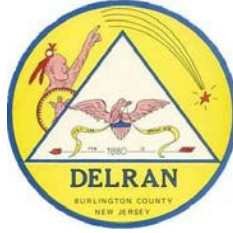


TOWNSHIP OF DELRAN

MAYOR
GARY CATRAMBONE

BUSINESS ADMINISTRATOR
JOSEPH B. BELLINA

TOWNSHIP CLERK
JAMEY EGGERS, RMC



TOWNSHIP COUNCIL
TYLER J. BURRELL, PRESIDENT
THOMAS LYON, VICE-PRESIDENT
NIKKI APEADU, WARD 1
LYNN JENEY, AT-LARGE
MARLOWE SMITH, WARD 3

900 CHESTER AVENUE
DELRAN NEW JERSEY 08075
856.461.7734

May 11, 2023

VIA EMAIL:

Anonymous Delran Resident

Re: OPRA Request #23-084

Dear Requestor:

The Township of Delran (the "Township") is in receipt of your Request dated May 2, 2023, and received the same day pursuant to the Open Public Records Act, N.J.S.A. 47:1A-1 et seq. ("OPRA"), requesting the following:

"Please provide all information and documentation of the settlement between the township, the mayor, and Patrick Duff including any communication with the JIF."

Pursuant to a request for clarification, you amended your request to the following:

"I would like all communications regarding the settlement from 1/1/2023 to present and a copy of the settlement without redactions. Please include the total amount of the settlement as well as how the settlement is being paid."

This letter is to acknowledge receipt of your amended request, to which the Township responds as follows.

Please be advised that a request pursuant to OPRA must identify the records sought with specificity. Bart v. Passaic County Pub. Hous. Agency, 406 N.J. Super. 445, 451 (App. Div. 2009). OPRA "is not intended as a research tool litigants may use to force government officials to identify and siphon useful information." MAG Entertainment, LLC v. Division of Alcohol Beverage Control, 375 N.J. Super. 534, 546 (App. Div. 2005). A custodian may reject a request that is overly broad or vague so as to prevent identification of the records sought. New Jersey Builders Ass'n v. New Jersey Council on Affordable Housing, 390 N.J. Super. 166, 172 (App. Div. 2007), cert. denied 190 N.J. 394 (2007). Moreover, the Appellate Division held in MAG Entertainment, LLC, 375 N.J. Super. at 549, that pursuant to OPRA:

Agencies are required to disclose only 'identifiable' government records not otherwise exempt. Wholesale requests for general information to be analyzed, collated and compiled by the responding government agency are not encompassed therein. In short, OPRA does not countenance open-ended searches of an agency's files.

Without waiving any of the above-mentioned exceptions and/or reasons for non-disclosure of the information you seek in your request, and subject to those exceptions and/or reasons, we can provide the following responses to your request:

Response to Request Part #1 – "I would like all communications regarding the settlement from 1/1/2023 to present":

In accord with MAG Entm't, LLC v. Div. of Alcoholic Beverage Control, 375 N.J. Super. 534 (App. Div. 2005), in order to specifically identify an e-mail, OPRA requests must contain: (1) the content and/or subject of the e-mail, (2) the specific date or range of dates during which the e-mail was transmitted or the e-mails were transmitted, and (3) a valid email request must identify the sender and/or the recipient thereof. Elcavage v. West Milford Twp. (Passaic), GRC Complaint No. 2009-07 (April 2010) at 5. See also Armenti v. Robbinsville Bd. of Educ. (Mercer), GRC Complaint No. 2009-154 (Interim Order dated May 24, 2011) (applying the Elcavage, factors to other forms of written correspondence).

After consultation with counsel, I am requesting that you provide clarification for this portion of your OPRA request. More specifically, please provide whose communications you are seeking (i.e., sender and/or recipient of the communication). Please respond in writing and identify the additional information required in order to provide the specific government records sought. Failure to provide written clarification of your request will result in the closure of this OPRA request.

Response to Request Part #2 – "I would like ... copy of the settlement without redactions":

Attached herewith please find a copy of the requested settlement.

Response to Request Part #3 - Please include the total amount of the settlement as well as how the settlement is being paid":

This request fails to identify a specific government record being sought. As noted above, the Appellate Division held in MAG Entertainment, LLC, 375 N.J. Super. at 549, that pursuant to OPRA: "Agencies are required to disclose only 'identifiable' government records not otherwise exempt. Wholesale requests for general information to be analyzed, collated and compiled by the responding government agency are not encompassed therein. Without waiving

this reason for non-disclosure, attached herewith is the resolution authorizing settlement which includes information requested.

Please provide clarification as to the noted deficiencies as soon as possible so that we may order a proper search for the remaining portions of your request. Failure to provide written clarification of your request within seven (7) calendar days will result in the closure of this OPRA request.

Thank you for your courtesy.

Very truly yours,

A handwritten signature in black ink that reads "Jamey Eggers". The signature is written in a cursive, flowing style.

Jamey Eggers
Township Clerk
Township of Delran