



welcome to the  
City of **Clifton**  
established 1917

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## City Council

### Mayor

**James Anzaldi**  
email: [janzaldi@cliftonnj.org](mailto:janzaldi@cliftonnj.org)

900 Clifton Avenue  
Clifton, NJ 07013 (973) 470-5757

### Municipal Council

**Councilman Joseph S. Cupoli**  
email: [joecupoli@optonline.net](mailto:joecupoli@optonline.net)

**Councilman Peter C. Eagler**  
email: [petereagler@yahoo.com](mailto:petereagler@yahoo.com)

**Councilman Frank C. Fusco**  
email: [fcfusco@optonline.net](mailto:fcfusco@optonline.net)

**Councilman Steven Hatala, Jr.**  
email: [hatalagoyankees@aol.com](mailto:hatalagoyankees@aol.com)

**Councilwoman Gloria J. Kolodziej**  
email: [convnoamer@aol.com](mailto:convnoamer@aol.com)

**Councilman Matthew J. Ward**  
email: [mattwardgolf@hotmail.com](mailto:mattwardgolf@hotmail.com)

### City Manager

**Albert Greco**  
[agreco@cliftonnj.org](mailto:agreco@cliftonnj.org)  
(973) 470-5263

## ! Important Notices

03/17/10 - 21st Annual Child Health & Safety Fair

03/15/10 - Health Dept - Flooding & Power Outage Information

03/12/10 - Call for Artists!

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## news & highlights

- 03/12/10 - March 26th, 2010 - Chief Swearing in Ceremony
- 12/16/09 - H1N1 Clinics are Now Open to the General Public
- 12/15/09 - H1N1 Statement from John E. Biegel, III, MA, Health Officer

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# New Jersey Libertarian Party

Open Government Advocacy Project

*John Paff, Chairman*

*P.O. Box 5424*

*Somerset, NJ 08875-5424*

*Phone: 732-873-1251 - Fax: 908-325-0129*

*Email: [lpsmc@pobox.com](mailto:lpsmc@pobox.com)*

March 19, 2010

Hon. James Anzaldi, Mayor and members of the  
Clifton City Council  
900 Clifton Ave  
Clifton, NJ 07013

(via e-mail only to [agrec@cliftonnj.org](mailto:agrec@cliftonnj.org))

Dear Mayor Anzaldi and Council Members:

I write both individually and in my capacity as Chairman of the New Jersey Libertarian Party's Open Government Advocacy Project to learn whether Clifton has an e-mail retention policy that will ensure that official e-mails are retained and archived consistent with State guidelines.

This inquiry was prompted by my visit to Clifton's Internet site<sup>1</sup> today where I noticed that the e-mail addresses listed for the Council members appear to be personal rather than "municipal" e-mail addresses. Those addresses are listed on-line as:

Councilman Joseph S. Cupoli	<a href="mailto:joecupoli@optonline.net">joecupoli@optonline.net</a>
Councilman Peter C. Eagler	<a href="mailto:petereagler@yahoo.com">petereagler@yahoo.com</a>
Councilman Frank C. Fusco	<a href="mailto:fcfusco@optonline.net">fcfusco@optonline.net</a>
Councilman Steven Hatala, Jr.	<a href="mailto:hatalagoyankees@aol.com">hatalagoyankees@aol.com</a>
Councilwoman Gloria J. Kolodziej	<a href="mailto:convnoamer@aol.com">convnoamer@aol.com</a>
Councilman Matthew J. Ward	<a href="mailto:mattwardgolf@hotmail.com">mattwardgolf@hotmail.com</a>

Compare the Clifton Council's on-line e-mail directory to Vineland's<sup>2</sup>. If you click on the e-mail link for any of the Vineland City Council members, you'll be given their "Vinelandcity.org" address, which is part of the municipality's domain rather than a personal e-mail address.

Clifton's policy concerns me because it leaves open the possibility that the Council may be sending and receiving e-mails that are "government records" in accordance with the

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<sup>1</sup> <http://www.CliftonCity.com/government.php>

<sup>2</sup> <http://www.vinelandcity.org/Government.htm>

Open Public Records Act (OPRA)<sup>3</sup> but which are not being properly retained and archived by the City administration.

For example, Councilman Ward is apparently sending and receiving official e-mails from his personal Hotmail account. Suppose that Mr. Ward, after his term expires, relocates out of state and that six months after his relocation a citizen requests some e-mails that Mr. Ward sent and received during 2010 that dealt with municipal business.

In such a case, would the City Clerk be able to produce the requested e-mails from the City's own files, or would she need to track down former Councilman Ward and ask him to produce the e-mails from his own files in order to satisfy the records request? If it's the latter, then what would the City Clerk do if former Mr. Ward's computer had since crashed or if the e-mails were otherwise not available?

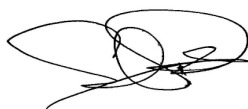
Vineland wouldn't have this problem because e-mails that are sent or received by Vinelandcity.com e-mail addresses are presumably preserved on the City's server. So, Vineland's clerk could retrieve any requested e-mails from the City's server without having to contact the Councilmember who sent or received those e-mails.

As you are probably aware, Clifton must comply with the New Jersey Division of Archives and Records Management's "Circular Letter No. 03-10-ST" entitled, "Managing Electronic Mail: Guidelines And Best Practices"<sup>4</sup> which, among other things, makes the City responsible for a) archiving e-mails and ensuring that the e-mail system is reliable enough to meet state and federal "Rules of Evidence" requirements (Sec. 2.6); b) ensuring that e-mails are "indexed in an organized and consistent pattern" (Sec. 2.7); and c) setting forth "agency procedures" so that employees can "understand and carry out their role in managing e-mail." (Sec. 2.8).

Since it appears that Clifton's Council members are likely communicating official business via their personal e-mail accounts, I am having difficulty understanding how the City is compliant with the Circular Letter.

Thank you for your attention to this matter. I look forward to hearing from you.

Sincerely,

A handwritten signature in black ink, appearing to read "John Paff", with a stylized flourish at the end.

John Paff

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<sup>3</sup> E-mails on an elected official's personal computer are government records subject to disclosure under the Open Public Records Act. See Donal Meyers v. Borough of Fair Lawn, GRC Case No. 2005-127 at <http://www.nj.gov/grc/decisions/2005-127.html>

<sup>4</sup> See, <http://www.njarchives.org/links/circular-letter-03-10-st.html>



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## City Council

### Mayor

**James Anzaldi**  
email: [janzaldi@cliftonnj.org](mailto:janzaldi@cliftonnj.org)  
  
900 Clifton Avenue  
Clifton, NJ 07013 (973) 470-5757

### Municipal Council

**Councilman Joseph S. Cupoli**  
email: [jcupoli@cliftonnj.org](mailto:jcupoli@cliftonnj.org)

**Councilman Peter C. Eagler**  
email: [peagler@cliftonnj.org](mailto:peagler@cliftonnj.org)

**Councilman Frank C. Fusco**  
email: [ffusco@cliftonnj.org](mailto:ffusco@cliftonnj.org)

**Councilman Steven Hatala, Jr.**  
email: [shatala@cliftonnj.org](mailto:shatala@cliftonnj.org)

**Councilwoman Gloria J. Kolodziej**  
email: [gkolodziej@cliftonnj.org](mailto:gkolodziej@cliftonnj.org)

**Councilman Matthew J. Ward**  
email: [mward@cliftonnj.org](mailto:mward@cliftonnj.org)

### City Manager

**Albert Greco**  
[agreco@cliftonnj.org](mailto:agreco@cliftonnj.org)  
(973) 470-5263

### Important Notices

- 04/19/10 - Bid for Decontamination Apparatus
- 04/12/10 - March 2010 Storm Disaster Recovery Information
- 03/26/10 - Attn: Businesses! Recycling Report Due March 30th, 2010

[view all notices](#)

### news & highlights

- 12/16/09 - H1N1 Clinics are Now Open to the General Public
- 12/15/09 - H1N1 Statement from John E. Biegel, III, MA, Health Officer
- 09/15/09 - TV's, Computers and all Electronics Must be Recycled

[view all](#)



# New Jersey Libertarian Party

Open Government Advocacy Project

*John Paff, Chairman*

*P.O. Box 5424*

*Somerset, NJ 08875-5424*

*Phone: 732-873-1251 - Fax: 908-325-0129*

*Email: [lpasmc@pobox.com](mailto:lpasmc@pobox.com)*

April 19, 2010

Hon. James Anzaldi, Mayor and members of the  
Clifton City Council  
900 Clifton Ave  
Clifton, NJ 07013

(via e-mail only to [agreco@cliftonnj.org](mailto:agreco@cliftonnj.org))

Dear Mayor Anzaldi and Council Members:

I write both individually and in my capacity as Chairman of the New Jersey Libertarian Party's Open Government Advocacy Project to follow up on our March 19, 2010 letter and my telephone conversation today with City Manager Albert Greco.

From speaking with Mr. Greco, I was pleased to learn that the City has, in response to our March 19, 2010 request, assigned an official "cliftonnj.org" e-mail address to each of you. Thank you very much for taking this positive step.

While speaking with Mr. Greco, however, I came to understand that while each of you now possesses an official City e-mail address, there is no rule or policy in place that *requires* you to use that address for official correspondence. In other words, it appears that if Councilwoman Kolodziej, for example, elected to continue sending and receiving official e-mails at her personal address (i.e. [convnoamer@aol.com](mailto:convnoamer@aol.com)) instead of her new, official address (i.e. [gkolodziej@cliftonnj.org](mailto:gkolodziej@cliftonnj.org)), this would not offend any city rule or policy.

If this is true, then any official e-mails sent or received by Councilwoman Kolodziej at her "aol.com" address would not be backed up on the City's server and would not be readily available to the Clerk to fulfill an OPRA request for those e-mails. In sum, while assigning an official e-mail address to each elected official partially resolves the record retention concerns set forth in my March 19, 2010 letter, those concerns will not be completely resolved unless and until Clifton adopts a rule requiring all official e-mails to be sent and received exclusively using the City's official e-mail addresses.

Enclosed is a September 3, 2009 letter I received from the Clerk of the City of Margate in Atlantic County after I had raised a similar concern there. As you can see, Margate agreed to "[amend] its *Policies & Procedures Manual* to require City officials to use their "margate-nj.com" address for all official e-mails."

Would the City of Clifton be willing to make a similar amendment to its rules and policies?

Thank you for your attention to this matter. I look forward to hearing from you.

Sincerely,

A handwritten signature in black ink, appearing to be 'John Paff', written in a cursive style.

John Paff



THOMAS D. HILTNER, R.M.C., C.T.C.  
CITY CLERK AND TAX COLLECTOR

OFFICE OF CITY CLERK AND TAX COLLECTOR

MUNICIPAL BUILDING

1 SOUTH WASHINGTON AVENUE  
MARGATE CITY, NEW JERSEY 08402  
(609) 822-2605  
FAX (609) 487-1142

September 3, 2009

John Paff  
PO Box 5424  
Somerset, NJ 08875-5424

Re: City E-mail Policy


Dear Mr. Paff:

Thank you for your letter of August 31, 2009. Please be advised that all Margate City employees, whose jobs require the use of a computer, have "margate-nj.com" e-mail addresses. Commencing September 8, 2009, Mayor Becker as well as Commissioners Blumberg and Campbell will use their "margate-nj.com" e-mail for all official business.

Please be further advised that the City is in the process of amending its *Policies & Procedures Manual* to require City officials to use their "margate-nj.com" address for all official e-mails.

Thank you for your time and attention to this matter.

Very truly yours,

  
Thomas D. Hiltner, RMC  
City Clerk

TDH:raf