

Berkeley Heights Public Schools
Clausen Administrative Complex
345 Plainfield Avenue
Berkeley Heights, Union County, New Jersey 07922

Stephen E. Hopkins
Director BHPS /
Custodian of Public Records



(908) 464-1601 x1700
sehopkins@bhpsnj.org

May 15, 2023

Via E-Mail
Berkeley Heights Community Watch

Re: Open Public Records Act (OPRA) Request

The Berkeley Heights Public Schools (“District”) records custodian received your Open Public Records Act (“OPRA”) and Freedom of Information Act (“FOIA”) request on March 28, 2023. Please note that the District is not subject to FOIA, as same only applies to Federal agencies. The District obtained an extension of time to respond to your OPRA request until May 16, 2023. As such, the District is timely responding to your OPRA request in accordance with New Jersey law.

Your OPRA request seeks the following records:

We are requesting copies of all communication between or involving one or more individuals on this list:

Mr. Stephen Hopkins, Ms. Julie Kot, Dr. Melissa Varley and/or members of the BOE

That contain one or more of the following terms:

Pizza

Lunch

Incident

HIB

GL

Governor Livingston

Large pie with Extra Cheese, Pepperoni and Mandatory Workplace Conflict Resolution Training.....thin crust.

Dates: 03/20/2023 through 03/27/2023

Please be advised that the District conducted searches of its e-mail server and determined that the potentially responsive communications comprise 636 discrete e-mail chains. Undoubtedly, the number of potentially responsive actual e-mails is much greater and would consist of many thousands of pages of records. Many of these e-mails likely contain confidential student information that is protected from disclosure under the Family Educational Rights and Privacy Act (“FERPA”), as well as information that may be subject to OPRA exemptions and/or other legal privileges. The District cannot devote its limited resources to review such an unduly burdensome volume of records. OPRA allows a records custodian to attempt to reach a reasonable solution with a requestor where a request will substantially disrupt agency operations, such as in these circumstances. N.J.S.A. § 47:1A-5(g). Accordingly, the District suggests that you attempt to narrowly tailor the

scope of your OPRA request. If the District does not receive an amended request from you by May 26, 2023, we will treat your request as abandoned.

Thank you for your anticipated cooperation.

Very truly yours,

s/ Stephen E. Hopkins

Stephen E. Hopkins

Director/ Custodian of Public Records

Cc: Dr. Melissa Varley, Superintendent of Schools (*via email*)

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Stephen E. Hopkins
Director BHPS /
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(908) 464-1601 x1700
sehopkins@bhpsnj.org

May 24, 2023

Via E-Mail

Berkeley Heights Community Watch

Re: Open Public Records Act (OPRA) Request

Dear M. Migues:

The Berkeley Heights Public Schools (“District”) records custodian received your Open Public Records Act (“OPRA”) and common law request (“Request”) on May 12, 2023 (5:39 PM). Please be aware that emails received after business hours are processed received on the next business day. The seven business day deadline to respond to your Request is May 24, 2023. As such, the District is timely responding to your Request in accordance with New Jersey law.

Your Request seeks the following records:

- (1) Please provide copies of all communications connected to the Board Correspondence Agenda Item for the 05/11/2023 BOE Meeting (including attachments!!)*
- (2) Please provide documents connected to the Board Goals Discussion during the 05/11/2023 including board emails and attachments, you may use the following terms to help in your search: Board Goals, Board Self Evaluation, Board Self Assessment including all attachments!*

OPRA allows the records custodian to seek extensions of time pursuant to N.J.S.A. 47:1A-5i. The District anticipates requiring an additional six weeks (until July 5, 2023) to compile, review, and produce the potentially responsive records in accordance with New Jersey law. The District also reserves the right to request an additional extension of time if necessary. See Scheeler v. New Jersey Department of Educ., GRC Complaint No. 2014-123 (2016).

Thank you for your anticipated cooperation.

Very truly yours,

s/ Stephen E. Hopkins

Stephen E. Hopkins
Director/ Custodian of Public Records

Cc: Dr. Melissa Varley, Superintendent of Schools (*via email*)

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Stephen E. Hopkins
Director BHPS /
Custodian of Public Records



(908) 464-1601 x1700
sehopkins@bhpsnj.org

April 19, 2023

Via E-Mail

Berkeley Heights Community Watch

Re: Open Public Records Act (OPRA) Request

Dear Sir/ Ma'am:

The Berkeley Heights Public Schools ("District") records custodian received your Open Public Records Act ("OPRA") and common law request ("Request") on April 11, 2023. The seven business day deadline to respond to your Request is April 19, 2023. As such, the District is timely responding to your Request in accordance with New Jersey law.

Your Request seeks the following records:

Please provide under OPRA and common law right to know the following for April (till the 20th) -

- 1. Finance and facility committee meeting agenda and minutes*
- 2. Personnel committee meeting agenda and minutes*
- 3. Policy committee meeting agenda and minutes*
- 4. Curriculum committee meeting agenda and minutes*

Please provide under OPRA and common law right to know the following:

- 1. Athletics/ Co-Curricular agenda and minutes*
- 2. Technology/communications agenda and minutes*

Months:

- 1. October, November, and December 2022*
- 2. January, February, March 2023 and for April till the 20th*

OPRA allows the records custodian to seek extensions of time pursuant to N.J.S.A. 47:1A-5i. The District anticipates requiring an additional five weeks (until May 24, 2023) to compile, review, and produce the potentially responsive records in accordance with New Jersey law. The District also reserves the right to request an additional extension of time if necessary. See Scheeler v. New Jersey Department of Educ., GRC Complaint No. 2014-123 (2016).

Thank you for your anticipated cooperation.

Very truly yours,

s/ Stephen E. Hopkins

Stephen E. Hopkins
Director/ Custodian of Public Records

Cc: Dr. Melissa Varley, Superintendent of Schools (*via email*)

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Stephen E. Hopkins
Director BHPS /
Custodian of Public Records



(908) 464-1601 x1700
sehopkins@bhpsnj.org

Via Electronic Mail

April 28, 2023
BH Community Watch

Re: Open Public Records Act (OPRA) Request

Dear Sir or Madam:

The Berkeley Heights Public Schools (“District”) is in receipt of your Open Public Records Act (“OPRA”) request emailed on April 18, 2023. Please note that OPRA requests received on weekends or after business hours are deemed received on the next business day. The seven-business day deadline to respond to your OPRA request is April 27, 2023. As such, the District is timely responding to your request in accordance with New Jersey law.

You requested the following:

Please Provide all Correspondence between Mr. Nixon and/or Ms. Nardi and/or Julie Kot and/Dr. Varley and/or BOE Members

Between 03/28/2023 and 04/14/2023

*That contain one or more of the following terms:
"Budget," BHAA," "cuts"*

Your OPRA request is granted for the correspondence between Mr. Nixon, Ms. Nardi, Julie Kot, and Dr. Varley. A good faith search of District records was conducted and documents responsive to your request are being provided. Your request is not granted for BOE members as it is not specific. Minor redactions have been made to preserve privacy.

Your OPRA request is now deemed answered and closed.

Very truly yours,

s/ Stephen E. Hopkins

Stephen E. Hopkins
Director/ Custodian of Public Records
Cc: Dr. Melissa Varley, Superintendent of Schools (via email)

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Stephen E. Hopkins
Director BHPS /
Custodian of Public Records



(908) 464-1601 x1700
sehopkins@bhpsnj.org

May 10, 2023

Via E-Mail
Berkeley Heights Community Watch

Re: Open Public Records Act (OPRA) Request

Dear Sir/ Ma'am:

The Berkeley Heights Public Schools ("District") records custodian received your Open Public Records Act ("OPRA") and common law request ("Request") on May 1, 2023. Please be aware that emails received after business hours are processed received on the next business day. The seven business day deadline to respond to your Request is May 10, 2023. As such, the District is timely responding to your Request in accordance with New Jersey law.

Your Request seeks the following records:

Please provide copies of all communication referenced by Ms. Kot during the 04/27/2023 BOE Meeting during her oral report of communication to the BOE.

OPRA allows the records custodian to seek extensions of time pursuant to N.J.S.A. 47:1A-5i. The District anticipates requiring an additional five weeks (until June 13, 2023) to compile, review, and produce the potentially responsive records in accordance with New Jersey law. The District also reserves the right to request an additional extension of time if necessary. See Scheeler v. New Jersey Department of Educ., GRC Complaint No. 2014-123 (2016).

Thank you for your anticipated cooperation.

Very truly yours,

s/ Stephen E. Hopkins

Stephen E. Hopkins
Director/ Custodian of Public Records

Cc: Dr. Melissa Varley, Superintendent of Schools (*via email*)

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(908) 464-1601 x1700
sehopkins@bhpsnj.org

Via Electronic Mail

April 19, 2023
BH Community Watch

Re: Open Public Records Act (OPRA) Request

Dear Sir/Ma'am

The Berkeley Heights Public Schools ("District") is in receipt of your Open Public Records Act ("OPRA") request emailed on April 4 (8pm) Please note that OPRA requests received on weekends or after business hours are deemed received on the next business day. Because the District was closed until April 11, the seven-business day deadline to respond to your OPRA request is April 19, 2023. As such, the District is timely responding to your request in accordance with New Jersey law.

You requested the following:

It appears that videos of meetings between 6/2021 and 8/2022 are missing.

Please provide me links or copies of these videos. If they are too large to email you can simply share the link from a Google Drive and we will download them.

Your OPRA request is granted. A good faith search of District records was conducted and information responsive to your request are being provided. The District Tech Department states: "Because some of these were broadcast live, they are listed in the section Live."

["https://www.youtube.com/@BHPSMedia/streams"](https://www.youtube.com/@BHPSMedia/streams)

Your OPRA request is now deemed answered and closed.

Thank you for your attention to this matter.

Very truly yours,

s/ Stephen E. Hopkins

Stephen E. Hopkins
Director/ Custodian of Public Records
Cc: Dr. Melissa Varley, Superintendent of Schools (*via email*)

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Stephen E. Hopkins
Director BHPS /
Custodian of Public Records



(908) 464-1601 x1700
sehopkins@bhpsnj.org

April 11, 2023

Via E-Mail
Berkeley Heights Community Watch

Re: Open Public Records Act (OPRA) Request

Dear Sir/ Ma'am:

The Berkeley Heights Public Schools ("District") records custodian received your Open Public Records Act ("OPRA") and common law request ("Request") on March 28, 2023. The seven business day deadline to respond to your Request is April 11, 2023. As such, the District is timely responding to your Request in accordance with New Jersey law.

Your Request seeks the following records:

We are requesting copies of all communication between or involving one or more individuals on this list:

Mr. Stephen Hopkins, Ms. Julie Kot, Dr. Melissa Varley and/or members of the BOE

That contain one or more of the following terms:

Pizza, Lunch, Incident, HIB, GL, Governor Livingston,

Large pie with Extra Cheese, Pepperoni and Mandatory Workplace Conflict Resolution Training.....thin crust.

Dates: 03/20/2023 through 03/27/2023

OPRA allows the records custodian to seek extensions of time pursuant to N.J.S.A. 47:1A-5i. The District anticipates requiring an additional five weeks (until May 16, 2023) to compile, review, and produce the potentially responsive records in accordance with New Jersey law. The District also reserves the right to request an additional extension of time if necessary. See Scheeler v. New Jersey Department of Educ., GRC Complaint No. 2014-123 (2016).

Thank you for your anticipated cooperation.

Very truly yours,

s/ Stephen E. Hopkins

Stephen E. Hopkins
Director/ Custodian of Public Records
Cc: Dr. Melissa Varley, Superintendent of Schools (*via email*)

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Director BHPS /
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sehopkins@bhpsnj.org

Via Electronic Mail

April 4, 2023
BH Community Watch

Re: Open Public Records Act (OPRA) Request

Dear Sir:

The Berkeley Heights Public Schools (“District”) is in receipt of your Open Public Records Act (“OPRA”) request emailed on March 24. Please note that OPRA requests received on weekends or after business hours are deemed received on the next business day. The seven-business day deadline to respond to both of your OPRA requests is April 4, 2023. As such, the District is timely responding to your request in accordance with New Jersey law.

You requested the following:

Requesting the copies of the FULL and current contracts for:
Dennis Dagounis
Samantha Oates
Richard Romano
Nancy Floyd
Clarissa Candelaria
Crissy Figueroa
Dr. Greer
Yuthika Deva

Your OPRA request is granted for Dennis Dagounis, Samantha Oates, Nancy Floyd, Dr. Greer, Yuthika Deva. A good faith search of District records was conducted and documents responsive to your request are being provided. Your request is denied for Crissy Figueroa, Clarissa Candelaria, and Richard Romano as they are employees of Pomptonian, or do not have individual contracts.

Your OPRA request is now deemed answered and closed.

Thank you for your attention to this matter.

Very truly yours,

s/ Stephen E. Hopkins

Stephen E. Hopkins
Director/ Custodian of Public Records
Cc: Dr. Melissa Varley, Superintendent of Schools (*via email*)

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Stephen E. Hopkins
Director BHPS /
Custodian of Public Records



(908) 464-1601 x1700
sehopkins@bhpsnj.org

Via Electronic Mail

March 21, 2023
BH Community Watch

Re: Open Public Records Act (OPRA) Request

Dear Sir:

The Berkeley Heights Public Schools (“District”) is in receipt of your Open Public Records Act (“OPRA”) request emailed on March 14, 2023 (9:04 AM) and also on March 14, 2023 (9:05AM). Please note that OPRA requests received on weekends or after business hours are deemed received on the next business day. The seven-business day deadline to respond to both of your OPRA requests is March 22, 2023. As such, the District is timely responding to your request in accordance with New Jersey law.

You requested the following:

On March 14, 2023:

I am hoping that you could provide me with the full 2023 district budget in excel format discussed during the 03/3/2023 BOE Meeting.

On March 14, 2023:

Please provide me with copies of all correspondence referenced in Ms. Kot's BOE correspondence report during the 03/13/2023 BOE Meeting.

Your OPRA request is granted. A good faith search of District records was conducted and documents responsive to your request are being provided. Please be advised that the NJDOE Budget Online program does not offer the option of downloading the budget into EXCEL format. I have attached the header page from the program to that effect.

Your OPRA request is now deemed answered and closed.

Thank you for your attention to this matter.

Very truly yours,

s/ Stephen E. Hopkins

Stephen E. Hopkins
Director/ Custodian of Public Records

Cc: Dr. Melissa Varley, Superintendent of Schools (via email)

Berkeley Heights Public Schools
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345 Plainfield Avenue
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Stephen E. Hopkins
Director BHPS /
Custodian of Public Records



(908) 464-1601 x1700
sehopkins@bhpsnj.org

Via Electronic Mail

March 14, 2023
BH Community Watch

Re: Open Public Records Act (OPRA) Request

Dear Sir or Madam:

The Berkeley Heights Public Schools (“District”) is in receipt of your Open Public Records Act (“OPRA”) request emailed on March 4, 2023. Please note that OPRA requests received on weekends or after business hours are deemed received on the next business day. The seven-business day deadline to respond to your OPRA request is March 14, 2023. As such, the District is timely responding to your request in accordance with New Jersey law.

You requested the following:

Please provide under OPRA the following:

- 1. All emails to and from Superintendent Varley*
 - 2. All emails to and from board members Penna, Young, Bradford, Cianciulli, Khanna, Stanley, Foregger and Hyman*
 - 3. All emails to and from Kopacz, Greer, Deva and Kot*
 - 4. All emails to Hopkins and Nixon*
- Please include any attachments.*

Dates: February 2, 2023, to February 10, 2023

Emails with subjects containing words:

- 1. Records custodian designee position*
- 2. OPRA custodian request*
- 3. Mr.Hopkins*
- 4. Budget*
- 5. Custodian of records position*
- 6. Concern*
- 7. OPRA request*

Please be advised that your OPRA request is overly broad, as it fails to identify with reasonable clarity any particular records sought. OPRA operates to make identifiable government records “readily accessible for inspection, copying or examination.” N.J.S.A. 47:1A-1. New Jersey courts

have consistently held that OPRA does not countenance open-ended searches of an agency's files. *MAG Entm't, LLC v. Div. ABC*, 375 N.J. Super. 534, 549 (App. Div. 2005); *New Jersey Builders Ass'n v. New Jersey Council on Affordable Housing*, 390 N.J. Super. 166 (App. Div.), cert. denied, 190 N.J. 394 (2007). Consequently, a proper request under OPRA "must identify with reasonable clarity those documents that are desired, and a party cannot satisfy this requirement by simply requesting all of an agency's documents." See e.g., *Spectraserv, Inc. v. Middlesex Cty. Utilities Auth.*, 416 N.J. Super. 565, 576 (App. Div. 2010); *Bent v. Twp. of Stafford Police Dep't*, 381 N.J. Super. 30, 37 (App. Div. 2005). OPRA requests may not be a broad generic description of documents that require the custodian to search the agency's files and "analyze, compile and collate" the requested information. *Id.*; see also *Lagerkvist v. Office of Governor State*, 443 N.J. Super. 230, 237 (App. Div. 2015) (holding that OPRA does not convert a custodian into a researcher, which would have been the effect of the request).

To the extent that your OPRA request seeks communications, please be advised that the New Jersey Government Records Council has upheld an established criteria deemed necessary to specifically identify and facilitate a search for responsive e-mails and other written communications. See *Armenti v. Robbinsville Bd. of Educ.*, GRC Complaint No. 2009-154 (Interim Order May 24, 2011); see also *Zahler v. Ocean Cty. College*, GRC Complaint No. 2013-266 (Jan. 2016); *Elcavage v. West Milford Twp.*, GRC Complaint No. 2009-07 and 2009-08 (April 2010). In *Elcavage*, the GRC determined that in accordance with legal precedent: "[I]n order to specifically identify an e-mail the OPRA request 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) identification of the sender and/or the recipient thereof." Additionally, requests seeking correspondence but omitting specific senders and/or recipients are invalid. See *Lewis-Gallagher v. Monroe Twp. Pub. Sch. Dist.*, GRC Complaint No. 2018-8 (Sept. 2019).

See also *Wolosky v. Township of Randolph*, GRC Complaint No. 2010-244 (Feb. 2012) (holding that the request failed to name a specific identifiable sender and recipient since it sought e-mails from "Morris County Municipal Clerks" and not individually named senders and recipients").

Your request does not identify specifically identifiable senders/recipients nor does it identify the content/subject matter sought as it relates to specific senders/ recipients, and is accordingly deficient in its present form. If you could clarify your request and resubmit, I will endeavor to provide you with the information that you seek.

Your OPRA request is now deemed answered and closed.

Thank you for your attention to this matter.

Very truly yours,

s/ Stephen E. Hopkins

Stephen E. Hopkins
Director/ Custodian of Public Records
Cc: Dr. Melissa Varley, Superintendent of Schools (*via email*)

Berkeley Heights Public Schools
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345 Plainfield Avenue
Berkeley Heights, Union County, New Jersey 07922

Julie A. Kot
School Business Administrator/
Board Secretary



(908) 464-1601 x1400
jkot@bhpsnj.org

Via Electronic Mail (bhcommunitywatch1@gmail.com)

March 14, 2023
BH Community Watch

Re: Open Public Records Act (OPRA) Request

Dear Sir or Madam:

The Berkeley Heights Public Schools (“District”) is in receipt of your Open Public Records Act (“OPRA”) request emailed on Thursday, February 2, 2023, at 8:44 a.m. By correspondence dated February 13, 2023, we advised that extension of time was needed until March 14, 2023, to fulfill your request. As such, the District is timely responding to your request in accordance with New Jersey law.

You requested the following:

- 1. All OPRA requests and attachments provided by Julie Kot and the district business office from October 1, 2022 to December 31, 2022 and January 2023 till February 7th 2023*
- 2. All OPRA request extensions requested in the months of October 1 2022 to December 31, 2022 and January 1, 2023 till February 7th 2023*
- 3. All OPRA requests denied from October 1, 2022 to December 31, 2022 and January 1, 2023 till February 7th 2023*

Your OPRA request is granted. All formal OPRA responses to OPRA requests sent during the time frames identified above are now accessible electronically on the District’s website under OPRA Information → OPRA Responses to Community Members: <https://www.bhpsnj.org/Page/12735>. Materials have been redacted to protect student and personal privacy.

Your OPRA request is now deemed answered and closed.

Thank you for your attention to this matter.

Very truly yours,

s/ Julie A. Kot

Julie Kot
School Business Administrator

Cc: Dr. Melissa Varley, Superintendent of Schools (*via email*)
Mr. Stephen Hopkins, Custodian of Records (*via email*)

Berkeley Heights Public Schools
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345 Plainfield Avenue
Berkeley Heights, Union County, New Jersey 07922

Stephen E. Hopkins
Director BHPS /
Custodian of Public Records



(908) 464-1601 x1700
sehopkins@bhpsnj.org

Via Electronic Mail (bhcommunitywatch1@gmail.com)

February 21, 2023
BH Community Watch

Re: Open Public Records Act (OPRA) Request

Dear Sir or Madam:

The Berkeley Heights Public Schools (“District”) is in receipt of your Open Public Records Act (“OPRA”) request emailed on February 9, 2023 and February 10, 2023. Please note that OPRA requests received on weekends or after business hours are deemed received on the next business day. The seven-business day deadline to respond to your OPRA request is February 21, 2023 and February 22, 2023, respectively. As such, the District is timely responding to your request in accordance with New Jersey law.

You requested the following:

On February 9, 2023:

Can you please let me know why the Board Communication section been missing from the agenda? I am emailing the OPRA email address to request all items that fall under this category since January 1 2023- that is - all correspondence sent to the full board of education.

On February 10, 2023:

Please provide copies of all emails referenced by Ms. Kot during the 02/09/2023 BOE Meeting during her oral report of communication to the BOE.

Your OPRA request is granted. A good faith search of District records was conducted and documents responsive to your request are being provided. Minor redactions have been made to preserve personal privacy.

Your OPRA request is now deemed answered and closed.

Thank you for your attention to this matter.

Very truly yours,

s/ Stephen E. Hopkins

Stephen E. Hopkins
Director/ Custodian of Public Records

Cc: Dr. Melissa Varley, Superintendent of Schools (via email)

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Stephen E. Hopkins
Director BHPS /
Custodian of Public Records



(908) 464-1601 x1700
sehopkins@bhpsnj.org

Via Electronic Mail (bhcommunitywatch1@gmail.com)

February 21, 2023
BH Community Watch

Re: Open Public Records Act (OPRA) Request

Dear Sir or Madam:

The Berkeley Heights Public Schools (“District”) is in receipt of your Open Public Records Act (“OPRA”) request emailed on February 9, 2023 and February 10, 2023. Please note that OPRA requests received on weekends or after business hours are deemed received on the next business day. The seven-business day deadline to respond to your OPRA request is February 21, 2023 and February 22, 2023, respectively. As such, the District is timely responding to your request in accordance with New Jersey law.

You requested the following:

On February 9, 2023:

Can you please let me know why the Board Communication section been missing from the agenda? I am emailing the OPRA email address to request all items that fall under this category since January 1 2023- that is - all correspondence sent to the full board of education.

On February 10, 2023:

Please provide copies of all emails referenced by Ms. Kot during the 02/09/2023 BOE Meeting during her oral report of communication to the BOE.

Your OPRA request is granted. A good faith search of District records was conducted and documents responsive to your request are being provided. Minor redactions have been made to preserve personal privacy.

Your OPRA request is now deemed answered and closed.

Thank you for your attention to this matter.

Very truly yours,

s/ Stephen E. Hopkins

Stephen E. Hopkins
Director/ Custodian of Public Records

Cc: Dr. Melissa Varley, Superintendent of Schools (via email)

Berkeley Heights Public Schools
Clausen Administrative Complex
345 Plainfield Avenue
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Julie A. Kot
School Business Administrator/
Board Secretary



(908) 464-1601 x1400
jkot@bhpsnj.org

February 13, 2023

Via Electronic Mail (bhcommunitywatch1@gmail.com)
BH Community Watch

Re: Open Public Records Act (OPRA) Request

Dear Sir or Madam:

The Berkeley Heights Public Schools (“District”) is in receipt of your Open Public Records Act (“OPRA”) request emailed on Thursday, February 2, 2023, at 8:14 a.m. The seven-business day deadline to respond to your request is February 13, 2023. As such, the District is timely responding to your request in accordance with New Jersey law.

You requested the following:

All email headers of Julie Kot, Samantha Oates, Melissa Varley, Sarah Latzke, Yuhrika Deva, Diane Azalone, Angela Penna, Joy Young, Pamela Stanley, Lisa Mcadam, Alicia Bongiovanni, David Greer, Marybeth Kopacz, Stephen Hopkins, Jordan Hyman, Drew Ziobro, Gale Bradford, Dipti Khanna, Thomas Foregger, board attorneys Matt Giacobbe, Frances Fabres [sic], Mark Wenczel and Robert Cianculli

Date ranges November 1, 2022 to December 31, 2022 and January 1, 2023 to February 7, 2023.

As a threshold matter, we note that Attorneys Giacobbe, Febres, and Wenczel are outside counsel who do not utilize a District e-mail address, and thus the District is unable to search for and provide “e-mail headers” in the event that you remit the special service charge reflected below. With respect to the other twenty individuals that your request references, the District conducted searches of its server, which yielded **92,737 rows** of e-mail header information. Each of these rows will need to be thoroughly reviewed and redacted to remove any potentially confidential information such as student identifiers prior to release. As a result, compliance with your request would clearly require an extraordinary expenditure of District resources. The District has determined that implementation of a special service charge is warranted due to the onerous amount of responsive data that will need to be reviewed and the extraordinary expenditure of time and effort necessary to comply with your request.

OPRA allows public agencies to impose special service charges whenever the nature, format, manner of collation, or volume of a government record embodied in the form of printed matter to be inspected, examined, or copied pursuant to this section is such that the record cannot be reproduced by ordinary document copying equipment in ordinary business size or when fulfilling a request requires an extraordinary expenditure of time and effort. *See N.J.S.A. 47:1A-5(c)*. Special service charges must be based upon the actual direct cost of providing the copy or copies.

The large volume of responsive data necessitates that the District dedicate staff for an unreasonable amount of time to satisfy your request. The lowest level employee who is capable of reviewing and redacting the potentially responsive materials to fulfill your request is Samantha Oates. Her hourly rate is \$37.14. It is anticipated that to complete the requisite review and redactions it will take her approximately 247 hours. As such, the District's estimated cost in fulfilling your request is **\$9,173.58** as set forth below:

Number of Rows of Data:	92,737
Employee's Hourly Rate:	\$37.14
Estimated Hours to Fulfill this Request:	247.0 hours
Total Estimated Special Service Charge:	\$9,173.58

OPRA mandates that the requestor shall have the opportunity to review and object to the charge prior to it being incurred. *See N.J.S.A. 47:1A-5(c)*. Kindly respond in writing by February 27, 2023, in the event that you wish to accept the estimated charge. The District will not commence the tasks necessary to fulfill your request until it receives your written acceptance, and it is in receipt of a **deposit in the amount of \$4,586.79** (50% of the total estimated special service charge). Kindly remit a check made payable to the Berkeley Heights Public Schools. Upon completion of the District's response, the District's actual cost in fulfilling your request will be calculated and provided to you. The remaining amount must be paid prior to the records being provided. Please be advised that the special service charge assumes the records will be provided electronically and does not include any copying costs.

In the event that we do not receive a reply along with your deposit by February 27, 2023, the District will treat your request as abandoned and close its file. As an alternative, if you would prefer to modify your request to limit the number of potentially responsive records, kindly submit an amended request. However, please note that the District reserves the right to implement a special service charge if necessary for any such amended request.

Thank you for your anticipated cooperation.

Very truly yours,

s/ *Julie A. Kot*

Julie Kot
School Business Administrator

Cc: Dr. Melissa Varley, Superintendent of Schools (*via email*)

Berkeley Heights Public Schools
Clausen Administrative Complex
345 Plainfield Avenue
Berkeley Heights, Union County, New Jersey 07922

Julie A. Kot
School Business Administrator/
Board Secretary



(908) 464-1601 x1400
jkot@bhpsnj.org

Via Electronic Mail (bhcommunitywatch1@gmail.com)

February 9, 2023
BH Community Watch

Re: Open Public Records Act (OPRA) Request

Dear Sir or Madam:

The Berkeley Heights Public Schools (“District”) is in receipt of your Open Public Records Act (“OPRA”) request emailed on Tuesday, January 31, 2023, at 12:02 a.m. The seven-business day deadline to respond to your request is February 9, 2023. As such, the District is timely responding to your request in accordance with New Jersey law.

You requested the following:

1. *All emails to/from superintendent Varley, Asst Superintendents Kopacz and Greer*
2. *All emails to/from superintendent and asst superintendents to Angela Penna, Joy Young, Robert Cianculli, Pamela Stanley, Thomas Foregger, Dipti Khanna, Gale Bradford, Jordan Hyman, Julie Kot, Samantha Oates, Diane Azalone, Sarah Latzke and Lisa Mcadam*
3. *Date range: January 5, 2023 January 16, 2023*
4. *Subjects:*
 - * *Board meeting*
 - * *Policy/policies*
 - * *onboarding*
 - * *Custodian of record*

OPRA allows the records custodian to seek extensions of time pursuant to N.J.S.A. 47:1A-5i. In light of the current volume of this and other requests, the District anticipates requiring an additional 3 weeks (until March 2, 2023) to compile, review, redact and produce the potentially responsive records in accordance with New Jersey law. The District also reserves the right to request an additional extension of time, if necessary. See Scheeler v. New Jersey Department of Educ., GRC Complaint No. 2014-123 (2016).

Thank you for your anticipated cooperation.

Very truly yours,

s/ Julie A. Kot

Julie Kot
School Business Administrator

Cc: Dr. Melissa Varley, Superintendent of Schools (*via email*)

Berkeley Heights Public Schools
Clausen Administrative Complex
345 Plainfield Avenue
Berkeley Heights, Union County, New Jersey 07922

Julie A. Kot
School Business Administrator/
Board Secretary

(908) 464-1601 x1400
jkot@bhpsnj.org



Via Electronic Mail (bhcommunitywatch1@gmail.com)

February 3, 2023
BH Community Watch

Re: Open Public Records Act (OPRA) Request

Dear Sir or Madam:

The Berkeley Heights Public Schools (“District”) is in receipt of your Open Public Records Act (“OPRA”) request emailed on Monday, January 30, 2023, at 4:17 p.m. Please note that OPRA requests received on weekends or after business hours are deemed received on the next business day, therefore this request is noted as received on Tuesday, January 31, 2023. The seven-business day deadline to respond to your request is February 9, 2023. As such, the District is timely responding to your request in accordance with New Jersey law

Your OPRA request seeks the following records:

Please provide me a copy of the Log of Legal Counsel (see policy 0174) for Calendar year 2022.

Your OPRA request is granted. There are no documents responsive to your request.

Your OPRA request is now deemed answered and closed. Thank you for your attention to this matter.

Very truly yours,

s/ *Julie A. Kot*

Julie A. Kot
Business Administrator/Board Secretary

Cc: Dr. Melissa Varley, Superintendent of Schools (*via email*)