

563

Taylor O'Brien

From: Deborah Karlsson
Sent: Thursday, May 5, 2022 9:59 AM
To: Allison Saabye; Taylor O'Brien
Subject: FW: [External]OPRA request - Seperation

RECEIVED
CLERK'S OFFICE
2022 MAY -5 A 10:02
CITY OF HACKENSACK

-----Original Message-----

From: Bradley Eagon <opra+request-31534-a595d794@requests.opramachine.com>
Sent: Thursday, May 5, 2022 9:59 AM
To: Deborah Karlsson <dkarlsson@hackensack.org>
Subject: [External]OPRA request - Seperation

Dear Hackensack City,

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:

I am requesting any separation agreement between the city and police officers between the years of 2015-2021.

Yours faithfully,

Bradley Eagon

Please use deliver records electronically via email to the below UNIQUE address for all replies to this request:
opra+request-31534-a595d794@requests.opramachine.com

Is dkarlsson@hackensack.org the wrong address for OPRA requests to Hackensack City? If so, please contact us using this form:

https://opramachine.com/change_request/new?body=hackensack_city

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/seperation>

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.

due 5/16/22 ext 5/31/22
ext 5/19/22



DEBORAH KARLSSON, RMC
CITY CLERK

ALLISON R. SAABYE, RMC
DEPUTY CITY CLERK

CITY OF HACKENSACK

OPEN PUBLIC RECORDS REQUEST RESPONSE

City Clerk's Office
65 Central Avenue, 3rd Floor
Hackensack, NJ 07601
(201)-646-3940
Fax: (201) 457-1466

DATE: May 31, 2022

TO: Bradley Eagon

The City of Hackensack ("City") records custodian received your Open Public Records Act ("OPRA") request dated May 5, 2022 that same day. As you are aware, the City obtained an extension until May 31, 2022 to respond to your request. As such, the City is timely responding to your request in accordance with New Jersey law. N.J.S.A. 47:1A-5.

Your OPRA request sought the following records:

I am requesting any separation agreement between the city and police officers between the years of 2015-2021.

As an initial matter, you have not submitted a proper request under OPRA, and as such the City is not required to respond to the request as written. You have not defined the vague term "separation agreement" and your request fails to name any particular police officer whose records you are seeking, requiring the City's records custodian to improperly conduct research throughout the entirety of the files of all police officers who separated from service during the requested time period to determine whether any responsive records might exist.

Notwithstanding the foregoing, in an attempt to be responsive, the City has reviewed its files and has located four agreements between the City and members of its police department that appear to fall within its understanding of the term of "separation agreement."

Under OPRA, at N.J.S.A. 47:1A-10, it has long been understood that internal agreements between a municipality and its employees, when not the subject of litigation in federal or state courts, are considered confidential under OPRA's personnel records exception, which provides that personnel records are excluded from the definition of a government record and may not be made available for public access except for an individual's name, title, position, salary, payroll record, length of service, date of separation and the reason therefor, and the amount and type of any pension received.

Recent court decisions have elaborated that when there is an agreement between a municipality and an employee which involves the employee leaving the employer's service, the limited portion of the agreement that expressly discloses the reason for separation may be supplied. Accordingly, agreements between the City and former HPD sworn employees Vincent Riotto, Joseph Gonzales, Steven Ochman and Danilo Garcia are attached, but only



DEBORAH KARLSSON, RMC
CITY CLERK

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to the limited extent that they describe the reason for separation. The remainder of these agreements remain confidential as per N.J.S.A. 47:1A-10 and are not being supplied in accordance with law.

Your OPRA request is now deemed answered and closed.

Thank you for your attention to this matter.

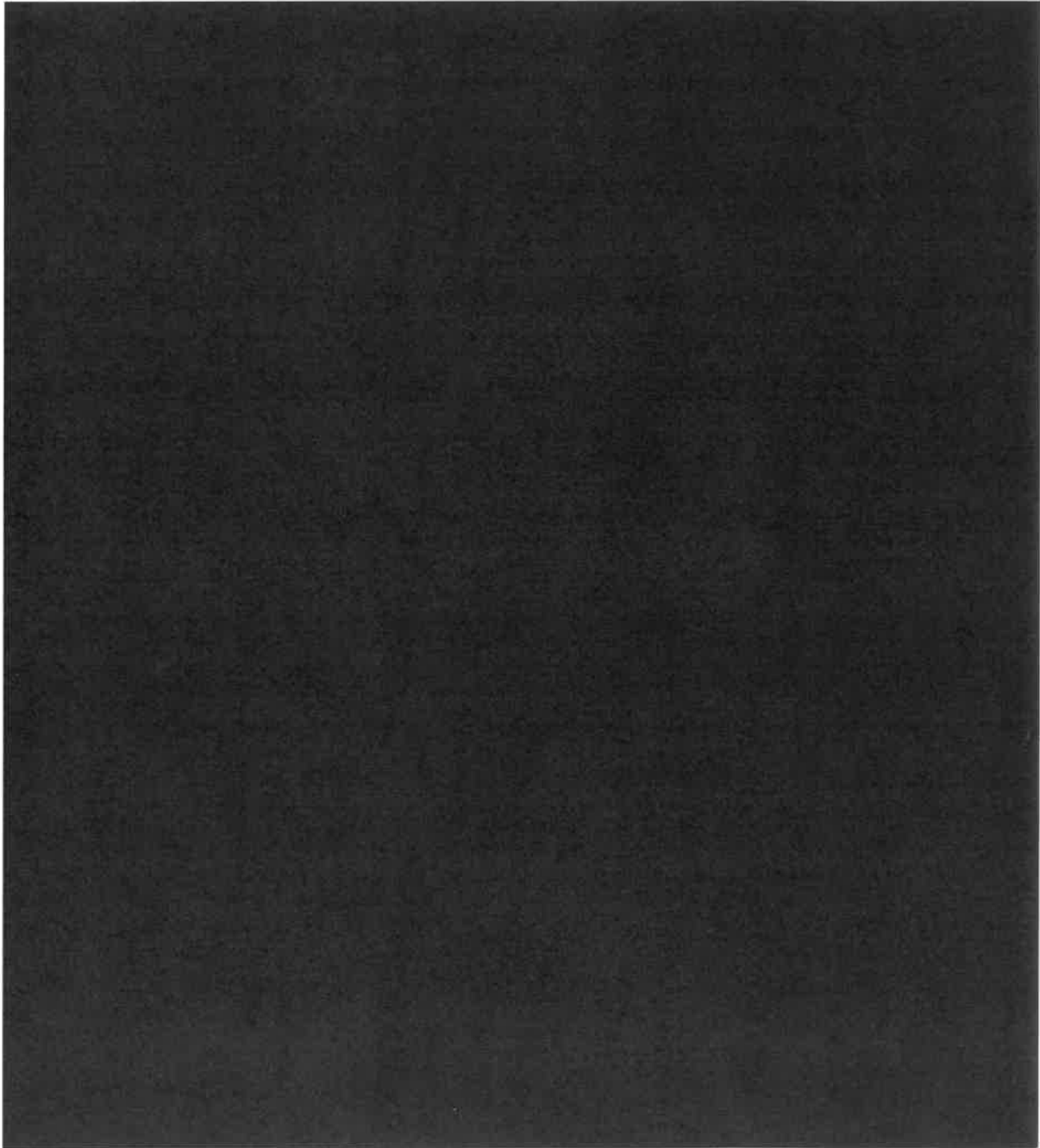
Date: May 31, 2022

City Clerk: Deborah Karlsson, RMC

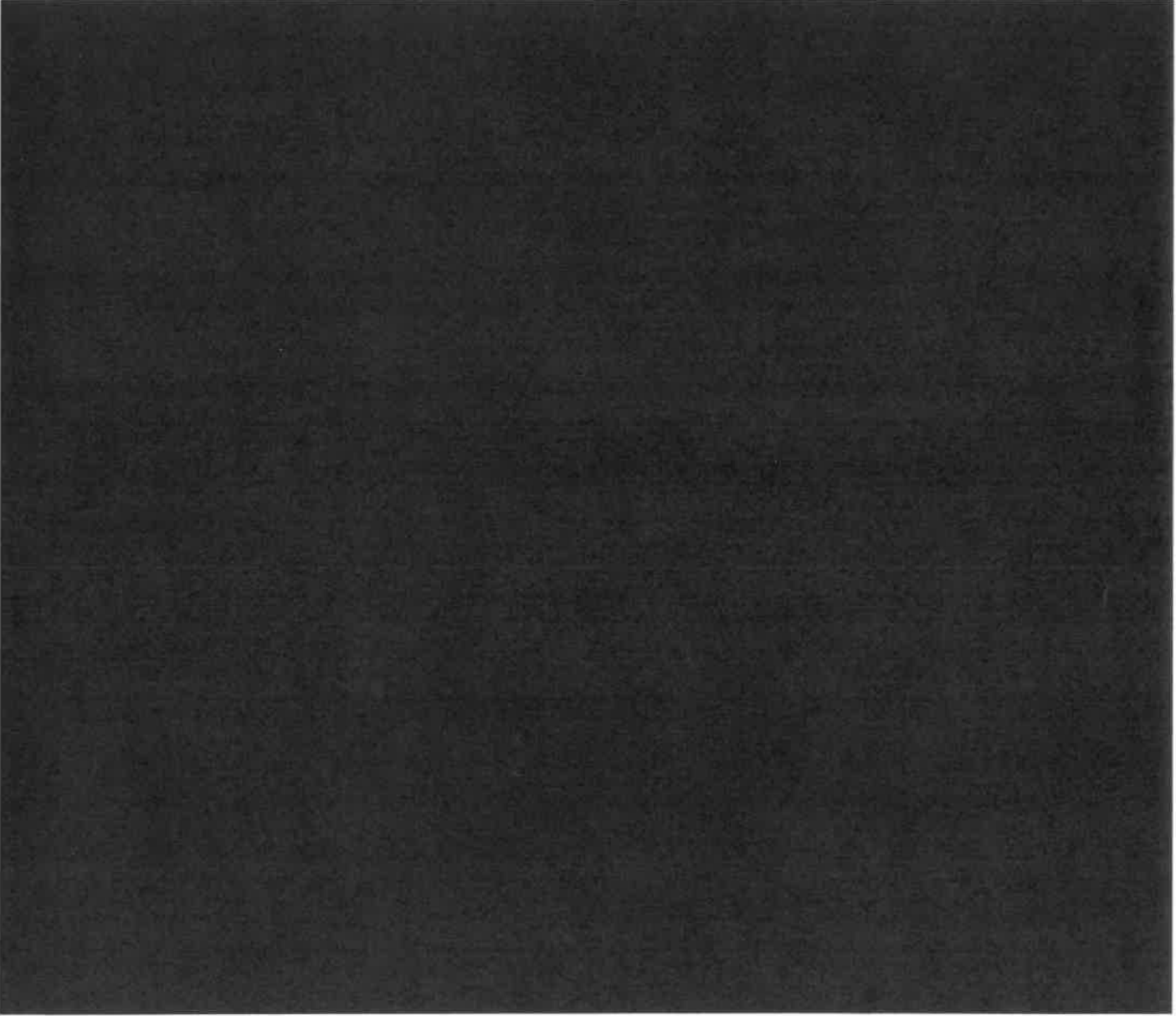
AGREEMENT AND GENERAL RELEASE

CONSULT WITH AN ATTORNEY PRIOR TO SIGNING THIS AGREEMENT AND GENERAL RELEASE. BY SIGNING THIS AGREEMENT AND GENERAL RELEASE YOU GIVE UP AND WAIVE IMPORTANT LEGAL RIGHTS.

THIS AGREEMENT AND GENERAL RELEASE ("Agreement"), dated as of November 1, 2017, is given by, the Releasor, VINCENT RIOTTO, individually referred to as "Employee", to the City of Hackensack, referred to as the "Employer" including all of the Employer's elected and appointed officials, officers, agents, representatives and employees.

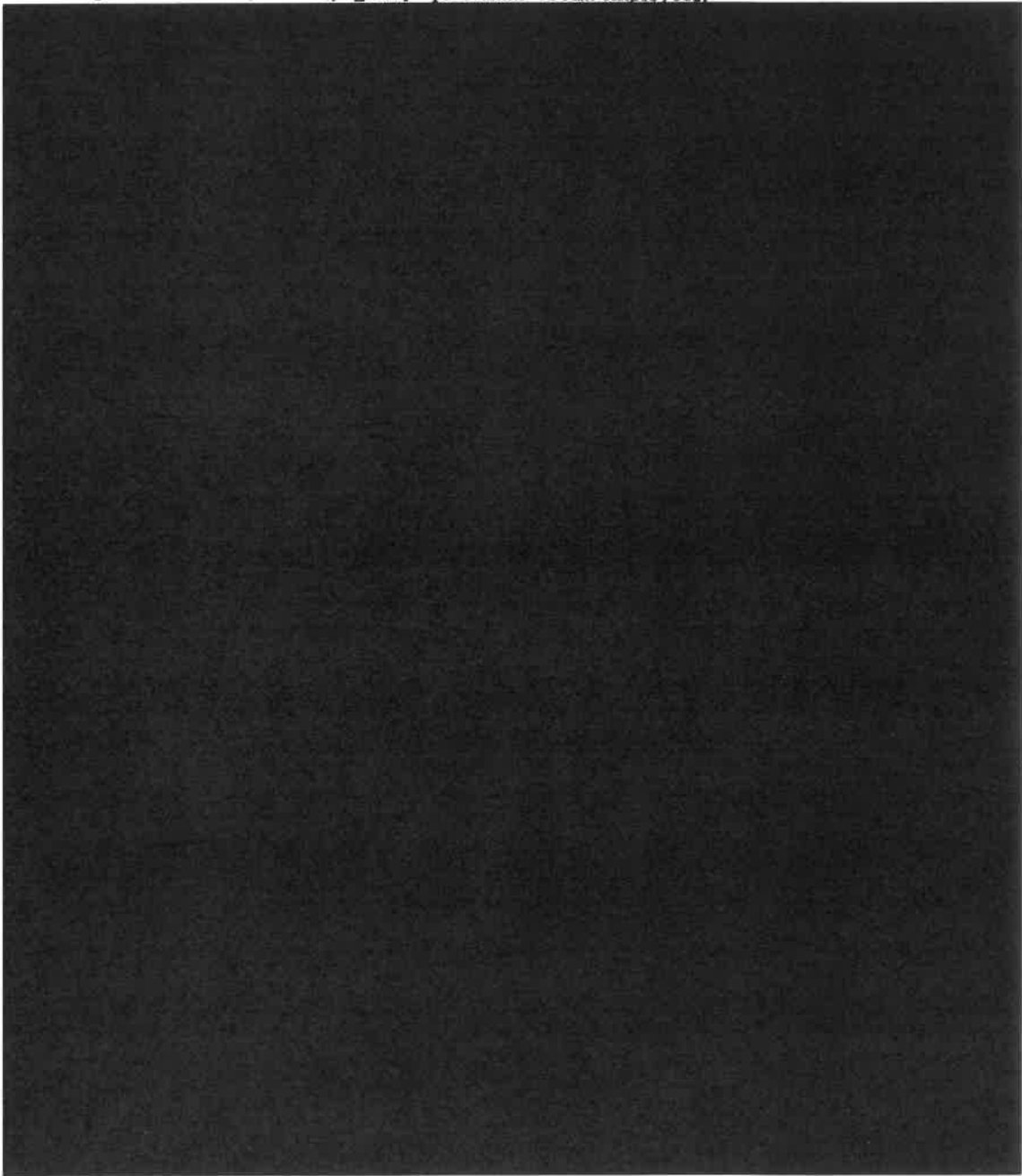


2. Resignation: [REDACTED]

- a. Employee hereby represents and warrants that on October 31, 2017 he previously, voluntarily and irrevocably filed a regular service retirement application ("Retirement Application") with the New Jersey Division of Pensions, which retirement has an effective date of November 1, 2017 (the "Retirement Date"). By filing said Retirement Application, Employee agrees and acknowledges that he has irrevocably retired from his employment with Employer effective October 31, 2017.
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AGREEMENT AND GENERAL RELEASE

This Agreement and General Release ("Agreement"), dated as of June 24, 2019, is given by, the Releasor, **JOSEPH GONZALES**, individually referred to as "Employee", to the City of Hackensack, referred to as either "Employer" or the "City" including all of the City's elected and appointed officials, officers, agents, representatives and employees.



[REDACTED]

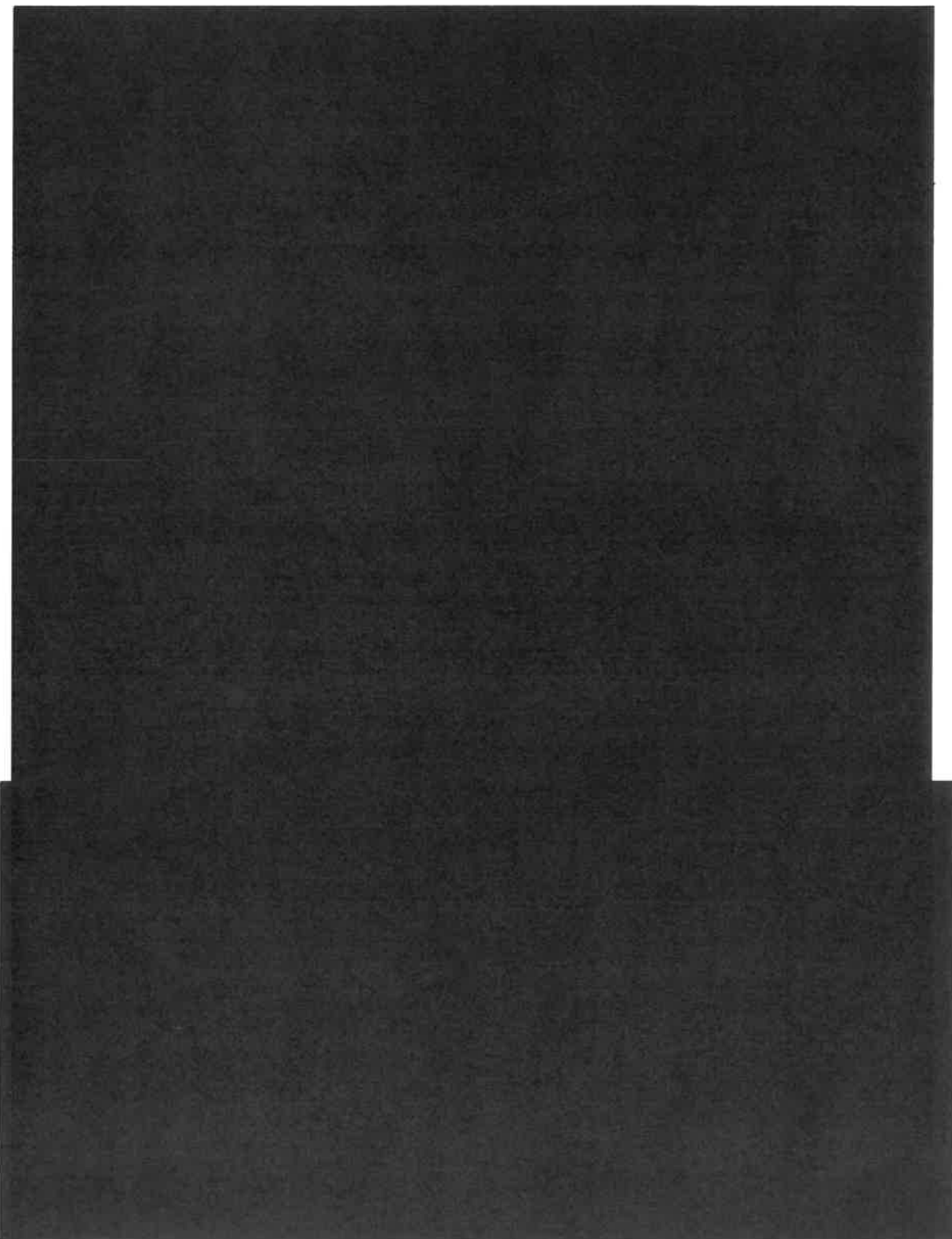
3.

Retirement

- a. Employee hereby agrees to retire from his employment with the City effective the end of business on June 30, 2019 (the "Retirement Date"), and hereby represents and warrants that he will file on or before June 25, 2019 an disability retirement application with the New Jersey Division of Pensions with an effective retirement date of July 1, 2019. Employee agrees not to modify or extend such retirement date. Employee specifically agrees and acknowledges that, subject to his right to revoke this Agreement pursuant to Paragraph 1(c) hereinabove, he hereby retires from his employment with the City as of July 1, 2019 irrespective of (1) whether or not he files for an disability retirement as required hereinabove in this Agreement, or (2) whether or not Employee's application for an disability retirement is approved/accepted by the New Jersey Division of Pensions.
- [REDACTED]
- [REDACTED]

AGREEMENT AND GENERAL RELEASE

This Agreement and General Release ("Agreement"), dated as of August ²⁴, 2017, is given by, the Releasor, STEPHEN OCHMAN, individually referred to as "Employee", to the City of Hackensack, referred to as the "City" including all of the City's elected and appointed officials, officers, agents, representatives and employees.



[REDACTED]

3. Resignation/Termination of Employee's Employment; [REDACTED]

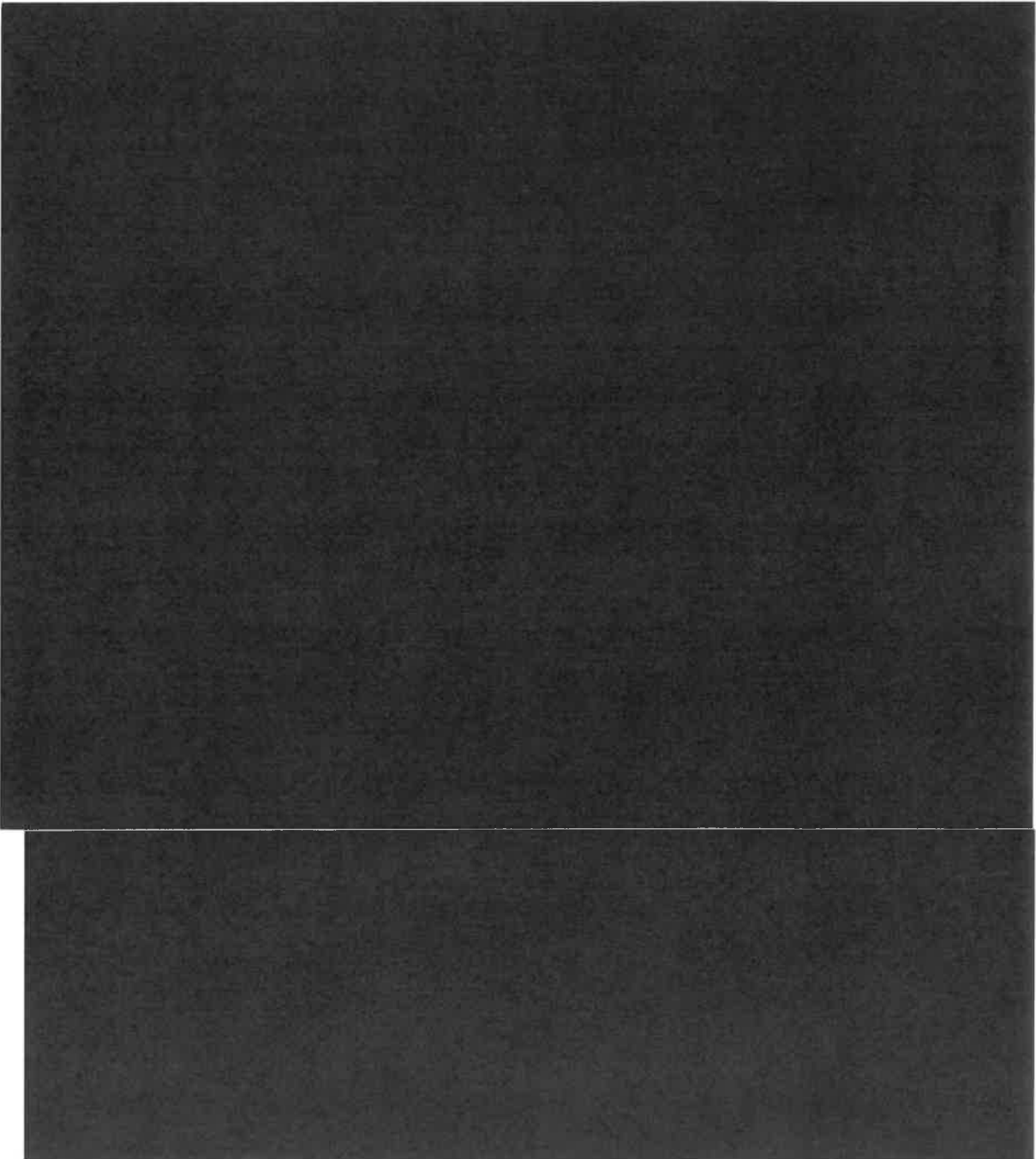
[REDACTED]

- a. Employee hereby irrevocably agrees to retire from his employment with the City effective September 30, 2017 (the "Retirement Date"), and hereby represents that he has, prior to his execution of this Agreement, filed a retirement application with the New Jersey Division of Pensions with an effective retirement date of October 1, 2017.
- [REDACTED]

AGREEMENT AND GENERAL RELEASE

CONSULT WITH AN ATTORNEY PRIOR TO SIGNING THIS AGREEMENT AND GENERAL RELEASE. BY SIGNING THIS AGREEMENT AND GENERAL RELEASE YOU GIVE UP AND WAIVE IMPORTANT LEGAL RIGHTS.

THIS AGREEMENT AND GENERAL RELEASE ("Agreement"), dated as of September 1, 2015, is given by, the Releasor, Danilo Garcia, individually referred to as "Employee", to the City of Hackensack, referred to as the "Employer" including all of the Employer's elected and appointed officials, officers, agents, representatives and employees.



- 1) Employer accepts the Employee's retirement effective February 1, 2017, [REDACTED]

[REDACTED] As such, the Employer accepts the Employee's retirement as one in good standing.

