

**RESPONSE TO RECORDS REQUESTED BY EMAIL OF MR. JOHN PAFF,  
December 23, 2015, 2:05 p.m.**

1. All e-mails which were a) sent or received by Administrator James Mallon's personal e-mail address ([jmallon80@hotmail.com](mailto:jmallon80@hotmail.com)), b) contains the phrase "drug and alcohol" within the subject line and c) was sent or received between noon on July 20, 2015 and noon on July 25, 2015.

*Mr. Mallon personally reviewed his emails for documents responsive to the request. Attached please find three (3) emails that have been redacted.*

- (1) Monday, July 20, 2015 from Labor Counsel, Mark Ruderman to Mr. Mallon*
- (2) Thursday, July 23, 2015 from Mr. Mallon to Labor Counsel, Mark Ruderman*
- (3) Friday, July 24, 2015 from Labor Counsel, Mark Ruderman, to Mr. Mallon*

*The contents of these emails are exempt under OPRA because they are attorney-client privileged materials and because they concern collective negotiations. (see NJSA 47:1A-1.1) Additionally, the contents of these emails would not be disclosable under the Common Law Right of Access. A citizen has a common-law right to inspect public documents if (1) they are public records, (2) the citizen has the requisite interest to inspect the records, and (3) the interest in disclosure outweighs the need for confidentiality. Shuttleworth v. City of Camden, 258 N.J. Super. 573, 582 (App. Div. 1992); Paff v. Office of Attorney Ethics, 399 N.J. Super. 632, 645 (Law Div. 2007), citing Keddie v. Rutgers, 148 N.J. 36, 50 (1997) None of these criteria exists here.*

2. All e-mails which were a) sent by Administrator James Mallon's city ([ocnj.us](http://ocnj.us)) e-mail address, b) sent to any one or more members of the Ocean City municipal governing body, c) sent between 9 a.m. on November 25, 2015 and 7 p.m. on December 3, 2015 and d) dealt with City business.

*See attached search request performed by the City of Ocean and the December 2, 2015 Email responsive to your request from Mr. Mallon to Councilman Antwan McClellan, Financial Director Frank Donato and Mayor Jay Gillian.*

3. All e-mails which were a) sent by Administrator James Mallon's personal e-mail address ([jmallon80@hotmail.com](mailto:jmallon80@hotmail.com)), b) sent to any one or more members of the Ocean City municipal governing body, c) sent between 9 a.m. on November 25, 2015 and 7 p.m. on December 3, 2015 and d) dealt with City business.

*Mr. Mallon personally reviewed his emails for documents responsive to this request and no documents responsive to this request exist.*

4. The version of the "Computer Conduct, Information, Security and Social Networking" that contains Mr. Mallon's confirming that he read and understood it.

***See attached revised 2014 policy on Computer Conduct, Information, Security and Social Networking, which Mr. Mallon acknowledged receiving on May 29, 2014.***

***In response to your bringing this concern to our attention, the appointing authority has taken action reasonably calculated to insure that the City's policy will not be violated by the individuals involved in the future.***

Signed: *Sheila Cottrell*  
Sheila Cottrell, RMC  
Deputy City Clerk

Dated: January 4, 2016

**RESPONSE TO REQUEST #1**

## Fwd: Ocean City - Drug/Alcohol Policy

msrredrudi@aol.com

Mon 7/20/2015 8:26 PM

To: jmallon80@hotmail.com <jmallon80@hotmail.com>;

-----Original Message-----

From: Craig Gumpel <cgumpel@csgumpellaw.com>

To: Mark Ruderman (mruderman@rhelaborlaw.com) <mruderman@rhelaborlaw.com>

Cc: John Murphy <ocfd160@comcast.net>; Lisa Cuffari <lcuffari@csgumpellaw.com>

Sent: Mon, Jul 20, 2015 1:54 pm

Subject: Ocean City - Drug/Alcohol Policy

**Craig S. Gumpel, Esq.**

Law Offices of Craig S. Gumpel LLC

1447 Campbell Street

Rahway, New Jersey 07065-3212

Telephone: (732) 215-4252 | Fax: (732) 215-4255

[cgumpel@csgumpellaw.com](mailto:cgumpel@csgumpellaw.com) | [www.csgumpellaw.com](http://www.csgumpellaw.com)

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RE: City of Ocean City Fire Department Mandatory Drug and Al... - James Mallon

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RE: City of Ocean City Fire Department Mandatory Drug and Alcohol Testing Policy

James Mallon

Thu 7/23/2015 9:54 PM

To: Mark Ruderman [mruderman@rhelaborlaw.com](mailto:mruderman@rhelaborlaw.com) <[mruderman@rhelaborlaw.com](mailto:mruderman@rhelaborlaw.com)>; [cbreunig@bcnj.us](mailto:cbreunig@bcnj.us) <[cbreunig@bcnj.us](mailto:cbreunig@bcnj.us)>;

Cc: 'Michael Dattilo' [dattilomichael@gmail.com](mailto:dattilomichael@gmail.com) <[dattilomichael@gmail.com](mailto:dattilomichael@gmail.com)>;



Fwd: Ocean City - Drug and Alcohol policy

msrredrudi@aol.com

Fri 7/24/2015 7:10 PM

To: jmallon80@hotmail.com <jmallon80@hotmail.com>; cbreunig@comcast.net <cbreunig@comcast.net>;

-----Original Message-----

From: Craig Gumpel <cgumpel@csgumpellaw.com>

To: Mark Ruderman (mruderman@rhelaborlaw.com) <mruderman@rhelaborlaw.com>

Cc: John Murphy <ocfd160@comcast.net>; Lisa Cuffari <lcuffari@csgumpellaw.com>

Sent: Fri, Jul 24, 2015 3:02 pm

Subject: Ocean City - Drug and Alcohol policy

Regards,

**Craig S. Gumpel, Esq.**

Law Offices of Craig S. Gumpel LLC

1447 Campbell Street

Rahway, New Jersey 07065-3212

Telephone: (732) 215-4252 | Fax: (732) 215-4255

[cgumpel@csgumpellaw.com](mailto:cgumpel@csgumpellaw.com) | [www.csgumpellaw.com](http://www.csgumpellaw.com)

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**RESPONSE TO REQUEST #2**

<input type="checkbox"/>	Email	<input type="checkbox"/>	From	<input type="checkbox"/>	contains	<input type="checkbox"/>	imallon	<input type="checkbox"/>	AND
<input type="checkbox"/>	Email	<input type="checkbox"/>	Date	<input type="checkbox"/>	on or after	<input type="checkbox"/>	2015-1-26	<input type="checkbox"/>	AND
<input type="checkbox"/>	Email	<input type="checkbox"/>	Date	<input type="checkbox"/>	on or before	<input type="checkbox"/>	2015-12-03	<input type="checkbox"/>	AND
<input type="checkbox"/>	Email	<input type="checkbox"/>	To/Cc	<input type="checkbox"/>	contains	<input type="checkbox"/>	ocnjl.us	<input type="checkbox"/>	

Search

Basic



**James V. Mallon**

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**From:** James V. Mallon  
**Sent:** Wednesday, December 02, 2015 4:41 PM  
**To:** Antwan McClellan; Frank Donato; Jay A. Gillian  
**Subject:** RE: North End Pump Station, OCNJ

Councilman – we have requested that the engineer from PS&S look into alternate discharge points, specifically the Bayside Center.

James V. Mallon  
Business Administrator

City of Ocean City, NJ  
861 Asbury Avenue  
Ocean City, NJ 08226  
Phone: 609-525-9333  
Fax: 609-525-0301  
e-mail: [jmallon@ocnj.us](mailto:jmallon@ocnj.us)

Come Visit US online... [www.ocnj.us](http://www.ocnj.us)

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**From:** Antwan McClellan  
**Sent:** Wednesday, December 02, 2015 4:31 PM  
**To:** James V. Mallon; Frank Donato; Jay A. Gillian  
**Subject:** Fwd: North End Pump Station, OCNJ

Good Afternoon Gentlemen,

Please see below and advise. Thank you

Happy Connecting. Sent from my Sprint Samsung Galaxy S® 5 Sport

----- Original message -----  
**From:** [jblackburn@wispearl.com](mailto:jblackburn@wispearl.com)  
**Date:** 12/02/2015 4:23 PM (GMT-05:00)  
**To:** [amcclellan@ocnj.us](mailto:amcclellan@ocnj.us)  
**Subject:** North End Pump Station, OCNJ

Councilman McClellan,

My name is Joseph Blackburn, and my wife and I own property located at 600 Pleasure Ave., OCNJ. I would first like to thank you for taking the initiative to inform members of your ward about the informational meeting that was held on November 14, 2015, with respect to the North End Pump Station project. Had it not been for you, a good number of the residents directly impacted by the proposed pump station would not have known about the meeting.

I attended the meeting and had the opportunity to ask a few pointed questions relative to the sediment and pollutant consolidation and discharge at the 6<sup>th</sup> Street bulkhead. I think you would agree that a sizable portion of the concerns expressed during the meeting were with respect to these issues, especially in light of the fact that the point of discharge is proposed to be amidst such a densely populated residential area. Having expressed these concerns, the City representatives "running" the meeting (whose names escape me) assured the attendants that alternative locations for the point of discharge would be explored.

As an attorney focusing my practice in the area of municipal representation, I am all too aware of both the political and bureaucratic difficulties in changing the course of such a large project, especially when grant monies are in play. With that being said, I must again ardently stress my sincere concerns that the location of this consolidated point of discharge will have an extremely detrimental impact on the health, safety and welfare of the densely populated residential area around the 6<sup>th</sup> Street bulkhead. I have already expressed these concerns to the NJDEP.

With all that beings said, my question to you now is whether that "exploration" of possible alternate discharge points has taken place in earnest? If so, can you please provide me with the status of the same? I thank you in advance for your time and attentiveness to this matter. I look forward to hearing from you.

Regards,

Joe

Joseph M. Blackburn, Esquire

Wisler Pearlstine, LLP

Blue Bell Executive Campus  
460 Norristown Road, Suite 110  
Blue Bell, PA 19422-2323  
Telephone: (610) 825-8400  
Facsimile: (610) 828-4887

[iblackburn@wispearl.com](mailto:iblackburn@wispearl.com)  
<http://www.wislerpearlstine.com/>

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**RESPONSE TO REQUEST #4**