

From: [Hitchner, Jeanne](#)
To: [Lori Buckelew](#); [Caruso, Frank](#)
Subject: RE: OPRA Speaker needed for Cumberland County Municipal Clerks
Date: Thursday, April 4, 2019 8:47:59 AM
Attachments: [image001.png](#)

Perfect. I'll send this up with my application and let you know if they need anything else.

Jeanne

From: Lori Buckelew <[x@x](#)>
Sent: Wednesday, April 03, 2019 4:54 PM
To: Hitchner, Jeanne <[x@x](#)>; Caruso, Frank <[Franx@x](#)>
Subject: RE: OPRA Speaker needed for Cumberland County Municipal Clerks

Hi Jeanne,

For the description: This presentation will highlight the various legislative proposals amending the Open Public Records Acting with an in depth review of Senator Weinberg's legislation, S107.

Let me know if you need more information.

Lori

From: Hitchner, Jeanne [<mailto:x@x>]
Sent: Wednesday, April 03, 2019 1:38 PM
To: Caruso, Frank
Cc: Lori Buckelew
Subject: RE: OPRA Speaker needed for Cumberland County Municipal Clerks

Thanks, Frank!

From: Caruso, Frank <[x@x](#)>
Sent: Wednesday, April 03, 2019 1:36 PM
To: Hitchner, Jeanne <[x@x](#)>
Cc: Lori Buckelew <[x@x](#)>
Subject: RE: OPRA Speaker needed for Cumberland County Municipal Clerks

Good afternoon Jeanne,

The below snip-it provides a syllabus for May 13, 2019. You may use same to apply for CEU credits with the Division of Local Government Services.

11:10am to 12:00pm - Presenter: Frank F. Caruso, Acting Executive Director
Government Records Council ("GRC")

This presentation will assist government employees, governing bodies, departments, boards, and commissions to understand the mandatory requirements of the Open Public Records Act ("OPRA"). Topics discussed will include:

- A brief overview of OPRA, the GRC's function, and services provided to requestors and custodians;
- Discussion of procedure for custodians' routine handling of OPRA requests;
- References to significant GRC and court decisions affecting access to government records; and
- Question and answer period based on attendee pre-submitted questions.

If you need anything else, please do not hesitate to contact me directly.

Sincerely,

Frank F. Caruso

Government Records Council

Acting Executive Director

Tel: (609) 341-3479 | Fax: (609) 633-6337

<http://www.state.nj.us/grc/>

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From: Hitchner, Jeanne <[xx@xx](#)>

Sent: Wednesday, April 3, 2019 8:48 AM

To: Lori Buckelew <[@xx](#)>; Caruso, Frank <[xx@xx](#)>

Subject: [EXTERNAL] RE: OPRA Speaker needed for Cumberland County Municipal Clerks

Hello again,

Just wanted to touch base on the below.

Thanks!

Jeanne

From: Hitchner, Jeanne

Sent: Monday, March 25, 2019 12:51 PM

To: 'Lori Buckelew' <[@xx](#)>; 'Caruso, Frank' <[xx@xx](#)>

Subject: RE: OPRA Speaker needed for Cumberland County Municipal Clerks

Hi Lori & Frank,

Thank you for confirming your attendance at our Clerk's Association Meeting on May 13th. We appreciate it!

I'd like to apply for our CEU's to the Division before our meeting. Can you each provide a syllabus of your speaking points? This is a requirement for the submission of my application.

Thank you,

Jeanne M. Hitchner, RMC, CMR

City Clerk

City of Millville

12 S. High Street – Third Floor

Millville, NJ 08332

(856) 825-7000, Ext. 7230

[xxxxxx.xxxxxxxx@xxxxxxxxxxx.xxx](#)



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From: Lori Buckelew <[@xx](#)>

Sent: Wednesday, March 20, 2019 4:38 PM

To: Hitchner, Jeanne <[xx@xx](#)>

Subject: RE: OPRA Speaker needed for Cumberland County Municipal Clerks

Hi Jeanne,

That will work. I can give an overview of the changes and status of S107 and if time permits provide an update on some other pending OPRA bills. Does that work?

Lori

From: Hitchner, Jeanne [<mailto:xxxxx@xxxxxxxxxxxxx.xxx>]
Sent: Wednesday, March 20, 2019 3:39 PM
To: Lori Buckelew
Subject: RE: OPRA Speaker needed for Cumberland County Municipal Clerks

Hi Lori,

I just wanted to touch base about the upcoming meeting on 5/13/19 for the Cumberland County Clerk's Association.

I was able to secure Frank Carusso of the GRC to do a 50-minute training session at 11:10 a.m. I was thinking we could break for lunch around noon, use the bathroom, and then allow you to present your information while we eat lunch for time sake. I was thinking you could speak at about 12:20 p.m. until about 1:10 p.m.

I really love the idea of you explaining the proposed changes in Senate Bill No. 107, as Frank mentioned, but we are open to any OPRA training. The audience will be Municipal Clerks, possible County Clerk, Municipal Attorneys, and some staff members from the City of Millville.

Please let me know if this time will work with your schedule since Frank mentioned you have another engagement this day.

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From: Frank Marshall <[@x](#)>
Sent: Wednesday, March 06, 2019 12:29 PM
To: Hitchner, Jeanne <[@x](#)>
Cc: Denise Peterson <[@x](#)>; Lori Buckelew <[@x](#)>
Subject: RE: OPRA Speaker needed for Cumberland County Municipal Clerks

Jeanne,

My apologies, I don't believe anyone got back to you on this. The League would be happy to come speak at your event. It is likely going to be Lori that speaks as she will be traveling through your area to do another speaking engagement.

I have copied Lori on this email so that she has the information needed and more details can be passed along.

Thanks,
Frank

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: Hitchner, Jeanne [<mailto:x@x>]
Sent: Thursday, February 21, 2019 4:20 PM
To: Frank Marshall
Cc: Denise Peterson
Subject: RE: OPRA Speaker needed for Cumberland County Municipal Clerks

Frank,

The CCMCA is meeting on May 13, 2019 at 11:30 a.m. here at City Hall in the City of Millville, 12 S. High Street, Millville, NJ 08332, 3rd Floor Conference Room. Lunch will be provided.

We would love if either you or Lori would come and speak. I read Senator Weinberg's proposed bill on OPMA, in full but have not read her proposed bill on OPRA so that would be a great area to focus on since it may eventually pass into law. We would be happy to hear even a basic overview and refresher on the general subject matter. It's just good to keep the dialogue going amongst others in the field with the same burdens.

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From: [@x](#)
To: [@x](#); [@x](#)
Subject: RE: OPRA Speaker needed for Cumberland County Municipal Clerks
Date: Wednesday, April 3, 2019 4:53:46 PM
Attachments: [image001.png](#)

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From: Frank Marshall <frank_marshall@cityofmillville.com>

Sent: Wednesday, March 06, 2019 12:29 PM

To: Hitchner, Jeanne <jeanne_hitchner@cityofmillville.com>

Cc: Denise Peterson <denise_peterson@cityofmillville.com>; Lori Buckelew <lori_bucklew@cityofmillville.com>

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From: [Diane Pflugfelder](#)
To: [Kevin Galland](#)
Cc: [@x](#)
Subject: Re: FW: A4894 - Creating OPRA Study Commission
Date: Wednesday, March 27, 2019 5:31:02 PM
Attachments: [image008.jpg](#)

Thank you for the offer but I am unable to attend on those dates.
Kevin, I know you will represent MCANJ very well.
Thank you

On Wed, Mar 27, 2019, 4:34 PM Galland, Kevin <[xxxxxxxx@xxxx.x](#)> wrote:

Diane,

From Lori's email, you have read the she is setting-up a meeting with Assemblyman Dancer to which I plan on attending. The two tentative dates for this meeting are April 11 and 12.

As the incoming President do you desire to attend with me?

Kevin Galland

Administrator/Municipal Clerk

Borough of Woodland Park

5 Brophy Lane

Woodland Park, NJ 07424

973-345-8100 ext. 201

Fax 973-345-8194

President Municipal Clerks' Association of New Jersey



From: Lori Buckelew [mailto:[@xx](#)]
Sent: Wednesday, March 27, 2019 4:23 PM
To: Galland, Kevin; Diane Pflugfelder ([@xx](#)); Eileen Gore ([@xx](#)); Kim White ([@xx](#)); Denise Cafone ([@xx](#)); Dina Zawadski; Joel Popkin ([@xx](#))
Subject: A4894 - Creating OPRA Study Commission

Assemblyman Dancer has introduced A4894 to create a 11 member OPRA Study Commission. The Commission would have one year from its initial organizational meeting to provide a report of its findings and recommendations to the Governor and Legislature. The commission will, at a minimum:

- review OPRA and examine how the statute compares with actual operation and use;
- evaluate how advancements in technology, administrative decisions, and court rulings have impacted OPRA;
- analyze how OPRA requests are balanced with the public's right to privacy;
- examine how OPRA has been used for commercial, marketing, business, and research purposes;
- research public records statutes and their operation and use, both positive and negative, of other states;
- consider such other matters relating to OPRA as the members of the commission may deem appropriate; and
- make recommendations for legislation or such other action as it deems appropriate with regard to improving, expanding, and facilitating OPRA.

The 11 members would include – DCA Commissioner, GRC Executive Director, a person with experience in the news media, a person with experience with powers, functions, or duties of a municipal clerk, 2 general public member with an interest in an open and transparent government, a member of the NJ Press Association, a person with experience as a State records custodian, general public member with experience in State government, and 2 licensed attorneys with knowledge and experience with the open public records act, one of whom

shall have experience as an attorney on local government level and one on the State government level.

This bill was drafted as a result of a NJLM conference resolution.

Here is a link to the bill -

https://www.njleg.state.nj.us/2018/Bills/A5000/4894_I1.PDF

We have some concerns on the composition of the commission and think there should be clear direction on establishing subcommittees and are in the process of setting up a meeting with Assembly Dancer to discuss. I have asked Kevin to attend the meeting with me.

We think the committee should be expanded to 14 and include –Records Custodians from the municipality, county, school boards and state. NJ Press Association member, 1 ACLU member, 1 law enforcement person, 1 general member with an interest in transparency, 1 general member with an interest in privacy, and 1 attorney with local government experience. As ex-officio - DCA Commissioner, GRC Executive Director, Attorney General and State Police.

We also think the legislation should include the following subcommittees: privacy, law enforcement records, technology, commercial, and other state's laws.

What are your thoughts?

Lori

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bookmarks.

Lori Buckelew | Senior Legislative Analyst

New Jersey State League of Municipalities

222 West State Street, Trenton, NJ 08608

609-695-3481 extension #112



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~~~~~

From: [Galland, Kevin](#)
To: [Diane Pflugfelder](#) (xx)
Cc: (xx)
Subject: FW: A4894 - Creating OPRA Study Commission
Date: Wednesday, March 27, 2019 4:34:57 PM
Attachments: [image002.png](#)
[image006.png](#)

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Kevin Galland

Administrator/Municipal Clerk
Borough of Woodland Park
5 Brophy Lane
Woodland Park, NJ 07424
973-345-8100 ext. 201
Fax 973-345-8194
President Municipal Clerks' Association of New Jersey



From: Lori Buckelew [mailto:(xx)]
Sent: Wednesday, March 27, 2019 4:23 PM
To: Galland, Kevin; Diane Pflugfelder (xx); Eileen Gore (xx); Kim White (xx); Denise Cafone (dcafone@Fairfieldnj.org); Dina Zawadski; Joel Popkin (xx)
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~~~~~

From: @x
To: @x
Subject: NJLM Conference Resolution 2018-10 (A4894 - Creating OPRA Study Commission)
Date: Wednesday, March 27, 2019 4:29:38 PM
Attachments: [image002.png](#)
[image006.png](#)

Mayor,

Wanted to let you know that Assemblyman Dancer has introduced A4894 to create a 11 member OPRA Study Commission. The Commission would have one year from its initial organizational meeting to provide a report of its findings and recommendations to the Governor and Legislature. The commission will, at a minimum:

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From: @x
To: @x; @x; @x; @x; @x
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Date: Wednesday, March 27, 2019 4:23:09 PM
Attachments: image002.png
image006.png

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https://www.njleg.state.nj.us/2018/Bills/A5000/4894_I1.PDF

We have some concerns on the composition of the commission and think there should be clear direction on establishing subcommittees and are in the process of setting up a meeting with Assembly Dancer to discuss. I have asked Kevin to attend the meeting with me.

We think the committee should be expanded to 14 and include –Records Custodians from the municipality, county, school boards and state. NJ Press Association member, 1 ACLU member, 1 law enforcement person, 1 general member with an interest in transparency, 1 general member with an interest in privacy, and 1 attorney with local government experience. As ex-officio - DCA Commissioner, GRC Executive Director, Attorney General and State Police.

We also think the legislation should include the following subcommittees: privacy, law enforcement records, technology, commercial, and other state's laws.

What are your thoughts?

Lori

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

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



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From: [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](#)

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. 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 <@>
Sent: Friday, February 15, 2019 2:06 PM
To: @>
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:@>>]
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 (previously 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; @x
Subject: RE: OPRA
Date: Monday, January 7, 2019 2:08:09 PM
Attachments: [image005.png](#)
[image009.png](#)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Lori

From: Michael J. Darcy, CAE
Sent: Monday, January 07, 2019 1:40 PM
To: Lori Buckelew
Cc: Michael F. Cerra
Subject: FW: OPRA

[REDACTED]

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



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

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

From: Cohen, Jessica [mailto:~~@x~~]
Sent: Monday, January 07, 2019 12:55 PM
To: ~~@x~~
Subject: FW: OPRA

Please take a read....

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

Katie,

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

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

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

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

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

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

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

Regards,

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

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

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

Katie,

This message is to confirm receipt of your records request.

Regards,

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

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

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

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

Katie

Katie Sobko

Reporter

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