Practices, OPRA and Budget Cap: Weekly Round-Up, October 25

Error Details

Reported error: 550 5.1.10 RESOLVER.ADR.RecipientNotFound; Recipient @. not found by SMTP address lookup
DSN generated by: DM5PR02MB3338.namprd02.prod.outlook.com

Message Hops

HOP	TIME (UTC)	FROM	TO	WITH	RELAY TIME
1	10/25/2019 3:47:47 PM	SOAWEBBeta-001	websrv-115.civicplus.local	Microsoft SMTPSVC(8.5.9600.16384)	*
2	10/25/2019 3:47:53 PM	websrv-115.civicplus.local	CO1NAM05FT046.mail.protection.outlook.com	Microsoft SMTP Server	6 sec
3	10/25/2019 3:47:53 PM	CO1NAM05FT046.eop-nam05.prod.protection.outlook.com	MWHPR0201CA0098.outlook.office365.com	Microsoft SMTP Server (version=TLS1_2, cipher=TLS_ECDHE_RSA_WITH_AES_256_CBC_SHA384)	*
4	10/25/2019 3:47:53 PM	MWHPR0201CA0098.namprd02.prod.outlook.com	DM5PR02MB3338.namprd02.prod.outlook.com	Microsoft SMTP Server (version=TLS1_2, cipher=TLS_ECDHE_RSA_WITH_AES_256_GCM_SHA384)	*

Original Message Headers

Received: from MWHPR0201CA0098.namprd02.prod.outlook.com (2603:10b6:301:75::39) by DM5PR02MB3338.namprd02.prod.outlook.com (2603:10b6:4:6c::29) with Microsoft SMTP Server (version=TLS1_2, cipher=TLS_ECDHE_RSA_WITH_AES_256_GCM_SHA384) id 15.20.2387.22; Fri, 25 Oct 2019 15:47:53 +0000
Received: from CO1NAM05FT046.eop-nam05.prod.protection.outlook.com (2a01:111:f400:7e50::201) by MWHPR0201CA0098.outlook.office365.com (2603:10b6:301:75::39) with Microsoft SMTP Server (version=TLS1_2, cipher=TLS_ECDHE_RSA_WITH_AES_256_CBC_SHA384) id 15.20.2387.20 via Frontend Transport; Fri, 25 Oct 2019 15:47:53 +0000
Authentication-Results: spf=pass (sender IP is 207.38.73.23) smtp.mailfrom=civicplus.com; njslom.com; dkim=none (message not signed) header.d=none;njslom.com; dmarc=bestguesspass action=none header.from=civicplus.com;
Received-SPF: Pass (protection.outlook.com: domain of civicplus.com designates 207.38.73.23 as permitted sender) receiver=protection.outlook.com; client-ip=207.38.73.23; helo=websrv-115.civicplus.local;
Received: from websrv-115.civicplus.local (207.38.73.23) by CO1NAM05FT046.mail.protection.outlook.com (10.152.96.161) with Microsoft SMTP Server id 15.20.2387.9 via Frontend Transport; Fri, 25 Oct 2019 15:47:53 +0000
Received: from SOAWEBBeta-001 ([10.2.18.89]) by websrv-115.civicplus.local with Microsoft SMTPSVC(8.5.9600.16384); Fri, 25 Oct 2019 10:47:47 -0500
Reference: 128227515
Reference-2: 4878
MIME-Version: 1.0
From: "NJLM Weekly Round-Up" <xxxxxxxxxxxxxxxxxxx>
To: xxxxxx@xxxxxxxxxxx
Date: 25 Oct 2019 10:47:47 -0500
Subject: Best Practices, OPRA and Budget Cap: Weekly Round-Up, October 25
Content-Type: text/html; charset=us-ascii
Content-Transfer-Encoding: 7bit
Return-Path: xxxxxxxxxxxxxxxxxxxxxx
Message-ID: <WEBSRV-115DGzTs53i0001cd6a@websrv-115.civicplus.local>
X-OriginalArrivalTime: 25 Oct 2019 15:47:47.0304 (UTC) FILETIME=[8C7BF680:01D58B4B]
X-EOPAttributedMessage: 0
X-EOPTenantAttributedMessage: d0fec2ff-d885-4cb5-9247-5bd2415cd271:0
X-Forefront-Antispam-Report: CIP:207.38.73.23;IPV:NLI;CTRY:US;EFV:NLI;
X-MS-PublicTrafficType: Email
X-MS-Office365-Filtering-Correlation-Id: 1307141d-4f72-4b1b-625e-08d75962b2ce
X-MS-TrafficTypeDiagnostic: DM5PR02MB3338:
X-MS-Exchange-PURICount: 26

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Every year unauthorized firms solicit housing and hotel reservations from attendees at the Annual League Conference. We assure you that the only firm authorized to handle our conference housing reservations is AC Central Reservations. This information is on the top of the [official conference housing form](#) sent to all municipal clerks and posted on the League website.

Using unauthorized reservation services creates real problems for you and the conference as a whole. You cannot be assured your credit card information is secure and your room reservation may not actually be made. Using unauthorized services means your room will not be part of the official conference housing block and you will not get emergency housing information (which happened in both 2011 and 2012), nor will there be adequate shuttle bus services to your hotel.

As always, the League is available to answer your questions on any aspect of the annual conference and we strive to make your participation both enjoyable and highly productive.

Contact: Michael J. Darcy, CAE, Executive Director, xxxxxx@xxxx.xxx, 609-695-3481 x116.

IV. Also of Interest

a. NJ Municipalities Magazine Seeking Your Stories

Local officials are invited to share their stories with the readers of *NJ Municipalities Magazine*. Do you have a successful initiative or an innovation that could help your fellow local governments in the Garden State? We are now accepting queries from local government project and program leaders for potential publication in the League magazine's 2019 and 2020 issues.

For the editorial calendar and editorial submission guide, please visit the [magazine's webpage](#) or contact Managing Editor Amy Spiezio at [xxxxxxx@xxxx.xxx](#)

b. Centennial of Suffrage

The 100th anniversary of the 19th amendment's ratification in New Jersey will be celebrated throughout 2020. With many significant suffragists hailing from the Garden State, there are many stories to be told about how women came to the vote and their involvement in local government during and since. How will your town be recognizing women's suffrage? We'd like to include your efforts on the League's website, social media, and *NJ Municipalities* magazine.

Please email Managing Editor Amy Spiezio at [xxxxxxx@xxxx.xxx](#) with any ideas, plans, and images you'd like to share with your peers around the state.

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Subject: RE: FINAL TEST FW: Best Practices, OPRA and Budget Cap: Weekly Round-Up, October 25
Date: Friday, October 25, 2019 11:45:57 AM
Attachments: [image001.png](#)
[image003.png](#)
[image005.png](#)

Believe the two changes MD & MC sent but thanks. Ciara.

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Shirley Cade | Legislative/Administrative Support

New Jersey State League of Municipalities

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From: Ciara Bradley

Sent: Friday, October 25, 2019 11:40 AM

To: Michael F. Cerra <@x>; Shirley Cade <@x>; Michael J. Darcy, CAE

<@x>

Subject: RE: FINAL TEST FW: Best Practices, OPRA and Budget Cap: Weekly Round-Up, October 25



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Ciara S. Bradley | Legislative Administrator

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From: Michael F. Cerra
Sent: Friday, October 25, 2019 11:32 AM
To: Shirley Cade; Michael J. Darcy, CAE
Cc: Ciara Bradley
Subject: RE: FINAL TEST FW: Best Practices, OPRA and Budget Cap: Weekly Round-Up, October 25

[REDACTED]

[REDACTED]

With that change, I think it's good to go.

From: Shirley Cade
Sent: Friday, October 25, 2019 11:22 AM
To: Michael J. Darcy, CAE <[@xx](#)>; Michael F. Cerra <[@xx](#)>
Cc: Ciara Bradley <[@xx](#)>
Subject: FINAL TEST FW: Best Practices, OPRA and Budget Cap: Weekly Round-Up, October 25

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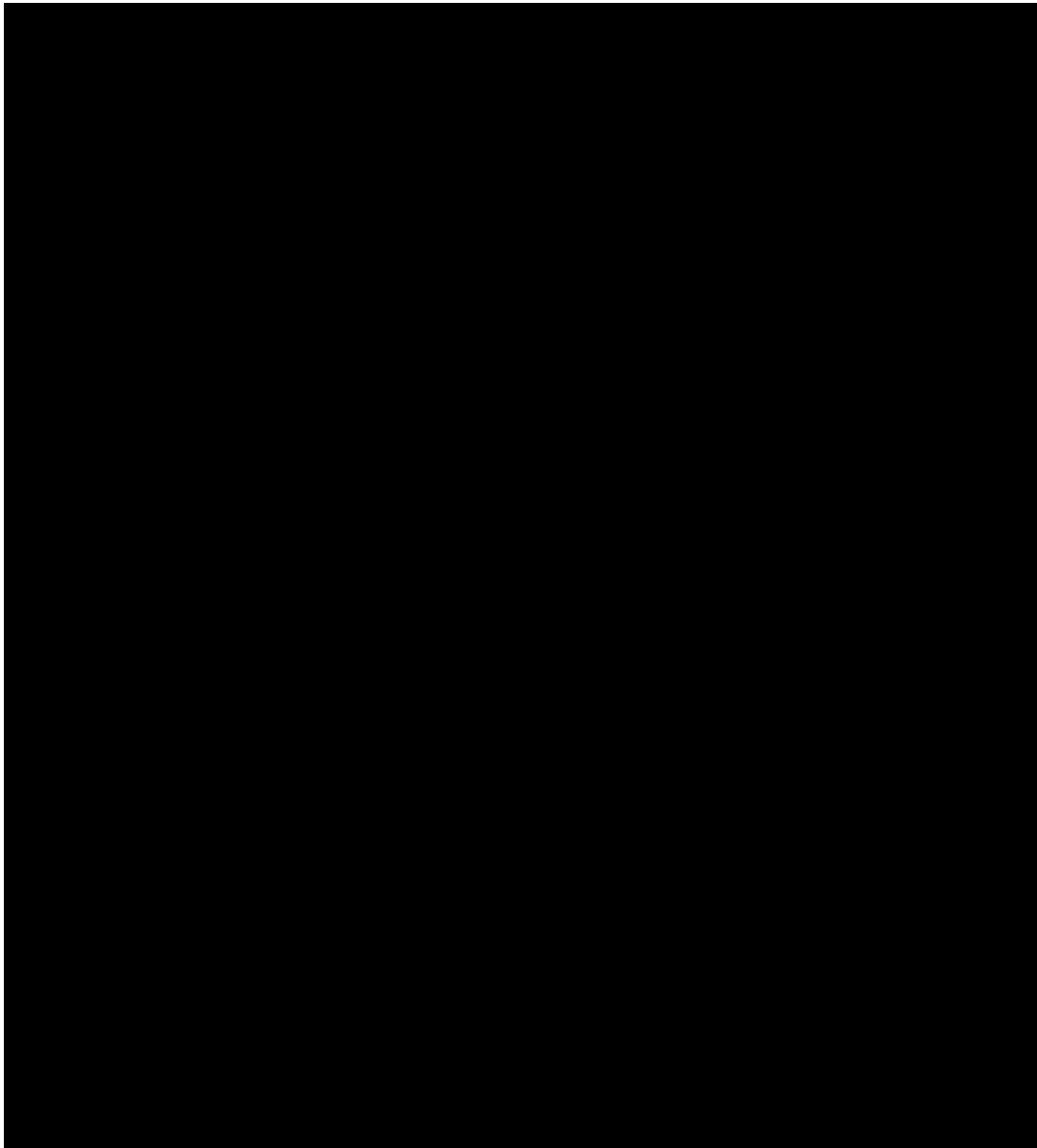
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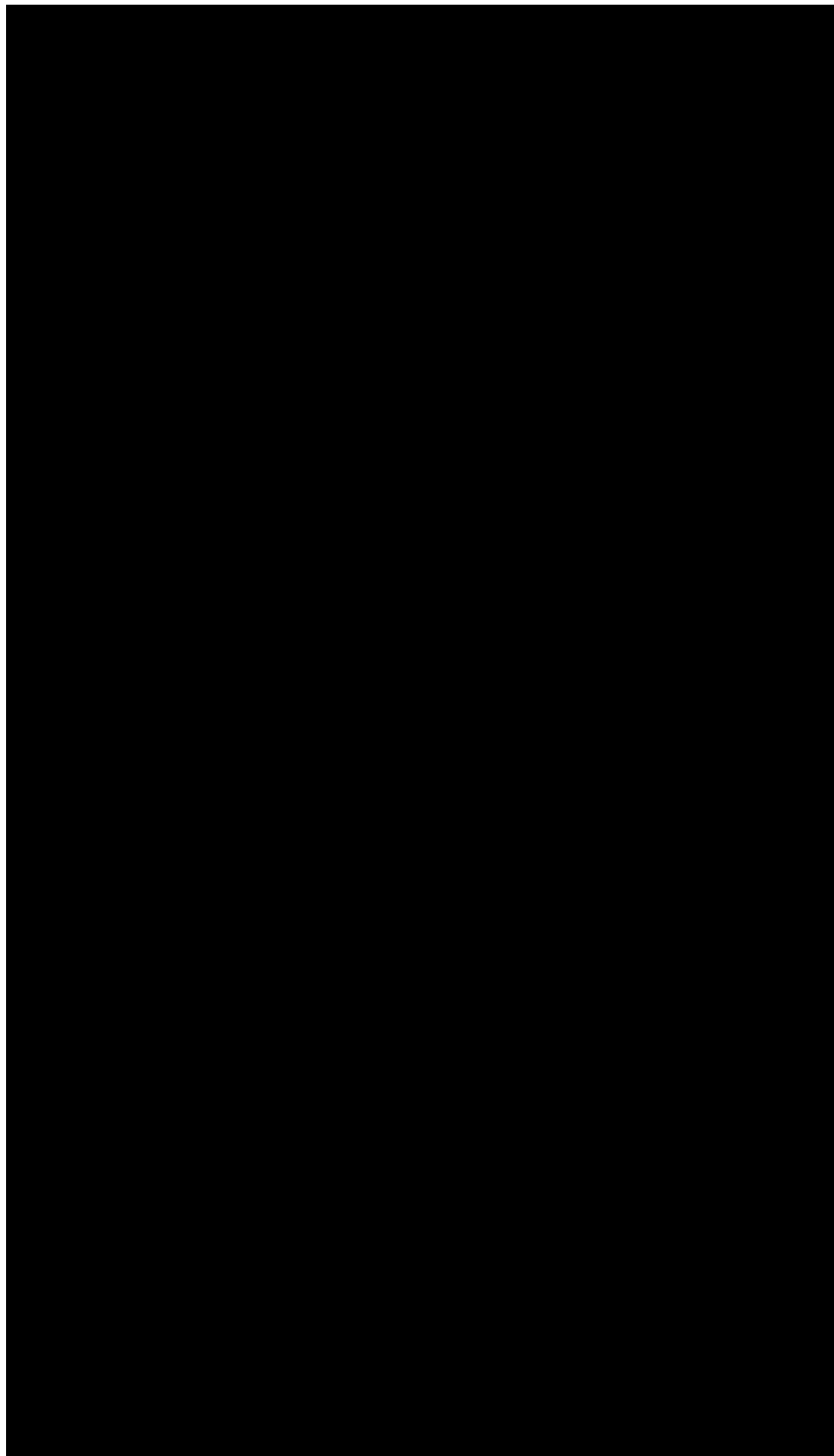
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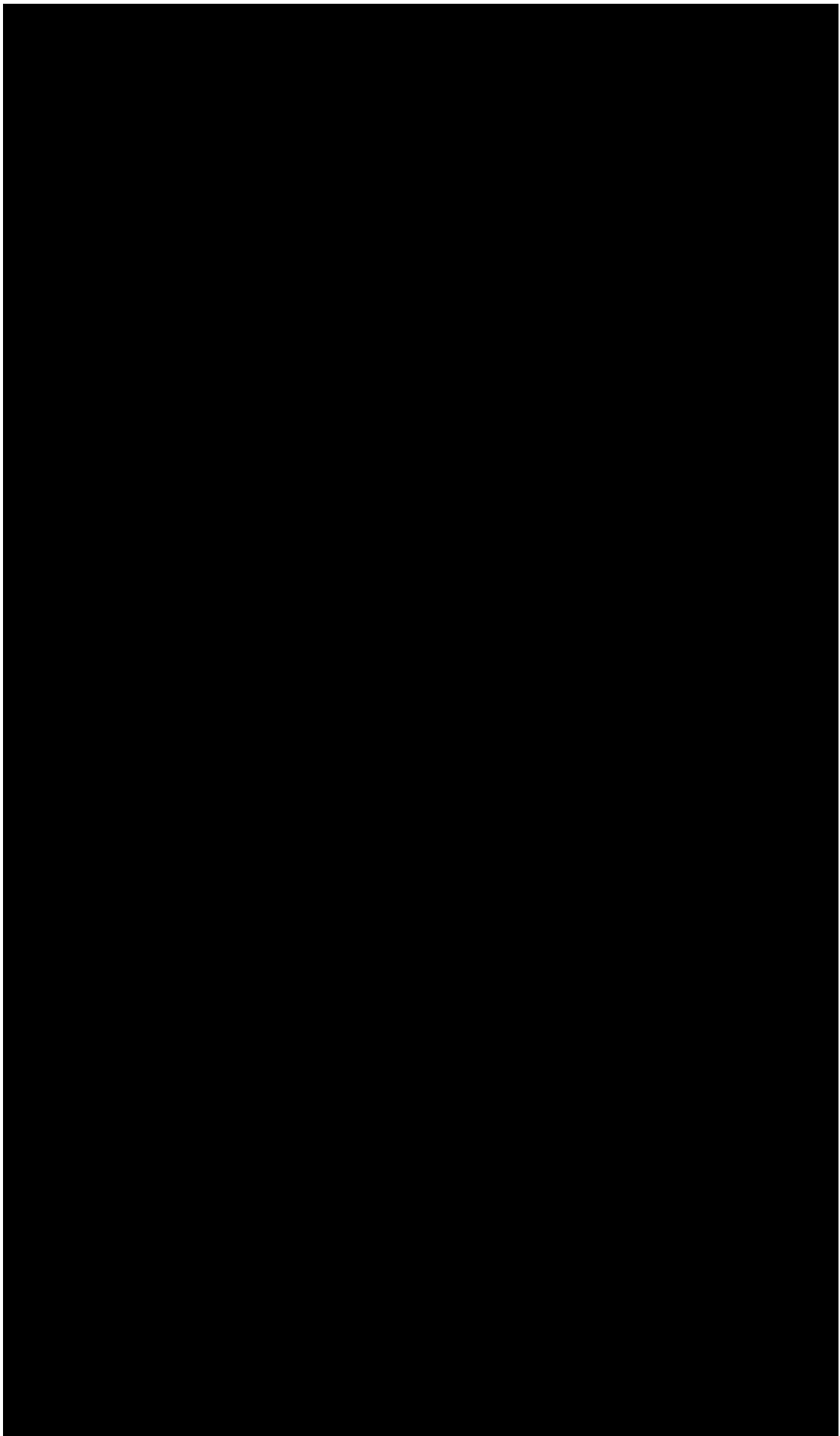
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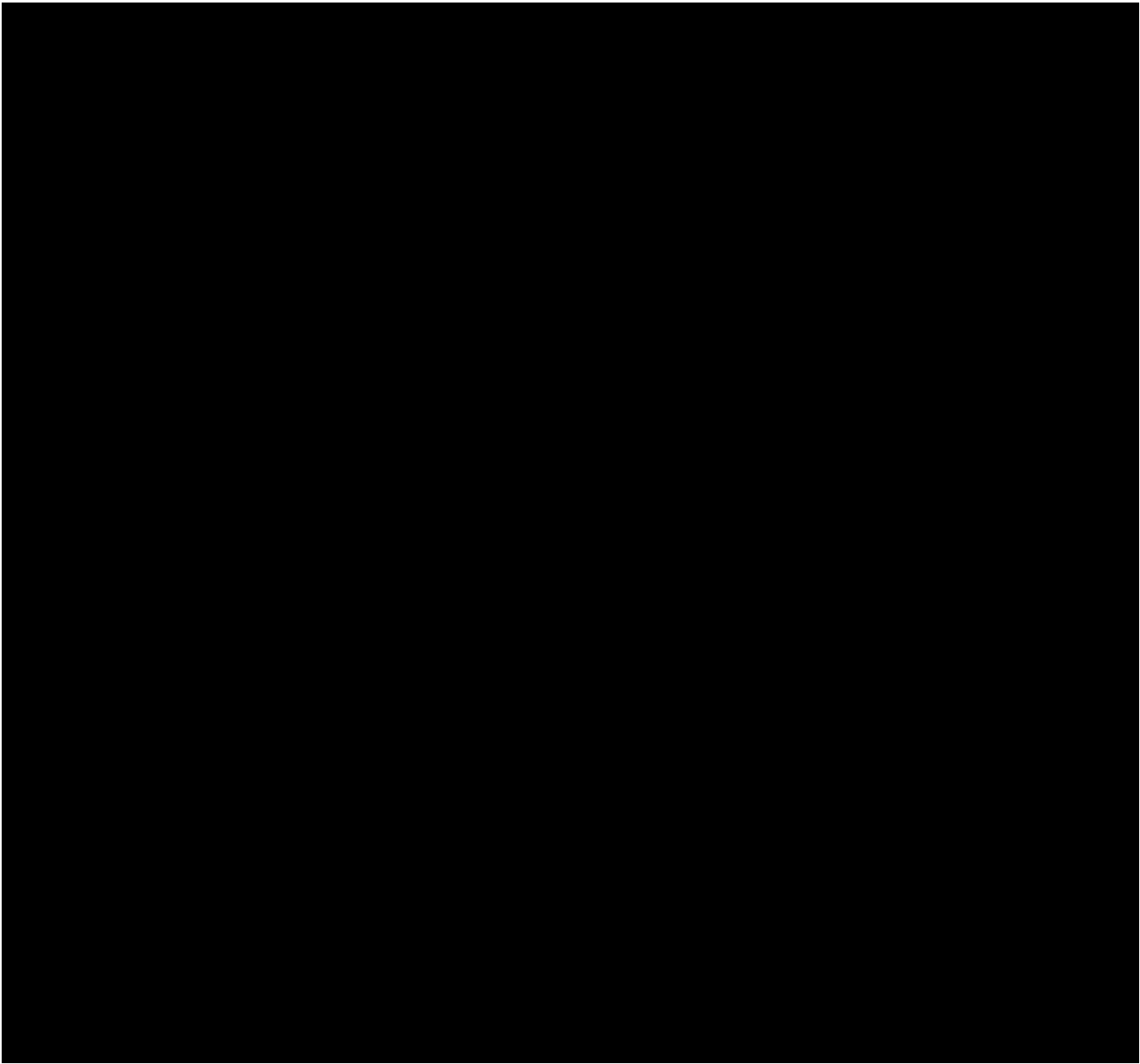


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To: @x; @x
Subject: RE: FINAL TEST FW: Best Practices, OPRA and Budget Cap: Weekly Round-Up, October 25
Date: Friday, October 25, 2019 11:40:56 AM
Attachments: [image001.png](#)
[image003.png](#)
[image005.png](#)

Good catch.

[REDACTED]

From: Ciara Bradley
Sent: Friday, October 25, 2019 11:40 AM
To: Michael F. Cerra <@x>; Shirley Cade <@x>; Michael J. Darcy, CAE <@x>
Subject: RE: FINAL TEST FW: Best Practices, OPRA and Budget Cap: Weekly Round-Up, October 25

[REDACTED]

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[REDACTED]

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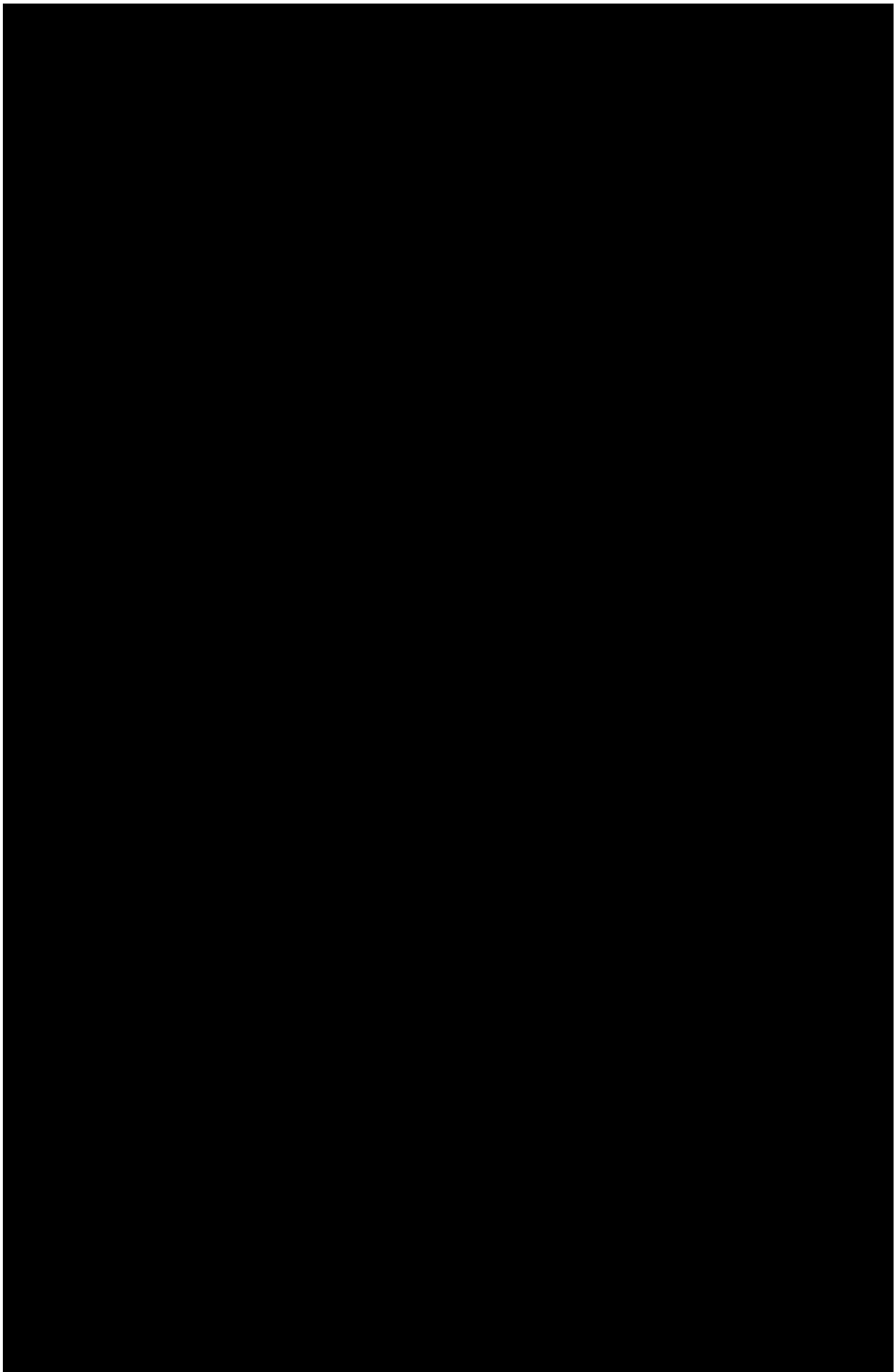


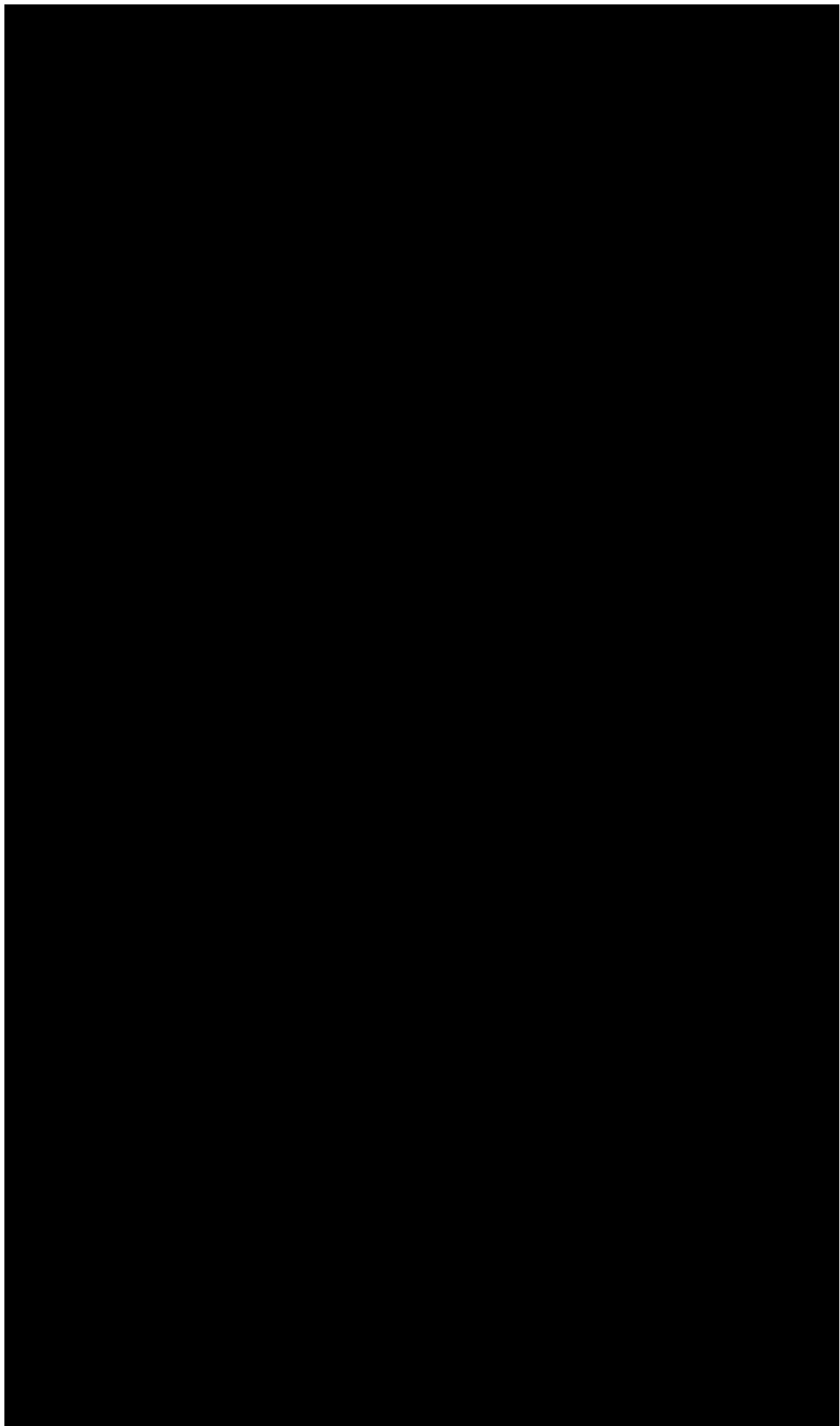
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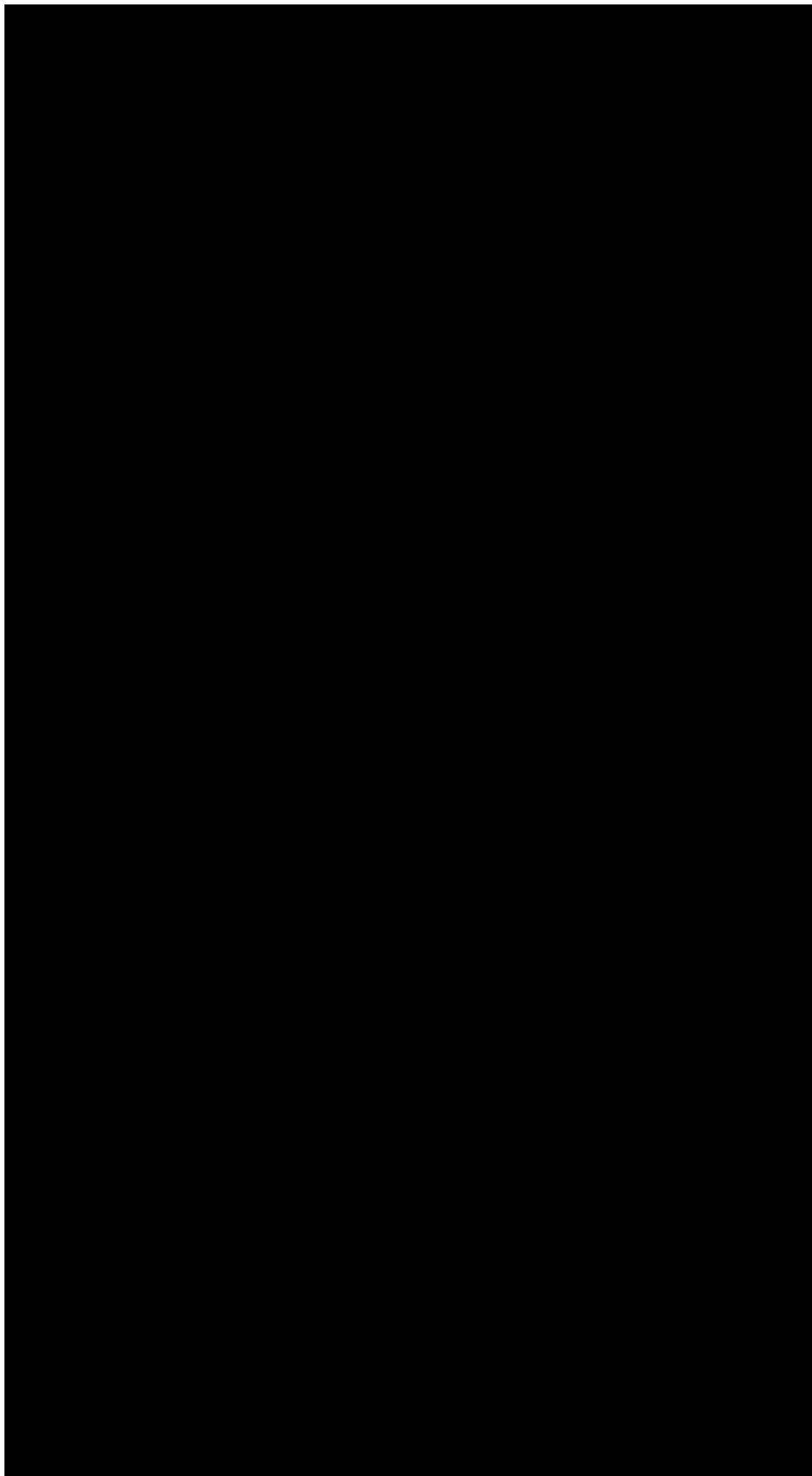
From: NJLM Weekly Round-Up [[mailto:\[REDACTED\]](mailto:[REDACTED])]
Sent: Friday, October 25, 2019 11:21 AM
To: Shirley Cade <[REDACTED]>
Subject: Best Practices, OPRA and Budget Cap: Weekly Round-Up, October 25

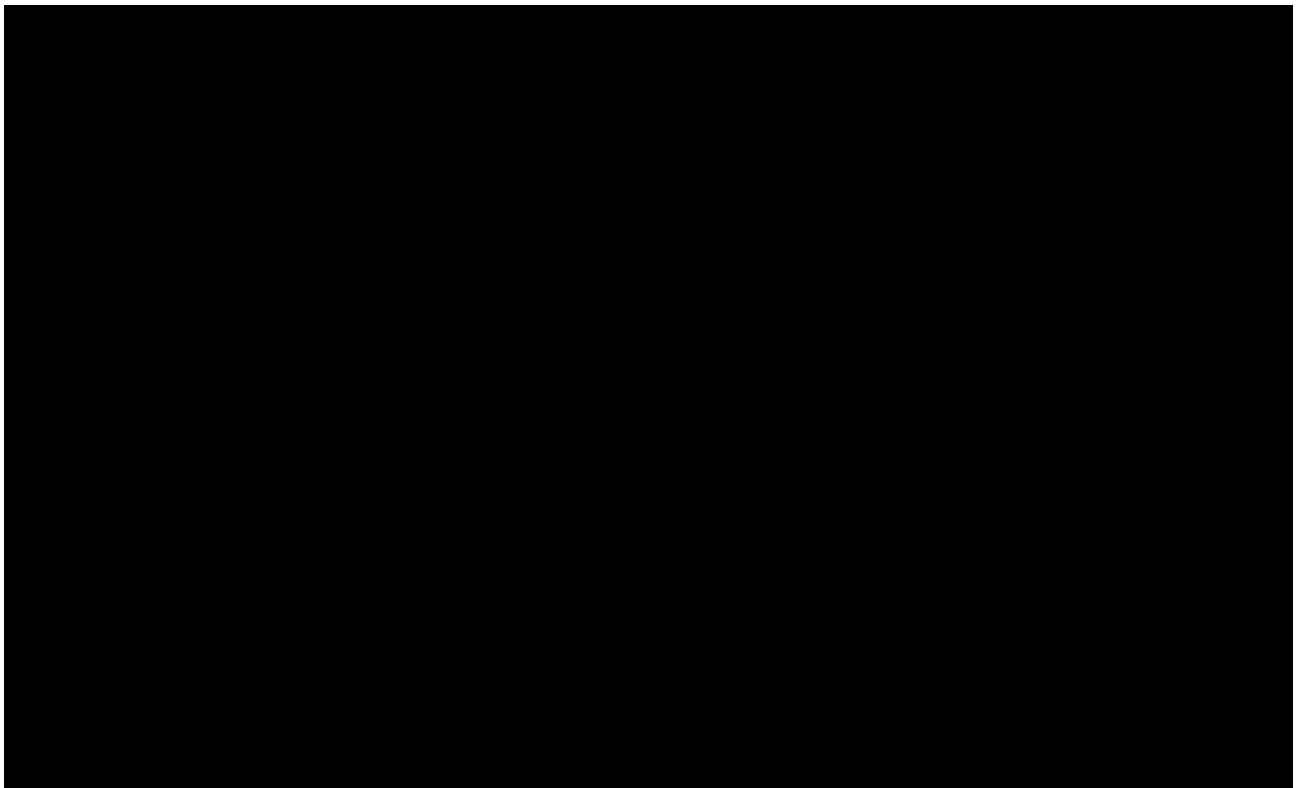
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From: @x
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Date: Friday, October 25, 2019 11:39:44 AM
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[REDACTED]

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Cc: Ciara Bradley <@x>

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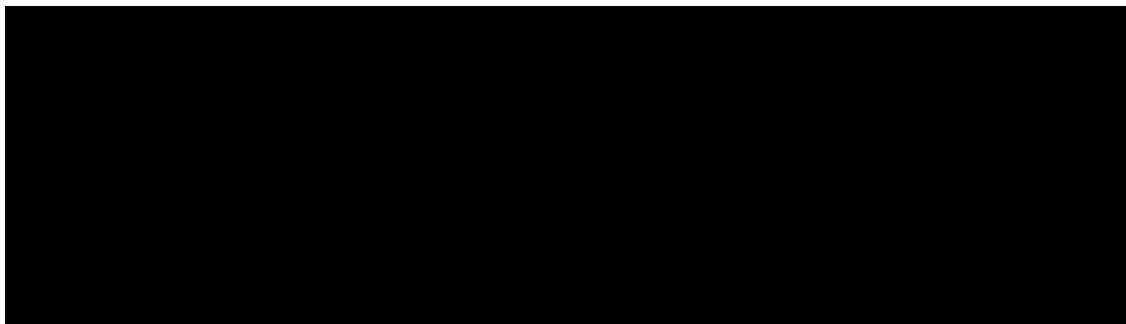
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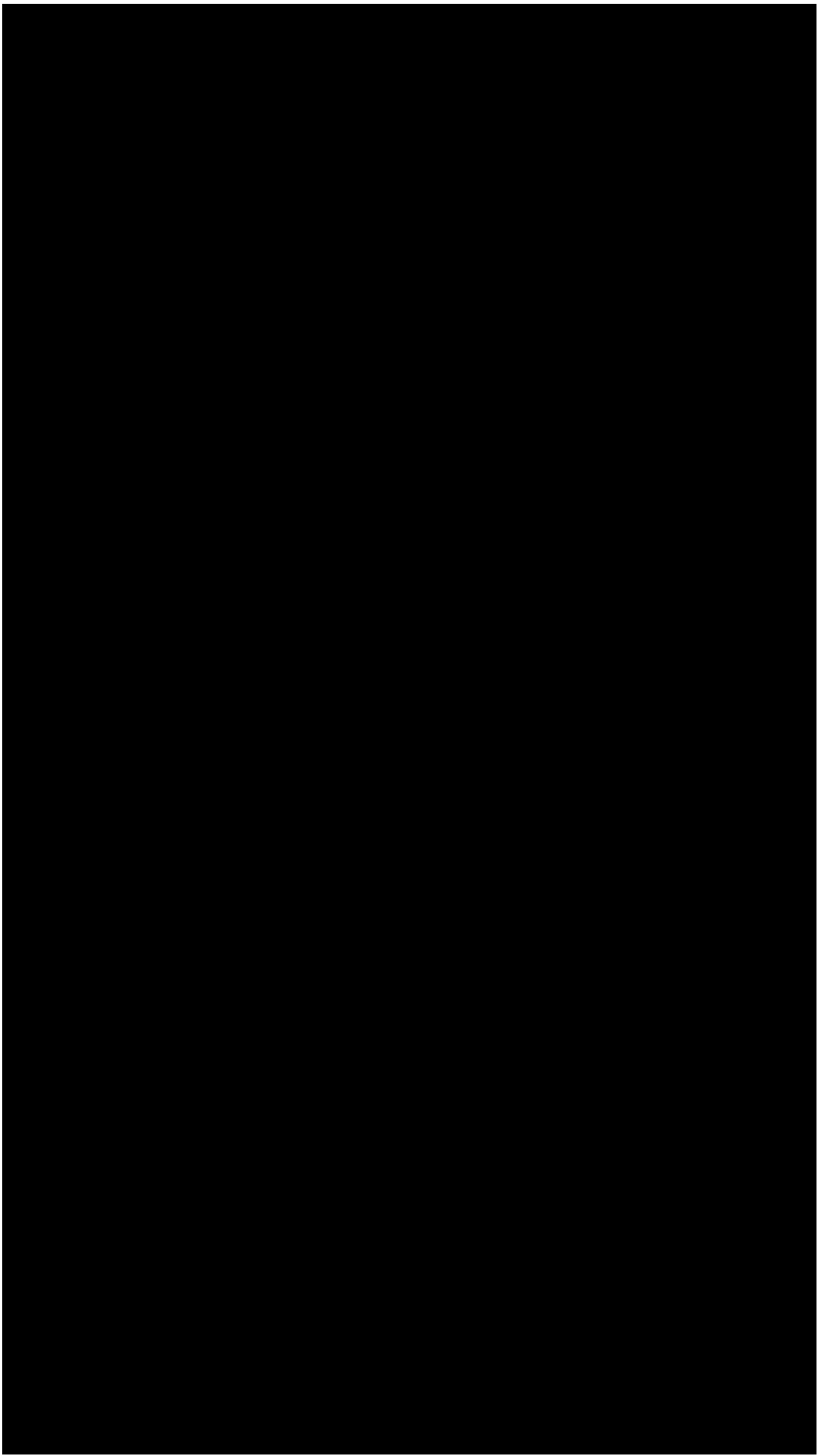
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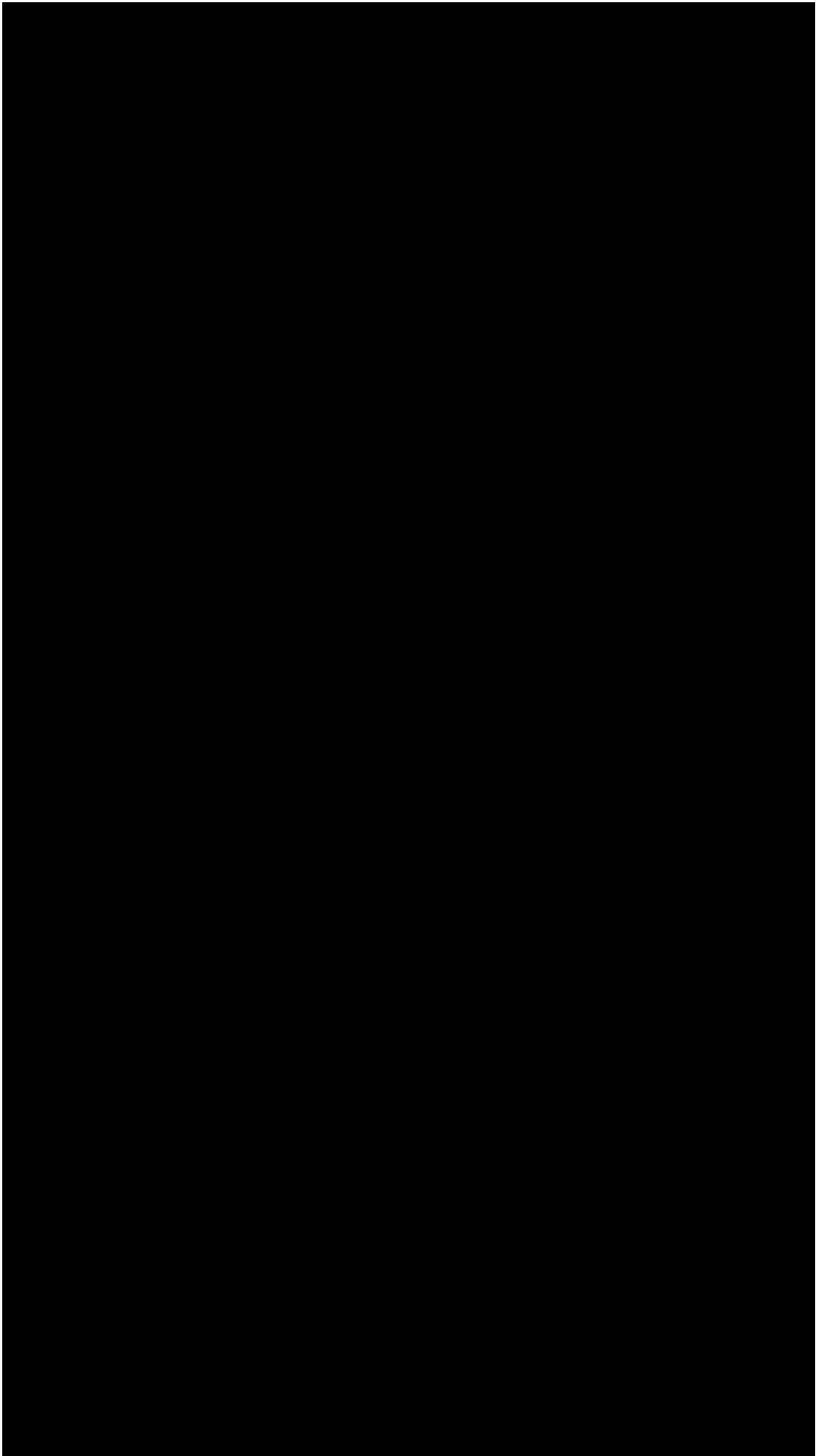
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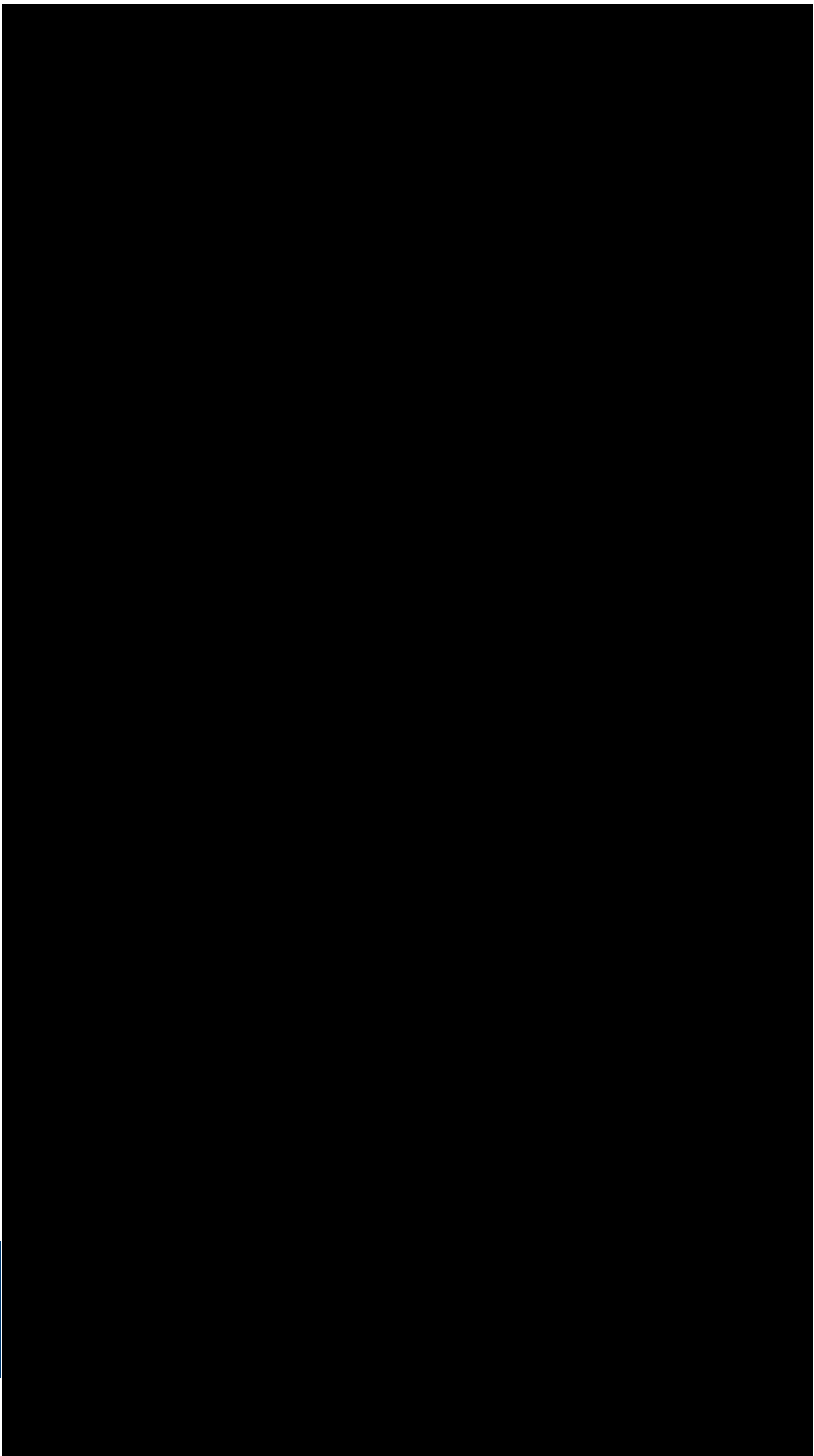


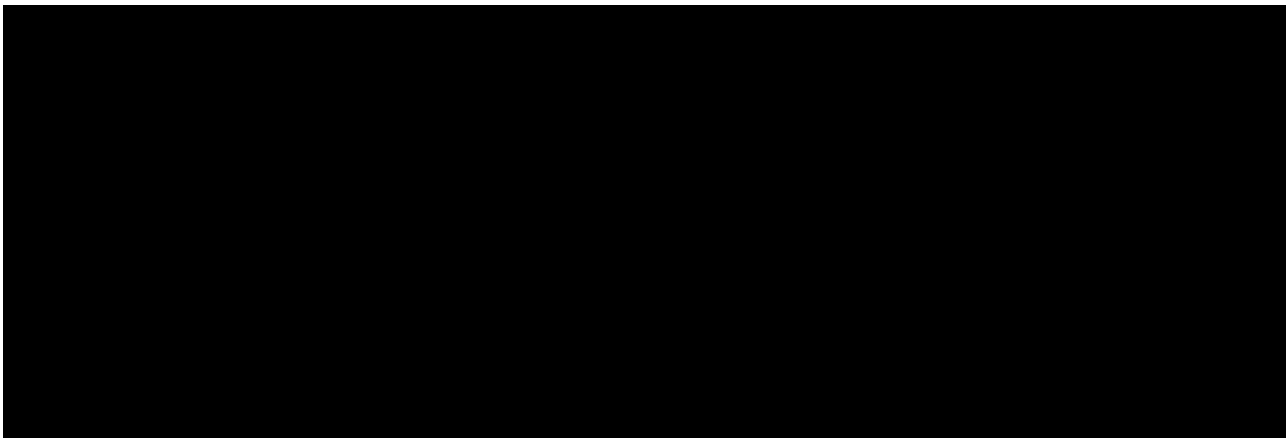
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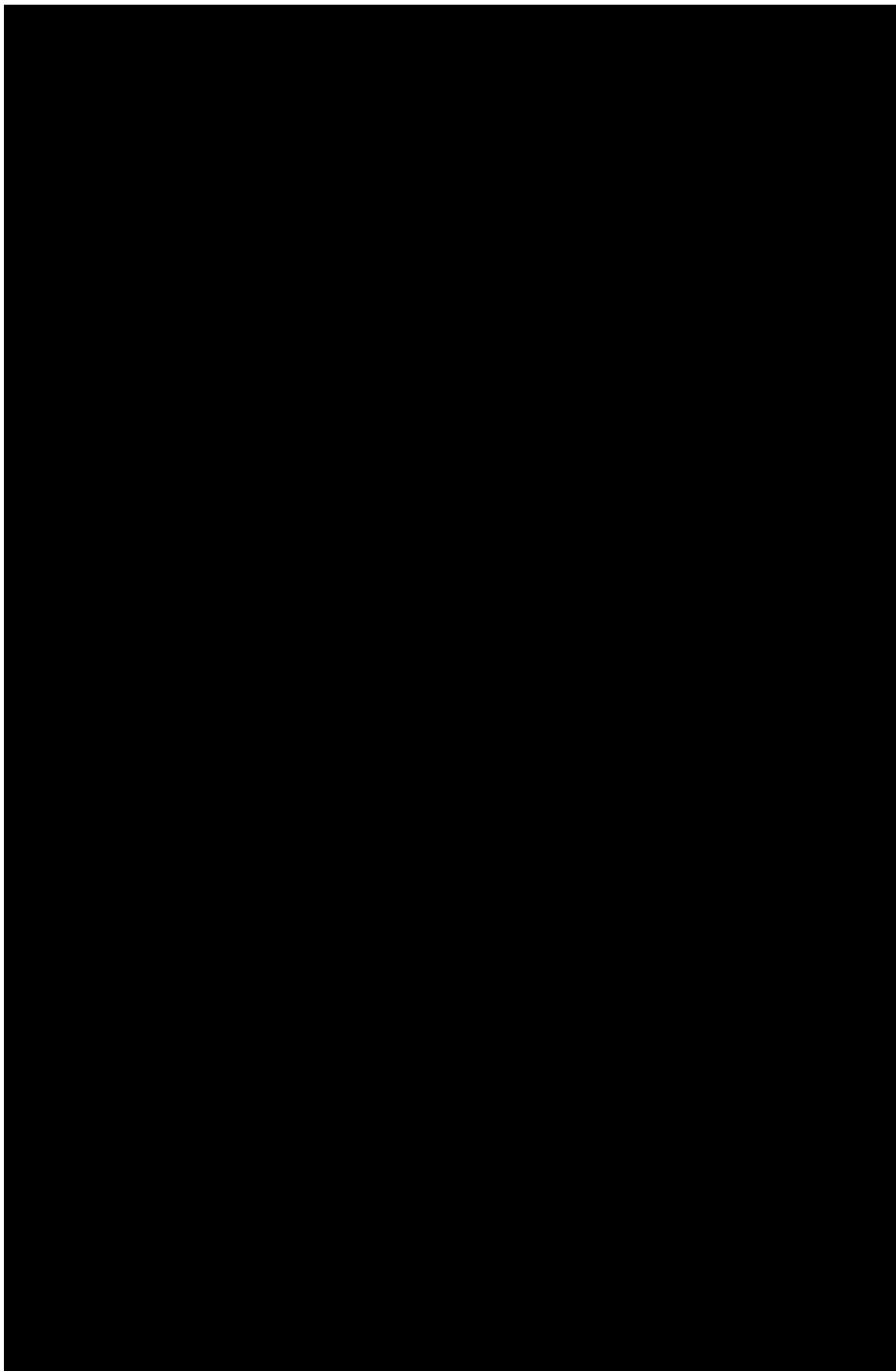


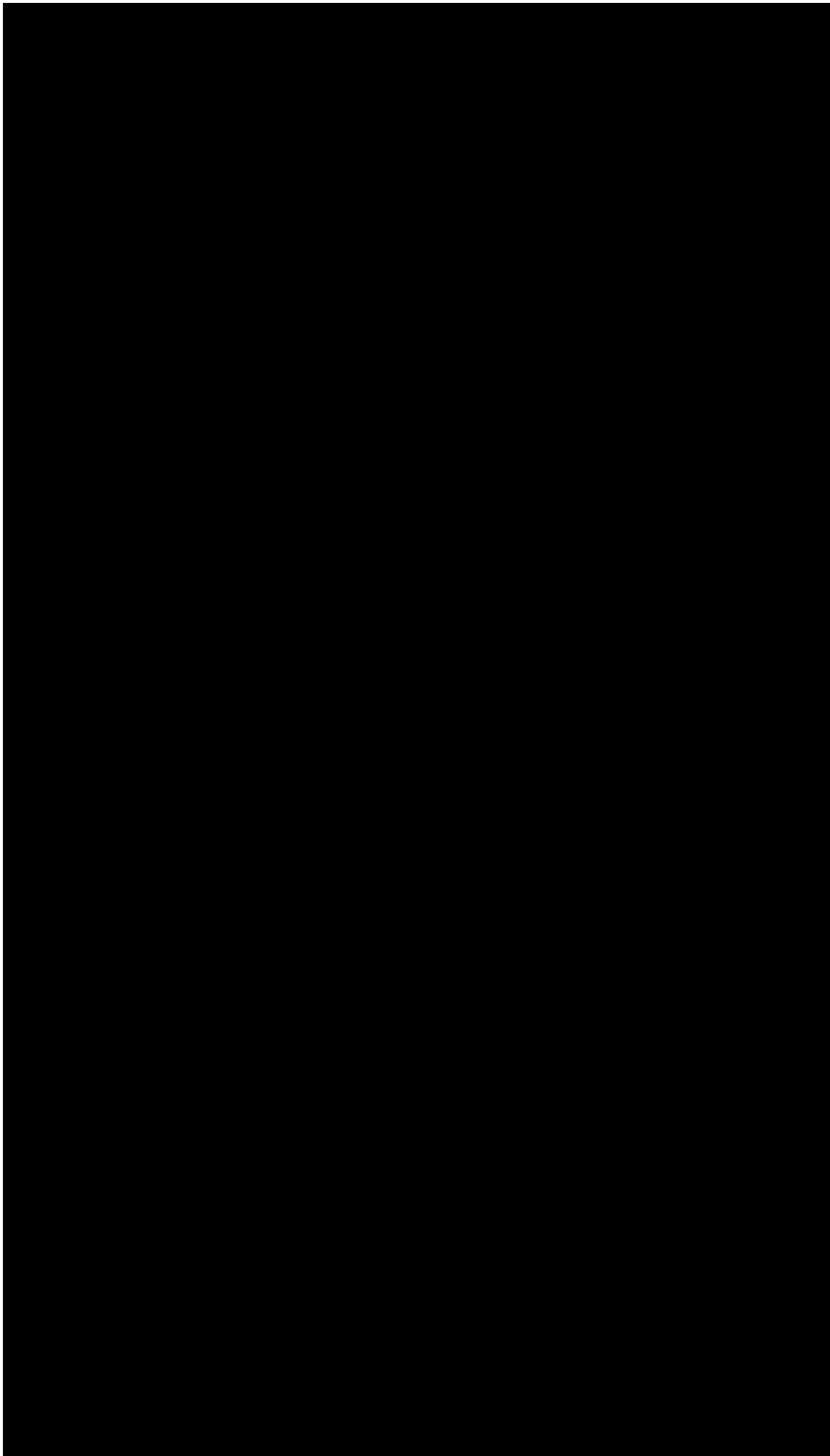


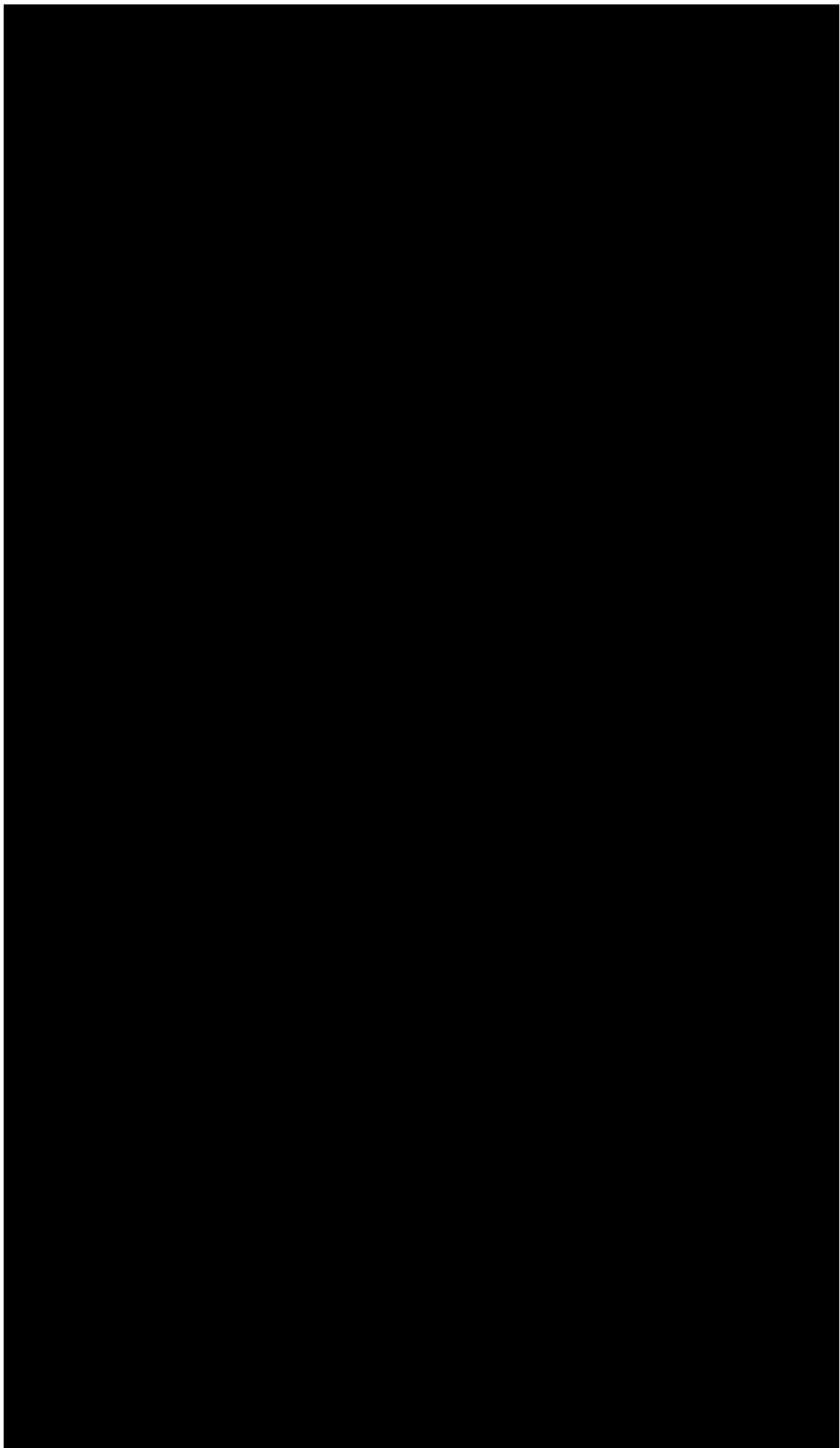


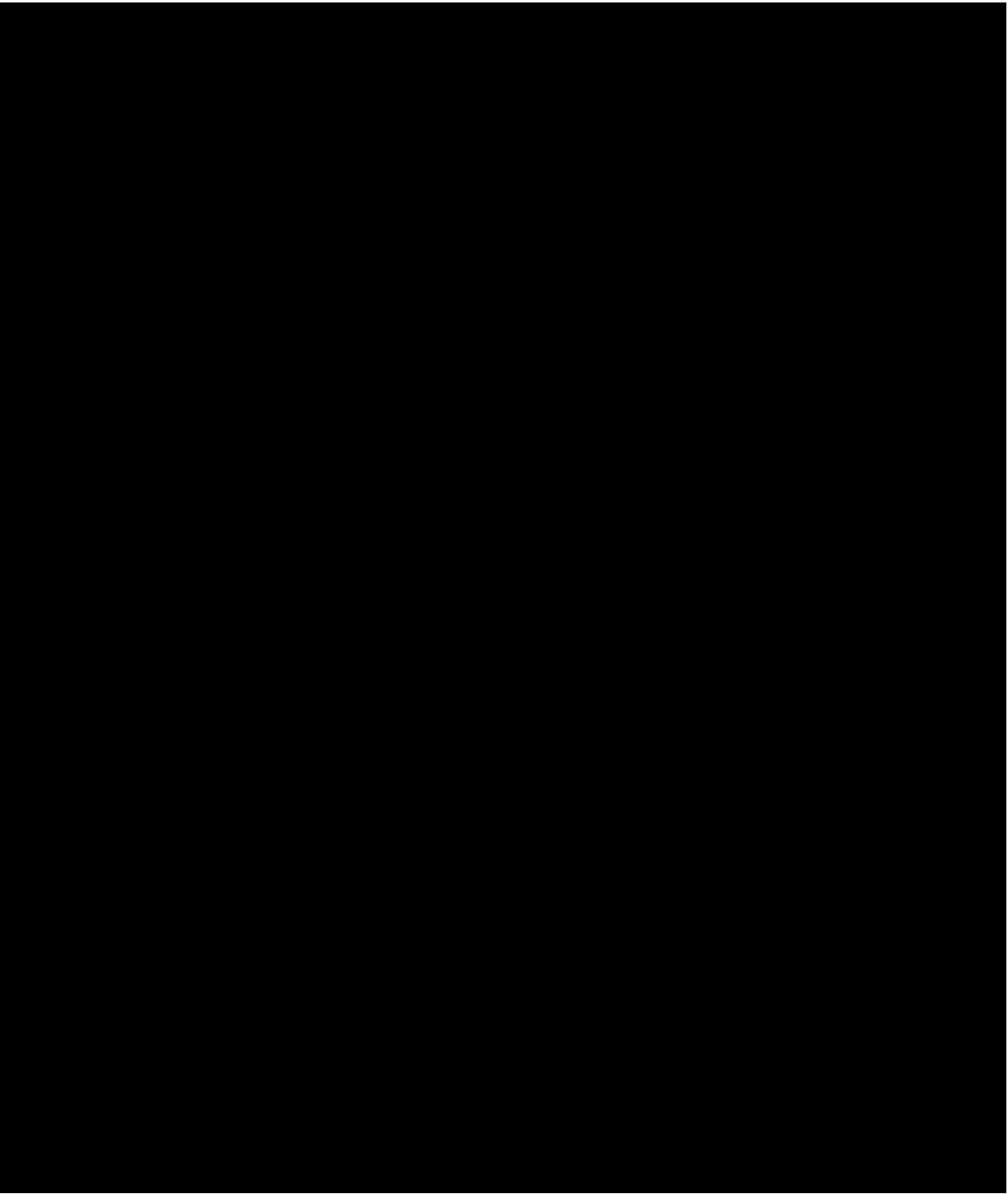


From: [NJLM Weekly Round-Up](#)
To: [@x](#)
Subject: Best Practices, OPRA and Budget Cap: Weekly Round-Up, October 25
Date: Friday, October 25, 2019 11:38:09 AM









From: mdarcy@njlm.org
To: scade@njlm.org
Subject: RE: FINAL TEST FW: Best Practices, OPRA and Budget Cap: Weekly Round-Up, October 25
Date: Friday, October 25, 2019 11:31:17 AM
Attachments: [image005.png](#)
[image007.png](#)
[image009.png](#)
[image011.png](#)

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New Jersey State League of Municipalities
222 West State Street, Trenton, NJ 08608
609-695-3481 extn 116
c-609-510-9472



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Sent: Friday, October 25, 2019 11:22 AM
To: Michael J. Darcy, CAE; Michael F. Cerra
Cc: Ciara Bradley
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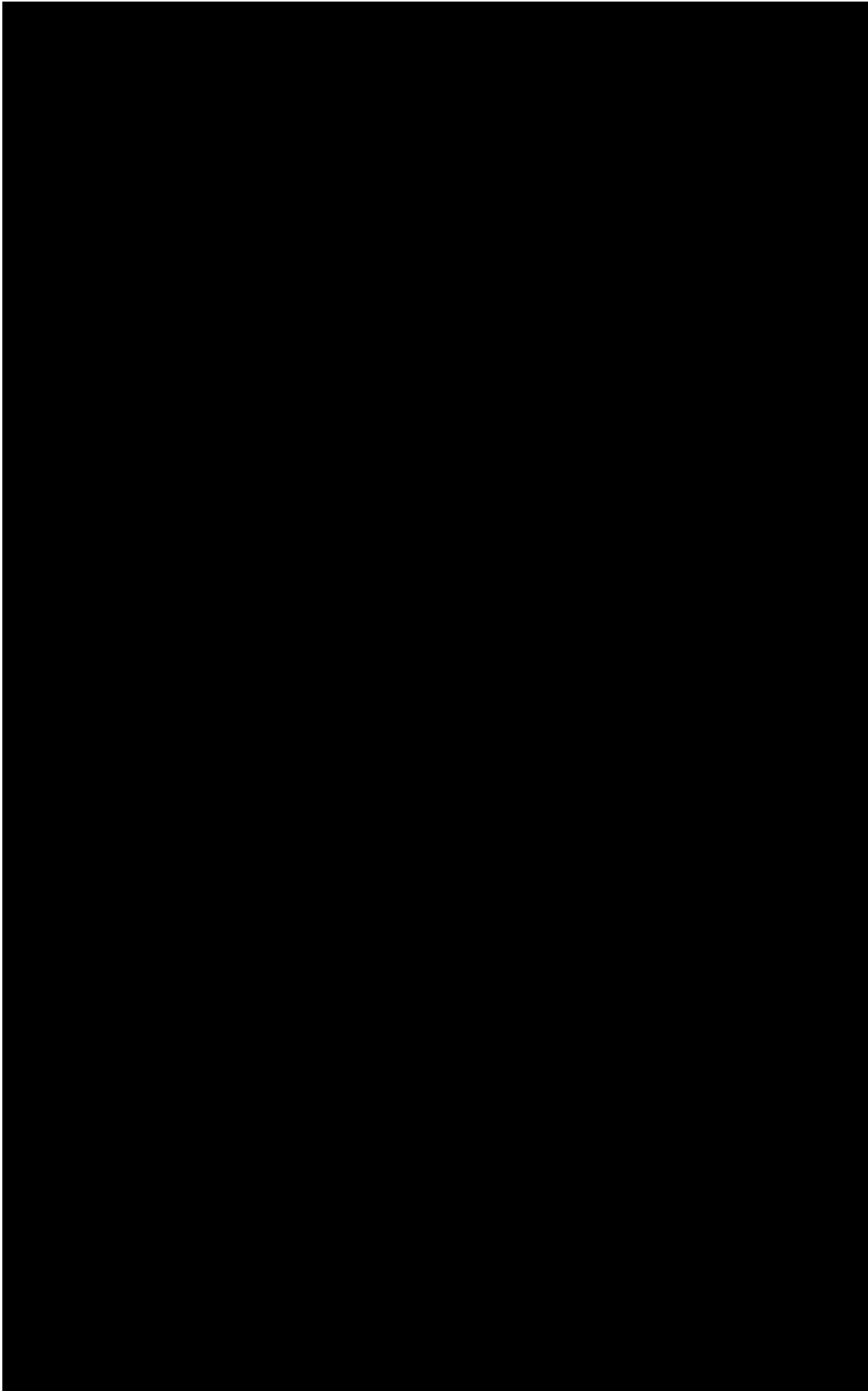


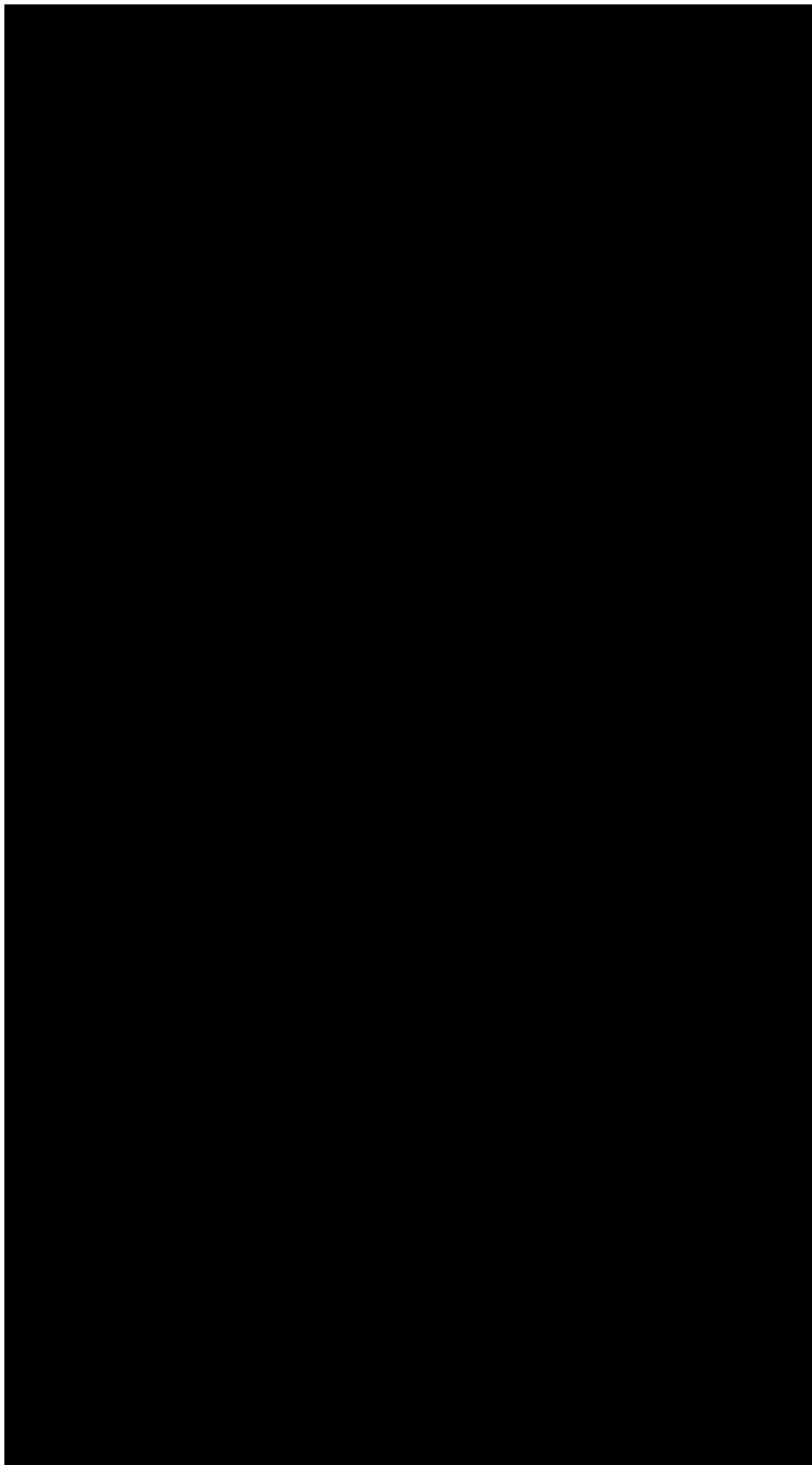
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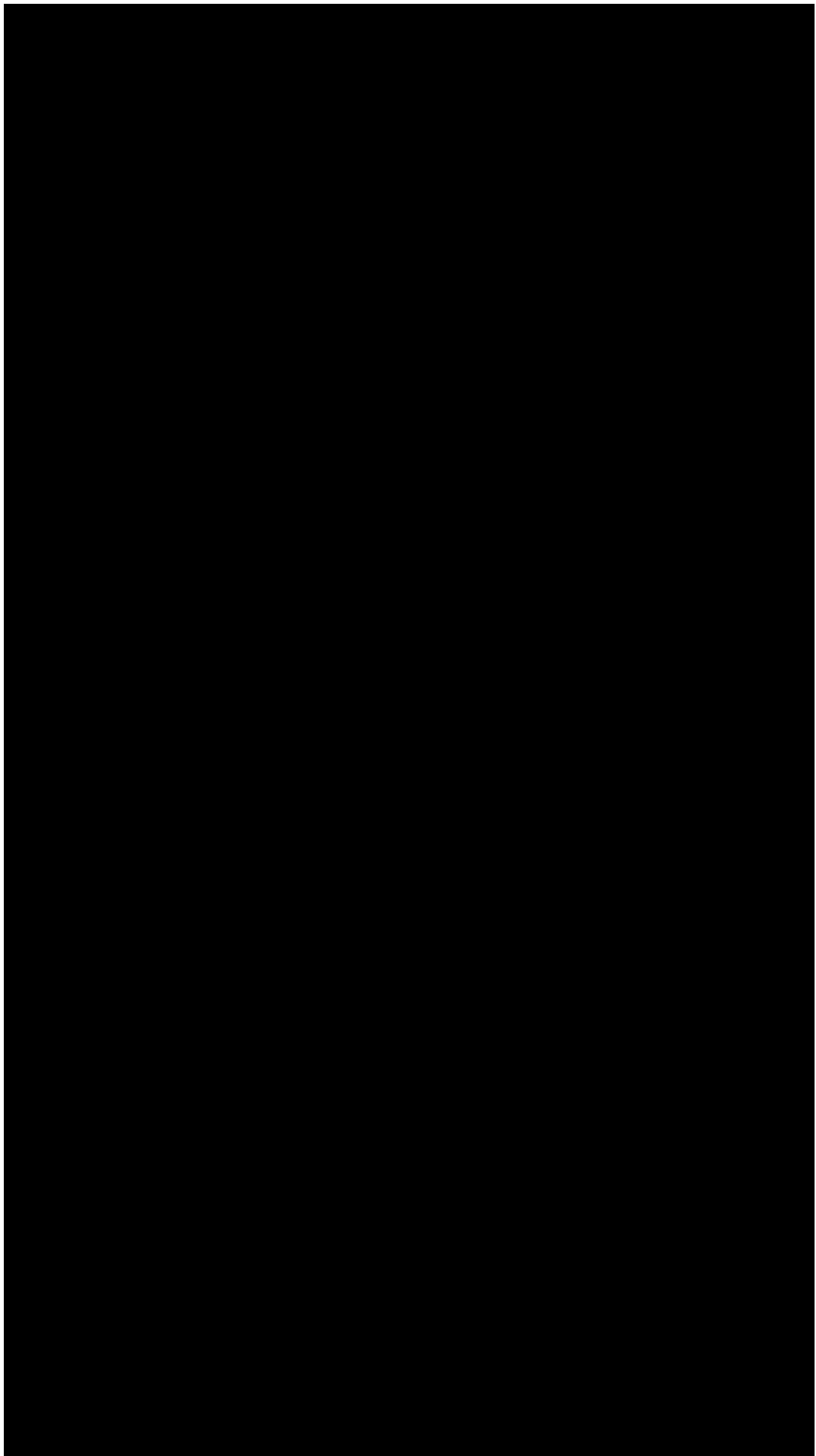
From: NJLM Weekly Round-Up [<mailto:noreply@civicplus.com>]
Sent: Friday, October 25, 2019 11:21 AM

To: Shirley Cade <@>

Subject: Best Practices, OPRA and Budget Cap: Weekly Round-Up, October 25









From: @x
To: @x; @x
Cc: @x
Subject: FINAL TEST FW: Best Practices, OPRA and Budget Cap: Weekly Round-Up, October 25
Date: Friday, October 25, 2019 11:21:32 AM
Attachments: [image001.png](#)
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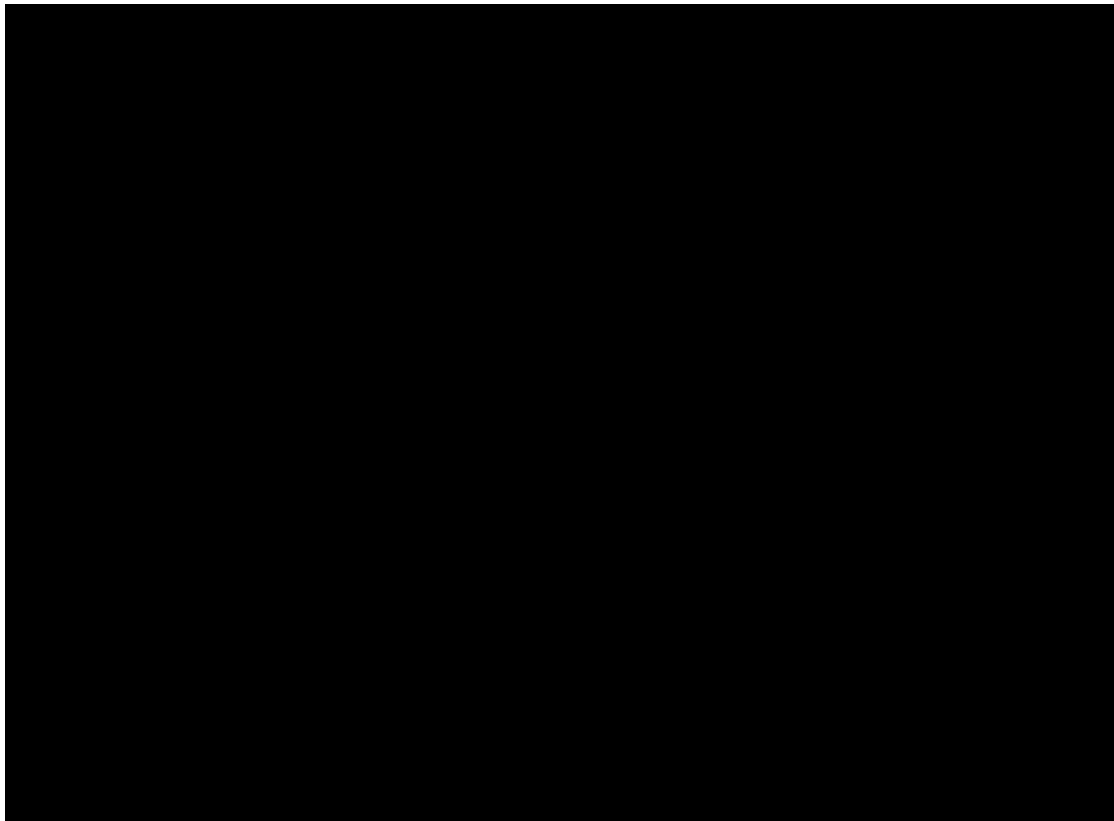
222 West State Street, Trenton, NJ 08608

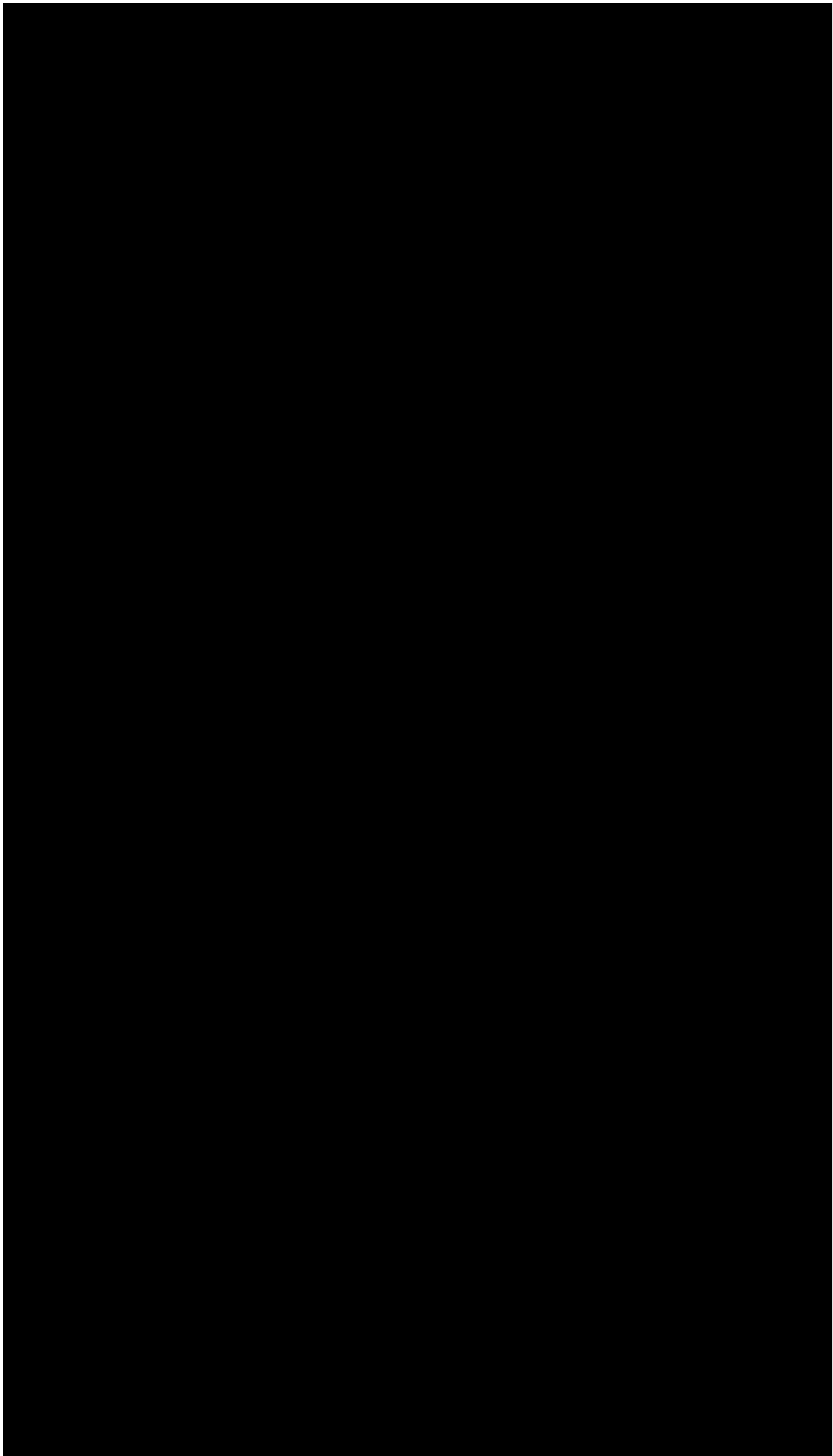
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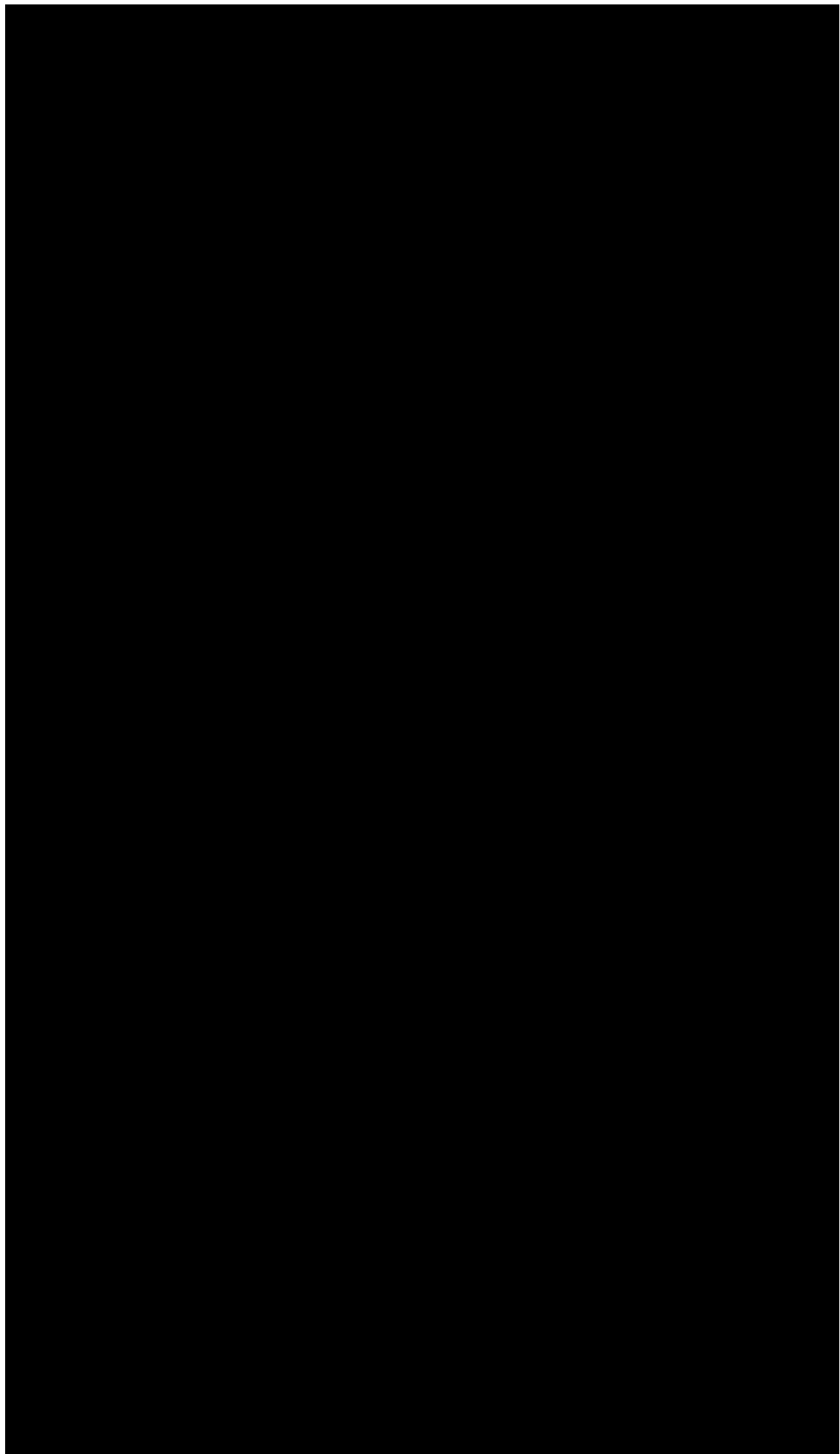


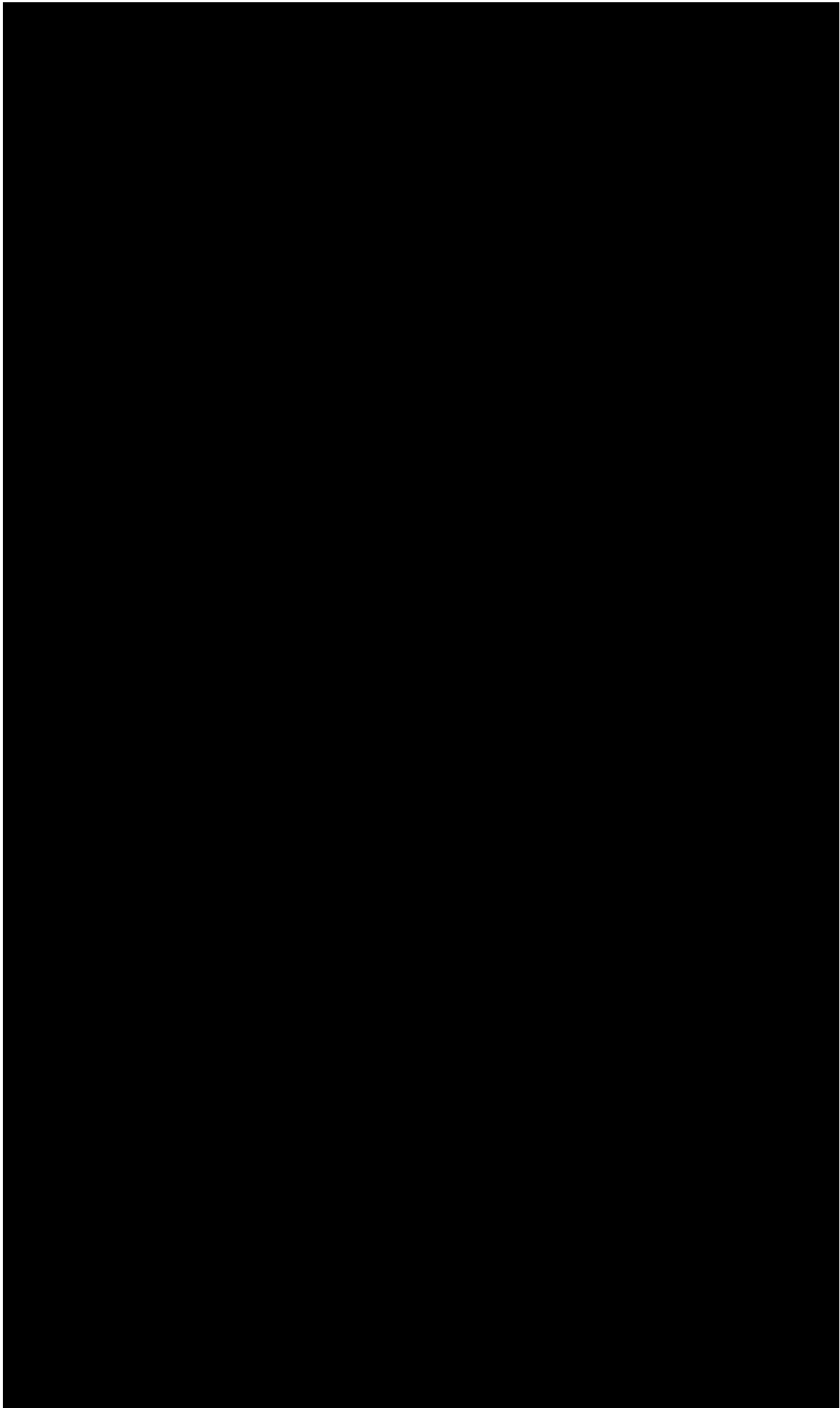
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To: Shirley Cade <@x>
Subject: Best Practices, OPRA and Budget Cap: Weekly Round-Up, October 25











From: [NJLM Weekly Round-Up](#)
To: [@x](#)
Subject: Best Practices, OPRA and Budget Cap: Weekly Round-Up, October 25
Date: Friday, October 25, 2019 11:20:31 AM

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October 25, 2019

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

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

I. State Issues

a. Look Ahead to Lame Duck: OPRA/OPMA Update, Sample Resolution, and Blog Posts

Recently, Senator Weinberg [noted](#) that she has been working for more than two years to update the outdated Open Public Records Act (OPRA) and Open Public Meetings Act (OPMA) and will continue to address them during lame duck, presumably through her bills [S-106](#) (OPMA) and [S-107](#) (OPRA). In response to this, the League and Municipal Clerks Association of New Jersey has prepared a [sample resolution](#) calling for a study commission to review the almost 20 year old law. The sample resolution also asks for information on your municipal experience with OPRA, including the number of requests, approximate staff hours staff and attorney fees your municipality has incurred responding to OPRA requests.

In addition, we are continuing are OPRA/OPMA blog post series with post on [subcommittees](#) and the [definition of government records](#).

We respectfully request that you consider adopting the sample resolution and forward a copy to your State Senator, Assembly Representatives as well as Senate President Sweeney, Assembly Speaker Coughlin, Senator Weinberg, and Governor Murphy.

Contact: Lori Buckelew, Senior Legislative Analyst, [xxxxxxxx@xxx.xxx](#) 609-695-3481

x112.

b. CY 2019/SFY 2020 Best Practices Inventory Due Next Week on October 30

As a reminder the deadline for the CY2019/SFY 2020 Best Practice Inventory is next week, Wednesday, October 30 for all municipalities. For more on the Inventory, the process and changes please read our [September 13 blog post](#).

Contact: Lori Buckelew, Senior Legislative Analyst, xxxxxxxx@xxxx.xxx 609-695-3481 x112.

c. CY 2020 Municipal Budget Cap Information

The Division of Local Government Services (DLGS) has issued [Local Finance Notice 2019-13](#) regarding the CY 2020 Municipal and County Budget and Cap Information.

There are two caps that limit local budgets. One is the 1977 budget cap law, which caps appropriations increases, and the other is the 2010 levy cap law, which caps levy increases. The 1977 budget cap law requires the DLGS to promulgate the Cost of Living Adjustment (COLA). The **COLA for CY 2020 budgets is calculated at 2.5%**. The governing body may pass a COLA ordinance, increasing the appropriation cap base to 3.5%. Cap bank balances from 2018 and 2019 are available for use in 2020.

In addition, both the 1977 and 2010 cap laws include a cap exception for Group Health Insurance. Since the State Health Benefits increase for CY 2020 is 0%, there will be **no 1977 cap or 2010 levy cap exception for Group Health Insurance for CY 2019**.

The Division will be issuing the Levy Cap Workbook at a later date.

Contact: Lori Buckelew, Senior Legislative Analyst, xxxxxxxx@xxxx.xxx 609-695-3481 x112.

II. Federal Issues

a. Senate Defeats SALT Limit Relief Senate Joint Resolution

On Wednesday, in Washington, the U.S. Senate rejected S.J.Res. 50, which would have allowed States to work around the \$10,000 IRS cap on State and Local Tax (SALT) income tax deductions. The cap, which affects many New Jersey homeowners, was implemented as part of the 2017 Federal Income Tax reform bill, known as the Tax Cuts and Jobs Act. A subsequent [IRS ruling](#) prevented States from implementing a '[Charitable Contributions](#)' program, such as the one that was passed into law here in the Garden State. That New Jersey law permits local governments to set up charitable trust funds, and to award property tax credits to trust fund contributors. The IRS rule would not allow filers to take a deduction, based on the amount of those contributions.

S.J. Res. 50 failed on a vote of 43-52.

The Attorneys General of New Jersey, New York, Connecticut and Maryland had [challenged](#) the SALT deduction cap, but they lost at the District Court level. New Jersey, New York and Connecticut have filed a separate lawsuit challenging the IRS rule. That is pending before a U.S. District Court in New York.

Contact:

- Frank Marshall, Esq., League Staff Attorney, xxxxxxx@xxxx.xxx 609-695-3481 x137.
- Jon Moran, Senior Legislative Analyst, xxxxxx@xxxx.xxx, 609-695-3481 x121.

b. Local Leaders Form National Election Task Force for 2020

Local elected officials from across the country, in partnership with the National League of Cities (NLC), have formed a bi-partisan 2020 Presidential Election Task Force.

"Local leaders have a major role to play in the Presidential election next November," said **NLC President Karen Freeman-Wilson, mayor of Gary, Indiana.** "We have a pulse on the most pressing issues facing our residents and through this task force, we will elevate local priorities on the national stage. We look forward to providing candidates with an inclusive agenda that addresses the major concerns of communities across the country."

Please [see the full press release](#).

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

III. Annual League Conference

a. View the NJLM Annual Conference List of Exhibitors

The exhibit hall at the conference is **sold out** with 700 exhibitors displaying their products and services in over 1,000 booths. Review the full list on the [Interactive Floor Plan](#) and on the [conference app](#) to make your schedule and save a list of the exhibitors you would like to visit.

The exhibitors are eager to provide education and solutions to your challenges!

Contact: Kristin Lawrence, Director of Exhibition and Sponsorships, 609-695-3481 x125, xxxxxxxx@xxxx.xxx

b. Unauthorized Hotel Reservation Services

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For the editorial calendar and editorial submission guide, please visit the [magazine's webpage](#) or contact Managing Editor Amy Spiezio at [xxxxxxx@xxxx.xxx](#)

b. Centennial of Suffrage

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From: [NJLM Weekly Round-Up](#)
To: [@x](#)
Subject: Best Practices, OPRA and Budget Cap: Weekly Round-Up, October 25
Date: Friday, October 25, 2019 11:19:29 AM

[newsletter header](#)



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October 25, 2019

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

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

I. State Issues

a. Look Ahead to Lame Duck: OPRA/OPMA Update, Sample Resolution, and Blog Posts

Recently, Senator Weinberg [noted](#) that she has been working for more than two years to update the outdated Open Public Records Act (OPRA) and Open Public Meetings Act (OPMA) and will continue to address them during lame duck, presumably through her bills [S-106](#) (OPMA) and [S-107](#) (OPRA). In response to this, the League and Municipal Clerks Association of New Jersey has prepared a [sample resolution](#) calling for a study commission to review the almost 20 year old law. The sample resolution also asks for information on your municipal experience with OPRA, including the number of requests, approximate staff hours staff and attorney fees your municipality has incurred responding to OPRA requests.

In addition, we are continuing are OPRA/OPMA blog post series with post on [subcommittees](#) and the [definition of government records](#).

We respectfully request that you consider adopting the sample resolution and forward a copy to your State Senator, Assembly Representatives as well as Senate President Sweeney, Assembly Speaker Coughlin, Senator Weinberg, and Governor Murphy.

Contact: Lori Buckelew, Senior Legislative Analyst, [xxxxxxxx@xxx.xxx](#) 609-695-3481

x112.

b. CY 2019/SFY 2020 Best Practices Inventory Due Next Week on October 30

As a reminder the deadline for the CY2019/SFY 2020 Best Practice Inventory is next week, Wednesday, October 30 for all municipalities. For more on the Inventory, the process and changes please read our [September 13 blog post](#).

Contact: Lori Buckelew, Senior Legislative Analyst, xxxxxxxx@xxxx.xxx 609-695-3481 x112.

c. CY 2020 Municipal Budget Cap Information

The Division of Local Government Services (DLGS) has issued [Local Finance Notice 2019-13](#) regarding the CY 2020 Municipal and County Budget and Cap Information.

There are two caps that limit local budgets. One is the 1977 budget cap law, which caps appropriations increases, and the other is the 2010 levy cap law, which caps levy increases. The 1977 budget cap law requires the DLGS to promulgate the Cost of Living Adjustment (COLA). The **COLA for CY 2020 budgets is calculated at 2.5%**. The governing body may pass a COLA ordinance, increasing the appropriation cap base to 3.5%. Cap bank balances from 2018 and 2019 are available for use in 2020.

In addition, both the 1977 and 2010 cap laws include a cap exception for Group Health Insurance. Since the State Health Benefits increase for CY 2020 is 0%, there will be **no 1977 cap or 2010 levy cap exception for Group Health Insurance for CY 2019**.

The Division will be issuing the Levy Cap Workbook at a later date.

Contact: Lori Buckelew, Senior Legislative Analyst, xxxxxxxx@xxxx.xxx 609-695-3481 x112.

II. Federal Issues

a. Senate Defeats SALT Limit Relief Senate Joint Resolution

On Wednesday, in Washington, the U.S. Senate rejected S.J.Res. 50, which would have allowed States to work around the \$10,000 IRS cap on State and Local Tax (SALT) income tax deductions. The cap, which affects many New Jersey homeowners, was implemented as part of the 2017 Federal Income Tax reform bill, known as the Tax Cuts and Jobs Act. A subsequent [IRS ruling](#) prevented States from implementing a '[Charitable Contributions](#)' program, such as the one that was passed into law here in the Garden State. That New Jersey law permits local governments to set up charitable trust funds, and to award property tax credits to trust fund contributors. The IRS rule would not allow filers to take a deduction, based on the amount of those contributions.

S.J. Res. 50 failed on a vote of 43-52.

The Attorneys General of New Jersey, New York, Connecticut and Maryland had [challenged](#) the SALT deduction cap, but they lost at the District Court level. New Jersey, New York and Connecticut have filed a separate lawsuit challenging the IRS rule. That is pending before a U.S. District Court in New York.

Contact:

- Frank Marshall, Esq., League Staff Attorney, xxxxxxx@xxxx.xxx 609-695-3481 x137.
- Jon Moran, Senior Legislative Analyst, xxxxxx@xxxx.xxx, 609-695-3481 x121.

b. Local Leaders Form National Election Task Force for 2020

Local elected officials from across the country, in partnership with the National League of Cities (NLC), have formed a bi-partisan 2020 Presidential Election Task Force.

"Local leaders have a major role to play in the Presidential election next November," said **NLC President Karen Freeman-Wilson, mayor of Gary, Indiana.** "We have a pulse on the most pressing issues facing our residents and through this task force, we will elevate local priorities on the national stage. We look forward to providing candidates with an inclusive agenda that addresses the major concerns of communities across the country."

Please [see the full press release](#).

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a. View the NJLM Annual Conference List of Exhibitors

The exhibit hall at the conference is **sold out** with 700 exhibitors displaying their products and services in over 1,000 booths. Review the full list on the [Interactive Floor Plan](#) and on the [conference app](#) to make your schedule and save a list of the exhibitors you would like to visit.

The exhibitors are eager to provide education and solutions to your challenges!

Contact: Kristin Lawrence, Director of Exhibition and Sponsorships, 609-695-3481 x125, xxxxxxxx@xxxx.xxx

b. Unauthorized Hotel Reservation Services

Every year unauthorized firms solicit housing and hotel reservations from attendees at the Annual League Conference. We assure you that the only firm authorized to handle our conference housing reservations is AC Central Reservations. This information is on the top of the [official conference housing form](#) sent to all municipal clerks and posted on the League website.

Using unauthorized reservation services creates real problems for you and the conference as a whole. You cannot be assured your credit card information is secure and your room reservation may not actually be made. Using unauthorized services means your room will not be part of the official conference housing block and you will not get emergency housing information (which happened in both 2011 and 2012), nor will there be adequate shuttle bus services to your hotel.

As always, the League is available to answer your questions on any aspect of the annual conference and we strive to make your participation both enjoyable and highly productive.

Contact: Michael J. Darcy, CAE, Executive Director, xxxxxx@xxxx.xxx, 609-695-3481 x116.

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Subject: Best Practices, OPRA and Budget Cap: Weekly Round-Up, October 25
Date: Friday, October 25, 2019 11:15:05 AM

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From: [@x](#)
To: [@xx](#)
Subject: USCA-3 decision on OPRA and fee entitlement
Date: Friday, August 16, 2019 3:04:45 PM
Attachments: [Golden-NJIT-USCA3-OPRA-.pdf](#)
[Fees Wrongly Denied in Author's Public Records Action Against NJIT, Court Says New Jersey Law Journal.pdf](#)

Attached an article from the NJ Law Journal along with the opinion from the 3rd Circuit US Court of Appeals regarding a fee award against NJ Institute of Technology for withholding documents, allegedly at the direction of the FBI.

From: [William Kearns](#)
To: [Frank Marshall Esq.](#); [CAE Michael J. Darcy](#); [Michael F. Cerra](#); [Lori Buckelew](#); [Jon Moran](#)
Cc: [Trishka Waterbury Cecil Esq](#); [John C. Gillespie Esq.](#); [J. Peter Jost](#)
Subject: USCA-3 decision on OPRA and fee entitlement
Date: Friday, August 16, 2019 11:44:17 AM
Attachments: [image002.png](#)
[Golden-NJIT-USCA3-OPRA-.pdf](#)
[Fees Wrongly Denied in Author's Public Records Action Against NJIT, Court Says New Jersey Law Journal.pdf](#)

Colleagues

I have attached an article from the NJ Law Journal along with the opinion from the 3rd Circuit US Court of Appeals regarding a fee award against NJ Institute of Technology for withholding documents, allegedly at the direction of the FBI.

It is worth reading.

Bill Kearns

William John Kearns, Jr.
Attorney-at-Law

HELMER, CONLEY & KASSELMAN, P.A.

ATTORNEYS AT LAW

600 Beverly-Rancocas Road
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**From:** [xxxxxx@xxx.xxx](mailto:xxxxxx@xxx.xxx)  
**To:** [xxxxxxxx@xxx.xxx](mailto:xxxxxxxx@xxx.xxx)  
**Subject:** FW: MEMO from June 2015.....OPMA S. 781/OPRA S. 782 Legislation Memo June 2015  
**Date:** Wednesday, June 19, 2019 1:12:27 PM  
**Attachments:** [OPMA S. 781OPRA S. 782 Legislation Memo June 2015.docx](#)

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**From:** Christopher Pianese [mailto:[xx@x](mailto:xx@x)]  
**Sent:** Wednesday, June 19, 2019 1:05 PM  
**To:** Michael F. Cerra <[xx@x](mailto:xx@x)>  
**Subject:** FW: MEMO from June 2015.....OPMA S. 781/OPRA S. 782 Legislation Memo June 2015

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

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

Chris

---

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

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



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



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

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

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**From:** [Trishka Cecil](#)  
**To:** [Michael Darcy \(@\\*\)](#); [William Kearns](#); [Frank Marshall](#)  
**Cc:** [Michael F. Cerra \(@\\*\)](#)  
**Subject:** CONFIDENTIAL re OPRA  
**Date:** Saturday, March 16, 2019 3:11:31 PM

---

CONFIDENTIAL DELIBERATIVE DOCUMENT—NOT A PUBLIC RECORD

Hi,

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Regards,

Trishka



**From:** [Mayor Medany](#)  
**To:** [@x](#)  
**Cc:** [@x](#); [@x](#); [@x](#); [@x](#); [@x](#); [Dina Zawadski](#)  
**Subject:** OPRA  
**Date:** Friday, March 15, 2019 7:37:38 AM

---

We are writing concerning Deptford OPRA requests. Our opinion on revisions to the OPRA laws are well known at this point from previous letters and testimony. We are fully supportive of open and transparent government and open public meetings.

In recent weeks we received an OPRA request as a seemingly needless demand for records, texts, emails, correspondence, letters, planning resolutions from all public officials, board members, (who keep in mind are volunteers) and professionals for the last 12 years concerning a recent application that received full approval.

Our Township Clerk office has spent the last two weeks trying to fulfill this request. This meant that government operations effectively stopped in this office while practically the full staff gathered this information. Despite the argument that documents should be placed on the website and fulfilling requests electronically it does not belie the fact that people, personnel, employees need to physically research, redact and document these needless requests.

Now there are incorporated companies like "OPRA Machine" and "NJFOG" that request documents in ways that try to trip up our Clerks in order to recoup monetary compensation.

Recently a reporter called to demand blueprints that needed to be sent out to be copied, 36 pages, and wanted them under the immediate access section. He did not want hear that we do not have a blueprint copier here in the office. He literally yelled at our clerk and employee that they were violating OPRA and demanded we drop everything, run to the office store, make copies and return them to him so he could meet his deadline, that same day, then threatened to write a story about us not cooperating! I can tell stories when the Clerk Assistant was literally crying in my office because of the pressure of personal liability when the OPRA Machine filed a superior court lawsuit for an OPRA violation!

These stories are practically weekly occurrences in our offices. We are here to serve our residents, provide services and provide for the wellbeing of our residents. OPRA has effectively clogged up a whole department, the Clerk's office and prevents us from doing the work of the people.

We need help with legislation and revisions, not strengthening OPRA but helping local government offices serve the public.

Thank you for your time

**From:** TOM DUNN  
**To:** "Frank Marshall"  
**Cc:** Trishka Waterbury Cecil Esq .  
**Subject:** RE: Facebook OPRA Case  
**Date:** Friday, February 15, 2019 4:12:19 PM  
**Attachments:** [image001.png](#)  
[image003.png](#)  
[2018-10 LGLR.pdf](#)

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Frank,

I have attached the October Law Review in which we reported on both the Larkin case and the Gelber case that came to different conclusions. I don't know whether either of them have been appealed, but there certainly were no Appellate decisions reported on them in our January edition. The January edition did contain a squib about *Carter v. Franklin Fire Dist. No. 1* (Unpub. App. Div. Oct. 3, 2018)

[https://scholar.google.com/scholar\\_case?case=11074235840564658428](https://scholar.google.com/scholar_case?case=11074235840564658428). That case deals with a little different fact pattern: PAC emails on a Fire District's server which were declared not to be public records. We are currently in the process of preparing for the April edition and, in the 48 cases we have assigned to the editors for summary, there appear to be none that deal with similar issues.

I am forwarding the thread to Trishka in case she knows of any cases or other information on Facebook and OPRA.

Regards,  
Tom

---

**From:** Frank Marshall <[@x](#)>  
**Sent:** Friday, February 15, 2019 2:06 PM  
**To:** [@x](#)  
**Subject:** Facebook OPRA Case

Tom,

Back in October you asked for a copy of the Larkin v. Glen Rock case (see, below). You were going to publish them in the law review. I have had a few questions about this issue recently and was wondering if you put together any other information on the topic that I could pass along.

Thanks,  
Frank

---

**From:** TOM DUNN [<mailto:@x>]  
**Sent:** Wednesday, October 17, 2018 2:12 PM  
**To:** Trishka Waterbury Cecil Esq.; Frank Marshall; 'Carl R. Woodward, III Esq'  
**Subject:** LARKIN V GLEN ROCK

*"Would any of you have immediately available the opinion in Larkin v. Glen Rock – a Facebook OPRA case—that we discussed in the amicus committee and at the ILGA Board meeting? If so can you send me a pdf ASAP? Sorry for the procrastination but apparently my copy of the case got swallowed by the internet.*

*Steve Kleinman has given me an opinion by Judge Mizdol in which – under somewhat similar, but*

*different, facts—she came to a different conclusion. I want to publish them both in the Law Review and would like to have the Larkin case today or tomorrow if possible.”*

---

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

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



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

---

Attached is a copy of the decision.

---

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

Frank

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

Thanks

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

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

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**From:** @x  
**To:** @x; @x  
**Subject:** Could this happen under NJ OPRA?  
**Date:** Thursday, July 19, 2018 10:29:47 AM

---

This gave me a pretty good laugh. This was sent to me by a lawyer friend who recently experienced a particularly rough deposition. I could see this scene playing out in an OPRA lawsuit.

<https://www.nytimes.com/video/opinion/100000002847155/verbatim-what-is-a-photocopier.html>

Frank Marshall, Esq., Staff Attorney  
New Jersey State League of Municipalities  
609-695-3481 extn 137  
222 West State St.  
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**From:** @x  
**To:** @x; @x  
**Cc:** @x  
**Subject:** RE: OPRA Request #166-2018  
**Date:** Monday, June 18, 2018 11:55:42 AM  
**Attachments:** [image001.png](#)  
[Verry v Franklin Fire District No 1 GRC Complaint No 2014-387.pdf](#)

---

Michael,

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

-Frank

---

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

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

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

*This email is not confidential communication and is read by others.*

---

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

FYI.

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

Mike,

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

Thank you,

Daniel G. Flynn

Councilman  
Town of Newton

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

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

Good Morning Council,

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

Kind regards,



**Michelle Estremera**

Municipal Clerk Secretary

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

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

PH: 973-383-3521 ext. 221

E-mail: [xxxxxxxxx@xxxxxxxxxxxxxxxxxxx](mailto:xxxxxxxxx@xxxxxxxxxxxxxxxxxxx)

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**From:** [William Kearns](#)  
**To:** [Frank Marshall Esq.](#); [CAE Michael J. Darcy](#); [Michael F. Cerra](#); [Trishka Waterbury Cecil Esq](#)  
**Subject:** Fwd: [New post] Appellate Division Rules that OPRA is not Limited to NJ Citizens  
**Date:** Wednesday, May 16, 2018 12:54:34 PM  
**Attachments:** [image002.png](#)

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*Bill Kearns*

William John Kearns, Jr.  
Attorney-at-Law  
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**Subject:** [New post] Appellate Division Rules that OPRA is not Limited to NJ Citizens  
**Date:** May 16, 2018 at 12:49:20 PM EDT  
**To:** [xxxxxxxx@xxxxxxxx.xxx](mailto:xxxxxxxx@xxxxxxxx.xxx)  
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## Appellate Division Rules that OPRA is not Limited to NJ Citizens

by [Pashman Stein Walder Hayden, PC](#)

Ruling protects the right of out-of-state media to utilize OPRA

Pashman Stein Walder Hayden partner CJ Griffin secured an important victory today in a consolidated Open Public Records Act (OPRA) case. The Appellate Division ruled that OPRA can be used by "any person" and is not limited only to New Jersey citizens. No other appellate court has previously addressed this issue. The Appellate Division's decision can be viewed [here](#).

The case, which has been approved for publication, is captioned [Harry Scheeler v. Atlantic County Municipal Joint Insurance Fund](#). The Appellate Division affirmed a decision by the Honorable Ronald E. Bookbinder, A.J.S.C., who held that OPRA was not limited only to citizens because nearly a dozen provisions of OPRA state that "any person" can request government records and "any person" can file a lawsuit to challenge an agency's denial of access.

At the same time, the Appellate Division reversed the lower court in the two other appeals that were part of the consolidated decision: [Scheeler v. City of Cape May](#) and [Lawyers' Committee for Civil Rights Under the Law v. Atlantic City Board of Education](#). In those cases, an Atlantic County trial court judge ruled that despite OPRA's repeated references to "any person," only New Jersey citizens can utilize OPRA because OPRA's introductory language states that "government records shall be readily accessible for inspection, copying, or examination by the citizens of this State."

Had the Appellate Division ruled differently, out-of-state news agencies would have been precluded from filing OPRA requests in New Jersey. Even out-of-state persons who own summer homes or rental homes in New Jersey would have been precluded from filing OPRA requests, even though they clearly have an interest in doing so.

"The Appellate Division's decision is a significant victory because allowing out-of-state requestors to utilize OPRA, whether they are individual persons or media companies, advances transparency and benefits the citizens of our State," said Griffin. "Most of my non-media clients, including Mr. Scheeler, routinely distribute the records they obtain from public agencies to the media or otherwise publish them online so that the public can be aware of what their government is doing."

Griffin has litigated several cases on this issue and had convinced a total of four trial court judges that OPRA did not contain a citizenship requirement. In one case, [Carter v. Borough of Paramus](#), the OPRA requestor was a New Jersey citizen but the agency insisted that he had to provide his home address and driver's license in order to prove his citizenship. When the requestor cited his privacy and refused to do so, the agency denied his request. Griffin took the matter to Superior Court and won.

"A citizenship requirement would put endless obstacles in the way of gaining access to public records, even for citizens," said Griffin. "This is the only decision that makes sense and that fosters transparency."

Griffin represented Mr. Scheeler in both cases bearing his name. PSWH Associate Suzanne M. Bradley participated in the legal briefing. The American Civil Liberties Union of New Jersey represented the Lawyers' Committee in the third matter.

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**Subject:** Fwd: [New post] Appellate Division Rules that OPRA is not Limited to NJ Citizens  
**Date:** Wednesday, May 16, 2018 12:54:33 PM  
**Attachments:** [jmae002.png](#)

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William John Kearns, Jr.  
Attorney-at-Law  
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