OFFICE OF THE MUNICIPAL CLERK

120 Filmore Street
Phillipsburg, NJ 08865
Phone: 908-454-5500 x 309
Fax: 908-454-6511
Town Website: www.phillipsburgnj.org
Email: vkleiner@phillipsburgnj.org

June 09, 2020

Dear Taeho Kim:

The Town of Phillipsburg received your Open Public Records Act (OPRA) request on May 27, 2020. I, as the official Records Custodian, requested an extension through June 19, 2020. Accordingly, this response is timely.

Your OPRA request sought:

1. A list of all lawsuits and cases in which any officer of the police department was involved between 2012 and 2019. For each lawsuit/case, please provide the date (month and year) of the alleged incident at issue, whether the alleged incident was excessive force, settlement amount (if any), and final compensation amount ruled (if any); and

2. Please provide copies of the complaint in any lawsuits and cases described above.

The following response includes:

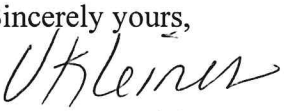
1. 59 pages of records (including your OPRA request);
2. List of each lawsuit with dates, description of the alleged incident and resolution, i.e., settlement amount; and
3. Copies of complaints with attached documentation compromising part thereof.

Based upon the instant production/response, I consider your OPRA request completely satisfied and, thus, closed. If, however, you disagree for any reason, or if you seek to discuss any issues associated with your records request, please contact me so that your concerns can be addressed.

If your request for access to a government record has been denied or unfilled within seven (7) business days required by law, you have a right to challenge the decision by the Town of Phillipsburg to deny access. At your option, you may either institute a proceeding in the Superior Court of New Jersey or file a complaint with the Government Records Council (GRC) by completing the Denial of Access Complaint Form. You may contact the GRC by toll-free telephone at 866-850-0511, by mail at P.O. Box 819, Trenton, NJ 08635, by email at grc@dca.state.nj.us or their web site at www.state.nj.us/grc. The GRC can also answer other questions about the law. All questions regarding complaints filed in Superior Court should be directed to the Court Clerk in your County.

Please do not hesitate to contact me should you wish to discuss the foregoing. Thank you.

Sincerely yours,



Victoria L. Kleiner

Victoria Kleiner

From: Taeho Kim <opra+request-12612-21874d0f@requests.opramachine.com>
Sent: Wednesday, May 27, 2020 5:08 PM
To: Victoria Kleiner
Subject: OPRA request - OPRA: police officer-involved lawsuits 2012-2019

Follow Up Flag: Flag for follow up
Flag Status: Flagged

Dear Town of Phillipsburg,

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

Records requested:

1. A list of all lawsuits and cases in which any officer of the police department was involved between 2012 and 2019. For each lawsuit/case, please provide the date (month and year) of the alleged incident at issue, whether the alleged incident was excessive force, settlement amount (if any), and final compensation amount ruled (if any).

2. Please provide copies of the complaint in any lawsuits and cases described above.

Yours faithfully,

UC Research

Please use deliver records electronically via email to the below UNIQUE address for all replies to this request:
opra+request-12612-21874d0f@requests.opramachine.com

Is vkleiner@phillipsburgnj.org the wrong address for OPRA requests to Town of Phillipsburg? If so, please contact us using this form:
https://opramachine.com/change_request/new?body=town_of_phillipsburg

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

View this OPRA request & responses online:
https://opramachine.com/request/opra_police_officer_involved_law_214

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

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

TOWN OF PHILLIPSBURG 2012-2019 LEL SUITS

Loss Disc.	Claimant Name	Date	Losses Paid
Excessive Force	Thomas Read	11-17- 2014	0
Excessive Force	Tyrone Henry	01-31-2014	0
False Arrest	John Struble	10-06-2016	0
Missing Property	James Sudol	02-22-2012	0
Failed OPRA	AARDI vs SWICK -Town of Phillipsburg	10-13-2018	$2,500.00
Excessive Force	Heather Jakucyk	02-25-2019	OPEN CASE
Failed OPRA	PBA – J. Maczko vs Town of Phillipsburg & V. Kleiner	02-13-2019	$6,489.75

James P Sudol
Name 400 Prospect St, Apt 173
Belvidere, N.J. 07823
Address
(908) 475-3707
Telephone Number

James P Sudol
Plaintiff

v.

Phillipsburg Police Dept.
Judge Baptista
Defendant (s)

Superior Court of New Jersey
Law Division Warren County
Docket No _____
(to be filled in by the court)

CIVIL ACTION
Complaint

Plaintiff, James P Sudol (your name), residing at 400 Prospect St, Apt 173 (your address) City of Belvidere (your city or town) County of Warren (your county).

State Of New Jersey, complaining of defendant, states as follows:

1. On or about 2008 to Present, 20___, Police and Judges (name of person being sued), Defendant

(Summarize what happened that resulted in your claim against the defendant. Use additional pages if necessary.)

People of position of authority failed and their capacity to uphold Title which allows other people to uphold their duty of CARE of understanding CAD.

Refer to Cause of Action

The defendant in this action resides at Town of Phillipsburg.
(defendant's address)

In the County of Warren, State Of New Jersey.
(name of county where defendant lives)

2. Plaintiff is entitled to relief from defendant under the above facts.
3. The harm that occurred as a result of defendant's acts include:

(list each item of damage and injury),

1. Allowing the owner of a Sheriff's dept to take possession of 27¢ Shafer Ave without the owner to uphold Title
2. Taking possession of a motor vehicle and selling it
3. Denying Title to James P Sabol for upholding Said State's 1st Amendment

Wherefore, plaintiff requests judgment against defendant for damages, together with attorney's fees, if applicable, costs of suit, and any other relief as the court may deem just and proper.

Dated: February 22, 2012 Signature:

CERTIFICATION OF NO OTHER ACTIONS

I certify that the dispute about which I am suing is not the subject of any other action pending in any other court or a pending arbitration proceeding to the best of my knowledge and belief. Also, to the best of my knowledge and belief no other action or arbitration proceeding is contemplated. Further, other than the parties set forth in this complaint, I know of no other parties that should be made

a part of this lawsuit. In ~~addition~~ Pending addition, I recognize my continuing obligation to file and serve on all parties and the ~~court~~ court an amended certification if there is a change in the facts stated in this original certification within my education.

Dated: February 22, 2012 Signature: [signature]

OPTIONAL: If you would like to have a judge decide your case, do not include the following paragraph in your complaint. If you would prefer to have a jury to decide your case, please sign your name after the following paragraph.

JURY DEMAND

The plaintiff demands trial by a jury on all of the triable issues of this complaint, pursuant to New Jersey Court *Rules* 1:8-2(b) and 4:35-1(a).

Dated: _____ Signature: N/A

Appendix XII-B1

CIVIL CASE INFORMATION STATEMENT (CIS)

Use for initial Law Division
Civil Part pleadings (not motions) under *Rule* 4:5-1
Pleading will be rejected for filing, under *Rule* 1:5-6(c), if information above the black bar is not completed or attorney's signature is not affixed

FOR USE BY CLERK'S OFFICE ONLY
PAYMENT TYPE: ☐ CK ☐ CG ☐ CA
CHG/CK NO.
AMOUNT:
OVERPAYMENT:
BATCH NUMBER:

ATTORNEY / PRO SE NAME	TELEPHONE NUMBER	COUNTY OF VENUE
James P Sudol	(908) 475-3757	WARREN
FIRM NAME (if applicable)		DOCKET NUMBER (when available)
OFFICE ADDRESS 420 Prospect St, Apt 17-B Belvidere, N.J. 07823		DOCUMENT TYPE Complaint
		JURY DEMAND ☐ YES ☒ NO

NAME OF PARTY (e.g., John Doe, Plaintiff)	CAPTION
James P Sudol, Plaintiff	James P Sudol vs Town of Phillipsburg

CASE TYPE NUMBER (See reverse side for listing)	IS THIS A PROFESSIONAL MALPRACTICE CASE? ☐ YES ☒ NO IF YOU HAVE CHECKED "YES," SEE N.J.S.A. 2A:53 A -27 AND APPLICABLE CASE LAW REGARDING YOUR OBLIGATION TO FILE AN AFFIDAVIT OF MERIT.
699	
RELATED CASES PENDING? ☐ YES ☒ NO	IF YES, LIST DOCKET NUMBERS N/A
DO YOU ANTICIPATE ADDING ANY PARTIES (arising out of same transaction or occurrence)? ☐ YES ☒ NO	NAME OF DEFENDANT'S PRIMARY INSURANCE COMPANY (if known) ☐ NONE ☒ UNKNOWN

THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE.

CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION

DO PARTIES HAVE A CURRENT, PAST OR RECURRENT RELATIONSHIP? ☒ YES ☐ NO	IF YES, IS THAT RELATIONSHIP: ☐ EMPLOYER/EMPLOYEE ☐ FRIEND/NEIGHBOR ☒ OTHER (explain) Defendant of the Faith ☐ FAMILIAL ☐ BUSINESS

DOES THE STATUTE GOVERNING THIS CASE PROVIDE FOR PAYMENT OF FEES BY THE LOSING PARTY? ☒ YES ☐ NO

USE THIS SPACE TO ALERT THE COURT TO ANY SPECIAL CASE CHARACTERISTICS THAT MAY WARRANT INDIVIDUAL MANAGEMENT OR ACCELERATED DISPOSITION

A Judge will be ruling with/against another judge while Notary Baptista is Italian, the plaintiff is Polish/German and Phillipsburg, I believe, is a German town.

DO YOU OR YOUR CLIENT NEED ANY DISABILITY ACCOMMODATIONS? ☐ YES ☒ NO	IF YES, PLEASE IDENTIFY THE REQUESTED ACCOMMODATION
WILL AN INTERPRETER BE NEEDED? ☐ YES ☒ NO	IF YES, FOR WHAT LANGUAGE?

I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with *Rule* 1:38-7(b).

ATTORNEY SIGNATURE: [signature]

James Sudol
420 Prospect St, Apt 1713
Belvidere, NJ 07823

Warren County Courthouse Date 2/22/12
Attn: Judge Pendergrass Docket #
413 Second Street Cause of Action
Belvidere, NJ 07823

Town of Phillipsburg
Attn: Phillipsburg Police Department
Judge Batista
675 Corliss Ave
Phillipsburg, NJ 08865

RE: James P Sudol vs Phillipsburg Police Dept
Judge Batista

Comes now the plaintiff, James P Sudol - Pro Se,
to state his cause of action

① The phillipsburg police department failed to
uphold title to the property of Judith Sudol
272 Shafer Ave

② The phillipsburg police dept failed to uphold

title to the property of Judith Sudol. One 1994 mt Gal

(3) The phillipsburg police dept gave two tickets to James P Sudol which I the was still in Judith Sudols name.

(4) Judge Baptista upheld these tickets when actions affecting title are to be heard at the county level, R 3:1-6(a) Trial of Non-indictables in Superior Court, R 4:3-2(a) Venue in the Superior Court - where Land and #3 above.

Therefore the plaintiff, James P Sudol, wishes to be recognized as a lay person and seeks any monetary damages allowed along with court costs and lawyer fees. The plaintiff also requests any and all relief that judge deems just and proper.

Thank you for your time,

James P Sudol, Pro Se

FORM TO BE USED BY A PRISONER IN FILING A CIVIL RIGHTS COMPLAINT

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW JERSEY

FILED OCT 06 2016

John Struble

(Enter above the full name of the plaintiff in this action)

V.

John Piperato "Detive" #904
Douglas Baylor "Dective" #292

(Enter the full name of the defendant of defendants in this action)

COMPLAINT

Civil Action No. 16-CV-2711

(To be supplied by the Clerk of the Court)

INSTRUCTIONS; READ CAREFULLY

1. This complaint must be legibly handwritten or typewritten, signed by the plaintiff and subscribed to under penalty of perjury as being true and correct. All questions must be answered concisely in the proper space on the form. Where more space is needed to answer any question, attach a separate sheet.

2. In accordance with Rule 8 of the Federal Rules of Civil Procedure, the complaint should contain (1) a short and plain statement of the grounds upon which the court's jurisdiction depends, (2) a short plain statement of the claim showing that you are entitled to relief, and (3) a demand for judgment for the relief which you seek.

3. You must provide the full name of each defendant or defendants and where they can be found.

4. You must send the original and one copy of the complaint to the Clerk of the District Court. You must also send one additional copy of the complaint for each defendant to the Clerk. Do not send the complaint directly to the defendants.

5. Upon receipt of a fee of $400.00 (filing [illegible] and an administrative fee of [illegible]), your complaint will be filed. You will be responsible for service of a separate summons and copy of the complaint on each defendant. See Rule 4, Federal Rule of Civil Procedure.

6. If you cannot prepay the $400.00 fee, you may request permission to proceed in forma pauperis in accordance with the procedures set forth in the application to proceed in forma pauperis. See 28 U.S.C. §1915. (If there is more than one plaintiff, each plaintiff must separately request permission to proceed in forma pauperis.)

7. If you are given permission to proceed in forma pauperis, the $50.00 administrative fee will not be assessed. The Clerk will prepare and issue a copy of the summons for each defendant. The copies of summonses and the copies of the complaint which you have submitted will be forwarded by the Clerk to the United States Marshal, who is responsible for service. The Marshal has USM-285 forms you must complete so that the Marshal can locate and serve each defendant. If the forms are sent to you, you must complete them in full and return the forms to the Marshal.

QUESTIONS TO BE ANSWERED

1a. Jurisdiction is asserted pursuant to (CHECK ONE)

✓ 42 U.S.C. §1983 (applies to state prisoners)

___ Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics, 403 U.S. 388 (1971) and 28 U.S.C. § 1331 (applies to federal prisoners)

If you want to assert jurisdiction under different or additional statutes, list these below: 4th Amendment US Constitution. Violation occured within territory of U.S. (PA./N.J.)

1b. Indicate whether you are a prisoner or other confined person as follows:

___ Pretrial detainee

___ Civilly-committed detainee

___ Immigration detainee

✓ Convicted and sentenced state prisoner

___ Convicted and sentenced federal prisoner

___ Other: (please explain)_____

James P Szabo
Name 400 Prospect St, Apt 17B
Belvidere, N.J. 07823
Address
(908) 475-3707
Telephone Number

James P Szabo
Plaintiff

v.

Phillipsburg Police Dept.
Judge Baptista
Defendant (s)

Superior Court of New Jersey
Law Division WARREN County
Docket No _____
(to be filled in by the court)

CIVIL ACTION
Complaint

Plaintiff, James P Szabo (your name), residing at 400 Prospect St, Apt 17B (your address) City of Belvidere (your city or town) County of WARREN (your county).

State Of New Jersey, complaining of defendant, states as follows:

1. On or about 2008 to Present, 20___, Police and Judges (name of person being sued), Defendant

(Summarize what happened that resulted in your claim agains t the defendant. Use additional pages if necessary.)

People of position of authority failed in their capacity to uphold Title which allows other people to uphold their duty of CARE of understanding Law.

Refer to Cause of Action

The defendant in this action resides at Town of Phillipsburg.
(defendant's address)

In the County of Warren, State Of New Jersey.
(name of county where defendant lives)

2. Plaintiff is entitled to relief from defendant under the above facts.
3. The harm that occurred as a result of defendant's acts include:

(list each item of damage and injury),

1. Allowing for owner of a Sheriff's depot to take possession of 228 Shafer Ave. without the owner to uphold Title
2. Taking possession of a motor vehicle and selling it
3. Denying Title to James P Sudol for upholding 5th & 14th Amendment

Wherefore, plaintiff requests judgment against defendant for damages, together with attorney's fees, if applicable, costs of suit, and any other relief as the court may deem just and proper.

Dated: February 22, 2012 Signature:

CERTIFICATION OF NO OTHER ACTIONS

I certify that the dispute about which I am suing is not the subject of any other action pending in any other court or a pending arbitration proceeding to the best of my knowledge and belief. Also, to the best of my knowledge and belief no other action or arbitration proceeding is contemplated. Further, other than the parties set forth in this complaint, I know of no other parties that should be made

a part of this lawsuit. In ~~addition~~ Pending addition, I recognize my continuing obligation to file and serve on all parties and the ~~court~~ court an amended certification if there is a change in the facts stated in this original certification within my education.

Dated: February 22, 2012 Signature: [signature]

OPTIONAL: If you would like to have a judge decide your case, do not include the following paragraph in your complaint. If you would prefer to have a jury to decide your case, please sign your name after the following paragraph.

JURY DEMAND

The plaintiff demands trial by a jury on all of the triable issues of this complaint, pursuant to New Jersey Court *Rules* 1:8-2(b) and 4:35-1(a).

Dated: _____ Signature: N/A

Appendix XII-B1

CIVIL CASE INFORMATION STATEMENT (CIS)

Use for initial Law Division
Civil Part pleadings (not motions) under *Rule* 4:5-1
Pleading will be rejected for filing, under *Rule* 1:5-6(c), if information above the black bar is not completed or attorney's signature is not affixed

FOR USE BY CLERK'S OFFICE ONLY
PAYMENT TYPE: ☐ CK ☐ CG ☐ CA
CHG/CK NO.
AMOUNT:
OVERPAYMENT:
BATCH NUMBER:

ATTORNEY / PRO SE NAME	TELEPHONE NUMBER	COUNTY OF VENUE
James P Sudol	(908) 475-3757	Warren
FIRM NAME (if applicable)		DOCKET NUMBER (when available)
OFFICE ADDRESS 420 Prospect St, Apt 17B Belvidere, N.J. 07823		DOCUMENT TYPE Complaint
		JURY DEMAND ☐ YES ☒ NO
NAME OF PARTY (e.g., John Doe, Plaintiff) James P Sudol, Plaintiff	CAPTION James P Sudol vs Town of Phillipsburg	
CASE TYPE NUMBER (See reverse side for listing) 699	IS THIS A PROFESSIONAL MALPRACTICE CASE? ☐ YES ☒ NO IF YOU HAVE CHECKED "YES," SEE N.J.S.A. 2A:53 A-27 AND APPLICABLE CASE LAW REGARDING YOUR OBLIGATION TO FILE AN AFFIDAVIT OF MERIT.	
RELATED CASES PENDING? ☐ YES ☒ NO	IF YES, LIST DOCKET NUMBERS N/A	
DO YOU ANTICIPATE ADDING ANY PARTIES (arising out of same transaction or occurrence)? ☐ YES ☒ NO	NAME OF DEFENDANT'S PRIMARY INSURANCE COMPANY (if known) ☐ NONE ☒ UNKNOWN	

THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE.

CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION

DO PARTIES HAVE A CURRENT, PAST OR RECURRENT RELATIONSHIP? ☒ YES ☐ NO	IF YES, IS THAT RELATIONSHIP: ☐ EMPLOYER/EMPLOYEE ☐ FRIEND/NEIGHBOR ☒ OTHER (explain) Defendant of the Truth ☐ FAMILIAL ☐ BUSINESS

DOES THE STATUTE GOVERNING THIS CASE PROVIDE FOR PAYMENT OF FEES BY THE LOSING PARTY? ☒ YES ☐ NO

USE THIS SPACE TO ALERT THE COURT TO ANY SPECIAL CASE CHARACTERISTICS THAT MAY WARRANT INDIVIDUAL MANAGEMENT OR ACCELERATED DISPOSITION

A Judge will be ruling with/against another judge while Attorney Baptista is Italian, the plaintiff is Polish/German and Phillipsburg, I believe, is a German town.

DO YOU OR YOUR CLIENT NEED ANY DISABILITY ACCOMMODATIONS? ☐ YES ☒ NO	IF YES, PLEASE IDENTIFY THE REQUESTED ACCOMMODATION
WILL AN INTERPRETER BE NEEDED? ☐ YES ☒ NO	IF YES, FOR WHAT LANGUAGE?

I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with *Rule* 1:38-7(b).

ATTORNEY SIGNATURE: [signature]

James Sudol
420 Prospect St Apt 1713
Belvidere, N.J. 07823

Warren County Courthouse Date: 2/22/12
Attn: Judge Pendergrass Docket #
413 Second Street Cause of Action
Belvidere, N.J. 07823

Town of Phillipsburg
Attn: Phillipsburg Police Department
Judge Batista
675 Corliss Ave
Phillipsburg, N.J. 08865

Re: James P Sudol vs Phillipsburg Police Dept
Judge Batista

Comes now the plaintiff, James P Sudol - Pro Se, to state his cause of action

① The phillipsburg police department failed to uphold title to the property of Judith Sudol @ 272 Shafer Ave

② The phillipsburg police dept failed to uphold

title to the property of Judith Sudol. Over 1994 mtg Gal

(3) The phillipsburg police dept gave two tickets to James P Sudol while Title was still in Judith Sudols name.

(4) Judge Baptista upheld these tickets where actions affecting title are to be heard at the county level, R 3:1-6(a) Trial of Non-indictables in Superior Court, R 4:3-2(a) Venue in the Superior Court - Where Cmd and #3 above.

Therefore the plaintiff, James P Sudol, wishes to be recognized as a lay person and seeks any monetary damages allowed along with court costs and lawyer fees. The plaintiff also requests any and all relief the judge deems just and proper.

Thank you for your time,

James P Sudol, Pro Se

2018-315 fc
GRC Use Only

New Jersey Government Records Council
Denial of Access Complaint

Please read these instructions before completing this form:

- This form is to be used only for claims of denial of access to government records that you want the Government Records Council (GRC) to decide. Your request must have been made on or after July 8, 2002 under "OPRA," the Open Public Records Act (N.J.S.A. 47:1A-1 et seq.).
- Please print or type your responses, and provide ALL information requested. Incomplete forms will delay processing. This form is available in downloadable format from the GRC web site at www.nj.gov/grc.
- Only one complaint is required for each OPRA request form, regardless of the number of documents sought in the request.
- *The GRC recommends that you keep a copy of this complaint for your own files.*
- **MAIL, FAX, OR E-MAIL THIS COMPLAINT AND ALL SUPPORTING DOCUMENATION TO:**

Government Records Council
PO Box 819
Trenton, NJ 08625-0819

Fax: (609) 633-6337
E-mail: grc@dca.state.nj.us

RECEIVED
2018 JAN 22 P 2:50
GRC

1. About the Requester of the Records:

Full Name: THE LAW OFFICE OF ROTIMI OWOH ON BEHALF OF AADARI

Mailing Address: 100 Overlook Drive, 2nd Floor, PO Box 2439

City: Princeton State: NJ ZIP 08540

Please provide a phone number at which GRC staff can contact you between 8 A.M.-5 P.M., Monday-Friday: 609-375-2775

Fax Number: 609-785-5623

E-Mail Address: rowohesq@comcast.net

If you are represented by an attorney in this matter, please provide:

Name: Rotimi Owoh, Esq. Phone Number: same as above

Address: Same as above Fax Number: same as above

E-mail Address: Same as above

If you are an attorney who requested records and are filing this complaint **on behalf of a client**, please state the client's name:
AFRICAN AMERICAN DATA AND RESEARCH INSTITUTE ("AADARI") AND BAFFI SIMMONS

2. About the Custodian of Records:

Name of the public agency from which records were requested:

Name of custodian on whom records request was submitted: Captain Michael Swick

Telephone Number: 908-454-5500 Ext. 329 Fax -908-387-8714 E-Mail

Name of custodian who denied records request (if different from above): same as above

Telephone Number: E-Mail address (if used):

GRC Use Only

3. About the Record Request:

Date your records request was provided to the custodian: 10-13-2018 VIA EAIL

Did you receive a reply to your request? Yesxxx ☐ ☐

If so, state the date your request was denied:____

Have you previously filed a complaint with the GRC concerning the record request that is subject of this complaint? ☐ ☐

Yes Noxxx

If yes, provide the GRC complaint number and a copy of the GRC decision in the matter.

Date: _____ Complaint No.: _____

Have you spoken with or written to the GRC about the record request that is subject of this complaint?

Yes ☐ Date: ____ Noxx☒

Have you filed an action in the N.J. Superior Court concerning the record request that is subject of this complaint?

Noxx☒ Yes ☐ If Yes, Docket Number: _____

4. Offer of Mediation (please refer to the attached documents for details):

Are you interested in participating in mediation? Yes ☐ No☒

5. Documents to submit with this Form:

- **Complete** the attached **Records Denied List** to describe the records to which you were denied access.
- **Attach** a copy of the OPRA Records Request form you filed with the public agency and any correspondence between you and the record custodian(s) or custodial agency staff that concern the portion of your OPRA request that was denied. Be sure to include any e-mail, memoranda, phone messages, or any other documents such as affidavits, or certifications related to the request and the denial.
- **Summarize** the facts of this complaint by writing the content, time and date of any interaction you had with the custodian regarding the OPRA records request that is the subject of this complaint. Use the attached **Detail Summary** for this purpose.
- **Provide** any legal arguments, allegations or other information you would like the GRC to consider in deciding this complaint. Use the attached **Detail Summary** for this purpose.
- **Sign** the Agreement to Mediate if you wish to participate in the mediation process.

6. Verification of Complaint:

By signing this complaint, I affirm that:

- I am the person who submitted the OPRA request for records which is the subject of this Complaint;
- The information I have provided is true to the best of my knowledge and belief;
- The documents submitted with this Complaint are true copies of material which I believe is relevant to my claim;
- I am not seeking disclosure of any personal information pertaining to the victim of any crime committed by me, which is an indictable offense under the laws of the State of New Jersey, or any other State, or pertaining to the family of that victim; and
- I am simultaneously providing a copy of this complaint to the Custodian of Records.

ROTIMI OWOH, ESQ. Rotimi Owoh 12-26-2018

New Jersey Government Records Council
Denial of Access Complaint - Detail Summary

Use this form to summarize the content, time and date of any conversations regarding this complaint, along with the names of the participants and any witnesses.

1. No conversations.
2. The request was sent on 10-13-2018. See Exhibit 1.
3. The attorney for the custodian responded on 10-19-2018 asking for special service charges. See Exhibit 2.
4. AADARI's lawyer responded on 11-17-2018 reducing the time frame from 23 months to only 6 months. See Exhibit 3.
5. This complaint is being filed because:
   - i. As of today, the custodian and the attorney for the custodian have NOT responded to the email requesting ONLY 6 months of records.
   - ii. The custodian and the attorney for the custodian have NOT responded to the email dated 11-17-2018 (Exhibit 2 above).
   - iii. Complainant has not received any records for the modified period of 6 months.
   - iv. Complainant has not received any 14-Point analysis from either the lawyer or the custodian of records.

Therefore, complainant requests GRC to find that the custodian of records violated the OPRA. In addition, GRC should award counsel fees.

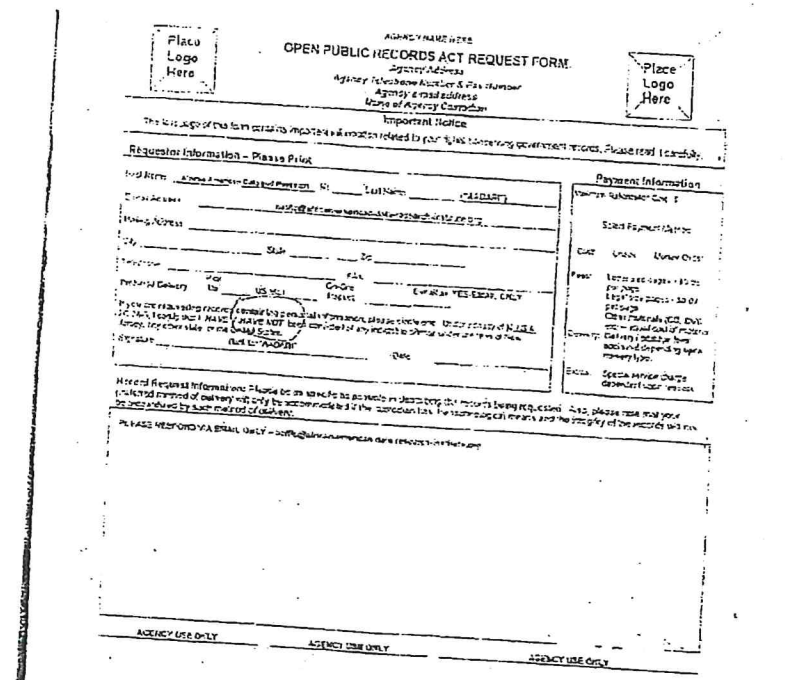
New Jersey Government Records Council
Denial of Access Complaint – Records Denied List

Name of Complainant: BAFFI SIMMONS AND AADARI V. Town of Phillipsburg This is page_____of_____.

Please fill out this form describing the record (or portion of it) to which access has been denied, the response to your request, including the reason given for denial of access. Submit additional pages if necessary.

Item #	Description of record (or portion)	Response to request
	See attached Exhibits 1-3.	See attached Exhibits 1-3.

EXHIBIT 1



Place Logo Here

AGENCY NAME HERE

OPEN PUBLIC RECORDS ACT REQUEST FORM

Agency Address
Agency Telephone Number & Fax Number
Agency e-mail address
Name of Agency Custodian

Place Logo Here

Important Notice

Requestor Information – Please Print

Payment Information

Record Request Information: Please be as specific as possible in describing the records being requested. Also, please note that your preferred method of delivery will only be accommodated if the corresponding cell exists and the capacity of the records will not be prejudiced by such method of delivery.

PLEASE RESPOND VIA EMAIL ONLY –

AGENCY USE ONLY

AGENCY USE ONLY

AGENCY USE ONLY

Request by African American Data and Research Institute (AADARI) pursuant to OPRA and Common law right of access

1. Copies of DWI/DUI complaints and summonses that were prepared by your Police Department from January of 2017 to the present,

2. Copies of drug possession complaints and summonses that were prepared by your Police Department from January of 2017 to the present.

3. Copy or copies of the Police Department's "Arrest Listings." It is our understanding that the record includes: arrest number, date, name, sex, race, and offense. We request it from January of 2017 to the present.

4. Copies of drug paraphernalia complaints and summonses that were prepared by your Police Department from January of 2017 to the present.

We have a common law right of interest to use the records as data for research.

We are willing to pay a reasonable fee for the requested records. Feel free to redact any confidential information from the requested records.

This request will be sent via email. Please respond in writing VIA EMAIL ONLY. Thank you.

10-13-2018

baffis@african-american-data-research-institute.org

EXHIBIT 2

MICHAEL D. LAVERY
MICHAEL S. SELVAGGI*
JOHN J. ABROMITIS
LAWRENCE P. COHEN*
KATHERINE E. INGRASSIA*
JAMES F. MOSCAGIURI*
KATRINA L. CAMPBELL*
RICHARD W. WENNER*
WILLIAM H. PANDOS*
BRANDON A. GRANDA

*CERTIFIED BY THE SUPREME COURT OF NEW JERSEY AS A CIVIL TRIAL ATTORNEY
*MEMBER OF NJ AND PA BAR
*MEMBER OF NJ AND NY BAR

LAW OFFICES

LAVERY, SELVAGGI, ABROMITIS & COHEN

A PROFESSIONAL CORPORATION

1001 ROUTE 517

HACKETTSTOWN, NEW JERSEY 07840

(908) 852-2600

FAX (908) 852-8225

WWW.LSACLAW.COM

23 CATTANO AVENUE
AT CHANCERY SQUARE
MORRISTOWN, NJ 07960
Telephone (973) 285-1281
Facsimile (973) 285-0271

OF COUNSEL:

RAVINDER S. BHALLA
JAMES A. COUTTER
JOEL A. KOBERT
PETER J. GOSSMAN
ROBERT V. STILES

SENDER'S DIRECT EMAIL:
RWENNER@LSACLAW.COM

October 19, 2018

Via E-mail Only
baffis@african-american-data-research-institute.org
African American Data and Research

Re: OPRA Request - Town of Phillipsburg
Received by the Town of Phillipsburg on October 14, 2018

To Whom It May Concern:

This firm serves as legal counsel to the Town of Phillipsburg. A copy of your OPRA request (undated but received by the Town of Phillipsburg on October 14, 2018) has been forwarded to our attention. A copy of your OPRA request is included herewith. This response is being provided within the statutory time frame required under the law.

Please be advised that the Town of Phillipsburg police department estimates there to be 8,500 pages of documents requiring 5-6 hours of clerical work including researching, scanning through files, printing, and redacting at the lowest responsible rate of $28.00 per hour. Due to the size of the documents expected to be responsive to the request, the Town of Phillipsburg cannot e-mail same and will have to make hard copies and mail to you. The total cost for providing the requested documents is estimated to be $593.00. Kindly advise whether you wish the Town of Phillipsburg to proceed in processing your request. Please also provide a mailing address to which the documents can be sent. Finally, the Town of Phillipsburg will need an extension of time in which to produce the records which is estimated to be two weeks' time in addition to the statutory timeframe provided under the law.

Please contact either the undersigned or Captain Michael Swick, the Phillipsburg police department regarding the above.

Very truly yours,

Richard W. Wenner

RWW/yc
Enclosure

cc: Captain Michael Swick, via e-mail
(00582326-1)

EXHIBIT 3

ROTIMI OWOH <rowohesq@comcast.net>

11/17/2018 8:27 AM

ATTACHED OPRA REQUEST -- TOWN OF PHILLIPSBURG -- EXCESSIVE CHARGES

To rwenner@lsaclaw.com

1. Baffi of AADARI has retained our law office to handle the attached OPRA request due to excessive charges.

2. Since the charges are excessive for the period **from January 2017 to the present (November 2018)**, our client has authorized us to modify the request and seek the same records (items 1 through 4) from **May of 2018 through November of 2018.** Hence, the request is for **only 6 months rather than 23 months.**

3. Since the original charge for 23 months is $593.00, how much will it be 6 months only?

5. Our client may simply request the records for only 6 months depending on the charges.

6. Please make sure to itemize how you arrived at the total charges for the 6 months as required by the Government Records Council's 14-Point analysis.

Please respond soon. Thank you.

R. Owoh, Esq.

- oprsphillipsburg.pdf (4 MB)

Caruso, Frank

From:	ROTIMI OWOH <rowohesq@comcast.net>
Sent:	Tuesday, December 25, 2018 10:44 PM
To:	Government Records Council
Subject:	[EXTERNAL] AADARI V TOWN OF PHILLIPSBURG
Attachments:	phillipsburgcomplain.pdf
Categories:	Red Category

fINS ATTACHED COMPLAINT. THE EMAIL ADDRESS FOR THE ATTORNEY FOR PHILLIPSBURG IS rwenner@LSACLAW.COM.

Donald M. Doherty, Jr., Esq. - Id. # 051981994
125 N. Route 73
West Berlin, NJ 08091
(609) 336-1297
(609)784-7815 (fax)
DMD@DonaldDoherty.com
Attorney for the Plaintiff

John Maczko, president of the Policemen's Benevolent Association Superior Officers' Association Local No. 56, *Plaintiff*, vs. Town of Phillipsburg & Victoria Kleiner, *Defendants.*	: NEW JERSEY SUPERIOR COURT : Warren County- LAW DIV. : : DOCKET NO. WRN-L- 112-19 : ***VERIFIED COMPLAINT*** : (OPRA & Common Law) :

Plaintiff John Maczko, president of the Policemen's Benevolent Association Superior Officers' Association Local No. 56 complains against the Defendants as follows:

1. This is an action brought pursuant to the Open Public Records Act (OPRA), N.J.S.A. 47:1A-1.1 *et. seq* and New Jersey's Common Law Right of Access.

2. Plaintiff John Maczko, president of the Policemen's Benevolent Association Superior Officers' Association Local No. 56, sought government records and/or public records from the Defendants.

3. a. Defendant Town of Phillipsburg is a New Jersey municipality located in Warren County that is subject to the Open Public Records Act.

   b. Defendant Victoria Kleiner is the Municipal Clerk of the Town of Phillipsburg that functioned as the Records Custodian for the request made by the Plaintiff.

COUNT # 1
Open Public Records Act, N.J.S.A. 47:1A-1, et. seq.

4. Defendant Town of Phillipsburg has significant mold problem in town hall. The mold has been a well known, well documented contaminant for the better part of two years and has existed far longer.

5. The extent of the mold contamination in town hall is so bad that Phillipsburg moved all municipal offices from the building well over a year ago. All of the offices that is except for the police department.

6. The extensive mold contamination, the relocation of the town offices, potential new town hall sites and the political football of what to do about the police department have been well documented in the local television and print new media. **See, Ex. 1**

7. On February 13, 2019 Plaintiff submitted an OPRA request via email to Defendant Victoria Kleiner. **Ex. 2**

8. Plaintiff periodically "checked in" on the request. Plaintiff was unaware he could demand the municipality respond within a reasonable time, but attempted to prod the Defendants into responding. **Ex. 3**

9. Defendants finally responded and the response is woefully incomplete. The response only covers the email account of Mayor Ellis, one of the 8 or more[1] different individuals from whom e-mails were sought.

10. The political in-fighting in Phillipsburg is well documented (**Ex. 4**; ***see also***, **Ex. 1**) and has now even devolved into the OPRA request responses.

11. The only response to the OPRA request came as a result of the mayor directly turning his email over to the Plaintiff. This occurred on April 3, 2019. **Ex. 5**

12. While one person taking it into their own hands to respond to a request directly is unusual, one might think it would spur Phillipsburg to reply to the request in full.

13. Instead of providing a full response, Phillipsbug officials are trying to make political hay from the mayor's attempt to respond directly and are exploring ways to use this to impose a sanction upon him. **Ex. 5**

14. Various Phillipsburg official are obviously aware of the OPRA request for the e-mails but have yet to respond or provide the Clerk with their responsive emails.

15. An e-mail search with the scope and specificity dictated by Plaintiff's OPRA request should only take mere minutes to accomplish for each email account.

16. Defendants are in violation of their obligations under OPRA.

WHEREFORE, Plaintiff requests judgement as follows:

a. Directing the release of the records sought;

---

[1] The OPRA request originally sought just the current council members. However, the same day the request was submitted, it was to include current and former council members dating to January 2017. ***See*, Ex. 1, pg. 4**

b. A Declaration that the Defendants violated OPRA;

c. Directing that Defendants provide sworn statements from those with first hand knowledge of the search for records undertaken in response to Plaintiff's February 13, 2019 OPRA request and ordering a new search be conducted with all steps taken explained in sworn statements;

d. Compelling the defendants to provide a Vaughn index addressing each specific redaction or record that is being with held;

e. Issuing a separate Order To Show Cause for the assessment of a civil penalty against whichever official(s) has/have impeded a response to Plaintiff's February 13, 2019 request as per N.J.S.A. 47:1A–11;

f. Awarding counsel fees and costs of suit;

g. Awarding other such relief as may be fair, equitable and necessary to facilitate the goals of public records access law and the aspirations of open government.

COUNT # 2
Common Law Right of Access

17. The above allegations are herein incorporated by reference.

18. Plaintiff has a valid common law interest in the e-mails sought. The mold issue affects him personally, as his employment kept him that contaminated environment for years beyond other town employees. The mold issue affects those which he represents in his capacity of president of the PBA's Superior Officers' Association. The contamination also affects his family and that of his fellow officers by cross-contamination of their homes from clothing and other items transferred between the workplace and homes.

19. Defendants have no known basis for withholding the e-mails.

20. Defendants are in violation of the Plaintiff's common law right of access to the requested public records.

WHEREFORE, Plaintiff requests judgement as follows:

a. Directing the immediate release of the records sought;

b. Compelling the Defendants to provide a Vaughn index of any materials with held;

c. Awarding counsel fees and costs of suit;

d. Awarding other such relief as may be fair, equitable and necessary to facilitate the goals of public records access law and the aspirations of open government.

DONALD M. DOHERTY, JR., Esq.

RULE 4:5-1 CERTIFICATION

The undersigned hereby certifies that the matter in controversy is not the subject of any other pending action or arbitration proceeding. The undersigned does not know of the names of any other parties who should be joined in the action.

DONALD M. DOHERTY, JR., Esq.

VERIFICATION

I, John Maczko, do hereby verify the following statements on the following bases:

Paragraphs 1-15, 17-19 are made based upon my personal knowledge.

Paragraphs 16 & 20 are upon based information and belief, as I am not an attorney and this is my understanding of the law as it has been explained to me.

I certify the foregoing statements made by me are true and that if the statements are willfully false or misleading, I understand that I am subject to punishment.

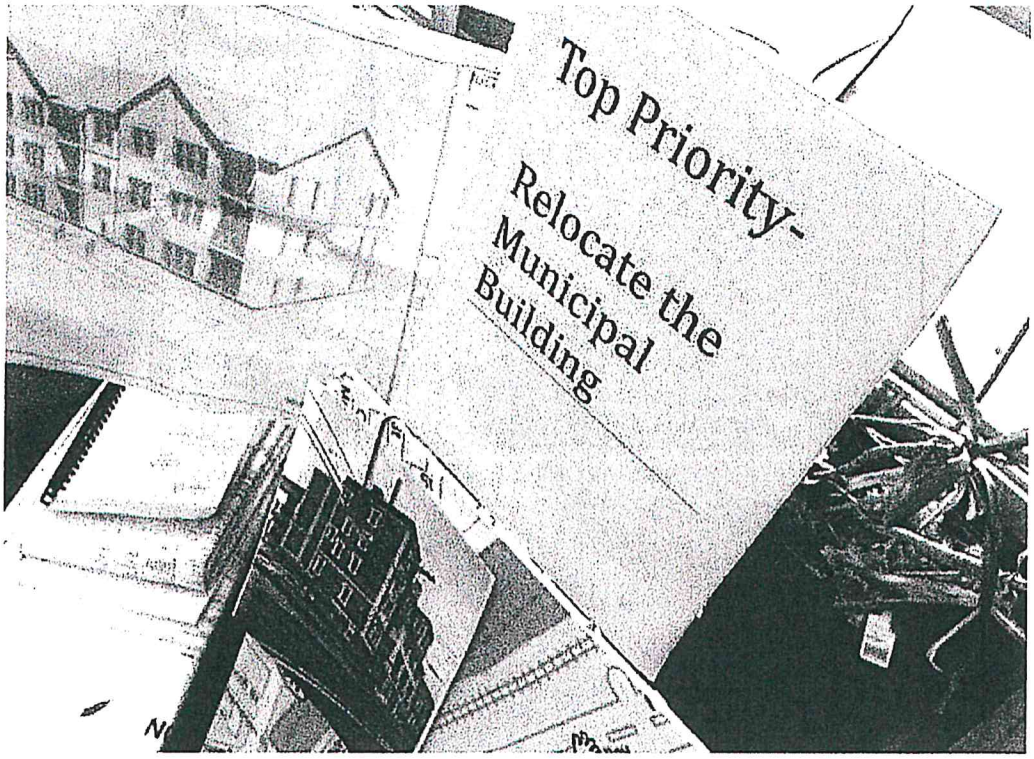
John Maczko

PBA PRES. SOA
LOCAL #56

WARREN COUNTY

3 options for moldy Phillipsburg town hall: Fix it, move it or build new

Updated Apr 28, 2017;
Posted Apr 28, 2017



Relocating the municipal building is listed as a top priority among the projects in the office of Phillipsburg Mayor Stephen Ellis. (Steve Novak | For lehighvalleylive.com)

Comment 0 shares

By Steve Novak | For lehighvalleylive.com

When it comes to Phillipsburg's moldy town hall, there are three options: Fix it, move it, or build a new one.

Ex 1

An environmental analysis on the municipal building -- recently obtained by lehighvalleylive.com through an Open Public Records Act request -- found two kinds of mold in the second-floor council chambers and in the basement.

In the report, RT Environmental Services concludes that condensation and mold are the result of the air-conditioning system, which it recommended shutting down until it can be modified. Before any modifications, however, the company said contractors must be brought in to sanitize the building, a process complicated by the presence of asbestos.

The report's preliminary estimate, which does not include the replacement of any materials, puts the cost at $1.7 million.

2. MOVE IT



Phillipsburg's mayor has said he wants to see the town offices move to this former Elks lodge on South Main Street. (Steve Novak | For lehighvalleylive.com)

The town council at various times over the years has proposed returning the municipal offices to South Main Street, where they were until the Corliss Avenue building went up in the 1970s. Mayor Steve Ellis was the latest to pitch the idea and as recently as last month had a particular building in mind: the old Elks lodge at 75 South Main.



The old armory on Heckman Street in Phillipsburg is being considered for a future municipal complex. (lehighvalleylive.com file photo)

Phillipsburg officials this month instructed the town engineer to draft specs for a municipal complex at the old armory site on Heckman Street. The study may cost up to $285,000, according to WFMZ-TV.

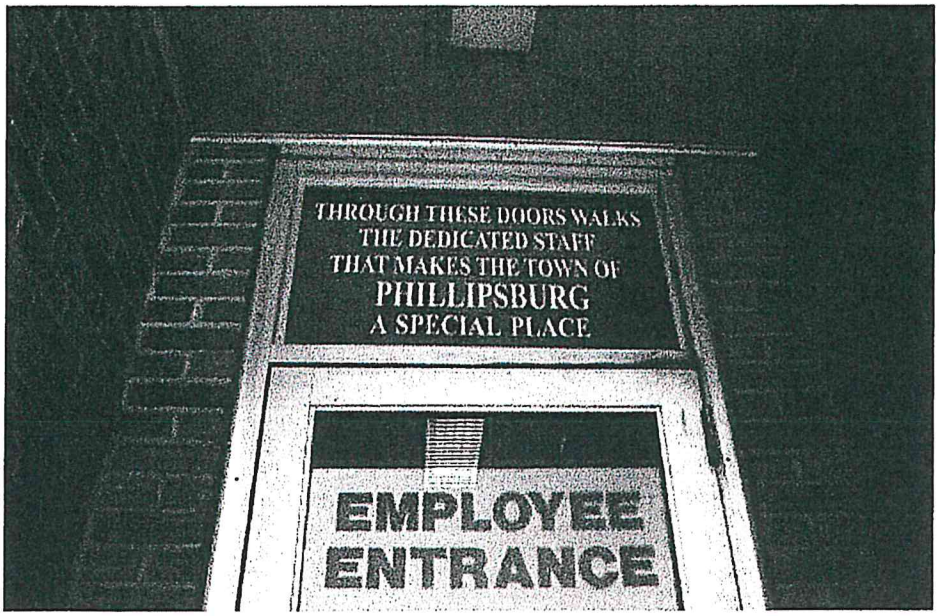
The costs of new construction are not yet clear.

In the meantime, the council is pursuing talks with Warren County Community College for use of some of the college's space in town as a temporary home for municipal offices. Tersigni said the goal is to provide a safe working environment as the next step is determined, which could be a year to 18 months away.

PHILLIPSBURG

Frustrated Phillipsburg cops want out of mold-infested town hall ASAP, report says

Updated Feb 6, 2019;
Posted Feb 6, 2019



EXT

A sign welcomes employees to the old Phillipsburg Municipal Building on Corliss Avenue. (Steve Novak | For lehighvalleylive.com)

32 367 shares

By Steve Novak | For lehighvalleylive.com

Mold was found in the Phillipsburg town offices two years ago. While other departments moved out, police have been left waiting.

The plan has been to turn the town's old armory building on Heckman Street into a public safety building, housing not only police, but fire and emergency management, as well.

Council budgeted $3.2 million for the conversion in August, but on Tuesday said the bond was not properly adopted. Subsequent requests have pushed the project beyond the budget.

In the middle of Tuesday's meeting, council went behind closed doors with police. Afterward, Council President Bobby Fulper told WFMZ that a council committee will work with police on a plan to get the department relocated.

Steve Novak may be reached at snovak@lehighvalleylive.com. Follow him on Twitter @SteveNovakLVL and Facebook. Find lehighvalleylive.com on Facebook.

View Comments (32)

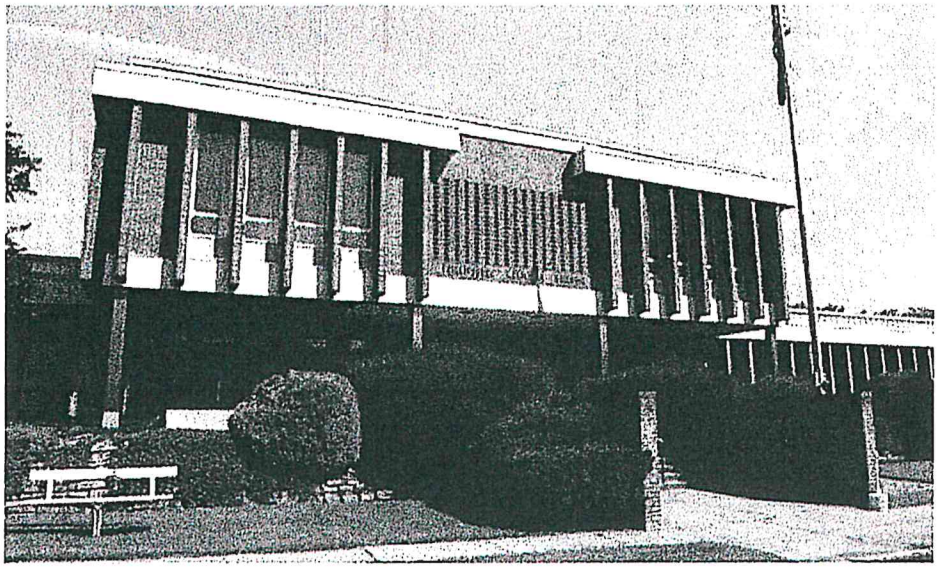
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PHILLIPSBURG

Phillipsburg cops wanted out of moldy building by mid-March. It could be months before officials decide what to do.

Updated Mar 31, 2019;
Posted Mar 31, 2019



Mold found at the Phillipsburg municipal building, seen in February 2017 at 675 Corliss Ave., forced town offices to move. The police department, however, remained in the building more than two years later. (Tim Wynkoop | lehighvalleylive.com contributor)

37

111
shares

By Kurt Bresswein | For lehighvalleylive.com

The Phillipsburg Police Department in March took delivery of a $10,000 trailer for officers to work out of, two years after every other department began vacating town hall because of a black mold infestation.

Some officers take advantage of desk space in the temporary municipal building in the former Freeman School at 124 Filmore St. No one uses the basement, where the department's detectives used to be housed.

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Engineer Stan Schrek said Friday he was still awaiting Ellis' approval of the contract to draw up the Corliss Avenue estimates. Ellis on Friday afternoon said he'd be submitting to council for approval Tuesday the Corliss Avenue contract along with contracts to revisit the armory property.

Once approved, Schrek said it would be a couple of months before the estimates are presented to council for approval.

The mayor has made clear his preference to move to the armory, Fulper said. As for Fulper, he remains open to whichever option is cheaper and still meets the police department's needs.

"I don't have much faith in that number being affordable," Ellis said Friday of the Corliss Avenue rehabilitation and renovation.

The temporary trailer, Fulper said, is "not good enough."

"I really would personally like to see them move to the Filmore Street facility or another facility," he told lehighvalleylive.com.

After the discovery of the mold in town hall early in 2017, the municipal court was moved by March 2017, followed by the other municipal offices by that November.

"I wanted them out two years ago," Councilwoman Danielle Degerolamo said during Tuesday's council meeting. "They asked to be out, I want them out."

Maczko on Friday declined to comment beyond the letter from the police supervisors' union. The January letter notes the last time air quality had been tested in the building was Feb. 13, 2018.

"You should also be aware that our Attorney has directed our Membership to make Doctor's Appointments, to get chest x-rays, speak with an Allergist, and if appropriate fill out a Worker's Comp form," he wrote to the town's elected officials. "I want to fully disclose this information to you, since the Town was honest enough to disclose all the Environmental Issues with the Mold to us."

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Bids for the armory project came in almost $1 million higher than that and were rejected by council, delaying the decision, officials said.

$1.76M temporary fix proposed

Fulper said a more realistic estimate for Corliss Avenue is around $6.5 million, but officials won't know for sure until Schrek prepares new bid-ready specifications.

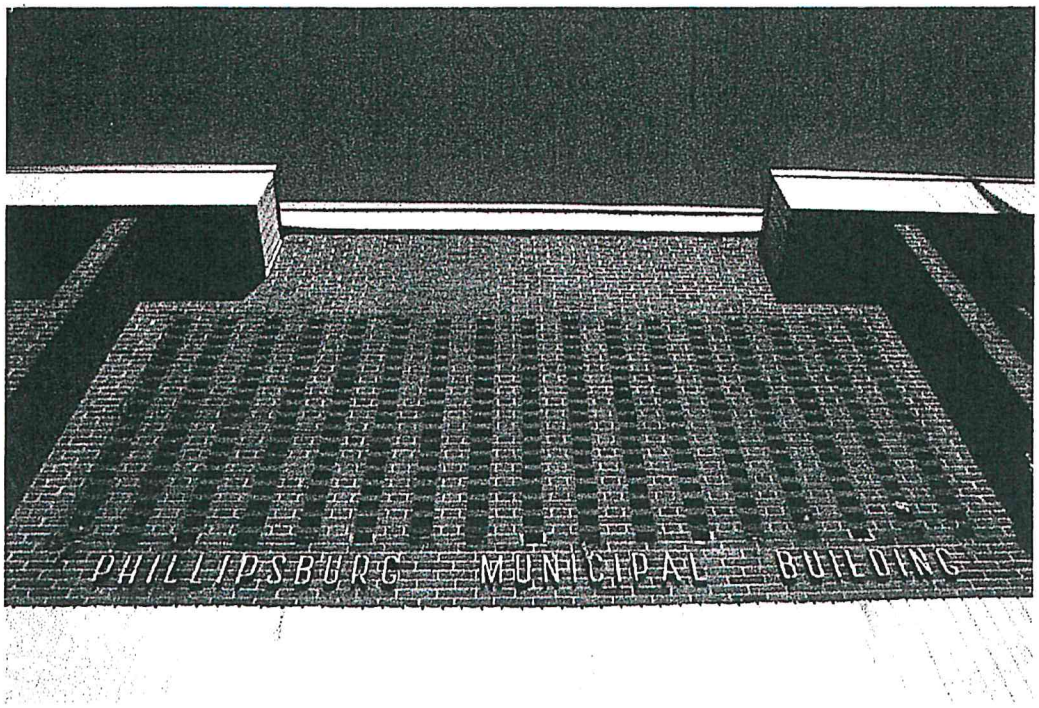
Ellis has proposed a temporary fix of securing a 10,800-square-foot trailer park at an annual cost of $1.76 million for the armory property so police can begin working there, according to Fulper. But even that isn't as simple as it sounds, Stettner said.

"You can't pick up and move a police department," he said. "Logistically there's a lot of things that go into a police department that you just can't put into a space. ... We have to follow certain rules like with evidence, cells."

Ellis said Friday he doesn't think the trailer park is feasible.

"We have the bids and it still could be discussed, but it's not the most efficient and effective way to move the police," the mayor said.

Fulper also rejects the armory-trailer idea, saying that regardless of what the town does, it's on the hook for the $1.8 million remediation at Corliss Avenue. If the town were to sell the property, it would have to deduct that from the price. And the building can't just be demolished without remediation because the mold spores would spread into the neighborhood, he said.



The future of Phillipsburg's town hall on Corliss Avenue is unclear.

Steve Novak | For lehighvalleylive.com

Town hall rehabilitation and move

The project: Repairing the municipal building for undetermined use and moving town offices to the old armory.

Since mold was found early last year, the town has struggled what to do with its municipal offices. Much of the town government was temporarily relocated to the former Freeman Elementary School, though some departments including police remain in the Corliss Avenue municipal building. There has been talk of turning the old Heckman Street armory into a new town hall and turning the old offices, once fixed, into a town-owned recreation center or finding other uses while maintaining ownership.



Stephen Ellis, Mayor
about 8 months ago

Municipal Complex Cost

The Mayor's office has been receiving questions regarding a news article that incorrectly reported the cost to relocate the municipal complex from the Corliss Ave. location to the proposed Heckman St. location in and near the old armory. State Senate President Sweeney assisted the town with obtaining a 40 year loan at a 3% interest tate to keep taxes almost unnoticeable. The media incorrectly reported it would only cost $1.7. million to remove asbestos, mold and renovate the existing complex. The media report was incorrect. Please see the professionally generated estimates below:

MUNICIPAL BUILDING DRAFT ESTIMATE OF PROBABLE COSTS

rea: 39,287sf
r – 16,754sf
dministration (including Tax & Clerk) - 6958sf
ilding & Section 8 – 1056sf
olice – 6532sf

ael – 16,653sf
re & EMS – 1500sf (est.)

el - 5,880 sf
ayor/Council and related offices- 5,880

ired floor area = 21,926sf Total less Police, Fire & EMS – 13,891sf

parking- 111 spaces including Police and Library.

parking less Police and Library staff – 78 spaces

n Program:

on (asbestos and mold per AT): $1,800,000
n (full interior @11/sf, retain new HVAC & plumbing): $432,162

-Up:
wer Level: 16,754sf x $25/sf= $418,850 2nd Generation, Building Standard, B
ain Floor: 16,754sf x $33/sf= $552,882 2nd Generation, Moderately Above, I
per Floor: 5,880 x $56/sf= $329,280 2nd Generation, High Finish A/B
Total Tenant Fit-Up $1,301,012

o-roof (r&r): 16,754 x $10/sf= $167,540

pairs (repoint, flashing, new windows, perimeter and roof insulation): $350,00

(resurface parking lot, sidewalks/curb, ADA compliance, lighting, landscaping):

, Legal: $200,000

vation Costs: $4,500,718

MAIN STREET MUNICIPAL COMPLEX DRAFT ESTIMATE OF PROBABLE CO

te Police, Fire & EMS to Armory

Tenant Fit-Up: 12,000 x $100/sf = $1,200,000 includes interior demolition and 2nd Ger
Moderately Above B/C. Added requirements for Police needs = $250,000

uct New Municipal Building

, slab on grade, steel frame, block/veneer walls
sf x $150/sf = $2,100,000.
ns including SWMP, utilities, parking resurfacing, lighting/sidewalks $750,000 allowanc

I/CA, Legal: $200,000

ain Street Complex: $4,700,000

ty is owned by Town

es includes Armory, DPW Building

ing spaces currently available east of Armory with opportunity for shared parking with
v direct connection to Marshall St /Pickford intersection

17 3 4

MORE PHILLIPSBURG-AREA NEWS

- N.J. mail carrier honored for saving a man's life
- Murphy administration going after polluters of Pohatcong Valley, 5 other toxic sites
- The first 100 customers will get freebies at the new Phillipsburg-area Aldi

TOWN OF PHILLIPSBURG

OPEN PUBLIC RECORDS ACT REQUEST FORM

675 Corliss Avenue, Phillipsburg NJ 08865
908-454-5500 - Fax – 908-454-6511
vkleiner@phillipsburgnj.org
Victoria L. Kleiner

Important Notice

The last page of this form contains important information related to your rights concerning government records. Please read it carefully.

Requestor Information – Please Print

First Name JOHN MI M Last Name MACZKO

E-mail Address Jmacsmac@msn.com

Mailing Address 675 CORLISS AVE.

City PHILLIPSBURG State NJ Zip 08865

Telephone 610-883-2194 FAX

Preferred Delivery: Pick Up ✓ US Mail ____ On-Site Inspect ____ Fax ____ E-mail ____

If you are requesting records containing personal information, please circle one: Under penalty of N.J.S.A. 2C:28-3, I certify that I *HAVE / HAVE NOT* been convicted of any indictable offense under the laws of New Jersey, any other state, or the United States.

Signature [signature] SOA FREE OF DUPLICATION #356 Date 2/13/2019

Payment Information

Maximum Authorization Cost $

Select Payment Method

Cash Check Money Order

Fees: Letter size pages - $0.05 per page
Legal size pages - $0.07 per page
Other materials (CD, DVD, etc) – actual cost of material

Delivery: Delivery / postage fees additional depending upon delivery type.

Extras: Special service charge dependent upon request.

Record Request Information: Please be as specific as possible in describing the records being requested. Also, please note that your preferred method of delivery will only be accommodated if the custodian has the technological means and the integrity of the records will not be jeopardized by such method of delivery.

SEE ATTACHMENT.

AGENCY USE ONLY

Est. Document Cost ____
Est. Delivery Cost ____
Est. Extras Cost ____
Total Est. Cost ____
Deposit Amount ____
Estimated Balance ____

Deposit Date ____

AGENCY USE ONLY

Disposition Notes
Custodian: If any part of request cannot be delivered in seven business days, detail reasons here.

In Progress - Open ____
Denied - Closed ____
Filed - Closed ____
Partial - Closed ____

AGENCY USE ONLY

Tracking Information

Tracking # ____
Rec'd Date ____
Ready Date ____
Total Pages ____

Final Cost

Total ____
Deposit ____
Balance Due ____
Balance Paid ____

Records Provided

Custodian Signature ____ Date ____

EX

Town Of Phillipsburg

Opra Request (2/13/19)

1. Copies of all communications (emails,text messages, faxes, and letters) between Mayor Stephen Ellis, Town Clerk Victoria Kleiner, Councilman Robert Fulper, Councilman Joshua Davis, Councilman Mark Lutz, Councilwoman Danielle DeGerolamo, and Councilman Frank McVey, CFO Robert Merlo and Town Engineer Stan Schrek from 1/1/17 to the present, which include the key words, below reflected. To the extent that any such communication is privileged or exempt, provide a privilege or exemption log in accordance with the Open Public Records Act.

Key words:

Police
Bond Ordinance
Police Personnel
Bond
Bid Specifications (Specs)
Advertisement
Relocate
Trailer Park
Air Quality Test
Cost
Remediate
Price
Maczko
Zechman
Retrofit
Move
Police Chief
Bond Counsel
Meeting
Municipal Building
Relocation
Mold
RT Environmental
Heckman Street
Remediation
PBA
Kisselbach
Swick
Rescind
Police Department
Armory
Bids
Advertise
Corliss
Trailers
Air Quality
Feasibility Study
Asbestos
Report
SOA
Amey
Stettner

[redacted]

John Maczko <jmaczko@pburg.org>

OPRA Request. Please see attached.

3 messages

John Maczko <jmaczko@pburg.org>
To: vkleiner@phillipsburgnj.org

Wed, Feb 13, 2019 at 3:16 PM

Sent from my iPhone

doc01713220190213151110.pdf
63K

Victoria Kleiner <vkleiner@phillipsburgnj.org>
To: John Maczko <jmaczko@pburg.org>

Wed, Feb 13, 2019 at 3:33 PM

John, you don't want the previous Council this Council started in January 1, 2018? V

From: John Maczko <jmaczko@pburg.org>
Sent: Wednesday, February 13, 2019 3:17 PM
To: Victoria Kleiner <vkleiner@phillipsburgnj.org>
Subject: OPRA Request. Please see attached.

*
*

CONFIDENTIALITY NOTICE

The information
contained in this communication from the Phillipsburg
Police Department is
privileged and confidential. It is intended for the
sole use of the
persons or entities who are the addressee(s). If you are
not an intended
recipient of this e-mail, the dissemination,
distribution, copying or use
of the information it contains is strictly
prohibited. If you have received
this communication in error, please
delete and contact the sender at (908)
454-0707.

Sent from my iPhone

John Maczko <jmaczko@pburg.org> Wed, Feb 13, 2019 at 3:36 PM
To: Victoria Kleiner <vkleiner@phillipsburgnj.org>

Vicki,

I am sorry. You are correct I do want the previous and current council members from the dates specified in the OPRA Request. Bobby Fulper texted me and advised me of my error.
Thank you both for your assistance,
John
[Quoted text hidden]

[redacted]

John Maczko <jmaczko@pburg.org>

(no subject)
7 messages

---

admin@pburg.org <admin@pburg.org>
To: jmaczko@pburg.org

Thu, Feb 21, 2019 at 3:28 PM

ECOSYS M3540idn
[00:17:c8:2d:36:b4]

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doc01727220190221152839.pdf
67K

John Maczko <jmaczko@pburg.org>
To: Vicki Kleiner <vkleiner@phillipsburgnj.org>

Thu, Feb 21, 2019 at 3:23 PM

Hi Vicki,

Please see attached OPRA Request, as per our conversation.

Thank you again in advance,
John M
[Quoted text hidden]

---

doc01727220190221152839.pdf
67K

Victoria Kleiner <vkleiner@phillipsburgnj.org>
To: "jmaczko@pburg.org" <jmaczko@pburg.org>

Thu, Feb 21, 2019 at 3:28 PM

Your message

To: Victoria Kleiner
Subject: Fwd:
Sent: Thursday, February 21, 2019 3:23:16 PM (UTC-05:00) Eastern Time (US & Canada)

was read on Thursday, February 21, 2019 3:27:49 PM (UTC-05:00) Eastern Time (US & Canada).

Victoria Kleiner <vkleiner@phillipsburgnj.org>
To: John Maczko <jmaczko@pburg.org>

Thu, Feb 21, 2019 at 3:28 PM

Received – we may need an extension.. VIc

[Quoted text hidden]

Ex 3

CONFIDENTIALITY NOTICE

The information contained in this communication from the Phillipsburg Police Department is privileged and confidential. It is intended for the sole use of the persons or entities who are the addressee(s). If you are not an intended recipient of this e-mail, the dissemination, distribution, copying or use of the information it contains is strictly prohibited. If you have received this communication in error, please delete and contact the sender at (908) 454-0707.

John Maczko <jmaczko@pburg.org> Fri, Feb 22, 2019 at 8:39 AM
To: Victoria Kleiner <vkleiner@phillipsburgnj.org>

Vicki,

I understand about the extension.

Please just keep me updated.

Thank you John

Sent from my iPhone
[Quoted text hidden]

Victoria Kleiner <vkleiner@phillipsburgnj.org> Fri, Feb 22, 2019 at 8:40 AM
To: John Maczko <jmaczko@pburg.org>

Sure will thank you

Sent from my iPhone
[Quoted text hidden]

John Maczko <jmaczko@pburg.org> Tue, Mar 5, 2019 at 9:28 AM
To: Victoria Kleiner <vkleiner@phillipsburgnj.org>

Vicki,

I spoke with our attorney this morning regarding the 'extention' for the OPRA'ed emails. He advised me of the following:
1) Find out if you have all the emails requested.
2) If you do not, get all the ones you have collected so far & ask you for a list of who's is still outstanding in the form of a.email or letter from your office.
3) Third, get a formal letter from your office detailing our orignal request on Feb. 13, 2019 and you asking for an extension, along with a reason for any time delays.

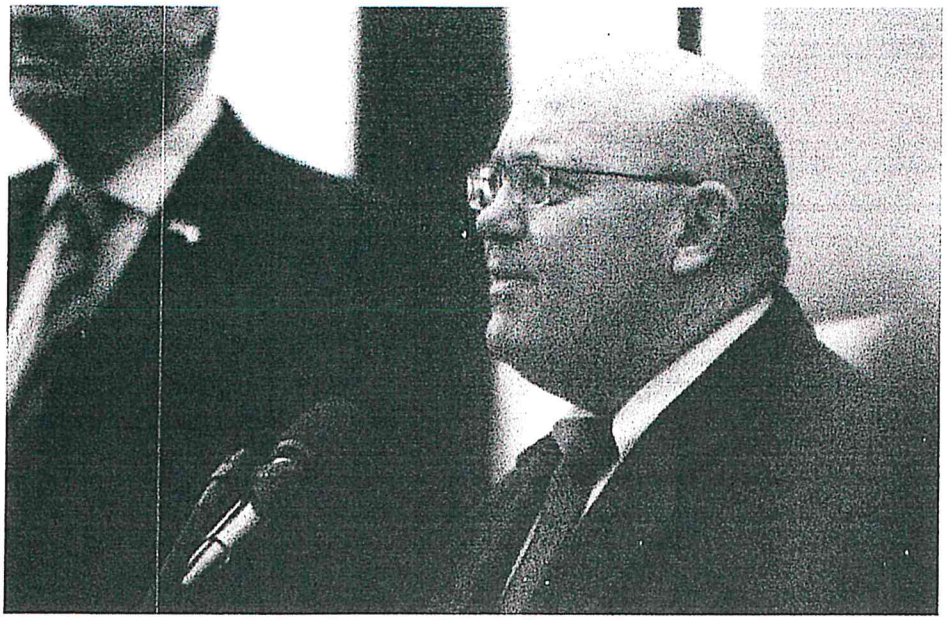
Now on to the Feasibilty Studies OPRA Request:
Our attorney would like to know if copies of those have been made for us, so I can get them to his office.

Thank you again in advance,
John M

PHILLIPSBURG

It looks like Phillipsburg's mayor will dodge another recall attempt

Posted Feb 5, 2019



EXT

Steve Ellis has faced two recall attempts in his four-year term as Phillipsburg's mayor. (Steve Novak | For lehighvalleylive.com)

43 206 shares

By Steve Novak | For lehighvalleylive.com

A resident-led effort to oust the mayor of Phillipsburg will not be able to rally enough support by today's deadline to trigger a recall election, according to one of the organizers.

It is the second time in Mayor Stephen Ellis' tumultuous four-year term that the Democrat will dodge an attempt to remove him from office.

Ex 4

Ellis -- who has yet to say if he will seek re-election this year -- said the latest try was "an organized effort to shame, humiliate, intimidate (and) slander" him.

The recall process is a difficult one: Through petitions, organizers must show that a substantial number of residents support a recall before a special election can be scheduled. Few recall efforts ever make it to a vote.

Phillipsburg's latest petition was launched last summer during some particularly nasty public fights between Ellis and the Republican-led council. On the document, residents Blaine Fehley, William Mravlag Jr. and Meliss Paulus echoed council's rhetoric at the time, accusing the mayor creating "a hostile environment with the governing body, employees and residents."

They had 160 days to collect signatures showing that at least a quarter of Phillipsburg's registered voters supported a recall election. That meant 1,725 people had to sign the petition by Tuesday for the process to continue.

That won't happen. Last Friday, Fehley said they had 1,352 signatures, putting them within 400 of their goal. But by Monday, he said, they had only collected seven more. (Those numbers could not immediately be independently verified as they have not yet been turned over to the town clerk.)

Though the mayor will not be recalled, Fehley said the petition got almost as much support as the mayor himself in the 2015 election, when Ellis won in an upset with 1,417 votes.

"Regardless of the outcome we are declaring this a victory as it proves the voters of Phillipsburg can see right through the charade Steve Ellis has put on over the past three years," Fehley said.

Blaine Fehley, pictured here for a 2011 profile, has helped lead two recall efforts against Phillipsburg Mayor Stephen Ellis. (lehighvalleylive.com file photo)

Express-Times

Blaine Fehley, pictured here for a 2011 profile, has helped lead two recall efforts against Phillipsburg Mayor Stephen Ellis. (lehighvalleylive.com file photo)

This is not the first time the two P'burg personalities have clashed. Fehley -- who ran a failed campaign for town council in 2013 -- has a history of picking fights with public officials, and once accused the mayor of assault, without success. He also led the 2017 effort to recall Ellis; that one stalled when one of the other leaders dropped out.

And Phillipsburg's political troubles extend beyond the recall. The mayor has not appeared at a council meeting since September, when he was asked to leave for talking back to residents -- including Fehley.



Phillipsburg mayor accused of racial, homophobic slurs gets vote of no confidence

Their fight continued in separate phone interviews on Monday. Fehley said more residents might have signed the recall petition, but they were afraid of retaliation by the mayor. Ellis said that's "nonsense."

"Investors see this. They ask me about it," the mayor said of the recall. "I see it as a very reckless action for anyone to take."

Steve Novak may be reached at snovak@lehighvalleylive.com. Follow him on Twitter @SteveNovakLVL and Facebook. Find lehighvalleylive.com on Facebook.

View Comments (43)

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Ad Choices



John Maczko <jmaczko@pburg.org>

PBA OPRA - DOCUMENTATION

2 messages

Victoria Kleiner <vkleiner@phillipsburgnj.org> Wed, Apr 3, 2019 at 9:38 PM
To: Stephen Ellis <sellis@phillipsburgnj.org>
Cc: Rich Wenner <rwenner@lsaclaw.com>, Robert Fulper <rfulper@phillipsburgnj.org>, "jmaczko@pburg.org" <jmaczko@pburg.org>, James Moscagiuri <jmoscagiuri@lsaclaw.com>, Victoria Kleiner <vkleiner@phillipsburgnj.org>

Mayor, It is my understanding that you supplied emails regarding the OPRA - from the PBA - to Lt.John Maczko today. All OPRA'S are the Clerk's statutory duty and these documents should have been supplied to the Clerk's Office to review and then to be forwarded to the Town Attorney for his review prior to distribution to the requestor. The Clerk's Office must also keep a copy of what is given so that if the OPRA information proceeds to or is part of any litigation, the Clerk's Office would be required to supply all documents pertaining to the particular request. By circumventing this procedure these actions may have created a liability for the Town and an incomplete OPRA. I have copied the Town Attorney so he is made aware in the event this may cause any legal implications.

With all due respect when OPRA information is requested, please supply the Clerk's Office with all pertinent information. To comply with the OPRA Regulations, the proper and legal protocols,procedures, and channels must be followed to legally satisfy the OPRA request.

Thank you for your anticipated cooperation.

Vicki
Get Outlook for iOS

Robert Fulper <rfulper@phillipsburgnj.org> Thu, Apr 4, 2019 at 8:18 AM
To: Victoria Kleiner <vkleiner@phillipsburgnj.org>
Cc: Stephen Ellis <sellis@phillipsburgnj.org>, Rich Wenner <rwenner@lsaclaw.com>, "jmaczko@pburg.org" <jmaczko@pburg.org>, James Moscagiuri <jmoscagiuri@lsaclaw.com>

Isn't this an ethics issue?
[Quoted text hidden]

Ex 5

McDONNELL ARTIGLIERE
John F. McDonnell, Esq.
NJ Attorney ID No.: 000871984
60 Youmans Avenue
Washington, NJ 07882
(908) 689-5885

Jeffrey R. Lessin & Associates, PC
Jeffrey R. Lessin, Esq.
NJ Attorney ID No.:
1515 Market Street #714
Philadelphia, PA 19102
(215) 599-1400
Attorneys for Plaintiff

HEATHER JAKUCYK, Administrator Ad Prosequendum of the Estate of JAY J. JAKUCYK, JR.
Plaintiff,

v.

ROBERT MARINO and GARY RICKER, JR.
Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: WARREN COUNTY
DOCKET NO.:

Civil Action

COMPLAINT AND DEMAND FOR TRIAL BY JURY

Plaintiff Heather Jakucyk, Administrator Ad Prosequendum of the Estate of Jay J. Jakucyk, Jr., residing in Phillipsburg, New Jersey, by way of Complaint against defendant, says:

FIRST COUNT

1. On October 12, 2018 plaintiff Heather Jakucyk, sister of decedent Jay J. Jakucyk, Jr., was appointed Administrator Ad Prosequendum of the Estate of Jay J. Jakucyk, Jr. by the Surrogate of the County of Warren.

2. Jay J. Jakucyk, Jr. ("Decedent") passed away on June 28, 2018.

3. On or about January 21, 2018 defendants Robert Marino ("Marino") and Gary Ricker, Jr. ("Ricker") were employed as police officers with the Town of Phillipsburg ("Town"), County of Warren.

4. On the evening of January 21, 2018 Decedent was visiting his former girlfriend at her apartment operated by the Phillipsburg Housing Authority on Anderson Street, Phillipsburg, New Jersey. The girlfriend called the Phillipsburg Police stating Decedent was banging on her door.

5. Shortly thereafter, Defendant Marino arrived at the scene in his patrol car. Defendant Marino then exited his patrol car with his gun drawn.

6. When Marino exited his patrol car with his gun drawn, Decedent was kneeling in a subdued position in the parking lot of the aforementioned apartment complex.

7. Decedent was then handcuffed behind his back and arrested by defendant Marino for alleged violation of a restraining order that had been entered on behalf of Decedent's former girlfriend.

8. Defendant Marino, after handcuffing Decedent, began walking Decedent towards defendant Marino's patrol car.

9. While walking behind the handcuffed Decedent, defendant Marino, without provocation or any wrongful act of Decedent, punched Decedent in the head with a closed fist.

10. Decedent did not see the punch as defendant's fist struck Decedent's head from behind.

11. The punch of defendant Marino was of such force that it knocked Decedent to the ground and rendered him unconscious.

12. While Decedent was on the ground unconscious, defendant Marino attempted to move Decedent to defendant Marino's patrol car. While Decedent was unconscious, defendant Marino repeatedly yelled "stop resisting, stop resisting". These statements by defendant Marino falsely implied that Decedent was resisting arrest. It was impossible for Decedent to do so as he was unconscious.

13. While Decedent remained unconscious on the ground, defendant Marino then began dragging Decedent to his patrol car.

14. Defendant Ricker had arrived on the scene by this time and assisted defendant Marino in dragging Decedent towards defendant Marino's patrol car.

15. Defendants Marino and Riker then picked up the unconscious Decedent and threw Decedent like a sack of potatoes on the rear seat of defendant Marino's patrol car.

16. Defendants then transported Decedent to St. Luke's Hospital Warren Emergency Department in Phillipsburg, NJ.

17. While at St. Luke's Warren Hospital Decedent was diagnosed with, and treated for, extensive facial fractures and abrasions. These injuries were caused by defendants' wrongful conduct.

18. Thereafter, defendants brought Decedent to the Phillipsburg Police Station for processing.

19. Shortly thereafter, defendants authored police reports containing numerous false and fraudulent statements in a conspiratorial attempt to justify their illegal conduct. Defendants falsely accused Decedent of resisting arrest and spitting on defendant Marino.

20. Defendants, based upon false and fraudulent statements, charged Decedent with resisting arrest and aggravated assault on defendant Marino.

21. Defendant Ricker, despite having reasonable opportunity to do so, failed to intervene to stop Marino's illegal conduct. Further, defendant Ricker engaged in affirmative acts of wrongdoing with defendant Marino by, among other acts, dragging Decedent's unconscious body along the ground, assisting defendant Marino in throwing Decedent onto the back seat of defendant Marino's patrol car like a sack of potatoes and authoring false and fraudulent reports,

22. Defendants' conduct in punching, dragging, throwing and otherwise committing assault and battery upon plaintiff with force was clearly unreasonable in light of all of the circumstances.

23. Decedent, as a direct result of defendants' wrongful conduct, was seriously injured.

24. Defendants utilized excessive and unreasonable force upon plaintiff in violation of rights

protected by Article I, paragraphs 1 and 7 of the New Jersey Constitution.

25. Defendants' false statements, false police reports and false and malicious criminal charges against Decedent caused Decedent to be incarcerated and falsely imprisoned in the Warren County Correctional Facility for a significant period of time.

26. Defendant's aforementioned conduct was in violation of plaintiff's rights to liberty, freedom from false arrest, false imprisonment and excessive force, unreasonable searches and seizures, procedural and substantive due process and other rights guaranteed by Article 1, Paragraph 1 and Article 1, Paragraph 7 of the New Jersey Constitution, which violations are made actionable by the New Jersey Civil Rights Act, N.J.S.A. 10:6-1 et seq. ("NJCRA").

27. As a result of defendant's wrongful conduct, Decedent sustained physical injury, pain and suffering, loss of liberty and freedom of movement, false arrest and imprisonment, emotional distress, economic injury and has been otherwise injured.

SECOND COUNT

1. Plaintiff repeats the allegations set forth above as if set forth at length herein.

2. Decedent, while handcuffed and being walked by defendant Marino to Marino's patrol car, made a verbal comment or two to defendant Marino which statements caused defendant Marino to punch Decedent in the head from behind and the other wrongful acts set forth above.

3. Defendant Marino's aforementioned wrongful conduct was motivated, at least in part, by Decedent's speech protected by Article I, paragraph 6 of the New Jersey Constitution.

4. The violation of Decedent's right to freedom of speech under Article I, paragraph 6 of the New Jersey Constitution is actionable under the NJCRA.

5. As a result of defendants' wrongful conduct, Decedent has been injured.

THIRD COUNT

1. Plaintiff repeats the allegations above as if set forth at length herein.

2. Defendants committed false arrest, false imprisonment and an assault and battery upon plaintiff.

3. As a result of defendant's wrongful conduct, plaintiff has been injured.

FOURTH COUNT

1. Plaintiff repeats the allegations above as if set forth at length herein.

2. Defendants engaged in a conspiracy in connection with the violation of Decedent's rights and other wrongful conduct, subsequent attempt to cover up their wrongful conduct and the false arrest, imprisonment and prosecution of Decedent.

3. As a result of defendants' wrongful conduct, Decedent has been injured.

WHEREFORE, plaintiff demands judgment against defendants for compensatory damages, pain and suffering, emotional distress damages, punitive damages, attorney's fees and costs, interest and any other relief the Court deems just.

DEMAND FOR TRIAL BY JURY

Plaintiff hereby requests a trial by jury as to all Counts and Issues.

RULE 4:5-1(c) DESIGNATION OF TRIAL COUNSEL

John F. McDonnell and Jeffrey R. Lessin are hereby designated as trial counsel for plaintiff.

CERTIFICATION OF COMPLIANCE WITH R. 1:38-7(c)

I certify that confidential personal identifiers have been redacted from documents now submitted to the court and will be redacted from all documents submitted in the future in accordance with R. 1:38-7(c).

Civil Case Information Statement

Case Details: WARREN | Civil Part Docket# L-000058-19

Case Caption: JAKUCYK HEATHER VS MARINO ROBERT
Case Initiation Date: 02/25/2019
Attorney Name: JOHN F MC DONNELL
Firm Name: MC DONNELL ARTIGLIERE
Address: 60 YOUMANS AVENUE
WASHINGTON NJ 078820000
Phone:
Name of Party: PLAINTIFF : Jakucyk, Heather
Name of Defendant's Primary Insurance Company (if known): Unknown

Case Type: CIVIL RIGHTS
Document Type: Complaint with Jury Demand
Jury Demand: YES - 12 JURORS
Hurricane Sandy related? NO
Is this a professional malpractice case? NO
Related cases pending: NO
If yes, list docket numbers:
Do you anticipate adding any parties (arising out of same transaction or occurrence)? NO

THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE
CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION

Do parties have a current, past, or recurrent relationship? NO

If yes, is that relationship:

Does the statute governing this case provide for payment of fees by the losing party? YES

Use this space to alert the court to any special case characteristics that may warrant individual management or accelerated disposition:

Do you or your client need any disability accommodations? NO
If yes, please identify the requested accommodation:

Will an interpreter be needed? NO
If yes, for what language:

I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with *Rule* 1:38-7(b)

02/25/2019
Dated

/s/ JOHN F MC DONNELL
Signed