State of New Jersey
DEPARTMENT OF COMMUNITY AFFAIRS
101 SOUTH BROAD STREET
PO BOX 819
TRENTON, NJ 08625-0819

PHILIP D. MURPHY
*Governor*

LT. GOVERNOR SHEILA Y. OLIVER
*Commissioner*

**FINAL DECISION**

**June 30, 2020 Government Records Council Meeting**

Michael Doss
Complainant
v.
Borough of Bogota (Bergen)
Custodian of Record

Complaint No. 2013-315 and 2014-152

At the June 30, 2020 public meeting, the Government Records Council ("Council") considered the June 23, 2020 Supplemental Findings and Recommendations of the Executive Director and all related documentation submitted by the parties. The Council voted unanimously to adopt the entirety of said findings and recommendations. The Council, therefore, finds that these complaints be dismissed because the Complainant, through Counsel, withdrew the complaints via letter to the Office of Administrative Law dated June 5, 2020. Therefore, no further adjudication is required.

This is the final administrative determination in this matter. Any further review should be pursued in the Appellate Division of the Superior Court of New Jersey within forty-five (45) days. Information about the appeals process can be obtained from the Appellate Division Clerk's Office, Hughes Justice Complex, 25 W. Market St., PO Box 006, Trenton, NJ 08625-0006. Proper service of submissions pursuant to any appeal is to be made to the Council in care of the Executive Director at the State of New Jersey Government Records Council, 101 South Broad Street, PO Box 819, Trenton, NJ 08625-0819.

Final Decision Rendered by the
Government Records Council
On The 30th Day of June 2020

Robin Berg Tabakin, Esq., Chair
Government Records Council

I attest the foregoing is a true and accurate record of the Government Records Council.

Steven Ritardi, Esq., Secretary
Government Records Council

**Decision Distribution Date: July 2, 2020**

**STATE OF NEW JERSEY**
**GOVERNMENT RECORDS COUNCIL**

**Supplemental Findings and Recommendations of the Council Staff**
**June 30, 2020 Council Meeting**

**Michael Doss**[1]
**Complainant**

**GRC Complaint No. 2013-315**
**GRC Complaint No. 2014-152**
**(Consolidated)**

**v.**

**Borough of Bogota (Bergen)**[2]
**Custodial Agency**

**GRC Complaint No. 2013-315**

**Records Relevant to Complaint:** See Exhibit A

**Custodian of Record:** Jeanne M. Cook, Clerk[3]

| **Requests Received by Custodian:** | **Responses Made by Custodian:** |
|---|---|
| September 5, 2013 | No written response on file |
| September 10, 2013 | No written response on file |
| September 18, 2013 | No written response on file |
| September 30, 2013 | October 2, 2013, extended to October 17, 2013 |
| October 4, 2013 | October 7, 2013, extended to October 21, 2013 |

**GRC Complaint Received:** October 22, 2013

**GRC Complaint No. 2014-152**

**Records Relevant to Complaint:** See Exhibit B

**Custodian of Record:** Jeanne M. Cook, Clerk
**Requests Received by Custodian:** December 13, 2013, and February 28, 2014
**Responses Made by Custodian**: None
**GRC Complaint Received:** March 28, 2014

## Background

June 25, 2019 Council Meeting:

At its June 25, 2019 public meeting, the Government Records Council ("Council") considered the April 23, 2019 Supplemental Findings and Recommendations of the Council Staff

[1] Represented by Walter M. Luers, Esq. (Clinton, NJ).
[2] Represented by Craig P. Bossong, Esq., of Florio Perrucci Steinhardt Cappelli Tipton & Taylor, LLC (Rochelle Park, NJ).
[3] The original Custodian was Bogota Borough Clerk Frances Garlicki.

and all related documentation submitted by the parties. The Council, by a majority vote, adopted the entirety of said findings and recommendations. The Council, therefore, finds that as the moving party, the Custodian was required to establish either of the necessary criteria set forth above: either 1) the Council's decision is based upon a "palpably incorrect or irrational basis;" or 2) it is obvious that the Council did not consider the significance of probative, competent evidence. See Cummings, 295 N.J. Super. at 384. The Custodian failed to establish that the complaint should be reconsidered based on a mistake. The Custodian has also failed to show that the Council acted arbitrarily, capriciously or unreasonably. See D'Atria, 242 N.J. Super. at 401. Specifically, the Custodian had an obligation to comply with the Counsel's June 27, 2017 Interim Order, if not on July 7, 2017 (five business days following receipt of the Order), then immediately after the motion for leave to appeal was denied. The evidence of record is clear that neither the Custodian nor her designee ever complied with the terms of the Order. Thus, the Complainant's request for reconsideration should be denied. Cummings, 295 N.J. Super. at 384; D'Atria, 242 N.J. Super. at 401; Comcast, 2003 N.J. PUC at 5-6. Thus, the Council's April 30, 2019 Interim Order remains in effect.

Procedural History:

On June 27, 2019, the Council distributed its June 25, 2019 Interim Order to all parties. On February 10, 2020, the GRC transmitted the Complaints to the Office of Administrative Law ("OAL"). On June 5, 2020, the Complainant, through Counsel, withdrew the complaints in writing to the OAL.

## Analysis

No analysis required.

## Conclusions and Recommendations

The Executive Director respectfully recommends the Council find that these complaints be dismissed because the Complainant, through Counsel, withdrew the complaints via letter to the Office of Administrative Law dated June 5, 2020. Therefore, no further adjudication is required.

Prepared By: John E. Stewart
Staff Attorney

June 23, 2020

# EXHIBIT A

L

Completed

BOROUGH OF BOGOTA

# OPEN PUBLIC RECORDS ACT REQUEST FORM

375 LARCH AVENUE

(201) 342-1736 ext. 235 • (201) 342-0574 (FAX)

Email: clerk@bogotaonline.org

Borough of Bogota Records

**Important Notice**

The last page of this form contains important information related to your rights concerning government records. Please read it carefully.

## Requestor Information – Please Print

First Name MICHAEL MI Last Name DOSS.

E-mail Address mdoss@checnj.org

Mailing Address 48 CHESTNUT AVE

City BOGOTA State NJ Zip 07603

Telephone (201) 745-4680 FAX

Preferred Delivery: Pick Up ✓ US Mail On-Site Inspect Fax E-mail ✓

If you are requesting records containing personal information, please circle one: Under penalty of N.J.S.A. 2C:28-3, I certify that I HAVE / HAVE NOT been convicted of any indictable offense under the laws of New Jersey, any other state or the United States.

Signature MD Date 9/5/2013

## Payment Information

Maximum Authorization Cost $

Select Payment Method

Cash Check Money Order

Fees: Letter size pages - $0.05 per page
Legal size pages - $0.07 per page
Other materials (CD, DVD, etc) – actual

Delivery: Delivery / postage fees additional depending upon delivery type.

Extras: Special service charge dependent upon request.

**Record Request Information:** Please be as specific as possible in describing the records being requested. Also, please note that your preferred method of delivery will only be accommodated if the custodian has the technological means and the integrity of the records will not be jeopardized by such method of delivery.

- SALARIES FOR ALL BOROUGH EMPLOYEES (FULL TIME & PART TIME) & POSITION 2 YRS
- DETAILS RELATED TO DELVY SCHOOL PROPERTY PURCHASE (PUBLIC INFO.)
- DETAILS RELATED TO PARKING LOT LAN SUIT, DANIEL CREANCE LAWSUIT & REBUILD TASCA LAWSUIT. (PUBLIC INFO).
- PAPER TRAIL / PURCHASE ORDERS FOR ALL ELECTRONIC DEVICES SUCH AS NOT LIMITED TO LAPTOPS, COMPUTERS, CELL PHONES & ETC. FOR LAST ~~THREE~~ FOUR YEARS, VALUE, LOCATION OF DEVICE & USAGE
- TAX HISTORY (PROPERTY) FROM 2003 – CURRENT. TAX RATE & EQUALIZATION RATE
- BUDGETS ~~FOR~~ FROM 2003 – CURRENT (TOWN & B.O.E. BUDGETS) (SUMMARY BUDGET VS. ACTUAL)

### AGENCY USE ONLY

Est. Document Cost

Est. Delivery Cost

Est. Extras Cost

Total Est. Cost

Deposit Amount

Estimated Balance

Deposit Date

### AGENCY USE ONLY

**Disposition Notes**

Custodian: If any part of request cannot be delivered in seven business days, detail reasons here.

In Progress – Open

Denied – Closed

Filled – Closed

### AGENCY USE ONLY

Tracking Information

Tracking #

Rec'd Date

Ready Date

Total Pages

Final Cost

Total

Deposit

Balance Due

Balance Paid

Records Provided

RECEIVED 2013 SEP -5 P 2:10

TOWN RESOLUTION REGARDING PURCHASE & USE OF CHEVY TAHOE(S).

Admin AMOUNT OF OFFICIAL USAGE BY EACH OFFICIAL ASSIGNED A VEHICLE.

PUBLIC DETAILS RELATED TO THE PURCHASE OR IMPENDING PURCHASE OF EXERCISE EQUIPMENT TO BE INSTALLED IN BOGOTA PARKS.

CDBG GRANTS THAT WERE AWARDED TO BOGOTA FROM 2003 TO DATE. (VALUE OF GRANT & USAGE).

MILEAGE LOG ON BOROUGH USED VEHICLE & GAS EXPENSE

TOTAL PURCHASE OF CHEVY SUBURBAN.
COST MILEAGE LOG-

TOTAL COST OF VEHICLES PURCHASED VIA RESOLUTION & MILEAGE LOG.

RESOLUTION WITH PREVIOUS MODEL OFFICIALS (CRITERIA, EXPERIENCE, NUMBER OF APPLICANTS) ETC

BOROUGH OF BOGOTA

# OPEN PUBLIC RECORDS ACT REQUEST FORM

375 LARCH AVENUE
(201) 342-1736 ext. 236 • (201) 342-0574 (FAX)
Email: clerk@bogotaonline.org
Borough of Bogota Records

## Important Notice

The last page of this form contains important information related to your rights concerning government records. Please read it carefully.

### Requestor Information – Please Print

First Name MICHAEL MI ___ Last Name DOSS

E-mail Address makdoss@yahoo.com

Mailing Address 48 CHESTNUT AVENUE

City BOGOTA State NJ Zip 07603

Telephone (201) 745-4680 FAX ___

Preferred Delivery: Pick Up ✓ US Mail ___ On-Site Inspect ___ Fax ___ E-mail ✓

If you are requesting records containing personal information, please circle one: Under penalty of N.J.S.A. 2C:28-3, I certify that I HAVE / HAVE NOT been convicted of any indictable offense under the laws of New Jersey, any other state or the United States.

Signature ___ Date 9/10/2013

### Payment Information

Maximum Authorization Cost $

Select Payment Method

Cash Check Money Order

Fees: Letter size pages - $0.05 per page
Legal size pages - $0.07 per page
Other materials (CD, DVD, etc) – actual

Delivery: Delivery / postage fees additional depending upon delivery type.

Extras: Special service charge dependent upon request.

Record Request Information: Please be as specific as possible in describing the records being requested. Also, please note that your preferred method of delivery will only be accommodated if the custodian has the technological means and the integrity of the records will not be jeopardized by such method of delivery.

PLEASE SEE ATTACHMENT. KINDLY EXPEDITE COMMUNICATION OF INFORMATION & RESPONSES PRIOR TO SEPT. 17TH 2013. IF THIS DATE CAN NOT BE ACHIEVED PLEASE CONTACT MICHAEL DOSS AT (201) 745-4680 IMMEDIATELY!

BOROUGH OF BOGOTA 2013 SEP 10 A 10:48 RECEIVED

### AGENCY USE ONLY

Est. Document Cost ___
Est. Delivery Cost ___
Est. Extras Cost ___
Total Est. Cost ___
Deposit Amount ___
Estimated Balance ___
Deposit Date ___

### AGENCY USE ONLY

**Disposition Notes**
Custodian: if any part of request cannot be delivered in seven business days, detail reasons here.

In Progress - Open ___
Denied - Closed ___
Filled - Closed ___
Partial - Closed ___

### AGENCY USE ONLY

**Tracking Information**

Tracking # ___
Rec'd Date ___
Ready Date ___
Total Pages ___

**Final Cost**

Total ___
Deposit ___
Balance Due ___
Balance Paid ___

Records Provided

Custodian Signature ___ Date ___

A. **2008 Budget:**

1. Provide revenue and appropriation summary for 2008 budget.

B. **Finance:**

1. ***Outstanding Debt***

- In 2007, the budget reflects approximately $4.5M Outstanding Balance (debt/money borrowed). The 2013 budget reflects $8.5M Outstanding Balance (debt/money borrowed). Please provide documents for the additional $4M outstanding and itemized details regarding allocation of these funds.
- Provide any documents that relate to financial plans for eliminating the $8.5M Outstanding Balance.

2. ***Deferred Charges and Other Appropriations***

- In 2007, the budget reflects $183K for Deferred Charges and Other Appropriations. The 2013 budget reflects $1.1M in Deferred Charges and Other Appropriations. Please provide documents for the increase of approximately $1M in Deferred Charges and Other Appropriations.
- Additionally, please provide details and documents related to the allocation of $1.1M in Deferred Charges and Other Appropriations. Documents specifying but not limited to where and how this money is spent, controlled, managed and reported?

3. ***Other Expenses***

- In 2012, the budget reflects $3.3M in other expenses and 2013 is estimated to be $2.9M. Please provide details and documents related to the allocation of both 2012 and 2013 for these funds listed as other expenses.

4. The budget (Total General Appropriations) for 2009 was approximately $7.7M. The budget (Total General Appropriations) for 2013 is estimated to be $9M. Also observed is salaries and wages had little fluctuation from 2009 to 2013. Why the additional $1.3M in the budget? What tools/controls are in place to reduce spending (particularly in the categories of Other Expenses and Deferred Charges and Other Appropriations)?

C. **Grant monies:**

1. Provide specific documents that memorialize total funds received from 2005 to date by agency or organization (i.e. OEM, FEMA, PSE&G, private organizations and all other public or government organizations).
2. Provide documents reflecting allocation of grant funds (i.e. source each grant fund per organization and per year). For example, FEMA money award for hurricane Sandy ($100K). Money used to upgrade equipment XXX.

D. **Resolution 13-108:**

1. Provide document for purchase price for the vehicles used by the following (**excluding Police Chief, Captain of Police and Superintendant of DPW**) :

- Fire Chief, Deputy Fire Chief, Battalion Chief, OEM Coordinator, Fire Official, EMS Chief and Rescue Chief.

2. Provide current mileage on the Borough vehicles used by the following:
   - Fire Chief, Deputy Fire Chief, Battalion Chief, OEM Coordinator, Fire Official, EMS Chief and Rescue Chief.
3. Mileage log or related documents identifying usage for emergency versus personal use for borough vehicles used by the following (2008 to date):
   - Fire Chief, Deputy Fire Chief, Battalion Chief, OEM Coordinator, Fire Official, EMS Chief and Rescue Chief.
4. Provide procedure or documents reflecting how mileage should be recorded/logged.
5. Provide documents reflecting gas consumption cost (annualized) for each of the borough vehicles used by the following:
   - Fire Chief, Deputy Fire Chief, Battalion Chief, OEM Coordinator, Fire Official, EMS Chief and Rescue Chief.
6. Provide procedure or documents related to refueling vehicle and reimbursements or expenses.
7. Provide documents reflecting maintenance cost (annualized) for each of the borough vehicles used by the following:
   - Fire Chief, Deputy Fire Chief, Battalion Chief, OEM Coordinator, Fire Official, EMS Chief and Rescue Chief.
8. Insurance cost (annualized) for each of the borough vehicles used by the following:
   - Fire Chief, Deputy Fire Chief, Battalion Chief, OEM Coordinator, Fire Official, EMS Chief and Rescue Chief.

E. **OEM/Police Commissioner vehicle (Black Chevy Suburban) and cell phone:**

1. Purchase price for this borough vehicle.
2. Provide current mileage for this borough vehicle.
3. Provide mileage log or documents identifying usage for emergency versus personal use.
4. Provide documents reflecting gas consumption cost (annualized) for this borough vehicle.
5. Maintenance cost (annualized) for each of this borough vehicle.
6. Insurance costs (annualized).
7. Copies of borough issued cell phone monthly invoices from 2012 to date.
8. Provide receipts for all UPS/Fed Ex/USPS packages delivered to OEM/Police Commissioner from 2012 to date.

F. **Inventory of equipment procured for use by borough councilman, and officials (excluding Police Department and DPW):**

1. List of devices (laptops, desktops, printers, cell phones; etc.).
2. Asset inventory log and/or documents.

3. Provide procedure or documents related to managing asset inventory.
4. Purchase price for each device or copies of purchase orders or documents reflecting price per device.
5. Documents reflecting source of funds used to procure each device.
6. Documents reflecting device assignment to who (name of individual assigned device).
7. Documents reflecting location of each device/where does this device reside (i.e. home, borough hall; etc.)?
8. Documents reflecting monthly cost for each cell phone / individual?
9. Documents reflecting log of usage (personal versus emergency/borough related)?

**G. Resolution 13-158:**

1. Please provide copy of need analysis or justification document(s) for implementing adult exercise equipment.
2. Please provide list or references of implementation of such equipment for similar application.
3. List of equipment and cost.
4. Documents reflecting life expectancy of equipment?
5. Documents reflecting associated maintenance costs (annualized)?
6. Copy of RFP or similar documents used to solicit best vendor providing such equipment.
7. Copies of bids submitted or documents reflecting vendors' quotes.
8. Copy of bid analysis identifying preferred vendor or documents attempting to perform such assessment.

**H. Employee Manual**

1. Provide copy of employee manual.

**I. Property Maintenance employees (W. Hodges & N. Barese):**

1. Please provide the process or documents for determining the necessity for employing two Property Maintenance positions in lieu of one for a town less than one mile square.
    - Process by which the position was posted (newspapers, website job boards; etc.) and duration of posting (length of time position was advertised).
    - Number of candidates applying to the position.
    - Detailed process or documents by which candidates were interviewed:
        - **interviewers** name's/position/credentials,
        - number of interviewing rounds for each candidate,
        - analysis or determination used to derived preferred candidate(s);
        - preferred candidates' references.
    - Start dates for each candidate and annual salary (from employment start date to termination or present).

2. Provide copy of Property Maintenance employees' resumes (W. Hodges and N. Barese), relevant credentials, and qualifications related to the position of Property Maintenance and other documents which assisted in determining them as the preferred candidates to be awarded the position.
3. Provide Property Maintenance employees (W. Hodges and N. Barese) employment status (full time or part time) and number of hours scheduled to be worked per week (while employed by Bogota).
4. Provide copy of Property Maintenance employees' (W. Hodges and N. Barese) annual job performance review or related document and associated annual salary increase from start date to termination or present.

J. **Waste Management:**

A. Provide copies of the RFPs or similar documents issued for waste removal in Bogota for the last two waste removal agreements (i.e. Roselli/Bogota and B&B/Bogota).

B. Provide copies of the bids and documents submitted for both RFPs.

C. Provide bid leveling analysis or any such documents determining preferred candidate.

D. Provide copies of contract agreements with awarded provider.

E. Provide analysis and documents identifying savings related to outsourcing waste removal (annual savings realized).

F. Provide analysis and related documents reflecting estimated savings for reducing waste removal to once per week during winter months (annualized savings).

G. Provide details or documents related to where the savings for #5 and #6 are being utilized.

K. **Town Engineer:**

1. Provide clarification regarding the frequency of renewing Town Borough Engineer services agreement (i.e. RFP for engineering services is sent annually, bi-annually; etc.).
2. Clarify terms of Borough Town Engineering services (specific services, schedule of fees, contract duration; number of hours to be rendered for services and fees related to hours exceeding contractual agreement).
3. Provide copy of RFP or related documents for securing the services of the current Borough Town Engineer for the last 6 years.
4. Provide copy of contract for Borough Engineer.
5. Provide details related to the relevance and payment of borough engineer for any depositions equal to and exceeding the cost of $1500.
6. 
7. Provide list of engineering firms applying to RFPs and their respective bids for last 6 years.
8. Provide bid analysis and related documents awarding engineering services for last 6 years.
9. Provide list of credentials, experience, other townships served, and current list of major projects related to current Borough Town engineer's firm (Harry Tuvel).
10. Provide Itemized contributions made by Harry Tuvel's engineering firm and individually during the last 6 years to the Borough of Bogota.

L. **Borough Auditor:**

1. Provide process or documents reflecting a process for selecting borough auditor.
2. Provide credentials and experience of current borough auditor.
3. Provide copies of any written agreements (terms: duration of agreement, fee schedule; etc.) for any services to be rendered by auditor.
4. Does the borough auditor perform any other functions for the town of Bogota (for example, auditor for Board of Education)?

M. **Contributions made to the Borough of Bogota:**

1. Please provide itemized contributions or documents representing contributions made to the Borough of Bogota from 2000 to date by the following:
    - J. Monaghan (law firm)
    - J. Monaghan (individually)
    - Lerch, Vinci and Higgins
    - D. Lerch (individually)
    - KSL-Lawyers
    - P. Kaufman (individually)
    - Harry Tuvel's firm
    - Hary Tuvel (individually)

N. **Borough Administrator:**

1. Please provide process or documents reflecting the process for selecting Borough Administrator position.
    - Process by which position was posted (newspapers, website job boards; etc.) and duration of posting (length of time position was advertised).
    - Number of candidates applying to the position.
    - Detailed process by which candidates were interviewed:
        - interviewers name's/position/credentials,
        - number interview rounds for each candidate;
        - analysis or determination which derived preferred candidate.
2. Provide copy of current Borough Administrator's contract with Bogota.
3. Provide copy of current Borough Administrator's resume, relevant credentials and qualifications related to the position of Borough Administrator.
4. Provide documents reflecting copy of current Borough Administrator's past supervisor's names (from past employers during last 10 years).

5. Provide documents reflecting current Borough Administrator's past experience related to management of finances. For example, operational and capital budget amounts during the last 5 years in summary format with year-end actual versus budgeted amounts for each year.
6. Provide documents reflecting current Borough Administrator's volume of FTE's managed during the last five years.
7. Provide documents reflecting current Borough Administrator's experience related to securing local/state/national grants, amount of private sector donor funds secured and other contributions solicited from any entities during the last 5 years.
8. Provide documents reflecting current Borough Administrator's employment status with Bogota (full time or part time) and number of hours scheduled to be worked per week.

**O. <u>Dewey School Property:</u>**

1. Please provide details pertaining to the sale of the Dewey School Property:
    - Sale price and date.
    - Authorized signature(s) names. Who were the people representing the Bogota Board of Education at the closing of sale. How were they vetted to ensure they would act on the best interests of Bogota?
    - Name of buyer(s).

**P. <u>297 Palisades Avenue Redevelopment Project:</u>**

- Documents showing if the property has been resold? If so, how many times and the names of the buyers and respective sale price?
- Why did the property sit with rubble and debris for several years?
- Name of current developer.
- Documents showing if Bogota had any influence (contractual) over the selection of the developer?
- Documents showing current developer's name (names of partners) and name of legal counsel representation.
- Complete details, agreements documents related to the tax abatement and PILOT for this property.
- Was an RFP or similar document issued to solicit the services of a third party to represent the Borough of Bogota in negotiating the tax abatement with the developer? If not, what was the basis for this decision respective authority approving this decision?
- Names of individuals representing Bogota that are negotiating the tax abatement for the property with the developer and developer's counsel.
- Credentials of Bogota's representative negotiating with developer:
    i. How many properties have Bogota's representative negotiated tax abatements and dollar values of each?

ii. What value does each Bogota representative bring to the table during the negotiations of the tax abatement with the developer?

- Provide detailed construction drawings or documents, construction schedule and name of contractor awarded the project.
- Provide details related to the targeted group that will be residing in the newly constructed building:
  - Prospective age range of tenants.
  - Targeted salary range for tenants.
  - Children per household.
  - How will the Bogota School system support the additional students (i.e. more teachers, additions to school buildings, class room expansions, additional desks; etc.)? Associated cost?
  - Increasing FTEs/PTEs in the Police force and DPW to support the additional residents? Associated cost with any increase in work force?

NOTES:

- **Additionally, please contact me immediately if there is any ambiguity, concerns or questions regarding these requests. Therefore, the process by which you will collect and submit this information to me should not be halted until said clarification is received from me.**
- **In the event any information is withheld, kindly specify the item and legal restrictions which prohibit the communication of such information.**

**THIS IS THE OPRA REQUEST THE COMPLAINANT IDENTIFIED IN HIS COMPLAINT AS THE SEPTEMBER 18, 2013 REQUEST (aka COMPLAINANT'S "OPRA #3). NO OFFICIAL OPRA REQUEST FORM COULD BE FOUND FOR THIS REQUEST**

**OPRA Request Form Attachment #2 (revised per denied OPRA received 9/16/2013**

A. **Finance:**

1. ***Outstanding Debt***

- In 2007, the budget reflects approximately $4.5M Outstanding Balance (debt/money borrowed). The 2013 budget reflects $8.5M Outstanding Balance (debt/money borrowed). Please provide documents for the additional $4M outstanding and itemized details regarding allocation of these funds.

  *Specifically, what expenses increased in the budgets of FY 2007, 2008, 2009, 2010, 2011, 2012; 2013.*

  *For example:*

| YEAR | Cost | Expense Description |
|---|---|---|
| 2007 | $550K | Repairs to roadways |
| 2008 | | |
| 2009 | | |
| 2010 | | |
| 2011 | | |
| 2012 | | |
| 2013 | | |

- Provide any documents that relate to financial plans for eliminating the $8.5M Outstanding Balance.

  *Specifically, are there any controls, financial tools or plans to reduce the town budget as well reduce our debt (loans)? Yes or no.*

  *If yes, please list/names of controls, financial tool or plan.*

2. ***Deferred Charges and Other Appropriations***

- In 2007, the budget reflects $183K for Deferred Charges and Other Appropriations. The 2013 budget reflects $1.1M in Deferred Charges and Other Appropriations. Please provide documents for the increase of approximately $1M in Deferred Charges and Other Appropriations. *Specifically, what expenses increased in the budgets of FY 2007, 2008, 2009, 2010, 2011, 2012; 2013.*

  *For example:*

| YEAR | Cost | Expense Description |
|---|---|---|
| 2007 | $550K | Repairs to roadways |
| 2008 | | |
| 2009 | | |

| | | |
|---|---|---|
| 2010 | | |
| 2011 | | |
| 2012 | | |
| 2013 | | |

- 

- Additionally, please provide details and documents related to the allocation of $1.1M in Deferred Charges and Other Appropriations for 2013. Documents specifying but not limited to where and how this money is spent, controlled, managed and reported?

  The budget (Total General Appropriations) for 2009 was approximately $7.7M. The budget (Total General Appropriations) for 2013 is estimated to be $9M. Also observed is salaries and wages had little fluctuation from 2009 to 2013. Why the additional $1.3M in the budget? What tools/controls are in place to reduce spending (particularly in the categories of Other Expenses and Deferred Charges and Other Appropriations)? *Specifically, what expenses increased in the budgets of FY 2009, 2010, 2011, 2012; 2013.*

  *For example:*

| YEAR | Cost | Expense Description |
|---|---|---|
| 2009 | $550K | Repairs to roadways |
| 2010 | | |
| 2011 | | |
| 2012 | | |
| 2013 | | |

3. Borough vendor's list for 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012 and 2013.
4. Copies of all purchase orders for 2011, 2012 and 2013.

**B. <u>Grant monies:</u>**

1. Provide specific documents that memorialize total funds received from 2005 to date by agency or organization (i.e. OEM, FEMA, PSE&G, private organizations and all other public or government organizations).

   *Specifically, provide the amounts of funds or grants received by OEM, FEMA and PSE&G for 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012; 2013.*

   *For example: received $500K from FEMA in 2013*

2. Provide documents reflecting allocation of grant funds (i.e. source each grant fund per organization and per year). For example, FEMA money award for hurricane Sandy ($100K). Money used to upgrade equipment XXX.

   *As per the list above: provide copies of purchase orders reflecting where the grant monies from FEMA, OEM and PSE&G received were utilized for 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012; 2013.*

C. **Resolution 13-108:**

1. Provide document for purchase price **(copy of purchase order)** for the vehicles used by the following (**excluding Police Chief, Captain of Police and Superintendant of DPW**) :
   - Fire Chief, Deputy Fire Chief, Battalion Chief, OEM Coordinator, Fire Official, EMS Chief and Rescue Chief.
2. Provide documents reflecting maintenance cost for 2012 and 2013 for each of the borough vehicles used by the following:
   - Fire Chief, Deputy Fire Chief, Battalion Chief, OEM Coordinator, Fire Official, EMS Chief and Rescue Chief.
3. Insurance cost (annualized) for each of the borough vehicles used by the following (2006, 2007, 2008, 2009, 2010, 2011, 2012; 2013):
   - Fire Chief, Deputy Fire Chief, Battalion Chief, OEM Coordinator, Fire Official, EMS Chief and Rescue Chief.

D. **OEM/Police Commissioner vehicle (Black Chevy Suburban) and cell phone:**

1. Purchase price for this borough vehicle.
2. *Copy of purchase order for vehicle and copies of purchase orders of additional devices added to the vehicle.*
3. Provide current mileage for this borough vehicle.
4. Maintenance cost (annualized) for each of this borough vehicle.
5. Insurance costs (annualized).
6. Copies of borough issued cell phone monthly invoices for 2012 and 2013.
7. Provide receipts for all UPS/Fed Ex/USPS packages delivered to OEM/Police Commissioner from 2012 and 2013. Provide purchase orders for all purchases made with FEMA monies in 2009, 2010, 2011, 2012 and 2013

E. **Inventory of equipment procured for use by borough councilman, and officials (excluding Police Department and DPW):**

1. Borough vendor's list for 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012 and 2013.
2. Copies of all purchase orders for 2011, 2012 and 2013.
3. Documents reflecting source of funds used for purchases for 2011, 2012 and 2013.

F. **Resolution 13-158:**

1. Provide list of equipment and cost associated with resolution
2. Provide information reflecting life expectancy of equipment?
3. Provide information associated maintenance costs?
4. Copy of RFP or similar documents used to solicit best vendor providing such equipment.

5. Copies of bids submitted or documents reflecting vendors' quotes.

**G. Property Maintenance employees (W. Hodges & N. Barese):**

1. Provide job posting or advertisement for this job.
2. Provide list or number of candidates applying for this job.
3. Provide duration of posting (length of time position was advertised).
4. Provide list of names (Borough officials/employees) interviewing these candidates.
5. Provide copy of resume and credentials which help determine both individuals as ideal preferred candidates (W. Hodges and N. Barese).
1. Provide Property Maintenance employees (W. Hodges and N. Barese) employment status (full time or part time) and number of hours scheduled to be worked per week (while employed by Bogota).
2. Provide copy of Property Maintenance employees' (W. Hodges and N. Barese) annual job performance review or related document and associated annual salary increase from start date to termination or present.

**H. Waste Management:**

A. Provide amount of savings determined by outsourcing was removal.

B. Provide savings determined by recuing waste pick up to once per month.

C. Where are savings for #A and #B being utilized?

**I. Borough Auditor:**

1. Provide process or documents reflecting a process for selecting borough auditor.
2. Provide credentials and experience of current borough auditor.
3. Provide copies of any written agreements (terms: duration of agreement, fee schedule; etc.) for any services to be rendered by auditor.
4. Does the borough auditor perform any other functions for the town of Bogota (for example, auditor for Board of Education)?

**J. Contributions made to the Borough of Bogota:**

1. Please provide itemized contributions or documents representing contributions made to the Borough of Bogota from 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012 and 2013 by the following:
    - J. Monaghan (law firm)
    - J. Monaghan (individually)
    - Lerch, Vinci and Higgins
    - D. Lerch (individually)
    - KSL-Lawyers

- P. Kaufman (individually)
- Harry Tuvel's firm
- Hary Tuvel (individually)

K. **Borough Administrator:**

1. Provide job posting or advertisement for this job.
2. Provide list or number of candidates applying for this job.
3. Provide duration of posting (length of time position was advertised).
4. Provide list of names (Borough officials/employees) interviewing the candidates.
5. Provide copy of current Borough Administrator's contract with Bogota.
6. How many times our current Borough administrator has negotiated tax abatements?
7. What is current Borough Administrator's past experience related to management of finances? For example, operational and capital budget amounts during the last 5 years in summary format with year-end actual versus budgeted amounts for each year.
8. Provide any information reflecting current Borough Administrator's experience related to securing local/state/national grants, amount of private sector donor funds secured and other contributions solicited from any entities during the last 5 years.
9. Provide documents reflecting current Borough Administrator's employment status with Bogota (full time or part time) and number of hours scheduled to be worked per week.

L. **297 Palisades Avenue Redevelopment Project:**

- Documents showing if the property has been resold? If so, how many times and the names of the buyers and respective sale price?
- Why did the property sit with rubble and debris for several years?
- Name of current developer.
- Documents showing if Bogota had any influence (contractual) over the selection of the developer?
- Documents showing current developer's name (names of partners) and name of legal counsel representation.
- Complete details, agreements documents related to the tax abatement and PILOT for this property.
- Was an RFP or similar document issued to solicit the services of a third party to represent the Borough of Bogota in negotiating the tax abatement with the developer? If not, what was the basis for this decision respective authority approving this decision?
- Names of individuals representing Bogota that are negotiating the tax abatement for the property with the developer and developer's counsel.
- Credentials of Bogota's representative negotiating with developer:

i. How many properties have Bogota's representative negotiated tax abatements and dollar values of each?

ii. What value does each Bogota representative bring to the table during the negotiations of the tax abatement with the developer?

- Provide detailed construction drawings or documents, construction schedule and name of contractor awarded the project.
- Provide details related to the targeted group that will be residing in the newly constructed building:
  - Prospective age range of tenants.
  - Targeted salary range for tenants.
  - Children per household.
  - How will the Bogota School system support the additional students (i.e. more teachers, additions to school buildings, class room expansions, additional desks; etc.)? Associated cost?
  - Increasing FTEs/PTEs in the Police force and DPW to support the additional residents? Associated cost with any increase in work force?

NOTES:

- **Additionally, please contact me immediately if there is any ambiguity, concerns or questions regarding these requests. Therefore, the process by which you will collect and submit this information to me should not be halted until said clarification is received from me.**
- **In the event any information is withheld, kindly specify the item and legal restrictions which prohibit the communication of such information.**

4th

BOROUGH OF BOGOTA

# OPEN PUBLIC RECORDS ACT REQUEST FORM

375 LARCH AVENUE

(201) 342-1736 ext. 235 • (201) 342-0574 (FAX)

Email: clerk@bogotaonline.org

Borough of Bogota Records

Received 10/5/13

## Important Notice

The last page of this form contains important information related to your rights concerning government records. Please read it carefully.

### Requestor Information – Please Print

First Name MICHAEL MI ____ Last Name DOSJ

E-mail Address makoss@yahoo.com

Mailing Address 43 CHESTNUT AVE

City BOGOTA State NJ Zip 07603

Telephone (201) 745-4680 FAX ____

Preferred Delivery: (Pick Up) ✓ US Mail ____ On-Site Inspect ____ Fax ____ E-mail ____

If you are requesting records containing personal information, please circle one: Under penalty of N.J.S.A. 2C:28-3, I certify that I *HAVE* / *HAVE NOT* been convicted of any indictable offense under the laws of New Jersey, any other state, or the United States.

Signature [signature] Date 9/30/2013

### Payment Information

Maximum Authorization Cost $

Select Payment Method

Cash Check Money Order

Fees: Letter size pages - $0.05 per page
Legal size pages - $0.07 per page
Other materials (CD, DVD, etc) – actual

Delivery: Delivery / postage fees additional depending upon delivery type.

Extras: Special service charge dependent upon request.

**Record Request Information:** Please be as specific as possible in describing the records being requested. Also, please note that your preferred method of delivery will only be accommodated if the custodian has the technological means and the integrity of the records will not be jeopardized by such method of delivery.

PLEASE SEE ATTACHMENT LABELED "OPRA REQUEST FORM ATTACHMENT #4"

PLEASE PROVIDE RESPONSES & DOCUMENTATION IN NUMERICAL/BULLETED FORMAT AS REFLECTED IN "OPRA REQUEST FORM ATTACHMENT."

THANK YOU FOR YOUR TIME!

### AGENCY USE ONLY

Est. Document Cost ____

Est. Delivery Cost ____

Est. Extras Cost ____

Total Est. Cost ____

Deposit Amount ____

Estimated Balance ____

Deposit Date ____

### AGENCY USE ONLY

**Disposition Notes**

Custodian: If any part of request cannot be delivered in seven business days, detail reasons here.

| | | |
|---|---|---|
| In Progress | Open | ____ |
| Denied | Closed | ____ |
| Filed | Closed | ____ |
| Partial | Closed | ____ |

### AGENCY USE ONLY

**Tracking Information**

Tracking # ____

Rec'd Date ____

Ready Date ____

Total Pages ____

**Final Cost**

Total ____

Deposit ____

Balance Due ____

Balance Paid ____

**Records Provided**

RECEIVED
BOROUGH OF BOGOTA
2013 SEP 30 PM 1:42

Custodian Signature ____ Date ____

A. Finance:

1. *Outstanding Debt*

- In 2007, the budget reflects approximately $4.5M Outstanding Balance (debt/money borrowed). The 2013 budget reflects $8.5M Outstanding Balance (debt/money borrowed). Please provide documents for the additional $4M outstanding and itemized details regarding allocation of these funds.

  *Specifically, what expenses increased in the budgets of FY 2007, 2008, 2009, 2010, 2011, 2012; 2013.*

  *For example:*

| YEAR | Cost | Expense Description |
|---|---|---|
| 2007 | $550K | Repairs to roadways |
| 2008 | | |
| 2009 | | |
| 2010 | | |
| 2011 | | |
| 2012 | | |
| 2013 | | |

- Provide any documents that relate to financial plans for eliminating the $8.5M Outstanding Balance.

  *Specifically, are there any controls, financial tools or plans to reduce the town budget as well reduce our debt (loans)? Yes or no.*

  *If yes, please list/names of controls, financial tool or plan.*

2. *Deferred Charges and Other Appropriations*

- In 2007, the budget reflects $183K for Deferred Charges and Other Appropriations. The 2013 budget reflects $1.1M in Deferred Charges and Other Appropriations. Please provide documents for the increase of approximately $1M in Deferred Charges and Other Appropriations. *Specifically, what expenses increased in the budgets of FY 2007, 2008, 2009, 2010, 2011, 2012; 2013.*

  *For example:*

| YEAR | Cost | Expense Description |
|---|---|---|
| 2007 | $550K | Repairs to roadways |
| 2008 | | |
| 2009 | | |

| | | |
|---|---|---|
| 2010 | | |
| 2011 | | |
| 2012 | | |
| 2013 | | |

- Additionally, please provide details and documents related to the allocation of $1.1M in Deferred Charges and Other Appropriations for 2013. Documents specifying but not limited to where and how this money is spent, controlled, managed and reported?

  The budget (Total General Appropriations) for 2009 was approximately $7.7M. The budget (Total General Appropriations) for 2013 is estimated to be $9M. Also observed is salaries and wages had little fluctuation from 2009 to 2013. Why the additional $1.3M in the budget? What tools/controls are in place to reduce spending (particularly in the categories of Other Expenses and Deferred Charges and Other Appropriations)? *Specifically, what expenses increased in the budgets of FY 2009, 2010, 2011, 2012; 2013.*

  *For example:*

| YEAR | Cost | Expense Description |
|---|---|---|
| 2009 | $550K | Repairs to roadways |
| 2010 | | |
| 2011 | | |
| 2012 | | |
| 2013 | | |

3. Borough vendor's list for 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012 and 2013.
4. Copies of all purchase orders for 2011, 2012 and 2013.

**B. <u>Grant monies:</u>**

1. Provide specific documents that memorialize total funds received from 2005 to date by agency or organization (i.e. OEM, FEMA, PSE&G, private organizations and all other public or government organizations).

   *Specifically, provide the amounts of funds or grants received by OEM, FEMA and PSE&G for 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012; 2013.*

   *For example: received $500K from FEMA in 2013*

2. Provide documents reflecting allocation of grant funds (i.e. source each grant fund per organization and per year). For example, FEMA money award for hurricane Sandy ($100K). Money used to upgrade equipment XXX.

*As per the list above: provide copies of purchase orders reflecting where the grant monies from FEMA, OEM and PSE&G received were utilized for 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012; 2013.*

C. **Resolution 13-108:**

1. Provide document for purchase price **(copy of purchase order)** for the vehicles used by the following (**excluding Police Chief, Captain of Police and Superintendant of DPW**) :
   i. Fire Chief, Deputy Fire Chief,
   ii. Battalion Chief,
   iii. OEM Coordinator,
   iv. Fire Official,
   v. EMS Chief
   vi. Rescue Chief.
2. Provide documents reflecting maintenance cost for 2012 and 2013 for each of the borough vehicles used by the following:
   i. Fire Chief, Deputy Fire Chief,
   ii. Battalion Chief,
   iii. OEM Coordinator,
   iv. Fire Official,
   v. EMS Chief
   vi. Rescue Chief.
3. Insurance cost (annualized) for each of the borough vehicles used by the following (2006, 2007, 2008, 2009, 2010, 2011, 2012; 2013):
   i. Fire Chief, Deputy Fire Chief,
   ii. Battalion Chief,
   iii. OEM Coordinator,
   iv. Fire Official,
   v. EMS Chief
   vi. Rescue Chief

D. **OEM/Police Commissioner vehicle (Black Chevy Suburban) and cell phone:**

1. Purchase price for this borough vehicle.
2. *Copy of purchase order for vehicle of Chevy Suburban and copies of purchase orders of additional devices added to the vehicle.*
3. Provide current mileage for this borough vehicle.
4. Maintenance cost (annualized) for each of this borough vehicle.

5. Insurance costs (annualized).
6. Copies of borough issued cell phone monthly invoices for 2012 and 2013.
7. Provide receipts for all UPS/Fed Ex/USPS packages delivered to OEM/Police Commissioner related to Bogota of Borough OEM/Police Commissioner's official business 2012 and 2013. Provide purchase orders for all purchases made with FEMA monies in 2009, 2010, 2011, 2012 and 2013.

**E. Inventory of equipment procured for use by borough councilman, and officials (excluding Police Department and DPW):**

1. Provide Borough vendor's list for 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012 and 2013.
2. Provide copies of all purchase orders for 2011, 2012 and 2013.
3. Documents reflecting source of funds used for purchases for 2011, 2012 and 2013.
4. Name of official (certified purchasing agent) for Borough of Bogota for 2006, 2007, 2008, 2009, 2010, 2011, 2012 and 2013.
5. List of purchases in excess of $17,500 dollars for 2008, 2009, 2010, 2011, 2012 and 2013?
6. List of bids solicited for purchases in excess of $17,500 dollars for2011, 2012; 2013?
7. Names of officials and ordinances or resolutions approving purchases in excess in excess of $17,500 dollars for2011, 2012; 2013?

**F. Resolution 13-158:**

1. Provide list of equipment and cost associated with resolution
2. Provide information reflecting life expectancy of equipment?
3. Provide information associated maintenance costs?
4. Copy of RFP or similar documents used to solicit best vendor providing such equipment.
5. Copies of bids submitted or documents reflecting vendors' quotes.

**G. Property Maintenance employees (W. Hodges & N. Barese):**

1. Provide job posting or advertisement for this job.
2. Provide list or number of candidates applying for this job.
3. Provide duration of posting (length of time position was advertised).
4. Provide list of names (Borough officials/employees) interviewing these candidates.
5. Provide copy of resume and credentials which help determine both individuals as ideal preferred candidates (W. Hodges and N. Barese).
1. Provide Property Maintenance employees (W. Hodges and N. Barese) employment status (full time or part time) and number of hours scheduled to be worked per week (while employed by Bogota).

2. Provide copy of Property Maintenance employees' (W. Hodges and N. Barese) annual job performance review or related document and associated annual salary increase from start date to termination or present.

H. **Waste Management:**

A. Provide amount of savings determined by outsourcing waste removal.

B. Provide savings determined by recuing waste pick up to once per month.

C. Where are savings for #A and #B being utilized?

I. **Borough Auditor:**

1. Provide process or documents reflecting a process for selecting borough auditor.
2. Provide credentials and experience of current borough auditor.
3. Provide copies of any written agreements (terms: duration of agreement, fee schedule; etc.) for any services to be rendered by auditor.
4. Does the borough auditor perform any other functions for the town of Bogota (for example, auditor for Board of Education)?

J. **Contributions made to the Borough of Bogota:**

1. Please provide itemized contributions or documents representing contributions made to the Borough of Bogota, Democratic Party and Republican Party for the following years: 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012 and 2013 by the names listed below.
    i. J. Monaghan (law firm)
    ii. J. Monaghan (individually)
    iii. Lerch, Vinci and Higgins
    iv. D. Lerch (individually)
    v. KSL-Lawyers
    vi. P. Kaufman (individually)
    vii. Harry Tuvel's firm
    viii. Hary Tuvel (individually)

K. **Borough Administrator:**

1. Provide job posting or advertisement for this job.
2. Provide list or number of candidates applying for this job.
3. Provide duration of posting (length of time position was advertised).
4. Provide list of names (Borough officials/employees) interviewing the candidates.

5. How many times our current Borough administrator has negotiated tax abatements?
6. What is current Borough Administrator's past experience related to management of finances? For example, operational and capital budget amounts during the last 5 years in summary format with year-end actual versus budgeted amounts for each year.
7. Provide any information reflecting current Borough Administrator's experience related to securing local/state/national grants, amount of private sector donor funds secured and other contributions solicited from any entities during the last 5 years.
8. Provide documents reflecting current Borough Administrator's employment status with Bogota (full time or part time) and number of hours scheduled to be worked per week.
9. Provide current annual increase percentages for all borough employees for 2010, 2011, 2012 and 2013. For example, annual increase for all borough employees was 3% for 2010, 2.5% for 2011 and etc.

L. **297 Palisades Avenue Redevelopment Project:**

1. Why did the property sit with rubble and debris for several years?
2. Name of current developer.
3. Any documents showing if Bogota had any influence (contractual) over the selection of the developer?
4. Provide documents reflecting current developer's name (all names of partners) and name of legal counsel representation.
5. Provide criteria used to determine current developer. Was there a RFP issued?
6. If the RFP process was used to determine the developer, provide copies of the RFP and all bids submitted by prospective developer
7. Tax abatement:
    i. What were the merits or justification for the tax abatement (land contamination, polluted land; etc.)?
    ii. Was the tax abatement at the request of the developer? If so, provide basis for request (i.e. financial hardship).
    iii. Provide financial statements for 2006, 2007, 2008, 2009, 2010, 2011, 2012; 2013 regarding developer's annual revenue, budget statements, names of employees and list of past projects.
8. Provide total sum of annual revenue that was determined after the property is developed. For example, the tax abatement awards the developer a required 10%-15% tax payment ($88K/annually) for 30 years. Does this mean that the actual 100% of the taxes are $880K? If not, what is the 100% value of the tax
9. Was a RFP or similar document issued to solicit the services of a third party to represent the Borough of Bogota in negotiating the tax abatement with the developer? If not, what was the basis for this decision not to utilize this method and who authorized such a decision.
10. Names of individuals representing Bogota that are negotiating the tax abatement for the property with the developer and developer's counsel. Who were all the people present during the negotiating

process from the Borough of Bogota (representatives of the borough) and similarly name of those present for the developer as well as their representatives?

11. Credentials of Bogota's representatives negotiating with the developer/developer's counsel:
    i. How many properties have Bogota's representatives negotiated tax abatements and dollar values of each respective tax abatement?

       Specifically, Bogota Borough Attorney, Bogota Borough Auditor, Bogota Borough Administrator and Bogota Borough Mayor.

    ii. What value does each Bogota representative bring to the table during the negotiations of the tax abatement with the developer?
12. Provide detailed construction drawings or documents, construction schedule and name of contractor awarded the project.
13. Provide copies of agenda related to the following: first reading of the tax abetment, second reading (open to the public) of the tax abatement, third reading (voting for the tax abatement).
14. Provide copies of all advertisements/public notifications issued for all readings related to the tax abatement.
15. Provide details related to the targeted group that will be residing in the newly constructed building:
    i. Prospective age range of tenants.
    ii. Targeted salary range for tenants.
    iii. Children per household.
    iv. How will the Bogota School system support the additional students (i.e. more teachers, additions to school buildings, class room expansions, additional desks; etc.)? Associated cost?
    v. Increasing FTEs/PTEs in the Police force and DPW to support the additional residents? Associated cost with any increase in work force?

**M. <u>Correspondences, emails, and letters (emails from Borough of Bogota email address and personal email address). For reference, see attached excerpt from NJ State League of Municipalities:</u>**

1. Provide all correspondences (emails and letters) that are "to," "from," "cc" for the OEM/Police Commissioner related to OEM grants and monies; and FEMA grants and monies for 2011, 2012 and 2013.
2. Provide all correspondences (emails and letters) that are "to," "from," "cc" between Mayor Pat McHale and Paul Kaufman for 2008, 2009, 2010, 2011, 2012 and 2013.
3. Provide all correspondences (emails and letters) that are "to," "from," "cc" between Lenard Nicolosi and Paul Kaufman for 2008, 2009, 2010, 2011, 2012 and 2013.
4. Provide all correspondences (emails and letters) that are "to," "from," "cc" between Borough Administrator Chip Greiner and Paul Kaufman for 2013.
5. Provide all correspondences (emails and letters) that are "to," "from," "cc" between Councilman Antero Tito Jackson and Councilmen Jorge Nunez for 2012 and 2013 regarding FEMA and OEM grants / monies.

6. Provide all correspondences (emails and letters) that are "to," "from," "cc" between Councilwoman Wanda Uceta and Councilman Tito Jackson regarding the 297 Palisades Avenue development and tax abatement for 2011, 2012 and 2013.

**N. Text messages (on Bogota Borough issued phones and personal phones):**

1. Provide all text messages "to," "from," "cc" for the OEM/Police Commissioner between Borough Administrator for 2013.
2. Provide all text messages "to," "from," "cc" for the between Mayor Pat McHale and Paul Kaufman for 2013.
3. Provide all text messages "to," "from," "cc" for the" between Lenard Nicolosi and Paul Kaufman for 2012 and 2013.
4. Provide all text messages "to," "from," "cc" between Borough Administrator Chip Greiner and Paul Kaufman for 2013.
5. Provide all text messages "to," "from," "cc" between Councilman Antero Tito Jackson and Councilmen Jorge Nunez for 2012 and 2013.
6. Provide all text messages "to," "from," "cc" between Councilwoman Wanda Uceta and Councilman Antero Tito Jackson for 2013.

**O. Tax returns for Borough Officials. For reference, see attached excerpt from NJ State League of Municipalities:**

1. Provide all 2012 and 2013 tax returns for Councilmen Antero Tito Jackson
2. Is Antero Tito Jackson is Antero Jackson the OEM Coordinator?
3. Is Antero Tito Jackson the Police Commissioner?
4. Is Antero Tito Jackson a Bogota Borough employee?
5. Years of service for Antero Tito Jackson as OEM coordinator?
6. Years of service for Antero Tito Jackson as Police Commissioner?

**P. Salary history and annual increases:**

1. Provide any ordinances, resolutions or mandates regulating salary increases or salary adjustments for 2009, 2010, 2011, 2012 and 2013 for the following Bogota Borough employees:

**Q. Salary history and annual increases for Bogota Borough employees:**

1. Provide salary increases or salary adjustments for 2009, 2010, 2011, 2012 and 2013 for **only** the following Bogota Borough employees:
   i. F. Garlicki
   ii. J. Cook
   iii. P. Wilkens

iv. B. Wiemer

v. C. Carpenter

vi. H. Hegel

vii. W. Hodges

viii. N. Barese

ix. G. Kholes

x. D. Howell

xi. J. Morre

xii. G. McNerney

xiii. J. Davis

xiv. L. Kern

NOTES:

- **Additionally, please contact me immediately if there is any ambiguity, concerns or questions regarding these requests. Therefore, the process by which you will collect and submit this information to me should not be halted until said clarification is received from me.**
- **In the event any information is withheld, kindly specify the item and legal restrictions which prohibit the communication of such information.**

1 L #5

BOROUGH OF BOGOTA

# OPEN PUBLIC RECORDS ACT REQUEST FORM

375 LARCH AVENUE
(201) 342-1736 ext. 235 • (201) 342-0574 (FAX)
Email: clerk@bogotaonline.org
Borough of Bogota Records

**Important Notice**

The last page of this form contains important information related to your rights concerning government records. Please read it carefully.

## Requestor Information – Please Print

First Name MICHAEL MI ____ Last Name DOSS

E-mail Address makdoss@yahoo.com

Mailing Address 48 CHESTNUT AVE.

City BOGOTA State NJ Zip 07603

Telephone (201) 745-4680 FAX ____

Preferred Delivery: Pick Up ✓ US Mail ____ On-Site Inspect ____ Fax ____ E-mail ____

If you are requesting records containing personal information, please circle one: Under penalty of N.J.S.A. 2C:28-3, I certify that I *HAVE / HAVE NOT* been convicted of any indictable offense under the laws of New Jersey, any other state, or the United States.

Signature [signature] Date 10/4/2013

## Payment Information

Maximum Authorization Cost $

Select Payment Method

Cash Check Money Order

Fees: Letter size pages - $0.05 per page
Legal size pages – $0.07 per page
Other materials (CD, DVD, etc) – actual

Delivery: Delivery / postage fees additional depending upon delivery type.

Extras: Special service charge dependent upon request.

**Record Request Information:** Please be as specific as possible in describing the records being requested. Also, please note that your preferred method of delivery will only be accommodated if the custodian has the technological means and the integrity of the records will not be jeopardized by such method of delivery.

PLEASE SEE ATTACHED. OPRA #5 SUBMITTED ON 10/4/2013. PLEASE PROVIDE ME WITH THE INFORMATION REQUESTED WITHIN THE 7-DAY TIMEFRAME PER OPRA REQUIREMENTS. KINDLY FOLLOW THE NUMERICAL FORMAT ON THE ATTACHMENT #5.
THANK YOU ALL FOR YOUR EFFORTS IN COLLECTING & PROVIDING ME WITH THIS INFORMATION.

BOROUGH OF BOGOTA

**AGENCY USE ONLY**

Est. Document Cost ____
Est. Delivery Cost ____
Est. Extras Cost ____
Total Est. Cost ____
Deposit Amount ____
Estimated Balance ____
Deposit Date ____

**AGENCY USE ONLY**

Disposition Notes
Custodian: If any part of request cannot be delivered in seven business days, detail reasons here.

In Progress - Open ____

**AGENCY USE ONLY**

Tracking Information
Tracking # ____
Rec'd Date ____
Ready Date 10/4/13
Total Pages ____

Final Cost
Total ____
Deposit ____
Balance Due ____
Balance Paid ____

Records Provided

10/4/13 Email

**A. Purchase orders and invoices for the following vendors/contractors/consultants:**

1. Provide copies for purchase orders/invoices and related documents for all months in 2008, 2009, 2010, 2011, and 2013 for the following vendors/contractors/consultants and borough officials:
    - Metrocom Wireless
    - Motorola (all Motorola accounts)
    - Verizon (all Verizon accounts)
    - Tuvel Engineering
    - Communications
    - P. C. Richards
    - Millennium Visual Systems
    - Tropicana Hotel (April 2013 only)
    - Microsystems
    - Game Time Equipment
    - Home Depot
    - Staples
    - Hardwood Tree Services
    - Clear Span Fabric
    - Earth Networks
    - NJ EZ-Pass
    - State Line Fire & Safety
    - Applebee's (June 2013 only)
    - Patrick McHale (monthly reimbursements details)
    - Antera Tito Jackson's (monthly reimbursements details)
    - Lenard Nicolosi (monthly reimbursements details)
    - August (Chip) Greiner (monthly reimbursements details)
    - Nicholas Barese (monthly reimbursements details)
    - Warren Hodges (monthly reimbursements details)

**B. September 19,' 2013 Borough of Bogota hearing:**

1. Provide audio recording of the complete hearing for the night of September 19, 3013.
2. Provide complete written transcript of the complete hearing for the night of September 19, 3013.

C. **Phone logs for Borough of Bogota issued phones:**

1. Provide copies for all Verizon and Motorola cell phone logs (all pages of the bill which reflect calls received or sent, time, origination and destination as well as summary sheet) of invoices for all months in 2008, 2009, 2010, 2011, and 2013 for the following borough officials/employees:

    - Patrick McHale
    - Antera Tito Jackson
    - Wanda Uceta
    - Lenard Nicolosi
    - August (Chip) Greiner (2013 only).
    - Nicolas Barese
    - Warren Hodges

NOTES:

- **Additionally, please contact me immediately if there is any ambiguity, concerns or questions regarding these requests. Therefore, the process by which you will collect and submit this information to me should not be halted until said clarification is received from me.**
- **In the event any information is withheld, kindly specify the item and legal restrictions which prohibit the communication of such information.**

# EXHIBIT B

A. Correspondences, emails, and letters (emails from Borough of Bogota email address and personal email address) For reference, see attached excerpt from NJ State League of Municipalities (mandate) SECOND REQUEST:

1. Provide all correspondences (emails and letters) that are "to," "from," "cc" between Administrator Mr. Greiner and Mayor Pat McHale for 2013.
2. Provide all correspondences (emails and letters) that are "to," "from," "cc" between Administrator Mr. Greiner and Ms. Consuelo Carpenter for 2013.
3. Provide all correspondences (emails and letters) that are "to," "from," "cc" between Administrator Mr. Greiner and Councilman Antero Tito Jackson for 2010, 2011, 2012 and 2013.
4. Provide all correspondences (emails and letters) that are "to," "from," "cc" between Mayor Pat McHale and Councilman Antero Tito Jackson for 2010, 2011, 2012 and 2013.
5. Provide all correspondences (emails and letters) that are "to," "from," "cc" between Mayor Pat McHale and Paul Kaufman for 2010, 2011, 2012 and 2013.

B. Correspondences, emails, and letters (emails from Borough of Bogota email address and personal email address) For reference, see attached excerpt from NJ State League of Municipalities (mandate):

6. Provide all correspondences (emails and letters) that are "to," "from," "cc" between Borough Attorney Joseph Monaghan and Administrator Mr. Greiner.
7. Provide all correspondences (emails and letters) that are "to," "from," "cc" between Borough Attorney Joseph Monaghan and Paul Kaufman for 2010, 2011, 2012 and 2013.
8. Provide all correspondences (emails and letters) that are "to," "from," "cc" between Borough Attorney Joseph Monaghan and Patrick McHale for 2010, 2011, 2012 and 2013.
9. Provide all correspondences (emails and letters) that are "to," "from," "cc" between Paul Kaufman and Councilman Antero Tito Jackson for 2010, 2011, 2012 and 2013.

B. Correspondences, emails, and letters (emails from Borough of Bogota email address and personal email address). For reference, see attached excerpt from NJ State League of Municipalities-THIRD REQUEST:

1. Provide all correspondences (emails and letters) that are "to," "from," "cc" for the OEM/Police Commissioner related to OEM grants and monies; and FEMA grants and monies for 2011, 2012 and 2013.
2. Provide all correspondences (emails and letters) that are "to," "from," "cc" between Mayor Pat McHale and Paul Kaufman for 2008, 2009, 2010, 2011, 2012 and 2013.
3. Provide all correspondences (emails and letters) that are "to," "from," "cc" between Lenard Nicolosi and Paul Kaufman for 2008, 2009, 2010, 2011, 2012 and 2013.
4. Provide all correspondences (emails and letters) that are "to," "from," "cc" between Councilman Antero Tito Jackson and Councilmen Jorge Nunez for 2012 and 2013 regarding FEMA and OEM grants / monies.
5. Provide all correspondences (emails and letters) that are "to," "from," "cc" between Councilwoman Wanda Uceta and Councilman Tito Jackson regarding the 297 Palisades Avenue development and tax abatement for 2011, 2012 and 2013.

C. Text messages (on Bogota Borough issued phones and personal phones)-THIRD REQUEST:

1. Provide all text messages "to," "from," "cc" for the OEM/Police Commissioner between Borough Administrator for 2013.
2. Provide all text messages "to," "from," "cc" for the between Mayor Pat McHale and Paul Kaufman for 2013.
3. Provide all text messages "to," "from," "cc" for the" between Lenard Nicolosi and Paul Kaufman for 2012 and 2013.
4. Provide all text messages "to," "from," "cc" between Borough Administrator Chip Greiner and Paul Kaufman for 2013.
5. Provide all text messages "to," "from," "cc" between Councilman Antero Tito Jackson and Councilmen Jorge Nunez for 2012 and 2013.

D. Provide copy of application for tax abatement / PILOT for 297 Palisade Avenue.

E. **Provide copy of application for development of 297 Palisade Avenue.**

F. Borough Administrator Chip Greiner's Dodge Charger: **The Borough Administrator's vehicle (black Dodge Charger) up until recently bared Municipality license plates. Which municipality is the vehicle insured under or registered too?**

G. Phone logs for Borough of Bogota issued phones (THIRD REQUEST):

1. Provide copies for all Verizon and Motorola cell phone logs (all pages of the bill which reflect calls received or sent, time, origination and destination as well as summary sheet) of invoices for all months in 2008, 2009, 2010, 2011, and 2013 for the following borough officials/employees:
   - Patrick McHale
   - Antera Tito Jackson
   - Lenard Nicolosi
   - August (Chip) Greiner (2013 only).
   - Nicolas Barese
   - Warren Hodges

NOTES:

- Additionally, please contact me immediately if there is any ambiguity, concerns or questions regarding these requests. Therefore, the process by which you will collect and submit this information to me should not be halted until said clarification is received from me.
- In the event any information is withheld, kindly specify the item and legal restrictions which prohibit the communication of such information.

- ANY EXTENSIONS REQUESTED MUST BE JUSTIFIED WITH CLARIFICATION OTHER THAN "DUE TO VOLUMINOUS NATURE AN EXTENSION IS REQUIRED."
- A DATE FOR COLLLECTING/ISSUING THE INFORMATION TO ME IS REQUESTED.
- SOME OF THE INFORMATION LISTED ON THIS OPRA HAS BEEN REQUESTED PREVIOUSLY AND YOU FAILED TO PROVIDE THE INFORMATION. KINDLY PROVIDE THE INFORMATION AS REQUESTED WITHIN THE 7-DAY TIMEFRAME TO AVOID FURTHER GRC COMPLAINT FOR OPRA DENIALS.

A. Correspondences, emails, and letters (emails from Borough of Bogota email address and personal email address):

1. Provide **ALL** correspondences (emails and letters) that are "*to*," "*from*," "*cc*," and "*bc*" between Mr. August Greiner's email address "Agreiner@merail.com" and Mr. Paul Kaufman for the years 2013 and 2014 that contain any of the following words: ***Paul, Kaufman, Paul Kaufman 297, Palisade Avenue, 297 Palisade Avenue, Chip, Greiner, August, August Greiner, Chip Greiner, Harry Tuvell, Urban Renewal, partnership, partners, Rich LaBarbiera, Jorge, Nunez, Jorge Nunez, Evaristo Burdiez Junior, RVN, PILOT, tax abatement, council meeting, mayor, Pat, Patrick, Pat McHale, Patrick McHale, Tito, Tito Jackson, construction, development, long term tax exemption, LTTE, tax, Redevelopment Agreement, Redeveloper, Pro Forma, Joseph Monaghan, Joe Monaghan, Joe, Monaghan, M. Doss, Michael Doss, Mike Doss, borough resolution, draft resolution, draft ordinance, ordinance, borough engineer, engineer, borough attorney, Kevin Kelly, abatements, 44 units, parking, visitor parking, resident parking, visitors, residents, temporary signage, signage, garage, grading, pollution, environmental issues, environmental, land contamination, contamination, septic system, septic, sewage, drainage, council, councilman, council board, Board of Education, BoE, accounting, permits, approvals, contracts, construction drawings and RSIS waiver.***

2. Provide **ALL** correspondences (emails and letters) that are "*to*," "*from*," "*cc*," and "*bc*" between Mr. August Greiner and Mr. Paul Kaufman for the year 2014 that contain any of the following words: ***Paul, Kaufman, Paul Kaufman 297, Palisade Avenue, 297 Palisade Avenue, Chip, Greiner, August, August Greiner, Chip Greiner, Harry Tuvell, Urban Renewal, partnership, partners, Rich LaBarbiera, Jorge, Nunez, Jorge Nunez, Evaristo Burdiez Junior, RVN, PILOT, tax abatement, council meeting, mayor, Pat, Patrick, Pat McHale, Patrick McHale, Tito, Tito Jackson, construction, development, long term tax exemption, LTTE, tax, Redevelopment Agreement, Redeveloper, Pro Forma, Joseph Monaghan, Joe Monaghan, Joe, Monaghan, M. Doss, Michael Doss, Mike Doss, borough resolution, draft resolution, draft ordinance, ordinance, borough engineer, engineer, borough attorney, Kevin Kelly, abatements, 44 units, parking, visitor parking, resident parking, visitors, residents, temporary signage, signage, garage, grading, pollution, environmental issues, environmental, land contamination, contamination, septic system, septic, sewage, drainage, council, councilman, council board, Board of Education, BoE, accounting, permits, approvals, contracts, construction drawings and RSIS waiver.***

3. Provide **ALL** correspondences (emails and letters) that are "*to*," "*from*," "*cc*," and "*bc*" between Mr. August Greiner and Mr. A. Tito Jackson for the years 2013 and 2014 that contain any of the following words: ***Paul, Kaufman, Paul Kaufman 297, Palisade Avenue, 297 Palisade Avenue, Chip, Greiner, August, August Greiner, Chip Greiner, Harry Tuvell, Urban Renewal, partnership, partners, Rich LaBarbiera, Jorge, Nunez, Jorge Nunez, Evaristo Burdiez Junior, RVN, PILOT, tax abatement, council meeting, mayor, Pat, Patrick, Pat McHale, Patrick McHale, Tito, Tito Jackson, construction, development, long term tax exemption, LTTE, tax, Redevelopment Agreement, Redeveloper, Pro Forma, Joseph Monaghan, Joe Monaghan, Joe, Monaghan, M. Doss, Michael Doss, Mike Doss, borough resolution, draft resolution, draft ordinance, ordinance, borough engineer, engineer, borough attorney, Kevin Kelly, abatements, 44 units, parking, visitor parking, resident parking, visitors, residents, temporary signage, signage, garage, grading, pollution, environmental issues, environmental, land contamination, contamination, septic system, septic, sewage, drainage, council, councilman, council board, Board of Education, BoE, accounting, permits, approvals, contracts, construction drawings and RSIS waiver.***

4. Provide ALL correspondences (emails and letters) that are "*to*," "*from*," "*cc*," and "*bc*" between Mr. August Greiner and Mr. Harry Tuvell for the years 2013 and 2014 that contain any of the following words: ***Paul, Kaufman, Paul Kaufman 297, Palisade Avenue, 297 Palisade Avenue, Chip, Greiner, August, August Greiner, Chip Greiner, Harry Tuvell, Urban Renewal, partnership, partners, Rich LaBarbiera, Jorge, Nunez, Jorge Nunez, Evaristo Burdiez Junior, RVN, PILOT, tax abatement, council meeting, mayor, Pat, Patrick, Pat McHale, Patrick McHale, Tito, Tito Jackson, construction, development, long term tax exemption, LTTE, tax, Redevelopment Agreement, Redeveloper, Pro Forma, Joseph Monaghan, Joe Monaghan, Joe, Monaghan, M. Doss, Michael Doss, Mike Doss, borough resolution, draft resolution, draft ordinance, ordinance, borough engineer, engineer, borough attorney, Kevin Kelly, abatements, 44 units, parking, visitor parking, resident parking, visitors, residents, temporary signage, signage, garage, grading, pollution, environmental issues, environmental, land contamination, contamination, septic system, septic, sewage, drainage, council, councilman, council board, Board of Education, BoE, accounting, permits, approvals, contracts, construction drawings and RSIS waiver.***

5. Provide ALL correspondences (emails and letters) that are "*to*," "*from*," "*cc*," and "*bc*"" between Mr. August Greiner and Mr. Richard Labarbiera for the years 2013 and 2014 that contain any of the following words: ***Paul, Kaufman, Paul Kaufman 297, Palisade Avenue, 297 Palisade Avenue, Chip, Greiner, August, August Greiner, Chip Greiner, Harry Tuvell, Urban Renewal, partnership, partners, Rich LaBarbiera, Jorge, Nunez, Jorge Nunez, Evaristo Burdiez Junior, RVN, PILOT, tax abatement, council meeting, mayor, Pat, Patrick, Pat McHale, Patrick McHale, Tito, Tito Jackson, construction, development, long term tax exemption, LTTE, tax, Redevelopment Agreement, Redeveloper, Pro Forma, Joseph Monaghan, Joe Monaghan, Joe, Monaghan, M. Doss, Michael Doss, Mike Doss, borough resolution, draft resolution, draft ordinance, ordinance, borough engineer, engineer, borough attorney, Kevin Kelly, abatements, 44 units, parking, visitor parking, resident parking, visitors, residents, temporary signage, signage, garage, grading, pollution, environmental issues, environmental, land contamination, contamination, septic system, septic, sewage, drainage, council, councilman, council board, Board of Education, BoE, accounting, permits, approvals, contracts, construction drawings and RSIS waiver.***

6. Provide ALL correspondences (emails and letters) that are "*to*," "*from*," "*cc*," and "*bc*" between Mr. August Greiner and Mr. Joseph Monaghan for the years 2013 and 2014 that contain any of the following words: ***Paul, Kaufman, Paul Kaufman 297, Palisade Avenue, 297 Palisade Avenue, Chip, Greiner, August, August Greiner, Chip Greiner, Harry Tuvell, Urban Renewal, partnership, partners, Rich LaBarbiera, Jorge, Nunez, Jorge Nunez, Evaristo Burdiez Junior, RVN, PILOT, tax abatement, council meeting, mayor, Pat, Patrick, Pat McHale, Patrick McHale, Tito, Tito Jackson, construction, development, long term tax exemption, LTTE, tax, Redevelopment Agreement, Redeveloper, Pro Forma, Joseph Monaghan, Joe Monaghan, Joe, Monaghan, M. Doss, Michael Doss, Mike Doss, borough resolution, draft resolution, draft ordinance, ordinance, borough engineer, engineer, borough attorney, Kevin Kelly, abatements, 44 units, parking, visitor parking, resident parking, visitors, residents, temporary signage, signage, garage, grading, pollution, environmental issues, environmental, land contamination, contamination, septic system, septic, sewage, drainage, council, councilman, council board, Board of Education, BoE, accounting, permits, approvals, contracts, construction drawings and RSIS waiver.***

7. Provide ALL correspondences (emails and letters) that are "*to*," "*from*," "*cc*," and "*bc*" between Mr. August Greiner and Ms. C. Carpenter for the years 2013 and 2014 that contain any of the following

words: ***Paul, Kaufman, Paul Kaufman 297, Palisade Avenue, 297 Palisade Avenue, Chip, Greiner, August, August Greiner, Chip Greiner, Harry Tuvell, Urban Renewal, partnership, partners, Rich LaBarbiera, Jorge, Nunez, Jorge Nunez, Evaristo Burdiez Junior, RVN, PILOT, tax abatement, council meeting, mayor, Pat, Patrick, Pat McHale, Patrick McHale, Tito, Tito Jackson, construction, development, long term tax exemption, LTTE, tax, Redevelopment Agreement, Redeveloper, Pro Forma, Joseph Monaghan, Joe Monaghan, Joe, Monaghan, M. Doss, Michael Doss, Mike Doss, borough resolution, draft resolution, draft ordinance, ordinance, borough engineer, engineer, borough attorney, Kevin Kelly, abatements, 44 units, parking, visitor parking, resident parking, visitors, residents, temporary signage, signage, garage, grading, pollution, environmental issues, environmental, land contamination, contamination, septic system, septic, sewage, drainage, council, councilman, council board, Board of Education, BoE, accounting, permits, approvals, contracts, construction drawings and RSIS waiver.***

8. Provide ALL correspondences (emails and letters) that are "*to*," "*from*," "*cc*," and "*bc*" between Mr. A. Tito Jackson and Mr. Paul Kaufman for the years 2013 and 2014 that contain any of the following words: ***Paul, Kaufman, Paul Kaufman 297, Palisade Avenue, 297 Palisade Avenue, Chip, Greiner, August, August Greiner, Chip Greiner, Harry Tuvell, Urban Renewal, partnership, partners, Rich LaBarbiera, Jorge, Nunez, Jorge Nunez, Evaristo Burdiez Junior, RVN, PILOT, tax abatement, council meeting, mayor, Pat, Patrick, Pat McHale, Patrick McHale, Tito, Tito Jackson, construction, development, long term tax exemption, LTTE, tax, Redevelopment Agreement, Redeveloper, Pro Forma, Joseph Monaghan, Joe Monaghan, Joe, Monaghan, M. Doss, Michael Doss, Mike Doss, borough resolution, draft resolution, draft ordinance, ordinance, borough engineer, engineer, borough attorney, Kevin Kelly, abatements, 44 units, parking, visitor parking, resident parking, visitors, residents, temporary signage, signage, garage, grading, pollution, environmental issues, environmental, land contamination, contamination, septic system, septic, sewage, drainage, council, councilman, council board, Board of Education, BoE, accounting, permits, approvals, contracts, construction drawings and RSIS waiver.***

9. Provide ALL correspondences (emails and letters) that are "*to*," "*from*," "*cc*," and "*bc*" between Mr. A. Tito Jackson and Mr. Harry Tuvell for the years 2013 and 2014 that contain any of the following words: ***Paul, Kaufman, Paul Kaufman 297, Palisade Avenue, 297 Palisade Avenue, Chip, Greiner, August, August Greiner, Chip Greiner, Harry Tuvell, Urban Renewal, partnership, partners, Rich LaBarbiera, Jorge, Nunez, Jorge Nunez, Evaristo Burdiez Junior, RVN, PILOT, tax abatement, council meeting, mayor, Pat, Patrick, Pat McHale, Patrick McHale, Tito, Tito Jackson, construction, development, long term tax exemption, LTTE, tax, Redevelopment Agreement, Redeveloper, Pro Forma, Joseph Monaghan, Joe Monaghan, Joe, Monaghan, M. Doss, Michael Doss, Mike Doss, borough resolution, draft resolution, draft ordinance, ordinance, borough engineer, engineer, borough attorney, Kevin Kelly, abatements, 44 units, parking, visitor parking, resident parking, visitors, residents, temporary signage, signage, garage, grading, pollution, environmental issues, environmental, land contamination, contamination, septic system, septic, sewage, drainage, council, councilman, council board, Board of Education, BoE, accounting, permits, approvals, contracts, construction drawings and RSIS waiver.***

10. Provide ALL correspondences (emails and letters) that are "*to*," "*from*," "*cc*," and "*bc*" between Mr. A. Tito Jackson and Mr. Richard Labarbiera for the years 2013 and 2014 that contain any of the following words: ***Paul, Kaufman, Paul Kaufman 297, Palisade Avenue, 297 Palisade Avenue, Chip, Greiner, August, August Greiner, Chip Greiner, Harry Tuvell, Urban Renewal, partnership, partners, Rich LaBarbiera, Jorge, Nunez, Jorge Nunez, Evaristo Burdiez Junior, RVN, PILOT, tax abatement, council meeting, mayor, Pat, Patrick, Pat McHale, Patrick McHale, Tito, Tito Jackson, construction,***

*development, long term tax exemption, LTTE, tax, Redevelopment Agreement, Redeveloper, Pro Forma, Joseph Monaghan, Joe Monaghan, Joe, Monaghan, M. Doss, Michael Doss, Mike Doss, borough resolution, draft resolution, draft ordinance, ordinance, borough engineer, engineer, borough attorney, Kevin Kelly, abatements, 44 units, parking, visitor parking, resident parking, visitors, residents, temporary signage, signage, garage, grading, pollution, environmental issues, environmental, land contamination, contamination, septic system, septic, sewage, drainage, council, councilman, council board, Board of Education, BoE, accounting, permits, approvals, contracts, construction drawings and RSIS waiver.*

11. Provide ALL correspondences (emails and letters) that are "*to*," "*from*," "*cc*," and "*bc*" between Mr. A. Tito Jackson and Mr. Joseph Monaghan for the years 2013 and 2014 that contain any of the following words: ***Paul, Kaufman, Paul Kaufman 297, Palisade Avenue, 297 Palisade Avenue, Chip, Greiner, August, August Greiner, Chip Greiner, Harry Tuvell, Urban Renewal, partnership, partners, Rich LaBarbiera, Jorge, Nunez, Jorge Nunez, Evaristo Burdiez Junior, RVN, PILOT, tax abatement, council meeting, mayor, Pat, Patrick, Pat McHale, Patrick McHale, Tito, Tito Jackson, construction, development, long term tax exemption, LTTE, tax, Redevelopment Agreement, Redeveloper, Pro Forma, Joseph Monaghan, Joe Monaghan, Joe, Monaghan, M. Doss, Michael Doss, Mike Doss, borough resolution, draft resolution, draft ordinance, ordinance, borough engineer, engineer, borough attorney, Kevin Kelly, abatements, 44 units, parking, visitor parking, resident parking, visitors, residents, temporary signage, signage, garage, grading, pollution, environmental issues, environmental, land contamination, contamination, septic system, septic, sewage, drainage, council, councilman, council board, Board of Education, BoE, accounting, permits, approvals, contracts, construction drawings and RSIS waiver.***

12. Provide ALL correspondences (emails and letters) that are "*to*," "*from*," "*cc*," and "*bc*" between Mr. Joseph Monaghan and Mr. Harry Tuvell for the years 2013 and 2014 that contain any of the following words: ***Paul, Kaufman, Paul Kaufman 297, Palisade Avenue, 297 Palisade Avenue, Chip, Greiner, August, August Greiner, Chip Greiner, Harry Tuvell, Urban Renewal, partnership, partners, Rich LaBarbiera, Jorge, Nunez, Jorge Nunez, Evaristo Burdiez Junior, RVN, PILOT, tax abatement, council meeting, mayor, Pat, Patrick, Pat McHale, Patrick McHale, Tito, Tito Jackson, construction, development, long term tax exemption, LTTE, tax, Redevelopment Agreement, Redeveloper, Pro Forma, Joseph Monaghan, Joe Monaghan, Joe, Monaghan, M. Doss, Michael Doss, Mike Doss, borough resolution, draft resolution, draft ordinance, ordinance, borough engineer, engineer, borough attorney, Kevin Kelly, abatements, 44 units, parking, visitor parking, resident parking, visitors, residents, temporary signage, signage, garage, grading, pollution, environmental issues, environmental, land contamination, contamination, septic system, septic, sewage, drainage, council, councilman, council board, Board of Education, BoE, accounting, permits, approvals, contracts, construction drawings and RSIS waiver.***

13. Provide ALL correspondences (emails and letters) that are "*to*," "*from*," "*cc*," and "*bc*" between Mr. Joseph Monaghan and Mr. Richard Labarbiera for the years 2013 and 2014 that contain any of the following words: ***Paul, Kaufman, Paul Kaufman 297, Palisade Avenue, 297 Palisade Avenue, Chip, Greiner, August, August Greiner, Chip Greiner, Harry Tuvell, Urban Renewal, partnership, partners, Rich LaBarbiera, Jorge, Nunez, Jorge Nunez, Evaristo Burdiez Junior, RVN, PILOT, tax abatement, council meeting, mayor, Pat, Patrick, Pat McHale, Patrick McHale, Tito, Tito Jackson, construction, development, long term tax exemption, LTTE, tax, Redevelopment Agreement, Redeveloper, Pro Forma, Joseph Monaghan, Joe Monaghan, Joe, Monaghan, M. Doss, Michael Doss, Mike Doss, borough resolution, draft resolution, draft ordinance, ordinance, borough engineer, engineer, borough attorney, Kevin Kelly, abatements, 44 units, parking, visitor parking, resident parking,***

***visitors, residents, temporary signage, signage, garage, grading, pollution, environmental issues, environmental, land contamination, contamination, septic system, septic, sewage, drainage, council, councilman, council board, Board of Education, BoE, accounting, permits, approvals, contracts, construction drawings and RSIS waiver.***

14. Provide ALL correspondences (emails and letters) that are "*to*," "*from*," "*cc*," and "*bc*" between Mr. Paul Kaufman and Mr. Harry Tuvell for the years 2013 and 2014 that contain any of the following words: ***Paul, Kaufman, Paul Kaufman 297, Palisade Avenue, 297 Palisade Avenue, Chip, Greiner, August, August Greiner, Chip Greiner, Harry Tuvell, Urban Renewal, partnership, partners, Rich LaBarbiera, Jorge, Nunez, Jorge Nunez, Evaristo Burdiez Junior, RVN, PILOT, tax abatement, council meeting, mayor, Pat, Patrick, Pat McHale, Patrick McHale, Tito, Tito Jackson, construction, development, long term tax exemption, LTTE, tax, Redevelopment Agreement, Redeveloper, Pro Forma, Joseph Monaghan, Joe Monaghan, Joe, Monaghan, M. Doss, Michael Doss, Mike Doss, borough resolution, draft resolution, draft ordinance, ordinance, borough engineer, engineer, borough attorney, Kevin Kelly, abatements, 44 units, parking, visitor parking, resident parking, visitors, residents, temporary signage, signage, garage, grading, pollution, environmental issues, environmental, land contamination, contamination, septic system, septic, sewage, drainage, council, councilman, council board, Board of Education, BoE, accounting, permits, approvals, contracts, construction drawings and RSIS waiver.***

15. Provide ALL correspondences (emails and letters) that are "*to*," "*from*," "*cc*," and "*bc*" between Mr. Patrick McHale and Mr. Paul Kaufman for the year 2013 that contain any of the following words: ***Paul, Kaufman, Paul Kaufman 297, Palisade Avenue, 297 Palisade Avenue, Chip, Greiner, August, August Greiner, Chip Greiner, Harry Tuvell, Urban Renewal, partnership, partners, Rich LaBarbiera, Jorge, Nunez, Jorge Nunez, Evaristo Burdiez Junior, RVN, PILOT, tax abatement, council meeting, mayor, Pat, Patrick, Pat McHale, Patrick McHale, Tito, Tito Jackson, construction, development, long term tax exemption, LTTE, tax, Redevelopment Agreement, Redeveloper, Pro Forma, Joseph Monaghan, Joe Monaghan, Joe, Monaghan, M. Doss, Michael Doss, Mike Doss, borough resolution, draft resolution, draft ordinance, ordinance, borough engineer, engineer, borough attorney, Kevin Kelly, abatements, 44 units, parking, visitor parking, resident parking, visitors, residents, temporary signage, signage, garage, grading, pollution, environmental issues, environmental, land contamination, contamination, septic system, septic, sewage, drainage, council, councilman, council board, Board of Education, BoE, accounting, permits, approvals, contracts, construction drawings and RSIS waiver.***

16. Provide ALL correspondences (emails and letters) that are "*to*," "*from*," "*cc*," and "*bc*"" between Mr. Patrick McHale and Mr. A. Tito Jackson for the year 2013 that contain any of the following words: ***Paul, Kaufman, Paul Kaufman 297, Palisade Avenue, 297 Palisade Avenue, Chip, Greiner, August, August Greiner, Chip Greiner, Harry Tuvell, Urban Renewal, partnership, partners, Rich LaBarbiera, Jorge, Nunez, Jorge Nunez, Evaristo Burdiez Junior, RVN, PILOT, tax abatement, council meeting, mayor, Pat, Patrick, Pat McHale, Patrick McHale, Tito, Tito Jackson, construction, development, long term tax exemption, LTTE, tax, Redevelopment Agreement, Redeveloper, Pro Forma, Joseph Monaghan, Joe Monaghan, Joe, Monaghan, M. Doss, Michael Doss, Mike Doss, borough resolution, draft resolution, draft ordinance, ordinance, borough engineer, engineer, borough attorney, Kevin Kelly, abatements, 44 units, parking, visitor parking, resident parking, visitors, residents, temporary signage, signage, garage, grading, pollution, environmental issues, environmental, land contamination, contamination, septic system, septic, sewage, drainage, council, councilman, council board, Board of Education, BoE, accounting, permits, approvals, contracts, construction drawings and RSIS waiver.***

17. Provide **ALL** correspondences (emails and letters) that are "***to***," "***from***," "***cc***," and "***bc***" between Mr. Patrick McHale and Mr. August Greiner for the year 2013 that contain any of the following words: ***Paul, Kaufman, Paul Kaufman 297, Palisade Avenue, 297 Palisade Avenue, Chip, Greiner, August, August Greiner, Chip Greiner, Harry Tuvell, Urban Renewal, partnership, partners, Rich LaBarbiera, Jorge, Nunez, Jorge Nunez, Evaristo Burdiez Junior, RVN, PILOT, tax abatement, council meeting, mayor, Pat, Patrick, Pat McHale, Patrick McHale, Tito, Tito Jackson, construction, development, long term tax exemption, LTTE, tax, Redevelopment Agreement, Redeveloper, Pro Forma, Joseph Monaghan, Joe Monaghan, Joe, Monaghan, M. Doss, Michael Doss, Mike Doss, borough resolution, draft resolution, draft ordinance, ordinance, borough engineer, engineer, borough attorney, Kevin Kelly, abatements, 44 units, parking, visitor parking, resident parking, visitors, residents, temporary signage, signage, garage, grading, pollution, environmental issues, environmental, land contamination, contamination, septic system, septic, sewage, drainage, council, councilman, council board, Board of Education, BoE, accounting, permits, approvals, contracts, construction drawings and RSIS waiver.***

18. Provide **ALL** correspondences (emails and letters) that are "***to***," "***from***," "***cc***," and "***bc***" between Mr. Patrick McHale and Mr. Joseph Monaghan for the year 2013 that contain any of the following words: ***Paul, Kaufman, Paul Kaufman 297, Palisade Avenue, 297 Palisade Avenue, Chip, Greiner, August, August Greiner, Chip Greiner, Harry Tuvell, Urban Renewal, partnership, partners, Rich LaBarbiera, Jorge, Nunez, Jorge Nunez, Evaristo Burdiez Junior, RVN, PILOT, tax abatement, council meeting, mayor, Pat, Patrick, Pat McHale, Patrick McHale, Tito, Tito Jackson, construction, development, long term tax exemption, LTTE, tax, Redevelopment Agreement, Redeveloper, Pro Forma, Joseph Monaghan, Joe Monaghan, Joe, Monaghan, M. Doss, Michael Doss, Mike Doss, borough resolution, draft resolution, draft ordinance, ordinance, borough engineer, engineer, borough attorney, Kevin Kelly, abatements, 44 units, parking, visitor parking, resident parking, visitors, residents, temporary signage, signage, garage, grading, pollution, environmental issues, environmental, land contamination, contamination, septic system, septic, sewage, drainage, council, councilman, council board, Board of Education, BoE, accounting, permits, approvals, contracts, construction drawings and RSIS waiver.***

19. Provide **ALL** correspondences (emails and letters) that are "***to***," "***from***," "***cc***," and "***bc***" between Mr. Patrick McHale and Mr. Harry Tuvell for the year 2013 that contain any of the following words: ***Paul, Kaufman, Paul Kaufman 297, Palisade Avenue, 297 Palisade Avenue, Chip, Greiner, August, August Greiner, Chip Greiner, Harry Tuvell, Urban Renewal, partnership, partners, Rich LaBarbiera, Jorge, Nunez, Jorge Nunez, Evaristo Burdiez Junior, RVN, PILOT, tax abatement, council meeting, mayor, Pat, Patrick, Pat McHale, Patrick McHale, Tito, Tito Jackson, construction, development, long term tax exemption, LTTE, tax, Redevelopment Agreement, Redeveloper, Pro Forma, Joseph Monaghan, Joe Monaghan, Joe, Monaghan, M. Doss, Michael Doss, Mike Doss, borough resolution, draft resolution, draft ordinance, ordinance, borough engineer, engineer, borough attorney, Kevin Kelly, abatements, 44 units, parking, visitor parking, resident parking, visitors, residents, temporary signage, signage, garage, grading, pollution, environmental issues, environmental, land contamination, contamination, septic system, septic, sewage, drainage, council, councilman, council board, Board of Education, BoE, accounting, permits, approvals, contracts, construction drawings and RSIS waiver.***

B. Provide copy of application / grant for FEMA funds provided for damages incurred by hurricane Sandy.

C. Provide all phone invoices or logs for borough issued phones for Mr. Greiner and Mr. A. Tito Jackson for the years of 2013 and 2014.

D. Provide financial disclosures for Mr. Greiner, Mr. A. Tito Jackson, Mr. Harry Tuvell, and Mr. Joseph Monaghan.

E. Provide residential property real estate taxes for 437 Larch Avenue for years 2011, 2012, 2013 and 2014.

NOTES:

- Additionally, please contact me immediately if there is any ambiguity, concerns or questions regarding these requests. Therefore, the process by which you will collect and submit this information to me should not be halted until said clarification is received from me.
- In the event any information is withheld, kindly specify the item and legal restrictions which prohibit the communication of such information.
- **ANY EXTENSIONS REQUESTED MUST BE JUSTIFIED WITH CLARIFICATION OTHER THAN "DUE TO VOLUMINOUS NATURE AN EXTENSION IS REQUIRED."**
- **PROVIDE ME WITH THE DATE FOR COLLLECTING/ISSUING THE INFORMATION REQUESTED.**
- **KINDLY PROVIDE THE INFORMATION AS REQUESTED WITHIN THE 7-DAY TIMEFRAME TO AVOID FURTHER GRC COMPLAINT(S) FOR FAILURE TO COMPLY WITH THE OPRA REGULATION.**

State of New Jersey
DEPARTMENT OF COMMUNITY AFFAIRS
101 SOUTH BROAD STREET
PO BOX 819
TRENTON, NJ 08625-0819

PHILIP D. MURPHY
*Governor*

LT. GOVERNOR SHEILA Y. OLIVER
*Commissioner*

# INTERIM ORDER

## June 25, 2019 Government Records Council Meeting

Michael Doss
Complainant
v.
Borough of Bogota (Bergen)
Custodian of Record

Complaint No. 2013-315 and 2014-152

At the June 25, 2019 public meeting, the Government Records Council ("Council") considered the April 23, 2019 Supplemental Findings and Recommendations of the Council Staff and all related documentation submitted by the parties. The Council, by a majority vote, adopted the entirety of said findings and recommendations. The Council, therefore, finds that as the moving party, the Custodian was required to establish either of the necessary criteria set forth above: either 1) the Council's decision is based upon a "palpably incorrect or irrational basis;" or 2) it is obvious that the Council did not consider the significance of probative, competent evidence. See Cummings, 295 N.J. Super. at 384. The Custodian failed to establish that the complaint should be reconsidered based on a mistake. The Custodian has also failed to show that the Council acted arbitrarily, capriciously or unreasonably. See D'Atria, 242 N.J. Super. at 401. Specifically, the Custodian had an obligation to comply with the Counsel's June 27, 2017 Interim Order, if not on July 7, 2017 (five business days following receipt of the Order), then immediately after the motion for leave to appeal was denied. The evidence of record is clear that neither the Custodian nor her designee ever complied with the terms of the Order. Thus, the Complainant's request for reconsideration should be denied. Cummings, 295 N.J. Super. at 384; D'Atria, 242 N.J. Super. at 401; Comcast, 2003 N.J. PUC at 5-6. Thus, the Council's April 30, 2019 Interim Order remains in effect.

Interim Order Rendered by the
Government Records Council
On The 25th Day of June 2019

Robin Berg Tabakin, Esq., Chair
Government Records Council

I attest the foregoing is a true and accurate record of the Government Records Council.

Steven Ritardi, Esq., Secretary
Government Records Council

**Decision Distribution Date: June 27, 2019**

**STATE OF NEW JERSEY**
**GOVERNMENT RECORDS COUNCIL**

***Reconsideration***
**Supplemental Findings and Recommendations of the Council Staff**
**June 25, 2019 Council Meeting**

**Michael Doss**[1]
**Complainant**

**GRC Complaint No. 2013-315**
**GRC Complaint No. 2014-152**
**(Consolidated)**

**v.**

**Borough of Bogota (Bergen)**[2]
**Custodial Agency**

**GRC Complaint No. 2013-315**

**Records Relevant to Complaint:** See Exhibit A

**Custodian of Record:** Jeanne M. Cook, Clerk[3]

| **Requests Received by Custodian:** | **Responses Made by Custodian:** |
|---|---|
| September 5, 2013 | No written response on file |
| September 10, 2013 | No written response on file |
| September 18, 2013 | No written response on file |
| September 30, 2013 | October 2, 2013, extended to October 17, 2013 |
| October 4, 2013 | October 7, 2013, extended to October 21, 2013 |

**GRC Complaint Received:** October 22, 2013

**GRC Complaint No. 2014-152**

**Records Relevant to Complaint:** See Exhibit B

**Custodian of Record:** Jeanne M. Cook, Clerk
**Requests Received by Custodian:** December 13, 2013, and February 28, 2014
**Responses Made by Custodian**: None
**GRC Complaint Received:** March 28, 2014

## Background

April 30, 2019 Council Meeting:

At the April 30, 2019 public meeting, the Government Records Council ("Council") considered the April 23, 2019 Supplemental Findings and Recommendations of the Council Staff

[1] Represented by Walter M. Luers, Esq. (Clinton, NJ).
[2] Represented by Craig P. Bossong, Esq., of Florio Perrucci Steinhardt & Fader (Rochelle Park, NJ).
[3] The original Custodian was Bogota Borough Clerk Frances Garlicki.

and all related documentation submitted by the parties. The Council, by a majority vote, adopted the entirety of said findings and recommendations. The Council, therefore, finds that:

1. Because Borough Clerk Jeanne Cook or her designee failed to comply with the Council's Order, the GRC staff was impeded in the performance of its due diligence; viz., notifying the former business administrator, former clerk, and any other pertinent Borough official of the stipulated knowing and willful violation and penalty and affording them an opportunity for an administrative hearing. As such, Borough Clerk Jeanne Cook or her designee violated OPRA by hindering the GRC in the performance of its duties under N.J.S.A. 47:1A-7(b).

2. These complaints shall be remanded back to the Office of Administrative Law to afford the Custodian, former Business Administrator, and any other pertinent Borough official an opportunity for a hearing pursuant to N.J.S.A. 52:14B-9, wherein the Administrative Law Judge can conduct an examination on voir dire of the parties, thereby insuring their respective waivers were knowingly and voluntarily given. These complaints shall also be remanded back to the Office of Administrative Law for a determination of whether the said individual or individuals knowingly and willfully violated OPRA and unreasonably denied access under the totality of the circumstances and is/are therefore personally subject to a civil penalty pursuant to N.J.S.A. 47:1A-11. Also, in the event the Administrative Law Judge determines the Complainant is a prevailing party pursuant to N.J.S.A. 47:1A-6, the Office of Administrative Law shall award a reasonable attorney's fee, if such fee has not already been paid.

Procedural History:

On May 2, 2019, the Council distributed its April 30, 2019 Interim Order to all parties. On May 8, 2019, the Custodian's Counsel filed a request for reconsideration of paragraph 1 of the Council's April 30, 2019 Interim Order based on a mistake. Paragraph 1 asserts that the Custodian failed to comply with the Council's June 27, 2017 Interim Order, which provides in relevant part that:

> Borough Clerk Jeanne Cook, or her designee, shall provide a certification to the GRC pursuant to N.J. Court Rule 1:4-4, naming and providing the address of record for the former business administrator, former clerk, and any other Borough official that is, or was, intended to be defended and indemnified pursuant to the provisions of Borough of Bogota Resolution No. 16-138.

The Custodian's Counsel requested reconsideration of the Council's Order for the following reasons:

1. The previous Borough Attorney appealed the Council's June 27, 2017 Interim Order and instructed the Borough Clerk that she did not have to respond to the Interim Order because the matter was under appellate review.

2. The Borough Clerk was "under the impression" that the filing of the appeal triggered a stay of the Council's Interim Order, as such a stay is automatic under the New Jersey Rules of Court.

3. "[O]nce the appeal was concluded, the Borough promptly notified both the former clerk and former business administrator and made them aware of the Petitioner's claims, who responded by submitting witnessed letters waiving their right to a hearing, thus rendering the directive moot."

The Custodian's Counsel also attached to the request for reconsideration a certification from the present Custodian for the Borough of Bogota, Jeanne M. Cook. The Custodian certified that the previous Borough Attorney informed her that she did not have to respond to the Interim Order because the matter was under appellate review. In paragraph 2 of the certification the Custodian listed the names and addresses of the former clerk and business administrator that the Council directed the Custodian to provide in its June 27, 2017 Interim Order.

The Custodian's Counsel argued that it is improper for the GRC to render a finding that the Custodian had violated the Order through her inaction because the Interim Order was appealed, and therefore stayed. Further, Counsel argued, once the appeal was concluded the former clerk and business administrator submitted letters waiving their right to a hearing. The Custodian's Counsel asked the GRC to grant reconsideration and remove paragraph 1 from the April 30, 2019 Interim Order.

On May 22, 2019, the Complainant's Counsel filed an objection to the Custodian's request for reconsideration. The Complainant's Counsel argued that the Custodian's motion for leave to appeal was denied on September 7, 2017.[4] Therefore, Counsel argued that once the motion was denied the Custodian had no excuse to refuse to comply with the June 27, 2017 Interim Order. The Complainant's Counsel further argued that the Custodian never requested a stay of the Council's Order and no stay was granted, either automatically or otherwise. Counsel stated that because there never was a stay, the Custodian's motion for reconsideration should be denied.

The Complainant's Counsel stated that his office is in receipt of the letters submitted by the former clerk and business administrator waiving their right to a hearing. Counsel argued that the letters "do not abdicate Bogota's responsibility." Counsel stated that it is the practice of the GRC to require hearings prior to the imposition of civil fines pursuant to a settlement agreement, and cited Carter v. Franklin Fire District No. 2, GRC Complaint No. 2011-141 (January 2019) in support of his argument.

## Analysis

### Reconsideration

Pursuant to N.J.A.C. 5:105-2.10, parties may file a request for a reconsideration of any decision rendered by the Council within ten (10) business days following receipt of a Council

[4] Motion submitted to the court on August 21, 2017; denied by Order dated August 31, 2017.

decision. Requests must be in writing, delivered to the Council and served on all parties. Parties must file any objection to the request for reconsideration within ten (10) business days following receipt of the request. The Council will provide all parties with written notification of its determination regarding the request for reconsideration. N.J.A.C. 5:105-2.10(a) – (e).

In the matter before the Council, the Custodian's Counsel filed the request for reconsideration of the Council's April 30, 2019 Interim Order on May 8, 2019, four (4) business days following receipt of the Council's decision. The Complainant's Counsel filed an objection to the request for reconsideration on May 22, 2019, ten (10) business days following receipt of the request.

Applicable case law holds that:

> "A party should not seek reconsideration merely based upon dissatisfaction with a decision." D'Atria v. D'Atria, 242 N.J. Super. 392, 401 (Ch. Div. 1990). Rather, reconsideration is reserved for those cases where (1) the decision is based upon a "palpably incorrect or irrational basis;" or (2) it is obvious that the finder of fact did not consider, or failed to appreciate, the significance of probative, competent evidence. *E.g.*, Cummings v. Bahr, 295 N.J. Super. 374, 384 (App. Div. 1996). The moving party must show that the court acted in an arbitrary, capricious or unreasonable manner. D'Atria, . . . 242 N.J. Super. at 401. "Although it is an overstatement to say that a decision is not arbitrary, capricious, or unreasonable whenever a court can review the reasons stated for the decision without a loud guffaw or involuntary gasp, it is not much of an overstatement." ***Ibid.***
>
> [In The Matter Of The Petition Of Comcast Cablevision Of S. Jersey, Inc. For A Renewal Certificate Of Approval To Continue To Construct, Operate And Maintain A Cable Tel. Sys. In The City Of Atl. City, Cnty. Of Atl., State Of N.J., 2003 N.J. PUC LEXIS 438, 5-6 (N.J. PUC 2003).]

On May 8, 2019, the Custodian's Counsel requested reconsideration of the Council's Interim Order based on mistake. The Custodian's Counsel claims that the Council erred in finding that the Custodian failed to comply with the Council's Order by not naming and providing the address for the former business administrator, clerk, and any other Borough official that is, or was, intended to be defended and indemnified pursuant to the provisions of Borough of Bogota Resolution No. 16-138. The Custodian's Counsel asserted that once the Council's Interim Order was appealed, there was a stay and compliance with the terms of the Order was suspended until the appeal was concluded. Counsel also stated that after the appeal concluded, the Borough promptly notified the former clerk and business administrator and they then submitted letters waiving their right to a hearing.

The Complainant's Counsel opposed reconsideration, arguing that the Custodian's motion for leave to appeal was denied on September 7, 2017, and thereafter the Custodian had no excuse for failing to comply with the Interim Order. Counsel further argued that there never was a stay of the Council's Interim Order.

The GRC need not address the issue of a stay because, as Complainant's Counsel pointed out, once the motion for leave to appeal was denied, the Custodian had a duty to comply with the Council's Interim Order. The Custodian never complied. As the GRC noted in the Findings and Recommendations of the Council Staff, incorporated by reference into the Council's April 30, 2019 Interim Order, the Appellate Division issued an Order denying the motion for leave to appeal on August 31, 2017. Following denial of the motion, and contrary to the statement of Custodian's Counsel that the Borough's prompt notification to them caused the former clerk and business administrator to submit letters waiving their right to a hearing, it was necessary for the GRC to conduct research to locate the names and addresses of the two former employees. Thereafter, on October 17, 2017, the GRC sent a letter to the former employees advising them of the stipulated knowing and willful violation and penalty and affording them an opportunity for an administrative hearing to contest the violation and penalty. Only then, during the last week in October 2017, did the two former employees submit letters waiving their right to a hearing.

As the moving party, the Custodian was required to establish either of the necessary criteria set forth above: either 1) the Council's decision is based upon a "palpably incorrect or irrational basis;" or 2) it is obvious that the Council did not consider the significance of probative, competent evidence. See Cummings, 295 N.J. Super. at 384. The Custodian failed to establish that the complaint should be reconsidered based on a mistake. The Custodian has also failed to show that the Council acted arbitrarily, capriciously or unreasonably. See D'Atria, 242 N.J. Super. at 401. Specifically, the Custodian had an obligation to comply with the Counsel's June 27, 2017 Interim Order.[5] The evidence of record is clear that neither the Custodian nor her designee ever complied with the terms of the Order. Thus, the Complainant's request for reconsideration should be denied. Cummings, 295 N.J. Super. at 384; D'Atria, 242 N.J. Super. at 401; Comcast, 2003 N.J. PUC at 5-6. Thus, the Council's April 30, 2019 Interim Order remains in effect.

## Conclusions and Recommendations

The Council Staff respectfully recommends the Council find that as the moving party, the Custodian was required to establish either of the necessary criteria set forth above: either 1) the Council's decision is based upon a "palpably incorrect or irrational basis;" or 2) it is obvious that the Council did not consider the significance of probative, competent evidence. See Cummings, 295 N.J. Super. at 384. The Custodian failed to establish that the complaint should be reconsidered based on a mistake. The Custodian has also failed to show that the Council acted arbitrarily, capriciously or unreasonably. See D'Atria, 242 N.J. Super. at 401. Specifically, the Custodian had an obligation to comply with the Counsel's June 27, 2017 Interim Order, if not on July 7, 2017 (five business days following receipt of the Order), then immediately after the motion for leave to appeal was denied. The evidence of record is clear that neither the Custodian nor her designee ever complied with the terms of the Order. Thus, the Complainant's request for reconsideration should be denied. Cummings, 295 N.J. Super. at 384; D'Atria, 242 N.J. Super. at 401; Comcast, 2003 N.J. PUC at 5-6. Thus, the Council's April 30, 2019 Interim Order remains in effect.

Prepared By: John E. Stewart April 23, 2019

[5] The Custodian finally complied at the time the request for reconsideration was filed but compliance served no purpose at that time.

# EXHIBIT A

L

Completed

BOROUGH OF BOGOTA

# OPEN PUBLIC RECORDS ACT REQUEST FORM

375 LARCH AVENUE

(201) 342-1736 ext. 235 • (201) 342-0574 (FAX)

Email: clerk@bogotaonline.org

Borough of Bogota Records

**Important Notice**

The last page of this form contains important information related to your rights concerning government records. Please read it carefully.

## Requestor Information – Please Print

First Name MICHAEL MI Last Name DOSS.

E-mail Address mdoss@checnj.org

Mailing Address 48 CHESTNUT AVE

City BOGOTA State NJ Zip 07603

Telephone (201) 745-4680 FAX

Preferred Delivery: Pick Up ✓ US Mail On-Site Inspect Fax E-mail ✓

If you are requesting records containing personal information, please circle one: Under penalty of N.J.S.A. 2C:28-3, I certify that I HAVE / HAVE NOT been convicted of any indictable offense under the laws of New Jersey, any other state or the United States.

Signature MD Date 9/5/2013

## Payment Information

Maximum Authorization Cost $

Select Payment Method

Cash Check Money Order

Fees: Letter size pages - $0.05 per page
Legal size pages - $0.07 per page
Other materials (CD, DVD, etc) – actual

Delivery: Delivery / postage fees additional depending upon delivery type.

Extras: Special service charge dependent upon request.

**Record Request Information:** Please be as specific as possible in describing the records being requested. Also, please note that your preferred method of delivery will only be accommodated if the custodian has the technological means and the integrity of the records will not be jeopardized by such method of delivery.

- SALARIES FOR ALL BOROUGH EMPLOYEES (FULL TIME & PART TIME) & POSITION 2 YRS
- DETAILS RELATED TO DELVY SCHOOL PROPERTY PURCHASE (PUBLIC INFO.)
- DETAILS RELATED TO PARKING LOT LAN SUIT, DANIEL CREANCE LAWSUIT & REBUILD TASCA LAWSUIT. (PUBLIC INFO).
- PAPER TRAIL / PURCHASE ORDERS FOR ALL ELECTRONIC DEVICES SUCH AS NOT LIMITED TO LAPTOPS, COMPUTERS, CELL PHONES & ETC. FOR LAST ~~THREE~~ FOUR YEARS, VALUE, LOCATION OF DEVICE & USAGE
- TAX HISTORY (PROPERTY) FROM 2003 – CURRENT. TAX RATE & EQUALIZATION RATE
- BUDGETS ~~FOR~~ FROM 2003 – CURRENT (TOWN & B.O.E. BUDGETS) (SUMMARY BUDGET VS. ACTUAL)

### AGENCY USE ONLY

Est. Document Cost

Est. Delivery Cost

Est. Extras Cost

Total Est. Cost

Deposit Amount

Estimated Balance

Deposit Date

### AGENCY USE ONLY

**Disposition Notes**

Custodian: If any part of request cannot be delivered in seven business days, detail reasons here.

In Progress – Open

Denied – Closed

Filled – Closed

### AGENCY USE ONLY

Tracking Information

Tracking #

Rec'd Date

Ready Date

Total Pages

Final Cost

Total

Deposit

Balance Due

Balance Paid

Records Provided

RECEIVED 2013 SEP -5 P 2:10

TOWN RESOLUTION REGARDING PURCHASE & USE OF CHEVY TAHOE(S).

Admin AMOUNT OF OFFICIAL USAGE BY EACH OFFICIAL ASSIGNED A VEHICLE.

PUBLIC DETAILS RELATED TO THE PURCHASE OR IMPENDING PURCHASE OF EXERCISE EQUIPMENT TO BE INSTALLED IN BOGOTA PARKS.

CDBG GRANTS THAT WERE AWARDED TO BOGOTA FROM 2003 TO DATE. (VALUE OF GRANT & USAGE).

MILEAGE LOG ON BOROUGH USED VEHICLE & GAS EXPENSE

TOTAL PURCHASE OF CHEVY SUBURBAN.
COST MILEAGE LOG-

TOTAL COST OF VEHICLES PURCHASED VIA RESOLUTION & MILEAGE LOG.

RESOLUTION WITH PREVIOUS MODEL OFFICIALS (CRITERIA, EXPERIENCE, NUMBER OF APPLICANTS) ETC

BOROUGH OF BOGOTA

# OPEN PUBLIC RECORDS ACT REQUEST FORM

375 LARCH AVENUE
(201) 342-1736 ext. 236 • (201) 342-0574 (FAX)
Email: clerk@bogotaonline.org
Borough of Bogota Records

## Important Notice

The last page of this form contains important information related to your rights concerning government records. Please read it carefully.

### Requestor Information – Please Print

First Name MICHAEL MI ___ Last Name DOSS

E-mail Address makdoss@yahoo.com

Mailing Address 48 CHESTNUT AVENUE

City BOGOTA State NJ Zip 07603

Telephone (201) 745-4680 FAX ___

Preferred Delivery: Pick Up ✓ US Mail ___ On-Site Inspect ___ Fax ___ E-mail ✓

If you are requesting records containing personal information, please circle one: Under penalty of N.J.S.A. 2C:28-3, I certify that I HAVE / HAVE NOT been convicted of any indictable offense under the laws of New Jersey, any other state or the United States.

Signature ___ Date 9/10/2013

### Payment Information

Maximum Authorization Cost $

Select Payment Method

Cash Check Money Order

Fees: Letter size pages - $0.05 per page
Legal size pages - $0.07 per page
Other materials (CD, DVD, etc) – actual

Delivery: Delivery / postage fees additional depending upon delivery type.

Extras: Special service charge dependent upon request.

Record Request Information: Please be as specific as possible in describing the records being requested. Also, please note that your preferred method of delivery will only be accommodated if the custodian has the technological means and the integrity of the records will not be jeopardized by such method of delivery.

PLEASE SEE ATTACHMENT. KINDLY EXPEDITE COMMUNICATION OF INFORMATION & RESPONSES PRIOR TO SEPT. 17TH 2013. IF THIS DATE CAN NOT BE ACHIEVED PLEASE CONTACT MICHAEL DOSS AT (201) 745-4680 IMMEDIATELY!

BOROUGH OF BOGOTA 2013 SEP 10 A 10:48 RECEIVED

### AGENCY USE ONLY

Est. Document Cost ___
Est. Delivery Cost ___
Est. Extras Cost ___
Total Est. Cost ___
Deposit Amount ___
Estimated Balance ___
Deposit Date ___

### AGENCY USE ONLY

**Disposition Notes**
Custodian: if any part of request cannot be delivered in seven business days, detail reasons here.

In Progress - Open ___
Denied - Closed ___
Filled - Closed ___
Partial - Closed ___

### AGENCY USE ONLY

**Tracking Information**

Tracking # ___
Rec'd Date ___
Ready Date ___
Total Pages ___

**Final Cost**

Total ___
Deposit ___
Balance Due ___
Balance Paid ___

Records Provided

Custodian Signature ___ Date ___

A. **2008 Budget:**

1. Provide revenue and appropriation summary for 2008 budget.

B. **Finance:**

1. ***Outstanding Debt***

- In 2007, the budget reflects approximately $4.5M Outstanding Balance (debt/money borrowed). The 2013 budget reflects $8.5M Outstanding Balance (debt/money borrowed). Please provide documents for the additional $4M outstanding and itemized details regarding allocation of these funds.
- Provide any documents that relate to financial plans for eliminating the $8.5M Outstanding Balance.

2. ***Deferred Charges and Other Appropriations***

- In 2007, the budget reflects $183K for Deferred Charges and Other Appropriations. The 2013 budget reflects $1.1M in Deferred Charges and Other Appropriations. Please provide documents for the increase of approximately $1M in Deferred Charges and Other Appropriations.
- Additionally, please provide details and documents related to the allocation of $1.1M in Deferred Charges and Other Appropriations. Documents specifying but not limited to where and how this money is spent, controlled, managed and reported?

3. ***Other Expenses***

- In 2012, the budget reflects $3.3M in other expenses and 2013 is estimated to be $2.9M. Please provide details and documents related to the allocation of both 2012 and 2013 for these funds listed as other expenses.

4. The budget (Total General Appropriations) for 2009 was approximately $7.7M. The budget (Total General Appropriations) for 2013 is estimated to be $9M. Also observed is salaries and wages had little fluctuation from 2009 to 2013. Why the additional $1.3M in the budget? What tools/controls are in place to reduce spending (particularly in the categories of Other Expenses and Deferred Charges and Other Appropriations)?

C. **Grant monies:**

1. Provide specific documents that memorialize total funds received from 2005 to date by agency or organization (i.e. OEM, FEMA, PSE&G, private organizations and all other public or government organizations).
2. Provide documents reflecting allocation of grant funds (i.e. source each grant fund per organization and per year). For example, FEMA money award for hurricane Sandy ($100K). Money used to upgrade equipment XXX.

D. **Resolution 13-108:**

1. Provide document for purchase price for the vehicles used by the following (**excluding Police Chief, Captain of Police and Superintendant of DPW**) :

- Fire Chief, Deputy Fire Chief, Battalion Chief, OEM Coordinator, Fire Official, EMS Chief and Rescue Chief.

2. Provide current mileage on the Borough vehicles used by the following:
   - Fire Chief, Deputy Fire Chief, Battalion Chief, OEM Coordinator, Fire Official, EMS Chief and Rescue Chief.
3. Mileage log or related documents identifying usage for emergency versus personal use for borough vehicles used by the following (2008 to date):
   - Fire Chief, Deputy Fire Chief, Battalion Chief, OEM Coordinator, Fire Official, EMS Chief and Rescue Chief.
4. Provide procedure or documents reflecting how mileage should be recorded/logged.
5. Provide documents reflecting gas consumption cost (annualized) for each of the borough vehicles used by the following:
   - Fire Chief, Deputy Fire Chief, Battalion Chief, OEM Coordinator, Fire Official, EMS Chief and Rescue Chief.
6. Provide procedure or documents related to refueling vehicle and reimbursements or expenses.
7. Provide documents reflecting maintenance cost (annualized) for each of the borough vehicles used by the following:
   - Fire Chief, Deputy Fire Chief, Battalion Chief, OEM Coordinator, Fire Official, EMS Chief and Rescue Chief.
8. Insurance cost (annualized) for each of the borough vehicles used by the following:
   - Fire Chief, Deputy Fire Chief, Battalion Chief, OEM Coordinator, Fire Official, EMS Chief and Rescue Chief.

E. **OEM/Police Commissioner vehicle (Black Chevy Suburban) and cell phone:**

1. Purchase price for this borough vehicle.
2. Provide current mileage for this borough vehicle.
3. Provide mileage log or documents identifying usage for emergency versus personal use.
4. Provide documents reflecting gas consumption cost (annualized) for this borough vehicle.
5. Maintenance cost (annualized) for each of this borough vehicle.
6. Insurance costs (annualized).
7. Copies of borough issued cell phone monthly invoices from 2012 to date.
8. Provide receipts for all UPS/Fed Ex/USPS packages delivered to OEM/Police Commissioner from 2012 to date.

F. **Inventory of equipment procured for use by borough councilman, and officials (excluding Police Department and DPW):**

1. List of devices (laptops, desktops, printers, cell phones; etc.).
2. Asset inventory log and/or documents.

3. Provide procedure or documents related to managing asset inventory.
4. Purchase price for each device or copies of purchase orders or documents reflecting price per device.
5. Documents reflecting source of funds used to procure each device.
6. Documents reflecting device assignment to who (name of individual assigned device).
7. Documents reflecting location of each device/where does this device reside (i.e. home, borough hall; etc.)?
8. Documents reflecting monthly cost for each cell phone / individual?
9. Documents reflecting log of usage (personal versus emergency/borough related)?

**G. Resolution 13-158:**

1. Please provide copy of need analysis or justification document(s) for implementing adult exercise equipment.
2. Please provide list or references of implementation of such equipment for similar application.
3. List of equipment and cost.
4. Documents reflecting life expectancy of equipment?
5. Documents reflecting associated maintenance costs (annualized)?
6. Copy of RFP or similar documents used to solicit best vendor providing such equipment.
7. Copies of bids submitted or documents reflecting vendors' quotes.
8. Copy of bid analysis identifying preferred vendor or documents attempting to perform such assessment.

**H. Employee Manual**

1. Provide copy of employee manual.

**I. Property Maintenance employees (W. Hodges & N. Barese):**

1. Please provide the process or documents for determining the necessity for employing two Property Maintenance positions in lieu of one for a town less than one mile square.
    - Process by which the position was posted (newspapers, website job boards; etc.) and duration of posting (length of time position was advertised).
    - Number of candidates applying to the position.
    - Detailed process or documents by which candidates were interviewed:
        - **interviewers** name's/position/credentials,
        - number of interviewing rounds for each candidate,
        - analysis or determination used to derived preferred candidate(s);
        - preferred candidates' references.
    - Start dates for each candidate and annual salary (from employment start date to termination or present).

2. Provide copy of Property Maintenance employees' resumes (W. Hodges and N. Barese), relevant credentials, and qualifications related to the position of Property Maintenance and other documents which assisted in determining them as the preferred candidates to be awarded the position.
3. Provide Property Maintenance employees (W. Hodges and N. Barese) employment status (full time or part time) and number of hours scheduled to be worked per week (while employed by Bogota).
4. Provide copy of Property Maintenance employees' (W. Hodges and N. Barese) annual job performance review or related document and associated annual salary increase from start date to termination or present.

J. **Waste Management:**

A. Provide copies of the RFPs or similar documents issued for waste removal in Bogota for the last two waste removal agreements (i.e. Roselli/Bogota and B&B/Bogota).

B. Provide copies of the bids and documents submitted for both RFPs.

C. Provide bid leveling analysis or any such documents determining preferred candidate.

D. Provide copies of contract agreements with awarded provider.

E. Provide analysis and documents identifying savings related to outsourcing waste removal (annual savings realized).

F. Provide analysis and related documents reflecting estimated savings for reducing waste removal to once per week during winter months (annualized savings).

G. Provide details or documents related to where the savings for #5 and #6 are being utilized.

K. **Town Engineer:**

1. Provide clarification regarding the frequency of renewing Town Borough Engineer services agreement (i.e. RFP for engineering services is sent annually, bi-annually; etc.).
2. Clarify terms of Borough Town Engineering services (specific services, schedule of fees, contract duration; number of hours to be rendered for services and fees related to hours exceeding contractual agreement).
3. Provide copy of RFP or related documents for securing the services of the current Borough Town Engineer for the last 6 years.
4. Provide copy of contract for Borough Engineer.
5. Provide details related to the relevance and payment of borough engineer for any depositions equal to and exceeding the cost of $1500.
6. 
7. Provide list of engineering firms applying to RFPs and their respective bids for last 6 years.
8. Provide bid analysis and related documents awarding engineering services for last 6 years.
9. Provide list of credentials, experience, other townships served, and current list of major projects related to current Borough Town engineer's firm (Harry Tuvel).
10. Provide Itemized contributions made by Harry Tuvel's engineering firm and individually during the last 6 years to the Borough of Bogota.

L. **Borough Auditor:**

1. Provide process or documents reflecting a process for selecting borough auditor.
2. Provide credentials and experience of current borough auditor.
3. Provide copies of any written agreements (terms: duration of agreement, fee schedule; etc.) for any services to be rendered by auditor.
4. Does the borough auditor perform any other functions for the town of Bogota (for example, auditor for Board of Education)?

M. **Contributions made to the Borough of Bogota:**

1. Please provide itemized contributions or documents representing contributions made to the Borough of Bogota from 2000 to date by the following:
    - J. Monaghan (law firm)
    - J. Monaghan (individually)
    - Lerch, Vinci and Higgins
    - D. Lerch (individually)
    - KSL-Lawyers
    - P. Kaufman (individually)
    - Harry Tuvel's firm
    - Hary Tuvel (individually)

N. **Borough Administrator:**

1. Please provide process or documents reflecting the process for selecting Borough Administrator position.
    - Process by which position was posted (newspapers, website job boards; etc.) and duration of posting (length of time position was advertised).
    - Number of candidates applying to the position.
    - Detailed process by which candidates were interviewed:
        - interviewers name's/position/credentials,
        - number interview rounds for each candidate;
        - analysis or determination which derived preferred candidate.
2. Provide copy of current Borough Administrator's contract with Bogota.
3. Provide copy of current Borough Administrator's resume, relevant credentials and qualifications related to the position of Borough Administrator.
4. Provide documents reflecting copy of current Borough Administrator's past supervisor's names (from past employers during last 10 years).

5. Provide documents reflecting current Borough Administrator's past experience related to management of finances. For example, operational and capital budget amounts during the last 5 years in summary format with year-end actual versus budgeted amounts for each year.
6. Provide documents reflecting current Borough Administrator's volume of FTE's managed during the last five years.
7. Provide documents reflecting current Borough Administrator's experience related to securing local/state/national grants, amount of private sector donor funds secured and other contributions solicited from any entities during the last 5 years.
8. Provide documents reflecting current Borough Administrator's employment status with Bogota (full time or part time) and number of hours scheduled to be worked per week.

**O. <u>Dewey School Property:</u>**

1. Please provide details pertaining to the sale of the Dewey School Property:
    - Sale price and date.
    - Authorized signature(s) names. Who were the people representing the Bogota Board of Education at the closing of sale. How were they vetted to ensure they would act on the best interests of Bogota?
    - Name of buyer(s).

**P. <u>297 Palisades Avenue Redevelopment Project:</u>**

- Documents showing if the property has been resold? If so, how many times and the names of the buyers and respective sale price?
- Why did the property sit with rubble and debris for several years?
- Name of current developer.
- Documents showing if Bogota had any influence (contractual) over the selection of the developer?
- Documents showing current developer's name (names of partners) and name of legal counsel representation.
- Complete details, agreements documents related to the tax abatement and PILOT for this property.
- Was an RFP or similar document issued to solicit the services of a third party to represent the Borough of Bogota in negotiating the tax abatement with the developer? If not, what was the basis for this decision respective authority approving this decision?
- Names of individuals representing Bogota that are negotiating the tax abatement for the property with the developer and developer's counsel.
- Credentials of Bogota's representative negotiating with developer:
    i. How many properties have Bogota's representative negotiated tax abatements and dollar values of each?

ii. What value does each Bogota representative bring to the table during the negotiations of the tax abatement with the developer?

- Provide detailed construction drawings or documents, construction schedule and name of contractor awarded the project.
- Provide details related to the targeted group that will be residing in the newly constructed building:
  - Prospective age range of tenants.
  - Targeted salary range for tenants.
  - Children per household.
  - How will the Bogota School system support the additional students (i.e. more teachers, additions to school buildings, class room expansions, additional desks; etc.)? Associated cost?
  - Increasing FTEs/PTEs in the Police force and DPW to support the additional residents? Associated cost with any increase in work force?

NOTES:

- **Additionally, please contact me immediately if there is any ambiguity, concerns or questions regarding these requests. Therefore, the process by which you will collect and submit this information to me should not be halted until said clarification is received from me.**
- **In the event any information is withheld, kindly specify the item and legal restrictions which prohibit the communication of such information.**

**THIS IS THE OPRA REQUEST THE COMPLAINANT IDENTIFIED IN HIS COMPLAINT AS THE SEPTEMBER 18, 2013 REQUEST (aka COMPLAINANT'S "OPRA #3). NO OFFICIAL OPRA REQUEST FORM COULD BE FOUND FOR THIS REQUEST**

**OPRA Request Form Attachment #2 (revised per denied OPRA received 9/16/2013**

A. **Finance:**

1. ***Outstanding Debt***

- In 2007, the budget reflects approximately $4.5M Outstanding Balance (debt/money borrowed). The 2013 budget reflects $8.5M Outstanding Balance (debt/money borrowed). Please provide documents for the additional $4M outstanding and itemized details regarding allocation of these funds.

  *Specifically, what expenses increased in the budgets of FY 2007, 2008, 2009, 2010, 2011, 2012; 2013.*

  *For example:*

| YEAR | Cost | Expense Description |
|---|---|---|
| 2007 | $550K | Repairs to roadways |
| 2008 | | |
| 2009 | | |
| 2010 | | |
| 2011 | | |
| 2012 | | |
| 2013 | | |

- Provide any documents that relate to financial plans for eliminating the $8.5M Outstanding Balance.

  *Specifically, are there any controls, financial tools or plans to reduce the town budget as well reduce our debt (loans)? Yes or no.*

  *If yes, please list/names of controls, financial tool or plan.*

2. ***Deferred Charges and Other Appropriations***

- In 2007, the budget reflects $183K for Deferred Charges and Other Appropriations. The 2013 budget reflects $1.1M in Deferred Charges and Other Appropriations. Please provide documents for the increase of approximately $1M in Deferred Charges and Other Appropriations. *Specifically, what expenses increased in the budgets of FY 2007, 2008, 2009, 2010, 2011, 2012; 2013.*

  *For example:*

| YEAR | Cost | Expense Description |
|---|---|---|
| 2007 | $550K | Repairs to roadways |
| 2008 | | |
| 2009 | | |

| | | |
|---|---|---|
| 2010 | | |
| 2011 | | |
| 2012 | | |
| 2013 | | |

- 

- Additionally, please provide details and documents related to the allocation of $1.1M in Deferred Charges and Other Appropriations for 2013. Documents specifying but not limited to where and how this money is spent, controlled, managed and reported?

  The budget (Total General Appropriations) for 2009 was approximately $7.7M. The budget (Total General Appropriations) for 2013 is estimated to be $9M. Also observed is salaries and wages had little fluctuation from 2009 to 2013. Why the additional $1.3M in the budget? What tools/controls are in place to reduce spending (particularly in the categories of Other Expenses and Deferred Charges and Other Appropriations)? *Specifically, what expenses increased in the budgets of FY 2009, 2010, 2011, 2012; 2013.*

  *For example:*

| YEAR | Cost | Expense Description |
|---|---|---|
| 2009 | $550K | Repairs to roadways |
| 2010 | | |
| 2011 | | |
| 2012 | | |
| 2013 | | |

3. Borough vendor's list for 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012 and 2013.
4. Copies of all purchase orders for 2011, 2012 and 2013.

**B. <u>Grant monies:</u>**

1. Provide specific documents that memorialize total funds received from 2005 to date by agency or organization (i.e. OEM, FEMA, PSE&G, private organizations and all other public or government organizations).

   *Specifically, provide the amounts of funds or grants received by OEM, FEMA and PSE&G for 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012; 2013.*

   *For example: received $500K from FEMA in 2013*

2. Provide documents reflecting allocation of grant funds (i.e. source each grant fund per organization and per year). For example, FEMA money award for hurricane Sandy ($100K). Money used to upgrade equipment XXX.

   *As per the list above: provide copies of purchase orders reflecting where the grant monies from FEMA, OEM and PSE&G received were utilized for 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012; 2013.*

C. **Resolution 13-108:**

1. Provide document for purchase price **(copy of purchase order)** for the vehicles used by the following (**excluding Police Chief, Captain of Police and Superintendant of DPW**) :
   - Fire Chief, Deputy Fire Chief, Battalion Chief, OEM Coordinator, Fire Official, EMS Chief and Rescue Chief.
2. Provide documents reflecting maintenance cost for 2012 and 2013 for each of the borough vehicles used by the following:
   - Fire Chief, Deputy Fire Chief, Battalion Chief, OEM Coordinator, Fire Official, EMS Chief and Rescue Chief.
3. Insurance cost (annualized) for each of the borough vehicles used by the following (2006, 2007, 2008, 2009, 2010, 2011, 2012; 2013):
   - Fire Chief, Deputy Fire Chief, Battalion Chief, OEM Coordinator, Fire Official, EMS Chief and Rescue Chief.

D. **OEM/Police Commissioner vehicle (Black Chevy Suburban) and cell phone:**

1. Purchase price for this borough vehicle.
2. *Copy of purchase order for vehicle and copies of purchase orders of additional devices added to the vehicle.*
3. Provide current mileage for this borough vehicle.
4. Maintenance cost (annualized) for each of this borough vehicle.
5. Insurance costs (annualized).
6. Copies of borough issued cell phone monthly invoices for 2012 and 2013.
7. Provide receipts for all UPS/Fed Ex/USPS packages delivered to OEM/Police Commissioner from 2012 and 2013. Provide purchase orders for all purchases made with FEMA monies in 2009, 2010, 2011, 2012 and 2013

E. **Inventory of equipment procured for use by borough councilman, and officials (excluding Police Department and DPW):**

1. Borough vendor's list for 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012 and 2013.
2. Copies of all purchase orders for 2011, 2012 and 2013.
3. Documents reflecting source of funds used for purchases for 2011, 2012 and 2013.

F. **Resolution 13-158:**

1. Provide list of equipment and cost associated with resolution
2. Provide information reflecting life expectancy of equipment?
3. Provide information associated maintenance costs?
4. Copy of RFP or similar documents used to solicit best vendor providing such equipment.

5. Copies of bids submitted or documents reflecting vendors' quotes.

**G. Property Maintenance employees (W. Hodges & N. Barese):**

1. Provide job posting or advertisement for this job.
2. Provide list or number of candidates applying for this job.
3. Provide duration of posting (length of time position was advertised).
4. Provide list of names (Borough officials/employees) interviewing these candidates.
5. Provide copy of resume and credentials which help determine both individuals as ideal preferred candidates (W. Hodges and N. Barese).
1. Provide Property Maintenance employees (W. Hodges and N. Barese) employment status (full time or part time) and number of hours scheduled to be worked per week (while employed by Bogota).
2. Provide copy of Property Maintenance employees' (W. Hodges and N. Barese) annual job performance review or related document and associated annual salary increase from start date to termination or present.

**H. Waste Management:**

A. Provide amount of savings determined by outsourcing was removal.

B. Provide savings determined by recuing waste pick up to once per month.

C. Where are savings for #A and #B being utilized?

**I. Borough Auditor:**

1. Provide process or documents reflecting a process for selecting borough auditor.
2. Provide credentials and experience of current borough auditor.
3. Provide copies of any written agreements (terms: duration of agreement, fee schedule; etc.) for any services to be rendered by auditor.
4. Does the borough auditor perform any other functions for the town of Bogota (for example, auditor for Board of Education)?

**J. Contributions made to the Borough of Bogota:**

1. Please provide itemized contributions or documents representing contributions made to the Borough of Bogota from 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012 and 2013 by the following:
    - J. Monaghan (law firm)
    - J. Monaghan (individually)
    - Lerch, Vinci and Higgins
    - D. Lerch (individually)
    - KSL-Lawyers

- P. Kaufman (individually)
- Harry Tuvel's firm
- Hary Tuvel (individually)

K. **Borough Administrator:**

1. Provide job posting or advertisement for this job.
2. Provide list or number of candidates applying for this job.
3. Provide duration of posting (length of time position was advertised).
4. Provide list of names (Borough officials/employees) interviewing the candidates.
5. Provide copy of current Borough Administrator's contract with Bogota.
6. How many times our current Borough administrator has negotiated tax abatements?
7. What is current Borough Administrator's past experience related to management of finances? For example, operational and capital budget amounts during the last 5 years in summary format with year-end actual versus budgeted amounts for each year.
8. Provide any information reflecting current Borough Administrator's experience related to securing local/state/national grants, amount of private sector donor funds secured and other contributions solicited from any entities during the last 5 years.
9. Provide documents reflecting current Borough Administrator's employment status with Bogota (full time or part time) and number of hours scheduled to be worked per week.

L. **297 Palisades Avenue Redevelopment Project:**

- Documents showing if the property has been resold? If so, how many times and the names of the buyers and respective sale price?
- Why did the property sit with rubble and debris for several years?
- Name of current developer.
- Documents showing if Bogota had any influence (contractual) over the selection of the developer?
- Documents showing current developer's name (names of partners) and name of legal counsel representation.
- Complete details, agreements documents related to the tax abatement and PILOT for this property.
- Was an RFP or similar document issued to solicit the services of a third party to represent the Borough of Bogota in negotiating the tax abatement with the developer? If not, what was the basis for this decision respective authority approving this decision?
- Names of individuals representing Bogota that are negotiating the tax abatement for the property with the developer and developer's counsel.
- Credentials of Bogota's representative negotiating with developer:

i. How many properties have Bogota's representative negotiated tax abatements and dollar values of each?

ii. What value does each Bogota representative bring to the table during the negotiations of the tax abatement with the developer?

- Provide detailed construction drawings or documents, construction schedule and name of contractor awarded the project.
- Provide details related to the targeted group that will be residing in the newly constructed building:
  - Prospective age range of tenants.
  - Targeted salary range for tenants.
  - Children per household.
  - How will the Bogota School system support the additional students (i.e. more teachers, additions to school buildings, class room expansions, additional desks; etc.)? Associated cost?
  - Increasing FTEs/PTEs in the Police force and DPW to support the additional residents? Associated cost with any increase in work force?

NOTES:

- **Additionally, please contact me immediately if there is any ambiguity, concerns or questions regarding these requests. Therefore, the process by which you will collect and submit this information to me should not be halted until said clarification is received from me.**
- **In the event any information is withheld, kindly specify the item and legal restrictions which prohibit the communication of such information.**

4th

BOROUGH OF BOGOTA

# OPEN PUBLIC RECORDS ACT REQUEST FORM

375 LARCH AVENUE

(201) 342-1736 ext. 235 • (201) 342-0574 (FAX)

Email: clerk@bogotaonline.org

Borough of Bogota Records

Received 10/5/13

## Important Notice

The last page of this form contains important information related to your rights concerning government records. Please read it carefully.

### Requestor Information – Please Print

First Name MICHAEL MI ____ Last Name DOSJ

E-mail Address makoss@yahoo.com

Mailing Address 43 CHESTNUT AVE

City BOGOTA State NJ Zip 07603

Telephone (201) 745-4680 FAX ____

Preferred Delivery: (Pick Up) ✓ US Mail ____ On-Site Inspect ____ Fax ____ E-mail ____

If you are requesting records containing personal information, please circle one: Under penalty of N.J.S.A. 2C:28-3, I certify that I *HAVE* / *HAVE NOT* been convicted of any indictable offense under the laws of New Jersey, any other state, or the United States.

Signature [signature] Date 9/30/2013

### Payment Information

Maximum Authorization Cost $

Select Payment Method

Cash Check Money Order

Fees: Letter size pages - $0.05 per page
Legal size pages - $0.07 per page
Other materials (CD, DVD, etc) – actual

Delivery: Delivery / postage fees additional depending upon delivery type.

Extras: Special service charge dependent upon request.

**Record Request Information:** Please be as specific as possible in describing the records being requested. Also, please note that your preferred method of delivery will only be accommodated if the custodian has the technological means and the integrity of the records will not be jeopardized by such method of delivery.

PLEASE SEE ATTACHMENT LABELED "OPRA REQUEST FORM ATTACHMENT #4"

PLEASE PROVIDE RESPONSES & DOCUMENTATION IN NUMERICAL/BULLETED FORMAT AS REFLECTED IN "OPRA REQUEST FORM ATTACHMENT."

THANK YOU FOR YOUR TIME!

### AGENCY USE ONLY

Est. Document Cost ____

Est. Delivery Cost ____

Est. Extras Cost ____

Total Est. Cost ____

Deposit Amount ____

Estimated Balance ____

Deposit Date ____

### AGENCY USE ONLY

**Disposition Notes**

Custodian: If any part of request cannot be delivered in seven business days, detail reasons here.

| | | |
|---|---|---|
| In Progress | Open | ____ |
| Denied | Closed | ____ |
| Filed | Closed | ____ |
| Partial | Closed | ____ |

### AGENCY USE ONLY

**Tracking Information**

Tracking # ____

Rec'd Date ____

Ready Date ____

Total Pages ____

**Final Cost**

Total ____

Deposit ____

Balance Due ____

Balance Paid ____

**Records Provided**

RECEIVED
BOROUGH OF BOGOTA
2013 SEP 30 PM 1:42

Custodian Signature ____ Date ____

A. Finance:

1. *Outstanding Debt*

- In 2007, the budget reflects approximately $4.5M Outstanding Balance (debt/money borrowed). The 2013 budget reflects $8.5M Outstanding Balance (debt/money borrowed). Please provide documents for the additional $4M outstanding and itemized details regarding allocation of these funds.

  *Specifically, what expenses increased in the budgets of FY 2007, 2008, 2009, 2010, 2011, 2012; 2013.*

  *For example:*

| YEAR | Cost | Expense Description |
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| 2007 | $550K | Repairs to roadways |
| 2008 | | |
| 2009 | | |
| 2010 | | |
| 2011 | | |
| 2012 | | |
| 2013 | | |

- Provide any documents that relate to financial plans for eliminating the $8.5M Outstanding Balance.

  *Specifically, are there any controls, financial tools or plans to reduce the town budget as well reduce our debt (loans)? Yes or no.*

  *If yes, please list/names of controls, financial tool or plan.*

2. *Deferred Charges and Other Appropriations*

- In 2007, the budget reflects $183K for Deferred Charges and Other Appropriations. The 2013 budget reflects $1.1M in Deferred Charges and Other Appropriations. Please provide documents for the increase of approximately $1M in Deferred Charges and Other Appropriations. *Specifically, what expenses increased in the budgets of FY 2007, 2008, 2009, 2010, 2011, 2012; 2013.*

  *For example:*

| YEAR | Cost | Expense Description |
|---|---|---|
| 2007 | $550K | Repairs to roadways |
| 2008 | | |
| 2009 | | |

| | | |
|---|---|---|
| 2010 | | |
| 2011 | | |
| 2012 | | |
| 2013 | | |

- Additionally, please provide details and documents related to the allocation of $1.1M in Deferred Charges and Other Appropriations for 2013. Documents specifying but not limited to where and how this money is spent, controlled, managed and reported?

  The budget (Total General Appropriations) for 2009 was approximately $7.7M. The budget (Total General Appropriations) for 2013 is estimated to be $9M. Also observed is salaries and wages had little fluctuation from 2009 to 2013. Why the additional $1.3M in the budget? What tools/controls are in place to reduce spending (particularly in the categories of Other Expenses and Deferred Charges and Other Appropriations)? *Specifically, what expenses increased in the budgets of FY 2009, 2010, 2011, 2012; 2013.*

  *For example:*

| YEAR | Cost | Expense Description |
|---|---|---|
| 2009 | $550K | Repairs to roadways |
| 2010 | | |
| 2011 | | |
| 2012 | | |
| 2013 | | |

3. Borough vendor's list for 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012 and 2013.
4. Copies of all purchase orders for 2011, 2012 and 2013.

**B. <u>Grant monies:</u>**

1. Provide specific documents that memorialize total funds received from 2005 to date by agency or organization (i.e. OEM, FEMA, PSE&G, private organizations and all other public or government organizations).

   *Specifically, provide the amounts of funds or grants received by OEM, FEMA and PSE&G for 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012; 2013.*

   *For example: received $500K from FEMA in 2013*

2. Provide documents reflecting allocation of grant funds (i.e. source each grant fund per organization and per year). For example, FEMA money award for hurricane Sandy ($100K). Money used to upgrade equipment XXX.

*As per the list above: provide copies of purchase orders reflecting where the grant monies from FEMA, OEM and PSE&G received were utilized for 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012; 2013.*

C. **Resolution 13-108:**

1. Provide document for purchase price **(copy of purchase order)** for the vehicles used by the following (**excluding Police Chief, Captain of Police and Superintendant of DPW**) :
   i. Fire Chief, Deputy Fire Chief,
   ii. Battalion Chief,
   iii. OEM Coordinator,
   iv. Fire Official,
   v. EMS Chief
   vi. Rescue Chief.
2. Provide documents reflecting maintenance cost for 2012 and 2013 for each of the borough vehicles used by the following:
   i. Fire Chief, Deputy Fire Chief,
   ii. Battalion Chief,
   iii. OEM Coordinator,
   iv. Fire Official,
   v. EMS Chief
   vi. Rescue Chief.
3. Insurance cost (annualized) for each of the borough vehicles used by the following (2006, 2007, 2008, 2009, 2010, 2011, 2012; 2013):
   i. Fire Chief, Deputy Fire Chief,
   ii. Battalion Chief,
   iii. OEM Coordinator,
   iv. Fire Official,
   v. EMS Chief
   vi. Rescue Chief

D. **OEM/Police Commissioner vehicle (Black Chevy Suburban) and cell phone:**

1. Purchase price for this borough vehicle.
2. *Copy of purchase order for vehicle of Chevy Suburban and copies of purchase orders of additional devices added to the vehicle.*
3. Provide current mileage for this borough vehicle.
4. Maintenance cost (annualized) for each of this borough vehicle.

5. Insurance costs (annualized).
6. Copies of borough issued cell phone monthly invoices for 2012 and 2013.
7. Provide receipts for all UPS/Fed Ex/USPS packages delivered to OEM/Police Commissioner related to Bogota of Borough OEM/Police Commissioner's official business 2012 and 2013. Provide purchase orders for all purchases made with FEMA monies in 2009, 2010, 2011, 2012 and 2013.

**E. Inventory of equipment procured for use by borough councilman, and officials (excluding Police Department and DPW):**

1. Provide Borough vendor's list for 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012 and 2013.
2. Provide copies of all purchase orders for 2011, 2012 and 2013.
3. Documents reflecting source of funds used for purchases for 2011, 2012 and 2013.
4. Name of official (certified purchasing agent) for Borough of Bogota for 2006, 2007, 2008, 2009, 2010, 2011, 2012 and 2013.
5. List of purchases in excess of $17,500 dollars for 2008, 2009, 2010, 2011, 2012 and 2013?
6. List of bids solicited for purchases in excess of $17,500 dollars for2011, 2012; 2013?
7. Names of officials and ordinances or resolutions approving purchases in excess in excess of $17,500 dollars for2011, 2012; 2013?

**F. Resolution 13-158:**

1. Provide list of equipment and cost associated with resolution
2. Provide information reflecting life expectancy of equipment?
3. Provide information associated maintenance costs?
4. Copy of RFP or similar documents used to solicit best vendor providing such equipment.
5. Copies of bids submitted or documents reflecting vendors' quotes.

**G. Property Maintenance employees (W. Hodges & N. Barese):**

1. Provide job posting or advertisement for this job.
2. Provide list or number of candidates applying for this job.
3. Provide duration of posting (length of time position was advertised).
4. Provide list of names (Borough officials/employees) interviewing these candidates.
5. Provide copy of resume and credentials which help determine both individuals as ideal preferred candidates (W. Hodges and N. Barese).
1. Provide Property Maintenance employees (W. Hodges and N. Barese) employment status (full time or part time) and number of hours scheduled to be worked per week (while employed by Bogota).

2. Provide copy of Property Maintenance employees' (W. Hodges and N. Barese) annual job performance review or related document and associated annual salary increase from start date to termination or present.

H. **Waste Management:**

A. Provide amount of savings determined by outsourcing waste removal.

B. Provide savings determined by recuing waste pick up to once per month.

C. Where are savings for #A and #B being utilized?

I. **Borough Auditor:**

1. Provide process or documents reflecting a process for selecting borough auditor.
2. Provide credentials and experience of current borough auditor.
3. Provide copies of any written agreements (terms: duration of agreement, fee schedule; etc.) for any services to be rendered by auditor.
4. Does the borough auditor perform any other functions for the town of Bogota (for example, auditor for Board of Education)?

J. **Contributions made to the Borough of Bogota:**

1. Please provide itemized contributions or documents representing contributions made to the Borough of Bogota, Democratic Party and Republican Party for the following years: 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012 and 2013 by the names listed below.
    i. J. Monaghan (law firm)
    ii. J. Monaghan (individually)
    iii. Lerch, Vinci and Higgins
    iv. D. Lerch (individually)
    v. KSL-Lawyers
    vi. P. Kaufman (individually)
    vii. Harry Tuvel's firm
    viii. Hary Tuvel (individually)

K. **Borough Administrator:**

1. Provide job posting or advertisement for this job.
2. Provide list or number of candidates applying for this job.
3. Provide duration of posting (length of time position was advertised).
4. Provide list of names (Borough officials/employees) interviewing the candidates.

5. How many times our current Borough administrator has negotiated tax abatements?
6. What is current Borough Administrator's past experience related to management of finances? For example, operational and capital budget amounts during the last 5 years in summary format with year-end actual versus budgeted amounts for each year.
7. Provide any information reflecting current Borough Administrator's experience related to securing local/state/national grants, amount of private sector donor funds secured and other contributions solicited from any entities during the last 5 years.
8. Provide documents reflecting current Borough Administrator's employment status with Bogota (full time or part time) and number of hours scheduled to be worked per week.
9. Provide current annual increase percentages for all borough employees for 2010, 2011, 2012 and 2013. For example, annual increase for all borough employees was 3% for 2010, 2.5% for 2011 and etc.

L. **297 Palisades Avenue Redevelopment Project:**

1. Why did the property sit with rubble and debris for several years?
2. Name of current developer.
3. Any documents showing if Bogota had any influence (contractual) over the selection of the developer?
4. Provide documents reflecting current developer's name (all names of partners) and name of legal counsel representation.
5. Provide criteria used to determine current developer. Was there a RFP issued?
6. If the RFP process was used to determine the developer, provide copies of the RFP and all bids submitted by prospective developer
7. Tax abatement:
    i. What were the merits or justification for the tax abatement (land contamination, polluted land; etc.)?
    ii. Was the tax abatement at the request of the developer? If so, provide basis for request (i.e. financial hardship).
    iii. Provide financial statements for 2006, 2007, 2008, 2009, 2010, 2011, 2012; 2013 regarding developer's annual revenue, budget statements, names of employees and list of past projects.
8. Provide total sum of annual revenue that was determined after the property is developed. For example, the tax abatement awards the developer a required 10%-15% tax payment ($88K/annually) for 30 years. Does this mean that the actual 100% of the taxes are $880K? If not, what is the 100% value of the tax
9. Was a RFP or similar document issued to solicit the services of a third party to represent the Borough of Bogota in negotiating the tax abatement with the developer? If not, what was the basis for this decision not to utilize this method and who authorized such a decision.
10. Names of individuals representing Bogota that are negotiating the tax abatement for the property with the developer and developer's counsel. Who were all the people present during the negotiating

process from the Borough of Bogota (representatives of the borough) and similarly name of those present for the developer as well as their representatives?

11. Credentials of Bogota's representatives negotiating with the developer/developer's counsel:
    i. How many properties have Bogota's representatives negotiated tax abatements and dollar values of each respective tax abatement?

       Specifically, Bogota Borough Attorney, Bogota Borough Auditor, Bogota Borough Administrator and Bogota Borough Mayor.

    ii. What value does each Bogota representative bring to the table during the negotiations of the tax abatement with the developer?
12. Provide detailed construction drawings or documents, construction schedule and name of contractor awarded the project.
13. Provide copies of agenda related to the following: first reading of the tax abetment, second reading (open to the public) of the tax abatement, third reading (voting for the tax abatement).
14. Provide copies of all advertisements/public notifications issued for all readings related to the tax abatement.
15. Provide details related to the targeted group that will be residing in the newly constructed building:
    i. Prospective age range of tenants.
    ii. Targeted salary range for tenants.
    iii. Children per household.
    iv. How will the Bogota School system support the additional students (i.e. more teachers, additions to school buildings, class room expansions, additional desks; etc.)? Associated cost?
    v. Increasing FTEs/PTEs in the Police force and DPW to support the additional residents? Associated cost with any increase in work force?

**M. <u>Correspondences, emails, and letters (emails from Borough of Bogota email address and personal email address). For reference, see attached excerpt from NJ State League of Municipalities:</u>**

1. Provide all correspondences (emails and letters) that are "to," "from," "cc" for the OEM/Police Commissioner related to OEM grants and monies; and FEMA grants and monies for 2011, 2012 and 2013.
2. Provide all correspondences (emails and letters) that are "to," "from," "cc" between Mayor Pat McHale and Paul Kaufman for 2008, 2009, 2010, 2011, 2012 and 2013.
3. Provide all correspondences (emails and letters) that are "to," "from," "cc" between Lenard Nicolosi and Paul Kaufman for 2008, 2009, 2010, 2011, 2012 and 2013.
4. Provide all correspondences (emails and letters) that are "to," "from," "cc" between Borough Administrator Chip Greiner and Paul Kaufman for 2013.
5. Provide all correspondences (emails and letters) that are "to," "from," "cc" between Councilman Antero Tito Jackson and Councilmen Jorge Nunez for 2012 and 2013 regarding FEMA and OEM grants / monies.

6. Provide all correspondences (emails and letters) that are "to," "from," "cc" between Councilwoman Wanda Uceta and Councilman Tito Jackson regarding the 297 Palisades Avenue development and tax abatement for 2011, 2012 and 2013.

**N. Text messages (on Bogota Borough issued phones and personal phones):**

1. Provide all text messages "to," "from," "cc" for the OEM/Police Commissioner between Borough Administrator for 2013.
2. Provide all text messages "to," "from," "cc" for the between Mayor Pat McHale and Paul Kaufman for 2013.
3. Provide all text messages "to," "from," "cc" for the" between Lenard Nicolosi and Paul Kaufman for 2012 and 2013.
4. Provide all text messages "to," "from," "cc" between Borough Administrator Chip Greiner and Paul Kaufman for 2013.
5. Provide all text messages "to," "from," "cc" between Councilman Antero Tito Jackson and Councilmen Jorge Nunez for 2012 and 2013.
6. Provide all text messages "to," "from," "cc" between Councilwoman Wanda Uceta and Councilman Antero Tito Jackson for 2013.

**O. Tax returns for Borough Officials. For reference, see attached excerpt from NJ State League of Municipalities:**

1. Provide all 2012 and 2013 tax returns for Councilmen Antero Tito Jackson
2. Is Antero Tito Jackson is Antero Jackson the OEM Coordinator?
3. Is Antero Tito Jackson the Police Commissioner?
4. Is Antero Tito Jackson a Bogota Borough employee?
5. Years of service for Antero Tito Jackson as OEM coordinator?
6. Years of service for Antero Tito Jackson as Police Commissioner?

**P. Salary history and annual increases:**

1. Provide any ordinances, resolutions or mandates regulating salary increases or salary adjustments for 2009, 2010, 2011, 2012 and 2013 for the following Bogota Borough employees:

**Q. Salary history and annual increases for Bogota Borough employees:**

1. Provide salary increases or salary adjustments for 2009, 2010, 2011, 2012 and 2013 for **only** the following Bogota Borough employees:
   i. F. Garlicki
   ii. J. Cook
   iii. P. Wilkens

iv. B. Wiemer

v. C. Carpenter

vi. H. Hegel

vii. W. Hodges

viii. N. Barese

ix. G. Kholes

x. D. Howell

xi. J. Morre

xii. G. McNerney

xiii. J. Davis

xiv. L. Kern

NOTES:

- **Additionally, please contact me immediately if there is any ambiguity, concerns or questions regarding these requests. Therefore, the process by which you will collect and submit this information to me should not be halted until said clarification is received from me.**
- **In the event any information is withheld, kindly specify the item and legal restrictions which prohibit the communication of such information.**

1 L #5

BOROUGH OF BOGOTA

# OPEN PUBLIC RECORDS ACT REQUEST FORM

375 LARCH AVENUE
(201) 342-1736 ext. 235 • (201) 342-0574 (FAX)
Email: clerk@bogotaonline.org
Borough of Bogota Records

**Important Notice**

The last page of this form contains important information related to your rights concerning government records. Please read it carefully.

## Requestor Information – Please Print

First Name MICHAEL MI ____ Last Name DOSS

E-mail Address makdoss@yahoo.com

Mailing Address 48 CHESTNUT AVE.

City BOGOTA State NJ Zip 07603

Telephone (201) 745-4680 FAX ____

Preferred Delivery: Pick Up ✓ US Mail ____ On-Site Inspect ____ Fax ____ E-mail ____

If you are requesting records containing personal information, please circle one: Under penalty of N.J.S.A. 2C:28-3, I certify that I *HAVE / HAVE NOT* been convicted of any indictable offense under the laws of New Jersey, any other state, or the United States.

Signature [signature] Date 10/4/2013

## Payment Information

Maximum Authorization Cost $

Select Payment Method

Cash Check Money Order

Fees: Letter size pages - $0.05 per page
Legal size pages – $0.07 per page
Other materials (CD, DVD, etc) – actual

Delivery: Delivery / postage fees additional depending upon delivery type.

Extras: Special service charge dependent upon request.

**Record Request Information:** Please be as specific as possible in describing the records being requested. Also, please note that your preferred method of delivery will only be accommodated if the custodian has the technological means and the integrity of the records will not be jeopardized by such method of delivery.

PLEASE SEE ATTACHED. OPRA #5 SUBMITTED ON 10/4/2013. PLEASE PROVIDE ME WITH THE INFORMATION REQUESTED WITHIN THE 7-DAY TIMEFRAME PER OPRA REQUIREMENTS. KINDLY FOLLOW THE NUMERICAL FORMAT ON THE ATTACHMENT #5.
THANK YOU ALL FOR YOUR EFFORTS IN COLLECTING & PROVIDING ME WITH THIS INFORMATION.

BOROUGH OF BOGOTA

**AGENCY USE ONLY**

Est. Document Cost ____
Est. Delivery Cost ____
Est. Extras Cost ____
Total Est. Cost ____
Deposit Amount ____
Estimated Balance ____
Deposit Date ____

**AGENCY USE ONLY**

Disposition Notes
Custodian: If any part of request cannot be delivered in seven business days, detail reasons here.

In Progress - Open ____

**AGENCY USE ONLY**

Tracking Information
Tracking # ____
Rec'd Date ____
Ready Date 10/4/13
Total Pages ____

Final Cost
Total ____
Deposit ____
Balance Due ____
Balance Paid ____

Records Provided

10/4/13 Email

**A. Purchase orders and invoices for the following vendors/contractors/consultants:**

1. Provide copies for purchase orders/invoices and related documents for all months in 2008, 2009, 2010, 2011, and 2013 for the following vendors/contractors/consultants and borough officials:
    - Metrocom Wireless
    - Motorola (all Motorola accounts)
    - Verizon (all Verizon accounts)
    - Tuvel Engineering
    - Communications
    - P. C. Richards
    - Millennium Visual Systems
    - Tropicana Hotel (April 2013 only)
    - Microsystems
    - Game Time Equipment
    - Home Depot
    - Staples
    - Hardwood Tree Services
    - Clear Span Fabric
    - Earth Networks
    - NJ EZ-Pass
    - State Line Fire & Safety
    - Applebee's (June 2013 only)
    - Patrick McHale (monthly reimbursements details)
    - Antera Tito Jackson's (monthly reimbursements details)
    - Lenard Nicolosi (monthly reimbursements details)
    - August (Chip) Greiner (monthly reimbursements details)
    - Nicholas Barese (monthly reimbursements details)
    - Warren Hodges (monthly reimbursements details)

**B. September 19,' 2013 Borough of Bogota hearing:**

1. Provide audio recording of the complete hearing for the night of September 19, 3013.
2. Provide complete written transcript of the complete hearing for the night of September 19, 3013.

C. **Phone logs for Borough of Bogota issued phones:**

1. Provide copies for all Verizon and Motorola cell phone logs (all pages of the bill which reflect calls received or sent, time, origination and destination as well as summary sheet) of invoices for all months in 2008, 2009, 2010, 2011, and 2013 for the following borough officials/employees:

    - Patrick McHale
    - Antera Tito Jackson
    - Wanda Uceta
    - Lenard Nicolosi
    - August (Chip) Greiner (2013 only).
    - Nicolas Barese
    - Warren Hodges

NOTES:

- **Additionally, please contact me immediately if there is any ambiguity, concerns or questions regarding these requests. Therefore, the process by which you will collect and submit this information to me should not be halted until said clarification is received from me.**
- **In the event any information is withheld, kindly specify the item and legal restrictions which prohibit the communication of such information.**

# EXHIBIT B

A. Correspondences, emails, and letters (emails from Borough of Bogota email address and personal email address) For reference, see attached excerpt from NJ State League of Municipalities (mandate) SECOND REQUEST:

1. Provide all correspondences (emails and letters) that are "to," "from," "cc" between Administrator Mr. Greiner and Mayor Pat McHale for 2013.
2. Provide all correspondences (emails and letters) that are "to," "from," "cc" between Administrator Mr. Greiner and Ms. Consuelo Carpenter for 2013.
3. Provide all correspondences (emails and letters) that are "to," "from," "cc" between Administrator Mr. Greiner and Councilman Antero Tito Jackson for 2010, 2011, 2012 and 2013.
4. Provide all correspondences (emails and letters) that are "to," "from," "cc" between Mayor Pat McHale and Councilman Antero Tito Jackson for 2010, 2011, 2012 and 2013.
5. Provide all correspondences (emails and letters) that are "to," "from," "cc" between Mayor Pat McHale and Paul Kaufman for 2010, 2011, 2012 and 2013.

B. Correspondences, emails, and letters (emails from Borough of Bogota email address and personal email address) For reference, see attached excerpt from NJ State League of Municipalities (mandate):

6. Provide all correspondences (emails and letters) that are "to," "from," "cc" between Borough Attorney Joseph Monaghan and Administrator Mr. Greiner.
7. Provide all correspondences (emails and letters) that are "to," "from," "cc" between Borough Attorney Joseph Monaghan and Paul Kaufman for 2010, 2011, 2012 and 2013.
8. Provide all correspondences (emails and letters) that are "to," "from," "cc" between Borough Attorney Joseph Monaghan and Patrick McHale for 2010, 2011, 2012 and 2013.
9. Provide all correspondences (emails and letters) that are "to," "from," "cc" between Paul Kaufman and Councilman Antero Tito Jackson for 2010, 2011, 2012 and 2013.

B. Correspondences, emails, and letters (emails from Borough of Bogota email address and personal email address). For reference, see attached excerpt from NJ State League of Municipalities-THIRD REQUEST:

1. Provide all correspondences (emails and letters) that are "to," "from," "cc" for the OEM/Police Commissioner related to OEM grants and monies; and FEMA grants and monies for 2011, 2012 and 2013.
2. Provide all correspondences (emails and letters) that are "to," "from," "cc" between Mayor Pat McHale and Paul Kaufman for 2008, 2009, 2010, 2011, 2012 and 2013.
3. Provide all correspondences (emails and letters) that are "to," "from," "cc" between Lenard Nicolosi and Paul Kaufman for 2008, 2009, 2010, 2011, 2012 and 2013.
4. Provide all correspondences (emails and letters) that are "to," "from," "cc" between Councilman Antero Tito Jackson and Councilmen Jorge Nunez for 2012 and 2013 regarding FEMA and OEM grants / monies.
5. Provide all correspondences (emails and letters) that are "to," "from," "cc" between Councilwoman Wanda Uceta and Councilman Tito Jackson regarding the 297 Palisades Avenue development and tax abatement for 2011, 2012 and 2013.

C. Text messages (on Bogota Borough issued phones and personal phones)-THIRD REQUEST:

1. Provide all text messages "to," "from," "cc" for the OEM/Police Commissioner between Borough Administrator for 2013.
2. Provide all text messages "to," "from," "cc" for the between Mayor Pat McHale and Paul Kaufman for 2013.
3. Provide all text messages "to," "from," "cc" for the" between Lenard Nicolosi and Paul Kaufman for 2012 and 2013.
4. Provide all text messages "to," "from," "cc" between Borough Administrator Chip Greiner and Paul Kaufman for 2013.
5. Provide all text messages "to," "from," "cc" between Councilman Antero Tito Jackson and Councilmen Jorge Nunez for 2012 and 2013.

D. Provide copy of application for tax abatement / PILOT for 297 Palisade Avenue.

E. **Provide copy of application for development of 297 Palisade Avenue.**

F. Borough Administrator Chip Greiner's Dodge Charger: **The Borough Administrator's vehicle (black Dodge Charger) up until recently bared Municipality license plates. Which municipality is the vehicle insured under or registered too?**

G. Phone logs for Borough of Bogota issued phones (THIRD REQUEST):

1. Provide copies for all Verizon and Motorola cell phone logs (all pages of the bill which reflect calls received or sent, time, origination and destination as well as summary sheet) of invoices for all months in 2008, 2009, 2010, 2011, and 2013 for the following borough officials/employees:
   - Patrick McHale
   - Antera Tito Jackson
   - Lenard Nicolosi
   - August (Chip) Greiner (2013 only).
   - Nicolas Barese
   - Warren Hodges

NOTES:

- Additionally, please contact me immediately if there is any ambiguity, concerns or questions regarding these requests. Therefore, the process by which you will collect and submit this information to me should not be halted until said clarification is received from me.
- In the event any information is withheld, kindly specify the item and legal restrictions which prohibit the communication of such information.

- ANY EXTENSIONS REQUESTED MUST BE JUSTIFIED WITH CLARIFICATION OTHER THAN "DUE TO VOLUMINOUS NATURE AN EXTENSION IS REQUIRED."
- A DATE FOR COLLLECTING/ISSUING THE INFORMATION TO ME IS REQUESTED.
- SOME OF THE INFORMATION LISTED ON THIS OPRA HAS BEEN REQUESTED PREVIOUSLY AND YOU FAILED TO PROVIDE THE INFORMATION. KINDLY PROVIDE THE INFORMATION AS REQUESTED WITHIN THE 7-DAY TIMEFRAME TO AVOID FURTHER GRC COMPLAINT FOR OPRA DENIALS.

A. Correspondences, emails, and letters (emails from Borough of Bogota email address and personal email address):

1. Provide **ALL** correspondences (emails and letters) that are "*to*," "*from*," "*cc*," and "*bc*" between Mr. August Greiner's email address "Agreiner@merail.com" and Mr. Paul Kaufman for the years 2013 and 2014 that contain any of the following words: ***Paul, Kaufman, Paul Kaufman 297, Palisade Avenue, 297 Palisade Avenue, Chip, Greiner, August, August Greiner, Chip Greiner, Harry Tuvell, Urban Renewal, partnership, partners, Rich LaBarbiera, Jorge, Nunez, Jorge Nunez, Evaristo Burdiez Junior, RVN, PILOT, tax abatement, council meeting, mayor, Pat, Patrick, Pat McHale, Patrick McHale, Tito, Tito Jackson, construction, development, long term tax exemption, LTTE, tax, Redevelopment Agreement, Redeveloper, Pro Forma, Joseph Monaghan, Joe Monaghan, Joe, Monaghan, M. Doss, Michael Doss, Mike Doss, borough resolution, draft resolution, draft ordinance, ordinance, borough engineer, engineer, borough attorney, Kevin Kelly, abatements, 44 units, parking, visitor parking, resident parking, visitors, residents, temporary signage, signage, garage, grading, pollution, environmental issues, environmental, land contamination, contamination, septic system, septic, sewage, drainage, council, councilman, council board, Board of Education, BoE, accounting, permits, approvals, contracts, construction drawings and RSIS waiver.***

2. Provide **ALL** correspondences (emails and letters) that are "*to*," "*from*," "*cc*," and "*bc*" between Mr. August Greiner and Mr. Paul Kaufman for the year 2014 that contain any of the following words: ***Paul, Kaufman, Paul Kaufman 297, Palisade Avenue, 297 Palisade Avenue, Chip, Greiner, August, August Greiner, Chip Greiner, Harry Tuvell, Urban Renewal, partnership, partners, Rich LaBarbiera, Jorge, Nunez, Jorge Nunez, Evaristo Burdiez Junior, RVN, PILOT, tax abatement, council meeting, mayor, Pat, Patrick, Pat McHale, Patrick McHale, Tito, Tito Jackson, construction, development, long term tax exemption, LTTE, tax, Redevelopment Agreement, Redeveloper, Pro Forma, Joseph Monaghan, Joe Monaghan, Joe, Monaghan, M. Doss, Michael Doss, Mike Doss, borough resolution, draft resolution, draft ordinance, ordinance, borough engineer, engineer, borough attorney, Kevin Kelly, abatements, 44 units, parking, visitor parking, resident parking, visitors, residents, temporary signage, signage, garage, grading, pollution, environmental issues, environmental, land contamination, contamination, septic system, septic, sewage, drainage, council, councilman, council board, Board of Education, BoE, accounting, permits, approvals, contracts, construction drawings and RSIS waiver.***

3. Provide **ALL** correspondences (emails and letters) that are "*to*," "*from*," "*cc*," and "*bc*" between Mr. August Greiner and Mr. A. Tito Jackson for the years 2013 and 2014 that contain any of the following words: ***Paul, Kaufman, Paul Kaufman 297, Palisade Avenue, 297 Palisade Avenue, Chip, Greiner, August, August Greiner, Chip Greiner, Harry Tuvell, Urban Renewal, partnership, partners, Rich LaBarbiera, Jorge, Nunez, Jorge Nunez, Evaristo Burdiez Junior, RVN, PILOT, tax abatement, council meeting, mayor, Pat, Patrick, Pat McHale, Patrick McHale, Tito, Tito Jackson, construction, development, long term tax exemption, LTTE, tax, Redevelopment Agreement, Redeveloper, Pro Forma, Joseph Monaghan, Joe Monaghan, Joe, Monaghan, M. Doss, Michael Doss, Mike Doss, borough resolution, draft resolution, draft ordinance, ordinance, borough engineer, engineer, borough attorney, Kevin Kelly, abatements, 44 units, parking, visitor parking, resident parking, visitors, residents, temporary signage, signage, garage, grading, pollution, environmental issues, environmental, land contamination, contamination, septic system, septic, sewage, drainage, council, councilman, council board, Board of Education, BoE, accounting, permits, approvals, contracts, construction drawings and RSIS waiver.***

4. Provide ALL correspondences (emails and letters) that are "*to*," "*from*," "*cc*," and "*bc*" between Mr. August Greiner and Mr. Harry Tuvell for the years 2013 and 2014 that contain any of the following words: ***Paul, Kaufman, Paul Kaufman 297, Palisade Avenue, 297 Palisade Avenue, Chip, Greiner, August, August Greiner, Chip Greiner, Harry Tuvell, Urban Renewal, partnership, partners, Rich LaBarbiera, Jorge, Nunez, Jorge Nunez, Evaristo Burdiez Junior, RVN, PILOT, tax abatement, council meeting, mayor, Pat, Patrick, Pat McHale, Patrick McHale, Tito, Tito Jackson, construction, development, long term tax exemption, LTTE, tax, Redevelopment Agreement, Redeveloper, Pro Forma, Joseph Monaghan, Joe Monaghan, Joe, Monaghan, M. Doss, Michael Doss, Mike Doss, borough resolution, draft resolution, draft ordinance, ordinance, borough engineer, engineer, borough attorney, Kevin Kelly, abatements, 44 units, parking, visitor parking, resident parking, visitors, residents, temporary signage, signage, garage, grading, pollution, environmental issues, environmental, land contamination, contamination, septic system, septic, sewage, drainage, council, councilman, council board, Board of Education, BoE, accounting, permits, approvals, contracts, construction drawings and RSIS waiver.***

5. Provide ALL correspondences (emails and letters) that are "*to*," "*from*," "*cc*," and "*bc*"" between Mr. August Greiner and Mr. Richard Labarbiera for the years 2013 and 2014 that contain any of the following words: ***Paul, Kaufman, Paul Kaufman 297, Palisade Avenue, 297 Palisade Avenue, Chip, Greiner, August, August Greiner, Chip Greiner, Harry Tuvell, Urban Renewal, partnership, partners, Rich LaBarbiera, Jorge, Nunez, Jorge Nunez, Evaristo Burdiez Junior, RVN, PILOT, tax abatement, council meeting, mayor, Pat, Patrick, Pat McHale, Patrick McHale, Tito, Tito Jackson, construction, development, long term tax exemption, LTTE, tax, Redevelopment Agreement, Redeveloper, Pro Forma, Joseph Monaghan, Joe Monaghan, Joe, Monaghan, M. Doss, Michael Doss, Mike Doss, borough resolution, draft resolution, draft ordinance, ordinance, borough engineer, engineer, borough attorney, Kevin Kelly, abatements, 44 units, parking, visitor parking, resident parking, visitors, residents, temporary signage, signage, garage, grading, pollution, environmental issues, environmental, land contamination, contamination, septic system, septic, sewage, drainage, council, councilman, council board, Board of Education, BoE, accounting, permits, approvals, contracts, construction drawings and RSIS waiver.***

6. Provide ALL correspondences (emails and letters) that are "*to*," "*from*," "*cc*," and "*bc*" between Mr. August Greiner and Mr. Joseph Monaghan for the years 2013 and 2014 that contain any of the following words: ***Paul, Kaufman, Paul Kaufman 297, Palisade Avenue, 297 Palisade Avenue, Chip, Greiner, August, August Greiner, Chip Greiner, Harry Tuvell, Urban Renewal, partnership, partners, Rich LaBarbiera, Jorge, Nunez, Jorge Nunez, Evaristo Burdiez Junior, RVN, PILOT, tax abatement, council meeting, mayor, Pat, Patrick, Pat McHale, Patrick McHale, Tito, Tito Jackson, construction, development, long term tax exemption, LTTE, tax, Redevelopment Agreement, Redeveloper, Pro Forma, Joseph Monaghan, Joe Monaghan, Joe, Monaghan, M. Doss, Michael Doss, Mike Doss, borough resolution, draft resolution, draft ordinance, ordinance, borough engineer, engineer, borough attorney, Kevin Kelly, abatements, 44 units, parking, visitor parking, resident parking, visitors, residents, temporary signage, signage, garage, grading, pollution, environmental issues, environmental, land contamination, contamination, septic system, septic, sewage, drainage, council, councilman, council board, Board of Education, BoE, accounting, permits, approvals, contracts, construction drawings and RSIS waiver.***

7. Provide ALL correspondences (emails and letters) that are "*to*," "*from*," "*cc*," and "*bc*" between Mr. August Greiner and Ms. C. Carpenter for the years 2013 and 2014 that contain any of the following

words: ***Paul, Kaufman, Paul Kaufman 297, Palisade Avenue, 297 Palisade Avenue, Chip, Greiner, August, August Greiner, Chip Greiner, Harry Tuvell, Urban Renewal, partnership, partners, Rich LaBarbiera, Jorge, Nunez, Jorge Nunez, Evaristo Burdiez Junior, RVN, PILOT, tax abatement, council meeting, mayor, Pat, Patrick, Pat McHale, Patrick McHale, Tito, Tito Jackson, construction, development, long term tax exemption, LTTE, tax, Redevelopment Agreement, Redeveloper, Pro Forma, Joseph Monaghan, Joe Monaghan, Joe, Monaghan, M. Doss, Michael Doss, Mike Doss, borough resolution, draft resolution, draft ordinance, ordinance, borough engineer, engineer, borough attorney, Kevin Kelly, abatements, 44 units, parking, visitor parking, resident parking, visitors, residents, temporary signage, signage, garage, grading, pollution, environmental issues, environmental, land contamination, contamination, septic system, septic, sewage, drainage, council, councilman, council board, Board of Education, BoE, accounting, permits, approvals, contracts, construction drawings and RSIS waiver.***

8. Provide ALL correspondences (emails and letters) that are "*to*," "*from*," "*cc*," and "*bc*" between Mr. A. Tito Jackson and Mr. Paul Kaufman for the years 2013 and 2014 that contain any of the following words: ***Paul, Kaufman, Paul Kaufman 297, Palisade Avenue, 297 Palisade Avenue, Chip, Greiner, August, August Greiner, Chip Greiner, Harry Tuvell, Urban Renewal, partnership, partners, Rich LaBarbiera, Jorge, Nunez, Jorge Nunez, Evaristo Burdiez Junior, RVN, PILOT, tax abatement, council meeting, mayor, Pat, Patrick, Pat McHale, Patrick McHale, Tito, Tito Jackson, construction, development, long term tax exemption, LTTE, tax, Redevelopment Agreement, Redeveloper, Pro Forma, Joseph Monaghan, Joe Monaghan, Joe, Monaghan, M. Doss, Michael Doss, Mike Doss, borough resolution, draft resolution, draft ordinance, ordinance, borough engineer, engineer, borough attorney, Kevin Kelly, abatements, 44 units, parking, visitor parking, resident parking, visitors, residents, temporary signage, signage, garage, grading, pollution, environmental issues, environmental, land contamination, contamination, septic system, septic, sewage, drainage, council, councilman, council board, Board of Education, BoE, accounting, permits, approvals, contracts, construction drawings and RSIS waiver.***

9. Provide ALL correspondences (emails and letters) that are "*to*," "*from*," "*cc*," and "*bc*" between Mr. A. Tito Jackson and Mr. Harry Tuvell for the years 2013 and 2014 that contain any of the following words: ***Paul, Kaufman, Paul Kaufman 297, Palisade Avenue, 297 Palisade Avenue, Chip, Greiner, August, August Greiner, Chip Greiner, Harry Tuvell, Urban Renewal, partnership, partners, Rich LaBarbiera, Jorge, Nunez, Jorge Nunez, Evaristo Burdiez Junior, RVN, PILOT, tax abatement, council meeting, mayor, Pat, Patrick, Pat McHale, Patrick McHale, Tito, Tito Jackson, construction, development, long term tax exemption, LTTE, tax, Redevelopment Agreement, Redeveloper, Pro Forma, Joseph Monaghan, Joe Monaghan, Joe, Monaghan, M. Doss, Michael Doss, Mike Doss, borough resolution, draft resolution, draft ordinance, ordinance, borough engineer, engineer, borough attorney, Kevin Kelly, abatements, 44 units, parking, visitor parking, resident parking, visitors, residents, temporary signage, signage, garage, grading, pollution, environmental issues, environmental, land contamination, contamination, septic system, septic, sewage, drainage, council, councilman, council board, Board of Education, BoE, accounting, permits, approvals, contracts, construction drawings and RSIS waiver.***

10. Provide ALL correspondences (emails and letters) that are "*to*," "*from*," "*cc*," and "*bc*" between Mr. A. Tito Jackson and Mr. Richard Labarbiera for the years 2013 and 2014 that contain any of the following words: ***Paul, Kaufman, Paul Kaufman 297, Palisade Avenue, 297 Palisade Avenue, Chip, Greiner, August, August Greiner, Chip Greiner, Harry Tuvell, Urban Renewal, partnership, partners, Rich LaBarbiera, Jorge, Nunez, Jorge Nunez, Evaristo Burdiez Junior, RVN, PILOT, tax abatement, council meeting, mayor, Pat, Patrick, Pat McHale, Patrick McHale, Tito, Tito Jackson, construction,***

*development, long term tax exemption, LTTE, tax, Redevelopment Agreement, Redeveloper, Pro Forma, Joseph Monaghan, Joe Monaghan, Joe, Monaghan, M. Doss, Michael Doss, Mike Doss, borough resolution, draft resolution, draft ordinance, ordinance, borough engineer, engineer, borough attorney, Kevin Kelly, abatements, 44 units, parking, visitor parking, resident parking, visitors, residents, temporary signage, signage, garage, grading, pollution, environmental issues, environmental, land contamination, contamination, septic system, septic, sewage, drainage, council, councilman, council board, Board of Education, BoE, accounting, permits, approvals, contracts, construction drawings and RSIS waiver.*

11. Provide ALL correspondences (emails and letters) that are "*to*," "*from*," "*cc*," and "*bc*" between Mr. A. Tito Jackson and Mr. Joseph Monaghan for the years 2013 and 2014 that contain any of the following words: ***Paul, Kaufman, Paul Kaufman 297, Palisade Avenue, 297 Palisade Avenue, Chip, Greiner, August, August Greiner, Chip Greiner, Harry Tuvell, Urban Renewal, partnership, partners, Rich LaBarbiera, Jorge, Nunez, Jorge Nunez, Evaristo Burdiez Junior, RVN, PILOT, tax abatement, council meeting, mayor, Pat, Patrick, Pat McHale, Patrick McHale, Tito, Tito Jackson, construction, development, long term tax exemption, LTTE, tax, Redevelopment Agreement, Redeveloper, Pro Forma, Joseph Monaghan, Joe Monaghan, Joe, Monaghan, M. Doss, Michael Doss, Mike Doss, borough resolution, draft resolution, draft ordinance, ordinance, borough engineer, engineer, borough attorney, Kevin Kelly, abatements, 44 units, parking, visitor parking, resident parking, visitors, residents, temporary signage, signage, garage, grading, pollution, environmental issues, environmental, land contamination, contamination, septic system, septic, sewage, drainage, council, councilman, council board, Board of Education, BoE, accounting, permits, approvals, contracts, construction drawings and RSIS waiver.***

12. Provide ALL correspondences (emails and letters) that are "*to*," "*from*," "*cc*," and "*bc*" between Mr. Joseph Monaghan and Mr. Harry Tuvell for the years 2013 and 2014 that contain any of the following words: ***Paul, Kaufman, Paul Kaufman 297, Palisade Avenue, 297 Palisade Avenue, Chip, Greiner, August, August Greiner, Chip Greiner, Harry Tuvell, Urban Renewal, partnership, partners, Rich LaBarbiera, Jorge, Nunez, Jorge Nunez, Evaristo Burdiez Junior, RVN, PILOT, tax abatement, council meeting, mayor, Pat, Patrick, Pat McHale, Patrick McHale, Tito, Tito Jackson, construction, development, long term tax exemption, LTTE, tax, Redevelopment Agreement, Redeveloper, Pro Forma, Joseph Monaghan, Joe Monaghan, Joe, Monaghan, M. Doss, Michael Doss, Mike Doss, borough resolution, draft resolution, draft ordinance, ordinance, borough engineer, engineer, borough attorney, Kevin Kelly, abatements, 44 units, parking, visitor parking, resident parking, visitors, residents, temporary signage, signage, garage, grading, pollution, environmental issues, environmental, land contamination, contamination, septic system, septic, sewage, drainage, council, councilman, council board, Board of Education, BoE, accounting, permits, approvals, contracts, construction drawings and RSIS waiver.***

13. Provide ALL correspondences (emails and letters) that are "*to*," "*from*," "*cc*," and "*bc*" between Mr. Joseph Monaghan and Mr. Richard Labarbiera for the years 2013 and 2014 that contain any of the following words: ***Paul, Kaufman, Paul Kaufman 297, Palisade Avenue, 297 Palisade Avenue, Chip, Greiner, August, August Greiner, Chip Greiner, Harry Tuvell, Urban Renewal, partnership, partners, Rich LaBarbiera, Jorge, Nunez, Jorge Nunez, Evaristo Burdiez Junior, RVN, PILOT, tax abatement, council meeting, mayor, Pat, Patrick, Pat McHale, Patrick McHale, Tito, Tito Jackson, construction, development, long term tax exemption, LTTE, tax, Redevelopment Agreement, Redeveloper, Pro Forma, Joseph Monaghan, Joe Monaghan, Joe, Monaghan, M. Doss, Michael Doss, Mike Doss, borough resolution, draft resolution, draft ordinance, ordinance, borough engineer, engineer, borough attorney, Kevin Kelly, abatements, 44 units, parking, visitor parking, resident parking,***

***visitors, residents, temporary signage, signage, garage, grading, pollution, environmental issues, environmental, land contamination, contamination, septic system, septic, sewage, drainage, council, councilman, council board, Board of Education, BoE, accounting, permits, approvals, contracts, construction drawings and RSIS waiver.***

14. Provide ALL correspondences (emails and letters) that are "*to*," "*from*," "*cc*," and "*bc*" between Mr. Paul Kaufman and Mr. Harry Tuvell for the years 2013 and 2014 that contain any of the following words: ***Paul, Kaufman, Paul Kaufman 297, Palisade Avenue, 297 Palisade Avenue, Chip, Greiner, August, August Greiner, Chip Greiner, Harry Tuvell, Urban Renewal, partnership, partners, Rich LaBarbiera, Jorge, Nunez, Jorge Nunez, Evaristo Burdiez Junior, RVN, PILOT, tax abatement, council meeting, mayor, Pat, Patrick, Pat McHale, Patrick McHale, Tito, Tito Jackson, construction, development, long term tax exemption, LTTE, tax, Redevelopment Agreement, Redeveloper, Pro Forma, Joseph Monaghan, Joe Monaghan, Joe, Monaghan, M. Doss, Michael Doss, Mike Doss, borough resolution, draft resolution, draft ordinance, ordinance, borough engineer, engineer, borough attorney, Kevin Kelly, abatements, 44 units, parking, visitor parking, resident parking, visitors, residents, temporary signage, signage, garage, grading, pollution, environmental issues, environmental, land contamination, contamination, septic system, septic, sewage, drainage, council, councilman, council board, Board of Education, BoE, accounting, permits, approvals, contracts, construction drawings and RSIS waiver.***

15. Provide ALL correspondences (emails and letters) that are "*to*," "*from*," "*cc*," and "*bc*" between Mr. Patrick McHale and Mr. Paul Kaufman for the year 2013 that contain any of the following words: ***Paul, Kaufman, Paul Kaufman 297, Palisade Avenue, 297 Palisade Avenue, Chip, Greiner, August, August Greiner, Chip Greiner, Harry Tuvell, Urban Renewal, partnership, partners, Rich LaBarbiera, Jorge, Nunez, Jorge Nunez, Evaristo Burdiez Junior, RVN, PILOT, tax abatement, council meeting, mayor, Pat, Patrick, Pat McHale, Patrick McHale, Tito, Tito Jackson, construction, development, long term tax exemption, LTTE, tax, Redevelopment Agreement, Redeveloper, Pro Forma, Joseph Monaghan, Joe Monaghan, Joe, Monaghan, M. Doss, Michael Doss, Mike Doss, borough resolution, draft resolution, draft ordinance, ordinance, borough engineer, engineer, borough attorney, Kevin Kelly, abatements, 44 units, parking, visitor parking, resident parking, visitors, residents, temporary signage, signage, garage, grading, pollution, environmental issues, environmental, land contamination, contamination, septic system, septic, sewage, drainage, council, councilman, council board, Board of Education, BoE, accounting, permits, approvals, contracts, construction drawings and RSIS waiver.***

16. Provide ALL correspondences (emails and letters) that are "*to*," "*from*," "*cc*," and "*bc*"" between Mr. Patrick McHale and Mr. A. Tito Jackson for the year 2013 that contain any of the following words: ***Paul, Kaufman, Paul Kaufman 297, Palisade Avenue, 297 Palisade Avenue, Chip, Greiner, August, August Greiner, Chip Greiner, Harry Tuvell, Urban Renewal, partnership, partners, Rich LaBarbiera, Jorge, Nunez, Jorge Nunez, Evaristo Burdiez Junior, RVN, PILOT, tax abatement, council meeting, mayor, Pat, Patrick, Pat McHale, Patrick McHale, Tito, Tito Jackson, construction, development, long term tax exemption, LTTE, tax, Redevelopment Agreement, Redeveloper, Pro Forma, Joseph Monaghan, Joe Monaghan, Joe, Monaghan, M. Doss, Michael Doss, Mike Doss, borough resolution, draft resolution, draft ordinance, ordinance, borough engineer, engineer, borough attorney, Kevin Kelly, abatements, 44 units, parking, visitor parking, resident parking, visitors, residents, temporary signage, signage, garage, grading, pollution, environmental issues, environmental, land contamination, contamination, septic system, septic, sewage, drainage, council, councilman, council board, Board of Education, BoE, accounting, permits, approvals, contracts, construction drawings and RSIS waiver.***

17. Provide **ALL** correspondences (emails and letters) that are "***to***," "***from***," "***cc***," and "***bc***" between Mr. Patrick McHale and Mr. August Greiner for the year 2013 that contain any of the following words: ***Paul, Kaufman, Paul Kaufman 297, Palisade Avenue, 297 Palisade Avenue, Chip, Greiner, August, August Greiner, Chip Greiner, Harry Tuvell, Urban Renewal, partnership, partners, Rich LaBarbiera, Jorge, Nunez, Jorge Nunez, Evaristo Burdiez Junior, RVN, PILOT, tax abatement, council meeting, mayor, Pat, Patrick, Pat McHale, Patrick McHale, Tito, Tito Jackson, construction, development, long term tax exemption, LTTE, tax, Redevelopment Agreement, Redeveloper, Pro Forma, Joseph Monaghan, Joe Monaghan, Joe, Monaghan, M. Doss, Michael Doss, Mike Doss, borough resolution, draft resolution, draft ordinance, ordinance, borough engineer, engineer, borough attorney, Kevin Kelly, abatements, 44 units, parking, visitor parking, resident parking, visitors, residents, temporary signage, signage, garage, grading, pollution, environmental issues, environmental, land contamination, contamination, septic system, septic, sewage, drainage, council, councilman, council board, Board of Education, BoE, accounting, permits, approvals, contracts, construction drawings and RSIS waiver.***

18. Provide **ALL** correspondences (emails and letters) that are "***to***," "***from***," "***cc***," and "***bc***" between Mr. Patrick McHale and Mr. Joseph Monaghan for the year 2013 that contain any of the following words: ***Paul, Kaufman, Paul Kaufman 297, Palisade Avenue, 297 Palisade Avenue, Chip, Greiner, August, August Greiner, Chip Greiner, Harry Tuvell, Urban Renewal, partnership, partners, Rich LaBarbiera, Jorge, Nunez, Jorge Nunez, Evaristo Burdiez Junior, RVN, PILOT, tax abatement, council meeting, mayor, Pat, Patrick, Pat McHale, Patrick McHale, Tito, Tito Jackson, construction, development, long term tax exemption, LTTE, tax, Redevelopment Agreement, Redeveloper, Pro Forma, Joseph Monaghan, Joe Monaghan, Joe, Monaghan, M. Doss, Michael Doss, Mike Doss, borough resolution, draft resolution, draft ordinance, ordinance, borough engineer, engineer, borough attorney, Kevin Kelly, abatements, 44 units, parking, visitor parking, resident parking, visitors, residents, temporary signage, signage, garage, grading, pollution, environmental issues, environmental, land contamination, contamination, septic system, septic, sewage, drainage, council, councilman, council board, Board of Education, BoE, accounting, permits, approvals, contracts, construction drawings and RSIS waiver.***

19. Provide **ALL** correspondences (emails and letters) that are "***to***," "***from***," "***cc***," and "***bc***" between Mr. Patrick McHale and Mr. Harry Tuvell for the year 2013 that contain any of the following words: ***Paul, Kaufman, Paul Kaufman 297, Palisade Avenue, 297 Palisade Avenue, Chip, Greiner, August, August Greiner, Chip Greiner, Harry Tuvell, Urban Renewal, partnership, partners, Rich LaBarbiera, Jorge, Nunez, Jorge Nunez, Evaristo Burdiez Junior, RVN, PILOT, tax abatement, council meeting, mayor, Pat, Patrick, Pat McHale, Patrick McHale, Tito, Tito Jackson, construction, development, long term tax exemption, LTTE, tax, Redevelopment Agreement, Redeveloper, Pro Forma, Joseph Monaghan, Joe Monaghan, Joe, Monaghan, M. Doss, Michael Doss, Mike Doss, borough resolution, draft resolution, draft ordinance, ordinance, borough engineer, engineer, borough attorney, Kevin Kelly, abatements, 44 units, parking, visitor parking, resident parking, visitors, residents, temporary signage, signage, garage, grading, pollution, environmental issues, environmental, land contamination, contamination, septic system, septic, sewage, drainage, council, councilman, council board, Board of Education, BoE, accounting, permits, approvals, contracts, construction drawings and RSIS waiver.***

B. Provide copy of application / grant for FEMA funds provided for damages incurred by hurricane Sandy.

C. Provide all phone invoices or logs for borough issued phones for Mr. Greiner and Mr. A. Tito Jackson for the years of 2013 and 2014.

D. Provide financial disclosures for Mr. Greiner, Mr. A. Tito Jackson, Mr. Harry Tuvell, and Mr. Joseph Monaghan.

E. Provide residential property real estate taxes for 437 Larch Avenue for years 2011, 2012, 2013 and 2014.

NOTES:

- Additionally, please contact me immediately if there is any ambiguity, concerns or questions regarding these requests. Therefore, the process by which you will collect and submit this information to me should not be halted until said clarification is received from me.
- In the event any information is withheld, kindly specify the item and legal restrictions which prohibit the communication of such information.
- **ANY EXTENSIONS REQUESTED MUST BE JUSTIFIED WITH CLARIFICATION OTHER THAN "DUE TO VOLUMINOUS NATURE AN EXTENSION IS REQUIRED."**
- **PROVIDE ME WITH THE DATE FOR COLLLECTING/ISSUING THE INFORMATION REQUESTED.**
- **KINDLY PROVIDE THE INFORMATION AS REQUESTED WITHIN THE 7-DAY TIMEFRAME TO AVOID FURTHER GRC COMPLAINT(S) FOR FAILURE TO COMPLY WITH THE OPRA REGULATION.**

State of New Jersey
DEPARTMENT OF COMMUNITY AFFAIRS
101 SOUTH BROAD STREET
PO BOX 819
TRENTON, NJ 08625-0819

PHILIP D. MURPHY
*Governor*

LT. GOVERNOR SHEILA Y. OLIVER
*Commissioner*

**INTERIM ORDER**

**April 30, 2019 Government Records Council Meeting**

Michael Doss
Complainant
v.
Borough of Bogota (Bergen)
Custodian of Record

Complaint No. 2013-315
and 2014-152

At the April 30, 2019 public meeting, the Government Records Council ("Council") considered the April 23, 2019 Supplemental Findings and Recommendations of the Council Staff and all related documentation submitted by the parties. The Council, by a majority vote, adopted the entirety of said findings and recommendations. The Council, therefore, finds that:

1. Because Borough Clerk Jeanne Cook or her designee failed to comply with the Council's Order, the GRC staff was impeded in the performance of its due diligence; viz., notifying the former business administrator, former clerk, and any other pertinent Borough official of the stipulated knowing and willful violation and penalty and affording them an opportunity for an administrative hearing. As such, Borough Clerk Jeanne Cook or her designee violated OPRA by hindering the GRC in the performance of its duties under N.J.S.A. 47:1A-7(b).

2. These complaints shall be remanded back to the Office of Administrative Law to afford the Custodian, former Business Administrator, and any other pertinent Borough official an opportunity for a hearing pursuant to N.J.S.A. 52:14B-9, wherein the Administrative Law Judge can conduct an examination on voir dire of the parties, thereby insuring their respective waivers were knowingly and voluntarily given. These complaints shall also be remanded back to the Office of Administrative Law for a determination of whether the said individual or individuals knowingly and willfully violated OPRA and unreasonably denied access under the totality of the circumstances and is/are therefore personally subject to a civil penalty pursuant to N.J.S.A. 47:1A-11. Also, in the event the Administrative Law Judge determines the Complainant is a prevailing party pursuant to N.J.S.A. 47:1A-6, the Office of Administrative Law shall award a reasonable attorney's fee, if such fee has not already been paid.

Interim Order Rendered by the
Government Records Council
On The 30th Day of April 2019

Robin Berg Tabakin, Esq., Chair
Government Records Council

I attest the foregoing is a true and accurate record of the Government Records Council.

Steven Ritardi, Esq., Secretary
Government Records Council

**Decision Distribution Date: May 2, 2019**

**STATE OF NEW JERSEY**
**GOVERNMENT RECORDS COUNCIL**

**Supplemental Findings and Recommendations of the Council Staff**
**April 30, 2019 Council Meeting**

**Michael Doss**[1]
**Complainant**

**GRC Complaint No. 2013-315**
**GRC Complaint No. 2014-152**
**(Consolidated)**

**v.**

**Borough of Bogota (Bergen)**[2]
**Custodial Agency**

**GRC Complaint No. 2013-315**

**Records Relevant to Complaint:** See Exhibit A

**Custodian of Record:** Jeanne M. Cook, Clerk[3]

| **Requests Received by Custodian:** | **Responses Made by Custodian:** |
|---|---|
| September 5, 2013 | No written response on file |
| September 10, 2013 | No written response on file |
| September 18, 2013 | No written response on file |
| September 30, 2013 | October 2, 2013, extended to October 17, 2013 |
| October 4, 2013 | October 7, 2013, extended to October 21, 2013 |

**GRC Complaint Received:** October 22, 2013

**GRC Complaint No. 2014-152**

**Records Relevant to Complaint:** See Exhibit B

**Custodian of Record:** Jeanne M. Cook, Clerk
**Requests Received by Custodian:** December 13, 2013, and February 28, 2014
**Responses Made by Custodian**: None
**GRC Complaint Received:** March 28, 2014

## Background

June 27, 2017 Council Meeting:

At its June 27, 2017 public meeting, the Government Records Council ("Council") considered the June 27, 2017 Supplemental Findings and Recommendations of the Executive

[1] Represented by Walter M. Luers, Esq. (Clinton, NJ).
[2] Represented by Craig P. Bossong, Esq., of Florio Perrucci Steinhardt & Fader (Rochelle Park, NJ).
[3] The original Custodian was Bogota Borough Clerk Frances Garlicki.

Director and all related documentation submitted by the parties. The Council, by a majority vote, adopted the entirety of said findings and recommendations. The Council, therefore, found that:

1. The GRC should reject the ALJ's March 9, 2017 Initial Decision. Due process was not effectuated pursuant to the Council's July 26, 2016 Interim Order because the Custodian did not appear at the hearing and the evidence of record indicates that the prior Borough Administrator had no knowledge that he was found to be culpable of a knowing and willful violation of OPRA and could be subject to a $1,000 personal penalty. As such, the complaints were properly remanded to the Office of Administrative Law to afford due process to these individuals. Moreover, there is no proof that the custodial agency had authority to speak for the prior Borough Administrator in stipulating to the knowing and willful violation and penalty.

2. Borough Clerk Jeanne Cook, or her designee, shall provide a certification to the GRC pursuant to N.J. Court Rule 1:4-4, naming and providing the address of record for the former business administrator, former clerk, and any other Borough official that is, or was, intended to be defended and indemnified pursuant to the provisions of Borough of Bogota Resolution No. 16-138.

3. **The Custodian shall comply with paragraph #2 above within five (5) business days from receipt of the Council's Interim Order.**

4. To cure the procedural due process defect, the GRC shall issue a notice to the Custodian, former Business Administrator, and any other pertinent municipal officials, advising them of the stipulated knowing and willful violation and penalty and affording them an opportunity for an administrative hearing, and these complaints shall be remanded back to the Office of Administrative Law to afford the Custodian, former Business Administrator, and any other pertinent municipal officials an opportunity for a hearing pursuant to the "Administrative Procedure Act," P.L. 1968, c. 410 (C. 52:14B-1 et seq.). In the event the Administrative Law Judge determines that the Custodian, former Business Administrator, and any other pertinent municipal officials knowingly and willfully violated OPRA and unreasonably denied access under the totality of the circumstances, the Office of Administrative Law shall impose a civil penalty pursuant to N.J.S.A. 47:1A-11. Also, in the event the Administrative Law Judge determines the Complainant is a prevailing party pursuant to N.J.S.A. 47:1A-6, the OAL shall award a reasonable attorney's fee if said fee has not already been paid.

Procedural History:

On June 29, 2017, the Council distributed its June 27, 2017 Interim Order to all parties. On July 13, 2017, the Borough of Bogota filed a motion before the Superior Court of New Jersey, Appellate Division for leave to appeal the Council's June 27, 2017 Interim Order. Answers were filed by the Complainant's Counsel and the GRC on July 31, 2017 and August 16, 2017, respectively. On August 31, 2017, the Appellate Division issued an Order denying the motion for leave to appeal as untimely.

On October 17, 2017, the GRC sent a letter to former Custodian Frances Garlicki and former Business Administrator August Greiner of the Borough of Bogota. The letter advised the former Custodian and former Business Administrator of the stipulated knowing and willful violation and penalty and afforded them an opportunity for an administrative hearing to contest said violation and penalty.

By letter dated October 23, 2017, former Custodian Frances Garlicki notified the GRC that she consulted with legal counsel and was knowingly and voluntarily waiving her right to a hearing. By letter dated November 1, 2017, Paul C. Kaufman, Esq. (of Kaufman Semeraro & Leibman LLP, Fort Lee, N.J.) informed the GRC that his law firm represents August Greiner. Mr. Kaufman stated that Mr. Greiner was waiving his right to a hearing with the express understanding that the Borough of Bogota will defend and indemnify him. Mr. Kaufman enclosed a letter from Mr. Greiner to the GRC dated October 26, 2017. In the letter, Mr. Greiner notified the GRC that it was his understanding that the Borough of Bogota agreed to defend and indemnify him, and cover any and all costs, penalties, fines, and legal fees that are determined to be adjudicated or levied against him personally. Mr. Greiner further stated that based upon such representations by the Borough of Bogota, he was knowingly and voluntarily waiving his right to a hearing.

## Analysis

### Compliance

On June 27, 2017, the Council ordered Borough Clerk Jeanne Cook or her designee to provide a certification to the GRC naming and providing the address of record for the former business administrator, former clerk, and any other Borough official that is, or was, intended to be defended and indemnified pursuant to the provisions of Borough of Bogota Resolution No. 16-138. The purpose of the Interim Order was to obtain an address of record for the referenced individuals so that the GRC could provide them with an opportunity for an administrative hearing and thereby cure an existing procedural due process defect.

On June 29, 2017, the Council distributed its Interim Order to all parties, providing Borough Clerk Jeanne Cook or her designee five (5) business days to comply with the terms of said Order. Therefore, compliance was due on or before July 7, 2017. Neither Borough Clerk Jeanne Cook nor her designee complied with the Council's Order. By failing to comply with the Council's Order, the Custodian or her designee hindered the GRC in its obligation to comply with paragraph 4 of the Order by notifying the Custodian, former Business Administrator, and any other pertinent municipal officials of the stipulated knowing and willful violation and penalty and affording them an opportunity for an administrative hearing.

Therefore, because Borough Clerk Jeanne Cook or her designee failed to comply with the Council's Order, the GRC staff was impeded in the performance of its due diligence; viz., notifying the former business administrator, former clerk, and any other pertinent Borough official of the stipulated knowing and willful violation and penalty and affording them an opportunity for an administrative hearing. As such, Borough Clerk Jeanne Cook or her designee

violated OPRA by hindering the GRC in the performance of its duties under N.J.S.A. 47:1A-7(b).

The GRC through other means was eventually successful in obtaining the last known addresses for the former clerk and business administrator. The GRC, however, was unable to identify "any other pertinent municipal officials" that may be subject to the terms of the Council's Order. On October 17, 2017, the GRC sent letters to the former clerk and business administrator informing them of the stipulated knowing and willful violation and penalty, and affording them an opportunity for an administrative hearing. Subsequently, by letter dated October 23, 2017, former Custodian Frances Garlicki notified the GRC that she was knowingly and voluntarily waiving her right to a hearing. By letter dated October 26, 2017, former Business Administrator August Greiner notified the GRC that he was knowingly and voluntarily waiving his right to a hearing, contingent upon the Borough of Bogota agreeing to defend and indemnify him. Although the letters submitted by the former clerk and business administrator were witnessed, they were not certified.

Therefore, these complaints shall be remanded back to the Office of Administrative Law ("OAL") to afford the Custodian, former Business Administrator, and any other pertinent Borough official an opportunity for a hearing pursuant to N.J.S.A. 52:14B-9, wherein the Administrative Law Judge ("ALJ") can conduct an examination on voir dire of the parties, thereby insuring their respective waivers were knowingly and voluntarily given. These complaints shall also be remanded back to the OAL for a determination of whether the said individual or individuals knowingly and willfully violated OPRA and unreasonably denied access under the totality of the circumstances and is/are therefore personally subject to a civil penalty pursuant to N.J.S.A. 47:1A-11. Also, in the event the ALJ determines the Complainant is a prevailing party pursuant to N.J.S.A. 47:1A-6, the OAL shall award a reasonable attorney's fee, if such fee has not already been paid.

## Conclusions and Recommendations

The Council Staff respectfully recommends the Council find that:

1. Because Borough Clerk Jeanne Cook or her designee failed to comply with the Council's Order, the GRC staff was impeded in the performance of its due diligence; viz., notifying the former business administrator, former clerk, and any other pertinent Borough official of the stipulated knowing and willful violation and penalty and affording them an opportunity for an administrative hearing. As such, Borough Clerk Jeanne Cook or her designee violated OPRA by hindering the GRC in the performance of its duties under N.J.S.A. 47:1A-7(b).

2. These complaints shall be remanded back to the Office of Administrative Law to afford the Custodian, former Business Administrator, and any other pertinent Borough official an opportunity for a hearing pursuant to N.J.S.A. 52:14B-9, wherein the Administrative Law Judge can conduct an examination on voir dire of the parties, thereby insuring their respective waivers were knowingly and voluntarily given. These complaints shall also be remanded back to the Office of Administrative Law

for a determination of whether the said individual or individuals knowingly and willfully violated OPRA and unreasonably denied access under the totality of the circumstances and is/are therefore personally subject to a civil penalty pursuant to N.J.S.A. 47:1A-11. Also, in the event the Administrative Law Judge determines the Complainant is a prevailing party pursuant to N.J.S.A. 47:1A-6, the Office of Administrative Law shall award a reasonable attorney's fee, if such fee has not already been paid.

Prepared By: John E. Stewart

April 23, 2019

# EXHIBIT A

L

Completed

BOROUGH OF BOGOTA

# OPEN PUBLIC RECORDS ACT REQUEST FORM

375 LARCH AVENUE

(201) 342-1736 ext. 235 • (201) 342-0574 (FAX)

Email: clerk@bogotaonline.org

Borough of Bogota Records

**Important Notice**

The last page of this form contains important information related to your rights concerning government records. Please read it carefully.

## Requestor Information – Please Print

First Name MICHAEL MI Last Name DOSS.

E-mail Address mdoss@checnj.org

Mailing Address 48 CHESTNUT AVE

City BOGOTA State NJ Zip 07603

Telephone (201) 745-4680 FAX

Preferred Delivery: Pick Up ✓ US Mail On-Site Inspect Fax E-mail ✓

If you are requesting records containing personal information, please circle one: Under penalty of N.J.S.A. 2C:28-3, I certify that I HAVE / HAVE NOT been convicted of any indictable offense under the laws of New Jersey, any other state or the United States.

Signature MD Date 9/5/2013

## Payment Information

Maximum Authorization Cost $

Select Payment Method

Cash Check Money Order

Fees: Letter size pages - $0.05 per page
Legal size pages - $0.07 per page
Other materials (CD, DVD, etc) – actual

Delivery: Delivery / postage fees additional depending upon delivery type.

Extras: Special service charge dependent upon request.

**Record Request Information:** Please be as specific as possible in describing the records being requested. Also, please note that your preferred method of delivery will only be accommodated if the custodian has the technological means and the integrity of the records will not be jeopardized by such method of delivery.

- SALARIES FOR ALL BOROUGH EMPLOYEES (FULL TIME & PART TIME) & POSITION 2 YRS
- DETAILS RELATED TO DELVY SCHOOL PROPERTY PURCHASE (PUBLIC INFO.)
- DETAILS RELATED TO PARKING LOT LAN SUIT, DANIEL CREANCE LAWSUIT & REBUILD TASCA LAWSUIT. (PUBLIC INFO).
- PAPER TRAIL / PURCHASE ORDERS FOR ALL ELECTRONIC DEVICES SUCH AS NOT LIMITED TO LAPTOPS, COMPUTERS, CELL PHONES & ETC. FOR LAST ~~THREE~~ FOUR YEARS, VALUE, LOCATION OF DEVICE & USAGE
- TAX HISTORY (PROPERTY) FROM 2003 – CURRENT. TAX RATE & EQUALIZATION RATE
- BUDGETS ~~FOR~~ FROM 2003 – CURRENT (TOWN & B.O.E. BUDGETS) (SUMMARY BUDGET VS. ACTUAL)

### AGENCY USE ONLY

Est. Document Cost

Est. Delivery Cost

Est. Extras Cost

Total Est. Cost

Deposit Amount

Estimated Balance

Deposit Date

### AGENCY USE ONLY

**Disposition Notes**

Custodian: If any part of request cannot be delivered in seven business days, detail reasons here.

In Progress – Open

Denied – Closed

Filled – Closed

### AGENCY USE ONLY

Tracking Information

Tracking #

Rec'd Date

Ready Date

Total Pages

Final Cost

Total

Deposit

Balance Due

Balance Paid

Records Provided

RECEIVED 2013 SEP -5 P 2:10

TOWN RESOLUTION REGARDING PURCHASE & USE OF CHEVY TAHOE(S).

Admin AMOUNT OF OFFICIAL USAGE BY EACH OFFICIAL ASSIGNED A VEHICLE.

PUBLIC DETAILS RELATED TO THE PURCHASE OR IMPENDING PURCHASE OF EXERCISE EQUIPMENT TO BE INSTALLED IN BOGOTA PARKS.

CDBG GRANTS THAT WERE AWARDED TO BOGOTA FROM 2003 TO DATE. (VALUE OF GRANT & USAGE).

MILEAGE LOG ON BOROUGH USED VEHICLE & GAS EXPENSE

TOTAL PURCHASE OF CHEVY SUBURBAN.
COST MILEAGE LOG-

TOTAL COST OF VEHICLES PURCHASED VIA RESOLUTION & MILEAGE LOG.

RESOLUTION WITH PREVIOUS MODEL OFFICIALS (CRITERIA, EXPERIENCE, NUMBER OF APPLICANTS) ETC

BOROUGH OF BOGOTA

# OPEN PUBLIC RECORDS ACT REQUEST FORM

375 LARCH AVENUE
(201) 342-1736 ext. 236 • (201) 342-0574 (FAX)
Email: clerk@bogotaonline.org
Borough of Bogota Records

## Important Notice

The last page of this form contains important information related to your rights concerning government records. Please read it carefully.

### Requestor Information – Please Print

First Name MICHAEL MI ___ Last Name DOSS

E-mail Address makdoss@yahoo.com

Mailing Address 48 CHESTNUT AVENUE

City BOGOTA State NJ Zip 07603

Telephone (201) 745-4680 FAX ___

Preferred Delivery: Pick Up ✓ US Mail ___ On-Site Inspect ___ Fax ___ E-mail ✓

If you are requesting records containing personal information, please circle one: Under penalty of N.J.S.A. 2C:28-3, I certify that I HAVE / HAVE NOT been convicted of any indictable offense under the laws of New Jersey, any other state or the United States.

Signature ___ Date 9/10/2013

### Payment Information

Maximum Authorization Cost $

Select Payment Method

Cash Check Money Order

Fees: Letter size pages - $0.05 per page
Legal size pages - $0.07 per page
Other materials (CD, DVD, etc) – actual

Delivery: Delivery / postage fees additional depending upon delivery type.

Extras: Special service charge dependent upon request.

Record Request Information: Please be as specific as possible in describing the records being requested. Also, please note that your preferred method of delivery will only be accommodated if the custodian has the technological means and the integrity of the records will not be jeopardized by such method of delivery.

PLEASE SEE ATTACHMENT. KINDLY EXPEDITE COMMUNICATION OF INFORMATION & RESPONSES PRIOR TO SEPT. 17TH 2013. IF THIS DATE CAN NOT BE ACHIEVED PLEASE CONTACT MICHAEL DOSS AT (201) 745-4680 IMMEDIATELY!

BOROUGH OF BOGOTA 2013 SEP 10 A 10:48 RECEIVED

### AGENCY USE ONLY

Est. Document Cost ___
Est. Delivery Cost ___
Est. Extras Cost ___
Total Est. Cost ___
Deposit Amount ___
Estimated Balance ___
Deposit Date ___

### AGENCY USE ONLY

**Disposition Notes**
Custodian: if any part of request cannot be delivered in seven business days, detail reasons here.

In Progress - Open ___
Denied - Closed ___
Filled - Closed ___
Partial - Closed ___

### AGENCY USE ONLY

**Tracking Information**

Tracking # ___
Rec'd Date ___
Ready Date ___
Total Pages ___

**Final Cost**

Total ___
Deposit ___
Balance Due ___
Balance Paid ___

Records Provided

Custodian Signature ___ Date ___

A. **2008 Budget:**

1. Provide revenue and appropriation summary for 2008 budget.

B. **Finance:**

1. ***Outstanding Debt***

- In 2007, the budget reflects approximately $4.5M Outstanding Balance (debt/money borrowed). The 2013 budget reflects $8.5M Outstanding Balance (debt/money borrowed). Please provide documents for the additional $4M outstanding and itemized details regarding allocation of these funds.
- Provide any documents that relate to financial plans for eliminating the $8.5M Outstanding Balance.

2. ***Deferred Charges and Other Appropriations***

- In 2007, the budget reflects $183K for Deferred Charges and Other Appropriations. The 2013 budget reflects $1.1M in Deferred Charges and Other Appropriations. Please provide documents for the increase of approximately $1M in Deferred Charges and Other Appropriations.
- Additionally, please provide details and documents related to the allocation of $1.1M in Deferred Charges and Other Appropriations. Documents specifying but not limited to where and how this money is spent, controlled, managed and reported?

3. ***Other Expenses***

- In 2012, the budget reflects $3.3M in other expenses and 2013 is estimated to be $2.9M. Please provide details and documents related to the allocation of both 2012 and 2013 for these funds listed as other expenses.

4. The budget (Total General Appropriations) for 2009 was approximately $7.7M. The budget (Total General Appropriations) for 2013 is estimated to be $9M. Also observed is salaries and wages had little fluctuation from 2009 to 2013. Why the additional $1.3M in the budget? What tools/controls are in place to reduce spending (particularly in the categories of Other Expenses and Deferred Charges and Other Appropriations)?

C. **Grant monies:**

1. Provide specific documents that memorialize total funds received from 2005 to date by agency or organization (i.e. OEM, FEMA, PSE&G, private organizations and all other public or government organizations).
2. Provide documents reflecting allocation of grant funds (i.e. source each grant fund per organization and per year). For example, FEMA money award for hurricane Sandy ($100K). Money used to upgrade equipment XXX.

D. **Resolution 13-108:**

1. Provide document for purchase price for the vehicles used by the following (**excluding Police Chief, Captain of Police and Superintendant of DPW**) :

- Fire Chief, Deputy Fire Chief, Battalion Chief, OEM Coordinator, Fire Official, EMS Chief and Rescue Chief.

2. Provide current mileage on the Borough vehicles used by the following:
   - Fire Chief, Deputy Fire Chief, Battalion Chief, OEM Coordinator, Fire Official, EMS Chief and Rescue Chief.
3. Mileage log or related documents identifying usage for emergency versus personal use for borough vehicles used by the following (2008 to date):
   - Fire Chief, Deputy Fire Chief, Battalion Chief, OEM Coordinator, Fire Official, EMS Chief and Rescue Chief.
4. Provide procedure or documents reflecting how mileage should be recorded/logged.
5. Provide documents reflecting gas consumption cost (annualized) for each of the borough vehicles used by the following:
   - Fire Chief, Deputy Fire Chief, Battalion Chief, OEM Coordinator, Fire Official, EMS Chief and Rescue Chief.
6. Provide procedure or documents related to refueling vehicle and reimbursements or expenses.
7. Provide documents reflecting maintenance cost (annualized) for each of the borough vehicles used by the following:
   - Fire Chief, Deputy Fire Chief, Battalion Chief, OEM Coordinator, Fire Official, EMS Chief and Rescue Chief.
8. Insurance cost (annualized) for each of the borough vehicles used by the following:
   - Fire Chief, Deputy Fire Chief, Battalion Chief, OEM Coordinator, Fire Official, EMS Chief and Rescue Chief.

E. **OEM/Police Commissioner vehicle (Black Chevy Suburban) and cell phone:**

1. Purchase price for this borough vehicle.
2. Provide current mileage for this borough vehicle.
3. Provide mileage log or documents identifying usage for emergency versus personal use.
4. Provide documents reflecting gas consumption cost (annualized) for this borough vehicle.
5. Maintenance cost (annualized) for each of this borough vehicle.
6. Insurance costs (annualized).
7. Copies of borough issued cell phone monthly invoices from 2012 to date.
8. Provide receipts for all UPS/Fed Ex/USPS packages delivered to OEM/Police Commissioner from 2012 to date.

F. **Inventory of equipment procured for use by borough councilman, and officials (excluding Police Department and DPW):**

1. List of devices (laptops, desktops, printers, cell phones; etc.).
2. Asset inventory log and/or documents.

3. Provide procedure or documents related to managing asset inventory.
4. Purchase price for each device or copies of purchase orders or documents reflecting price per device.
5. Documents reflecting source of funds used to procure each device.
6. Documents reflecting device assignment to who (name of individual assigned device).
7. Documents reflecting location of each device/where does this device reside (i.e. home, borough hall; etc.)?
8. Documents reflecting monthly cost for each cell phone / individual?
9. Documents reflecting log of usage (personal versus emergency/borough related)?

**G. Resolution 13-158:**

1. Please provide copy of need analysis or justification document(s) for implementing adult exercise equipment.
2. Please provide list or references of implementation of such equipment for similar application.
3. List of equipment and cost.
4. Documents reflecting life expectancy of equipment?
5. Documents reflecting associated maintenance costs (annualized)?
6. Copy of RFP or similar documents used to solicit best vendor providing such equipment.
7. Copies of bids submitted or documents reflecting vendors' quotes.
8. Copy of bid analysis identifying preferred vendor or documents attempting to perform such assessment.

**H. Employee Manual**

1. Provide copy of employee manual.

**I. Property Maintenance employees (W. Hodges & N. Barese):**

1. Please provide the process or documents for determining the necessity for employing two Property Maintenance positions in lieu of one for a town less than one mile square.
    - Process by which the position was posted (newspapers, website job boards; etc.) and duration of posting (length of time position was advertised).
    - Number of candidates applying to the position.
    - Detailed process or documents by which candidates were interviewed:
        - **interviewers** name's/position/credentials,
        - number of interviewing rounds for each candidate,
        - analysis or determination used to derived preferred candidate(s);
        - preferred candidates' references.
    - Start dates for each candidate and annual salary (from employment start date to termination or present).

2. Provide copy of Property Maintenance employees' resumes (W. Hodges and N. Barese), relevant credentials, and qualifications related to the position of Property Maintenance and other documents which assisted in determining them as the preferred candidates to be awarded the position.
3. Provide Property Maintenance employees (W. Hodges and N. Barese) employment status (full time or part time) and number of hours scheduled to be worked per week (while employed by Bogota).
4. Provide copy of Property Maintenance employees' (W. Hodges and N. Barese) annual job performance review or related document and associated annual salary increase from start date to termination or present.

J. **Waste Management:**

A. Provide copies of the RFPs or similar documents issued for waste removal in Bogota for the last two waste removal agreements (i.e. Roselli/Bogota and B&B/Bogota).

B. Provide copies of the bids and documents submitted for both RFPs.

C. Provide bid leveling analysis or any such documents determining preferred candidate.

D. Provide copies of contract agreements with awarded provider.

E. Provide analysis and documents identifying savings related to outsourcing waste removal (annual savings realized).

F. Provide analysis and related documents reflecting estimated savings for reducing waste removal to once per week during winter months (annualized savings).

G. Provide details or documents related to where the savings for #5 and #6 are being utilized.

K. **Town Engineer:**

1. Provide clarification regarding the frequency of renewing Town Borough Engineer services agreement (i.e. RFP for engineering services is sent annually, bi-annually; etc.).
2. Clarify terms of Borough Town Engineering services (specific services, schedule of fees, contract duration; number of hours to be rendered for services and fees related to hours exceeding contractual agreement).
3. Provide copy of RFP or related documents for securing the services of the current Borough Town Engineer for the last 6 years.
4. Provide copy of contract for Borough Engineer.
5. Provide details related to the relevance and payment of borough engineer for any depositions equal to and exceeding the cost of $1500.
6. 
7. Provide list of engineering firms applying to RFPs and their respective bids for last 6 years.
8. Provide bid analysis and related documents awarding engineering services for last 6 years.
9. Provide list of credentials, experience, other townships served, and current list of major projects related to current Borough Town engineer's firm (Harry Tuvel).
10. Provide Itemized contributions made by Harry Tuvel's engineering firm and individually during the last 6 years to the Borough of Bogota.

L. **Borough Auditor:**

1. Provide process or documents reflecting a process for selecting borough auditor.
2. Provide credentials and experience of current borough auditor.
3. Provide copies of any written agreements (terms: duration of agreement, fee schedule; etc.) for any services to be rendered by auditor.
4. Does the borough auditor perform any other functions for the town of Bogota (for example, auditor for Board of Education)?

M. **Contributions made to the Borough of Bogota:**

1. Please provide itemized contributions or documents representing contributions made to the Borough of Bogota from 2000 to date by the following:
    - J. Monaghan (law firm)
    - J. Monaghan (individually)
    - Lerch, Vinci and Higgins
    - D. Lerch (individually)
    - KSL-Lawyers
    - P. Kaufman (individually)
    - Harry Tuvel's firm
    - Hary Tuvel (individually)

N. **Borough Administrator:**

1. Please provide process or documents reflecting the process for selecting Borough Administrator position.
    - Process by which position was posted (newspapers, website job boards; etc.) and duration of posting (length of time position was advertised).
    - Number of candidates applying to the position.
    - Detailed process by which candidates were interviewed:
        - interviewers name's/position/credentials,
        - number interview rounds for each candidate;
        - analysis or determination which derived preferred candidate.
2. Provide copy of current Borough Administrator's contract with Bogota.
3. Provide copy of current Borough Administrator's resume, relevant credentials and qualifications related to the position of Borough Administrator.
4. Provide documents reflecting copy of current Borough Administrator's past supervisor's names (from past employers during last 10 years).

5. Provide documents reflecting current Borough Administrator's past experience related to management of finances. For example, operational and capital budget amounts during the last 5 years in summary format with year-end actual versus budgeted amounts for each year.
6. Provide documents reflecting current Borough Administrator's volume of FTE's managed during the last five years.
7. Provide documents reflecting current Borough Administrator's experience related to securing local/state/national grants, amount of private sector donor funds secured and other contributions solicited from any entities during the last 5 years.
8. Provide documents reflecting current Borough Administrator's employment status with Bogota (full time or part time) and number of hours scheduled to be worked per week.

**O. <u>Dewey School Property:</u>**

1. Please provide details pertaining to the sale of the Dewey School Property:
    - Sale price and date.
    - Authorized signature(s) names. Who were the people representing the Bogota Board of Education at the closing of sale. How were they vetted to ensure they would act on the best interests of Bogota?
    - Name of buyer(s).

**P. <u>297 Palisades Avenue Redevelopment Project:</u>**

- Documents showing if the property has been resold? If so, how many times and the names of the buyers and respective sale price?
- Why did the property sit with rubble and debris for several years?
- Name of current developer.
- Documents showing if Bogota had any influence (contractual) over the selection of the developer?
- Documents showing current developer's name (names of partners) and name of legal counsel representation.
- Complete details, agreements documents related to the tax abatement and PILOT for this property.
- Was an RFP or similar document issued to solicit the services of a third party to represent the Borough of Bogota in negotiating the tax abatement with the developer? If not, what was the basis for this decision respective authority approving this decision?
- Names of individuals representing Bogota that are negotiating the tax abatement for the property with the developer and developer's counsel.
- Credentials of Bogota's representative negotiating with developer:
    i. How many properties have Bogota's representative negotiated tax abatements and dollar values of each?

ii. What value does each Bogota representative bring to the table during the negotiations of the tax abatement with the developer?

- Provide detailed construction drawings or documents, construction schedule and name of contractor awarded the project.
- Provide details related to the targeted group that will be residing in the newly constructed building:
  - Prospective age range of tenants.
  - Targeted salary range for tenants.
  - Children per household.
  - How will the Bogota School system support the additional students (i.e. more teachers, additions to school buildings, class room expansions, additional desks; etc.)? Associated cost?
  - Increasing FTEs/PTEs in the Police force and DPW to support the additional residents? Associated cost with any increase in work force?

NOTES:

- **Additionally, please contact me immediately if there is any ambiguity, concerns or questions regarding these requests. Therefore, the process by which you will collect and submit this information to me should not be halted until said clarification is received from me.**
- **In the event any information is withheld, kindly specify the item and legal restrictions which prohibit the communication of such information.**

**THIS IS THE OPRA REQUEST THE COMPLAINANT IDENTIFIED IN HIS COMPLAINT AS THE SEPTEMBER 18, 2013 REQUEST (aka COMPLAINANT'S "OPRA #3). NO OFFICIAL OPRA REQUEST FORM COULD BE FOUND FOR THIS REQUEST**

**OPRA Request Form Attachment #2 (revised per denied OPRA received 9/16/2013**

A. **Finance:**

1. ***Outstanding Debt***

- In 2007, the budget reflects approximately $4.5M Outstanding Balance (debt/money borrowed). The 2013 budget reflects $8.5M Outstanding Balance (debt/money borrowed). Please provide documents for the additional $4M outstanding and itemized details regarding allocation of these funds.

  *Specifically, what expenses increased in the budgets of FY 2007, 2008, 2009, 2010, 2011, 2012; 2013.*

  *For example:*

| YEAR | Cost | Expense Description |
|---|---|---|
| 2007 | $550K | Repairs to roadways |
| 2008 | | |
| 2009 | | |
| 2010 | | |
| 2011 | | |
| 2012 | | |
| 2013 | | |

- Provide any documents that relate to financial plans for eliminating the $8.5M Outstanding Balance.

  *Specifically, are there any controls, financial tools or plans to reduce the town budget as well reduce our debt (loans)? Yes or no.*

  *If yes, please list/names of controls, financial tool or plan.*

2. ***Deferred Charges and Other Appropriations***

- In 2007, the budget reflects $183K for Deferred Charges and Other Appropriations. The 2013 budget reflects $1.1M in Deferred Charges and Other Appropriations. Please provide documents for the increase of approximately $1M in Deferred Charges and Other Appropriations. *Specifically, what expenses increased in the budgets of FY 2007, 2008, 2009, 2010, 2011, 2012; 2013.*

  *For example:*

| YEAR | Cost | Expense Description |
|---|---|---|
| 2007 | $550K | Repairs to roadways |
| 2008 | | |
| 2009 | | |

| | | |
|---|---|---|
| 2010 | | |
| 2011 | | |
| 2012 | | |
| 2013 | | |

- 

- Additionally, please provide details and documents related to the allocation of $1.1M in Deferred Charges and Other Appropriations for 2013. Documents specifying but not limited to where and how this money is spent, controlled, managed and reported?

  The budget (Total General Appropriations) for 2009 was approximately $7.7M. The budget (Total General Appropriations) for 2013 is estimated to be $9M. Also observed is salaries and wages had little fluctuation from 2009 to 2013. Why the additional $1.3M in the budget? What tools/controls are in place to reduce spending (particularly in the categories of Other Expenses and Deferred Charges and Other Appropriations)? *Specifically, what expenses increased in the budgets of FY 2009, 2010, 2011, 2012; 2013.*

  *For example:*

| YEAR | Cost | Expense Description |
|---|---|---|
| 2009 | $550K | Repairs to roadways |
| 2010 | | |
| 2011 | | |
| 2012 | | |
| 2013 | | |

3. Borough vendor's list for 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012 and 2013.
4. Copies of all purchase orders for 2011, 2012 and 2013.

**B. <u>Grant monies:</u>**

1. Provide specific documents that memorialize total funds received from 2005 to date by agency or organization (i.e. OEM, FEMA, PSE&G, private organizations and all other public or government organizations).

   *Specifically, provide the amounts of funds or grants received by OEM, FEMA and PSE&G for 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012; 2013.*

   *For example: received $500K from FEMA in 2013*

2. Provide documents reflecting allocation of grant funds (i.e. source each grant fund per organization and per year). For example, FEMA money award for hurricane Sandy ($100K). Money used to upgrade equipment XXX.

   *As per the list above: provide copies of purchase orders reflecting where the grant monies from FEMA, OEM and PSE&G received were utilized for 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012; 2013.*

C. **Resolution 13-108:**

1. Provide document for purchase price **(copy of purchase order)** for the vehicles used by the following (**excluding Police Chief, Captain of Police and Superintendant of DPW**) :
   - Fire Chief, Deputy Fire Chief, Battalion Chief, OEM Coordinator, Fire Official, EMS Chief and Rescue Chief.
2. Provide documents reflecting maintenance cost for 2012 and 2013 for each of the borough vehicles used by the following:
   - Fire Chief, Deputy Fire Chief, Battalion Chief, OEM Coordinator, Fire Official, EMS Chief and Rescue Chief.
3. Insurance cost (annualized) for each of the borough vehicles used by the following (2006, 2007, 2008, 2009, 2010, 2011, 2012; 2013):
   - Fire Chief, Deputy Fire Chief, Battalion Chief, OEM Coordinator, Fire Official, EMS Chief and Rescue Chief.

D. **OEM/Police Commissioner vehicle (Black Chevy Suburban) and cell phone:**

1. Purchase price for this borough vehicle.
2. *Copy of purchase order for vehicle and copies of purchase orders of additional devices added to the vehicle.*
3. Provide current mileage for this borough vehicle.
4. Maintenance cost (annualized) for each of this borough vehicle.
5. Insurance costs (annualized).
6. Copies of borough issued cell phone monthly invoices for 2012 and 2013.
7. Provide receipts for all UPS/Fed Ex/USPS packages delivered to OEM/Police Commissioner from 2012 and 2013. Provide purchase orders for all purchases made with FEMA monies in 2009, 2010, 2011, 2012 and 2013

E. **Inventory of equipment procured for use by borough councilman, and officials (excluding Police Department and DPW):**

1. Borough vendor's list for 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012 and 2013.
2. Copies of all purchase orders for 2011, 2012 and 2013.
3. Documents reflecting source of funds used for purchases for 2011, 2012 and 2013.

F. **Resolution 13-158:**

1. Provide list of equipment and cost associated with resolution
2. Provide information reflecting life expectancy of equipment?
3. Provide information associated maintenance costs?
4. Copy of RFP or similar documents used to solicit best vendor providing such equipment.

5. Copies of bids submitted or documents reflecting vendors' quotes.

**G. Property Maintenance employees (W. Hodges & N. Barese):**

1. Provide job posting or advertisement for this job.
2. Provide list or number of candidates applying for this job.
3. Provide duration of posting (length of time position was advertised).
4. Provide list of names (Borough officials/employees) interviewing these candidates.
5. Provide copy of resume and credentials which help determine both individuals as ideal preferred candidates (W. Hodges and N. Barese).
1. Provide Property Maintenance employees (W. Hodges and N. Barese) employment status (full time or part time) and number of hours scheduled to be worked per week (while employed by Bogota).
2. Provide copy of Property Maintenance employees' (W. Hodges and N. Barese) annual job performance review or related document and associated annual salary increase from start date to termination or present.

**H. Waste Management:**

A. Provide amount of savings determined by outsourcing was removal.

B. Provide savings determined by recuing waste pick up to once per month.

C. Where are savings for #A and #B being utilized?

**I. Borough Auditor:**

1. Provide process or documents reflecting a process for selecting borough auditor.
2. Provide credentials and experience of current borough auditor.
3. Provide copies of any written agreements (terms: duration of agreement, fee schedule; etc.) for any services to be rendered by auditor.
4. Does the borough auditor perform any other functions for the town of Bogota (for example, auditor for Board of Education)?

**J. Contributions made to the Borough of Bogota:**

1. Please provide itemized contributions or documents representing contributions made to the Borough of Bogota from 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012 and 2013 by the following:
    - J. Monaghan (law firm)
    - J. Monaghan (individually)
    - Lerch, Vinci and Higgins
    - D. Lerch (individually)
    - KSL-Lawyers

- P. Kaufman (individually)
- Harry Tuvel's firm
- Hary Tuvel (individually)

K. **Borough Administrator:**

1. Provide job posting or advertisement for this job.
2. Provide list or number of candidates applying for this job.
3. Provide duration of posting (length of time position was advertised).
4. Provide list of names (Borough officials/employees) interviewing the candidates.
5. Provide copy of current Borough Administrator's contract with Bogota.
6. How many times our current Borough administrator has negotiated tax abatements?
7. What is current Borough Administrator's past experience related to management of finances? For example, operational and capital budget amounts during the last 5 years in summary format with year-end actual versus budgeted amounts for each year.
8. Provide any information reflecting current Borough Administrator's experience related to securing local/state/national grants, amount of private sector donor funds secured and other contributions solicited from any entities during the last 5 years.
9. Provide documents reflecting current Borough Administrator's employment status with Bogota (full time or part time) and number of hours scheduled to be worked per week.

L. **297 Palisades Avenue Redevelopment Project:**

- Documents showing if the property has been resold? If so, how many times and the names of the buyers and respective sale price?
- Why did the property sit with rubble and debris for several years?
- Name of current developer.
- Documents showing if Bogota had any influence (contractual) over the selection of the developer?
- Documents showing current developer's name (names of partners) and name of legal counsel representation.
- Complete details, agreements documents related to the tax abatement and PILOT for this property.
- Was an RFP or similar document issued to solicit the services of a third party to represent the Borough of Bogota in negotiating the tax abatement with the developer? If not, what was the basis for this decision respective authority approving this decision?
- Names of individuals representing Bogota that are negotiating the tax abatement for the property with the developer and developer's counsel.
- Credentials of Bogota's representative negotiating with developer:

i. How many properties have Bogota's representative negotiated tax abatements and dollar values of each?

ii. What value does each Bogota representative bring to the table during the negotiations of the tax abatement with the developer?

- Provide detailed construction drawings or documents, construction schedule and name of contractor awarded the project.
- Provide details related to the targeted group that will be residing in the newly constructed building:
  - Prospective age range of tenants.
  - Targeted salary range for tenants.
  - Children per household.
  - How will the Bogota School system support the additional students (i.e. more teachers, additions to school buildings, class room expansions, additional desks; etc.)? Associated cost?
  - Increasing FTEs/PTEs in the Police force and DPW to support the additional residents? Associated cost with any increase in work force?

NOTES:

- **Additionally, please contact me immediately if there is any ambiguity, concerns or questions regarding these requests. Therefore, the process by which you will collect and submit this information to me should not be halted until said clarification is received from me.**
- **In the event any information is withheld, kindly specify the item and legal restrictions which prohibit the communication of such information.**

4th

BOROUGH OF BOGOTA

# OPEN PUBLIC RECORDS ACT REQUEST FORM

375 LARCH AVENUE

(201) 342-1736 ext. 235 • (201) 342-0574 (FAX)

Email: clerk@bogotaonline.org

Borough of Bogota Records

Received 10/5/13

## Important Notice

The last page of this form contains important information related to your rights concerning government records. Please read it carefully.

### Requestor Information – Please Print

First Name MICHAEL MI ____ Last Name DOSJ

E-mail Address makoss@yahoo.com

Mailing Address 43 CHESTNUT AVE

City BOGOTA State NJ Zip 07603

Telephone (201) 745-4680 FAX ____

Preferred Delivery: (Pick Up) ✓ US Mail ____ On-Site Inspect ____ Fax ____ E-mail ____

If you are requesting records containing personal information, please circle one: Under penalty of N.J.S.A. 2C:28-3, I certify that I *HAVE* / *HAVE NOT* been convicted of any indictable offense under the laws of New Jersey, any other state, or the United States.

Signature [signature] Date 9/30/2013

### Payment Information

Maximum Authorization Cost $

Select Payment Method

Cash Check Money Order

Fees: Letter size pages - $0.05 per page
Legal size pages - $0.07 per page
Other materials (CD, DVD, etc) – actual

Delivery: Delivery / postage fees additional depending upon delivery type.

Extras: Special service charge dependent upon request.

**Record Request Information:** Please be as specific as possible in describing the records being requested. Also, please note that your preferred method of delivery will only be accommodated if the custodian has the technological means and the integrity of the records will not be jeopardized by such method of delivery.

PLEASE SEE ATTACHMENT LABELED "OPRA REQUEST FORM ATTACHMENT #4"

PLEASE PROVIDE RESPONSES & DOCUMENTATION IN NUMERICAL/BULLETED FORMAT AS REFLECTED IN "OPRA REQUEST FORM ATTACHMENT."

THANK YOU FOR YOUR TIME!

### AGENCY USE ONLY

Est. Document Cost ____

Est. Delivery Cost ____

Est. Extras Cost ____

Total Est. Cost ____

Deposit Amount ____

Estimated Balance ____

Deposit Date ____

### AGENCY USE ONLY

**Disposition Notes**

Custodian: If any part of request cannot be delivered in seven business days, detail reasons here.

| | | |
|---|---|---|
| In Progress | Open | ____ |
| Denied | Closed | ____ |
| Filed | Closed | ____ |
| Partial | Closed | ____ |

### AGENCY USE ONLY

**Tracking Information**

Tracking # ____

Rec'd Date ____

Ready Date ____

Total Pages ____

**Final Cost**

Total ____

Deposit ____

Balance Due ____

Balance Paid ____

**Records Provided**

RECEIVED
BOROUGH OF BOGOTA
2013 SEP 30 PM 1:42

Custodian Signature ____ Date ____

A. Finance:

1. *Outstanding Debt*

- In 2007, the budget reflects approximately $4.5M Outstanding Balance (debt/money borrowed). The 2013 budget reflects $8.5M Outstanding Balance (debt/money borrowed). Please provide documents for the additional $4M outstanding and itemized details regarding allocation of these funds.

  *Specifically, what expenses increased in the budgets of FY 2007, 2008, 2009, 2010, 2011, 2012; 2013.*

  *For example:*

| YEAR | Cost | Expense Description |
|---|---|---|
| 2007 | $550K | Repairs to roadways |
| 2008 | | |
| 2009 | | |
| 2010 | | |
| 2011 | | |
| 2012 | | |
| 2013 | | |

- Provide any documents that relate to financial plans for eliminating the $8.5M Outstanding Balance.

  *Specifically, are there any controls, financial tools or plans to reduce the town budget as well reduce our debt (loans)? Yes or no.*

  *If yes, please list/names of controls, financial tool or plan.*

2. *Deferred Charges and Other Appropriations*

- In 2007, the budget reflects $183K for Deferred Charges and Other Appropriations. The 2013 budget reflects $1.1M in Deferred Charges and Other Appropriations. Please provide documents for the increase of approximately $1M in Deferred Charges and Other Appropriations. *Specifically, what expenses increased in the budgets of FY 2007, 2008, 2009, 2010, 2011, 2012; 2013.*

  *For example:*

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|---|---|---|
| 2007 | $550K | Repairs to roadways |
| 2008 | | |
| 2009 | | |

| | | |
|---|---|---|
| 2010 | | |
| 2011 | | |
| 2012 | | |
| 2013 | | |

- Additionally, please provide details and documents related to the allocation of $1.1M in Deferred Charges and Other Appropriations for 2013. Documents specifying but not limited to where and how this money is spent, controlled, managed and reported?

  The budget (Total General Appropriations) for 2009 was approximately $7.7M. The budget (Total General Appropriations) for 2013 is estimated to be $9M. Also observed is salaries and wages had little fluctuation from 2009 to 2013. Why the additional $1.3M in the budget? What tools/controls are in place to reduce spending (particularly in the categories of Other Expenses and Deferred Charges and Other Appropriations)? *Specifically, what expenses increased in the budgets of FY 2009, 2010, 2011, 2012; 2013.*

  *For example:*

| YEAR | Cost | Expense Description |
|---|---|---|
| 2009 | $550K | Repairs to roadways |
| 2010 | | |
| 2011 | | |
| 2012 | | |
| 2013 | | |

3. Borough vendor's list for 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012 and 2013.
4. Copies of all purchase orders for 2011, 2012 and 2013.

**B. <u>Grant monies:</u>**

1. Provide specific documents that memorialize total funds received from 2005 to date by agency or organization (i.e. OEM, FEMA, PSE&G, private organizations and all other public or government organizations).

   *Specifically, provide the amounts of funds or grants received by OEM, FEMA and PSE&G for 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012; 2013.*

   *For example: received $500K from FEMA in 2013*

2. Provide documents reflecting allocation of grant funds (i.e. source each grant fund per organization and per year). For example, FEMA money award for hurricane Sandy ($100K). Money used to upgrade equipment XXX.

*As per the list above: provide copies of purchase orders reflecting where the grant monies from FEMA, OEM and PSE&G received were utilized for 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012; 2013.*

C. **Resolution 13-108:**

1. Provide document for purchase price **(copy of purchase order)** for the vehicles used by the following (**excluding Police Chief, Captain of Police and Superintendant of DPW**) :
   i. Fire Chief, Deputy Fire Chief,
   ii. Battalion Chief,
   iii. OEM Coordinator,
   iv. Fire Official,
   v. EMS Chief
   vi. Rescue Chief.
2. Provide documents reflecting maintenance cost for 2012 and 2013 for each of the borough vehicles used by the following:
   i. Fire Chief, Deputy Fire Chief,
   ii. Battalion Chief,
   iii. OEM Coordinator,
   iv. Fire Official,
   v. EMS Chief
   vi. Rescue Chief.
3. Insurance cost (annualized) for each of the borough vehicles used by the following (2006, 2007, 2008, 2009, 2010, 2011, 2012; 2013):
   i. Fire Chief, Deputy Fire Chief,
   ii. Battalion Chief,
   iii. OEM Coordinator,
   iv. Fire Official,
   v. EMS Chief
   vi. Rescue Chief

D. **OEM/Police Commissioner vehicle (Black Chevy Suburban) and cell phone:**

1. Purchase price for this borough vehicle.
2. *Copy of purchase order for vehicle of Chevy Suburban and copies of purchase orders of additional devices added to the vehicle.*
3. Provide current mileage for this borough vehicle.
4. Maintenance cost (annualized) for each of this borough vehicle.

5. Insurance costs (annualized).
6. Copies of borough issued cell phone monthly invoices for 2012 and 2013.
7. Provide receipts for all UPS/Fed Ex/USPS packages delivered to OEM/Police Commissioner related to Bogota of Borough OEM/Police Commissioner's official business 2012 and 2013. Provide purchase orders for all purchases made with FEMA monies in 2009, 2010, 2011, 2012 and 2013.

**E. Inventory of equipment procured for use by borough councilman, and officials (excluding Police Department and DPW):**

1. Provide Borough vendor's list for 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012 and 2013.
2. Provide copies of all purchase orders for 2011, 2012 and 2013.
3. Documents reflecting source of funds used for purchases for 2011, 2012 and 2013.
4. Name of official (certified purchasing agent) for Borough of Bogota for 2006, 2007, 2008, 2009, 2010, 2011, 2012 and 2013.
5. List of purchases in excess of $17,500 dollars for 2008, 2009, 2010, 2011, 2012 and 2013?
6. List of bids solicited for purchases in excess of $17,500 dollars for2011, 2012; 2013?
7. Names of officials and ordinances or resolutions approving purchases in excess in excess of $17,500 dollars for2011, 2012; 2013?

**F. Resolution 13-158:**

1. Provide list of equipment and cost associated with resolution
2. Provide information reflecting life expectancy of equipment?
3. Provide information associated maintenance costs?
4. Copy of RFP or similar documents used to solicit best vendor providing such equipment.
5. Copies of bids submitted or documents reflecting vendors' quotes.

**G. Property Maintenance employees (W. Hodges & N. Barese):**

1. Provide job posting or advertisement for this job.
2. Provide list or number of candidates applying for this job.
3. Provide duration of posting (length of time position was advertised).
4. Provide list of names (Borough officials/employees) interviewing these candidates.
5. Provide copy of resume and credentials which help determine both individuals as ideal preferred candidates (W. Hodges and N. Barese).
1. Provide Property Maintenance employees (W. Hodges and N. Barese) employment status (full time or part time) and number of hours scheduled to be worked per week (while employed by Bogota).

2. Provide copy of Property Maintenance employees' (W. Hodges and N. Barese) annual job performance review or related document and associated annual salary increase from start date to termination or present.

H. **Waste Management:**

A. Provide amount of savings determined by outsourcing waste removal.

B. Provide savings determined by recuing waste pick up to once per month.

C. Where are savings for #A and #B being utilized?

I. **Borough Auditor:**

1. Provide process or documents reflecting a process for selecting borough auditor.
2. Provide credentials and experience of current borough auditor.
3. Provide copies of any written agreements (terms: duration of agreement, fee schedule; etc.) for any services to be rendered by auditor.
4. Does the borough auditor perform any other functions for the town of Bogota (for example, auditor for Board of Education)?

J. **Contributions made to the Borough of Bogota:**

1. Please provide itemized contributions or documents representing contributions made to the Borough of Bogota, Democratic Party and Republican Party for the following years: 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012 and 2013 by the names listed below.
    i. J. Monaghan (law firm)
    ii. J. Monaghan (individually)
    iii. Lerch, Vinci and Higgins
    iv. D. Lerch (individually)
    v. KSL-Lawyers
    vi. P. Kaufman (individually)
    vii. Harry Tuvel's firm
    viii. Hary Tuvel (individually)

K. **Borough Administrator:**

1. Provide job posting or advertisement for this job.
2. Provide list or number of candidates applying for this job.
3. Provide duration of posting (length of time position was advertised).
4. Provide list of names (Borough officials/employees) interviewing the candidates.

5. How many times our current Borough administrator has negotiated tax abatements?
6. What is current Borough Administrator's past experience related to management of finances? For example, operational and capital budget amounts during the last 5 years in summary format with year-end actual versus budgeted amounts for each year.
7. Provide any information reflecting current Borough Administrator's experience related to securing local/state/national grants, amount of private sector donor funds secured and other contributions solicited from any entities during the last 5 years.
8. Provide documents reflecting current Borough Administrator's employment status with Bogota (full time or part time) and number of hours scheduled to be worked per week.
9. Provide current annual increase percentages for all borough employees for 2010, 2011, 2012 and 2013. For example, annual increase for all borough employees was 3% for 2010, 2.5% for 2011 and etc.

L. **297 Palisades Avenue Redevelopment Project:**

1. Why did the property sit with rubble and debris for several years?
2. Name of current developer.
3. Any documents showing if Bogota had any influence (contractual) over the selection of the developer?
4. Provide documents reflecting current developer's name (all names of partners) and name of legal counsel representation.
5. Provide criteria used to determine current developer. Was there a RFP issued?
6. If the RFP process was used to determine the developer, provide copies of the RFP and all bids submitted by prospective developer
7. Tax abatement:
    i. What were the merits or justification for the tax abatement (land contamination, polluted land; etc.)?
    ii. Was the tax abatement at the request of the developer? If so, provide basis for request (i.e. financial hardship).
    iii. Provide financial statements for 2006, 2007, 2008, 2009, 2010, 2011, 2012; 2013 regarding developer's annual revenue, budget statements, names of employees and list of past projects.
8. Provide total sum of annual revenue that was determined after the property is developed. For example, the tax abatement awards the developer a required 10%-15% tax payment ($88K/annually) for 30 years. Does this mean that the actual 100% of the taxes are $880K? If not, what is the 100% value of the tax
9. Was a RFP or similar document issued to solicit the services of a third party to represent the Borough of Bogota in negotiating the tax abatement with the developer? If not, what was the basis for this decision not to utilize this method and who authorized such a decision.
10. Names of individuals representing Bogota that are negotiating the tax abatement for the property with the developer and developer's counsel. Who were all the people present during the negotiating

process from the Borough of Bogota (representatives of the borough) and similarly name of those present for the developer as well as their representatives?

11. Credentials of Bogota's representatives negotiating with the developer/developer's counsel:
    i. How many properties have Bogota's representatives negotiated tax abatements and dollar values of each respective tax abatement?

       Specifically, Bogota Borough Attorney, Bogota Borough Auditor, Bogota Borough Administrator and Bogota Borough Mayor.

    ii. What value does each Bogota representative bring to the table during the negotiations of the tax abatement with the developer?
12. Provide detailed construction drawings or documents, construction schedule and name of contractor awarded the project.
13. Provide copies of agenda related to the following: first reading of the tax abetment, second reading (open to the public) of the tax abatement, third reading (voting for the tax abatement).
14. Provide copies of all advertisements/public notifications issued for all readings related to the tax abatement.
15. Provide details related to the targeted group that will be residing in the newly constructed building:
    i. Prospective age range of tenants.
    ii. Targeted salary range for tenants.
    iii. Children per household.
    iv. How will the Bogota School system support the additional students (i.e. more teachers, additions to school buildings, class room expansions, additional desks; etc.)? Associated cost?
    v. Increasing FTEs/PTEs in the Police force and DPW to support the additional residents? Associated cost with any increase in work force?

**M. <u>Correspondences, emails, and letters (emails from Borough of Bogota email address and personal email address). For reference, see attached excerpt from NJ State League of Municipalities:</u>**

1. Provide all correspondences (emails and letters) that are "to," "from," "cc" for the OEM/Police Commissioner related to OEM grants and monies; and FEMA grants and monies for 2011, 2012 and 2013.
2. Provide all correspondences (emails and letters) that are "to," "from," "cc" between Mayor Pat McHale and Paul Kaufman for 2008, 2009, 2010, 2011, 2012 and 2013.
3. Provide all correspondences (emails and letters) that are "to," "from," "cc" between Lenard Nicolosi and Paul Kaufman for 2008, 2009, 2010, 2011, 2012 and 2013.
4. Provide all correspondences (emails and letters) that are "to," "from," "cc" between Borough Administrator Chip Greiner and Paul Kaufman for 2013.
5. Provide all correspondences (emails and letters) that are "to," "from," "cc" between Councilman Antero Tito Jackson and Councilmen Jorge Nunez for 2012 and 2013 regarding FEMA and OEM grants / monies.

6. Provide all correspondences (emails and letters) that are "to," "from," "cc" between Councilwoman Wanda Uceta and Councilman Tito Jackson regarding the 297 Palisades Avenue development and tax abatement for 2011, 2012 and 2013.

**N. Text messages (on Bogota Borough issued phones and personal phones):**

1. Provide all text messages "to," "from," "cc" for the OEM/Police Commissioner between Borough Administrator for 2013.
2. Provide all text messages "to," "from," "cc" for the between Mayor Pat McHale and Paul Kaufman for 2013.
3. Provide all text messages "to," "from," "cc" for the" between Lenard Nicolosi and Paul Kaufman for 2012 and 2013.
4. Provide all text messages "to," "from," "cc" between Borough Administrator Chip Greiner and Paul Kaufman for 2013.
5. Provide all text messages "to," "from," "cc" between Councilman Antero Tito Jackson and Councilmen Jorge Nunez for 2012 and 2013.
6. Provide all text messages "to," "from," "cc" between Councilwoman Wanda Uceta and Councilman Antero Tito Jackson for 2013.

**O. Tax returns for Borough Officials. For reference, see attached excerpt from NJ State League of Municipalities:**

1. Provide all 2012 and 2013 tax returns for Councilmen Antero Tito Jackson
2. Is Antero Tito Jackson is Antero Jackson the OEM Coordinator?
3. Is Antero Tito Jackson the Police Commissioner?
4. Is Antero Tito Jackson a Bogota Borough employee?
5. Years of service for Antero Tito Jackson as OEM coordinator?
6. Years of service for Antero Tito Jackson as Police Commissioner?

**P. Salary history and annual increases:**

1. Provide any ordinances, resolutions or mandates regulating salary increases or salary adjustments for 2009, 2010, 2011, 2012 and 2013 for the following Bogota Borough employees:

**Q. Salary history and annual increases for Bogota Borough employees:**

1. Provide salary increases or salary adjustments for 2009, 2010, 2011, 2012 and 2013 for **only** the following Bogota Borough employees:
   i. F. Garlicki
   ii. J. Cook
   iii. P. Wilkens

iv. B. Wiemer

v. C. Carpenter

vi. H. Hegel

vii. W. Hodges

viii. N. Barese

ix. G. Kholes

x. D. Howell

xi. J. Morre

xii. G. McNerney

xiii. J. Davis

xiv. L. Kern

NOTES:

- **Additionally, please contact me immediately if there is any ambiguity, concerns or questions regarding these requests. Therefore, the process by which you will collect and submit this information to me should not be halted until said clarification is received from me.**
- **In the event any information is withheld, kindly specify the item and legal restrictions which prohibit the communication of such information.**

1 L #5

BOROUGH OF BOGOTA

# OPEN PUBLIC RECORDS ACT REQUEST FORM

375 LARCH AVENUE
(201) 342-1736 ext. 235 • (201) 342-0574 (FAX)
Email: clerk@bogotaonline.org
Borough of Bogota Records

**Important Notice**

The last page of this form contains important information related to your rights concerning government records. Please read it carefully.

## Requestor Information – Please Print

First Name MICHAEL MI ____ Last Name DOSS

E-mail Address makdoss@yahoo.com

Mailing Address 48 CHESTNUT AVE.

City BOGOTA State NJ Zip 07603

Telephone (201) 745-4680 FAX ____

Preferred Delivery: Pick Up ✓ US Mail ____ On-Site Inspect ____ Fax ____ E-mail ____

If you are requesting records containing personal information, please circle one: Under penalty of N.J.S.A. 2C:28-3, I certify that I *HAVE / HAVE NOT* been convicted of any indictable offense under the laws of New Jersey, any other state, or the United States.

Signature [signature] Date 10/4/2013

## Payment Information

Maximum Authorization Cost $

Select Payment Method

Cash Check Money Order

Fees: Letter size pages - $0.05 per page
Legal size pages – $0.07 per page
Other materials (CD, DVD, etc) – actual

Delivery: Delivery / postage fees additional depending upon delivery type.

Extras: Special service charge dependent upon request.

**Record Request Information:** Please be as specific as possible in describing the records being requested. Also, please note that your preferred method of delivery will only be accommodated if the custodian has the technological means and the integrity of the records will not be jeopardized by such method of delivery.

PLEASE SEE ATTACHED. OPRA #5 SUBMITTED ON 10/4/2013. PLEASE PROVIDE ME WITH THE INFORMATION REQUESTED WITHIN THE 7-DAY TIMEFRAME PER OPRA REQUIREMENTS. KINDLY FOLLOW THE NUMERICAL FORMAT ON THE ATTACHMENT #5.
THANK YOU ALL FOR YOUR EFFORTS IN COLLECTING & PROVIDING ME WITH THIS INFORMATION.

BOROUGH OF BOGOTA

**AGENCY USE ONLY**

Est. Document Cost ____
Est. Delivery Cost ____
Est. Extras Cost ____
Total Est. Cost ____
Deposit Amount ____
Estimated Balance ____
Deposit Date ____

**AGENCY USE ONLY**

Disposition Notes
Custodian: If any part of request cannot be delivered in seven business days, detail reasons here.

In Progress - Open ____

**AGENCY USE ONLY**

Tracking Information
Tracking # ____
Rec'd Date ____
Ready Date 10/4/13
Total Pages ____

Final Cost
Total ____
Deposit ____
Balance Due ____
Balance Paid ____

Records Provided

10/4/13 Email

**A. Purchase orders and invoices for the following vendors/contractors/consultants:**

1. Provide copies for purchase orders/invoices and related documents for all months in 2008, 2009, 2010, 2011, and 2013 for the following vendors/contractors/consultants and borough officials:
    - Metrocom Wireless
    - Motorola (all Motorola accounts)
    - Verizon (all Verizon accounts)
    - Tuvel Engineering
    - Communications
    - P. C. Richards
    - Millennium Visual Systems
    - Tropicana Hotel (April 2013 only)
    - Microsystems
    - Game Time Equipment
    - Home Depot
    - Staples
    - Hardwood Tree Services
    - Clear Span Fabric
    - Earth Networks
    - NJ EZ-Pass
    - State Line Fire & Safety
    - Applebee's (June 2013 only)
    - Patrick McHale (monthly reimbursements details)
    - Antera Tito Jackson's (monthly reimbursements details)
    - Lenard Nicolosi (monthly reimbursements details)
    - August (Chip) Greiner (monthly reimbursements details)
    - Nicholas Barese (monthly reimbursements details)
    - Warren Hodges (monthly reimbursements details)

**B. September 19,' 2013 Borough of Bogota hearing:**

1. Provide audio recording of the complete hearing for the night of September 19, 3013.
2. Provide complete written transcript of the complete hearing for the night of September 19, 3013.

C. **Phone logs for Borough of Bogota issued phones:**

1. Provide copies for all Verizon and Motorola cell phone logs (all pages of the bill which reflect calls received or sent, time, origination and destination as well as summary sheet) of invoices for all months in 2008, 2009, 2010, 2011, and 2013 for the following borough officials/employees:

    - Patrick McHale
    - Antera Tito Jackson
    - Wanda Uceta
    - Lenard Nicolosi
    - August (Chip) Greiner (2013 only).
    - Nicolas Barese
    - Warren Hodges

NOTES:

- **Additionally, please contact me immediately if there is any ambiguity, concerns or questions regarding these requests. Therefore, the process by which you will collect and submit this information to me should not be halted until said clarification is received from me.**
- **In the event any information is withheld, kindly specify the item and legal restrictions which prohibit the communication of such information.**

# EXHIBIT B

A. Correspondences, emails, and letters (emails from Borough of Bogota email address and personal email address) For reference, see attached excerpt from NJ State League of Municipalities (mandate) SECOND REQUEST:

1. Provide all correspondences (emails and letters) that are "to," "from," "cc" between Administrator Mr. Greiner and Mayor Pat McHale for 2013.
2. Provide all correspondences (emails and letters) that are "to," "from," "cc" between Administrator Mr. Greiner and Ms. Consuelo Carpenter for 2013.
3. Provide all correspondences (emails and letters) that are "to," "from," "cc" between Administrator Mr. Greiner and Councilman Antero Tito Jackson for 2010, 2011, 2012 and 2013.
4. Provide all correspondences (emails and letters) that are "to," "from," "cc" between Mayor Pat McHale and Councilman Antero Tito Jackson for 2010, 2011, 2012 and 2013.
5. Provide all correspondences (emails and letters) that are "to," "from," "cc" between Mayor Pat McHale and Paul Kaufman for 2010, 2011, 2012 and 2013.

B. Correspondences, emails, and letters (emails from Borough of Bogota email address and personal email address) For reference, see attached excerpt from NJ State League of Municipalities (mandate):

6. Provide all correspondences (emails and letters) that are "to," "from," "cc" between Borough Attorney Joseph Monaghan and Administrator Mr. Greiner.
7. Provide all correspondences (emails and letters) that are "to," "from," "cc" between Borough Attorney Joseph Monaghan and Paul Kaufman for 2010, 2011, 2012 and 2013.
8. Provide all correspondences (emails and letters) that are "to," "from," "cc" between Borough Attorney Joseph Monaghan and Patrick McHale for 2010, 2011, 2012 and 2013.
9. Provide all correspondences (emails and letters) that are "to," "from," "cc" between Paul Kaufman and Councilman Antero Tito Jackson for 2010, 2011, 2012 and 2013.

B. Correspondences, emails, and letters (emails from Borough of Bogota email address and personal email address). For reference, see attached excerpt from NJ State League of Municipalities-THIRD REQUEST:

1. Provide all correspondences (emails and letters) that are "to," "from," "cc" for the OEM/Police Commissioner related to OEM grants and monies; and FEMA grants and monies for 2011, 2012 and 2013.
2. Provide all correspondences (emails and letters) that are "to," "from," "cc" between Mayor Pat McHale and Paul Kaufman for 2008, 2009, 2010, 2011, 2012 and 2013.
3. Provide all correspondences (emails and letters) that are "to," "from," "cc" between Lenard Nicolosi and Paul Kaufman for 2008, 2009, 2010, 2011, 2012 and 2013.
4. Provide all correspondences (emails and letters) that are "to," "from," "cc" between Councilman Antero Tito Jackson and Councilmen Jorge Nunez for 2012 and 2013 regarding FEMA and OEM grants / monies.
5. Provide all correspondences (emails and letters) that are "to," "from," "cc" between Councilwoman Wanda Uceta and Councilman Tito Jackson regarding the 297 Palisades Avenue development and tax abatement for 2011, 2012 and 2013.

C. Text messages (on Bogota Borough issued phones and personal phones)-THIRD REQUEST:

1. Provide all text messages "to," "from," "cc" for the OEM/Police Commissioner between Borough Administrator for 2013.
2. Provide all text messages "to," "from," "cc" for the between Mayor Pat McHale and Paul Kaufman for 2013.
3. Provide all text messages "to," "from," "cc" for the" between Lenard Nicolosi and Paul Kaufman for 2012 and 2013.
4. Provide all text messages "to," "from," "cc" between Borough Administrator Chip Greiner and Paul Kaufman for 2013.
5. Provide all text messages "to," "from," "cc" between Councilman Antero Tito Jackson and Councilmen Jorge Nunez for 2012 and 2013.

D. Provide copy of application for tax abatement / PILOT for 297 Palisade Avenue.

E. **Provide copy of application for development of 297 Palisade Avenue.**

F. Borough Administrator Chip Greiner's Dodge Charger: **The Borough Administrator's vehicle (black Dodge Charger) up until recently bared Municipality license plates. Which municipality is the vehicle insured under or registered too?**

G. Phone logs for Borough of Bogota issued phones (THIRD REQUEST):

1. Provide copies for all Verizon and Motorola cell phone logs (all pages of the bill which reflect calls received or sent, time, origination and destination as well as summary sheet) of invoices for all months in 2008, 2009, 2010, 2011, and 2013 for the following borough officials/employees:
   - Patrick McHale
   - Antera Tito Jackson
   - Lenard Nicolosi
   - August (Chip) Greiner (2013 only).
   - Nicolas Barese
   - Warren Hodges

NOTES:

- Additionally, please contact me immediately if there is any ambiguity, concerns or questions regarding these requests. Therefore, the process by which you will collect and submit this information to me should not be halted until said clarification is received from me.
- In the event any information is withheld, kindly specify the item and legal restrictions which prohibit the communication of such information.

- ANY EXTENSIONS REQUESTED MUST BE JUSTIFIED WITH CLARIFICATION OTHER THAN "DUE TO VOLUMINOUS NATURE AN EXTENSION IS REQUIRED."
- A DATE FOR COLLLECTING/ISSUING THE INFORMATION TO ME IS REQUESTED.
- SOME OF THE INFORMATION LISTED ON THIS OPRA HAS BEEN REQUESTED PREVIOUSLY AND YOU FAILED TO PROVIDE THE INFORMATION. KINDLY PROVIDE THE INFORMATION AS REQUESTED WITHIN THE 7-DAY TIMEFRAME TO AVOID FURTHER GRC COMPLAINT FOR OPRA DENIALS.

A. Correspondences, emails, and letters (emails from Borough of Bogota email address and personal email address):

1. Provide **ALL** correspondences (emails and letters) that are "*to*," "*from*," "*cc*," and "*bc*" between Mr. August Greiner's email address "Agreiner@merail.com" and Mr. Paul Kaufman for the years 2013 and 2014 that contain any of the following words: ***Paul, Kaufman, Paul Kaufman 297, Palisade Avenue, 297 Palisade Avenue, Chip, Greiner, August, August Greiner, Chip Greiner, Harry Tuvell, Urban Renewal, partnership, partners, Rich LaBarbiera, Jorge, Nunez, Jorge Nunez, Evaristo Burdiez Junior, RVN, PILOT, tax abatement, council meeting, mayor, Pat, Patrick, Pat McHale, Patrick McHale, Tito, Tito Jackson, construction, development, long term tax exemption, LTTE, tax, Redevelopment Agreement, Redeveloper, Pro Forma, Joseph Monaghan, Joe Monaghan, Joe, Monaghan, M. Doss, Michael Doss, Mike Doss, borough resolution, draft resolution, draft ordinance, ordinance, borough engineer, engineer, borough attorney, Kevin Kelly, abatements, 44 units, parking, visitor parking, resident parking, visitors, residents, temporary signage, signage, garage, grading, pollution, environmental issues, environmental, land contamination, contamination, septic system, septic, sewage, drainage, council, councilman, council board, Board of Education, BoE, accounting, permits, approvals, contracts, construction drawings and RSIS waiver.***

2. Provide **ALL** correspondences (emails and letters) that are "*to*," "*from*," "*cc*," and "*bc*" between Mr. August Greiner and Mr. Paul Kaufman for the year 2014 that contain any of the following words: ***Paul, Kaufman, Paul Kaufman 297, Palisade Avenue, 297 Palisade Avenue, Chip, Greiner, August, August Greiner, Chip Greiner, Harry Tuvell, Urban Renewal, partnership, partners, Rich LaBarbiera, Jorge, Nunez, Jorge Nunez, Evaristo Burdiez Junior, RVN, PILOT, tax abatement, council meeting, mayor, Pat, Patrick, Pat McHale, Patrick McHale, Tito, Tito Jackson, construction, development, long term tax exemption, LTTE, tax, Redevelopment Agreement, Redeveloper, Pro Forma, Joseph Monaghan, Joe Monaghan, Joe, Monaghan, M. Doss, Michael Doss, Mike Doss, borough resolution, draft resolution, draft ordinance, ordinance, borough engineer, engineer, borough attorney, Kevin Kelly, abatements, 44 units, parking, visitor parking, resident parking, visitors, residents, temporary signage, signage, garage, grading, pollution, environmental issues, environmental, land contamination, contamination, septic system, septic, sewage, drainage, council, councilman, council board, Board of Education, BoE, accounting, permits, approvals, contracts, construction drawings and RSIS waiver.***

3. Provide **ALL** correspondences (emails and letters) that are "*to*," "*from*," "*cc*," and "*bc*" between Mr. August Greiner and Mr. A. Tito Jackson for the years 2013 and 2014 that contain any of the following words: ***Paul, Kaufman, Paul Kaufman 297, Palisade Avenue, 297 Palisade Avenue, Chip, Greiner, August, August Greiner, Chip Greiner, Harry Tuvell, Urban Renewal, partnership, partners, Rich LaBarbiera, Jorge, Nunez, Jorge Nunez, Evaristo Burdiez Junior, RVN, PILOT, tax abatement, council meeting, mayor, Pat, Patrick, Pat McHale, Patrick McHale, Tito, Tito Jackson, construction, development, long term tax exemption, LTTE, tax, Redevelopment Agreement, Redeveloper, Pro Forma, Joseph Monaghan, Joe Monaghan, Joe, Monaghan, M. Doss, Michael Doss, Mike Doss, borough resolution, draft resolution, draft ordinance, ordinance, borough engineer, engineer, borough attorney, Kevin Kelly, abatements, 44 units, parking, visitor parking, resident parking, visitors, residents, temporary signage, signage, garage, grading, pollution, environmental issues, environmental, land contamination, contamination, septic system, septic, sewage, drainage, council, councilman, council board, Board of Education, BoE, accounting, permits, approvals, contracts, construction drawings and RSIS waiver.***

4. Provide ALL correspondences (emails and letters) that are "*to*," "*from*," "*cc*," and "*bc*" between Mr. August Greiner and Mr. Harry Tuvell for the years 2013 and 2014 that contain any of the following words: ***Paul, Kaufman, Paul Kaufman 297, Palisade Avenue, 297 Palisade Avenue, Chip, Greiner, August, August Greiner, Chip Greiner, Harry Tuvell, Urban Renewal, partnership, partners, Rich LaBarbiera, Jorge, Nunez, Jorge Nunez, Evaristo Burdiez Junior, RVN, PILOT, tax abatement, council meeting, mayor, Pat, Patrick, Pat McHale, Patrick McHale, Tito, Tito Jackson, construction, development, long term tax exemption, LTTE, tax, Redevelopment Agreement, Redeveloper, Pro Forma, Joseph Monaghan, Joe Monaghan, Joe, Monaghan, M. Doss, Michael Doss, Mike Doss, borough resolution, draft resolution, draft ordinance, ordinance, borough engineer, engineer, borough attorney, Kevin Kelly, abatements, 44 units, parking, visitor parking, resident parking, visitors, residents, temporary signage, signage, garage, grading, pollution, environmental issues, environmental, land contamination, contamination, septic system, septic, sewage, drainage, council, councilman, council board, Board of Education, BoE, accounting, permits, approvals, contracts, construction drawings and RSIS waiver.***

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B. Provide copy of application / grant for FEMA funds provided for damages incurred by hurricane Sandy.

C. Provide all phone invoices or logs for borough issued phones for Mr. Greiner and Mr. A. Tito Jackson for the years of 2013 and 2014.

D. Provide financial disclosures for Mr. Greiner, Mr. A. Tito Jackson, Mr. Harry Tuvell, and Mr. Joseph Monaghan.

E. Provide residential property real estate taxes for 437 Larch Avenue for years 2011, 2012, 2013 and 2014.

NOTES:

- Additionally, please contact me immediately if there is any ambiguity, concerns or questions regarding these requests. Therefore, the process by which you will collect and submit this information to me should not be halted until said clarification is received from me.
- In the event any information is withheld, kindly specify the item and legal restrictions which prohibit the communication of such information.
- **ANY EXTENSIONS REQUESTED MUST BE JUSTIFIED WITH CLARIFICATION OTHER THAN "DUE TO VOLUMINOUS NATURE AN EXTENSION IS REQUIRED."**
- **PROVIDE ME WITH THE DATE FOR COLLLECTING/ISSUING THE INFORMATION REQUESTED.**
- **KINDLY PROVIDE THE INFORMATION AS REQUESTED WITHIN THE 7-DAY TIMEFRAME TO AVOID FURTHER GRC COMPLAINT(S) FOR FAILURE TO COMPLY WITH THE OPRA REGULATION.**

State of New Jersey
DEPARTMENT OF COMMUNITY AFFAIRS
101 SOUTH BROAD STREET
PO BOX 819
TRENTON, NJ 08625-0819

CHRIS CHRISTIE
*Governor*

KIM GUADAGNO
*Lt. Governor*

CHARLES A. RICHMAN
*Commissioner*

**INTERIM ORDER**

**June 27, 2017 Government Records Council Meeting**

Michael Doss
Complainant
v.
Borough of Bogota (Bergen)
Custodian of Record

Complaint Nos. 2013-315 and 2014-152

At the June 27, 2017 public meeting, the Government Records Council ("Council") considered the June 27, 2017 Supplemental Findings and Recommendations of the Executive Director and all related documentation submitted by the parties. The Council, by a majority vote, adopted the entirety of said findings and recommendations. The Council, therefore, finds that:

1. The GRC should reject the ALJ's March 9, 2017 Initial Decision. Due process was not effectuated pursuant to the Council's July 26, 2016 Interim Order because the Custodian did not appear at the hearing and the evidence of record indicates that the prior Borough Administrator had no knowledge that he was found to be culpable of a knowing and willful violation of OPRA and could be subject to a $1,000 personal penalty. As such, the complaints were properly remanded to the Office of Administrative Law to afford due process to these individuals. Moreover, there is no proof that the custodial agency had authority to speak for the prior Borough Administrator in stipulating to the knowing and willful violation and penalty.

2. Borough Clerk Jeanne Cook, or her designee, shall provide a certification to the GRC pursuant to N.J. Court Rule 1:4-4, naming and providing the address of record for the former business administrator, former clerk, and any other Borough official that is, or was, intended to be defended and indemnified pursuant to the provisions of Borough of Bogota Resolution No. 16-138.

3. **The Custodian shall comply with paragraph #2 above within five (5) business days from receipt of the Council's Interim Order.**

4. To cure the procedural due process defect, the GRC shall issue a notice to the Custodian, former Business Administrator, and any other pertinent municipal officials, advising them of the stipulated knowing and willful violation and penalty and affording them an opportunity for an administrative hearing, and these complaints shall be remanded back to the Office of Administrative Law ("OAL") to afford the Custodian, former Business Administrator, and any other pertinent municipal officials

an opportunity for a hearing pursuant to the "Administrative Procedure Act," P.L. 1968, c. 410 (C. 52:14B-1 et seq.). In the event the Administrative Law Judge determines that the Custodian, former Business Administrator, and any other pertinent municipal officials knowingly and willfully violated OPRA and unreasonably denied access under the totality of the circumstances, the OAL shall impose a civil penalty pursuant to N.J.S.A. 47:1A-11. Also, in the event the Administrative Law Judge determines the Complainant is a prevailing party pursuant to N.J.S.A. 47:1A-6, the OAL shall award a reasonable attorney's fee if said fee has not already been paid.

Interim Order Rendered by the
Government Records Council
On The 27th Day of June, 2017

Robin Berg Tabakin, Esq., Chair
Government Records Council

I attest the foregoing is a true and accurate record of the Government Records Council.

Steven Ritardi, Esq., Secretary
Government Records Council

**Decision Distribution Date: June 29, 2017**

**STATE OF NEW JERSEY**
**GOVERNMENT RECORDS COUNCIL**

**Supplemental Findings and Recommendations of the Executive Director**
**June 27, 2017 Council Meeting**

**Michael Doss**[1]
**Complainant**

**v.**

**Borough of Bogota (Bergen)**[2]
**Custodial Agency**

**GRC Complaint No. 2013-315**
**GRC Complaint No. 2014-152**
**(Consolidated)**

**GRC Complaint No. 2013-315**

**Records Relevant to Complaint:** See Exhibit A

**Custodian of Record:** Frances Garlicki, Clerk

| **Requests Received by Custodian:** | **Responses Made by Custodian:** |
|---|---|
| September 5, 2013 | No written response on file |
| September 10, 2013 | No written response on file |
| September 18, 2013 | No written response on file |
| September 30, 2013 | October 2, 2013, extended to October 17, 2013 |
| October 4, 2013 | October 7, 2013, extended to October 21, 2013 |

**GRC Complaint Received:** October 22, 2013

**GRC Complaint No. 2014-152**

**Records Relevant to Complaint:** See Exhibit B

**Custodian of Record:** Frances Garlicki, Clerk
**Requests Received by Custodian:** December 13, 2013, and February 28, 2014
**Responses Made by Custodian**: None
**GRC Complaint Received:** March 28, 2014

## Background

July 26, 2016 Council Meeting:

At its July 26, 2016 public meeting, the Government Records Council ("Council" or "GRC") considered the May 17, 2016 Supplemental Findings and Recommendations of the Executive Director and all related documentation submitted by the parties. The Council, by a majority vote, adopted the entirety of said findings and recommendations. The Council,

[1] Represented by Walter M. Luers, Esq. (Clinton, NJ).
[2] Represented by Craig P. Bossong, Esq., of Florio Perrucci Steinhardt & Fader (Rochelle Park, NJ).

therefore, found that these complaints be remanded back to the Office of Administrative Law to afford the prior Borough Administrator an opportunity for a hearing pursuant to the "Administrative Procedure Act," P.L. 1968, c. 410 (C. 52:14B-1 et seq.), and in the event the Administrative Law Judge were to determine that the prior Borough Administrator knowingly and willfully violated OPRA and unreasonably denied access under the totality of the circumstances, to impose a civil penalty pursuant to N.J.S.A. 47:1A-11. Also, in the event that the Administrative Law Judge were to determine the Complainant is a prevailing party pursuant to N.J.S.A. 47:1A-6, to award a reasonable attorney's fee if said fee has not already been paid.

Procedural History:

On July 27, 2016, the Council distributed its July 26, 2016 Interim Order to all parties. On August 19, 2016, the Custodian's Counsel filed a request for reconsideration of the Council's Interim Order; however, the GRC denied the request for reconsideration because the request was filed out of time.[3]

On October 14, 2016, the consolidated complaints were remanded to the Office of Administrative Law ("OAL"). On March 9, 2017, the Administrative Law Judge ("ALJ') issued an Initial Decision; however, the OAL incorrectly listed the attorneys for the parties on the first page of the Initial Decision.

On April 10, 2017, the GRC sought an Order of Extension until June 8, 2017, for issuing the final decision in this matter. On April 11, 2017, the ALJ issued an amended Initial Decision which corrected the March 9, 2017 Initial Decision, to reflect the correct names of the attorneys representing the parties. The ALJ dismissed the matter for "lack of jurisdiction," contending that the GRC "had no authority" to remand the "deemed adopted Initial Decision made in Doss v. Borough of Bogota, GRC Nos. 2857-15 and 2863-15."

The ALJ found as fact that on August 18, 2016, the Borough of Bogota adopted Resolution No. 16-138, which authorized the Borough to defend and indemnify the prior Borough Administrator and Borough Clerk, as well as all other Borough officials in this matter. By way of background, in submissions related to GRC Complaint No. 2013-315, the Custodian mentioned that several other persons assisted her in responding to the OPRA request, those persons being Borough Attorney Joseph Monaghan, Borough Administrator August Greiner, and Administrative Assistant Connie Carpenter. It is for that reason the GRC, upon referring the complaints to OAL, sought a "determination of whether the Custodian or any other Borough official knowingly and willfully violated OPRA . . . ." In the March 7, 2016 Initial Decision, the prior Borough Administrator was not identified by name; however, the Complainant's Counsel stated in his March 21, 2016 exceptions that the former Borough Administrator was August "Chip" Greiner.

In his March 9, 2017 Initial Decision, the ALJ found that pursuant to the Resolution, the Borough forwarded a $1,000 check to the GRC as payment for the penalties imposed by the

[3] N.J.A.C. 5:105-2.10 requires requests for reconsideration to be filed within ten (10) business days following receipt of a Council decision. Here, the deadline for filing a request for reconsideration was August 10, 2016.

March 7, 2016 Initial Decision. The ALJ noted that the GRC returned the check.[4] The ALJ also noted that the courts have not determined that a public agency may not pay a penalty on behalf of an employee found to have violated OPRA.

The ALJ cited N.J.A.C. 1:1-1.3(a) to support proceeding with the case in the absence of the Borough Administrator. The ALJ stated that, "*a determination adverse to the former Borough Administrator would not 'achieve just results' or 'fairness' because he/she was not a named party in the original filing. The former Borough Administrator did not participate in the original matter and the GRC did not include him/her in its Remand Order … **I CONCLUDE** that fundamental fairness cannot be achieved through this Remand.*"

The ALJ discussed N.J.S.A. 52:14B-10(c), which requires an agency to "adopt, reject or modify the recommended [ALJ's] report and decision no later than 45 days after receipt of such recommendations [otherwise] the decision . . . shall be deemed adopted as the final decision of the head of the agency." The ALJ mentioned that in 2013, this provision of the Administrative Procedure Act, N.J.S.A. 52:14B-1 to 15 ("APA"), was amended to limit time extensions. The ALJ cited NJ Elec. Law Enforcement Comm'n v. DiVincenzo, 445 N.J. Super. 187, 198-99 (App. Div. 2016), wherein it provided, "[a]s amended, the [APA] does not provide a safe harbor for an agency that is unable to act within the prescribed period through no fault of its own . . . ."

However, in Footnote vi, of the Initial Decision, the ALJ also quoted from the same decision that:

> [a]n administrative agency has the inherent power to reconsider its own final decision. *See*, *e.g.*, In re Trantino, 89 N.J. 347, 363 (1982); Mastro v. Bd. of Trs, Pub. Emps.' Ret. Sys., 266 N.J. Super. 445, 452 (App. Div. 1993). In Mastro, *supra*, 266 N.J. Super. at 452, we pondered whether an agency had the authority to reconsider a final decision that has resulted from the automatic adoption of an ALJ's initial decision. We observed, "if an agency is denied the power to reconsider even a manifestly erroneous decision deemed approved pursuant to N.J.S.A. 52:14B-10(c), the agency could be thwarted in the performance of its regulatory responsibilities." Ibid. (citation omitted). And, we noted that if the agency lacked such power, "it is arguable that the agency should be allowed to appeal to this court to seek reversal of a manifestly erroneous decision." Ibid.

The ALJ concluded that "*in accordance with N.J.S.A. 52:14B-10(c), the GRC had no authority to remand the 'deemed-adopted' Initial Decision in [the instant complaints]. The GRC acknowledges that the 'Initial Decision became deemed-adopted on or about April 21, 2016, pursuant to N.J.S.A. 52:14B-10(c).' While the GRC may disagree with the Initial Decision, there is simply no support for it to remand a deemed-adopted decision under the APA or the Uniform Administrative Procedure Rules . . . As such, **I CONCLUDE** that this matter should be dismissed for lack of jurisdiction."* The ALJ thereafter ordered the instant complaints dismissed for lack of jurisdiction.

[4] This check was returned because it was sent prematurely and without authorization and direction from the Council.

On April 12, 2017, the Chief ALJ ordered an extension for issuance of the final decision. On April 13, 2017, the GRC confirmed with OAL that the corrected decision restarted the forty-five (45) day time frame within which the GRC must accept, reject, or modify the decision. The GRC also notified Counsel for the parties that the period within which to submit exceptions will end on April 26, 2017.

On April 24, 2017, the Complainant's Counsel submitted to the GRC exceptions to the ALJ's March 9, 2017 Initial Decision (as amended on April 11, 2017). Counsel asserts that by dismissing the complaints, the ALJ exceeded his authority. Counsel argues that under the decisions of the Supreme Court, an "agency head has the exclusive right to decide contested cases in administrative hearings." Counsel cites Matter of Kallen, 92 N.J. 14, 20 (1983). Counsel argues that the court in Kallen held that ALJs cannot "predetermine[]" or preempt[]" the agency head's final decision by refusing the agency's directions on remand. Id. at 23. Counsel also cites In re Uniform Adm'n Procedure Rules, 90 N.J. 86, 96 (1982), as finding that "[b]ecause the agency has statutory jurisdiction to set and enforce regulatory policy, the final decision in contested cases is entrusted solely to the agency head."

The Complainant's Counsel also asserts that the ALJ, by suggesting that the complaint is defective because the prior Borough Administrator is not named as a party, misapprehends the GRC's process. Counsel argues that complaints are always against the public agency, and culpable parties are identified in the adjudicatory process. Counsel cites to Johnson v. Oceanport, GRC Complainant Nos. 2007-202 and 2008-141, as an example of the GRC identifying a former Oceanport council member as potentially culpable for a penalty. Counsel points out that although the complaints were never formally amended, the council member was brought into the cases by interim order of the GRC, and the same circumstances occurred in the instant complaint.

Counsel asks the GRC to vacate the March 9, 2017 Initial Decision, and return the matter to OAL for a hearing pursuant to the GRC's October 18, 2016 Interim Order. The GRC did not receive any submissions from the Custodian's Counsel.

On May 22, 2017, because the OAL corrected its Initial Decision which was subsequently served upon the correct parties, the GRC sought an Order of Extension until July 16, 2017, in order to issue the final decision in this matter. On May 23, 2017, the Chief ALJ ordered the extension for issuance of the final decision.

## Analysis

An administrative agency has the duty of ensuring that the administrative law judge's decision was based on a preponderance of the credible evidence. In re Polk License Revocation, 90 N.J. 550, 560 (1982); Dore v. Bedminster Tp. Bd. of Ed., 185 N.J. Super. 447, 453 (App. Div. 1982). The agency's decision need only "demonstrate that the agency gave attentive consideration to the ALJ's recommendation as part of the record and [to] address itself to key items of evidence which were crucial to its decision." Public Advocate Dep't v. Public Utilities Bd., 189 N.J. Super. 491, 506. *See also* St. Vincent's Hospital v. Finley, 154 N.J. Super. 24, 29-33 (App. Div. 1977). The ultimate determination of the agency and the ALJ's recommendations must therefore be accompanied by basic findings of fact sufficient to support them. State, Dep't

of Health v. Tegnazian, 194 N.J. Super. 435, 442-43 (App. Div. 1984). The purpose of such findings "is to enable a reviewing court to conduct an intelligent review of the administrative decision and determine if the facts upon which the order is grounded afford a reasonable basis therefor." Id. at 443.

"In the absence of a legislative restriction, administrative agencies generally have the inherent power to reopen or to modify and rehear prior decisions." In re Application of Trantino, 89 N.J. 347, 363 (1982). Even a deemed adopted decision of an ALJ could be subject to reconsideration under appropriate circumstances. "[I]f an agency is denied the power to reconsider even a manifestly erroneous decision deemed approved pursuant to N.J.S.A. 52:14B-10(c), the agency could be 'thwarted' in the performance of its 'regulatory responsibilities.'" Mastro v. Bd. of Trustees, PERS, 266 N.J. Super. 445, 452 (App. Div. 1993), citing King v. N.J. Racing Comm'n, 103 N.J. 412, 424 (1986). *See* Handlon, *supra* at 106 (1950), underscoring that, " administrative tribunals possess the inherent power of reconsideration of their judicial acts . . . [t]his function arises by necessary implication to serve the statutory policy. McFeely v. Bd. of Pens. Comm'n, [1 N.J. 212 (1948)]." *See also* Burlington Cnty. Evergreen Pk. Mental Hosp. v. Cooper, 56 N.J. at 579, 600, finding that "an agency ought to be allowed and willing to reconsider the equity of an earlier ruling based upon inadequate precedent."

The GRC also has specific regulatory authority to reconsider decisions. N.J.A.C. 5:105-2.10 provides that "[t]he Council, at its own discretion, may reconsider any decision it renders."

The authority of the GRC to reconsider its decisions extends to deemed adopted decisions. *See* Mastro, 266 N.J. Super. 445. However, the power to reopen the matter after a deemed adoption must be exercised reasonably. The ALJ's March 9, 2017 Initial Decision is internally inconsistent here because, even though the ALJ stated that N.J.S.A. 52:14B-10(c) precluded remand of the deemed adopted decision, in Footnote vi of that Initial Decision, the ALJ quotes NJ Elec.,445 N.J. Super. 187, which provides that an agency should not be denied the power to reconsider a manifestly erroneous decision because it could thwart its regulatory responsibilities. Indeed, NJ Elec. recognizes that the circumstances for reopening a deemed adopted decision are case-specific, and should be considered in their totality to avoid manifestly unjust results. Therefore, the ALJ misinterprets N.J.S.A. 52:14B-10(c) as a *per se* bar for reconsideration of a deemed adopted decision.

The Supreme Court in In re Kallen, *supra* at 27 sets forth the elements courts have generally considered in reopening final orders as "(1) the burden on the individual the reopening would impose, (2) the reason for the reopening, and (3) the public interest served by the reopening. Skulski v. Nolan, 68 N.J. at 195-201; Ruvolt v. Nolan, 63 N.J. at 183-84; Burlington County Evergreen Pk. Mental Hosp. v. Cooper, 56 N.J. at 600; Hanlon v. Town of Belleville, 4 N.J. at 106-07." Here, reopening this matter will not burden the individuals involved but will allow for the complete adjudication of a matter in which they are entitled to present a defense. Reopening this matter is necessitated by GRC's undisputable requirement of ensuring due process. The integrity of the GRC's charge as an adjudicative body for the public's benefit relies on it providing a fair and competent adjudicative process. Conversely, disallowance of a hearing would thwart the GRC's regulatory responsibilities.

Based on the evidence of record, the GRC rejects the March 9, 2017 Initial Decision because the ALJ erred in dismissing the case for "lack of jurisdiction." The ALJ mistakenly determined that the GRC does not have authority to reconsider a deemed adopted decision. See Mastro, *supra* at 452; DiVincenzo, *supra* at 187. Contrary to the Initial Decision's reasoning, the GRC is not precluded by N.J.S.A. 52:14B-10(c) to reconsider a deemed adopted decision that does not comport with due process principles. The GRC, as an administrative agency, must ensure that "administrative hearings in contested cases operate fairly . . ." Laba v. Newark Bd. of Educ., 23 N.J. 364, 382 (1957); In re Kallen, 92 N.J. 14, 27 (1983). Accordingly, the GRC's performance of its administrative functions is "conditioned by the demands of procedural due process for the protection of private and public interests." Hanlon v. Town of Bellville, 4 N.J. 99, 106 (1950). Due process was not effectuated in this case because the former Borough administrator did not have the opportunity to contest the knowing and willful violation and the personal monetary penalty. The GRC's order of remand to the OAL to correct this procedural due process defect is a proper exercise of its administrative duties and was thus was improperly rejected by the ALJ.

In addition, the ALJ did not accede to the Council's July 29, 2014 Interim Order for sufficient development of the factual record in the case. In said Order, the Council referred the complaints to OAL for a hearing to ***resolve the facts*** and determine whether the Custodian or any other Borough official knowingly and willfully violated OPRA and unreasonably denied access under the totality of the circumstances. The ALJ adopted the Joint Stipulation of Facts submitted by the parties as his sole and complete findings of facts. The Joint Stipulation was comprised of only three facts:

1. The Borough of Bogota, through the prior Borough Administrator, knowingly and willfully denied the Petitioner access to the public records that are the subject matter of these GRC complaints;

2. Pursuant to N.J.S.A. 47:1A-11, a penalty as determined by this Court and consistent therein shall be paid;

3. Pursuant to N.J.S.A. 47:1A-6, the Borough shall pay reasonable attorney's fees to Petitioner's Counsel.[5]

The ALJ's use of "[t]he Borough . . . through the prior Borough Administrator" leaves the record unclear as to precisely which Borough official or officials knowingly and willfully violated OPRA and unreasonably denied access. The GRC was left only with a determination that a prior Borough Administrator acted as a conduit for the "Borough" to deny access knowingly and willfully to the Complainant's OPRA request. The specific individual or individuals in the Borough of Bogota who are charged with knowingly and willfully violating the law were not identified. The facts that were found by the ALJ resemble the stipulated terms in a settlement agreement; this is insufficient. The facts were not developed in accordance with the GRC's fact finding instructions.

[5] This was not an issue when the Council issued its July 29, 2014 Interim Order because the Complainant was not represented by counsel at that time.

A sufficient factual record is necessary because in the absence of anyone else's involvement, the GRC holds the custodian responsible for violating OPRA. Denial of Access Complaints are always filed against the public agency and the custodian. The GRC does not identify other government official(s) that might be culpable unless the evidence of record has established a clear nexus between such official(s) and the alleged violation. That was not the case in the instant matter. From the evidence of record, the GRC was uncertain whether the Custodian and/or other municipal officials may have violated OPRA. For this reason, when the complaints were transmitted to OAL, the GRC asked OAL to make a determination as to whether the Custodian or ***any other Borough official*** knowingly and willfully violated OPRA. The GRC only learned after receiving the ALJ's March 7, 2016 Initial Decision that the prior Borough administrator was the named official who was supposedly responsible for committing a knowing and willful violation.

Although the ALJ correctly noted that the courts have not ruled that a public agency may not pay a penalty on behalf of an employee found to have violated OPRA, the plain language of the statute makes it clear that "[a] ***public official, officer, employee or custodian*** who knowingly and willfully violates [OPRA], and is found to have unreasonably denied access under the totality of the circumstances, shall be subject to a civil penalty . . ." N.J.S.A. 47:1A-11. If the public agency was held responsible for paying the penalty, the effect would be to place a pecuniary burden on the taxpayers of this State for their very efforts in pursuing transparency in government by availing themselves of OPRA. A personal penalty upon the government official intentionally violating OPRA avoids such an injustice. The GRC has thus repeatedly found that a government official who knowingly and willfully violated OPRA and unreasonably denied access under the totality of the circumstances is personally subject to a civil penalty pursuant to N.J.S.A. 47:1A-11. *See* Bart v. City of Paterson Hous. Auth., GRC Complaint No. 2005-145 (May 2007), Bart v. City of Paterson Hous. Auth., 403 N.J. Super. 609 (App. Div. 2008), Johnson v. Borough of Oceanport, GRC Complainant No. 2007-107, and Z.T. v. Bernards Twp. Bd. of Educ. (Somerset), GRC Complaint No. 2007-277 (June 2010).

By way of background, prior to July 2013, the GRC captioned all of its complaints as "John Doe, Complainant v. Name of Public Agency, Custodian of Records." In July 2013 and thereafter, the GRC changed its caption to "John Doe, Complainant v. Name of Public Agency, *Custodial Agency*." The custodian was subsequently named in the complaint, together with any known officials that might have incurred responsibility for responding to the request, if those officials were known to the GRC. Because OPRA penalties are personal, the custodian and any other official are necessary parties to a knowing and willful administrative hearing. It is acknowledged that here, the GRC's process of complaint captioning may have caused confusion as to who were the necessary parties in the case. Notwithstanding the case caption, and the Borough's August 18, 2016 resolution to indemnify its officials, the municipality does not have the authority to stipulate to a penalty on behalf of an individual. The individual or individuals charged with the violation are essential parties to knowing and willful proceedings in the OAL; however, neither the Custodian nor the Borough Administrator appeared at the hearing in this matter. Because the ALJ found as a fact that the prior Borough Administrator was culpable for violating OPRA, and because the penalty is personal, the Borough Administrator, as well as the Custodian, are entitled to a hearing to ensure that they are afforded due process.

Accordingly, the GRC should reject the ALJ's March 9, 2017 Initial Decision. Due process was not effectuated pursuant to the Council's July 26, 2016 Interim Order because the prior Borough Administrator and the Custodian (and any other Borough officials, if applicable) did not appear at the hearing. Absent evidence that these officials knew of the Borough's actions in this matter, the present record indicates that the prior Borough Administrator had no knowledge that he was charged with a knowing and willful OPRA violation and could be subject to a personal $1,000 penalty. As such, the complaints were properly remanded to the OAL to afford due process to these individuals. Moreover, there is no proof that the custodial agency had authority to speak for the prior Borough Administrator in stipulating to the knowing and willful violation and penalty.

To cure the procedural due process defect, the Council is ordering that notice be issued to the Custodian, former Business Administrator, and any other pertinent municipal officials, advising them of the stipulated knowing and willful violation and penalty and affording them an opportunity for an administrative hearing. These complaints shall be remanded back to the Office of Administrative Law ("OAL") to afford the Custodian, former Business Administrator, and any other pertinent municipal officials an opportunity for a hearing pursuant to the "Administrative Procedure Act," P.L. 1968, c. 410 (C. 52:14B-1 et seq.). In the event the Administrative Law Judge determines that the Custodian, former Business Administrator, and any other pertinent municipal officials knowingly and willfully violated OPRA and unreasonably denied access under the totality of the circumstances, the OAL shall impose a civil penalty pursuant to N.J.S.A. 47:1A-11. Also, in the event the Administrative Law Judge determines the Complainant is a prevailing party pursuant to N.J.S.A. 47:1A-6, the OAL shall award a reasonable attorney's fee if said fee has not already been paid.

## Conclusions and Recommendations

The Executive Director respectfully recommends the Council find that:

1. The GRC should reject the ALJ's March 9, 2017 Initial Decision. Due process was not effectuated pursuant to the Council's July 26, 2016 Interim Order because the Custodian did not appear at the hearing and the evidence of record indicates that the prior Borough Administrator had no knowledge that he was found to be culpable of a knowing and willful violation of OPRA and could be subject to a $1,000 personal penalty. As such, the complaints were properly remanded to the Office of Administrative Law to afford due process to these individuals. Moreover, there is no proof that the custodial agency had authority to speak for the prior Borough Administrator in stipulating to the knowing and willful violation and penalty.

2. Borough Clerk Jeanne Cook, or her designee, shall provide a certification to the GRC pursuant to N.J. Court Rule 1:4-4, naming and providing the address of record for the former business administrator, former clerk, and any other Borough official that is, or was, intended to be defended and indemnified pursuant to the provisions of Borough of Bogota Resolution No. 16-138.

3. **The Custodian shall comply with paragraph #2 above within five (5) business days from receipt of the Council's Interim Order.**

4. To cure the procedural due process defect, the GRC shall issue a notice to the Custodian, former Business Administrator, and any other pertinent municipal officials, advising them of the stipulated knowing and willful violation and penalty and affording them an opportunity for an administrative hearing, and these complaints shall be remanded back to the Office of Administrative Law ("OAL") to afford the Custodian, former Business Administrator, and any other pertinent municipal officials an opportunity for a hearing pursuant to the "Administrative Procedure Act," P.L. 1968, c. 410 (C. 52:14B-1 et seq.). In the event the Administrative Law Judge determines that the Custodian, former Business Administrator, and any other pertinent municipal officials knowingly and willfully violated OPRA and unreasonably denied access under the totality of the circumstances, the OAL shall impose a civil penalty pursuant to N.J.S.A. 47:1A-11. Also, in the event the Administrative Law Judge determines the Complainant is a prevailing party pursuant to N.J.S.A. 47:1A-6, the OAL shall award a reasonable attorney's fee if said fee has not already been paid.

Prepared By: John E. Stewart

June 27, 2017

State of New Jersey
DEPARTMENT OF COMMUNITY AFFAIRS
101 SOUTH BROAD STREET
PO BOX 819
TRENTON, NJ 08625-0819

CHRIS CHRISTIE
*Governor*

KIM GUADAGNO
*Lt. Governor*

CHARLES A. RICHMAN
*Commissioner*

**INTERIM ORDER**

**July 26, 2016 Government Records Council Meeting**

Michael Doss
Complainant
v.
Borogh of Bogota (Bergen)
Custodian of Record

Complaint Nos. 2013-315 and 2014-152

At the July 26, 2016 public meeting, the Government Records Council ("Council") considered the May 17, 2016 Supplemental, if applicable Findings and Recommendations of the Executive Director and all related documentation submitted by the parties. The Council, by a majority vote, adopted the entirety of said findings and recommendations. The Council, therefore, finds that that these complaints be remanded back to the Office of Administrative Law to afford the prior Borough Administrator an opportunity for a hearing pursuant to the "Administrative Procedure Act," P.L. 1968, c. 410 (C. 52:14B-1 et seq.), and in the event the Administrative Law Judge determines that the prior Borough Administrator knowingly and willfully violated OPRA and unreasonably denied access under the totality of the circumstances, to impose a civil penalty pursuant to N.J.S.A. 47:1A-11. Also, in the event the Administrative Law Judge determines the Complainant is a prevailing party pursuant to N.J.S.A. 47:1A-6, to award a reasonable attorney's fee if said fee has not already been paid.

Interim Order Rendered by the
Government Records Council
On The 27th Day of July, 2016

Robin Berg Tabakin, Esq., Chair
Government Records Council

I attest the foregoing is a true and accurate record of the Government Records Council.

Steven Ritardi, Esq., Secretary
Government Records Council

**Decision Distribution Date: July 27, 2016**

# EXHIBIT A

L

Completed

BOROUGH OF BOGOTA

# OPEN PUBLIC RECORDS ACT REQUEST FORM

375 LARCH AVENUE

(201) 342-1736 ext. 235 • (201) 342-0574 (FAX)

Email: clerk@bogotaonline.org

Borough of Bogota Records

**Important Notice**

The last page of this form contains important information related to your rights concerning government records. Please read it carefully.

## Requestor Information – Please Print

First Name MICHAEL MI Last Name DOSS.

E-mail Address mdoss@checnj.org

Mailing Address 48 CHESTNUT AVE

City BOGOTA State NJ Zip 07603

Telephone (201) 745-4680 FAX

Preferred Delivery: Pick Up ✓ US Mail On-Site Inspect Fax E-mail ✓

If you are requesting records containing personal information, please circle one: Under penalty of N.J.S.A. 2C:28-3, I certify that I HAVE / HAVE NOT been convicted of any indictable offense under the laws of New Jersey, any other state or the United States.

Signature MD Date 9/5/2013

## Payment Information

Maximum Authorization Cost $

Select Payment Method

Cash Check Money Order

Fees: Letter size pages - $0.05 per page
Legal size pages - $0.07 per page
Other materials (CD, DVD, etc) – actual

Delivery: Delivery / postage fees additional depending upon delivery type.

Extras: Special service charge dependent upon request.

**Record Request Information:** Please be as specific as possible in describing the records being requested. Also, please note that your preferred method of delivery will only be accommodated if the custodian has the technological means and the integrity of the records will not be jeopardized by such method of delivery.

- SALARIES FOR ALL BOROUGH EMPLOYEES (FULL TIME & PART TIME) & POSITION 2 YRS
- DETAILS RELATED TO DELVY SCHOOL PROPERTY PURCHASE (PUBLIC INFO.)
- DETAILS RELATED TO PARKING LOT LAN SUIT, DANIEL CREANCE LAWSUIT & REBUILD TASCA LAWSUIT. (PUBLIC INFO).
- PAPER TRAIL / PURCHASE ORDERS FOR ALL ELECTRONIC DEVICES SUCH AS NOT LIMITED TO LAPTOPS, COMPUTERS, CELL PHONES & ETC. FOR LAST ~~THREE~~ FOUR YEARS, VALUE, LOCATION OF DEVICE & USAGE
- TAX HISTORY (PROPERTY) FROM 2003 – CURRENT. TAX RATE & EQUALIZATION RATE
- BUDGETS ~~FOR~~ FROM 2003 – CURRENT (TOWN & B.O.E. BUDGETS) (SUMMARY BUDGET VS. ACTUAL)

### AGENCY USE ONLY

Est. Document Cost

Est. Delivery Cost

Est. Extras Cost

Total Est. Cost

Deposit Amount

Estimated Balance

Deposit Date

### AGENCY USE ONLY

**Disposition Notes**

Custodian: If any part of request cannot be delivered in seven business days, detail reasons here.

In Progress – Open

Denied – Closed

Filled – Closed

### AGENCY USE ONLY

Tracking Information

Tracking #

Rec'd Date

Ready Date

Total Pages

Final Cost

Total

Deposit

Balance Due

Balance Paid

Records Provided

RECEIVED 2013 SEP -5 P 2:10

TOWN RESOLUTION REGARDING PURCHASE & USE OF CHEVY TAHOE(S).

Admin AMOUNT OF OFFICIAL USAGE BY EACH OFFICIAL ASSIGNED A VEHICLE.

PUBLIC DETAILS RELATED TO THE PURCHASE OR IMPENDING PURCHASE OF EXERCISE EQUIPMENT TO BE INSTALLED IN BOGOTA PARKS.

CDBG GRANTS THAT WERE AWARDED TO BOGOTA FROM 2003 TO DATE. (VALUE OF GRANT & USAGE).

MILEAGE LOG ON BOROUGH USED VEHICLE & GAS EXPENSE

TOTAL PURCHASE OF CHEVY SUBURBAN.
COST MILEAGE LOG-

TOTAL COST OF VEHICLES PURCHASED VIA RESOLUTION & MILEAGE LOG.

RESOLUTION WITH PREVIOUS MODEL OFFICIALS (CRITERIA, EXPERIENCE, NUMBER OF APPLICANTS) ETC

BOROUGH OF BOGOTA

# OPEN PUBLIC RECORDS ACT REQUEST FORM

375 LARCH AVENUE
(201) 342-1736 ext. 236 • (201) 342-0574 (FAX)
Email: clerk@bogotaonline.org
Borough of Bogota Records

## Important Notice

The last page of this form contains important information related to your rights concerning government records. Please read it carefully.

### Requestor Information – Please Print

First Name MICHAEL MI ___ Last Name DOSS

E-mail Address makdoss@yahoo.com

Mailing Address 48 CHESTNUT AVENUE

City BOGOTA State NJ Zip 07603

Telephone (201) 745-4680 FAX ___

Preferred Delivery: Pick Up ✓ US Mail ___ On-Site Inspect ___ Fax ___ E-mail ✓

If you are requesting records containing personal information, please circle one: Under penalty of N.J.S.A. 2C:28-3, I certify that I HAVE / HAVE NOT been convicted of any indictable offense under the laws of New Jersey, any other state or the United States.

Signature ___ Date 9/10/2013

### Payment Information

Maximum Authorization Cost $

Select Payment Method

Cash Check Money Order

Fees: Letter size pages - $0.05 per page
Legal size pages - $0.07 per page
Other materials (CD, DVD, etc) – actual

Delivery: Delivery / postage fees additional depending upon delivery type.

Extras: Special service charge dependent upon request.

Record Request Information: Please be as specific as possible in describing the records being requested. Also, please note that your preferred method of delivery will only be accommodated if the custodian has the technological means and the integrity of the records will not be jeopardized by such method of delivery.

PLEASE SEE ATTACHMENT. KINDLY EXPEDITE COMMUNICATION OF INFORMATION & RESPONSES PRIOR TO SEPT. 17TH 2013. IF THIS DATE CAN NOT BE ACHIEVED PLEASE CONTACT MICHAEL DOSS AT (201) 745-4680 IMMEDIATELY!

BOROUGH OF BOGOTA 2013 SEP 10 A 10:48 RECEIVED

### AGENCY USE ONLY

Est. Document Cost ___
Est. Delivery Cost ___
Est. Extras Cost ___
Total Est. Cost ___
Deposit Amount ___
Estimated Balance ___
Deposit Date ___

### AGENCY USE ONLY

**Disposition Notes**
Custodian: if any part of request cannot be delivered in seven business days, detail reasons here.

In Progress - Open ___
Denied - Closed ___
Filled - Closed ___
Partial - Closed ___

### AGENCY USE ONLY

**Tracking Information**

Tracking # ___
Rec'd Date ___
Ready Date ___
Total Pages ___

**Final Cost**

Total ___
Deposit ___
Balance Due ___
Balance Paid ___

Records Provided

Custodian Signature ___ Date ___

A. **2008 Budget:**

1. Provide revenue and appropriation summary for 2008 budget.

B. **Finance:**

1. ***Outstanding Debt***

- In 2007, the budget reflects approximately $4.5M Outstanding Balance (debt/money borrowed). The 2013 budget reflects $8.5M Outstanding Balance (debt/money borrowed). Please provide documents for the additional $4M outstanding and itemized details regarding allocation of these funds.
- Provide any documents that relate to financial plans for eliminating the $8.5M Outstanding Balance.

2. ***Deferred Charges and Other Appropriations***

- In 2007, the budget reflects $183K for Deferred Charges and Other Appropriations. The 2013 budget reflects $1.1M in Deferred Charges and Other Appropriations. Please provide documents for the increase of approximately $1M in Deferred Charges and Other Appropriations.
- Additionally, please provide details and documents related to the allocation of $1.1M in Deferred Charges and Other Appropriations. Documents specifying but not limited to where and how this money is spent, controlled, managed and reported?

3. ***Other Expenses***

- In 2012, the budget reflects $3.3M in other expenses and 2013 is estimated to be $2.9M. Please provide details and documents related to the allocation of both 2012 and 2013 for these funds listed as other expenses.

4. The budget (Total General Appropriations) for 2009 was approximately $7.7M. The budget (Total General Appropriations) for 2013 is estimated to be $9M. Also observed is salaries and wages had little fluctuation from 2009 to 2013. Why the additional $1.3M in the budget? What tools/controls are in place to reduce spending (particularly in the categories of Other Expenses and Deferred Charges and Other Appropriations)?

C. **Grant monies:**

1. Provide specific documents that memorialize total funds received from 2005 to date by agency or organization (i.e. OEM, FEMA, PSE&G, private organizations and all other public or government organizations).
2. Provide documents reflecting allocation of grant funds (i.e. source each grant fund per organization and per year). For example, FEMA money award for hurricane Sandy ($100K). Money used to upgrade equipment XXX.

D. **Resolution 13-108:**

1. Provide document for purchase price for the vehicles used by the following (**excluding Police Chief, Captain of Police and Superintendant of DPW**) :

- Fire Chief, Deputy Fire Chief, Battalion Chief, OEM Coordinator, Fire Official, EMS Chief and Rescue Chief.

2. Provide current mileage on the Borough vehicles used by the following:
   - Fire Chief, Deputy Fire Chief, Battalion Chief, OEM Coordinator, Fire Official, EMS Chief and Rescue Chief.
3. Mileage log or related documents identifying usage for emergency versus personal use for borough vehicles used by the following (2008 to date):
   - Fire Chief, Deputy Fire Chief, Battalion Chief, OEM Coordinator, Fire Official, EMS Chief and Rescue Chief.
4. Provide procedure or documents reflecting how mileage should be recorded/logged.
5. Provide documents reflecting gas consumption cost (annualized) for each of the borough vehicles used by the following:
   - Fire Chief, Deputy Fire Chief, Battalion Chief, OEM Coordinator, Fire Official, EMS Chief and Rescue Chief.
6. Provide procedure or documents related to refueling vehicle and reimbursements or expenses.
7. Provide documents reflecting maintenance cost (annualized) for each of the borough vehicles used by the following:
   - Fire Chief, Deputy Fire Chief, Battalion Chief, OEM Coordinator, Fire Official, EMS Chief and Rescue Chief.
8. Insurance cost (annualized) for each of the borough vehicles used by the following:
   - Fire Chief, Deputy Fire Chief, Battalion Chief, OEM Coordinator, Fire Official, EMS Chief and Rescue Chief.

E. **OEM/Police Commissioner vehicle (Black Chevy Suburban) and cell phone:**

1. Purchase price for this borough vehicle.
2. Provide current mileage for this borough vehicle.
3. Provide mileage log or documents identifying usage for emergency versus personal use.
4. Provide documents reflecting gas consumption cost (annualized) for this borough vehicle.
5. Maintenance cost (annualized) for each of this borough vehicle.
6. Insurance costs (annualized).
7. Copies of borough issued cell phone monthly invoices from 2012 to date.
8. Provide receipts for all UPS/Fed Ex/USPS packages delivered to OEM/Police Commissioner from 2012 to date.

F. **Inventory of equipment procured for use by borough councilman, and officials (excluding Police Department and DPW):**

1. List of devices (laptops, desktops, printers, cell phones; etc.).
2. Asset inventory log and/or documents.

3. Provide procedure or documents related to managing asset inventory.
4. Purchase price for each device or copies of purchase orders or documents reflecting price per device.
5. Documents reflecting source of funds used to procure each device.
6. Documents reflecting device assignment to who (name of individual assigned device).
7. Documents reflecting location of each device/where does this device reside (i.e. home, borough hall; etc.)?
8. Documents reflecting monthly cost for each cell phone / individual?
9. Documents reflecting log of usage (personal versus emergency/borough related)?

**G. Resolution 13-158:**

1. Please provide copy of need analysis or justification document(s) for implementing adult exercise equipment.
2. Please provide list or references of implementation of such equipment for similar application.
3. List of equipment and cost.
4. Documents reflecting life expectancy of equipment?
5. Documents reflecting associated maintenance costs (annualized)?
6. Copy of RFP or similar documents used to solicit best vendor providing such equipment.
7. Copies of bids submitted or documents reflecting vendors' quotes.
8. Copy of bid analysis identifying preferred vendor or documents attempting to perform such assessment.

**H. Employee Manual**

1. Provide copy of employee manual.

**I. Property Maintenance employees (W. Hodges & N. Barese):**

1. Please provide the process or documents for determining the necessity for employing two Property Maintenance positions in lieu of one for a town less than one mile square.
    - Process by which the position was posted (newspapers, website job boards; etc.) and duration of posting (length of time position was advertised).
    - Number of candidates applying to the position.
    - Detailed process or documents by which candidates were interviewed:
        - **interviewers** name's/position/credentials,
        - number of interviewing rounds for each candidate,
        - analysis or determination used to derived preferred candidate(s);
        - preferred candidates' references.
    - Start dates for each candidate and annual salary (from employment start date to termination or present).

2. Provide copy of Property Maintenance employees' resumes (W. Hodges and N. Barese), relevant credentials, and qualifications related to the position of Property Maintenance and other documents which assisted in determining them as the preferred candidates to be awarded the position.
3. Provide Property Maintenance employees (W. Hodges and N. Barese) employment status (full time or part time) and number of hours scheduled to be worked per week (while employed by Bogota).
4. Provide copy of Property Maintenance employees' (W. Hodges and N. Barese) annual job performance review or related document and associated annual salary increase from start date to termination or present.

J. **Waste Management:**

A. Provide copies of the RFPs or similar documents issued for waste removal in Bogota for the last two waste removal agreements (i.e. Roselli/Bogota and B&B/Bogota).

B. Provide copies of the bids and documents submitted for both RFPs.

C. Provide bid leveling analysis or any such documents determining preferred candidate.

D. Provide copies of contract agreements with awarded provider.

E. Provide analysis and documents identifying savings related to outsourcing waste removal (annual savings realized).

F. Provide analysis and related documents reflecting estimated savings for reducing waste removal to once per week during winter months (annualized savings).

G. Provide details or documents related to where the savings for #5 and #6 are being utilized.

K. **Town Engineer:**

1. Provide clarification regarding the frequency of renewing Town Borough Engineer services agreement (i.e. RFP for engineering services is sent annually, bi-annually; etc.).
2. Clarify terms of Borough Town Engineering services (specific services, schedule of fees, contract duration; number of hours to be rendered for services and fees related to hours exceeding contractual agreement).
3. Provide copy of RFP or related documents for securing the services of the current Borough Town Engineer for the last 6 years.
4. Provide copy of contract for Borough Engineer.
5. Provide details related to the relevance and payment of borough engineer for any depositions equal to and exceeding the cost of $1500.
6. 
7. Provide list of engineering firms applying to RFPs and their respective bids for last 6 years.
8. Provide bid analysis and related documents awarding engineering services for last 6 years.
9. Provide list of credentials, experience, other townships served, and current list of major projects related to current Borough Town engineer's firm (Harry Tuvel).
10. Provide Itemized contributions made by Harry Tuvel's engineering firm and individually during the last 6 years to the Borough of Bogota.

L. **Borough Auditor:**

1. Provide process or documents reflecting a process for selecting borough auditor.
2. Provide credentials and experience of current borough auditor.
3. Provide copies of any written agreements (terms: duration of agreement, fee schedule; etc.) for any services to be rendered by auditor.
4. Does the borough auditor perform any other functions for the town of Bogota (for example, auditor for Board of Education)?

M. **Contributions made to the Borough of Bogota:**

1. Please provide itemized contributions or documents representing contributions made to the Borough of Bogota from 2000 to date by the following:
    - J. Monaghan (law firm)
    - J. Monaghan (individually)
    - Lerch, Vinci and Higgins
    - D. Lerch (individually)
    - KSL-Lawyers
    - P. Kaufman (individually)
    - Harry Tuvel's firm
    - Hary Tuvel (individually)

N. **Borough Administrator:**

1. Please provide process or documents reflecting the process for selecting Borough Administrator position.
    - Process by which position was posted (newspapers, website job boards; etc.) and duration of posting (length of time position was advertised).
    - Number of candidates applying to the position.
    - Detailed process by which candidates were interviewed:
        - interviewers name's/position/credentials,
        - number interview rounds for each candidate;
        - analysis or determination which derived preferred candidate.
2. Provide copy of current Borough Administrator's contract with Bogota.
3. Provide copy of current Borough Administrator's resume, relevant credentials and qualifications related to the position of Borough Administrator.
4. Provide documents reflecting copy of current Borough Administrator's past supervisor's names (from past employers during last 10 years).

5. Provide documents reflecting current Borough Administrator's past experience related to management of finances. For example, operational and capital budget amounts during the last 5 years in summary format with year-end actual versus budgeted amounts for each year.
6. Provide documents reflecting current Borough Administrator's volume of FTE's managed during the last five years.
7. Provide documents reflecting current Borough Administrator's experience related to securing local/state/national grants, amount of private sector donor funds secured and other contributions solicited from any entities during the last 5 years.
8. Provide documents reflecting current Borough Administrator's employment status with Bogota (full time or part time) and number of hours scheduled to be worked per week.

**O. <u>Dewey School Property:</u>**

1. Please provide details pertaining to the sale of the Dewey School Property:
    - Sale price and date.
    - Authorized signature(s) names. Who were the people representing the Bogota Board of Education at the closing of sale. How were they vetted to ensure they would act on the best interests of Bogota?
    - Name of buyer(s).

**P. <u>297 Palisades Avenue Redevelopment Project:</u>**

- Documents showing if the property has been resold? If so, how many times and the names of the buyers and respective sale price?
- Why did the property sit with rubble and debris for several years?
- Name of current developer.
- Documents showing if Bogota had any influence (contractual) over the selection of the developer?
- Documents showing current developer's name (names of partners) and name of legal counsel representation.
- Complete details, agreements documents related to the tax abatement and PILOT for this property.
- Was an RFP or similar document issued to solicit the services of a third party to represent the Borough of Bogota in negotiating the tax abatement with the developer? If not, what was the basis for this decision respective authority approving this decision?
- Names of individuals representing Bogota that are negotiating the tax abatement for the property with the developer and developer's counsel.
- Credentials of Bogota's representative negotiating with developer:
    i. How many properties have Bogota's representative negotiated tax abatements and dollar values of each?

ii. What value does each Bogota representative bring to the table during the negotiations of the tax abatement with the developer?

- Provide detailed construction drawings or documents, construction schedule and name of contractor awarded the project.
- Provide details related to the targeted group that will be residing in the newly constructed building:
  - Prospective age range of tenants.
  - Targeted salary range for tenants.
  - Children per household.
  - How will the Bogota School system support the additional students (i.e. more teachers, additions to school buildings, class room expansions, additional desks; etc.)? Associated cost?
  - Increasing FTEs/PTEs in the Police force and DPW to support the additional residents? Associated cost with any increase in work force?

NOTES:

- **Additionally, please contact me immediately if there is any ambiguity, concerns or questions regarding these requests. Therefore, the process by which you will collect and submit this information to me should not be halted until said clarification is received from me.**
- **In the event any information is withheld, kindly specify the item and legal restrictions which prohibit the communication of such information.**

**THIS IS THE OPRA REQUEST THE COMPLAINANT IDENTIFIED IN HIS COMPLAINT AS THE SEPTEMBER 18, 2013 REQUEST (aka COMPLAINANT'S "OPRA #3). NO OFFICIAL OPRA REQUEST FORM COULD BE FOUND FOR THIS REQUEST**

**OPRA Request Form Attachment #2 (revised per denied OPRA received 9/16/2013**

A. **Finance:**

1. ***Outstanding Debt***

- In 2007, the budget reflects approximately $4.5M Outstanding Balance (debt/money borrowed). The 2013 budget reflects $8.5M Outstanding Balance (debt/money borrowed). Please provide documents for the additional $4M outstanding and itemized details regarding allocation of these funds.

  *Specifically, what expenses increased in the budgets of FY 2007, 2008, 2009, 2010, 2011, 2012; 2013.*

  *For example:*

| YEAR | Cost | Expense Description |
|---|---|---|
| 2007 | $550K | Repairs to roadways |
| 2008 | | |
| 2009 | | |
| 2010 | | |
| 2011 | | |
| 2012 | | |
| 2013 | | |

- Provide any documents that relate to financial plans for eliminating the $8.5M Outstanding Balance.

  *Specifically, are there any controls, financial tools or plans to reduce the town budget as well reduce our debt (loans)? Yes or no.*

  *If yes, please list/names of controls, financial tool or plan.*

2. ***Deferred Charges and Other Appropriations***

- In 2007, the budget reflects $183K for Deferred Charges and Other Appropriations. The 2013 budget reflects $1.1M in Deferred Charges and Other Appropriations. Please provide documents for the increase of approximately $1M in Deferred Charges and Other Appropriations. *Specifically, what expenses increased in the budgets of FY 2007, 2008, 2009, 2010, 2011, 2012; 2013.*

  *For example:*

| YEAR | Cost | Expense Description |
|---|---|---|
| 2007 | $550K | Repairs to roadways |
| 2008 | | |
| 2009 | | |

| | | |
|---|---|---|
| 2010 | | |
| 2011 | | |
| 2012 | | |
| 2013 | | |

- 

- Additionally, please provide details and documents related to the allocation of $1.1M in Deferred Charges and Other Appropriations for 2013. Documents specifying but not limited to where and how this money is spent, controlled, managed and reported?

  The budget (Total General Appropriations) for 2009 was approximately $7.7M. The budget (Total General Appropriations) for 2013 is estimated to be $9M. Also observed is salaries and wages had little fluctuation from 2009 to 2013. Why the additional $1.3M in the budget? What tools/controls are in place to reduce spending (particularly in the categories of Other Expenses and Deferred Charges and Other Appropriations)? *Specifically, what expenses increased in the budgets of FY 2009, 2010, 2011, 2012; 2013.*

  *For example:*

| YEAR | Cost | Expense Description |
|---|---|---|
| 2009 | $550K | Repairs to roadways |
| 2010 | | |
| 2011 | | |
| 2012 | | |
| 2013 | | |

3. Borough vendor's list for 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012 and 2013.
4. Copies of all purchase orders for 2011, 2012 and 2013.

**B. <u>Grant monies:</u>**

1. Provide specific documents that memorialize total funds received from 2005 to date by agency or organization (i.e. OEM, FEMA, PSE&G, private organizations and all other public or government organizations).

   *Specifically, provide the amounts of funds or grants received by OEM, FEMA and PSE&G for 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012; 2013.*

   *For example: received $500K from FEMA in 2013*

2. Provide documents reflecting allocation of grant funds (i.e. source each grant fund per organization and per year). For example, FEMA money award for hurricane Sandy ($100K). Money used to upgrade equipment XXX.

   *As per the list above: provide copies of purchase orders reflecting where the grant monies from FEMA, OEM and PSE&G received were utilized for 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012; 2013.*

C. **Resolution 13-108:**

1. Provide document for purchase price **(copy of purchase order)** for the vehicles used by the following (**excluding Police Chief, Captain of Police and Superintendant of DPW**) :
   - Fire Chief, Deputy Fire Chief, Battalion Chief, OEM Coordinator, Fire Official, EMS Chief and Rescue Chief.
2. Provide documents reflecting maintenance cost for 2012 and 2013 for each of the borough vehicles used by the following:
   - Fire Chief, Deputy Fire Chief, Battalion Chief, OEM Coordinator, Fire Official, EMS Chief and Rescue Chief.
3. Insurance cost (annualized) for each of the borough vehicles used by the following (2006, 2007, 2008, 2009, 2010, 2011, 2012; 2013):
   - Fire Chief, Deputy Fire Chief, Battalion Chief, OEM Coordinator, Fire Official, EMS Chief and Rescue Chief.

D. **OEM/Police Commissioner vehicle (Black Chevy Suburban) and cell phone:**

1. Purchase price for this borough vehicle.
2. *Copy of purchase order for vehicle and copies of purchase orders of additional devices added to the vehicle.*
3. Provide current mileage for this borough vehicle.
4. Maintenance cost (annualized) for each of this borough vehicle.
5. Insurance costs (annualized).
6. Copies of borough issued cell phone monthly invoices for 2012 and 2013.
7. Provide receipts for all UPS/Fed Ex/USPS packages delivered to OEM/Police Commissioner from 2012 and 2013. Provide purchase orders for all purchases made with FEMA monies in 2009, 2010, 2011, 2012 and 2013

E. **Inventory of equipment procured for use by borough councilman, and officials (excluding Police Department and DPW):**

1. Borough vendor's list for 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012 and 2013.
2. Copies of all purchase orders for 2011, 2012 and 2013.
3. Documents reflecting source of funds used for purchases for 2011, 2012 and 2013.

F. **Resolution 13-158:**

1. Provide list of equipment and cost associated with resolution
2. Provide information reflecting life expectancy of equipment?
3. Provide information associated maintenance costs?
4. Copy of RFP or similar documents used to solicit best vendor providing such equipment.

5. Copies of bids submitted or documents reflecting vendors' quotes.

**G. Property Maintenance employees (W. Hodges & N. Barese):**

1. Provide job posting or advertisement for this job.
2. Provide list or number of candidates applying for this job.
3. Provide duration of posting (length of time position was advertised).
4. Provide list of names (Borough officials/employees) interviewing these candidates.
5. Provide copy of resume and credentials which help determine both individuals as ideal preferred candidates (W. Hodges and N. Barese).
1. Provide Property Maintenance employees (W. Hodges and N. Barese) employment status (full time or part time) and number of hours scheduled to be worked per week (while employed by Bogota).
2. Provide copy of Property Maintenance employees' (W. Hodges and N. Barese) annual job performance review or related document and associated annual salary increase from start date to termination or present.

**H. Waste Management:**

A. Provide amount of savings determined by outsourcing was removal.

B. Provide savings determined by recuing waste pick up to once per month.

C. Where are savings for #A and #B being utilized?

**I. Borough Auditor:**

1. Provide process or documents reflecting a process for selecting borough auditor.
2. Provide credentials and experience of current borough auditor.
3. Provide copies of any written agreements (terms: duration of agreement, fee schedule; etc.) for any services to be rendered by auditor.
4. Does the borough auditor perform any other functions for the town of Bogota (for example, auditor for Board of Education)?

**J. Contributions made to the Borough of Bogota:**

1. Please provide itemized contributions or documents representing contributions made to the Borough of Bogota from 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012 and 2013 by the following:
    - J. Monaghan (law firm)
    - J. Monaghan (individually)
    - Lerch, Vinci and Higgins
    - D. Lerch (individually)
    - KSL-Lawyers

- P. Kaufman (individually)
- Harry Tuvel's firm
- Hary Tuvel (individually)

K. **Borough Administrator:**

1. Provide job posting or advertisement for this job.
2. Provide list or number of candidates applying for this job.
3. Provide duration of posting (length of time position was advertised).
4. Provide list of names (Borough officials/employees) interviewing the candidates.
5. Provide copy of current Borough Administrator's contract with Bogota.
6. How many times our current Borough administrator has negotiated tax abatements?
7. What is current Borough Administrator's past experience related to management of finances? For example, operational and capital budget amounts during the last 5 years in summary format with year-end actual versus budgeted amounts for each year.
8. Provide any information reflecting current Borough Administrator's experience related to securing local/state/national grants, amount of private sector donor funds secured and other contributions solicited from any entities during the last 5 years.
9. Provide documents reflecting current Borough Administrator's employment status with Bogota (full time or part time) and number of hours scheduled to be worked per week.

L. **297 Palisades Avenue Redevelopment Project:**

- Documents showing if the property has been resold? If so, how many times and the names of the buyers and respective sale price?
- Why did the property sit with rubble and debris for several years?
- Name of current developer.
- Documents showing if Bogota had any influence (contractual) over the selection of the developer?
- Documents showing current developer's name (names of partners) and name of legal counsel representation.
- Complete details, agreements documents related to the tax abatement and PILOT for this property.
- Was an RFP or similar document issued to solicit the services of a third party to represent the Borough of Bogota in negotiating the tax abatement with the developer? If not, what was the basis for this decision respective authority approving this decision?
- Names of individuals representing Bogota that are negotiating the tax abatement for the property with the developer and developer's counsel.
- Credentials of Bogota's representative negotiating with developer:

i. How many properties have Bogota's representative negotiated tax abatements and dollar values of each?

ii. What value does each Bogota representative bring to the table during the negotiations of the tax abatement with the developer?

- Provide detailed construction drawings or documents, construction schedule and name of contractor awarded the project.
- Provide details related to the targeted group that will be residing in the newly constructed building:
  - Prospective age range of tenants.
  - Targeted salary range for tenants.
  - Children per household.
  - How will the Bogota School system support the additional students (i.e. more teachers, additions to school buildings, class room expansions, additional desks; etc.)? Associated cost?
  - Increasing FTEs/PTEs in the Police force and DPW to support the additional residents? Associated cost with any increase in work force?

NOTES:

- **Additionally, please contact me immediately if there is any ambiguity, concerns or questions regarding these requests. Therefore, the process by which you will collect and submit this information to me should not be halted until said clarification is received from me.**
- **In the event any information is withheld, kindly specify the item and legal restrictions which prohibit the communication of such information.**

4th

BOROUGH OF BOGOTA

# OPEN PUBLIC RECORDS ACT REQUEST FORM

375 LARCH AVENUE

(201) 342-1736 ext. 235 • (201) 342-0574 (FAX)

Email: clerk@bogotaonline.org

Borough of Bogota Records

Received 10/5/13

## Important Notice

The last page of this form contains important information related to your rights concerning government records. Please read it carefully.

### Requestor Information – Please Print

First Name MICHAEL MI ____ Last Name DOSJ

E-mail Address makoss@yahoo.com

Mailing Address 43 CHESTNUT AVE

City BOGOTA State NJ Zip 07603

Telephone (201) 745-4680 FAX ____

Preferred Delivery: (Pick Up) ✓ US Mail ____ On-Site Inspect ____ Fax ____ E-mail ____

If you are requesting records containing personal information, please circle one: Under penalty of N.J.S.A. 2C:28-3, I certify that I *HAVE* / *HAVE NOT* been convicted of any indictable offense under the laws of New Jersey, any other state, or the United States.

Signature [signature] Date 9/30/2013

### Payment Information

Maximum Authorization Cost $

Select Payment Method

Cash Check Money Order

Fees: Letter size pages - $0.05 per page
Legal size pages - $0.07 per page
Other materials (CD, DVD, etc) – actual

Delivery: Delivery / postage fees additional depending upon delivery type.

Extras: Special service charge dependent upon request.

**Record Request Information:** Please be as specific as possible in describing the records being requested. Also, please note that your preferred method of delivery will only be accommodated if the custodian has the technological means and the integrity of the records will not be jeopardized by such method of delivery.

PLEASE SEE ATTACHMENT LABELED "OPRA REQUEST FORM ATTACHMENT #4"

PLEASE PROVIDE RESPONSES & DOCUMENTATION IN NUMERICAL/BULLETED FORMAT AS REFLECTED IN "OPRA REQUEST FORM ATTACHMENT."

THANK YOU FOR YOUR TIME!

### AGENCY USE ONLY

Est. Document Cost ____

Est. Delivery Cost ____

Est. Extras Cost ____

Total Est. Cost ____

Deposit Amount ____

Estimated Balance ____

Deposit Date ____

### AGENCY USE ONLY

**Disposition Notes**

Custodian: If any part of request cannot be delivered in seven business days, detail reasons here.

| | | |
|---|---|---|
| In Progress | Open | ____ |
| Denied | Closed | ____ |
| Filed | Closed | ____ |
| Partial | Closed | ____ |

### AGENCY USE ONLY

**Tracking Information**

Tracking # ____

Rec'd Date ____

Ready Date ____

Total Pages ____

**Final Cost**

Total ____

Deposit ____

Balance Due ____

Balance Paid ____

**Records Provided**

RECEIVED
BOROUGH OF BOGOTA
2013 SEP 30 PM 1:42

Custodian Signature ____ Date ____

A. Finance:

1. *Outstanding Debt*

- In 2007, the budget reflects approximately $4.5M Outstanding Balance (debt/money borrowed). The 2013 budget reflects $8.5M Outstanding Balance (debt/money borrowed). Please provide documents for the additional $4M outstanding and itemized details regarding allocation of these funds.

  *Specifically, what expenses increased in the budgets of FY 2007, 2008, 2009, 2010, 2011, 2012; 2013.*

  *For example:*

| YEAR | Cost | Expense Description |
|---|---|---|
| 2007 | $550K | Repairs to roadways |
| 2008 | | |
| 2009 | | |
| 2010 | | |
| 2011 | | |
| 2012 | | |
| 2013 | | |

- Provide any documents that relate to financial plans for eliminating the $8.5M Outstanding Balance.

  *Specifically, are there any controls, financial tools or plans to reduce the town budget as well reduce our debt (loans)? Yes or no.*

  *If yes, please list/names of controls, financial tool or plan.*

2. *Deferred Charges and Other Appropriations*

- In 2007, the budget reflects $183K for Deferred Charges and Other Appropriations. The 2013 budget reflects $1.1M in Deferred Charges and Other Appropriations. Please provide documents for the increase of approximately $1M in Deferred Charges and Other Appropriations. *Specifically, what expenses increased in the budgets of FY 2007, 2008, 2009, 2010, 2011, 2012; 2013.*

  *For example:*

| YEAR | Cost | Expense Description |
|---|---|---|
| 2007 | $550K | Repairs to roadways |
| 2008 | | |
| 2009 | | |

| | | |
|---|---|---|
| 2010 | | |
| 2011 | | |
| 2012 | | |
| 2013 | | |

- Additionally, please provide details and documents related to the allocation of $1.1M in Deferred Charges and Other Appropriations for 2013. Documents specifying but not limited to where and how this money is spent, controlled, managed and reported?

  The budget (Total General Appropriations) for 2009 was approximately $7.7M. The budget (Total General Appropriations) for 2013 is estimated to be $9M. Also observed is salaries and wages had little fluctuation from 2009 to 2013. Why the additional $1.3M in the budget? What tools/controls are in place to reduce spending (particularly in the categories of Other Expenses and Deferred Charges and Other Appropriations)? *Specifically, what expenses increased in the budgets of FY 2009, 2010, 2011, 2012; 2013.*

  *For example:*

| YEAR | Cost | Expense Description |
|---|---|---|
| 2009 | $550K | Repairs to roadways |
| 2010 | | |
| 2011 | | |
| 2012 | | |
| 2013 | | |

3. Borough vendor's list for 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012 and 2013.
4. Copies of all purchase orders for 2011, 2012 and 2013.

**B. <u>Grant monies:</u>**

1. Provide specific documents that memorialize total funds received from 2005 to date by agency or organization (i.e. OEM, FEMA, PSE&G, private organizations and all other public or government organizations).

   *Specifically, provide the amounts of funds or grants received by OEM, FEMA and PSE&G for 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012; 2013.*

   *For example: received $500K from FEMA in 2013*

2. Provide documents reflecting allocation of grant funds (i.e. source each grant fund per organization and per year). For example, FEMA money award for hurricane Sandy ($100K). Money used to upgrade equipment XXX.

*As per the list above: provide copies of purchase orders reflecting where the grant monies from FEMA, OEM and PSE&G received were utilized for 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012; 2013.*

C. **Resolution 13-108:**

1. Provide document for purchase price **(copy of purchase order)** for the vehicles used by the following (**excluding Police Chief, Captain of Police and Superintendant of DPW**) :
   i. Fire Chief, Deputy Fire Chief,
   ii. Battalion Chief,
   iii. OEM Coordinator,
   iv. Fire Official,
   v. EMS Chief
   vi. Rescue Chief.
2. Provide documents reflecting maintenance cost for 2012 and 2013 for each of the borough vehicles used by the following:
   i. Fire Chief, Deputy Fire Chief,
   ii. Battalion Chief,
   iii. OEM Coordinator,
   iv. Fire Official,
   v. EMS Chief
   vi. Rescue Chief.
3. Insurance cost (annualized) for each of the borough vehicles used by the following (2006, 2007, 2008, 2009, 2010, 2011, 2012; 2013):
   i. Fire Chief, Deputy Fire Chief,
   ii. Battalion Chief,
   iii. OEM Coordinator,
   iv. Fire Official,
   v. EMS Chief
   vi. Rescue Chief

D. **OEM/Police Commissioner vehicle (Black Chevy Suburban) and cell phone:**

1. Purchase price for this borough vehicle.
2. *Copy of purchase order for vehicle of Chevy Suburban and copies of purchase orders of additional devices added to the vehicle.*
3. Provide current mileage for this borough vehicle.
4. Maintenance cost (annualized) for each of this borough vehicle.

5. Insurance costs (annualized).
6. Copies of borough issued cell phone monthly invoices for 2012 and 2013.
7. Provide receipts for all UPS/Fed Ex/USPS packages delivered to OEM/Police Commissioner related to Bogota of Borough OEM/Police Commissioner's official business 2012 and 2013. Provide purchase orders for all purchases made with FEMA monies in 2009, 2010, 2011, 2012 and 2013.

**E. Inventory of equipment procured for use by borough councilman, and officials (excluding Police Department and DPW):**

1. Provide Borough vendor's list for 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012 and 2013.
2. Provide copies of all purchase orders for 2011, 2012 and 2013.
3. Documents reflecting source of funds used for purchases for 2011, 2012 and 2013.
4. Name of official (certified purchasing agent) for Borough of Bogota for 2006, 2007, 2008, 2009, 2010, 2011, 2012 and 2013.
5. List of purchases in excess of $17,500 dollars for 2008, 2009, 2010, 2011, 2012 and 2013?
6. List of bids solicited for purchases in excess of $17,500 dollars for2011, 2012; 2013?
7. Names of officials and ordinances or resolutions approving purchases in excess in excess of $17,500 dollars for2011, 2012; 2013?

**F. Resolution 13-158:**

1. Provide list of equipment and cost associated with resolution
2. Provide information reflecting life expectancy of equipment?
3. Provide information associated maintenance costs?
4. Copy of RFP or similar documents used to solicit best vendor providing such equipment.
5. Copies of bids submitted or documents reflecting vendors' quotes.

**G. Property Maintenance employees (W. Hodges & N. Barese):**

1. Provide job posting or advertisement for this job.
2. Provide list or number of candidates applying for this job.
3. Provide duration of posting (length of time position was advertised).
4. Provide list of names (Borough officials/employees) interviewing these candidates.
5. Provide copy of resume and credentials which help determine both individuals as ideal preferred candidates (W. Hodges and N. Barese).
1. Provide Property Maintenance employees (W. Hodges and N. Barese) employment status (full time or part time) and number of hours scheduled to be worked per week (while employed by Bogota).

2. Provide copy of Property Maintenance employees' (W. Hodges and N. Barese) annual job performance review or related document and associated annual salary increase from start date to termination or present.

H. **Waste Management:**

A. Provide amount of savings determined by outsourcing waste removal.

B. Provide savings determined by recuing waste pick up to once per month.

C. Where are savings for #A and #B being utilized?

I. **Borough Auditor:**

1. Provide process or documents reflecting a process for selecting borough auditor.
2. Provide credentials and experience of current borough auditor.
3. Provide copies of any written agreements (terms: duration of agreement, fee schedule; etc.) for any services to be rendered by auditor.
4. Does the borough auditor perform any other functions for the town of Bogota (for example, auditor for Board of Education)?

J. **Contributions made to the Borough of Bogota:**

1. Please provide itemized contributions or documents representing contributions made to the Borough of Bogota, Democratic Party and Republican Party for the following years: 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012 and 2013 by the names listed below.
    i. J. Monaghan (law firm)
    ii. J. Monaghan (individually)
    iii. Lerch, Vinci and Higgins
    iv. D. Lerch (individually)
    v. KSL-Lawyers
    vi. P. Kaufman (individually)
    vii. Harry Tuvel's firm
    viii. Hary Tuvel (individually)

K. **Borough Administrator:**

1. Provide job posting or advertisement for this job.
2. Provide list or number of candidates applying for this job.
3. Provide duration of posting (length of time position was advertised).
4. Provide list of names (Borough officials/employees) interviewing the candidates.

5. How many times our current Borough administrator has negotiated tax abatements?
6. What is current Borough Administrator's past experience related to management of finances? For example, operational and capital budget amounts during the last 5 years in summary format with year-end actual versus budgeted amounts for each year.
7. Provide any information reflecting current Borough Administrator's experience related to securing local/state/national grants, amount of private sector donor funds secured and other contributions solicited from any entities during the last 5 years.
8. Provide documents reflecting current Borough Administrator's employment status with Bogota (full time or part time) and number of hours scheduled to be worked per week.
9. Provide current annual increase percentages for all borough employees for 2010, 2011, 2012 and 2013. For example, annual increase for all borough employees was 3% for 2010, 2.5% for 2011 and etc.

L. **297 Palisades Avenue Redevelopment Project:**

1. Why did the property sit with rubble and debris for several years?
2. Name of current developer.
3. Any documents showing if Bogota had any influence (contractual) over the selection of the developer?
4. Provide documents reflecting current developer's name (all names of partners) and name of legal counsel representation.
5. Provide criteria used to determine current developer. Was there a RFP issued?
6. If the RFP process was used to determine the developer, provide copies of the RFP and all bids submitted by prospective developer
7. Tax abatement:
    i. What were the merits or justification for the tax abatement (land contamination, polluted land; etc.)?
    ii. Was the tax abatement at the request of the developer? If so, provide basis for request (i.e. financial hardship).
    iii. Provide financial statements for 2006, 2007, 2008, 2009, 2010, 2011, 2012; 2013 regarding developer's annual revenue, budget statements, names of employees and list of past projects.
8. Provide total sum of annual revenue that was determined after the property is developed. For example, the tax abatement awards the developer a required 10%-15% tax payment ($88K/annually) for 30 years. Does this mean that the actual 100% of the taxes are $880K? If not, what is the 100% value of the tax
9. Was a RFP or similar document issued to solicit the services of a third party to represent the Borough of Bogota in negotiating the tax abatement with the developer? If not, what was the basis for this decision not to utilize this method and who authorized such a decision.
10. Names of individuals representing Bogota that are negotiating the tax abatement for the property with the developer and developer's counsel. Who were all the people present during the negotiating

process from the Borough of Bogota (representatives of the borough) and similarly name of those present for the developer as well as their representatives?

11. Credentials of Bogota's representatives negotiating with the developer/developer's counsel:
    i. How many properties have Bogota's representatives negotiated tax abatements and dollar values of each respective tax abatement?

       Specifically, Bogota Borough Attorney, Bogota Borough Auditor, Bogota Borough Administrator and Bogota Borough Mayor.

    ii. What value does each Bogota representative bring to the table during the negotiations of the tax abatement with the developer?
12. Provide detailed construction drawings or documents, construction schedule and name of contractor awarded the project.
13. Provide copies of agenda related to the following: first reading of the tax abetment, second reading (open to the public) of the tax abatement, third reading (voting for the tax abatement).
14. Provide copies of all advertisements/public notifications issued for all readings related to the tax abatement.
15. Provide details related to the targeted group that will be residing in the newly constructed building:
    i. Prospective age range of tenants.
    ii. Targeted salary range for tenants.
    iii. Children per household.
    iv. How will the Bogota School system support the additional students (i.e. more teachers, additions to school buildings, class room expansions, additional desks; etc.)? Associated cost?
    v. Increasing FTEs/PTEs in the Police force and DPW to support the additional residents? Associated cost with any increase in work force?

**M. <u>Correspondences, emails, and letters (emails from Borough of Bogota email address and personal email address). For reference, see attached excerpt from NJ State League of Municipalities:</u>**

1. Provide all correspondences (emails and letters) that are "to," "from," "cc" for the OEM/Police Commissioner related to OEM grants and monies; and FEMA grants and monies for 2011, 2012 and 2013.
2. Provide all correspondences (emails and letters) that are "to," "from," "cc" between Mayor Pat McHale and Paul Kaufman for 2008, 2009, 2010, 2011, 2012 and 2013.
3. Provide all correspondences (emails and letters) that are "to," "from," "cc" between Lenard Nicolosi and Paul Kaufman for 2008, 2009, 2010, 2011, 2012 and 2013.
4. Provide all correspondences (emails and letters) that are "to," "from," "cc" between Borough Administrator Chip Greiner and Paul Kaufman for 2013.
5. Provide all correspondences (emails and letters) that are "to," "from," "cc" between Councilman Antero Tito Jackson and Councilmen Jorge Nunez for 2012 and 2013 regarding FEMA and OEM grants / monies.

6. Provide all correspondences (emails and letters) that are "to," "from," "cc" between Councilwoman Wanda Uceta and Councilman Tito Jackson regarding the 297 Palisades Avenue development and tax abatement for 2011, 2012 and 2013.

**N. Text messages (on Bogota Borough issued phones and personal phones):**

1. Provide all text messages "to," "from," "cc" for the OEM/Police Commissioner between Borough Administrator for 2013.
2. Provide all text messages "to," "from," "cc" for the between Mayor Pat McHale and Paul Kaufman for 2013.
3. Provide all text messages "to," "from," "cc" for the" between Lenard Nicolosi and Paul Kaufman for 2012 and 2013.
4. Provide all text messages "to," "from," "cc" between Borough Administrator Chip Greiner and Paul Kaufman for 2013.
5. Provide all text messages "to," "from," "cc" between Councilman Antero Tito Jackson and Councilmen Jorge Nunez for 2012 and 2013.
6. Provide all text messages "to," "from," "cc" between Councilwoman Wanda Uceta and Councilman Antero Tito Jackson for 2013.

**O. Tax returns for Borough Officials. For reference, see attached excerpt from NJ State League of Municipalities:**

1. Provide all 2012 and 2013 tax returns for Councilmen Antero Tito Jackson
2. Is Antero Tito Jackson is Antero Jackson the OEM Coordinator?
3. Is Antero Tito Jackson the Police Commissioner?
4. Is Antero Tito Jackson a Bogota Borough employee?
5. Years of service for Antero Tito Jackson as OEM coordinator?
6. Years of service for Antero Tito Jackson as Police Commissioner?

**P. Salary history and annual increases:**

1. Provide any ordinances, resolutions or mandates regulating salary increases or salary adjustments for 2009, 2010, 2011, 2012 and 2013 for the following Bogota Borough employees:

**Q. Salary history and annual increases for Bogota Borough employees:**

1. Provide salary increases or salary adjustments for 2009, 2010, 2011, 2012 and 2013 for **only** the following Bogota Borough employees:
   i. F. Garlicki
   ii. J. Cook
   iii. P. Wilkens

iv. B. Wiemer

v. C. Carpenter

vi. H. Hegel

vii. W. Hodges

viii. N. Barese

ix. G. Kholes

x. D. Howell

xi. J. Morre

xii. G. McNerney

xiii. J. Davis

xiv. L. Kern

NOTES:

- **Additionally, please contact me immediately if there is any ambiguity, concerns or questions regarding these requests. Therefore, the process by which you will collect and submit this information to me should not be halted until said clarification is received from me.**
- **In the event any information is withheld, kindly specify the item and legal restrictions which prohibit the communication of such information.**

1 L #5

BOROUGH OF BOGOTA

# OPEN PUBLIC RECORDS ACT REQUEST FORM

375 LARCH AVENUE
(201) 342-1736 ext. 235 • (201) 342-0574 (FAX)
Email: clerk@bogotaonline.org
Borough of Bogota Records

**Important Notice**

The last page of this form contains important information related to your rights concerning government records. Please read it carefully.

## Requestor Information – Please Print

First Name MICHAEL MI ____ Last Name DOSS

E-mail Address makdoss@yahoo.com

Mailing Address 48 CHESTNUT AVE.

City BOGOTA State NJ Zip 07603

Telephone (201) 745-4680 FAX ____

Preferred Delivery: Pick Up ✓ US Mail ____ On-Site Inspect ____ Fax ____ E-mail ____

If you are requesting records containing personal information, please circle one: Under penalty of N.J.S.A. 2C:28-3, I certify that I *HAVE / HAVE NOT* been convicted of any indictable offense under the laws of New Jersey, any other state, or the United States.

Signature [signature] Date 10/4/2013

## Payment Information

Maximum Authorization Cost $

Select Payment Method

Cash Check Money Order

Fees: Letter size pages - $0.05 per page
Legal size pages – $0.07 per page
Other materials (CD, DVD, etc) – actual

Delivery: Delivery / postage fees additional depending upon delivery type.

Extras: Special service charge dependent upon request.

**Record Request Information:** Please be as specific as possible in describing the records being requested. Also, please note that your preferred method of delivery will only be accommodated if the custodian has the technological means and the integrity of the records will not be jeopardized by such method of delivery.

PLEASE SEE ATTACHED. OPRA #5 SUBMITTED ON 10/4/2013. PLEASE PROVIDE ME WITH THE INFORMATION REQUESTED WITHIN THE 7-DAY TIMEFRAME PER OPRA REQUIREMENTS. KINDLY FOLLOW THE NUMERICAL FORMAT ON THE ATTACHMENT #5.
THANK YOU ALL FOR YOUR EFFORTS IN COLLECTING & PROVIDING ME WITH THIS INFORMATION.

BOROUGH OF BOGOTA

**AGENCY USE ONLY**

Est. Document Cost ____
Est. Delivery Cost ____
Est. Extras Cost ____
Total Est. Cost ____
Deposit Amount ____
Estimated Balance ____
Deposit Date ____

**AGENCY USE ONLY**

Disposition Notes
Custodian: If any part of request cannot be delivered in seven business days, detail reasons here.

In Progress - Open ____

**AGENCY USE ONLY**

Tracking Information
Tracking # ____
Rec'd Date ____
Ready Date 10/4/13
Total Pages ____

Final Cost
Total ____
Deposit ____
Balance Due ____
Balance Paid ____

Records Provided

10/4/13 Email

**A. Purchase orders and invoices for the following vendors/contractors/consultants:**

1. Provide copies for purchase orders/invoices and related documents for all months in 2008, 2009, 2010, 2011, and 2013 for the following vendors/contractors/consultants and borough officials:
    - Metrocom Wireless
    - Motorola (all Motorola accounts)
    - Verizon (all Verizon accounts)
    - Tuvel Engineering
    - Communications
    - P. C. Richards
    - Millennium Visual Systems
    - Tropicana Hotel (April 2013 only)
    - Microsystems
    - Game Time Equipment
    - Home Depot
    - Staples
    - Hardwood Tree Services
    - Clear Span Fabric
    - Earth Networks
    - NJ EZ-Pass
    - State Line Fire & Safety
    - Applebee's (June 2013 only)
    - Patrick McHale (monthly reimbursements details)
    - Antera Tito Jackson's (monthly reimbursements details)
    - Lenard Nicolosi (monthly reimbursements details)
    - August (Chip) Greiner (monthly reimbursements details)
    - Nicholas Barese (monthly reimbursements details)
    - Warren Hodges (monthly reimbursements details)

**B. September 19,' 2013 Borough of Bogota hearing:**

1. Provide audio recording of the complete hearing for the night of September 19, 3013.
2. Provide complete written transcript of the complete hearing for the night of September 19, 3013.

C. **Phone logs for Borough of Bogota issued phones:**

1. Provide copies for all Verizon and Motorola cell phone logs (all pages of the bill which reflect calls received or sent, time, origination and destination as well as summary sheet) of invoices for all months in 2008, 2009, 2010, 2011, and 2013 for the following borough officials/employees:

    - Patrick McHale
    - Antera Tito Jackson
    - Wanda Uceta
    - Lenard Nicolosi
    - August (Chip) Greiner (2013 only).
    - Nicolas Barese
    - Warren Hodges

NOTES:

- **Additionally, please contact me immediately if there is any ambiguity, concerns or questions regarding these requests. Therefore, the process by which you will collect and submit this information to me should not be halted until said clarification is received from me.**
- **In the event any information is withheld, kindly specify the item and legal restrictions which prohibit the communication of such information.**

# EXHIBIT B

A. Correspondences, emails, and letters (emails from Borough of Bogota email address and personal email address) For reference, see attached excerpt from NJ State League of Municipalities (mandate) SECOND REQUEST:

1. Provide all correspondences (emails and letters) that are "to," "from," "cc" between Administrator Mr. Greiner and Mayor Pat McHale for 2013.
2. Provide all correspondences (emails and letters) that are "to," "from," "cc" between Administrator Mr. Greiner and Ms. Consuelo Carpenter for 2013.
3. Provide all correspondences (emails and letters) that are "to," "from," "cc" between Administrator Mr. Greiner and Councilman Antero Tito Jackson for 2010, 2011, 2012 and 2013.
4. Provide all correspondences (emails and letters) that are "to," "from," "cc" between Mayor Pat McHale and Councilman Antero Tito Jackson for 2010, 2011, 2012 and 2013.
5. Provide all correspondences (emails and letters) that are "to," "from," "cc" between Mayor Pat McHale and Paul Kaufman for 2010, 2011, 2012 and 2013.

B. Correspondences, emails, and letters (emails from Borough of Bogota email address and personal email address) For reference, see attached excerpt from NJ State League of Municipalities (mandate):

6. Provide all correspondences (emails and letters) that are "to," "from," "cc" between Borough Attorney Joseph Monaghan and Administrator Mr. Greiner.
7. Provide all correspondences (emails and letters) that are "to," "from," "cc" between Borough Attorney Joseph Monaghan and Paul Kaufman for 2010, 2011, 2012 and 2013.
8. Provide all correspondences (emails and letters) that are "to," "from," "cc" between Borough Attorney Joseph Monaghan and Patrick McHale for 2010, 2011, 2012 and 2013.
9. Provide all correspondences (emails and letters) that are "to," "from," "cc" between Paul Kaufman and Councilman Antero Tito Jackson for 2010, 2011, 2012 and 2013.

B. Correspondences, emails, and letters (emails from Borough of Bogota email address and personal email address). For reference, see attached excerpt from NJ State League of Municipalities-THIRD REQUEST:

1. Provide all correspondences (emails and letters) that are "to," "from," "cc" for the OEM/Police Commissioner related to OEM grants and monies; and FEMA grants and monies for 2011, 2012 and 2013.
2. Provide all correspondences (emails and letters) that are "to," "from," "cc" between Mayor Pat McHale and Paul Kaufman for 2008, 2009, 2010, 2011, 2012 and 2013.
3. Provide all correspondences (emails and letters) that are "to," "from," "cc" between Lenard Nicolosi and Paul Kaufman for 2008, 2009, 2010, 2011, 2012 and 2013.
4. Provide all correspondences (emails and letters) that are "to," "from," "cc" between Councilman Antero Tito Jackson and Councilmen Jorge Nunez for 2012 and 2013 regarding FEMA and OEM grants / monies.
5. Provide all correspondences (emails and letters) that are "to," "from," "cc" between Councilwoman Wanda Uceta and Councilman Tito Jackson regarding the 297 Palisades Avenue development and tax abatement for 2011, 2012 and 2013.

C. Text messages (on Bogota Borough issued phones and personal phones)-THIRD REQUEST:

1. Provide all text messages "to," "from," "cc" for the OEM/Police Commissioner between Borough Administrator for 2013.
2. Provide all text messages "to," "from," "cc" for the between Mayor Pat McHale and Paul Kaufman for 2013.
3. Provide all text messages "to," "from," "cc" for the" between Lenard Nicolosi and Paul Kaufman for 2012 and 2013.
4. Provide all text messages "to," "from," "cc" between Borough Administrator Chip Greiner and Paul Kaufman for 2013.
5. Provide all text messages "to," "from," "cc" between Councilman Antero Tito Jackson and Councilmen Jorge Nunez for 2012 and 2013.

D. Provide copy of application for tax abatement / PILOT for 297 Palisade Avenue.

E. **Provide copy of application for development of 297 Palisade Avenue.**

F. Borough Administrator Chip Greiner's Dodge Charger: **The Borough Administrator's vehicle (black Dodge Charger) up until recently bared Municipality license plates. Which municipality is the vehicle insured under or registered too?**

G. Phone logs for Borough of Bogota issued phones (THIRD REQUEST):

1. Provide copies for all Verizon and Motorola cell phone logs (all pages of the bill which reflect calls received or sent, time, origination and destination as well as summary sheet) of invoices for all months in 2008, 2009, 2010, 2011, and 2013 for the following borough officials/employees:
   - Patrick McHale
   - Antera Tito Jackson
   - Lenard Nicolosi
   - August (Chip) Greiner (2013 only).
   - Nicolas Barese
   - Warren Hodges

NOTES:

- Additionally, please contact me immediately if there is any ambiguity, concerns or questions regarding these requests. Therefore, the process by which you will collect and submit this information to me should not be halted until said clarification is received from me.
- In the event any information is withheld, kindly specify the item and legal restrictions which prohibit the communication of such information.

- ANY EXTENSIONS REQUESTED MUST BE JUSTIFIED WITH CLARIFICATION OTHER THAN "DUE TO VOLUMINOUS NATURE AN EXTENSION IS REQUIRED."
- A DATE FOR COLLLECTING/ISSUING THE INFORMATION TO ME IS REQUESTED.
- SOME OF THE INFORMATION LISTED ON THIS OPRA HAS BEEN REQUESTED PREVIOUSLY AND YOU FAILED TO PROVIDE THE INFORMATION. KINDLY PROVIDE THE INFORMATION AS REQUESTED WITHIN THE 7-DAY TIMEFRAME TO AVOID FURTHER GRC COMPLAINT FOR OPRA DENIALS.

A. Correspondences, emails, and letters (emails from Borough of Bogota email address and personal email address):

1. Provide **ALL** correspondences (emails and letters) that are "*to*," "*from*," "*cc*," and "*bc*" between Mr. August Greiner's email address "Agreiner@merail.com" and Mr. Paul Kaufman for the years 2013 and 2014 that contain any of the following words: ***Paul, Kaufman, Paul Kaufman 297, Palisade Avenue, 297 Palisade Avenue, Chip, Greiner, August, August Greiner, Chip Greiner, Harry Tuvell, Urban Renewal, partnership, partners, Rich LaBarbiera, Jorge, Nunez, Jorge Nunez, Evaristo Burdiez Junior, RVN, PILOT, tax abatement, council meeting, mayor, Pat, Patrick, Pat McHale, Patrick McHale, Tito, Tito Jackson, construction, development, long term tax exemption, LTTE, tax, Redevelopment Agreement, Redeveloper, Pro Forma, Joseph Monaghan, Joe Monaghan, Joe, Monaghan, M. Doss, Michael Doss, Mike Doss, borough resolution, draft resolution, draft ordinance, ordinance, borough engineer, engineer, borough attorney, Kevin Kelly, abatements, 44 units, parking, visitor parking, resident parking, visitors, residents, temporary signage, signage, garage, grading, pollution, environmental issues, environmental, land contamination, contamination, septic system, septic, sewage, drainage, council, councilman, council board, Board of Education, BoE, accounting, permits, approvals, contracts, construction drawings and RSIS waiver.***

2. Provide **ALL** correspondences (emails and letters) that are "*to*," "*from*," "*cc*," and "*bc*" between Mr. August Greiner and Mr. Paul Kaufman for the year 2014 that contain any of the following words: ***Paul, Kaufman, Paul Kaufman 297, Palisade Avenue, 297 Palisade Avenue, Chip, Greiner, August, August Greiner, Chip Greiner, Harry Tuvell, Urban Renewal, partnership, partners, Rich LaBarbiera, Jorge, Nunez, Jorge Nunez, Evaristo Burdiez Junior, RVN, PILOT, tax abatement, council meeting, mayor, Pat, Patrick, Pat McHale, Patrick McHale, Tito, Tito Jackson, construction, development, long term tax exemption, LTTE, tax, Redevelopment Agreement, Redeveloper, Pro Forma, Joseph Monaghan, Joe Monaghan, Joe, Monaghan, M. Doss, Michael Doss, Mike Doss, borough resolution, draft resolution, draft ordinance, ordinance, borough engineer, engineer, borough attorney, Kevin Kelly, abatements, 44 units, parking, visitor parking, resident parking, visitors, residents, temporary signage, signage, garage, grading, pollution, environmental issues, environmental, land contamination, contamination, septic system, septic, sewage, drainage, council, councilman, council board, Board of Education, BoE, accounting, permits, approvals, contracts, construction drawings and RSIS waiver.***

3. Provide **ALL** correspondences (emails and letters) that are "*to*," "*from*," "*cc*," and "*bc*" between Mr. August Greiner and Mr. A. Tito Jackson for the years 2013 and 2014 that contain any of the following words: ***Paul, Kaufman, Paul Kaufman 297, Palisade Avenue, 297 Palisade Avenue, Chip, Greiner, August, August Greiner, Chip Greiner, Harry Tuvell, Urban Renewal, partnership, partners, Rich LaBarbiera, Jorge, Nunez, Jorge Nunez, Evaristo Burdiez Junior, RVN, PILOT, tax abatement, council meeting, mayor, Pat, Patrick, Pat McHale, Patrick McHale, Tito, Tito Jackson, construction, development, long term tax exemption, LTTE, tax, Redevelopment Agreement, Redeveloper, Pro Forma, Joseph Monaghan, Joe Monaghan, Joe, Monaghan, M. Doss, Michael Doss, Mike Doss, borough resolution, draft resolution, draft ordinance, ordinance, borough engineer, engineer, borough attorney, Kevin Kelly, abatements, 44 units, parking, visitor parking, resident parking, visitors, residents, temporary signage, signage, garage, grading, pollution, environmental issues, environmental, land contamination, contamination, septic system, septic, sewage, drainage, council, councilman, council board, Board of Education, BoE, accounting, permits, approvals, contracts, construction drawings and RSIS waiver.***

4. Provide ALL correspondences (emails and letters) that are "*to*," "*from*," "*cc*," and "*bc*" between Mr. August Greiner and Mr. Harry Tuvell for the years 2013 and 2014 that contain any of the following words: ***Paul, Kaufman, Paul Kaufman 297, Palisade Avenue, 297 Palisade Avenue, Chip, Greiner, August, August Greiner, Chip Greiner, Harry Tuvell, Urban Renewal, partnership, partners, Rich LaBarbiera, Jorge, Nunez, Jorge Nunez, Evaristo Burdiez Junior, RVN, PILOT, tax abatement, council meeting, mayor, Pat, Patrick, Pat McHale, Patrick McHale, Tito, Tito Jackson, construction, development, long term tax exemption, LTTE, tax, Redevelopment Agreement, Redeveloper, Pro Forma, Joseph Monaghan, Joe Monaghan, Joe, Monaghan, M. Doss, Michael Doss, Mike Doss, borough resolution, draft resolution, draft ordinance, ordinance, borough engineer, engineer, borough attorney, Kevin Kelly, abatements, 44 units, parking, visitor parking, resident parking, visitors, residents, temporary signage, signage, garage, grading, pollution, environmental issues, environmental, land contamination, contamination, septic system, septic, sewage, drainage, council, councilman, council board, Board of Education, BoE, accounting, permits, approvals, contracts, construction drawings and RSIS waiver.***

5. Provide ALL correspondences (emails and letters) that are "*to*," "*from*," "*cc*," and "*bc*"" between Mr. August Greiner and Mr. Richard Labarbiera for the years 2013 and 2014 that contain any of the following words: ***Paul, Kaufman, Paul Kaufman 297, Palisade Avenue, 297 Palisade Avenue, Chip, Greiner, August, August Greiner, Chip Greiner, Harry Tuvell, Urban Renewal, partnership, partners, Rich LaBarbiera, Jorge, Nunez, Jorge Nunez, Evaristo Burdiez Junior, RVN, PILOT, tax abatement, council meeting, mayor, Pat, Patrick, Pat McHale, Patrick McHale, Tito, Tito Jackson, construction, development, long term tax exemption, LTTE, tax, Redevelopment Agreement, Redeveloper, Pro Forma, Joseph Monaghan, Joe Monaghan, Joe, Monaghan, M. Doss, Michael Doss, Mike Doss, borough resolution, draft resolution, draft ordinance, ordinance, borough engineer, engineer, borough attorney, Kevin Kelly, abatements, 44 units, parking, visitor parking, resident parking, visitors, residents, temporary signage, signage, garage, grading, pollution, environmental issues, environmental, land contamination, contamination, septic system, septic, sewage, drainage, council, councilman, council board, Board of Education, BoE, accounting, permits, approvals, contracts, construction drawings and RSIS waiver.***

6. Provide ALL correspondences (emails and letters) that are "*to*," "*from*," "*cc*," and "*bc*" between Mr. August Greiner and Mr. Joseph Monaghan for the years 2013 and 2014 that contain any of the following words: ***Paul, Kaufman, Paul Kaufman 297, Palisade Avenue, 297 Palisade Avenue, Chip, Greiner, August, August Greiner, Chip Greiner, Harry Tuvell, Urban Renewal, partnership, partners, Rich LaBarbiera, Jorge, Nunez, Jorge Nunez, Evaristo Burdiez Junior, RVN, PILOT, tax abatement, council meeting, mayor, Pat, Patrick, Pat McHale, Patrick McHale, Tito, Tito Jackson, construction, development, long term tax exemption, LTTE, tax, Redevelopment Agreement, Redeveloper, Pro Forma, Joseph Monaghan, Joe Monaghan, Joe, Monaghan, M. Doss, Michael Doss, Mike Doss, borough resolution, draft resolution, draft ordinance, ordinance, borough engineer, engineer, borough attorney, Kevin Kelly, abatements, 44 units, parking, visitor parking, resident parking, visitors, residents, temporary signage, signage, garage, grading, pollution, environmental issues, environmental, land contamination, contamination, septic system, septic, sewage, drainage, council, councilman, council board, Board of Education, BoE, accounting, permits, approvals, contracts, construction drawings and RSIS waiver.***

7. Provide ALL correspondences (emails and letters) that are "*to*," "*from*," "*cc*," and "*bc*" between Mr. August Greiner and Ms. C. Carpenter for the years 2013 and 2014 that contain any of the following

words: ***Paul, Kaufman, Paul Kaufman 297, Palisade Avenue, 297 Palisade Avenue, Chip, Greiner, August, August Greiner, Chip Greiner, Harry Tuvell, Urban Renewal, partnership, partners, Rich LaBarbiera, Jorge, Nunez, Jorge Nunez, Evaristo Burdiez Junior, RVN, PILOT, tax abatement, council meeting, mayor, Pat, Patrick, Pat McHale, Patrick McHale, Tito, Tito Jackson, construction, development, long term tax exemption, LTTE, tax, Redevelopment Agreement, Redeveloper, Pro Forma, Joseph Monaghan, Joe Monaghan, Joe, Monaghan, M. Doss, Michael Doss, Mike Doss, borough resolution, draft resolution, draft ordinance, ordinance, borough engineer, engineer, borough attorney, Kevin Kelly, abatements, 44 units, parking, visitor parking, resident parking, visitors, residents, temporary signage, signage, garage, grading, pollution, environmental issues, environmental, land contamination, contamination, septic system, septic, sewage, drainage, council, councilman, council board, Board of Education, BoE, accounting, permits, approvals, contracts, construction drawings and RSIS waiver.***

8. Provide ALL correspondences (emails and letters) that are "*to*," "*from*," "*cc*," and "*bc*" between Mr. A. Tito Jackson and Mr. Paul Kaufman for the years 2013 and 2014 that contain any of the following words: ***Paul, Kaufman, Paul Kaufman 297, Palisade Avenue, 297 Palisade Avenue, Chip, Greiner, August, August Greiner, Chip Greiner, Harry Tuvell, Urban Renewal, partnership, partners, Rich LaBarbiera, Jorge, Nunez, Jorge Nunez, Evaristo Burdiez Junior, RVN, PILOT, tax abatement, council meeting, mayor, Pat, Patrick, Pat McHale, Patrick McHale, Tito, Tito Jackson, construction, development, long term tax exemption, LTTE, tax, Redevelopment Agreement, Redeveloper, Pro Forma, Joseph Monaghan, Joe Monaghan, Joe, Monaghan, M. Doss, Michael Doss, Mike Doss, borough resolution, draft resolution, draft ordinance, ordinance, borough engineer, engineer, borough attorney, Kevin Kelly, abatements, 44 units, parking, visitor parking, resident parking, visitors, residents, temporary signage, signage, garage, grading, pollution, environmental issues, environmental, land contamination, contamination, septic system, septic, sewage, drainage, council, councilman, council board, Board of Education, BoE, accounting, permits, approvals, contracts, construction drawings and RSIS waiver.***

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B. Provide copy of application / grant for FEMA funds provided for damages incurred by hurricane Sandy.

C. Provide all phone invoices or logs for borough issued phones for Mr. Greiner and Mr. A. Tito Jackson for the years of 2013 and 2014.

D. Provide financial disclosures for Mr. Greiner, Mr. A. Tito Jackson, Mr. Harry Tuvell, and Mr. Joseph Monaghan.

E. Provide residential property real estate taxes for 437 Larch Avenue for years 2011, 2012, 2013 and 2014.

NOTES:

- Additionally, please contact me immediately if there is any ambiguity, concerns or questions regarding these requests. Therefore, the process by which you will collect and submit this information to me should not be halted until said clarification is received from me.
- In the event any information is withheld, kindly specify the item and legal restrictions which prohibit the communication of such information.
- **ANY EXTENSIONS REQUESTED MUST BE JUSTIFIED WITH CLARIFICATION OTHER THAN "DUE TO VOLUMINOUS NATURE AN EXTENSION IS REQUIRED."**
- **PROVIDE ME WITH THE DATE FOR COLLLECTING/ISSUING THE INFORMATION REQUESTED.**
- **KINDLY PROVIDE THE INFORMATION AS REQUESTED WITHIN THE 7-DAY TIMEFRAME TO AVOID FURTHER GRC COMPLAINT(S) FOR FAILURE TO COMPLY WITH THE OPRA REGULATION.**

**STATE OF NEW JERSEY**
**GOVERNMENT RECORDS COUNCIL**

**Supplemental Findings and Recommendations of the Executive Director**
**July 26, 2016 Council Meeting**

**Michael Doss**[1]
**Complainant**

**GRC Complaint No. 2013-315**
**GRC Complaint No. 2014-152**
**(Consolidated)**

**v.**

**Borough of Bogota (Bergen)**[2]
**Custodial Agency**

**GRC Complaint No. 2013-315**

**Records Relevant to Complaint:** See Exhibit A

**Custodian of Record:** Frances Garlicki, Clerk

| **Requests Received by Custodian:** | **Responses Made by Custodian:** |
|---|---|
| September 5, 2013 | No written response on file |
| September 10, 2013 | No written response on file |
| September 18, 2013 | No written response on file |
| September 30, 2013 | October 2, 2013 extended to October 17, 2013 |
| October 4, 2013 | October 7, 2013 extended to October 21, 2013 |

**GRC Complaint Received:** October 22, 2013

**GRC Complaint No. 2014-152**

**Records Relevant to Complaint:** See Exhibit B

**Custodian of Record:** Frances Garlicki, Clerk
**Requests Received by Custodian:** December 13, 2013 and February 28, 2014
**Responses Made by Custodian**: None
**GRC Complaint Received:** March 28, 2014

## Background

July 29, 2014 Council Meeting:

At its July 29, 2014 public meeting, the Government Records Council ("Council") considered the July 22, 2014 Findings and Recommendations of the Executive Director and all related documentation submitted by the parties for both complaints. The Council voted unanimously to adopt the entirety of said findings and recommendations. The Council, therefore,

[1] Represented by Walter M. Luers, Esq. (Clinton, NJ).
[2] Represented by Craig P. Bossong, Esq., of Florio Perrucci Steinhardt & Fader (Rochelle Park, NJ).

found that based on the inadequate evidence in these matters, the GRC is unable to determine whether or not the Custodian unlawfully denied access to the requested records. Therefore, these complaints should be referred to the Office of Administrative Law for a hearing to resolve the facts. Also, these complaints should be referred to the Office of Administrative Law for determination of whether the Custodian or any other Borough official knowingly and willfully violated OPRA and unreasonably denied access under the totality of the circumstances.

Procedural History:

On February 9, 2015, the complaints were sent to the Office of Administrative Law ("OAL") as separate matters. Administrative Law Judge ("ALJ") Leland S. McGee consolidated the complaints by Order dated March 3, 2016.

On March 7, 2016, the ALJ issued an Initial Decision. After stating that the Respondent admitted culpability, the ALJ concluded that "*a penalty of $1,000 should be imposed for the first offense of knowingly and willfully denying Petitioner of access [sic] to the public records that are the subject matter of these GRC complaints*." The ALJ then ordered that "*a penalty in the amount of $1,000 be imposed against Respondent for the first offense. I further **ORDER** Respondent to pay reasonable attorney's fees to Petitioner's counsel*." Attached to the Initial Decision and made a part thereof is a Joint Stipulation of Facts executed by the Complainant's Counsel and the Custodian's Counsel.[3] The ALJ adopted the Joint Stipulation of Facts as his sole and complete finding of facts in the case. The Joint Stipulation of Facts provides as follows:

1. The Borough of Bogota, through the prior Borough Administrator, knowingly and willfully denied the Petitioner access to the public records that are the subject matter of these GRC complaints;

2. Pursuant to N.J.S.A. 47:1A-11, a penalty as determined by this Court and consistent therein shall be paid;[4]

3. Pursuant to N.J.S.A. 47:1A-6, the Borough shall pay reasonable attorney's fees to Petitioner's Counsel.

As a part of the **LEGAL ANALYSIS AND CONCLUSIONS OF LAW**, the ALJ stated: "*This penalty shall be collected and enforced in proceedings in accordance with the 'Penalty Enforcement Law of 1999,' P.L. 1999, c. 274 (C. 2A:58-10 et seq.), and the rules of court governing actions for the collection of civil penalties*."

On March 21, 2016, the Complainant's Counsel submitted to the GRC exceptions[5] to the ALJ's Initial Decision. Counsel asserts that on March 3, 2016, the parties entered into a stipulation of facts in which they stipulated that the prior Borough Administrator had knowingly

[3] This item is appended to the Initial Decision as an exhibit marked "J-1 Joint Stipulation of Facts."
[4] The Stipulation of Facts, signed by Counsel for both parties, does not explicitly state who should pay the penalty.
[5] In reviewing the exceptions, the GRC notes that the ALJ adopted verbatim the provisions of the Stipulation of Facts that Counsel signed on behalf of their respective clients.

and willfully violated OPRA and the Petitioner was the prevailing party entitled to reasonable attorney's fees.[6]

Counsel first argues that OPRA provides that the knowing and willful penalty is personal to the records custodian or other individual who violated OPRA, not the public agency. Counsel cites Bart v. City of Paterson Housing Auth., GRC Complaint No. 2005-145 (May 2007), wherein the Council modified an administrative law judge's decision by vacating the penalty against the Paterson Housing Authority and imposing it against the custodian personally. Counsel also cites Paff v. Borough of S. Bound Brook, GRC Complaint No. 2006-158 (May 2007), and O'Shea v. Borough of Mount Vernon, GRC Complaint No. 2007-207 (May 2011), in support of his argument that a knowing and willful penalty should be assessed against an individual and not an agency. The Complainant's Counsel contends that because the ALJ imposed a penalty on the public entity, but not the custodian personally, that aspect of the decision should be vacated and the matter remanded to OAL for a due process hearing.

Counsel next argues that this consolidated complaint consists of two separate courses of conduct; however, the ALJ only imposed one penalty. Counsel argues that the Initial Decision should therefore be vacated and remanded back to OAL so multiple penalties can be imposed.

On March 24, 2016, the Custodian's Counsel submitted to the GRC a response to the Complainant's exceptions. Counsel asserts that the Complainant's Counsel wants to add another party as a defendant in addition to the Borough of Bogota. Counsel asserts that in the Bart and Paff GRC decisions cited by the Complainant's Counsel, the caption contained the name of the public entity followed by "Custodian of Record." Counsel states that the Complainant's Counsel "cut short the name of the full Defendant and concluded his case caption with the name of the public entity." Counsel states that it was expressed several times during the course of the OAL proceedings that the "Borough of Bogota is the only Defendant" (emphasis in original). Counsel further states that the individuals who were involved at the time the OPRA requests were submitted are no longer with the Borough.

The Custodian's Counsel also argues that the ALJ did not err by concluding that there was only one course of conduct and therefore that only one penalty should be imposed. Counsel asserts that if the Complainant did not want the matters considered as one complaint, such an argument should have been raised at the time they were consolidated.

On March 24, 2016, the Complainant's Counsel submitted to the GRC a reply to the Custodian's response to the Complainant's exceptions. Counsel takes issue with the remarks of the Custodian's Counsel concerning the captioning of GRC cases. Counsel states that in all GRC cases the respondent is the agency's custodian. Counsel states that all GRC cases have the agency named followed by "Custodian of Record."[7]

[6] Complainant's Counsel mentions that the issue as to whether the Complainant was entitled to attorney's fees was not referred by the GRC to OAL because the Complainant retained counsel after the complaint was referred to OAL.
[7] The GRC notes that, with the exception of leaving out the date, the Complainant's Counsel accurately captioned the GRC decisions cited in his exceptions. Before 2013, the GRC captioned cases by listing the complainant's name followed by "Complainant" v. the agency name followed by "Custodian of Record." Commencing in 2013, the GRC changed "Custodian of Record" to "Custodial Agency," as is the case with the instant complaints.

Counsel also states that he wants the record to reflect that he entered his appearance in these complaints on December 8, 2015. Finally, Counsel states that he urged in numerous calls and communications that the former Borough Administrator should be involved in the OAL proceedings. Counsel states that he even reached out to the GRC's counsel, DAG Debra Allen, regarding the issue.[8]

## Analysis

An administrative agency has the duty of ensuring that the administrative law judge's decision was based on a preponderance of the credible evidence. In re Polk License Revocation, 90 N.J. 550, 560 (1982); Dore v. Bedminster Tp. Bd. of Ed., 185 N.J. Super. 447, 453 (App. Div. 1982). The agency's decision need only "demonstrate that the agency gave attentive consideration to the ALJ's recommendation as part of the record and [to] address itself to key items of evidence which were crucial to its decision." Public Advocate Dep't v. Public Utilities Bd., 189 N.J. Super. 491, 506. *See also* St. Vincent's Hospital v. Finley, 154 N.J. Super. 24, 29-33 (App. Div. 1977). The ultimate determination of the agency and the ALJ's recommendations must therefore be accompanied by basic findings of fact sufficient to support them. State, Dep't of Health v. Tegnazian, 194 N.J. Super. 435, 442-43 (App. Div. 1984). The purpose of such findings "is to enable a reviewing court to conduct an intelligent review of the administrative decision and determine if the facts upon which the order is grounded afford a reasonable basis therefor." Id. at 443.

N.J.S.A. 52:14B-10(c) provides that "unless the head of the agency modifies or rejects the report within [45 days after receipt of the ALJ's recommendations], the decision of the administrative law judge shall be deemed adopted as the final decision of the head of the agency." Id. Here, the ALJ's Initial Decision became "deemed adopted" on or about April 21, 2016, pursuant to N.J.S.A. 52:14B-10(c). Therein, the parties stipulated to the facts that were subsequently incorporated by the ALJ in the Initial Decision, and one of the facts is that "[t]he Borough of Bogota, through the prior Borough Administrator, knowingly and willfully denied…access."

The ALJ ordered the Borough of Bogota to pay a $1,000 penalty, and it was already found as a fact by the ALJ that the prior Borough Administrator was the person within the Borough who knowingly and willfully violated OPRA. However, there is nothing in the evidence of record to indicate that the prior Borough Administrator was afforded a hearing pursuant to the "Administrative Procedure Act," P.L. 1968, c. 410 (C. 52:14B-1 et seq.). Such a hearing is necessary because the parties stipulated to the prior Administrator's knowing and willful violation without the Administrator's participation in the proceedings. Absent his participation, the Administrator is now subject to a penalty in the amount of $1,000, as ordered by the ALJ. Moreover, the ALJ stated that the penalty shall be collected and enforced in proceedings in accordance with the 'Penalty Enforcement Law of 1999,' P.L. 1999, c. 274 (C. 2A:58-10 et seq.); however, the Administrator was not provided the opportunity to contest the

[8] The Complainant's Counsel submitted to the ALJ a letter dated March 3, 2016, wherein Counsel states, "we have reached out to DAG Debra Allen and asked for the GRC's view or position regarding whether a municipal body, in contrast to an individual, can be penalized under OPRA. She responded and told me she needed to have internal conversations regarding that issue."

parties' stipulated statements that he knowingly and willfully violated OPRA. Therefore, because due process was not effectuated in these complaints, the ALJ cannot order that a penalty be assessed against a "public official, officer, employee or custodian" who has not participated in the hearing.

Accordingly, these complaints must be remanded back to the Office of Administrative Law ("OAL") to afford the prior Borough Administrator an opportunity for a hearing pursuant to the "Administrative Procedure Act," P.L. 1968, c. 410 (C. 52:14B-1 et seq.), and in the event the Administrative Law Judge determines that the prior Borough Administrator knowingly and willfully violated OPRA and unreasonably denied access under the totality of the circumstances, to impose a civil penalty pursuant to N.J.S.A. 47:1A-11. Also, in the event the Administrative Law Judge determines the Complainant is a prevailing party pursuant to N.J.S.A. 47:1A-6, to award a reasonable attorney's fee if said fee has not already been paid.

## Conclusions and Recommendations

The Executive Director respectfully recommends the Council find that these complaints be remanded back to the Office of Administrative Law to afford the prior Borough Administrator an opportunity for a hearing pursuant to the "Administrative Procedure Act," P.L. 1968, c. 410 (C. 52:14B-1 et seq.), and in the event the Administrative Law Judge determines that the prior Borough Administrator knowingly and willfully violated OPRA and unreasonably denied access under the totality of the circumstances, to impose a civil penalty pursuant to N.J.S.A. 47:1A-11. Also, in the event the Administrative Law Judge determines the Complainant is a prevailing party pursuant to N.J.S.A. 47:1A-6, to award a reasonable attorney's fee if said fee has not already been paid.

Prepared By: John E. Stewart

May 17, 2016[9]

[9] This complaint was scheduled to be adjudicated by the Council on May 24, 2016, but the Council held the matter based on the advice of legal counsel. The complainant was subsequently scheduled to be adjudicated by the Council on June 28, 2016, but the complaint could not be adjudicated due to lack of a quorum.

State of New Jersey
GOVERNMENT RECORDS COUNCIL
101 SOUTH BROAD STREET
PO BOX 819
TRENTON, NJ 08625-0819

CHRIS CHRISTIE
*Governor*

KIM GUADAGNO
*Lt. Governor*

RICHARD E. CONSTABLE, III
*Commissioner*

**INTERIM ORDER**

**July 29, 2014 Government Records Council Meeting**

Michael Doss
Complainant
v.
Borough of Bogota (Bergen)
Custodian of Record

Complaint No. 2013-315

At the July 29, 2014 public meeting, the Government Records Council ("Council") considered the July 22, 2014 Findings and Recommendations of the Executive Director and all related documentation submitted by the parties. The Council voted unanimously to adopt the entirety of said findings and recommendations. The Council, therefore, finds that based on the inadequate evidence in this matter; the GRC is unable to determine whether or not the Custodian unlawfully denied access to the requested records. Therefore, this complaint should be referred to the Office of Administrative Law for a hearing to resolve the facts. Also, this complaint should be referred to the Office of Administrative Law for determination of whether the Custodian or any other Borough official knowingly and willfully violated OPRA and unreasonably denied access under the totality of the circumstances.

Interim Order Rendered by the
Government Records Council
On The 29th Day of July, 2014

Robin Berg Tabakin, Esq., Chair
Government Records Council

I attest the foregoing is a true and accurate record of the Government Records Council.

Steven Ritardi, Esq., Secretary
Government Records Council

**Decision Distribution Date: July 30, 2014**

**STATE OF NEW JERSEY**
**GOVERNMENT RECORDS COUNCIL**

**Findings and Recommendations of the Executive Director**
**July 29, 2014 Council Meeting**

**Michael Doss**[1] **GRC Complaint No. 2013-315**
**Complainant**

**v.**

**Borough of Bogota (Bergen)**[2]
**Custodial Agency**

**Records Relevant to Complaint:** See Exhibit A

**Custodian of Record:** Frances Garlicki, Clerk

| **Requests Received by Custodian:** | **Responses Made by Custodian:** |
|---|---|
| September 5, 2013 | No written response on file |
| September 10, 2013 | No written response on file |
| September 18, 2013 | No written response on file |
| September 30, 2013 | October 2, 2013 extended to October 17, 2013 |
| October 4, 2013 | October 7, 2013 extended to October 21, 2013 |

**GRC Complaint Received:** October 22, 2013

## Background[3]

Requests and Responses:

On September 5, 2013, September 10, 2013, September 18, 2013, September 30, 2013, and October 4, 2013 the Complainant submitted Open Public Records Act ("OPRA") requests to the Custodian seeking the above-mentioned records. The Custodian certified she responded to the Complainant's September 5, 2013 request on September 12, 2013, the September 10, 2013 request on September 16, 2013, and the September 18, 2013 request on September 18, 2013; however, there is no evidence of record to confirm the Custodian's certification that a response was made to these three requests. The Custodian responded to the September 30, 2013 request on October 2, 2013, requesting an extension of time until October 17, 2013. The Custodian also responded to the October 4, 2013 request on October 7, 2013, requesting an extension of time until October 21, 2013. The Complainant disagreed with the Custodian by stating that the Custodian's responses have "…easily fallen beyond the 7-day grace period…" It is unclear from

[1] No legal representation listed on record.
[2] No legal representation listed on record. The Custodian certified that she was represented by Joseph G. Monaghan, Esq. (Hackensack, NJ); however, said attorney denied he was presently representing the Borough in this matter.
[3] The parties may have submitted additional correspondence or made additional statements/assertions in the submissions identified herein. However, the Council includes in the Findings and Recommendations of the Executive Director the submissions necessary and relevant for the adjudication of this complaint.

the evidence of record whether the Custodian granted or denied the Complainant's requests. It is further unclear whether, if granted, responsive records were disclosed and, if denied, the denial was lawful.

Denial of Access Complaint:

On October 22, 2013, the Complainant filed a Denial of Access Complaint with the Government Records Council ("GRC"). The Complainant asserts that he filed OPRA requests on September 5, 2013, September 10, 2013, September 18, 2013, September 30, 2013, and October 4, 2013. The Complainant further states that the Custodian did not respond to the requests. The Complainant also states that with respect to the requests he submitted on September 5, 2013, September 10, 2013, September 18, 2013, and September 30, 2013, Mr. Greiner denied the requests by informing the Complainant the requests were unclear and overly broad.[4] The Complainant states, however, that Mr. Greiner wrote some notations next to several of the request items; however, those responses:

- Contained misinformation and inconsistencies.
- Contained inaccurate and/or missing information.
- Provided false reasons for denying access to the records.

With respect to the Complainant's October 4, 2013 request, the Complainant states that the Borough failed to provide any information. The Complainant further states that he contacted Mr. Greiner on October 17, 2013, to inquire about the status of the request and Mr. Greiner told him, "you and I both know this is bulls**t."

Statement of Information:

On October 30, 2013, the Custodian filed a Statement of Information ("SOI"). The Custodian certifies that she received the five (5) OPRA requests which formed the basis of the complaint on September 5, 2013, September 10, 2013, September 18, 2013, September 30, 2013, and October 4, 2013. The Custodian further certifies that she responded to the September 5, 2013 request on September 12, 2013, the September 10, 2013 request on September 16, 2013, the September 18, 2013 request on September 18, 2013, the September 30, 2013 request on October 2, 2013, and the October 4, 2013 request October 7, 2013. The Custodian certifies that she requested an extension of time for the September 30, 2013 request and the October 4, 2013 request until October 17, 2013 and October 21, 2013, respectively.

The Custodian attached a document index for each of the Complainant's five (5) requests. The Custodian certifies that the document indices also contain the Custodian's response to Items 10, 11 and 12 of the SOI.[5] The document indices listed some of the records that were determined to be responsive to the requests. Each document index required the Custodian to list the legal explanation and statutory citation for every denial of access to records. However, the Custodian

[4] Mr. C. Greiner is the business administrator and it is not clear from the complaint why Mr. Greiner, rather than the Custodian, responded to the Complainant's requests.

[5] Contrary to the Custodian's certification, responses for Items 10, 11 and 12 of the SOI were not found in the document index or elsewhere in the SOI.

provided the following explanation in response to this requirement for all of the Complainant's September 2013 requests:

> 1. Any records supplied were supplied in their entirety and without redactions.
> 2. Request (sic) that were denied were the requested items that do not fit the definition of "Government Record" per N.J.S.A. 47:1A-1.1.

The document index the Custodian prepared for the October 4, 2013 request was not responsive to the GRC's prompts for information about the requested records. Instead, the document index contained information with respect to an extension of time the Custodian requested in order to respond to an OPRA request.

The balance of the SOI consisted of a copy of the attachments to the Denial of Access Complaint.

Additional Submissions:[6]

On June 11, 2014, the GRC notified the Custodian that the SOI was incomplete and/or inaccurate; specifically, the Custodian was notified that the document index was defective in almost every respect. The GRC provided the Custodian with a bullet list of items that needed to be corrected. The Custodian was asked to submit a corrected SOI to the GRC within five business days.

On June 12, 2014, the Custodian requested and was granted an extension of time until June 25, 2014 to submit a corrected SOI to the GRC. Also on this date the GRC, at the Custodian's request, provided the Custodian with more detailed instructions for the proper completion of a document index.

On June 25, 2014, the Custodian forwarded to the GRC a single document index.[7] The request or requests corresponding to the list of records set forth in the document index was/were not identified.

[6] The GRC was having difficulty matching the Complainant's requests with the purported responses. Accordingly, there is a string of several e-mails extending from June 11, 2014 until June 27, 2014 between the GRC and the Complainant. In summary, these e-mails reflect the GRC's effort to obtain legible copies of the OPRA requests because the copies attached to the complaint had handwritten notes and comments all over them. On June 27, 2014, the GRC obtained from the Complainant legible copies of all of the requests which formed the basis of the complaint. The only missing item is the official OPRA request form for the September 18, 2014 request. The requests are collectively set forth as Exhibit A and the referenced e-mail string is contained in the case file.

[7] The GRC's instructions for proper completion of the document index were not followed. Although the Custodian more clearly identified the records responsive to the request, the description was still woefully inadequate. It is also clear that not all of the request items are included in the document index. The document index does not itemize the responsive records or even break down the records requested in the five OPRA requests by OPRA request date or other identifier (e.g. the Complainant's OPRA request number). For many of the records identified as being responsive to the request, the Custodian states it is neither disclosed nor denied. There are many question marks typed throughout the document index. Accordingly, the document index, which is essentially the entire SOI, is of little or no use to the GRC.

## Analysis

OPRA provides that government records made, maintained, kept on file, or received by a public agency in the course of its official business are subject to public access unless otherwise exempt. N.J.S.A. 47:1A-1.1. A custodian must release all records responsive to an OPRA request "with certain exceptions." N.J.S.A. 47:1A-1. Additionally, OPRA places the burden on a custodian to prove that a denial of access to records is lawful pursuant to N.J.S.A. 47:1A-6.

Based on the inadequate evidence in this matter, the GRC is unable to determine whether or not the Custodian unlawfully denied access to the requested records. Therefore, this complaint should be referred to the Office of Administrative Law for a hearing to resolve the facts. Also, this complaint should be referred to the Office of Administrative Law for determination of whether the Custodian or any other Borough official knowingly and willfully violated OPRA and unreasonably denied access under the totality of the circumstances.

## Conclusions and Recommendations

The Executive Director respectfully recommends the Council find that based on the inadequate evidence in this matter; the GRC is unable to determine whether or not the Custodian unlawfully denied access to the requested records. Therefore, this complaint should be referred to the Office of Administrative Law for a hearing to resolve the facts. Also, this complaint should be referred to the Office of Administrative Law for determination of whether the Custodian or any other Borough official knowingly and willfully violated OPRA and unreasonably denied access under the totality of the circumstances.

Prepared By: John E. Stewart, Esq.

Approved By: Dawn R. SanFilippo, Esq.
Senior Counsel

July 22, 2013

# EXHIBIT A

L

Completed

BOROUGH OF BOGOTA

# OPEN PUBLIC RECORDS ACT REQUEST FORM

375 LARCH AVENUE
(201) 342-1736 ext. 235 • (201) 342-0574 (FAX)
Email: clerk@bogotaonline.org
Borough of Bogota Records

**Important Notice**

The last page of this form contains important information related to your rights concerning government records. Please read it carefully.

## Requestor Information – Please Print

First Name MICHAEL MI ____ Last Name DOUS

E-mail Address mdoss@chccnj.org

Mailing Address 48 CHESTNUT AVE

City BOGOTA State NJ Zip 07603

Telephone (201) 745-4680 FAX ____

Preferred Delivery: Pick Up ✓ US Mail ____ On-Site Inspect ____ Fax ____ E-mail (or) ✓

If you are requesting records containing personal information, please circle one: Under penalty of N.J.S.A. 2C:28-3, I certify that I *HAVE / HAVE NOT* been convicted of any indictable offense under the laws of New Jersey, any other state or the United States.

Signature [signature] Date 9/5/2013

## Payment Information

Maximum Authorization Cost $

Select Payment Method

Cash Check Money Order

Fees: Letter size pages - $0.05 per page
Legal size pages - $0.07 per page
Other materials (CD, DVD, etc) – actual

Delivery: Delivery / postage fees additional depending upon delivery type.

Extras: Special service charge dependent upon request.

**Record Request Information:** Please be as specific as possible in describing the records being requested. Also, please note that your preferred method of delivery will only be accommodated if the custodian has the technological means and the integrity of the records will not be jeopardized by such method of delivery.

H – SALARIES FOR ALL BOROUGH EMPLOYEES (FULL TIME & PART TIME) & POSITION 2 yrs

✓ – DETAILS RELATED TO DENY SCHOOL PROPERTY PURCHASE (PUBLIC INFO.)

✓ – DETAILS RELATED TO PARKING LOT LAW SUIT, DANIEL CREANCE LAWSUIT & REBINO TAX CA. LAWSUIT. (PUBLIC INFO).

A/P PAPER TRAIL / PURCHASE ORDERS FOR ALL ELECTRONIC DEVICES SUCH AS NOT LIMITED TO LAPTOPS, COMPUTERS, CELL PHONES & ETC. FOR LAST ~~THREE~~ FOUR YEARS, VALUE, LOCATION OF DEVICE & USAGE

W – TAX HISTORY (PROPERTY) FROM 2003 – CURRENT. TAX RATE & EQUALIZATION RATE

✓ BUDGETS ~~FROM~~ FROM 2003 – CURRENT (TOWN & B.O.E. BUDGETS) (SUMMARY BUDGET VS. ACTUAL)

| AGENCY USE ONLY | AGENCY USE ONLY | AGENCY USE ONLY |
|---|---|---|
| Est. Document Cost ____ | **Disposition Notes** Custodian: If any part of request cannot be delivered in seven business days, detail reasons here. | **Tracking Information** Final Cost |
| Est. Delivery Cost ____ | | Tracking # ____ Total ____ |
| Est. Extras Cost ____ | | Rec'd Date 9-10 Deposit ____ |
| Total Est. Cost ____ | | Ready Date ____ Balance Due ____ |
| Deposit Amount ____ | | Total Pages ____ Balance Paid ____ |
| Estimated Balance ____ | | Records Provided |
| Deposit Date ____ | In Progress - Open ____ | |
| | Denied - Closed ____ | |
| | Filled - Closed | |

RECEIVED SEP -3 P 2:10

TOWN RESOLUTION REGARDING PURCHASE & USE OF CHEVY TAHOE(S).

Admin AMOUNT OF OFFICIAL USAGE BY EACH OFFICIAL ASSIGNED A VEHICLE.

PUBLIC DETAILS RELATED TO THE PURCHASE OR IMPENDING PURCHASE OF EXERCISE EQUIPMENT TO BE INSTALLED IN BOGOTA PARKS.

CDBG GRANTS THAT WERE AWARDED TO BOGOTA FROM 2003 TO DATE. (VALUE OF GRANT & USAGE).

MILEAGE LOG ON BOROUGH USED VEHICLE & GAS EXPENSE

TOTAL PURCHASE OF CHEVY SUBURBAN.
COST MILEAGE LOG

TOTAL COST OF VEHICLES PURCHASED VIA RESOLUTION & MILEAGE LOG

RESOLUTION FROM PREVIOUS MOVES OFFICIALS (CRITERIA, EXPERIENCE, NUMBER OF APPLICANTS) ETC

BOROUGH OF BOGOTA

# OPEN PUBLIC RECORDS ACT REQUEST FORM

375 LARCH AVENUE
(201) 342-1736 ext. 236 • (201) 342-0574 (FAX)
Email: clerk@bogotaonline.org
Borough of Bogota Records

**Important Notice**

The last page of this form contains important information related to your rights concerning government records. Please read it carefully.

**Requestor Information – Please Print**

First Name MICHAEL MI ___ Last Name DOSS

E-mail Address makdoss@yahoo.com

Mailing Address 48 CHESTNUT AVENUE

City BOGOTA State NJ Zip 07603

Telephone (201) 745-4680 FAX ___

Preferred Delivery: Pick Up ___ US Mail ___ On-Site Inspect ___ Fax ___ E-mail ✓ OR

If you are requesting records containing personal information, please circle one: Under penalty of N.J.S.A. 2C:28-3, I certify that I *HAVE / HAVE NOT* been convicted of any indictable offense under the laws of New Jersey, any other state, or the United States.

Signature [signature] Date 9/16/2013

**Payment Information**

Maximum Authorization Cost $

Select Payment Method

Cash Check Money Order

Fees: Letter size pages - $0.05 per page
Legal size pages - $0.07 per page
Other materials (CD, DVD, etc) – actual

Delivery: Delivery / postage fees additional depending upon delivery type.

Extras: Special service charge dependent upon request.

**Record Request Information:** Please be as specific as possible in describing the records being requested. Also, please note that your preferred method of delivery will only be accommodated if the custodian has the technological means and the integrity of the records will not be jeopardized by such method of delivery.

PLEASE SEE ATTACHMENT. KINDLY EXPEDITE COMMUNICATION OF INFORMATION & RESPONSES PRIOR TO SEPT. 17TH 2013. IF THIS DATE CAN NOT BE ACHIEVED PLEASE CONTACT MICHAEL DOSS AT (201) 745-4680 IMMEDIATELY! [signature] 9-16-2013

RECEIVED 2013 SEP 16 A 8:48 BOROUGH OF BOGOTA

**AGENCY USE ONLY**

Est. Document Cost ___
Est. Delivery Cost ___
Est. Extras Cost ___
Total Est. Cost ___
Deposit Amount ___
Estimated Balance ___
Deposit Date ___

**AGENCY USE ONLY**

**Disposition Notes**
Custodian: If any part of request cannot be delivered in seven business days, detail reasons here.

In Progress - Open ___
Denied - Closed ___
Filled - Closed ___
Partial - Closed ___

**AGENCY USE ONLY**

**Tracking Information**
Tracking # ___
Rec'd Date ___
Ready Date ___
Total Pages ___

**Final Cost**
Total ___
Deposit ___
Balance Due ___
Balance Paid ___

Records Provided

Custodian Signature Date

**A. 2008 Budget:**

1. Provide revenue and appropriation summary for 2008 budget.

**B. Finance:**

***1. Outstanding Debt***

- In 2007, the budget reflects approximately $4.5M Outstanding Balance (debt/money borrowed). The 2013 budget reflects $8.5M Outstanding Balance (debt/money borrowed). Please provide documents for the additional $4M outstanding and itemized details regarding allocation of these funds.
- Provide any documents that relate to financial plans for eliminating the $8.5M Outstanding Balance.

***2. Deferred Charges and Other Appropriations***

- In 2007, the budget reflects $183K for Deferred Charges and Other Appropriations. The 2013 budget reflects $1.1M in Deferred Charges and Other Appropriations. Please provide documents for the increase of approximately $1M in Deferred Charges and Other Appropriations.
- Additionally, please provide details and documents related to the allocation of $1.1M in Deferred Charges and Other Appropriations. Documents specifying but not limited to where and how this money is spent, controlled, managed and reported?

3. ***Other Expenses***

- In 2012, the budget reflects $3.3M in other expenses and 2013 is estimated to be $2.9M. Please provide details and documents related to the allocation of both 2012 and 2013 for these funds listed as other expenses.

4. The budget (Total General Appropriations) for 2009 was approximately $7.7M. The budget (Total General Appropriations) for 2013 is estimated to be $9M. Also observed is salaries and wages had little fluctuation from 2009 to 2013. Why the additional $1.3M in the budget? What tools/controls are in place to reduce spending (particularly in the categories of Other Expenses and Deferred Charges and Other Appropriations)?

**C. Grant monies:**

1. Provide specific documents that memorialize total funds received from 2005 to date by agency or organization (i.e. OEM, FEMA, PSE&G, private organizations and all other public or government organizations).
2. Provide documents reflecting allocation of grant funds (i.e. source each grant fund per organization and per year). For example, FEMA money award for hurricane Sandy ($100K). Money used to upgrade equipment XXX.

**D. Resolution 13-108:**

1. Provide document for purchase price for the vehicles used by the following (**excluding Police Chief, Captain of Police and Superintendant of DPW**) :

- Fire Chief, Deputy Fire Chief, Battalion Chief, OEM Coordinator, Fire Official, EMS Chief and Rescue Chief.

2. Provide current mileage on the Borough vehicles used by the following:
   - Fire Chief, Deputy Fire Chief, Battalion Chief, OEM Coordinator, Fire Official, EMS Chief and Rescue Chief.
3. Mileage log or related documents identifying usage for emergency versus personal use for borough vehicles used by the following (2008 to date):
   - Fire Chief, Deputy Fire Chief, Battalion Chief, OEM Coordinator, Fire Official, EMS Chief and Rescue Chief.
4. Provide procedure or documents reflecting how mileage should be recorded/logged.
5. Provide documents reflecting gas consumption cost (annualized) for each of the borough vehicles used by the following:
   - Fire Chief, Deputy Fire Chief, Battalion Chief, OEM Coordinator, Fire Official, EMS Chief and Rescue Chief.
6. Provide procedure or documents related to refueling vehicle and reimbursements or expenses.
7. Provide documents reflecting maintenance cost (annualized) for each of the borough vehicles used by the following:
   - Fire Chief, Deputy Fire Chief, Battalion Chief, OEM Coordinator, Fire Official, EMS Chief and Rescue Chief.
8. Insurance cost (annualized) for each of the borough vehicles used by the following:
   - Fire Chief, Deputy Fire Chief, Battalion Chief, OEM Coordinator, Fire Official, EMS Chief and Rescue Chief.

**E. <u>OEM/Police Commissioner vehicle (Black Chevy Suburban) and cell phone:</u>**

1. Purchase price for this borough vehicle.
2. Provide current mileage for this borough vehicle.
3. Provide mileage log or documents identifying usage for emergency versus personal use.
4. Provide documents reflecting gas consumption cost (annualized) for this borough vehicle.
5. Maintenance cost (annualized) for each of this borough vehicle.
6. Insurance costs (annualized).
7. Copies of borough issued cell phone monthly invoices from 2012 to date.
8. Provide receipts for all UPS/Fed Ex/USPS packages delivered to OEM/Police Commissioner from 2012 to date.

**F. <u>Inventory of equipment procured for use by borough councilman, and officials (excluding Police Department and DPW):</u>**

1. List of devices (laptops, desktops, printers, cell phones; etc.).
2. Asset inventory log and/or documents.

3. Provide procedure or documents related to managing asset inventory.
4. Purchase price for each device or copies of purchase orders or documents reflecting price per device.
5. Documents reflecting source of funds used to procure each device.
6. Documents reflecting device assignment to who (name of individual assigned device).
7. Documents reflecting location of each device/where does this device reside (i.e. home, borough hall; etc.)?
8. Documents reflecting monthly cost for each cell phone / individual?
9. Documents reflecting log of usage (personal versus emergency/borough related)?

**G. <u>Resolution 13-158:</u>**

1. Please provide copy of need analysis or justification document(s) for implementing adult exercise equipment.
2. Please provide list or references of implementation of such equipment for similar application.
3. List of equipment and cost.
4. Documents reflecting life expectancy of equipment?
5. Documents reflecting associated maintenance costs (annualized)?
6. Copy of RFP or similar documents used to solicit best vendor providing such equipment.
7. Copies of bids submitted or documents reflecting vendors' quotes.
8. Copy of bid analysis identifying preferred vendor or documents attempting to perform such assessment.

**H. <u>Employee Manual</u>**

1. Provide copy of employee manual.

**I. <u>Property Maintenance employees (W. Hodges & N. Barese):</u>**

1. Please provide the process or documents for determining the necessity for employing two Property Maintenance positions in lieu of one for a town less than one mile square.
    - Process by which the position was posted (newspapers, website job boards; etc.) and duration of posting (length of time position was advertised).
    - Number of candidates applying to the position.
    - Detailed process or documents by which candidates were interviewed:
        - **<u>interviewers</u>** name's/position/credentials,
        - number of interviewing rounds for each candidate,
        - analysis or determination used to derived preferred candidate(s);
        - preferred candidates' references.
    - Start dates for each candidate and annual salary (from employment start date to termination or present).

2. Provide copy of Property Maintenance employees' resumes (W. Hodges and N. Barese), relevant credentials, and qualifications related to the position of Property Maintenance and other documents which assisted in determining them as the preferred candidates to be awarded the position.
3. Provide Property Maintenance employees (W. Hodges and N. Barese) employment status (full time or part time) and number of hours scheduled to be worked per week (while employed by Bogota).
4. Provide copy of Property Maintenance employees' (W. Hodges and N. Barese) annual job performance review or related document and associated annual salary increase from start date to termination or present.

**J. <u>Waste Management:</u>**

A. Provide copies of the RFPs or similar documents issued for waste removal in Bogota for the last two waste removal agreements (i.e. Roselli/Bogota and B&B/Bogota).
B. Provide copies of the bids and documents submitted for both RFPs.
C. Provide bid leveling analysis or any such documents determining preferred candidate.
D. Provide copies of contract agreements with awarded provider.
E. Provide analysis and documents identifying savings related to outsourcing waste removal (annual savings realized).
F. Provide analysis and related documents reflecting estimated savings for reducing waste removal to once per week during winter months (annualized savings).
G. Provide details or documents related to where the savings for #5 and #6 are being utilized.

**K. <u>Town Engineer:</u>**

1. Provide clarification regarding the frequency of renewing Town Borough Engineer services agreement (i.e. RFP for engineering services is sent annually, bi-annually; etc.).
2. Clarify terms of Borough Town Engineering services (specific services, schedule of fees, contract duration; number of hours to be rendered for services and fees related to hours exceeding contractual agreement).
3. Provide copy of RFP or related documents for securing the services of the current Borough Town Engineer for the last 6 years.
4. Provide copy of contract for Borough Engineer.
5. Provide details related to the relevance and payment of borough engineer for any depositions equal to and exceeding the cost of $1500.
6. 
7. Provide list of engineering firms applying to RFPs and their respective bids for last 6 years.
8. Provide bid analysis and related documents awarding engineering services for last 6 years.
9. Provide list of credentials, experience, other townships served, and current list of major projects related to current Borough Town engineer's firm (Harry Tuvel).
10. Provide Itemized contributions made by Harry Tuvel's engineering firm and individually during the last 6 years to the Borough of Bogota.

**L. Borough Auditor:**

1. Provide process or documents reflecting a process for selecting borough auditor.
2. Provide credentials and experience of current borough auditor.
3. Provide copies of any written agreements (terms: duration of agreement, fee schedule; etc.) for any services to be rendered by auditor.
4. Does the borough auditor perform any other functions for the town of Bogota (for example, auditor for Board of Education)?

**M. Contributions made to the Borough of Bogota:**

1. Please provide itemized contributions or documents representing contributions made to the Borough of Bogota from 2000 to date by the following:
    - J. Monaghan (law firm)
    - J. Monaghan (individually)
    - Lerch, Vinci and Higgins
    - D. Lerch (individually)
    - KSL-Lawyers
    - P. Kaufman (individually)
    - Harry Tuvel's firm
    - Hary Tuvel (individually)

**N. Borough Administrator:**

1. Please provide process or documents reflecting the process for selecting Borough Administrator position.
    - Process by which position was posted (newspapers, website job boards; etc.) and duration of posting (length of time position was advertised).
    - Number of candidates applying to the position.
    - Detailed process by which candidates were interviewed:
        - interviewers name's/position/credentials,
        - number interview rounds for each candidate;
        - analysis or determination which derived preferred candidate.
2. Provide copy of current Borough Administrator's contract with Bogota.
3. Provide copy of current Borough Administrator's resume, relevant credentials and qualifications related to the position of Borough Administrator.
4. Provide documents reflecting copy of current Borough Administrator's past supervisor's names (from past employers during last 10 years).

5. Provide documents reflecting current Borough Administrator's past experience related to management of finances. For example, operational and capital budget amounts during the last 5 years in summary format with year-end actual versus budgeted amounts for each year.
6. Provide documents reflecting current Borough Administrator's volume of FTE's managed during the last five years.
7. Provide documents reflecting current Borough Administrator's experience related to securing local/state/national grants, amount of private sector donor funds secured and other contributions solicited from any entities during the last 5 years.
8. Provide documents reflecting current Borough Administrator's employment status with Bogota (full time or part time) and number of hours scheduled to be worked per week.

**O. <u>Dewey School Property:</u>**

1. Please provide details pertaining to the sale of the Dewey School Property:
    - Sale price and date.
    - Authorized signature(s) names. Who were the people representing the Bogota Board of Education at the closing of sale. How were they vetted to ensure they would act on the best interests of Bogota?
    - Name of buyer(s).

**P. <u>297 Palisades Avenue Redevelopment Project:</u>**

- Documents showing if the property has been resold? If so, how many times and the names of the buyers and respective sale price?
- Why did the property sit with rubble and debris for several years?
- Name of current developer.
- Documents showing if Bogota had any influence (contractual) over the selection of the developer?
- Documents showing current developer's name (names of partners) and name of legal counsel representation.
- Complete details, agreements documents related to the tax abatement and PILOT for this property.
- Was an RFP or similar document issued to solicit the services of a third party to represent the Borough of Bogota in negotiating the tax abatement with the developer? If not, what was the basis for this decision respective authority approving this decision?
- Names of individuals representing Bogota that are negotiating the tax abatement for the property with the developer and developer's counsel.
- Credentials of Bogota's representative negotiating with developer:
    i. How many properties have Bogota's representative negotiated tax abatements and dollar values of each?

ii. What value does each Bogota representative bring to the table during the negotiations of the tax abatement with the developer?

- Provide detailed construction drawings or documents, construction schedule and name of contractor awarded the project.
- Provide details related to the targeted group that will be residing in the newly constructed building:
  - Prospective age range of tenants.
  - Targeted salary range for tenants.
  - Children per household.
  - How will the Bogota School system support the additional students (i.e. more teachers, additions to school buildings, class room expansions, additional desks; etc.)? Associated cost?
  - Increasing FTEs/PTEs in the Police force and DPW to support the additional residents? Associated cost with any increase in work force?

**NOTES:**

- **Additionally, please contact me immediately if there is any ambiguity, concerns or questions regarding these requests. Therefore, the process by which you will collect and submit this information to me should not be halted until said clarification is received from me.**
- **In the event any information is withheld, kindly specify the item and legal restrictions which prohibit the communication of such information.**

**THIS IS THE OPRA REQUEST THE COMPLAINANT IDENTIFIED IN HIS COMPLAINT AS THE SEPTEMBER 18, 2013 REQUEST (aka COMPLAINANT'S "OPRA #3). NO OFFICIAL OPRA REQUEST FORM COULD BE FOUND FOR THIS REQUEST**

**OPRA Request Form Attachment #2 (revised per denied OPRA received 9/16/2013**

**A. Finance:**

***1. Outstanding Debt***

- In 2007, the budget reflects approximately $4.5M Outstanding Balance (debt/money borrowed). The 2013 budget reflects $8.5M Outstanding Balance (debt/money borrowed). Please provide documents for the additional $4M outstanding and itemized details regarding allocation of these funds.

  *Specifically, what expenses increased in the budgets of FY 2007, 2008, 2009, 2010, 2011, 2012; 2013.*

  *For example:*

| YEAR | Cost | Expense Description |
|---|---|---|
| 2007 | $550K | Repairs to roadways |
| 2008 | | |
| 2009 | | |
| 2010 | | |
| 2011 | | |
| 2012 | | |
| 2013 | | |

- Provide any documents that relate to financial plans for eliminating the $8.5M Outstanding Balance.

  *Specifically, are there any controls, financial tools or plans to reduce the town budget as well reduce our debt (loans)? Yes or no.*

  *If yes, please list/names of controls, financial tool or plan.*

***2. Deferred Charges and Other Appropriations***

- In 2007, the budget reflects $183K for Deferred Charges and Other Appropriations. The 2013 budget reflects $1.1M in Deferred Charges and Other Appropriations. Please provide documents for the increase of approximately $1M in Deferred Charges and Other Appropriations. *Specifically, what expenses increased in the budgets of FY 2007, 2008, 2009, 2010, 2011, 2012; 2013.*

  *For example:*

| YEAR | Cost | Expense Description |
|---|---|---|
| 2007 | $550K | Repairs to roadways |
| 2008 | | |
| 2009 | | |

| | | |
|---|---|---|
| 2010 | | |
| 2011 | | |
| 2012 | | |
| 2013 | | |

•

- Additionally, please provide details and documents related to the allocation of $1.1M in Deferred Charges and Other Appropriations for 2013. Documents specifying but not limited to where and how this money is spent, controlled, managed and reported?

  The budget (Total General Appropriations) for 2009 was approximately $7.7M. The budget (Total General Appropriations) for 2013 is estimated to be $9M. Also observed is salaries and wages had little fluctuation from 2009 to 2013. Why the additional $1.3M in the budget? What tools/controls are in place to reduce spending (particularly in the categories of Other Expenses and Deferred Charges and Other Appropriations)? *Specifically, what expenses increased in the budgets of FY 2009, 2010, 2011, 2012; 2013.*

  *For example:*

| YEAR | Cost | Expense Description |
|---|---|---|
| 2009 | $550K | Repairs to roadways |
| 2010 | | |
| 2011 | | |
| 2012 | | |
| 2013 | | |

3. Borough vendor's list for 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012 and 2013.
4. Copies of all purchase orders for 2011, 2012 and 2013.

**B. <u>Grant monies:</u>**

1. Provide specific documents that memorialize total funds received from 2005 to date by agency or organization (i.e. OEM, FEMA, PSE&G, private organizations and all other public or government organizations).

   *Specifically, provide the amounts of funds or grants received by OEM, FEMA and PSE&G for 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012; 2013.*

   *For example: received $500K from FEMA in 2013*

2. Provide documents reflecting allocation of grant funds (i.e. source each grant fund per organization and per year). For example, FEMA money award for hurricane Sandy ($100K). Money used to upgrade equipment XXX.

   *As per the list above: provide copies of purchase orders reflecting where the grant monies from FEMA, OEM and PSE&G received were utilized for 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012; 2013.*

**C. Resolution 13-108:**

1. Provide document for purchase price **(copy of purchase order)** for the vehicles used by the following (**excluding Police Chief, Captain of Police and Superintendant of DPW**) :
   - Fire Chief, Deputy Fire Chief, Battalion Chief, OEM Coordinator, Fire Official, EMS Chief and Rescue Chief.
2. Provide documents reflecting maintenance cost for 2012 and 2013 for each of the borough vehicles used by the following:
   - Fire Chief, Deputy Fire Chief, Battalion Chief, OEM Coordinator, Fire Official, EMS Chief and Rescue Chief.
3. Insurance cost (annualized) for each of the borough vehicles used by the following (2006, 2007, 2008, 2009, 2010, 2011, 2012; 2013):
   - Fire Chief, Deputy Fire Chief, Battalion Chief, OEM Coordinator, Fire Official, EMS Chief and Rescue Chief.

**D. OEM/Police Commissioner vehicle (Black Chevy Suburban) and cell phone:**

1. Purchase price for this borough vehicle.
2. *Copy of purchase order for vehicle and copies of purchase orders of additional devices added to the vehicle.*
3. Provide current mileage for this borough vehicle.
4. Maintenance cost (annualized) for each of this borough vehicle.
5. Insurance costs (annualized).
6. Copies of borough issued cell phone monthly invoices for 2012 and 2013.
7. Provide receipts for all UPS/Fed Ex/USPS packages delivered to OEM/Police Commissioner from 2012 and 2013. Provide purchase orders for all purchases made with FEMA monies in 2009, 2010, 2011, 2012 and 2013

**E. Inventory of equipment procured for use by borough councilman, and officials (excluding Police Department and DPW):**

1. Borough vendor's list for 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012 and 2013.
2. Copies of all purchase orders for 2011, 2012 and 2013.
3. Documents reflecting source of funds used for purchases for 2011, 2012 and 2013.

**F. Resolution 13-158:**

1. Provide list of equipment and cost associated with resolution
2. Provide information reflecting life expectancy of equipment?
3. Provide information associated maintenance costs?
4. Copy of RFP or similar documents used to solicit best vendor providing such equipment.

5. Copies of bids submitted or documents reflecting vendors' quotes.

**G. Property Maintenance employees (W. Hodges & N. Barese):**

1. Provide job posting or advertisement for this job.
2. Provide list or number of candidates applying for this job.
3. Provide duration of posting (length of time position was advertised).
4. Provide list of names (Borough officials/employees) interviewing these candidates.
5. Provide copy of resume and credentials which help determine both individuals as ideal preferred candidates (W. Hodges and N. Barese).
1. Provide Property Maintenance employees (W. Hodges and N. Barese) employment status (full time or part time) and number of hours scheduled to be worked per week (while employed by Bogota).
2. Provide copy of Property Maintenance employees' (W. Hodges and N. Barese) annual job performance review or related document and associated annual salary increase from start date to termination or present.

**H. Waste Management:**

A. Provide amount of savings determined by outsourcing was removal.

B. Provide savings determined by recuing waste pick up to once per month.

C. Where are savings for #A and #B being utilized?

**I. Borough Auditor:**

1. Provide process or documents reflecting a process for selecting borough auditor.
2. Provide credentials and experience of current borough auditor.
3. Provide copies of any written agreements (terms: duration of agreement, fee schedule; etc.) for any services to be rendered by auditor.
4. Does the borough auditor perform any other functions for the town of Bogota (for example, auditor for Board of Education)?

**J. Contributions made to the Borough of Bogota:**

1. Please provide itemized contributions or documents representing contributions made to the Borough of Bogota from 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012 and 2013 by the following:
    - J. Monaghan (law firm)
    - J. Monaghan (individually)
    - Lerch, Vinci and Higgins
    - D. Lerch (individually)
    - KSL-Lawyers

- P. Kaufman (individually)
- Harry Tuvel's firm
- Hary Tuvel (individually)

**K. <u>Borough Administrator:</u>**

1. Provide job posting or advertisement for this job.
2. Provide list or number of candidates applying for this job.
3. Provide duration of posting (length of time position was advertised).
4. Provide list of names (Borough officials/employees) interviewing the candidates.
5. Provide copy of current Borough Administrator's contract with Bogota.
6. How many times our current Borough administrator has negotiated tax abatements?
7. What is current Borough Administrator's past experience related to management of finances? For example, operational and capital budget amounts during the last 5 years in summary format with year-end actual versus budgeted amounts for each year.
8. Provide any information reflecting current Borough Administrator's experience related to securing local/state/national grants, amount of private sector donor funds secured and other contributions solicited from any entities during the last 5 years.
9. Provide documents reflecting current Borough Administrator's employment status with Bogota (full time or part time) and number of hours scheduled to be worked per week.

**L. <u>297 Palisades Avenue Redevelopment Project:</u>**

- Documents showing if the property has been resold? If so, how many times and the names of the buyers and respective sale price?
- Why did the property sit with rubble and debris for several years?
- Name of current developer.
- Documents showing if Bogota had any influence (contractual) over the selection of the developer?
- Documents showing current developer's name (names of partners) and name of legal counsel representation.
- Complete details, agreements documents related to the tax abatement and PILOT for this property.
- Was an RFP or similar document issued to solicit the services of a third party to represent the Borough of Bogota in negotiating the tax abatement with the developer? If not, what was the basis for this decision respective authority approving this decision?
- Names of individuals representing Bogota that are negotiating the tax abatement for the property with the developer and developer's counsel.
- Credentials of Bogota's representative negotiating with developer:

i. How many properties have Bogota's representative negotiated tax abatements and dollar values of each?

ii. What value does each Bogota representative bring to the table during the negotiations of the tax abatement with the developer?

- Provide detailed construction drawings or documents, construction schedule and name of contractor awarded the project.
- Provide details related to the targeted group that will be residing in the newly constructed building:
  - Prospective age range of tenants.
  - Targeted salary range for tenants.
  - Children per household.
  - How will the Bogota School system support the additional students (i.e. more teachers, additions to school buildings, class room expansions, additional desks; etc.)? Associated cost?
  - Increasing FTEs/PTEs in the Police force and DPW to support the additional residents? Associated cost with any increase in work force?

**NOTES:**

- **Additionally, please contact me immediately if there is any ambiguity, concerns or questions regarding these requests. Therefore, the process by which you will collect and submit this information to me should not be halted until said clarification is received from me.**
- **In the event any information is withheld, kindly specify the item and legal restrictions which prohibit the communication of such information.**

4+4

BOROUGH OF BOGOTA

# OPEN PUBLIC RECORDS ACT REQUEST FORM

375 LARCH AVENUE
(201) 342-1736 ext. 235 • (201) 342-0574 (FAX)
Email: clerk@bogotaonline.org
Borough of Bogota Records

replied 10/15/13

## Important Notice

The last page of this form contains important information related to your rights concerning government records. Please read it carefully.

### Requestor Information – Please Print

First Name MICHAEL MI ____ Last Name DOSJ

E-mail Address makdosj@yahoo.com

Mailing Address 48 CHESTNUT AVE'

City BOGOTA State NJ Zip 07603

Telephone (201) 745-4680 FAX ____

Preferred Delivery: (Pick Up) ____ US Mail ____ On-Site Inspect ____ Fax ____ E-mail ____

If you are requesting records containing personal information, please circle one: Under penalty of N.J.S.A. 2C:28-3, I certify that I *HAVE / HAVE NOT* been convicted of any indictable offense under the laws of New Jersey, any other state, or the United States.

Signature [signature] Date 9/30/2013

### Payment Information

Maximum Authorization Cost $

Select Payment Method

Cash Check Money Order

Fees: Letter size pages - $0.05 per page
Legal size pages - $0.07 per page
Other materials (CD, DVD, etc) – actual

Delivery: Delivery / postage fees additional depending upon delivery type.

Extras: Special service charge dependent upon request.

**Record Request Information:** Please be as specific as possible in describing the records being requested. Also, please note that your preferred method of delivery will only be accommodated if the custodian has the technological means and the integrity of the records will not be jeopardized by such method of delivery.

PLEASE SEE ATTACHMENT LABELED "OPRA REQUEST FORM ATTACHMENT #4"
PLEASE PROVIDE RESPONSES & DOCUMENTATION IN NUMERICAL/BULLETED FORMAT AS REFLECTED IN "OPRA REQUEST FORM ATTACHMENT."
THANK YOU FOR YOUR TIME!

### AGENCY USE ONLY

Est. Document Cost ____
Est. Delivery Cost ____
Est. Extras Cost ____
Total Est. Cost ____
Deposit Amount ____
Estimated Balance ____

Deposit Date ____

### AGENCY USE ONLY

**Disposition Notes**
Custodian: if any part of request cannot be delivered in seven business days, detail reasons here.

In Progress - Open ____
Denied - Closed ____
Filed - Closed ____
Partial - Closed ____

### AGENCY USE ONLY

**Tracking Information**

Tracking # ____
Rec'd Date ____
Ready Date ____
Total Pages ____

Final Cost
Total ____
Deposit ____
Balance Due ____
Balance Paid ____

Records Provided

RECEIVED
2013 SEP 30 P 1:42
BOROUGH OF BOGOTA

Custodian Signature ____ Date ____

## A. Finance:

### *1. Outstanding Debt*

- In 2007, the budget reflects approximately $4.5M Outstanding Balance (debt/money borrowed). The 2013 budget reflects $8.5M Outstanding Balance (debt/money borrowed). Please provide documents for the additional $4M outstanding and itemized details regarding allocation of these funds.

  *Specifically, what expenses increased in the budgets of FY 2007, 2008, 2009, 2010, 2011, 2012; 2013.*

  *For example:*

| YEAR | Cost | Expense Description |
|---|---|---|
| 2007 | $550K | Repairs to roadways |
| 2008 | | |
| 2009 | | |
| 2010 | | |
| 2011 | | |
| 2012 | | |
| 2013 | | |

- Provide any documents that relate to financial plans for eliminating the $8.5M Outstanding Balance.

  *Specifically, are there any controls, financial tools or plans to reduce the town budget as well reduce our debt (loans)? Yes or no.*

  *If yes, please list/names of controls, financial tool or plan.*

### *2. Deferred Charges and Other Appropriations*

- In 2007, the budget reflects $183K for Deferred Charges and Other Appropriations. The 2013 budget reflects $1.1M in Deferred Charges and Other Appropriations. Please provide documents for the increase of approximately $1M in Deferred Charges and Other Appropriations. *Specifically, what expenses increased in the budgets of FY 2007, 2008, 2009, 2010, 2011, 2012; 2013.*

  *For example:*

| YEAR | Cost | Expense Description |
|---|---|---|
| 2007 | $550K | Repairs to roadways |
| 2008 | | |
| 2009 | | |

| | | |
|---|---|---|
| 2010 | | |
| 2011 | | |
| 2012 | | |
| 2013 | | |

- 

- Additionally, please provide details and documents related to the allocation of $1.1M in Deferred Charges and Other Appropriations for 2013. Documents specifying but not limited to where and how this money is spent, controlled, managed and reported?

  The budget (Total General Appropriations) for 2009 was approximately $7.7M. The budget (Total General Appropriations) for 2013 is estimated to be $9M. Also observed is salaries and wages had little fluctuation from 2009 to 2013. Why the additional $1.3M in the budget? What tools/controls are in place to reduce spending (particularly in the categories of Other Expenses and Deferred Charges and Other Appropriations)? *Specifically, what expenses increased in the budgets of FY 2009, 2010, 2011, 2012; 2013.*

  *For example:*

| YEAR | Cost | Expense Description |
|---|---|---|
| 2009 | $550K | Repairs to roadways |
| 2010 | | |
| 2011 | | |
| 2012 | | |
| 2013 | | |

3. Borough vendor's list for 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012 and 2013.
4. Copies of all purchase orders for 2011, 2012 and 2013.

**B. <u>Grant monies:</u>**

1. Provide specific documents that memorialize total funds received from 2005 to date by agency or organization (i.e. OEM, FEMA, PSE&G, private organizations and all other public or government organizations).

   *Specifically, provide the amounts of funds or grants received by OEM, FEMA and PSE&G for 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012; 2013.*

   *For example: received $500K from FEMA in 2013*

2. Provide documents reflecting allocation of grant funds (i.e. source each grant fund per organization and per year). For example, FEMA money award for hurricane Sandy ($100K). Money used to upgrade equipment XXX.

*As per the list above: provide copies of purchase orders reflecting where the grant monies from FEMA, OEM and PSE&G received were utilized for 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012; 2013.*

**C. <u>Resolution 13-108:</u>**

1. Provide document for purchase price **(copy of purchase order)** for the vehicles used by the following (**<u>excluding Police Chief, Captain of Police and Superintendant of DPW</u>**) :
   - i. Fire Chief, Deputy Fire Chief,
   - ii. Battalion Chief,
   - iii. OEM Coordinator,
   - iv. Fire Official,
   - v. EMS Chief
   - vi. Rescue Chief.
2. Provide documents reflecting maintenance cost for 2012 and 2013 for each of the borough vehicles used by the following:
   - i. Fire Chief, Deputy Fire Chief,
   - ii. Battalion Chief,
   - iii. OEM Coordinator,
   - iv. Fire Official,
   - v. EMS Chief
   - vi. Rescue Chief.
3. Insurance cost (annualized) for each of the borough vehicles used by the following (2006, 2007, 2008, 2009, 2010, 2011, 2012; 2013):
   - i. Fire Chief, Deputy Fire Chief,
   - ii. Battalion Chief,
   - iii. OEM Coordinator,
   - iv. Fire Official,
   - v. EMS Chief
   - vi. Rescue Chief

**D. <u>OEM/Police Commissioner vehicle (Black Chevy Suburban) and cell phone:</u>**

1. Purchase price for this borough vehicle.
2. *Copy of purchase order for vehicle of Chevy Suburban and copies of purchase orders of additional devices added to the vehicle.*
3. Provide current mileage for this borough vehicle.
4. Maintenance cost (annualized) for each of this borough vehicle.

5. Insurance costs (annualized).
6. Copies of borough issued cell phone monthly invoices for 2012 and 2013.
7. Provide receipts for all UPS/Fed Ex/USPS packages delivered to OEM/Police Commissioner related to Bogota of Borough OEM/Police Commissioner's official business 2012 and 2013. Provide purchase orders for all purchases made with FEMA monies in 2009, 2010, 2011, 2012 and 2013.

**E. <u>Inventory of equipment procured for use by borough councilman, and officials (excluding Police Department and DPW):</u>**

1. Provide Borough vendor's list for 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012 and 2013.
2. Provide copies of all purchase orders for 2011, 2012 and 2013.
3. Documents reflecting source of funds used for purchases for 2011, 2012 and 2013.
4. Name of official (certified purchasing agent) for Borough of Bogota for 2006, 2007, 2008, 2009, 2010, 2011, 2012 and 2013.
5. List of purchases in excess of $17,500 dollars for 2008, 2009, 2010, 2011, 2012 and 2013?
6. List of bids solicited for purchases in excess of $17,500 dollars for2011, 2012; 2013?
7. Names of officials and ordinances or resolutions approving purchases in excess in excess of $17,500 dollars for2011, 2012; 2013?

**F. <u>Resolution 13-158:</u>**

1. Provide list of equipment and cost associated with resolution
2. Provide information reflecting life expectancy of equipment?
3. Provide information associated maintenance costs?
4. Copy of RFP or similar documents used to solicit best vendor providing such equipment.
5. Copies of bids submitted or documents reflecting vendors' quotes.

**G. <u>Property Maintenance employees (W. Hodges & N. Barese):</u>**

1. Provide job posting or advertisement for this job.
2. Provide list or number of candidates applying for this job.
3. Provide duration of posting (length of time position was advertised).
4. Provide list of names (Borough officials/employees) interviewing these candidates.
5. Provide copy of resume and credentials which help determine both individuals as ideal preferred candidates (W. Hodges and N. Barese).

1. Provide Property Maintenance employees (W. Hodges and N. Barese) employment status (full time or part time) and number of hours scheduled to be worked per week (while employed by Bogota).

2. Provide copy of Property Maintenance employees' (W. Hodges and N. Barese) annual job performance review or related document and associated annual salary increase from start date to termination or present.

**H. Waste Management:**

A. Provide amount of savings determined by outsourcing waste removal.

B. Provide savings determined by recuing waste pick up to once per month.

C. Where are savings for #A and #B being utilized?

**I. Borough Auditor:**

1. Provide process or documents reflecting a process for selecting borough auditor.
2. Provide credentials and experience of current borough auditor.
3. Provide copies of any written agreements (terms: duration of agreement, fee schedule; etc.) for any services to be rendered by auditor.
4. Does the borough auditor perform any other functions for the town of Bogota (for example, auditor for Board of Education)?

**J. Contributions made to the Borough of Bogota:**

1. Please provide itemized contributions or documents representing contributions made to the Borough of Bogota, Democratic Party and Republican Party for the following years: 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012 and 2013 by the names listed below.
   i. J. Monaghan (law firm)
   ii. J. Monaghan (individually)
   iii. Lerch, Vinci and Higgins
   iv. D. Lerch (individually)
   v. KSL-Lawyers
   vi. P. Kaufman (individually)
   vii. Harry Tuvel's firm
   viii. Hary Tuvel (individually)

**K. Borough Administrator:**

1. Provide job posting or advertisement for this job.
2. Provide list or number of candidates applying for this job.
3. Provide duration of posting (length of time position was advertised).
4. Provide list of names (Borough officials/employees) interviewing the candidates.

5. How many times our current Borough administrator has negotiated tax abatements?
6. What is current Borough Administrator's past experience related to management of finances? For example, operational and capital budget amounts during the last 5 years in summary format with year-end actual versus budgeted amounts for each year.
7. Provide any information reflecting current Borough Administrator's experience related to securing local/state/national grants, amount of private sector donor funds secured and other contributions solicited from any entities during the last 5 years.
8. Provide documents reflecting current Borough Administrator's employment status with Bogota (full time or part time) and number of hours scheduled to be worked per week.
9. Provide current annual increase percentages for all borough employees for 2010, 2011, 2012 and 2013. For example, annual increase for all borough employees was 3% for 2010, 2.5% for 2011 and etc.

**L. <u>297 Palisades Avenue Redevelopment Project:</u>**

1. Why did the property sit with rubble and debris for several years?
2. Name of current developer.
3. Any documents showing if Bogota had any influence (contractual) over the selection of the developer?
4. Provide documents reflecting current developer's name (all names of partners) and name of legal counsel representation.
5. Provide criteria used to determine current developer. Was there a RFP issued?
6. If the RFP process was used to determine the developer, provide copies of the RFP and all bids submitted by prospective developer
7. Tax abatement:
    i. What were the merits or justification for the tax abatement (land contamination, polluted land; etc.)?
    ii. Was the tax abatement at the request of the developer? If so, provide basis for request (i.e. financial hardship).
    iii. Provide financial statements for 2006, 2007, 2008, 2009, 2010, 2011, 2012; 2013 regarding developer's annual revenue, budget statements, names of employees and list of past projects.
8. Provide total sum of annual revenue that was determined after the property is developed. For example, the tax abatement awards the developer a required 10%-15% tax payment ($88K/annually) for 30 years. Does this mean that the actual 100% of the taxes are $880K? If not, what is the 100% value of the tax
9. Was a RFP or similar document issued to solicit the services of a third party to represent the Borough of Bogota in negotiating the tax abatement with the developer? If not, what was the basis for this decision not to utilize this method and who authorized such a decision.
10. Names of individuals representing Bogota that are negotiating the tax abatement for the property with the developer and developer's counsel. Who were all the people present during the negotiating

process from the Borough of Bogota (representatives of the borough) and similarly name of those present for the developer as well as their representatives?

11. Credentials of Bogota's representatives negotiating with the developer/developer's counsel:
    i. How many properties have Bogota's representatives negotiated tax abatements and dollar values of each respective tax abatement?

       Specifically, Bogota Borough Attorney, Bogota Borough Auditor, Bogota Borough Administrator and Bogota Borough Mayor.

    ii. What value does each Bogota representative bring to the table during the negotiations of the tax abatement with the developer?
12. Provide detailed construction drawings or documents, construction schedule and name of contractor awarded the project.
13. Provide copies of agenda related to the following: first reading of the tax abetment, second reading (open to the public) of the tax abatement, third reading (voting for the tax abatement).
14. Provide copies of all advertisements/public notifications issued for all readings related to the tax abatement.
15. Provide details related to the targeted group that will be residing in the newly constructed building:
    i. Prospective age range of tenants.
    ii. Targeted salary range for tenants.
    iii. Children per household.
    iv. How will the Bogota School system support the additional students (i.e. more teachers, additions to school buildings, class room expansions, additional desks; etc.)? Associated cost?
    v. Increasing FTEs/PTEs in the Police force and DPW to support the additional residents? Associated cost with any increase in work force?

**M. <u>Correspondences, emails, and letters (emails from Borough of Bogota email address and personal email address). For reference, see attached excerpt from NJ State League of Municipalities:</u>**

1. Provide all correspondences (emails and letters) that are "to," "from," "cc" for the OEM/Police Commissioner related to OEM grants and monies; and FEMA grants and monies for 2011, 2012 and 2013.
2. Provide all correspondences (emails and letters) that are "to," "from," "cc" between Mayor Pat McHale and Paul Kaufman for 2008, 2009, 2010, 2011, 2012 and 2013.
3. Provide all correspondences (emails and letters) that are "to," "from," "cc" between Lenard Nicolosi and Paul Kaufman for 2008, 2009, 2010, 2011, 2012 and 2013.
4. Provide all correspondences (emails and letters) that are "to," "from," "cc" between Borough Administrator Chip Greiner and Paul Kaufman for 2013.
5. Provide all correspondences (emails and letters) that are "to," "from," "cc" between Councilman Antero Tito Jackson and Councilmen Jorge Nunez for 2012 and 2013 regarding FEMA and OEM grants / monies.

6. Provide all correspondences (emails and letters) that are "to," "from," "cc" between Councilwoman Wanda Uceta and Councilman Tito Jackson regarding the 297 Palisades Avenue development and tax abatement for 2011, 2012 and 2013.

**N. <u>Text messages (on Bogota Borough issued phones and personal phones):</u>**

1. Provide all text messages "to," "from," "cc" for the OEM/Police Commissioner between Borough Administrator for 2013.
2. Provide all text messages "to," "from," "cc" for the between Mayor Pat McHale and Paul Kaufman for 2013.
3. Provide all text messages "to," "from," "cc" for the" between Lenard Nicolosi and Paul Kaufman for 2012 and 2013.
4. Provide all text messages "to," "from," "cc" between Borough Administrator Chip Greiner and Paul Kaufman for 2013.
5. Provide all text messages "to," "from," "cc" between Councilman Antero Tito Jackson and Councilmen Jorge Nunez for 2012 and 2013.
6. Provide all text messages "to," "from," "cc" between Councilwoman Wanda Uceta and Councilman Antero Tito Jackson for 2013.

**O. <u>Tax returns for Borough Officials. For reference, see attached excerpt from NJ State League of Municipalities:</u>**

1. Provide all 2012 and 2013 tax returns for Councilmen Antero Tito Jackson
2. Is Antero Tito Jackson is Antero Jackson the OEM Coordinator?
3. Is Antero Tito Jackson the Police Commissioner?
4. Is Antero Tito Jackson a Bogota Borough employee?
5. Years of service for Antero Tito Jackson as OEM coordinator?
6. Years of service for Antero Tito Jackson as Police Commissioner?

**P. <u>Salary history and annual increases:</u>**

1. Provide any ordinances, resolutions or mandates regulating salary increases or salary adjustments for 2009, 2010, 2011, 2012 and 2013 for the following Bogota Borough employees:

**Q. <u>Salary history and annual increases for Bogota Borough employees:</u>**

1. Provide salary increases or salary adjustments for 2009, 2010, 2011, 2012 and 2013 for **only** the following Bogota Borough employees:
   i. F. Garlicki
   ii. J. Cook
   iii. P. Wilkens

iv. B. Wiemer

v. C. Carpenter

vi. H. Hegel

vii. W. Hodges

viii. N. Barese

ix. G. Kholes

x. D. Howell

xi. J. Morre

xii. G. McNerney

xiii. J. Davis

xiv. L. Kern

**NOTES:**

- **Additionally, please contact me immediately if there is any ambiguity, concerns or questions regarding these requests. Therefore, the process by which you will collect and submit this information to me should not be halted until said clarification is received from me.**
- **In the event any information is withheld, kindly specify the item and legal restrictions which prohibit the communication of such information.**

1 #5

BOROUGH OF BOGOTA

# OPEN PUBLIC RECORDS ACT REQUEST FORM

375 LARCH AVENUE
(201) 342-1736 ext. 235 • (201) 342-0574 (FAX)
Email: clerk@bogotaonline.org
Borough of Bogota Records

**Important Notice**

The last page of this form contains important information related to your rights concerning government records. Please read it carefully.

**Requestor Information – Please Print**

First Name MICHAEL MI ____ Last Name DOSS

E-mail Address makdoss@yahoo.com

Mailing Address 48 CHESTNUT AVE.

City BOGOTA State NJ Zip 07603

Telephone (201) 745-4630 FAX ____

Preferred Delivery: Pick Up ✓ US Mail ____ On-Site Inspect ____ Fax ____ E-mail ____

If you are requesting records containing personal information, please circle one: Under penalty of N.J.S.A. 2C:28-3, I certify that I *HAVE / HAVE NOT* been convicted of any indictable offense under the laws of New Jersey, any other state, or the United States.

Signature [signature] Date 10/4/2013

**Payment Information**

Maximum Authorization Cost $

Select Payment Method

Cash Check Money Order

Fees: Letter size pages - $0.05 per page
Legal size pages– $0.07 per page
Other materials (CD, DVD,.. etc) – actual

Delivery: Delivery / postage fees additional depending upon delivery type.

Extras: Special service charge dependent upon request.

**Record Request Information:** Please be as specific as possible in describing the records being requested. Also, please note that your preferred method of delivery will only be accommodated if the custodian has the technological means and the integrity of the records will not be jeopardized by such method of delivery.

PLEASE SEE ATTACHED OPRA #5 SUBMITTED ON 10/4/2013. PLEASE PROVIDE ME WITH THE INFORMATION REQUESTED WITHIN THE 7-DAY TIMEFRAME PER OPRA REQUIREMENTS. KINDLY FOLLOW THE NUMERICAL FORMAT ON THE ATTACHMENT #5.

THANK YOU ALL FOR YOUR EFFORTS IN COLLECTING & PROVIDING ME WITH THIS INFORMATION.

BOROUGH OF BOGOTA

**AGENCY USE ONLY**

Est. Document Cost ____
Est. Delivery Cost ____
Est. Extras Cost ____
Total Est. Cost ____
Deposit Amount ____
Estimated Balance ____

Deposit Date

**AGENCY USE ONLY**

**Disposition Notes**
Custodian: if any part of request cannot be delivered in seven business days, detail reasons here.

In Progress - Open ____

**AGENCY USE ONLY**

Tracking Information

Tracking # ____
Rec'd Date ____
Ready Date ____
Total Pages ____

RECEIVED

Final Cost

Total ____
Deposit ____
Balance Due ____
Balance Paid ____

Records Provided

10/4/13 Pmd

**A. <u>Purchase orders and invoices for the following vendors/contractors/consultants:</u>**

1. Provide copies for purchase orders/invoices and related documents for all months in 2008, 2009, 2010, 2011, and 2013 for the following vendors/contractors/consultants and borough officials:
    - Metrocom Wireless
    - Motorola (all Motorola accounts)
    - Verizon (all Verizon accounts)
    - Tuvel Engineering
    - Communications
    - P. C. Richards
    - Millennium Visual Systems
    - Tropicana Hotel (April 2013 only)
    - Microsystems
    - Game Time Equipment
    - Home Depot
    - Staples
    - Hardwood Tree Services
    - Clear Span Fabric
    - Earth Networks
    - NJ EZ-Pass
    - State Line Fire & Safety
    - Applebee's (June 2013 only)
    - Patrick McHale (monthly reimbursements details)
    - Antera Tito Jackson's (monthly reimbursements details)
    - Lenard Nicolosi (monthly reimbursements details)
    - August (Chip) Greiner (monthly reimbursements details)
    - Nicholas Barese (monthly reimbursements details)
    - Warren Hodges (monthly reimbursements details)

**B. <u>September 19,' 2013 Borough of Bogota hearing:</u>**

1. Provide audio recording of the complete hearing for the night of September 19, 3013.
2. Provide complete written transcript of the complete hearing for the night of September 19, 3013.

C. **Phone logs for Borough of Bogota issued phones:**

1. Provide copies for all Verizon and Motorola cell phone logs (all pages of the bill which reflect calls received or sent, time, origination and destination as well as summary sheet) of invoices for all months in 2008, 2009, 2010, 2011, and 2013 for the following borough officials/employees:

    - Patrick McHale
    - Antera Tito Jackson
    - Wanda Uceta
    - Lenard Nicolosi
    - August (Chip) Greiner (2013 only).
    - Nicolas Barese
    - Warren Hodges

**NOTES:**

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# EXHIBIT A

L

Completed

BOROUGH OF BOGOTA

# OPEN PUBLIC RECORDS ACT REQUEST FORM

375 LARCH AVENUE

(201) 342-1736 ext. 235 • (201) 342-0574 (FAX)

Email: clerk@bogotaonline.org

Borough of Bogota Records

**Important Notice**

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## Requestor Information – Please Print

First Name MICHAEL MI Last Name DOSS.

E-mail Address mdoss@checnj.org

Mailing Address 48 CHESTNUT AVE

City BOGOTA State NJ Zip 07603

Telephone (201) 745-4680 FAX

Preferred Delivery: Pick Up ✓ US Mail On-Site Inspect Fax E-mail ✓

If you are requesting records containing personal information, please circle one: Under penalty of N.J.S.A. 2C:28-3, I certify that I HAVE / HAVE NOT been convicted of any indictable offense under the laws of New Jersey, any other state or the United States.

Signature MD Date 9/5/2013

## Payment Information

Maximum Authorization Cost $

Select Payment Method

Cash Check Money Order

Fees: Letter size pages - $0.05 per page
Legal size pages - $0.07 per page
Other materials (CD, DVD, etc) – actual

Delivery: Delivery / postage fees additional depending upon delivery type.

Extras: Special service charge dependent upon request.

**Record Request Information:** Please be as specific as possible in describing the records being requested. Also, please note that your preferred method of delivery will only be accommodated if the custodian has the technological means and the integrity of the records will not be jeopardized by such method of delivery.

- SALARIES FOR ALL BOROUGH EMPLOYEES (FULL TIME & PART TIME) & POSITION 2 YRS
- DETAILS RELATED TO DELVY SCHOOL PROPERTY PURCHASE (PUBLIC INFO.)
- DETAILS RELATED TO PARKING LOT LAN SUIT, DANIEL CREANCE LAWSUIT & REBUILD TASCA LAWSUIT. (PUBLIC INFO).
- PAPER TRAIL / PURCHASE ORDERS FOR ALL ELECTRONIC DEVICES SUCH AS NOT LIMITED TO LAPTOPS, COMPUTERS, CELL PHONES & ETC. FOR LAST ~~THREE~~ FOUR YEARS, VALUE, LOCATION OF DEVICE & USAGE
- TAX HISTORY (PROPERTY) FROM 2003 – CURRENT. TAX RATE & EQUALIZATION RATE
- BUDGETS ~~FOR~~ FROM 2003 – CURRENT (TOWN & B.O.E. BUDGETS) (SUMMARY BUDGET VS. ACTUAL)

### AGENCY USE ONLY

Est. Document Cost

Est. Delivery Cost

Est. Extras Cost

Total Est. Cost

Deposit Amount

Estimated Balance

Deposit Date

### AGENCY USE ONLY

**Disposition Notes**

Custodian: If any part of request cannot be delivered in seven business days, detail reasons here.

In Progress – Open

Denied – Closed

Filled – Closed

### AGENCY USE ONLY

Tracking Information

Tracking #

Rec'd Date

Ready Date

Total Pages

Final Cost

Total

Deposit

Balance Due

Balance Paid

Records Provided

RECEIVED 2013 SEP -5 P 2:10

TOWN RESOLUTION REGARDING PURCHASE & USE OF CHEVY TAHOE(S).

Admin AMOUNT OF OFFICIAL USAGE BY EACH OFFICIAL ASSIGNED A VEHICLE.

PUBLIC DETAILS RELATED TO THE PURCHASE OR IMPENDING PURCHASE OF EXERCISE EQUIPMENT TO BE INSTALLED IN BOGOTA PARKS.

CDBG GRANTS THAT WERE AWARDED TO BOGOTA FROM 2003 TO DATE. (VALUE OF GRANT & USAGE).

MILEAGE LOG ON BOROUGH USED VEHICLE & GAS EXPENSE

TOTAL PURCHASE OF CHEVY SUBURBAN.
COST MILEAGE LOG-

TOTAL COST OF VEHICLES PURCHASED VIA RESOLUTION & MILEAGE LOG.

RESOLUTION WITH PREVIOUS MODEL OFFICIALS (CRITERIA, EXPERIENCE, NUMBER OF APPLICANTS) ETC

BOROUGH OF BOGOTA

# OPEN PUBLIC RECORDS ACT REQUEST FORM

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First Name MICHAEL MI ___ Last Name DOSS

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If you are requesting records containing personal information, please circle one: Under penalty of N.J.S.A. 2C:28-3, I certify that I HAVE / HAVE NOT been convicted of any indictable offense under the laws of New Jersey, any other state or the United States.

Signature ___ Date 9/10/2013

### Payment Information

Maximum Authorization Cost $

Select Payment Method

Cash Check Money Order

Fees: Letter size pages - $0.05 per page
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Other materials (CD, DVD, etc) – actual

Delivery: Delivery / postage fees additional depending upon delivery type.

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Record Request Information: Please be as specific as possible in describing the records being requested. Also, please note that your preferred method of delivery will only be accommodated if the custodian has the technological means and the integrity of the records will not be jeopardized by such method of delivery.

PLEASE SEE ATTACHMENT. KINDLY EXPEDITE COMMUNICATION OF INFORMATION & RESPONSES PRIOR TO SEPT. 17TH 2013. IF THIS DATE CAN NOT BE ACHIEVED PLEASE CONTACT MICHAEL DOSS AT (201) 745-4680 IMMEDIATELY!

BOROUGH OF BOGOTA 2013 SEP 10 A 10:48 RECEIVED

### AGENCY USE ONLY

Est. Document Cost ___
Est. Delivery Cost ___
Est. Extras Cost ___
Total Est. Cost ___
Deposit Amount ___
Estimated Balance ___
Deposit Date ___

### AGENCY USE ONLY

**Disposition Notes**
Custodian: if any part of request cannot be delivered in seven business days, detail reasons here.

In Progress - Open ___
Denied - Closed ___
Filled - Closed ___
Partial - Closed ___

### AGENCY USE ONLY

**Tracking Information**

Tracking # ___
Rec'd Date ___
Ready Date ___
Total Pages ___

**Final Cost**

Total ___
Deposit ___
Balance Due ___
Balance Paid ___

Records Provided

Custodian Signature ___ Date ___

A. **2008 Budget:**

1. Provide revenue and appropriation summary for 2008 budget.

B. **Finance:**

1. ***Outstanding Debt***

- In 2007, the budget reflects approximately $4.5M Outstanding Balance (debt/money borrowed). The 2013 budget reflects $8.5M Outstanding Balance (debt/money borrowed). Please provide documents for the additional $4M outstanding and itemized details regarding allocation of these funds.
- Provide any documents that relate to financial plans for eliminating the $8.5M Outstanding Balance.

2. ***Deferred Charges and Other Appropriations***

- In 2007, the budget reflects $183K for Deferred Charges and Other Appropriations. The 2013 budget reflects $1.1M in Deferred Charges and Other Appropriations. Please provide documents for the increase of approximately $1M in Deferred Charges and Other Appropriations.
- Additionally, please provide details and documents related to the allocation of $1.1M in Deferred Charges and Other Appropriations. Documents specifying but not limited to where and how this money is spent, controlled, managed and reported?

3. ***Other Expenses***

- In 2012, the budget reflects $3.3M in other expenses and 2013 is estimated to be $2.9M. Please provide details and documents related to the allocation of both 2012 and 2013 for these funds listed as other expenses.

4. The budget (Total General Appropriations) for 2009 was approximately $7.7M. The budget (Total General Appropriations) for 2013 is estimated to be $9M. Also observed is salaries and wages had little fluctuation from 2009 to 2013. Why the additional $1.3M in the budget? What tools/controls are in place to reduce spending (particularly in the categories of Other Expenses and Deferred Charges and Other Appropriations)?

C. **Grant monies:**

1. Provide specific documents that memorialize total funds received from 2005 to date by agency or organization (i.e. OEM, FEMA, PSE&G, private organizations and all other public or government organizations).
2. Provide documents reflecting allocation of grant funds (i.e. source each grant fund per organization and per year). For example, FEMA money award for hurricane Sandy ($100K). Money used to upgrade equipment XXX.

D. **Resolution 13-108:**

1. Provide document for purchase price for the vehicles used by the following (**excluding Police Chief, Captain of Police and Superintendant of DPW**) :

- Fire Chief, Deputy Fire Chief, Battalion Chief, OEM Coordinator, Fire Official, EMS Chief and Rescue Chief.

2. Provide current mileage on the Borough vehicles used by the following:
   - Fire Chief, Deputy Fire Chief, Battalion Chief, OEM Coordinator, Fire Official, EMS Chief and Rescue Chief.
3. Mileage log or related documents identifying usage for emergency versus personal use for borough vehicles used by the following (2008 to date):
   - Fire Chief, Deputy Fire Chief, Battalion Chief, OEM Coordinator, Fire Official, EMS Chief and Rescue Chief.
4. Provide procedure or documents reflecting how mileage should be recorded/logged.
5. Provide documents reflecting gas consumption cost (annualized) for each of the borough vehicles used by the following:
   - Fire Chief, Deputy Fire Chief, Battalion Chief, OEM Coordinator, Fire Official, EMS Chief and Rescue Chief.
6. Provide procedure or documents related to refueling vehicle and reimbursements or expenses.
7. Provide documents reflecting maintenance cost (annualized) for each of the borough vehicles used by the following:
   - Fire Chief, Deputy Fire Chief, Battalion Chief, OEM Coordinator, Fire Official, EMS Chief and Rescue Chief.
8. Insurance cost (annualized) for each of the borough vehicles used by the following:
   - Fire Chief, Deputy Fire Chief, Battalion Chief, OEM Coordinator, Fire Official, EMS Chief and Rescue Chief.

E. **OEM/Police Commissioner vehicle (Black Chevy Suburban) and cell phone:**

1. Purchase price for this borough vehicle.
2. Provide current mileage for this borough vehicle.
3. Provide mileage log or documents identifying usage for emergency versus personal use.
4. Provide documents reflecting gas consumption cost (annualized) for this borough vehicle.
5. Maintenance cost (annualized) for each of this borough vehicle.
6. Insurance costs (annualized).
7. Copies of borough issued cell phone monthly invoices from 2012 to date.
8. Provide receipts for all UPS/Fed Ex/USPS packages delivered to OEM/Police Commissioner from 2012 to date.

F. **Inventory of equipment procured for use by borough councilman, and officials (excluding Police Department and DPW):**

1. List of devices (laptops, desktops, printers, cell phones; etc.).
2. Asset inventory log and/or documents.

3. Provide procedure or documents related to managing asset inventory.
4. Purchase price for each device or copies of purchase orders or documents reflecting price per device.
5. Documents reflecting source of funds used to procure each device.
6. Documents reflecting device assignment to who (name of individual assigned device).
7. Documents reflecting location of each device/where does this device reside (i.e. home, borough hall; etc.)?
8. Documents reflecting monthly cost for each cell phone / individual?
9. Documents reflecting log of usage (personal versus emergency/borough related)?

**G. Resolution 13-158:**

1. Please provide copy of need analysis or justification document(s) for implementing adult exercise equipment.
2. Please provide list or references of implementation of such equipment for similar application.
3. List of equipment and cost.
4. Documents reflecting life expectancy of equipment?
5. Documents reflecting associated maintenance costs (annualized)?
6. Copy of RFP or similar documents used to solicit best vendor providing such equipment.
7. Copies of bids submitted or documents reflecting vendors' quotes.
8. Copy of bid analysis identifying preferred vendor or documents attempting to perform such assessment.

**H. Employee Manual**

1. Provide copy of employee manual.

**I. Property Maintenance employees (W. Hodges & N. Barese):**

1. Please provide the process or documents for determining the necessity for employing two Property Maintenance positions in lieu of one for a town less than one mile square.
    - Process by which the position was posted (newspapers, website job boards; etc.) and duration of posting (length of time position was advertised).
    - Number of candidates applying to the position.
    - Detailed process or documents by which candidates were interviewed:
        - **interviewers** name's/position/credentials,
        - number of interviewing rounds for each candidate,
        - analysis or determination used to derived preferred candidate(s);
        - preferred candidates' references.
    - Start dates for each candidate and annual salary (from employment start date to termination or present).

2. Provide copy of Property Maintenance employees' resumes (W. Hodges and N. Barese), relevant credentials, and qualifications related to the position of Property Maintenance and other documents which assisted in determining them as the preferred candidates to be awarded the position.
3. Provide Property Maintenance employees (W. Hodges and N. Barese) employment status (full time or part time) and number of hours scheduled to be worked per week (while employed by Bogota).
4. Provide copy of Property Maintenance employees' (W. Hodges and N. Barese) annual job performance review or related document and associated annual salary increase from start date to termination or present.

J. **Waste Management:**

A. Provide copies of the RFPs or similar documents issued for waste removal in Bogota for the last two waste removal agreements (i.e. Roselli/Bogota and B&B/Bogota).

B. Provide copies of the bids and documents submitted for both RFPs.

C. Provide bid leveling analysis or any such documents determining preferred candidate.

D. Provide copies of contract agreements with awarded provider.

E. Provide analysis and documents identifying savings related to outsourcing waste removal (annual savings realized).

F. Provide analysis and related documents reflecting estimated savings for reducing waste removal to once per week during winter months (annualized savings).

G. Provide details or documents related to where the savings for #5 and #6 are being utilized.

K. **Town Engineer:**

1. Provide clarification regarding the frequency of renewing Town Borough Engineer services agreement (i.e. RFP for engineering services is sent annually, bi-annually; etc.).
2. Clarify terms of Borough Town Engineering services (specific services, schedule of fees, contract duration; number of hours to be rendered for services and fees related to hours exceeding contractual agreement).
3. Provide copy of RFP or related documents for securing the services of the current Borough Town Engineer for the last 6 years.
4. Provide copy of contract for Borough Engineer.
5. Provide details related to the relevance and payment of borough engineer for any depositions equal to and exceeding the cost of $1500.
6. 
7. Provide list of engineering firms applying to RFPs and their respective bids for last 6 years.
8. Provide bid analysis and related documents awarding engineering services for last 6 years.
9. Provide list of credentials, experience, other townships served, and current list of major projects related to current Borough Town engineer's firm (Harry Tuvel).
10. Provide Itemized contributions made by Harry Tuvel's engineering firm and individually during the last 6 years to the Borough of Bogota.

L. **Borough Auditor:**

1. Provide process or documents reflecting a process for selecting borough auditor.
2. Provide credentials and experience of current borough auditor.
3. Provide copies of any written agreements (terms: duration of agreement, fee schedule; etc.) for any services to be rendered by auditor.
4. Does the borough auditor perform any other functions for the town of Bogota (for example, auditor for Board of Education)?

M. **Contributions made to the Borough of Bogota:**

1. Please provide itemized contributions or documents representing contributions made to the Borough of Bogota from 2000 to date by the following:
    - J. Monaghan (law firm)
    - J. Monaghan (individually)
    - Lerch, Vinci and Higgins
    - D. Lerch (individually)
    - KSL-Lawyers
    - P. Kaufman (individually)
    - Harry Tuvel's firm
    - Hary Tuvel (individually)

N. **Borough Administrator:**

1. Please provide process or documents reflecting the process for selecting Borough Administrator position.
    - Process by which position was posted (newspapers, website job boards; etc.) and duration of posting (length of time position was advertised).
    - Number of candidates applying to the position.
    - Detailed process by which candidates were interviewed:
        - interviewers name's/position/credentials,
        - number interview rounds for each candidate;
        - analysis or determination which derived preferred candidate.
2. Provide copy of current Borough Administrator's contract with Bogota.
3. Provide copy of current Borough Administrator's resume, relevant credentials and qualifications related to the position of Borough Administrator.
4. Provide documents reflecting copy of current Borough Administrator's past supervisor's names (from past employers during last 10 years).

5. Provide documents reflecting current Borough Administrator's past experience related to management of finances. For example, operational and capital budget amounts during the last 5 years in summary format with year-end actual versus budgeted amounts for each year.
6. Provide documents reflecting current Borough Administrator's volume of FTE's managed during the last five years.
7. Provide documents reflecting current Borough Administrator's experience related to securing local/state/national grants, amount of private sector donor funds secured and other contributions solicited from any entities during the last 5 years.
8. Provide documents reflecting current Borough Administrator's employment status with Bogota (full time or part time) and number of hours scheduled to be worked per week.

**O. <u>Dewey School Property:</u>**

1. Please provide details pertaining to the sale of the Dewey School Property:
    - Sale price and date.
    - Authorized signature(s) names. Who were the people representing the Bogota Board of Education at the closing of sale. How were they vetted to ensure they would act on the best interests of Bogota?
    - Name of buyer(s).

**P. <u>297 Palisades Avenue Redevelopment Project:</u>**

- Documents showing if the property has been resold? If so, how many times and the names of the buyers and respective sale price?
- Why did the property sit with rubble and debris for several years?
- Name of current developer.
- Documents showing if Bogota had any influence (contractual) over the selection of the developer?
- Documents showing current developer's name (names of partners) and name of legal counsel representation.
- Complete details, agreements documents related to the tax abatement and PILOT for this property.
- Was an RFP or similar document issued to solicit the services of a third party to represent the Borough of Bogota in negotiating the tax abatement with the developer? If not, what was the basis for this decision respective authority approving this decision?
- Names of individuals representing Bogota that are negotiating the tax abatement for the property with the developer and developer's counsel.
- Credentials of Bogota's representative negotiating with developer:
    i. How many properties have Bogota's representative negotiated tax abatements and dollar values of each?

ii. What value does each Bogota representative bring to the table during the negotiations of the tax abatement with the developer?

- Provide detailed construction drawings or documents, construction schedule and name of contractor awarded the project.
- Provide details related to the targeted group that will be residing in the newly constructed building:
  - Prospective age range of tenants.
  - Targeted salary range for tenants.
  - Children per household.
  - How will the Bogota School system support the additional students (i.e. more teachers, additions to school buildings, class room expansions, additional desks; etc.)? Associated cost?
  - Increasing FTEs/PTEs in the Police force and DPW to support the additional residents? Associated cost with any increase in work force?

NOTES:

- **Additionally, please contact me immediately if there is any ambiguity, concerns or questions regarding these requests. Therefore, the process by which you will collect and submit this information to me should not be halted until said clarification is received from me.**
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**THIS IS THE OPRA REQUEST THE COMPLAINANT IDENTIFIED IN HIS COMPLAINT AS THE SEPTEMBER 18, 2013 REQUEST (aka COMPLAINANT'S "OPRA #3). NO OFFICIAL OPRA REQUEST FORM COULD BE FOUND FOR THIS REQUEST**

**OPRA Request Form Attachment #2 (revised per denied OPRA received 9/16/2013**

A. **Finance:**

1. ***Outstanding Debt***

- In 2007, the budget reflects approximately $4.5M Outstanding Balance (debt/money borrowed). The 2013 budget reflects $8.5M Outstanding Balance (debt/money borrowed). Please provide documents for the additional $4M outstanding and itemized details regarding allocation of these funds.

  *Specifically, what expenses increased in the budgets of FY 2007, 2008, 2009, 2010, 2011, 2012; 2013.*

  *For example:*

| YEAR | Cost | Expense Description |
|---|---|---|
| 2007 | $550K | Repairs to roadways |
| 2008 | | |
| 2009 | | |
| 2010 | | |
| 2011 | | |
| 2012 | | |
| 2013 | | |

- Provide any documents that relate to financial plans for eliminating the $8.5M Outstanding Balance.

  *Specifically, are there any controls, financial tools or plans to reduce the town budget as well reduce our debt (loans)? Yes or no.*

  *If yes, please list/names of controls, financial tool or plan.*

2. ***Deferred Charges and Other Appropriations***

- In 2007, the budget reflects $183K for Deferred Charges and Other Appropriations. The 2013 budget reflects $1.1M in Deferred Charges and Other Appropriations. Please provide documents for the increase of approximately $1M in Deferred Charges and Other Appropriations. *Specifically, what expenses increased in the budgets of FY 2007, 2008, 2009, 2010, 2011, 2012; 2013.*

  *For example:*

| YEAR | Cost | Expense Description |
|---|---|---|
| 2007 | $550K | Repairs to roadways |
| 2008 | | |
| 2009 | | |

| | | |
|---|---|---|
| 2010 | | |
| 2011 | | |
| 2012 | | |
| 2013 | | |

- 

- Additionally, please provide details and documents related to the allocation of $1.1M in Deferred Charges and Other Appropriations for 2013. Documents specifying but not limited to where and how this money is spent, controlled, managed and reported?

  The budget (Total General Appropriations) for 2009 was approximately $7.7M. The budget (Total General Appropriations) for 2013 is estimated to be $9M. Also observed is salaries and wages had little fluctuation from 2009 to 2013. Why the additional $1.3M in the budget? What tools/controls are in place to reduce spending (particularly in the categories of Other Expenses and Deferred Charges and Other Appropriations)? *Specifically, what expenses increased in the budgets of FY 2009, 2010, 2011, 2012; 2013.*

  *For example:*

| YEAR | Cost | Expense Description |
|---|---|---|
| 2009 | $550K | Repairs to roadways |
| 2010 | | |
| 2011 | | |
| 2012 | | |
| 2013 | | |

3. Borough vendor's list for 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012 and 2013.
4. Copies of all purchase orders for 2011, 2012 and 2013.

**B. <u>Grant monies:</u>**

1. Provide specific documents that memorialize total funds received from 2005 to date by agency or organization (i.e. OEM, FEMA, PSE&G, private organizations and all other public or government organizations).

   *Specifically, provide the amounts of funds or grants received by OEM, FEMA and PSE&G for 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012; 2013.*

   *For example: received $500K from FEMA in 2013*

2. Provide documents reflecting allocation of grant funds (i.e. source each grant fund per organization and per year). For example, FEMA money award for hurricane Sandy ($100K). Money used to upgrade equipment XXX.

   *As per the list above: provide copies of purchase orders reflecting where the grant monies from FEMA, OEM and PSE&G received were utilized for 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012; 2013.*

C. **Resolution 13-108:**

1. Provide document for purchase price **(copy of purchase order)** for the vehicles used by the following (**excluding Police Chief, Captain of Police and Superintendant of DPW**) :
   - Fire Chief, Deputy Fire Chief, Battalion Chief, OEM Coordinator, Fire Official, EMS Chief and Rescue Chief.
2. Provide documents reflecting maintenance cost for 2012 and 2013 for each of the borough vehicles used by the following:
   - Fire Chief, Deputy Fire Chief, Battalion Chief, OEM Coordinator, Fire Official, EMS Chief and Rescue Chief.
3. Insurance cost (annualized) for each of the borough vehicles used by the following (2006, 2007, 2008, 2009, 2010, 2011, 2012; 2013):
   - Fire Chief, Deputy Fire Chief, Battalion Chief, OEM Coordinator, Fire Official, EMS Chief and Rescue Chief.

D. **OEM/Police Commissioner vehicle (Black Chevy Suburban) and cell phone:**

1. Purchase price for this borough vehicle.
2. *Copy of purchase order for vehicle and copies of purchase orders of additional devices added to the vehicle.*
3. Provide current mileage for this borough vehicle.
4. Maintenance cost (annualized) for each of this borough vehicle.
5. Insurance costs (annualized).
6. Copies of borough issued cell phone monthly invoices for 2012 and 2013.
7. Provide receipts for all UPS/Fed Ex/USPS packages delivered to OEM/Police Commissioner from 2012 and 2013. Provide purchase orders for all purchases made with FEMA monies in 2009, 2010, 2011, 2012 and 2013

E. **Inventory of equipment procured for use by borough councilman, and officials (excluding Police Department and DPW):**

1. Borough vendor's list for 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012 and 2013.
2. Copies of all purchase orders for 2011, 2012 and 2013.
3. Documents reflecting source of funds used for purchases for 2011, 2012 and 2013.

F. **Resolution 13-158:**

1. Provide list of equipment and cost associated with resolution
2. Provide information reflecting life expectancy of equipment?
3. Provide information associated maintenance costs?
4. Copy of RFP or similar documents used to solicit best vendor providing such equipment.

5. Copies of bids submitted or documents reflecting vendors' quotes.

**G. Property Maintenance employees (W. Hodges & N. Barese):**

1. Provide job posting or advertisement for this job.
2. Provide list or number of candidates applying for this job.
3. Provide duration of posting (length of time position was advertised).
4. Provide list of names (Borough officials/employees) interviewing these candidates.
5. Provide copy of resume and credentials which help determine both individuals as ideal preferred candidates (W. Hodges and N. Barese).
1. Provide Property Maintenance employees (W. Hodges and N. Barese) employment status (full time or part time) and number of hours scheduled to be worked per week (while employed by Bogota).
2. Provide copy of Property Maintenance employees' (W. Hodges and N. Barese) annual job performance review or related document and associated annual salary increase from start date to termination or present.

**H. Waste Management:**

A. Provide amount of savings determined by outsourcing was removal.

B. Provide savings determined by recuing waste pick up to once per month.

C. Where are savings for #A and #B being utilized?

**I. Borough Auditor:**

1. Provide process or documents reflecting a process for selecting borough auditor.
2. Provide credentials and experience of current borough auditor.
3. Provide copies of any written agreements (terms: duration of agreement, fee schedule; etc.) for any services to be rendered by auditor.
4. Does the borough auditor perform any other functions for the town of Bogota (for example, auditor for Board of Education)?

**J. Contributions made to the Borough of Bogota:**

1. Please provide itemized contributions or documents representing contributions made to the Borough of Bogota from 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012 and 2013 by the following:
    - J. Monaghan (law firm)
    - J. Monaghan (individually)
    - Lerch, Vinci and Higgins
    - D. Lerch (individually)
    - KSL-Lawyers

- P. Kaufman (individually)
- Harry Tuvel's firm
- Hary Tuvel (individually)

K. **Borough Administrator:**

1. Provide job posting or advertisement for this job.
2. Provide list or number of candidates applying for this job.
3. Provide duration of posting (length of time position was advertised).
4. Provide list of names (Borough officials/employees) interviewing the candidates.
5. Provide copy of current Borough Administrator's contract with Bogota.
6. How many times our current Borough administrator has negotiated tax abatements?
7. What is current Borough Administrator's past experience related to management of finances? For example, operational and capital budget amounts during the last 5 years in summary format with year-end actual versus budgeted amounts for each year.
8. Provide any information reflecting current Borough Administrator's experience related to securing local/state/national grants, amount of private sector donor funds secured and other contributions solicited from any entities during the last 5 years.
9. Provide documents reflecting current Borough Administrator's employment status with Bogota (full time or part time) and number of hours scheduled to be worked per week.

L. **297 Palisades Avenue Redevelopment Project:**

- Documents showing if the property has been resold? If so, how many times and the names of the buyers and respective sale price?
- Why did the property sit with rubble and debris for several years?
- Name of current developer.
- Documents showing if Bogota had any influence (contractual) over the selection of the developer?
- Documents showing current developer's name (names of partners) and name of legal counsel representation.
- Complete details, agreements documents related to the tax abatement and PILOT for this property.
- Was an RFP or similar document issued to solicit the services of a third party to represent the Borough of Bogota in negotiating the tax abatement with the developer? If not, what was the basis for this decision respective authority approving this decision?
- Names of individuals representing Bogota that are negotiating the tax abatement for the property with the developer and developer's counsel.
- Credentials of Bogota's representative negotiating with developer:

i. How many properties have Bogota's representative negotiated tax abatements and dollar values of each?

ii. What value does each Bogota representative bring to the table during the negotiations of the tax abatement with the developer?

- Provide detailed construction drawings or documents, construction schedule and name of contractor awarded the project.
- Provide details related to the targeted group that will be residing in the newly constructed building:
  - Prospective age range of tenants.
  - Targeted salary range for tenants.
  - Children per household.
  - How will the Bogota School system support the additional students (i.e. more teachers, additions to school buildings, class room expansions, additional desks; etc.)? Associated cost?
  - Increasing FTEs/PTEs in the Police force and DPW to support the additional residents? Associated cost with any increase in work force?

NOTES:

- **Additionally, please contact me immediately if there is any ambiguity, concerns or questions regarding these requests. Therefore, the process by which you will collect and submit this information to me should not be halted until said clarification is received from me.**
- **In the event any information is withheld, kindly specify the item and legal restrictions which prohibit the communication of such information.**

4th

BOROUGH OF BOGOTA

# OPEN PUBLIC RECORDS ACT REQUEST FORM

375 LARCH AVENUE

(201) 342-1736 ext. 235 • (201) 342-0574 (FAX)

Email: clerk@bogotaonline.org

Borough of Bogota Records

Received 10/5/13

## Important Notice

The last page of this form contains important information related to your rights concerning government records. Please read it carefully.

### Requestor Information – Please Print

First Name MICHAEL MI ____ Last Name DOSJ

E-mail Address makoss@yahoo.com

Mailing Address 43 CHESTNUT AVE

City BOGOTA State NJ Zip 07603

Telephone (201) 745-4680 FAX ____

Preferred Delivery: (Pick Up) ✓ US Mail ____ On-Site Inspect ____ Fax ____ E-mail ____

If you are requesting records containing personal information, please circle one: Under penalty of N.J.S.A. 2C:28-3, I certify that I *HAVE* / *HAVE NOT* been convicted of any indictable offense under the laws of New Jersey, any other state, or the United States.

Signature [signature] Date 9/30/2013

### Payment Information

Maximum Authorization Cost $

Select Payment Method

Cash Check Money Order

Fees: Letter size pages - $0.05 per page
Legal size pages - $0.07 per page
Other materials (CD, DVD, etc) – actual

Delivery: Delivery / postage fees additional depending upon delivery type.

Extras: Special service charge dependent upon request.

**Record Request Information:** Please be as specific as possible in describing the records being requested. Also, please note that your preferred method of delivery will only be accommodated if the custodian has the technological means and the integrity of the records will not be jeopardized by such method of delivery.

PLEASE SEE ATTACHMENT LABELED "OPRA REQUEST FORM ATTACHMENT #4"

PLEASE PROVIDE RESPONSES & DOCUMENTATION IN NUMERICAL/BULLETED FORMAT AS REFLECTED IN "OPRA REQUEST FORM ATTACHMENT."

THANK YOU FOR YOUR TIME!

### AGENCY USE ONLY

Est. Document Cost ____

Est. Delivery Cost ____

Est. Extras Cost ____

Total Est. Cost ____

Deposit Amount ____

Estimated Balance ____

Deposit Date ____

### AGENCY USE ONLY

**Disposition Notes**

Custodian: If any part of request cannot be delivered in seven business days, detail reasons here.

| | | |
|---|---|---|
| In Progress | Open | ____ |
| Denied | Closed | ____ |
| Filed | Closed | ____ |
| Partial | Closed | ____ |

### AGENCY USE ONLY

**Tracking Information**

Tracking # ____

Rec'd Date ____

Ready Date ____

Total Pages ____

**Final Cost**

Total ____

Deposit ____

Balance Due ____

Balance Paid ____

**Records Provided**

RECEIVED
BOROUGH OF BOGOTA
2013 SEP 30 PM 1:42

Custodian Signature ____ Date ____

A. Finance:

1. *Outstanding Debt*

- In 2007, the budget reflects approximately $4.5M Outstanding Balance (debt/money borrowed). The 2013 budget reflects $8.5M Outstanding Balance (debt/money borrowed). Please provide documents for the additional $4M outstanding and itemized details regarding allocation of these funds.

  *Specifically, what expenses increased in the budgets of FY 2007, 2008, 2009, 2010, 2011, 2012; 2013.*

  *For example:*

| YEAR | Cost | Expense Description |
|---|---|---|
| 2007 | $550K | Repairs to roadways |
| 2008 | | |
| 2009 | | |
| 2010 | | |
| 2011 | | |
| 2012 | | |
| 2013 | | |

- Provide any documents that relate to financial plans for eliminating the $8.5M Outstanding Balance.

  *Specifically, are there any controls, financial tools or plans to reduce the town budget as well reduce our debt (loans)? Yes or no.*

  *If yes, please list/names of controls, financial tool or plan.*

2. *Deferred Charges and Other Appropriations*

- In 2007, the budget reflects $183K for Deferred Charges and Other Appropriations. The 2013 budget reflects $1.1M in Deferred Charges and Other Appropriations. Please provide documents for the increase of approximately $1M in Deferred Charges and Other Appropriations. *Specifically, what expenses increased in the budgets of FY 2007, 2008, 2009, 2010, 2011, 2012; 2013.*

  *For example:*

| YEAR | Cost | Expense Description |
|---|---|---|
| 2007 | $550K | Repairs to roadways |
| 2008 | | |
| 2009 | | |

| | | |
|---|---|---|
| 2010 | | |
| 2011 | | |
| 2012 | | |
| 2013 | | |

- Additionally, please provide details and documents related to the allocation of $1.1M in Deferred Charges and Other Appropriations for 2013. Documents specifying but not limited to where and how this money is spent, controlled, managed and reported?

  The budget (Total General Appropriations) for 2009 was approximately $7.7M. The budget (Total General Appropriations) for 2013 is estimated to be $9M. Also observed is salaries and wages had little fluctuation from 2009 to 2013. Why the additional $1.3M in the budget? What tools/controls are in place to reduce spending (particularly in the categories of Other Expenses and Deferred Charges and Other Appropriations)? *Specifically, what expenses increased in the budgets of FY 2009, 2010, 2011, 2012; 2013.*

  *For example:*

| YEAR | Cost | Expense Description |
|---|---|---|
| 2009 | $550K | Repairs to roadways |
| 2010 | | |
| 2011 | | |
| 2012 | | |
| 2013 | | |

3. Borough vendor's list for 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012 and 2013.
4. Copies of all purchase orders for 2011, 2012 and 2013.

**B. <u>Grant monies:</u>**

1. Provide specific documents that memorialize total funds received from 2005 to date by agency or organization (i.e. OEM, FEMA, PSE&G, private organizations and all other public or government organizations).

   *Specifically, provide the amounts of funds or grants received by OEM, FEMA and PSE&G for 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012; 2013.*

   *For example: received $500K from FEMA in 2013*

2. Provide documents reflecting allocation of grant funds (i.e. source each grant fund per organization and per year). For example, FEMA money award for hurricane Sandy ($100K). Money used to upgrade equipment XXX.

*As per the list above: provide copies of purchase orders reflecting where the grant monies from FEMA, OEM and PSE&G received were utilized for 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012; 2013.*

C. **Resolution 13-108:**

1. Provide document for purchase price **(copy of purchase order)** for the vehicles used by the following (**excluding Police Chief, Captain of Police and Superintendant of DPW**) :
   i. Fire Chief, Deputy Fire Chief,
   ii. Battalion Chief,
   iii. OEM Coordinator,
   iv. Fire Official,
   v. EMS Chief
   vi. Rescue Chief.
2. Provide documents reflecting maintenance cost for 2012 and 2013 for each of the borough vehicles used by the following:
   i. Fire Chief, Deputy Fire Chief,
   ii. Battalion Chief,
   iii. OEM Coordinator,
   iv. Fire Official,
   v. EMS Chief
   vi. Rescue Chief.
3. Insurance cost (annualized) for each of the borough vehicles used by the following (2006, 2007, 2008, 2009, 2010, 2011, 2012; 2013):
   i. Fire Chief, Deputy Fire Chief,
   ii. Battalion Chief,
   iii. OEM Coordinator,
   iv. Fire Official,
   v. EMS Chief
   vi. Rescue Chief

D. **OEM/Police Commissioner vehicle (Black Chevy Suburban) and cell phone:**

1. Purchase price for this borough vehicle.
2. *Copy of purchase order for vehicle of Chevy Suburban and copies of purchase orders of additional devices added to the vehicle.*
3. Provide current mileage for this borough vehicle.
4. Maintenance cost (annualized) for each of this borough vehicle.

5. Insurance costs (annualized).
6. Copies of borough issued cell phone monthly invoices for 2012 and 2013.
7. Provide receipts for all UPS/Fed Ex/USPS packages delivered to OEM/Police Commissioner related to Bogota of Borough OEM/Police Commissioner's official business 2012 and 2013. Provide purchase orders for all purchases made with FEMA monies in 2009, 2010, 2011, 2012 and 2013.

**E. Inventory of equipment procured for use by borough councilman, and officials (excluding Police Department and DPW):**

1. Provide Borough vendor's list for 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012 and 2013.
2. Provide copies of all purchase orders for 2011, 2012 and 2013.
3. Documents reflecting source of funds used for purchases for 2011, 2012 and 2013.
4. Name of official (certified purchasing agent) for Borough of Bogota for 2006, 2007, 2008, 2009, 2010, 2011, 2012 and 2013.
5. List of purchases in excess of $17,500 dollars for 2008, 2009, 2010, 2011, 2012 and 2013?
6. List of bids solicited for purchases in excess of $17,500 dollars for2011, 2012; 2013?
7. Names of officials and ordinances or resolutions approving purchases in excess in excess of $17,500 dollars for2011, 2012; 2013?

**F. Resolution 13-158:**

1. Provide list of equipment and cost associated with resolution
2. Provide information reflecting life expectancy of equipment?
3. Provide information associated maintenance costs?
4. Copy of RFP or similar documents used to solicit best vendor providing such equipment.
5. Copies of bids submitted or documents reflecting vendors' quotes.

**G. Property Maintenance employees (W. Hodges & N. Barese):**

1. Provide job posting or advertisement for this job.
2. Provide list or number of candidates applying for this job.
3. Provide duration of posting (length of time position was advertised).
4. Provide list of names (Borough officials/employees) interviewing these candidates.
5. Provide copy of resume and credentials which help determine both individuals as ideal preferred candidates (W. Hodges and N. Barese).
1. Provide Property Maintenance employees (W. Hodges and N. Barese) employment status (full time or part time) and number of hours scheduled to be worked per week (while employed by Bogota).

2. Provide copy of Property Maintenance employees' (W. Hodges and N. Barese) annual job performance review or related document and associated annual salary increase from start date to termination or present.

H. **Waste Management:**

A. Provide amount of savings determined by outsourcing waste removal.

B. Provide savings determined by recuing waste pick up to once per month.

C. Where are savings for #A and #B being utilized?

I. **Borough Auditor:**

1. Provide process or documents reflecting a process for selecting borough auditor.
2. Provide credentials and experience of current borough auditor.
3. Provide copies of any written agreements (terms: duration of agreement, fee schedule; etc.) for any services to be rendered by auditor.
4. Does the borough auditor perform any other functions for the town of Bogota (for example, auditor for Board of Education)?

J. **Contributions made to the Borough of Bogota:**

1. Please provide itemized contributions or documents representing contributions made to the Borough of Bogota, Democratic Party and Republican Party for the following years: 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012 and 2013 by the names listed below.
    i. J. Monaghan (law firm)
    ii. J. Monaghan (individually)
    iii. Lerch, Vinci and Higgins
    iv. D. Lerch (individually)
    v. KSL-Lawyers
    vi. P. Kaufman (individually)
    vii. Harry Tuvel's firm
    viii. Hary Tuvel (individually)

K. **Borough Administrator:**

1. Provide job posting or advertisement for this job.
2. Provide list or number of candidates applying for this job.
3. Provide duration of posting (length of time position was advertised).
4. Provide list of names (Borough officials/employees) interviewing the candidates.

5. How many times our current Borough administrator has negotiated tax abatements?
6. What is current Borough Administrator's past experience related to management of finances? For example, operational and capital budget amounts during the last 5 years in summary format with year-end actual versus budgeted amounts for each year.
7. Provide any information reflecting current Borough Administrator's experience related to securing local/state/national grants, amount of private sector donor funds secured and other contributions solicited from any entities during the last 5 years.
8. Provide documents reflecting current Borough Administrator's employment status with Bogota (full time or part time) and number of hours scheduled to be worked per week.
9. Provide current annual increase percentages for all borough employees for 2010, 2011, 2012 and 2013. For example, annual increase for all borough employees was 3% for 2010, 2.5% for 2011 and etc.

L. **297 Palisades Avenue Redevelopment Project:**

1. Why did the property sit with rubble and debris for several years?
2. Name of current developer.
3. Any documents showing if Bogota had any influence (contractual) over the selection of the developer?
4. Provide documents reflecting current developer's name (all names of partners) and name of legal counsel representation.
5. Provide criteria used to determine current developer. Was there a RFP issued?
6. If the RFP process was used to determine the developer, provide copies of the RFP and all bids submitted by prospective developer
7. Tax abatement:
    i. What were the merits or justification for the tax abatement (land contamination, polluted land; etc.)?
    ii. Was the tax abatement at the request of the developer? If so, provide basis for request (i.e. financial hardship).
    iii. Provide financial statements for 2006, 2007, 2008, 2009, 2010, 2011, 2012; 2013 regarding developer's annual revenue, budget statements, names of employees and list of past projects.
8. Provide total sum of annual revenue that was determined after the property is developed. For example, the tax abatement awards the developer a required 10%-15% tax payment ($88K/annually) for 30 years. Does this mean that the actual 100% of the taxes are $880K? If not, what is the 100% value of the tax
9. Was a RFP or similar document issued to solicit the services of a third party to represent the Borough of Bogota in negotiating the tax abatement with the developer? If not, what was the basis for this decision not to utilize this method and who authorized such a decision.
10. Names of individuals representing Bogota that are negotiating the tax abatement for the property with the developer and developer's counsel. Who were all the people present during the negotiating

process from the Borough of Bogota (representatives of the borough) and similarly name of those present for the developer as well as their representatives?

11. Credentials of Bogota's representatives negotiating with the developer/developer's counsel:
    i. How many properties have Bogota's representatives negotiated tax abatements and dollar values of each respective tax abatement?

       Specifically, Bogota Borough Attorney, Bogota Borough Auditor, Bogota Borough Administrator and Bogota Borough Mayor.

    ii. What value does each Bogota representative bring to the table during the negotiations of the tax abatement with the developer?
12. Provide detailed construction drawings or documents, construction schedule and name of contractor awarded the project.
13. Provide copies of agenda related to the following: first reading of the tax abetment, second reading (open to the public) of the tax abatement, third reading (voting for the tax abatement).
14. Provide copies of all advertisements/public notifications issued for all readings related to the tax abatement.
15. Provide details related to the targeted group that will be residing in the newly constructed building:
    i. Prospective age range of tenants.
    ii. Targeted salary range for tenants.
    iii. Children per household.
    iv. How will the Bogota School system support the additional students (i.e. more teachers, additions to school buildings, class room expansions, additional desks; etc.)? Associated cost?
    v. Increasing FTEs/PTEs in the Police force and DPW to support the additional residents? Associated cost with any increase in work force?

**M. <u>Correspondences, emails, and letters (emails from Borough of Bogota email address and personal email address). For reference, see attached excerpt from NJ State League of Municipalities:</u>**

1. Provide all correspondences (emails and letters) that are "to," "from," "cc" for the OEM/Police Commissioner related to OEM grants and monies; and FEMA grants and monies for 2011, 2012 and 2013.
2. Provide all correspondences (emails and letters) that are "to," "from," "cc" between Mayor Pat McHale and Paul Kaufman for 2008, 2009, 2010, 2011, 2012 and 2013.
3. Provide all correspondences (emails and letters) that are "to," "from," "cc" between Lenard Nicolosi and Paul Kaufman for 2008, 2009, 2010, 2011, 2012 and 2013.
4. Provide all correspondences (emails and letters) that are "to," "from," "cc" between Borough Administrator Chip Greiner and Paul Kaufman for 2013.
5. Provide all correspondences (emails and letters) that are "to," "from," "cc" between Councilman Antero Tito Jackson and Councilmen Jorge Nunez for 2012 and 2013 regarding FEMA and OEM grants / monies.

6. Provide all correspondences (emails and letters) that are "to," "from," "cc" between Councilwoman Wanda Uceta and Councilman Tito Jackson regarding the 297 Palisades Avenue development and tax abatement for 2011, 2012 and 2013.

**N. Text messages (on Bogota Borough issued phones and personal phones):**

1. Provide all text messages "to," "from," "cc" for the OEM/Police Commissioner between Borough Administrator for 2013.
2. Provide all text messages "to," "from," "cc" for the between Mayor Pat McHale and Paul Kaufman for 2013.
3. Provide all text messages "to," "from," "cc" for the" between Lenard Nicolosi and Paul Kaufman for 2012 and 2013.
4. Provide all text messages "to," "from," "cc" between Borough Administrator Chip Greiner and Paul Kaufman for 2013.
5. Provide all text messages "to," "from," "cc" between Councilman Antero Tito Jackson and Councilmen Jorge Nunez for 2012 and 2013.
6. Provide all text messages "to," "from," "cc" between Councilwoman Wanda Uceta and Councilman Antero Tito Jackson for 2013.

**O. Tax returns for Borough Officials. For reference, see attached excerpt from NJ State League of Municipalities:**

1. Provide all 2012 and 2013 tax returns for Councilmen Antero Tito Jackson
2. Is Antero Tito Jackson is Antero Jackson the OEM Coordinator?
3. Is Antero Tito Jackson the Police Commissioner?
4. Is Antero Tito Jackson a Bogota Borough employee?
5. Years of service for Antero Tito Jackson as OEM coordinator?
6. Years of service for Antero Tito Jackson as Police Commissioner?

**P. Salary history and annual increases:**

1. Provide any ordinances, resolutions or mandates regulating salary increases or salary adjustments for 2009, 2010, 2011, 2012 and 2013 for the following Bogota Borough employees:

**Q. Salary history and annual increases for Bogota Borough employees:**

1. Provide salary increases or salary adjustments for 2009, 2010, 2011, 2012 and 2013 for **only** the following Bogota Borough employees:
   i. F. Garlicki
   ii. J. Cook
   iii. P. Wilkens

iv. B. Wiemer

v. C. Carpenter

vi. H. Hegel

vii. W. Hodges

viii. N. Barese

ix. G. Kholes

x. D. Howell

xi. J. Morre

xii. G. McNerney

xiii. J. Davis

xiv. L. Kern

NOTES:

- **Additionally, please contact me immediately if there is any ambiguity, concerns or questions regarding these requests. Therefore, the process by which you will collect and submit this information to me should not be halted until said clarification is received from me.**
- **In the event any information is withheld, kindly specify the item and legal restrictions which prohibit the communication of such information.**

1 L #5

BOROUGH OF BOGOTA

# OPEN PUBLIC RECORDS ACT REQUEST FORM

375 LARCH AVENUE
(201) 342-1736 ext. 235 • (201) 342-0574 (FAX)
Email: clerk@bogotaonline.org
Borough of Bogota Records

**Important Notice**

The last page of this form contains important information related to your rights concerning government records. Please read it carefully.

## Requestor Information – Please Print

First Name MICHAEL MI ____ Last Name DOSS

E-mail Address makdoss@yahoo.com

Mailing Address 48 CHESTNUT AVE.

City BOGOTA State NJ Zip 07603

Telephone (201) 745-4680 FAX ____

Preferred Delivery: Pick Up ✓ US Mail ____ On-Site Inspect ____ Fax ____ E-mail ____

If you are requesting records containing personal information, please circle one: Under penalty of N.J.S.A. 2C:28-3, I certify that I *HAVE / HAVE NOT* been convicted of any indictable offense under the laws of New Jersey, any other state, or the United States.

Signature [signature] Date 10/4/2013

## Payment Information

Maximum Authorization Cost $

Select Payment Method

Cash Check Money Order

Fees: Letter size pages - $0.05 per page
Legal size pages – $0.07 per page
Other materials (CD, DVD, etc) – actual

Delivery: Delivery / postage fees additional depending upon delivery type.

Extras: Special service charge dependent upon request.

**Record Request Information:** Please be as specific as possible in describing the records being requested. Also, please note that your preferred method of delivery will only be accommodated if the custodian has the technological means and the integrity of the records will not be jeopardized by such method of delivery.

PLEASE SEE ATTACHED. OPRA #5 SUBMITTED ON 10/4/2013. PLEASE PROVIDE ME WITH THE INFORMATION REQUESTED WITHIN THE 7-DAY TIMEFRAME PER OPRA REQUIREMENTS. KINDLY FOLLOW THE NUMERICAL FORMAT ON THE ATTACHMENT #5.
THANK YOU ALL FOR YOUR EFFORTS IN COLLECTING & PROVIDING ME WITH THIS INFORMATION.

BOROUGH OF BOGOTA

**AGENCY USE ONLY**

Est. Document Cost ____
Est. Delivery Cost ____
Est. Extras Cost ____
Total Est. Cost ____
Deposit Amount ____
Estimated Balance ____
Deposit Date ____

**AGENCY USE ONLY**

Disposition Notes
Custodian: If any part of request cannot be delivered in seven business days, detail reasons here.

In Progress - Open ____

**AGENCY USE ONLY**

Tracking Information
Tracking # ____
Rec'd Date ____
Ready Date 10/4/13
Total Pages ____

Final Cost
Total ____
Deposit ____
Balance Due ____
Balance Paid ____

Records Provided

10/4/13 Email

**A. Purchase orders and invoices for the following vendors/contractors/consultants:**

1. Provide copies for purchase orders/invoices and related documents for all months in 2008, 2009, 2010, 2011, and 2013 for the following vendors/contractors/consultants and borough officials:
    - Metrocom Wireless
    - Motorola (all Motorola accounts)
    - Verizon (all Verizon accounts)
    - Tuvel Engineering
    - Communications
    - P. C. Richards
    - Millennium Visual Systems
    - Tropicana Hotel (April 2013 only)
    - Microsystems
    - Game Time Equipment
    - Home Depot
    - Staples
    - Hardwood Tree Services
    - Clear Span Fabric
    - Earth Networks
    - NJ EZ-Pass
    - State Line Fire & Safety
    - Applebee's (June 2013 only)
    - Patrick McHale (monthly reimbursements details)
    - Antera Tito Jackson's (monthly reimbursements details)
    - Lenard Nicolosi (monthly reimbursements details)
    - August (Chip) Greiner (monthly reimbursements details)
    - Nicholas Barese (monthly reimbursements details)
    - Warren Hodges (monthly reimbursements details)

**B. September 19,' 2013 Borough of Bogota hearing:**

1. Provide audio recording of the complete hearing for the night of September 19, 3013.
2. Provide complete written transcript of the complete hearing for the night of September 19, 3013.

C. **Phone logs for Borough of Bogota issued phones:**

1. Provide copies for all Verizon and Motorola cell phone logs (all pages of the bill which reflect calls received or sent, time, origination and destination as well as summary sheet) of invoices for all months in 2008, 2009, 2010, 2011, and 2013 for the following borough officials/employees:

    - Patrick McHale
    - Antera Tito Jackson
    - Wanda Uceta
    - Lenard Nicolosi
    - August (Chip) Greiner (2013 only).
    - Nicolas Barese
    - Warren Hodges

NOTES:

- **Additionally, please contact me immediately if there is any ambiguity, concerns or questions regarding these requests. Therefore, the process by which you will collect and submit this information to me should not be halted until said clarification is received from me.**
- **In the event any information is withheld, kindly specify the item and legal restrictions which prohibit the communication of such information.**

# EXHIBIT B

A. Correspondences, emails, and letters (emails from Borough of Bogota email address and personal email address) For reference, see attached excerpt from NJ State League of Municipalities (mandate) SECOND REQUEST:

1. Provide all correspondences (emails and letters) that are "to," "from," "cc" between Administrator Mr. Greiner and Mayor Pat McHale for 2013.
2. Provide all correspondences (emails and letters) that are "to," "from," "cc" between Administrator Mr. Greiner and Ms. Consuelo Carpenter for 2013.
3. Provide all correspondences (emails and letters) that are "to," "from," "cc" between Administrator Mr. Greiner and Councilman Antero Tito Jackson for 2010, 2011, 2012 and 2013.
4. Provide all correspondences (emails and letters) that are "to," "from," "cc" between Mayor Pat McHale and Councilman Antero Tito Jackson for 2010, 2011, 2012 and 2013.
5. Provide all correspondences (emails and letters) that are "to," "from," "cc" between Mayor Pat McHale and Paul Kaufman for 2010, 2011, 2012 and 2013.

B. Correspondences, emails, and letters (emails from Borough of Bogota email address and personal email address) For reference, see attached excerpt from NJ State League of Municipalities (mandate):

6. Provide all correspondences (emails and letters) that are "to," "from," "cc" between Borough Attorney Joseph Monaghan and Administrator Mr. Greiner.
7. Provide all correspondences (emails and letters) that are "to," "from," "cc" between Borough Attorney Joseph Monaghan and Paul Kaufman for 2010, 2011, 2012 and 2013.
8. Provide all correspondences (emails and letters) that are "to," "from," "cc" between Borough Attorney Joseph Monaghan and Patrick McHale for 2010, 2011, 2012 and 2013.
9. Provide all correspondences (emails and letters) that are "to," "from," "cc" between Paul Kaufman and Councilman Antero Tito Jackson for 2010, 2011, 2012 and 2013.

B. Correspondences, emails, and letters (emails from Borough of Bogota email address and personal email address). For reference, see attached excerpt from NJ State League of Municipalities-THIRD REQUEST:

1. Provide all correspondences (emails and letters) that are "to," "from," "cc" for the OEM/Police Commissioner related to OEM grants and monies; and FEMA grants and monies for 2011, 2012 and 2013.
2. Provide all correspondences (emails and letters) that are "to," "from," "cc" between Mayor Pat McHale and Paul Kaufman for 2008, 2009, 2010, 2011, 2012 and 2013.
3. Provide all correspondences (emails and letters) that are "to," "from," "cc" between Lenard Nicolosi and Paul Kaufman for 2008, 2009, 2010, 2011, 2012 and 2013.
4. Provide all correspondences (emails and letters) that are "to," "from," "cc" between Councilman Antero Tito Jackson and Councilmen Jorge Nunez for 2012 and 2013 regarding FEMA and OEM grants / monies.
5. Provide all correspondences (emails and letters) that are "to," "from," "cc" between Councilwoman Wanda Uceta and Councilman Tito Jackson regarding the 297 Palisades Avenue development and tax abatement for 2011, 2012 and 2013.

C. Text messages (on Bogota Borough issued phones and personal phones)-THIRD REQUEST:

1. Provide all text messages "to," "from," "cc" for the OEM/Police Commissioner between Borough Administrator for 2013.
2. Provide all text messages "to," "from," "cc" for the between Mayor Pat McHale and Paul Kaufman for 2013.
3. Provide all text messages "to," "from," "cc" for the" between Lenard Nicolosi and Paul Kaufman for 2012 and 2013.
4. Provide all text messages "to," "from," "cc" between Borough Administrator Chip Greiner and Paul Kaufman for 2013.
5. Provide all text messages "to," "from," "cc" between Councilman Antero Tito Jackson and Councilmen Jorge Nunez for 2012 and 2013.

D. Provide copy of application for tax abatement / PILOT for 297 Palisade Avenue.

E. **Provide copy of application for development of 297 Palisade Avenue.**

F. Borough Administrator Chip Greiner's Dodge Charger: **The Borough Administrator's vehicle (black Dodge Charger) up until recently bared Municipality license plates. Which municipality is the vehicle insured under or registered too?**

G. Phone logs for Borough of Bogota issued phones (THIRD REQUEST):

1. Provide copies for all Verizon and Motorola cell phone logs (all pages of the bill which reflect calls received or sent, time, origination and destination as well as summary sheet) of invoices for all months in 2008, 2009, 2010, 2011, and 2013 for the following borough officials/employees:
   - Patrick McHale
   - Antera Tito Jackson
   - Lenard Nicolosi
   - August (Chip) Greiner (2013 only).
   - Nicolas Barese
   - Warren Hodges

NOTES:

- Additionally, please contact me immediately if there is any ambiguity, concerns or questions regarding these requests. Therefore, the process by which you will collect and submit this information to me should not be halted until said clarification is received from me.
- In the event any information is withheld, kindly specify the item and legal restrictions which prohibit the communication of such information.

- ANY EXTENSIONS REQUESTED MUST BE JUSTIFIED WITH CLARIFICATION OTHER THAN "DUE TO VOLUMINOUS NATURE AN EXTENSION IS REQUIRED."
- A DATE FOR COLLLECTING/ISSUING THE INFORMATION TO ME IS REQUESTED.
- SOME OF THE INFORMATION LISTED ON THIS OPRA HAS BEEN REQUESTED PREVIOUSLY AND YOU FAILED TO PROVIDE THE INFORMATION. KINDLY PROVIDE THE INFORMATION AS REQUESTED WITHIN THE 7-DAY TIMEFRAME TO AVOID FURTHER GRC COMPLAINT FOR OPRA DENIALS.

A. Correspondences, emails, and letters (emails from Borough of Bogota email address and personal email address):

1. Provide **ALL** correspondences (emails and letters) that are "*to*," "*from*," "*cc*," and "*bc*" between Mr. August Greiner's email address "Agreiner@merail.com" and Mr. Paul Kaufman for the years 2013 and 2014 that contain any of the following words: ***Paul, Kaufman, Paul Kaufman 297, Palisade Avenue, 297 Palisade Avenue, Chip, Greiner, August, August Greiner, Chip Greiner, Harry Tuvell, Urban Renewal, partnership, partners, Rich LaBarbiera, Jorge, Nunez, Jorge Nunez, Evaristo Burdiez Junior, RVN, PILOT, tax abatement, council meeting, mayor, Pat, Patrick, Pat McHale, Patrick McHale, Tito, Tito Jackson, construction, development, long term tax exemption, LTTE, tax, Redevelopment Agreement, Redeveloper, Pro Forma, Joseph Monaghan, Joe Monaghan, Joe, Monaghan, M. Doss, Michael Doss, Mike Doss, borough resolution, draft resolution, draft ordinance, ordinance, borough engineer, engineer, borough attorney, Kevin Kelly, abatements, 44 units, parking, visitor parking, resident parking, visitors, residents, temporary signage, signage, garage, grading, pollution, environmental issues, environmental, land contamination, contamination, septic system, septic, sewage, drainage, council, councilman, council board, Board of Education, BoE, accounting, permits, approvals, contracts, construction drawings and RSIS waiver.***

2. Provide **ALL** correspondences (emails and letters) that are "*to*," "*from*," "*cc*," and "*bc*" between Mr. August Greiner and Mr. Paul Kaufman for the year 2014 that contain any of the following words: ***Paul, Kaufman, Paul Kaufman 297, Palisade Avenue, 297 Palisade Avenue, Chip, Greiner, August, August Greiner, Chip Greiner, Harry Tuvell, Urban Renewal, partnership, partners, Rich LaBarbiera, Jorge, Nunez, Jorge Nunez, Evaristo Burdiez Junior, RVN, PILOT, tax abatement, council meeting, mayor, Pat, Patrick, Pat McHale, Patrick McHale, Tito, Tito Jackson, construction, development, long term tax exemption, LTTE, tax, Redevelopment Agreement, Redeveloper, Pro Forma, Joseph Monaghan, Joe Monaghan, Joe, Monaghan, M. Doss, Michael Doss, Mike Doss, borough resolution, draft resolution, draft ordinance, ordinance, borough engineer, engineer, borough attorney, Kevin Kelly, abatements, 44 units, parking, visitor parking, resident parking, visitors, residents, temporary signage, signage, garage, grading, pollution, environmental issues, environmental, land contamination, contamination, septic system, septic, sewage, drainage, council, councilman, council board, Board of Education, BoE, accounting, permits, approvals, contracts, construction drawings and RSIS waiver.***

3. Provide **ALL** correspondences (emails and letters) that are "*to*," "*from*," "*cc*," and "*bc*" between Mr. August Greiner and Mr. A. Tito Jackson for the years 2013 and 2014 that contain any of the following words: ***Paul, Kaufman, Paul Kaufman 297, Palisade Avenue, 297 Palisade Avenue, Chip, Greiner, August, August Greiner, Chip Greiner, Harry Tuvell, Urban Renewal, partnership, partners, Rich LaBarbiera, Jorge, Nunez, Jorge Nunez, Evaristo Burdiez Junior, RVN, PILOT, tax abatement, council meeting, mayor, Pat, Patrick, Pat McHale, Patrick McHale, Tito, Tito Jackson, construction, development, long term tax exemption, LTTE, tax, Redevelopment Agreement, Redeveloper, Pro Forma, Joseph Monaghan, Joe Monaghan, Joe, Monaghan, M. Doss, Michael Doss, Mike Doss, borough resolution, draft resolution, draft ordinance, ordinance, borough engineer, engineer, borough attorney, Kevin Kelly, abatements, 44 units, parking, visitor parking, resident parking, visitors, residents, temporary signage, signage, garage, grading, pollution, environmental issues, environmental, land contamination, contamination, septic system, septic, sewage, drainage, council, councilman, council board, Board of Education, BoE, accounting, permits, approvals, contracts, construction drawings and RSIS waiver.***

4. Provide ALL correspondences (emails and letters) that are "*to*," "*from*," "*cc*," and "*bc*" between Mr. August Greiner and Mr. Harry Tuvell for the years 2013 and 2014 that contain any of the following words: ***Paul, Kaufman, Paul Kaufman 297, Palisade Avenue, 297 Palisade Avenue, Chip, Greiner, August, August Greiner, Chip Greiner, Harry Tuvell, Urban Renewal, partnership, partners, Rich LaBarbiera, Jorge, Nunez, Jorge Nunez, Evaristo Burdiez Junior, RVN, PILOT, tax abatement, council meeting, mayor, Pat, Patrick, Pat McHale, Patrick McHale, Tito, Tito Jackson, construction, development, long term tax exemption, LTTE, tax, Redevelopment Agreement, Redeveloper, Pro Forma, Joseph Monaghan, Joe Monaghan, Joe, Monaghan, M. Doss, Michael Doss, Mike Doss, borough resolution, draft resolution, draft ordinance, ordinance, borough engineer, engineer, borough attorney, Kevin Kelly, abatements, 44 units, parking, visitor parking, resident parking, visitors, residents, temporary signage, signage, garage, grading, pollution, environmental issues, environmental, land contamination, contamination, septic system, septic, sewage, drainage, council, councilman, council board, Board of Education, BoE, accounting, permits, approvals, contracts, construction drawings and RSIS waiver.***

5. Provide ALL correspondences (emails and letters) that are "*to*," "*from*," "*cc*," and "*bc*"" between Mr. August Greiner and Mr. Richard Labarbiera for the years 2013 and 2014 that contain any of the following words: ***Paul, Kaufman, Paul Kaufman 297, Palisade Avenue, 297 Palisade Avenue, Chip, Greiner, August, August Greiner, Chip Greiner, Harry Tuvell, Urban Renewal, partnership, partners, Rich LaBarbiera, Jorge, Nunez, Jorge Nunez, Evaristo Burdiez Junior, RVN, PILOT, tax abatement, council meeting, mayor, Pat, Patrick, Pat McHale, Patrick McHale, Tito, Tito Jackson, construction, development, long term tax exemption, LTTE, tax, Redevelopment Agreement, Redeveloper, Pro Forma, Joseph Monaghan, Joe Monaghan, Joe, Monaghan, M. Doss, Michael Doss, Mike Doss, borough resolution, draft resolution, draft ordinance, ordinance, borough engineer, engineer, borough attorney, Kevin Kelly, abatements, 44 units, parking, visitor parking, resident parking, visitors, residents, temporary signage, signage, garage, grading, pollution, environmental issues, environmental, land contamination, contamination, septic system, septic, sewage, drainage, council, councilman, council board, Board of Education, BoE, accounting, permits, approvals, contracts, construction drawings and RSIS waiver.***

6. Provide ALL correspondences (emails and letters) that are "*to*," "*from*," "*cc*," and "*bc*" between Mr. August Greiner and Mr. Joseph Monaghan for the years 2013 and 2014 that contain any of the following words: ***Paul, Kaufman, Paul Kaufman 297, Palisade Avenue, 297 Palisade Avenue, Chip, Greiner, August, August Greiner, Chip Greiner, Harry Tuvell, Urban Renewal, partnership, partners, Rich LaBarbiera, Jorge, Nunez, Jorge Nunez, Evaristo Burdiez Junior, RVN, PILOT, tax abatement, council meeting, mayor, Pat, Patrick, Pat McHale, Patrick McHale, Tito, Tito Jackson, construction, development, long term tax exemption, LTTE, tax, Redevelopment Agreement, Redeveloper, Pro Forma, Joseph Monaghan, Joe Monaghan, Joe, Monaghan, M. Doss, Michael Doss, Mike Doss, borough resolution, draft resolution, draft ordinance, ordinance, borough engineer, engineer, borough attorney, Kevin Kelly, abatements, 44 units, parking, visitor parking, resident parking, visitors, residents, temporary signage, signage, garage, grading, pollution, environmental issues, environmental, land contamination, contamination, septic system, septic, sewage, drainage, council, councilman, council board, Board of Education, BoE, accounting, permits, approvals, contracts, construction drawings and RSIS waiver.***

7. Provide ALL correspondences (emails and letters) that are "*to*," "*from*," "*cc*," and "*bc*" between Mr. August Greiner and Ms. C. Carpenter for the years 2013 and 2014 that contain any of the following

words: ***Paul, Kaufman, Paul Kaufman 297, Palisade Avenue, 297 Palisade Avenue, Chip, Greiner, August, August Greiner, Chip Greiner, Harry Tuvell, Urban Renewal, partnership, partners, Rich LaBarbiera, Jorge, Nunez, Jorge Nunez, Evaristo Burdiez Junior, RVN, PILOT, tax abatement, council meeting, mayor, Pat, Patrick, Pat McHale, Patrick McHale, Tito, Tito Jackson, construction, development, long term tax exemption, LTTE, tax, Redevelopment Agreement, Redeveloper, Pro Forma, Joseph Monaghan, Joe Monaghan, Joe, Monaghan, M. Doss, Michael Doss, Mike Doss, borough resolution, draft resolution, draft ordinance, ordinance, borough engineer, engineer, borough attorney, Kevin Kelly, abatements, 44 units, parking, visitor parking, resident parking, visitors, residents, temporary signage, signage, garage, grading, pollution, environmental issues, environmental, land contamination, contamination, septic system, septic, sewage, drainage, council, councilman, council board, Board of Education, BoE, accounting, permits, approvals, contracts, construction drawings and RSIS waiver.***

8. Provide ALL correspondences (emails and letters) that are "*to*," "*from*," "*cc*," and "*bc*" between Mr. A. Tito Jackson and Mr. Paul Kaufman for the years 2013 and 2014 that contain any of the following words: ***Paul, Kaufman, Paul Kaufman 297, Palisade Avenue, 297 Palisade Avenue, Chip, Greiner, August, August Greiner, Chip Greiner, Harry Tuvell, Urban Renewal, partnership, partners, Rich LaBarbiera, Jorge, Nunez, Jorge Nunez, Evaristo Burdiez Junior, RVN, PILOT, tax abatement, council meeting, mayor, Pat, Patrick, Pat McHale, Patrick McHale, Tito, Tito Jackson, construction, development, long term tax exemption, LTTE, tax, Redevelopment Agreement, Redeveloper, Pro Forma, Joseph Monaghan, Joe Monaghan, Joe, Monaghan, M. Doss, Michael Doss, Mike Doss, borough resolution, draft resolution, draft ordinance, ordinance, borough engineer, engineer, borough attorney, Kevin Kelly, abatements, 44 units, parking, visitor parking, resident parking, visitors, residents, temporary signage, signage, garage, grading, pollution, environmental issues, environmental, land contamination, contamination, septic system, septic, sewage, drainage, council, councilman, council board, Board of Education, BoE, accounting, permits, approvals, contracts, construction drawings and RSIS waiver.***

9. Provide ALL correspondences (emails and letters) that are "*to*," "*from*," "*cc*," and "*bc*" between Mr. A. Tito Jackson and Mr. Harry Tuvell for the years 2013 and 2014 that contain any of the following words: ***Paul, Kaufman, Paul Kaufman 297, Palisade Avenue, 297 Palisade Avenue, Chip, Greiner, August, August Greiner, Chip Greiner, Harry Tuvell, Urban Renewal, partnership, partners, Rich LaBarbiera, Jorge, Nunez, Jorge Nunez, Evaristo Burdiez Junior, RVN, PILOT, tax abatement, council meeting, mayor, Pat, Patrick, Pat McHale, Patrick McHale, Tito, Tito Jackson, construction, development, long term tax exemption, LTTE, tax, Redevelopment Agreement, Redeveloper, Pro Forma, Joseph Monaghan, Joe Monaghan, Joe, Monaghan, M. Doss, Michael Doss, Mike Doss, borough resolution, draft resolution, draft ordinance, ordinance, borough engineer, engineer, borough attorney, Kevin Kelly, abatements, 44 units, parking, visitor parking, resident parking, visitors, residents, temporary signage, signage, garage, grading, pollution, environmental issues, environmental, land contamination, contamination, septic system, septic, sewage, drainage, council, councilman, council board, Board of Education, BoE, accounting, permits, approvals, contracts, construction drawings and RSIS waiver.***

10. Provide ALL correspondences (emails and letters) that are "*to*," "*from*," "*cc*," and "*bc*" between Mr. A. Tito Jackson and Mr. Richard Labarbiera for the years 2013 and 2014 that contain any of the following words: ***Paul, Kaufman, Paul Kaufman 297, Palisade Avenue, 297 Palisade Avenue, Chip, Greiner, August, August Greiner, Chip Greiner, Harry Tuvell, Urban Renewal, partnership, partners, Rich LaBarbiera, Jorge, Nunez, Jorge Nunez, Evaristo Burdiez Junior, RVN, PILOT, tax abatement, council meeting, mayor, Pat, Patrick, Pat McHale, Patrick McHale, Tito, Tito Jackson, construction,***

*development, long term tax exemption, LTTE, tax, Redevelopment Agreement, Redeveloper, Pro Forma, Joseph Monaghan, Joe Monaghan, Joe, Monaghan, M. Doss, Michael Doss, Mike Doss, borough resolution, draft resolution, draft ordinance, ordinance, borough engineer, engineer, borough attorney, Kevin Kelly, abatements, 44 units, parking, visitor parking, resident parking, visitors, residents, temporary signage, signage, garage, grading, pollution, environmental issues, environmental, land contamination, contamination, septic system, septic, sewage, drainage, council, councilman, council board, Board of Education, BoE, accounting, permits, approvals, contracts, construction drawings and RSIS waiver.*

11. Provide ALL correspondences (emails and letters) that are "*to*," "*from*," "*cc*," and "*bc*" between Mr. A. Tito Jackson and Mr. Joseph Monaghan for the years 2013 and 2014 that contain any of the following words: ***Paul, Kaufman, Paul Kaufman 297, Palisade Avenue, 297 Palisade Avenue, Chip, Greiner, August, August Greiner, Chip Greiner, Harry Tuvell, Urban Renewal, partnership, partners, Rich LaBarbiera, Jorge, Nunez, Jorge Nunez, Evaristo Burdiez Junior, RVN, PILOT, tax abatement, council meeting, mayor, Pat, Patrick, Pat McHale, Patrick McHale, Tito, Tito Jackson, construction, development, long term tax exemption, LTTE, tax, Redevelopment Agreement, Redeveloper, Pro Forma, Joseph Monaghan, Joe Monaghan, Joe, Monaghan, M. Doss, Michael Doss, Mike Doss, borough resolution, draft resolution, draft ordinance, ordinance, borough engineer, engineer, borough attorney, Kevin Kelly, abatements, 44 units, parking, visitor parking, resident parking, visitors, residents, temporary signage, signage, garage, grading, pollution, environmental issues, environmental, land contamination, contamination, septic system, septic, sewage, drainage, council, councilman, council board, Board of Education, BoE, accounting, permits, approvals, contracts, construction drawings and RSIS waiver.***

12. Provide ALL correspondences (emails and letters) that are "*to*," "*from*," "*cc*," and "*bc*" between Mr. Joseph Monaghan and Mr. Harry Tuvell for the years 2013 and 2014 that contain any of the following words: ***Paul, Kaufman, Paul Kaufman 297, Palisade Avenue, 297 Palisade Avenue, Chip, Greiner, August, August Greiner, Chip Greiner, Harry Tuvell, Urban Renewal, partnership, partners, Rich LaBarbiera, Jorge, Nunez, Jorge Nunez, Evaristo Burdiez Junior, RVN, PILOT, tax abatement, council meeting, mayor, Pat, Patrick, Pat McHale, Patrick McHale, Tito, Tito Jackson, construction, development, long term tax exemption, LTTE, tax, Redevelopment Agreement, Redeveloper, Pro Forma, Joseph Monaghan, Joe Monaghan, Joe, Monaghan, M. Doss, Michael Doss, Mike Doss, borough resolution, draft resolution, draft ordinance, ordinance, borough engineer, engineer, borough attorney, Kevin Kelly, abatements, 44 units, parking, visitor parking, resident parking, visitors, residents, temporary signage, signage, garage, grading, pollution, environmental issues, environmental, land contamination, contamination, septic system, septic, sewage, drainage, council, councilman, council board, Board of Education, BoE, accounting, permits, approvals, contracts, construction drawings and RSIS waiver.***

13. Provide ALL correspondences (emails and letters) that are "*to*," "*from*," "*cc*," and "*bc*" between Mr. Joseph Monaghan and Mr. Richard Labarbiera for the years 2013 and 2014 that contain any of the following words: ***Paul, Kaufman, Paul Kaufman 297, Palisade Avenue, 297 Palisade Avenue, Chip, Greiner, August, August Greiner, Chip Greiner, Harry Tuvell, Urban Renewal, partnership, partners, Rich LaBarbiera, Jorge, Nunez, Jorge Nunez, Evaristo Burdiez Junior, RVN, PILOT, tax abatement, council meeting, mayor, Pat, Patrick, Pat McHale, Patrick McHale, Tito, Tito Jackson, construction, development, long term tax exemption, LTTE, tax, Redevelopment Agreement, Redeveloper, Pro Forma, Joseph Monaghan, Joe Monaghan, Joe, Monaghan, M. Doss, Michael Doss, Mike Doss, borough resolution, draft resolution, draft ordinance, ordinance, borough engineer, engineer, borough attorney, Kevin Kelly, abatements, 44 units, parking, visitor parking, resident parking,***

***visitors, residents, temporary signage, signage, garage, grading, pollution, environmental issues, environmental, land contamination, contamination, septic system, septic, sewage, drainage, council, councilman, council board, Board of Education, BoE, accounting, permits, approvals, contracts, construction drawings and RSIS waiver.***

14. Provide ALL correspondences (emails and letters) that are "*to*," "*from*," "*cc*," and "*bc*" between Mr. Paul Kaufman and Mr. Harry Tuvell for the years 2013 and 2014 that contain any of the following words: ***Paul, Kaufman, Paul Kaufman 297, Palisade Avenue, 297 Palisade Avenue, Chip, Greiner, August, August Greiner, Chip Greiner, Harry Tuvell, Urban Renewal, partnership, partners, Rich LaBarbiera, Jorge, Nunez, Jorge Nunez, Evaristo Burdiez Junior, RVN, PILOT, tax abatement, council meeting, mayor, Pat, Patrick, Pat McHale, Patrick McHale, Tito, Tito Jackson, construction, development, long term tax exemption, LTTE, tax, Redevelopment Agreement, Redeveloper, Pro Forma, Joseph Monaghan, Joe Monaghan, Joe, Monaghan, M. Doss, Michael Doss, Mike Doss, borough resolution, draft resolution, draft ordinance, ordinance, borough engineer, engineer, borough attorney, Kevin Kelly, abatements, 44 units, parking, visitor parking, resident parking, visitors, residents, temporary signage, signage, garage, grading, pollution, environmental issues, environmental, land contamination, contamination, septic system, septic, sewage, drainage, council, councilman, council board, Board of Education, BoE, accounting, permits, approvals, contracts, construction drawings and RSIS waiver.***

15. Provide ALL correspondences (emails and letters) that are "*to*," "*from*," "*cc*," and "*bc*" between Mr. Patrick McHale and Mr. Paul Kaufman for the year 2013 that contain any of the following words: ***Paul, Kaufman, Paul Kaufman 297, Palisade Avenue, 297 Palisade Avenue, Chip, Greiner, August, August Greiner, Chip Greiner, Harry Tuvell, Urban Renewal, partnership, partners, Rich LaBarbiera, Jorge, Nunez, Jorge Nunez, Evaristo Burdiez Junior, RVN, PILOT, tax abatement, council meeting, mayor, Pat, Patrick, Pat McHale, Patrick McHale, Tito, Tito Jackson, construction, development, long term tax exemption, LTTE, tax, Redevelopment Agreement, Redeveloper, Pro Forma, Joseph Monaghan, Joe Monaghan, Joe, Monaghan, M. Doss, Michael Doss, Mike Doss, borough resolution, draft resolution, draft ordinance, ordinance, borough engineer, engineer, borough attorney, Kevin Kelly, abatements, 44 units, parking, visitor parking, resident parking, visitors, residents, temporary signage, signage, garage, grading, pollution, environmental issues, environmental, land contamination, contamination, septic system, septic, sewage, drainage, council, councilman, council board, Board of Education, BoE, accounting, permits, approvals, contracts, construction drawings and RSIS waiver.***

16. Provide ALL correspondences (emails and letters) that are "*to*," "*from*," "*cc*," and "*bc*"" between Mr. Patrick McHale and Mr. A. Tito Jackson for the year 2013 that contain any of the following words: ***Paul, Kaufman, Paul Kaufman 297, Palisade Avenue, 297 Palisade Avenue, Chip, Greiner, August, August Greiner, Chip Greiner, Harry Tuvell, Urban Renewal, partnership, partners, Rich LaBarbiera, Jorge, Nunez, Jorge Nunez, Evaristo Burdiez Junior, RVN, PILOT, tax abatement, council meeting, mayor, Pat, Patrick, Pat McHale, Patrick McHale, Tito, Tito Jackson, construction, development, long term tax exemption, LTTE, tax, Redevelopment Agreement, Redeveloper, Pro Forma, Joseph Monaghan, Joe Monaghan, Joe, Monaghan, M. Doss, Michael Doss, Mike Doss, borough resolution, draft resolution, draft ordinance, ordinance, borough engineer, engineer, borough attorney, Kevin Kelly, abatements, 44 units, parking, visitor parking, resident parking, visitors, residents, temporary signage, signage, garage, grading, pollution, environmental issues, environmental, land contamination, contamination, septic system, septic, sewage, drainage, council, councilman, council board, Board of Education, BoE, accounting, permits, approvals, contracts, construction drawings and RSIS waiver.***

17. Provide **ALL** correspondences (emails and letters) that are "***to***," "***from***," "***cc***," and "***bc***" between Mr. Patrick McHale and Mr. August Greiner for the year 2013 that contain any of the following words: ***Paul, Kaufman, Paul Kaufman 297, Palisade Avenue, 297 Palisade Avenue, Chip, Greiner, August, August Greiner, Chip Greiner, Harry Tuvell, Urban Renewal, partnership, partners, Rich LaBarbiera, Jorge, Nunez, Jorge Nunez, Evaristo Burdiez Junior, RVN, PILOT, tax abatement, council meeting, mayor, Pat, Patrick, Pat McHale, Patrick McHale, Tito, Tito Jackson, construction, development, long term tax exemption, LTTE, tax, Redevelopment Agreement, Redeveloper, Pro Forma, Joseph Monaghan, Joe Monaghan, Joe, Monaghan, M. Doss, Michael Doss, Mike Doss, borough resolution, draft resolution, draft ordinance, ordinance, borough engineer, engineer, borough attorney, Kevin Kelly, abatements, 44 units, parking, visitor parking, resident parking, visitors, residents, temporary signage, signage, garage, grading, pollution, environmental issues, environmental, land contamination, contamination, septic system, septic, sewage, drainage, council, councilman, council board, Board of Education, BoE, accounting, permits, approvals, contracts, construction drawings and RSIS waiver.***

18. Provide **ALL** correspondences (emails and letters) that are "***to***," "***from***," "***cc***," and "***bc***" between Mr. Patrick McHale and Mr. Joseph Monaghan for the year 2013 that contain any of the following words: ***Paul, Kaufman, Paul Kaufman 297, Palisade Avenue, 297 Palisade Avenue, Chip, Greiner, August, August Greiner, Chip Greiner, Harry Tuvell, Urban Renewal, partnership, partners, Rich LaBarbiera, Jorge, Nunez, Jorge Nunez, Evaristo Burdiez Junior, RVN, PILOT, tax abatement, council meeting, mayor, Pat, Patrick, Pat McHale, Patrick McHale, Tito, Tito Jackson, construction, development, long term tax exemption, LTTE, tax, Redevelopment Agreement, Redeveloper, Pro Forma, Joseph Monaghan, Joe Monaghan, Joe, Monaghan, M. Doss, Michael Doss, Mike Doss, borough resolution, draft resolution, draft ordinance, ordinance, borough engineer, engineer, borough attorney, Kevin Kelly, abatements, 44 units, parking, visitor parking, resident parking, visitors, residents, temporary signage, signage, garage, grading, pollution, environmental issues, environmental, land contamination, contamination, septic system, septic, sewage, drainage, council, councilman, council board, Board of Education, BoE, accounting, permits, approvals, contracts, construction drawings and RSIS waiver.***

19. Provide **ALL** correspondences (emails and letters) that are "***to***," "***from***," "***cc***," and "***bc***" between Mr. Patrick McHale and Mr. Harry Tuvell for the year 2013 that contain any of the following words: ***Paul, Kaufman, Paul Kaufman 297, Palisade Avenue, 297 Palisade Avenue, Chip, Greiner, August, August Greiner, Chip Greiner, Harry Tuvell, Urban Renewal, partnership, partners, Rich LaBarbiera, Jorge, Nunez, Jorge Nunez, Evaristo Burdiez Junior, RVN, PILOT, tax abatement, council meeting, mayor, Pat, Patrick, Pat McHale, Patrick McHale, Tito, Tito Jackson, construction, development, long term tax exemption, LTTE, tax, Redevelopment Agreement, Redeveloper, Pro Forma, Joseph Monaghan, Joe Monaghan, Joe, Monaghan, M. Doss, Michael Doss, Mike Doss, borough resolution, draft resolution, draft ordinance, ordinance, borough engineer, engineer, borough attorney, Kevin Kelly, abatements, 44 units, parking, visitor parking, resident parking, visitors, residents, temporary signage, signage, garage, grading, pollution, environmental issues, environmental, land contamination, contamination, septic system, septic, sewage, drainage, council, councilman, council board, Board of Education, BoE, accounting, permits, approvals, contracts, construction drawings and RSIS waiver.***

B. Provide copy of application / grant for FEMA funds provided for damages incurred by hurricane Sandy.

C. Provide all phone invoices or logs for borough issued phones for Mr. Greiner and Mr. A. Tito Jackson for the years of 2013 and 2014.

D. Provide financial disclosures for Mr. Greiner, Mr. A. Tito Jackson, Mr. Harry Tuvell, and Mr. Joseph Monaghan.

E. Provide residential property real estate taxes for 437 Larch Avenue for years 2011, 2012, 2013 and 2014.

NOTES:

- Additionally, please contact me immediately if there is any ambiguity, concerns or questions regarding these requests. Therefore, the process by which you will collect and submit this information to me should not be halted until said clarification is received from me.
- In the event any information is withheld, kindly specify the item and legal restrictions which prohibit the communication of such information.
- **ANY EXTENSIONS REQUESTED MUST BE JUSTIFIED WITH CLARIFICATION OTHER THAN "DUE TO VOLUMINOUS NATURE AN EXTENSION IS REQUIRED."**
- **PROVIDE ME WITH THE DATE FOR COLLLECTING/ISSUING THE INFORMATION REQUESTED.**
- **KINDLY PROVIDE THE INFORMATION AS REQUESTED WITHIN THE 7-DAY TIMEFRAME TO AVOID FURTHER GRC COMPLAINT(S) FOR FAILURE TO COMPLY WITH THE OPRA REGULATION.**