



bh communitywatch <bhcommunitywatch1@gmail.com>

A5613, A5614, A5615, and A5616

bh communitywatch <bhcommunitywatch1@gmail.com>

Thu, Jun 22, 2023 at 10:25 AM

To: Angie Devanney <adevanney@bhtwp.com>, pdonnelly@bhtwp.com, Susan Poage <spoage@bhtwp.com>, jfoster@bhtwp.com, mcouto@bhtwp.com, jkingsley@bhtwp.com, jvarnerin@bhtwp.com

Cc: Sai Bhargavi Akiri <sbhargavi@bhtwp.com>, John Leo Jr <jleo@bhtwp.com>, Laura Kapuscinski

Natasha Joly <njoly@bhtwp.com>, swilliamsr <swilliamsr@bhtwp.com>, "Maciejewski, Tom" <tom@bhtwp.com>, margaret.illis@bhtwp.com Steve Mondragon

<tom@bhtwp.com>, Billmachado <billmachado@bhtwp.com>, Liza Viana <lviana@bhtwp.com>

Dear Mayor and Members of the Town Council,

I request that the Berkeley Heights Town Council pass a local ordinance protecting OPRA. Currently, legislation is being proposed at the state level to destroy this vital law that ensures the public has access to government business.

Contrary to what has been the local narrative, even with the existing law in place, NJ residents lack many of the protections and rights that residents of other states enjoy.

According to the Center for Public Integrity, NJ went from best in the nation to 19th overall and received a D rating in a 2015 investigation. NJ received an "F" in Public Access to Information. Again this rating is with the current law we have. (<https://publicintegrity.org/politics/state-politics/state-integrity-investigation/new-jersey-gets-d-grade-in-2015-state-integrity-investigation/>)

I want each of you to keep this in the back of your mind as you consider our local context as you read an email I sent to state representatives:

"I am writing about potential legislation that seeks to make changes to the current laws surrounding OPRA.

OPRA has been vital to our work as a collective in exposing OPMA, OPRA, and Ethics violations in our District.

We submit, on average, close to 3-4 OPRA requests a month to our School District, which has been doing everything in its power to withhold information with extensions on important information taking seven weeks.

Last year we needed to appeal to the State of NJ to obtain the school budget before our Board of Education voted on it.

OPRA allowed us to identify a violation of educational adequacy and bidding laws in a highly controversial reconfiguration of our schools that had no community buy-in, displaced hundreds of students, and led to mass teacher reassignments and resignations.

The District has paid excessive lawyer fees to overly redact records connected to the use of attorneys that violates its own policies forcing residents to sue the District for these records (residents still do not know much our District has spent defending a Nepotism Allegation our Superintendent has now admitted to).

Mr. Danielsen, in a recent article, you reported that we are spending tens of millions of dollars on OPRA- I ask that you please investigate how much of this is due to government bodies trying to fight tooth and nail in preventing the disclosure of documents that should be freely given to the public.

You also mention that people don't see OPRA as a priority - however if asked a different way, "Do you think residents and news outlets should have access to public documents so as better to inform the public?" - I think you might get a different response.

Removing fee shifting gives an advantage to well-funded government entities that already have access to attorneys paid for with tax dollars. These lawyers would be more than happy to drive up the legal costs of any OPRA lawsuit to disincentivize attorneys who are capped from choosing to defend residents.

Using broad terms and categories such as "repeat requestors" punishes organizations, such as ours, who make these requests to inform the public and removes vital access to information while creating a lot of room for interpretation that will be abused.

I have no issue restricting law firms that abuse OPRA or companies that use OPRA for profit-except, of course, for journalists, but this would be a death knell for advocacy and information-sharing groups.

NJ has a long history of government corruption, and OPRA has been an incredible resource in trying to repair the damage. These changes would render OPRA meaningless.

Here are some articles we have written about how our District has withheld information even with the current law in place:

On OPRA: <https://bhcommunitywatch.com/tag/opra/>

On Ethics Violation and violations of law: <https://bhcommunitywatch.com/tag/ethics/>

I would be happy to make time to meet with each of you one to one to discuss this. I'll even buy the pastries and coffee.

Respectfully,
John Migueis"

NJ protections under OPRA need to be strengthened, not weakened. The only valuable part of the proposed legislation is that government bodies would be compelled to make minutes available; however, knowing the history of this town - I am also aware that every possible loophole will be sought to prevent this.

I ask that you follow Hoboken's lead in creating an ordinance rejecting this harmful change to OPRA. (https://hudsoncountyview.com/hoboken-city-council-to-vote-on-measure-opposing-gutting-n-j-opra-laws/?fbclid=IwAR1pvo5U5Q6Y_DAwLjGyVvePZ1tVxQID0eRIDfxDEPD8TDa9emrh8rxax4)

I also ask that this email be read during the next Town Council Meeting (the web addresses on this email do not need to be read but the sources should).

Respectfully,
John Migueis
56 Kuntz Avenue
Berkeley Heights, NJ

--
[Berkeley Heights Community Watch](#)



www.bhcv.io

OPRA Legislation

BHCW TEAM <team@bhcw.io>

Tue 11/14/2023 12:32 PM

To: adevanney@bhtwp.com <adevanney@bhtwp.com>

Cc: mcouto@bhtwp.com <mcouto@bhtwp.com>; pdonnelly@bhtwp.com <pdonnelly@bhtwp.com>; jfoster@bhtwp.com <jfoster@bhtwp.com>; jkingsley@bhtwp.com <jkingsley@bhtwp.com>; spoage@bhtwp.com <spoage@bhtwp.com>; jvarnerin@bhtwp.com <jvarnerin@bhtwp.com>; margaret.illis <margaret.illis@bhtwp.com>; Bill M <Billmachado@bhtwp.com>; Ana Minkoff <aminkoff@bhtwp.com>; SENSCUTARI@NJLEG.ORG <SENSCUTARI@NJLEG.ORG>; Thomas.Kean@mail.house.gov <Thomas.Kean@mail.house.gov>; AswMatsikoudis@njleg.org <AswMatsikoudis@njleg.org>; AswMunoz@njleg.org <AswMunoz@njleg.org>; SenBramnick@njleg.org <SenBramnick@njleg.org>; Constituent.relations@nj.gov <Constituent.relations@nj.gov>; AsmDanielsen@njleg.org <AsmDanielsen@njleg.org>

Dear Mayor DeVanney,

Before your first term, transparency was a hallmark of your election campaign, and while issues connected to transparency still exist within our municipal government, there have been notable improvements. You and I have disagreed on a myriad of issues. Still, during both your campaigns, I publicly endorsed you because of your commitment to transparency and a significant improvement in the level of professionalism you brought to the office of the Mayor. I have great respect for you personally and for what you have done for Berkeley Heights Government.

Over the past year, you and I have discussed concerns about OPRA reform, and your party appears to be on the verge of approving legislation I've written about to you that seeks to gut OPRA. You and Ms. Illlis, who recently won a seat on the Town Council, indicated that it was too early to create a local ordinance to protect this critical law.

The assurances we heard this year (and I am sure in good faith) were that OPRA reform would primarily address abuses; however, as you will listen to in the video below published on Spotlight, this broad-brush legislation would have made all the work many residents have done in informing the public about our school district impossible if it were in place over the past three years.

The GRC is NOT a viable option, and the additional funding proposed in Danielsens Legislation would not even address the extra burden placed on it - much less its current workload. The public would get information (if any) well after they could do anything with it. I already went into detail on other problems with the legislation, so I will not rehash them here- everything is linked below.

This legislation would create a stone wall between the public and the decisions people in power make, and it runs counter to every commitment you've made to the promise of a transparent government. This legislation is an anti-democratic transparency killer.

As a municipal leader and the Mayor of a town with a strong and proud tradition of public involvement in its government, I encourage you to please write your party leaders and representatives in voting "no" on passing these reforms during a lame-duck session. Please make these communications public to grow public opposition to this legislation. These reforms would be a tragedy for Berkeley Heights and the people of NJ.

I also ask that you encourage the council to pass a local ordinance that, at the bare minimum, gives Berkeley Heights residents the same rights under OPRA as they enjoy today.

I have cc'd everyone else so that they may do the same.

Video Clip on the legislation published in the NJ Spotlight News:

<https://www.youtube.com/watch?v=Kcij6YSdw7M&t=459s>

Star-Ledger Editorial on NJ.Com:

<https://www.nj.com/opinion/2023/11/beware-of-democrats-who-try-to-gut-transparency-editorial.html>

Record Of What Berkeley Heights COMMUNITY Watch Has Published:

<https://bhcommunitywatch.com/2023/06/21/varley-penna-and-danielsen/>

<https://bhcommunitywatch.com/2023/07/01/they-could-take-our-last-tool-for-transparency/>

Ms. Illi's Response to Our Questions to the Candidates on this Matter:

<https://bhcommunitywatch.com/2023/10/02/questions-to-the-town-council-candidates-question-4/>

Clip of your response to my letter to the Council during the Town Council Meeting:

https://www.youtube.com/watch?v=hDQ_jSPpRDk&t=30s

My Article published on NJ Education Report:

[https://njedreport.com/migueis-the-new-bill-restricting-public-access-to-records-would-be-the-death-knell-for-advocacy/?](https://njedreport.com/migueis-the-new-bill-restricting-public-access-to-records-would-be-the-death-knell-for-advocacy/?fbclid=IwAR1qXkR9s5foRYx1QgdCj5_VMQC6OQJDWfBsLtwpJXxxt2GH8j5WOkuyH1A)

[fbclid=IwAR1qXkR9s5foRYx1QgdCj5_VMQC6OQJDWfBsLtwpJXxxt2GH8j5WOkuyH1A](https://njedreport.com/migueis-the-new-bill-restricting-public-access-to-records-would-be-the-death-knell-for-advocacy/?fbclid=IwAR1qXkR9s5foRYx1QgdCj5_VMQC6OQJDWfBsLtwpJXxxt2GH8j5WOkuyH1A)

John Migueis

--

[Berkeley Heights Community Watch](https://www.bhcommunitywatch.com)



www.bhcw.io

Re: OPRA Legislation

BHCW TEAM <team@bhcw.io>

Mon 11/20/2023 3:17 PM

To: adevanney@bhtwp.com <adevanney@bhtwp.com>
Cc: mcouto@bhtwp.com <mcouto@bhtwp.com>; pdonnelly@bhtwp.com <pdonnelly@bhtwp.com>; jfoster@bhtwp.com <jfoster@bhtwp.com>; jkingsley@bhtwp.com <jkingsley@bhtwp.com>; spoage@bhtwp.com <spoage@bhtwp.com>; jvarnerin@bhtwp.com <jvarnerin@bhtwp.com>; margaret.illis@bhtwp.com <margaret.illis@bhtwp.com>; Bill M <Billmachado@bhtwp.com>; Ana Minkoff <aminkoff@bhtwp.com>; SENSCUTARI@NJLEG.ORG <SENSCUTARI@NJLEG.ORG>; Thomas.Kean@mail.house.gov <Thomas.Kean@mail.house.gov>; AswMatsikoudis@njleg.org <AswMatsikoudis@njleg.org>; AswMunoz@njleg.org <AswMunoz@njleg.org>; SenBramnick@njleg.org <SenBramnick@njleg.org>; Constituent.relations@nj.gov <Constituent.relations@nj.gov>; AsmDanielsen@njleg.org <AsmDanielsen@njleg.org>

Good Afternoon Mayor Devanney,

I am writing to follow up on my email sent on 11/14/2023.

Berkeley Heights Community Watch was proud to join dozens of organizations who signed a letter sent to Senate President Nicholas Scutari to stop legislation that would gut OPRA and remove the only tool residents have to hold their government accountable. Screenshots of the letter are attached to this email.

Further context to this letter in an article in Politico:

<https://subscriber.politicopro.com/article/2023/11/on-first-day-of-lame-duck-n-j-advocates-protest-opra-changes-00128048?source=email>

I look forward to hearing back from you and others on this email with regard to how you can help us in our effort to stop this harmful legislation.

Respectfully,

John Migueis



SENT VIA ELECTRONIC MAIL

November 20, 2023

Senate President Nicholas Scutari
Senator Paul Sarlo

Senate President Scutari and Senator Sarlo,

We, the undersigned, represent a broad coalition of advocates from across our state fighting to make New Jersey more affordable for working families and to strengthen our democracy.

We are writing to express extreme concern about your recent statements indicating your desire to fast-track changes to the Open Public Records Act (OPRA) in the lame-duck session.

OPRA is fundamental to maintaining an open and accountable government. It has served as a critical bulwark to hold our elected officials – from borough council members to county commissioners to the Governor – accountable to the public and safeguard taxpayer dollars. Concerned members of the public, journalists, advocates, and other stakeholders from across the state have used OPRA to track government spending, examine the wisdom of decisions affecting thousands of families, and bring accountability to our criminal justice system.

In just the last few years, public records obtained through OPRA have led to reforms in millions of state dollars spent on behalf of the Schools Development Authority, helped uncover the devastating impact of the COVID-19 pandemic on state-run veterans' homes, and highlighted the impact of toxic chemicals polluting communities across the state.

We have not been privy to the OPRA legislation drafts. Alarming, we have heard indications that the legislative changes will likely target reducing OPRA requests by significantly gutting the essential fee-shifting provisions, preventing requesters from first going to Superior Court to enforce their rights under OPRA, eliminating instances of OPRA appeals, increasing OPRA exemptions, and more. These changes would embolden officials at every level of government to act with impunity. Together, they seem designed to shield powerful special interests with lucrative government contracts from scrutiny rather than benefit New Jersey taxpayers and voters.

No OPRA bill hastily passed in the upcoming lame-duck session will deliver positive results for New Jersey voters. Any changes in this session are ill-considered and threaten to make all levels of New Jersey government significantly less transparent. Instead of pursuing legislative efforts

that buy into an anti-democratic agenda, now is the time to lay out a vision for our state in which accountability and transparency are hallmarks of our governance.

We are calling on you to stop efforts to push through an OPRA bill in this lame-duck session. We urge you to actively engage with advocates on this issue and pursue a thoughtful and deliberative process next year- one that is open to public input and takes the necessary time to deliver a win for New Jerseyans.

Signed,

Antoinette Miles, NJ Working Families Party
Sarah Fajardo, American Civil Liberties Union NJ
Jesse Burns, League of Women Voters NJ

co-signatories in alphabetical order by organization

Jeffrey Chang
AAPI Montclair/New Jersey

Ronsha Dickerson
Camden Parents Union

Diomedes Tsitouras
AAUP-BHSNJ

Melva Conquest
Camden We Choose

Donna M Chiera
AFTNJ

Michelle Feldman
Center For Policing Equity

Pat Garofalo
American Economic Liberties Project

Ellen Whitt
Central Jersey Coalition Against Endless War

Bonnie Kerness
American Friends Service Committee Prison Watch

Roxanne Sutocky
Cherry Hill Women's Center

Sai Bhargavi Akiri
Asha For Education

Amy Goldsmith
Clean Water Action

John Migueis
Berkeley Heights Community Watch

Fran Ehret
Communications Workers of America NJ

Marcia Marley
BlueWaveNJ

Byheijja Sabree
Community Empowerment Group of NJ

Doug O'Malley Environment New Jersey	Erik Cruz Morales New Jersey Alliance For Immigrant Justice
Alex Starapoli Fair Share Housing Center	Renee Steinhagen New Jersey Appleseed Public Interest Law Center
Terrell Blount Formerly Incarcerated College Graduates Network	Maura Collingsru New Jersey Citizen Action Walter Luers New Jersey Foundation For Open Government
Caitlin Vogus Freedom Of The Press Foundation	Nuzhat Chowdhury New Jersey Institute For Social Justice
Daniel Ulloa Heady NJ	Awinna Martinez New Jersey Policy Perspective
Jessica Hunsdon Highland Park Residents For Community Development	Zayid Muhammad Newark Communities For Accountable Policing
Laura Zurfluh Indivisible Cranbury	Mara Novak NJ 11th for Change
Olivia Barnes Innocence Project	Gavin Rozzi OPRAmachine
Maria Lopez-Nunez Ironbound Community Corporation	Matt Dragon Our Revolution NJ
Cory Garriga Jersey City Young Democrats	Maggie-Leigh O'Neill Partners For Women And Justice
CJ Griffin Justice Gary S. Stein Public Interest Center	Catherine Hunt People Demanding Astion
Cuqui Rivera Latino Action Network	Mindy Goldstein
Nedia Morsy Make The Road New Jersey	

Piscataway Progressive Democrats

Mark Hrywna
RahwayRising.com

Cara Marciano
Reporte Hispano

Benjamin Shore
Rise Against Hate
Racquel Romans-Henry
Salvation And Social Justice

Becky Morrison
SOMA Action

Simonetta Jean
Sussex County Progressives

Rosalie Wong
SWEEP New Jersey

Barbara Rybolt
Tapinto

Harry Pozyccki
The Citizens Campaign

Bill Bowman
The Franklin Reporter & Advocate

Arnie Korotkin
The Gadfly

Simon Galperin
The Jersey Bee

Nick Sodano
The Mount Holly Reporter

Krystal Knapp
The New Jersey Media Transparency
Working Group

Maati Sekmet-Ra
Trenton Anti-Violence Coalition

Rev. Charles Lofin
Unitarian Universalist Faith Action NJ

Mary Barr Mann
VillageGreenNJ.com

AyindeMerrill
Watu Moja

Adam McGovern
Wind Of The Spirit Immigrant Resource
Center

--

[Berkeley Heights Community Watch](#)



www.bhcw.io

From: BHCW TEAM

Sent: Tuesday, November 14, 2023 12:32 PM

To: adevanney@bhtwp.com <adevanney@bhtwp.com>

Cc: mcouto@bhtwp.com <mcouto@bhtwp.com>; pdonnelly@bhtwp.com <pdonnelly@bhtwp.com>; jfoster@bhtwp.com <jfoster@bhtwp.com>; jkingsley@bhtwp.com <jkingsley@bhtwp.com>; spoage@bhtwp.com <spoage@bhtwp.com>; jvarnerin@bhtwp.com <jvarnerin@bhtwp.com>; margaret.illis

Re: OPRA Legislation

BHCW TEAM <team@bhcw.io>

Fri 11/24/2023 8:53 AM

To: adevanney@bhtwp.com <adevanney@bhtwp.com>

Cc: mcouto@bhtwp.com <mcouto@bhtwp.com>; pdonnelly@bhtwp.com <pdonnelly@bhtwp.com>; jfoster@bhtwp.com <jfoster@bhtwp.com>; jkingsley@bhtwp.com <jkingsley@bhtwp.com>; spoage@bhtwp.com <spoage@bhtwp.com>; jvarnerin@bhtwp.com <jvarnerin@bhtwp.com>; Bill M <Billmachado3 >; Ana Minkoff <aminkoff@bhtwp.com>; SENSUTARI@NJLEG.ORG <SENSUTARI@NJLEG.ORG>; Thomas.Kean@mail.house.gov <Thomas.Kean@mail.house.gov>; AswMatsikoudis@njleg.org <AswMatsikoudis@njleg.org>; AswMunoz@njleg.org <AswMunoz@njleg.org>; SenBramnick@njleg.org <SenBramnick@njleg.org>; Constituent.relations@nj.gov <Constituent.relations@nj.gov>; AsmDanielsen@njleg.org <AsmDanielsen@njleg.org>; Illis <margaret.i >; sensarlo@njleg.org <sensarlo@njleg.org>

Hi Everyone,

I hope you all enjoyed your Thanksgiving. I received some individual responses to my initial email and was hoping to get an update on any concrete steps that have been taken in connection to concerns many folks have to potential changes to OPRA and now (I learned recently) OPMA. Here is an update based on some new information I got: <https://bhcommunitywatch.com/2023/11/24/update-on-efforts-to-change-the-open-public-records-and-open-public-meetings-act-during-lame-duck-session/>

Prior to discovering that OPMA was also on the table we encouraged folks on our distribution lists to write to Ms. Scutari using the following letter as an example:

Dear Senator Scutari,

Please encourage your fellow legislators to put a hold on OPRA reform during this lame-duck session.

My main concerns with this legislation are:

(1) Moving OPRA cases away from Superior Court to the GRC. The GRC is already backlogged, and the amount allocated in the proposed legislation would not even address the current issues, much less the burden imposed on it by this proposed legislation. Also, the GRC consists of political appointments which represent a significant potential for conflict of interest and political interference.

(2) The removal of fee-shifting would give yet another advantage to government entities that have budgets for legal expenses and remove key protection for working-class and middle-class families who confront improper refusals or redactions and cannot afford legal counsel. Even with

the current protections in place, municipalities and school boards use the courts to delay having to provide information even in instances where they know they will lose.

(3) "Repeat Requestors" adds an unreasonable burden in cases where municipalities and school boards continuously engage in harmful behaviors requiring close monitoring by the public.

These are just a few of the issues connected to the proposed legislation. The current law has led to a significant increase in transparency and has empowered many working class and middle class families to correct wrongs in their communities.

Please put a hold on this legislation so that you can get more feedback from citizens and organizations like the ACLU and League of Women Voters to improve it.

Sincerely,

Can you please let me know of any new information you've received and what, if anything, you've communicated to legislators. Thank You.

John Migueis

--

[Berkeley Heights Community Watch](#)



www.bhcw.io

Re: OPRA Legislation

BHCW TEAM <team@bhcw.io>

Wed 11/29/2023 9:57 AM

To: adevanney@bhtwp.com <adevanney@bhtwp.com>
Cc: mcouto@bhtwp.com <mcouto@bhtwp.com>; pdonnelly@bhtwp.com <pdonnelly@bhtwp.com>; jfoster@bhtwp.com <jfoster@bhtwp.com>; jkingsley@bhtwp.com <jkingsley@bhtwp.com>; spoage@bhtwp.com <spoage@bhtwp.com>; jvarnerin@bhtwp.com <jvarnerin@bhtwp.com>; Bill M <Billmachado3@bhtwp.com>; aminkoff@bhtwp.com <aminkoff@bhtwp.com>; SENSUTARI@NJLEG.ORG <SENSUTARI@NJLEG.ORG>; Thomas.Kean@mail.house.gov <Thomas.Kean@mail.house.gov>; AswMatsikoudis@njleg.org <AswMatsikoudis@njleg.org>; AswMunoz@njleg.org <AswMunoz@njleg.org>; SenBramnick@njleg.org <SenBramnick@njleg.org>; Constituent.relations@nj.gov <Constituent.relations@nj.gov>; AsmDanielsen@njleg.org <AsmDanielsen@njleg.org>; Illis <illis@njleg.org>; sensarlo@njleg.org <sensarlo@njleg.org>

Good Morning All,

I wanted to share this article that includes an interview with Ms. Miles of the NJ Working Families Party in connection to OPRA reform.

If you recall, the NJWFP, ACLU and NJLWV along with several other organizations sent a letter to state legislators urging them to put a pause of gutting OPRA during this lame duck session.

I look forward to hearing from you on further action steps you have taken on this issue and/or any new information you may have. Thank You and have a great rest of the day...

article: <https://www.njspotlightnews.org/video/advocates-sound-off-on-opra-changes/>



Advocates sound off on OPRA changes |
Video | NJ Spotlight News

www.njspotlightnews.org

--

[Berkeley Heights Community Watch](#)