

THE TOWNSHIP OF EWING

Municipal Complex
2 Jake Garzio Drive
Ewing, NJ 08628



Phone: (609) 883-2900
Admin. Fax: (609) 538-0729
Clerk Fax: (609) 771-0480
Web Address: www.ewingnj.org

October 5, 2023

VIA EMAIL

Sunshine Foia (opra+request-53370-37cfb2e9@requests.opramachine.com)

Re: Open Public Records Act Request

Dear Sir/Madam:

Ewing Township (the "Township") is in receipt of your Open Public Records Act ("OPRA") request which was received by the Township on September 26, 2023. As such, the seven (7) business-day deadline to respond to your request was October 5, 2023. Your OPRA requests sought access to the following:

1. Any legal agreements, contracts, or employment agreements, including but not limited to employment contracts, offer letters, or agreements of similar nature, related to the employment of DeLorfette "Dee" Clark as the Director or Chief of Ewing Township Emergency Medical Service.
2. Records related to disciplinary actions taken against Director Clark, including any notices of disciplinary action, records of suspensions, reprimands, investigations, and the outcomes thereof, if applicable.
3. Records of any police investigations, legal proceedings, or complaints filed against Director Clark that may have resulted in his absence from his current position, including but not limited to internal affairs investigations or other law enforcement inquiries.
4. Any financial settlements, severance agreements, or any other agreements reached between Ewing Township and DeLorfette "Dee" Clark, or any other employee involved with his current suspension or absence from his position.

After careful review, the Township objects to Parts 1 – 4 of your OPRA request as vague and overbroad, and as failing to seek reasonably identifiable government records. Controlling case law has repeatedly construed OPRA as limited to requests for reasonably identifiable records. See Paff v. Galloway Twp., 229 N.J. 340, 355 (2017) ("A records request must be well defined so that the custodian knows precisely what records are sought."). OPRA does not "'authorize a party to make a blanket request for every document' a public agency has on file." Bent v. Stafford Twp. Police Dep't, 381 N.J. Super. 30, 36 (App. Div. 2005) (quoting Gannett New Jersey Partners, LP v. Cnty. of Middlesex, 379 N.J. Super. 205, 212 (App. Div. 2005)).

Similarly, OPRA “is not intended as a research tool litigants may use to force government officials to identify and siphon useful information.” MAG Entm’t, LLC v. Div. of Alcoholic Beverage Control, 375 N.J. Super. 534, 549 (App. Div. 2005). “Seeking particular information from the custodian is permissible; expecting the custodian to do research is not.” Paff, 229 N.J. at 355; see also Burnett v. Cnty. of Gloucester, 415 N.J. Super. 506, 516 (App. Div. 2010) (A valid OPRA request requires “a search, not research”). Accordingly, a public entity is not compelled to manually search and analyze its voluminous files in order to procure documents with a particular “identifier” and then collate that information for the requester. MAG Entm’t, LLC, 375 N.J. Super. at 549. “Thus, to prompt disclosure under OPRA, requests for information must be properly circumscribed.” Simmons v. Mercado, 247 N.J. 24, 38 (2021) (citing Paff, 229 N.J. at 355).

The Township also objects to Parts 2 – 4 of your OPRA request to the extent it seeks personnel records which are exempt from disclosure under N.J.S.A. 47:1A-10. OPRA expressly provides, “the personnel or pension records of any individual in the possession of a public agency, including but not limited to records relating to any grievance filed by or against an individual, shall not be considered a government record and shall not be made available for public access,” N.J.S.A. 47:1A-10. This exception “is not limited to the items included in a personnel file.” McGee v. Twp. of East Amwell, 416 N.J. Super. 602, 616 (2010); see also Kovalcik v. Somerset Cnty. Prosecutor’s Office, 206 N.J. 581 (2011).

Finally, the Township objects to Part 3 of your request to the extent it seeks judicial records. OPRA does not apply to the New Jersey Judiciary, and requests for judicial records and administrative records within the custody and control of the Judiciary are governed by New Jersey Court Rule 1:38, and must be sought directly from the New Jersey Courts.

Nevertheless, subject to and without waiving these objections, the Township is providing you with responsive documents to your OPRA request, with certain redactions made insofar as the documents contain social security numbers or other personal information, which if disclosed, would violate a citizen’s reasonable expectation of privacy. *See* N.J.S.A. 47:1A-1 (reasonable expectation of privacy); 47:1A-1.1 (personal identifying information); 47:1A-5 (certain information to be redacted). As to Part 1 of your OPRA request, please note, DeLorfette “Dee” Clark is a Civil Service Employee, and as a result, does not have an independent employment contract with the Township.

If your request for access to a government record has been denied or unfilled within the seven (7) business days required by law, you have a right to challenge the decision by the Ewing Township Clerk’s Office 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 08625, by email at grc@dca.state.nj.us, or at their website at www.state.nj.us/grc. The GRC can also answer other questions about the law. All questions regarding complaints filed in Superior Court should be directed to the Court Clerk in your County.

If you should have any questions or need additional assistance, please do not hesitate to contact this office at (609) 538-7609.

Sincerely,



Susan Bate, RMC

Ewing Deputy Municipal Clerk



STATE OF NEW JERSEY
CIVIL SERVICE COMMISSION
AGENCY SERVICES
P.O. Box 313
Trenton, New Jersey 08625-0313

Chris Christie
Governor
Kim Guadagno
Lt. Governor

Robert M. Czech
Chair/Chief Executive Officer

TO: James McManimon
Ewing Township

DATE: 8/3/2017

FROM: Michele Vandenberg
Human Resource Consultant

SUBJECT: Request for Evaluation

You have requested that a review of credentials be performed in order to determine if **DeLorfette Clark** meets the requirements for the position **Chief Emergency Medical Technician (01116)**.

In response, please be advised that the Division of Agency Services' staff have determined that the above-mentioned individual:

[X] Meets the requirements of this position.

Please have DeLorfette Clark submit a copy of this memorandum to the application when filing for future examinations for this title.

c. Team Leader: Zina McCleese

Payroll/Status Change Notice

Please Print

Routing ☒ Payroll

Effective Date of Change, 05/06/13

Employee Name CLARK DELOFFETTE

☐ New Hire

☐ Change

☐ Separation

Social Security #

New Hire Information

Employee/Payroll #

Depr. E4S

Address

Telephone #

Status: ☒ Full-Time

☐ Part-Time

☐ Full-Time Temporary

☐ Exempt

Date of Birth (for administrative use only)

☐ Part-Time Temporary

☐ Other

☐ Non-Exempt

☐ Hourly

W-4 Attached?

☐ Yes

☐ No

Change(s) for Current Employee

☐ Address Change

☐ Demotion

☐ Department

☐ 401(k)/403(b) Contribution

☐ Insurance Eligibility

☒ Job Title

☐ Change of Insurance

☐ Layoff

☐ Length of Service Increase

☐ Merit Increase

☐ End of Introductory Period

☐ Promotion

☐ Reevaluation of Current Job

☐ Rehire

☐ Resignation

☐ Retirement

☒ Salary/Wage

☐ Separation

☐ Shift Change

☐ Transfer

☐ Union Scale

☒ Other

SUPERVISING EMERGENCY MEDICAL TECHNICIAN

\$15,000

Leave of Absence

☐ Educational

☐ Short-Term Disability

Begin Leave

Return from Leave

☐ Personal

☐ Long-Term Disability

☐ Family/Medical Leave (Including Pregnancy)

☐ Other

Separation

Separation Date

Last Day Worked

Last Day Paid

Voluntary Separation

Notice of COBRA

☐ Yes

☐ No

Involuntary Separation

Start Date of Coverage

Notice of COBRA Rights Provided on

es, describe type of coverage elected:

Additional Comments He is a transfer from Lawrence Township

Employee Signature (Optional)

Supervisor/Designated Manager Signature

Human Resources/Payroll Manager Signature

Name and Title

Date

Date

Date 04/22/2013

Neil

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720 International Parkway, Sunrise, FL 33325
800-299-9111 • www.gneil.com • toll-free
Payroll/Status Change Notice #RB-A0519

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Web Address: www.ewingnj.org

The Township of Ewing

Bert H. Steinmann, Mayor

James P. McManimon, Business Administrator

May 2, 2013

State of NJ
Division of Pensions
PO Box 295
Trenton, N.J. 08625-0295

RE: Delorfette E. Clark
SS [REDACTED]

Gentlemen:

Attached please find an a Report of Transfer along with a copy of his enrollment with the Township of Ewing. Mr. Clark will begin his employment with us on May 6, 2013. He is a transfer from the Township of Lawrence.

If you should need anything further, I can be reached at the above address/phone number or via email at cmatelski@ewingnj.org. Thank you for your assistance in processing this request.

Sincerely,

Corinne Matelski
Personnel

OPRA request - Personal Records Request

Sunshine Foia <opra+request-53370-37cfb2e9@requests.opramachine.com>

Tue 9/26/2023 10:43 AM

To: Kim Macellaro <kmacellaro@ewingnj.org>

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[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Dear Ewing Township,

[
Custodian of Records
Ewing Township Municipal Clerk's Office



Re: New Jersey Open Public Records Act Request

Dear Custodian of Records,

I am writing to formally request access to certain public records under the provisions of the New Jersey Open Public Records Act (OPRA), N.J.S.A. 47:1A-1 et seq. I am seeking information related to DeLorfette "Dee" Clark, who holds the position of Director or Chief of Ewing Township Emergency Medical Service (EMS). Specifically, I am requesting the following records and information:

1. Any legal agreements, contracts, or employment agreements, including but not limited to employment contracts, offer letters, or agreements of similar nature, related to the employment of DeLorfette "Dee" Clark as the Director or Chief of Ewing Township Emergency Medical Service.
2. Records related to disciplinary actions taken against Director Clark, including any notices of disciplinary action, records of suspensions, reprimands, investigations, and the outcomes thereof, if applicable.
3. Records of any police investigations, legal proceedings, or complaints filed against Director Clark that may have resulted in his absence from his current position, including but not limited to internal affairs investigations or other law enforcement inquiries.
4. Any financial settlements, severance agreements, or any other agreements reached between Ewing Township and DeLorfette "Dee" Clark, or any other employee involved with his current suspension or absence from his position.

Please provide copies of these records in digital format if available, or in paper format if digital

copies are not available. If any records are not subject to disclosure under OPRA, please provide a written explanation and cite the specific OPRA exemption(s) that apply.

I request that you acknowledge receipt of this OPRA request in writing and provide a response within the statutory timeframe mandated by OPRA, which is generally seven (7) business days from the date of receipt. If you require any clarification or additional information to facilitate the processing of this request, please do not hesitate to contact me via email at [Your Email Address] or by phone at [Your Phone Number].

Thank you for your prompt attention to this matter and your commitment to transparency and open government. I look forward to receiving the requested information within the timeframes prescribed by OPRA.

Please deliver records electronically via email to the below UNIQUE address for all replies to this request:

opra+request-53370-37cfb2e9@requests.opramachine.com

Is kmacellaro@ewingnj.org the wrong address for OPRA requests to Ewing Township? If so, please contact us using this form:

[https://gcc02.safelinks.protection.outlook.com/?](https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fopramachine.com%2Fchange_request%2Fnew%3Fbody%3Dewing_township&data=05%7C01%7Ckmacellaro%40ewingnj.org%7C1abe7824c6364403985e08dbbe9ee33f%7Cc04669056507453d92197b6952b5dd80%7C0%7C0%7C638313362267858985%7CUnknown%7CTWFpbGZsb3d8eyJWljojMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6IjEhaWwiLCJXVCI6Mn0%3D%7C2000%7C%7C%7C&sdata=6UT0M0mCbKcZCNJ5I%2BCIKA%2Fgtsfr1nuSlavmHA4gQI%3D&reserved=0)

[url=https%3A%2F%2Fopramachine.com%2Fchange_request%2Fnew%3Fbody%3Dewing_township&data=05%7C01%7Ckmacellaro%40ewingnj.org%7C1abe7824c6364403985e08dbbe9ee33f%7Cc04669056507453d92197b6952b5dd80%7C0%7C0%7C638313362267858985%7CUnknown%7CTWFpbGZsb3d8eyJWljojMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6IjEhaWwiLCJXVCI6Mn0%3D%7C2000%7C%7C%7C&sdata=6UT0M0mCbKcZCNJ5I%2BCIKA%2Fgtsfr1nuSlavmHA4gQI%3D&reserved=0](https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fopramachine.com%2Fchange_request%2Fnew%3Fbody%3Dewing_township&data=05%7C01%7Ckmacellaro%40ewingnj.org%7C1abe7824c6364403985e08dbbe9ee33f%7Cc04669056507453d92197b6952b5dd80%7C0%7C0%7C638313362267858985%7CUnknown%7CTWFpbGZsb3d8eyJWljojMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6IjEhaWwiLCJXVCI6Mn0%3D%7C2000%7C%7C%7C&sdata=6UT0M0mCbKcZCNJ5I%2BCIKA%2Fgtsfr1nuSlavmHA4gQI%3D&reserved=0)

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[url=https%3A%2F%2Fopramachine.com%2Fhelp%2Fofficers&data=05%7C01%7Ckmacellaro%40ewingnj.org%7C1abe7824c6364403985e08dbbe9ee33f%7Cc04669056507453d92197b6952b5dd80%7C0%7C0%7C638313362267858985%7CUnknown%7CTWFpbGZsb3d8eyJWljojMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6IjEhaWwiLCJXVCI6Mn0%3D%7C2000%7C%7C%7C&sdata=3tIXYqLn4%2BL0uUV%2BMGh9lpQFpEU5emNxENfJ3W5A4I%3D&reserved=0](https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fopramachine.com%2Fhelp%2Fofficers&data=05%7C01%7Ckmacellaro%40ewingnj.org%7C1abe7824c6364403985e08dbbe9ee33f%7Cc04669056507453d92197b6952b5dd80%7C0%7C0%7C638313362267858985%7CUnknown%7CTWFpbGZsb3d8eyJWljojMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6IjEhaWwiLCJXVCI6Mn0%3D%7C2000%7C%7C%7C&sdata=3tIXYqLn4%2BL0uUV%2BMGh9lpQFpEU5emNxENfJ3W5A4I%3D&reserved=0)

View this OPRA request & responses online:

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[url=https%3A%2F%2Fopramachine.com%2Frequest%2Fpersonal_records_request&data=05%7C01%7Ckmacellaro%40ewingnj.org%7C1abe7824c6364403985e08dbbe9ee33f%7Cc04669056507453d92197b6952b5dd80%7C0%7C0%7C638313362267858985%7CUnknown%7CTWFpbGZsb3d8eyJWljojMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6IjEhaWwiLCJXVCI6Mn0%3D%7C2000%7C%7C%7C&sdata=9yw21UIQPdU3XB%2BxZiEV4VBPA6oEozaEwidpcAwafqA%3D&reserved=0](https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fopramachine.com%2Frequest%2Fpersonal_records_request&data=05%7C01%7Ckmacellaro%40ewingnj.org%7C1abe7824c6364403985e08dbbe9ee33f%7Cc04669056507453d92197b6952b5dd80%7C0%7C0%7C638313362267858985%7CUnknown%7CTWFpbGZsb3d8eyJWljojMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6IjEhaWwiLCJXVCI6Mn0%3D%7C2000%7C%7C%7C&sdata=9yw21UIQPdU3XB%2BxZiEV4VBPA6oEozaEwidpcAwafqA%3D&reserved=0)

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.
