



Saddle River School District - Wandell School
97 East Allendale Road, Saddle River, NJ 07458
201.327.0727 www.wandellschool.org Fax: 201.236.8166



December 7, 2023

VIA E-MAIL [opra+request-54781-7138d2f4@requests.opramachine.com]
Brian Hampel

Re: *Reply to November 29, 2023 E-Mail Correspondence #3*

Dear Mr. Hampel:

We write to reply to your November 29, 2023 e-mail correspondence, which stated the following:

At the Board of Education meeting on September 13, 2023, Dr. Cinotti mentioned that the decision to conduct a feasibility study stemmed from the BOE's commitment to addressing community concerns. In that meeting, she noted that around 50 community members had advocated for the creation of a middle school in the district. Additionally, Dr. Cinotti mentioned that some of these individuals also advocated for the exploration of send/receive school agreements with new districts.

In this OPRA request, I am requesting access to the written communications from the community members asking for the District to explore send/receive school agreements with new districts.

The email I received below from Dr. Cinotti on Nov 22, 2023 for which you were CC:ed, suggests that my OPRA request was clear and not excessively broad as Dr. Cinotti was able to articulate that, "all discussions about this topic were informal. I have no emails regarding this.....As I mentioned last week in our conversation". Therefore, there appears to be no misunderstanding as to the subject of my OPRA request as suggested by the District's Denial.

To ensure a productive outcome and to prevent unnecessary effort and time expenditure, I'm hoping this email clarifies any doubts with the Saddle River Records Custodian as it relates to this OPRA request having been denied.

Kindly confirm if this allows the BOE to provide a response to this requests that is not a denial of access. Just to be clear, a response of "No Records", by stating that no records exist, is different from a "Denial of Access", where an agency has the records but refuses to provide them, usually citing specific exemptions under OPRA.

Should I face an unjust denial, I intend to pursue further action as specified in "N.J.S.A. 47:1A-1 to 47:1A-13," which may unfortunately



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result in additional expenses for Saddle River taxpayers. Thus, I would much rather find a resolution that avoids this course of action.

Please note that the Saddle River School District ("District") records custodian consulted with counsel in determining the appropriate response to your prior Open Public Records Act requests. As you are aware, the District responded that your requests were invalid as overly broad based upon the language of same. The District repeats the analysis set forth in its initial response dated November 8, 2023 regarding this matter as if fully set forth at length herein. As delineated in the District's November 8, 2023 correspondence, we again note that the District's position is that your requests are legally deficient due to the lack of specific descriptions for the records that you are purportedly seeking. Your request for correspondence between all Board of Education members and all members of the community is plainly insufficient for the District to search for and identify potentially responsive communications. Accordingly, the District's response should not be construed as a denial of access to any records that were identified as potentially responsive, nor an admission of whether any such potentially responsive records exist.

We trust that this correspondence satisfies your inquiry. We again note that your OPRA requests have been closed out.

Sincerely,

Kaitlyn Lawler
Board Secretary