



Borough of Hightstown

156 Bank Street, Hightstown, NJ 08520
(609) 490-5100 Fax: (609) 371-0267

Website: www.hightstownborough.com

April 9, 2024

Via email only (opra+request-59924-d1d59f16@requests.opramachine.com)
Charlie Kratovil

Re: Open Public Records Act/Common Law Records Request

Dear Mr. Kratovil:

The Borough of Hightstown Official Records Custodian received your request for records pursuant to the Open Public Records Act (OPRA) and the New Jersey common law right of access via email, dated March 25, 2024, on March 26, 2024. Accordingly, the initial seven (7) business day deadline to respond to your request under OPRA was April 5, 2024. We responded to your request on April 3, 2024, the fifth business day after receipt of your request, providing fifty-six (56) pages of responsive records.

By emails dated April 7, 2024, received on April 8, 2024, you replied as follows:

Dear Madame Clerk,
I believe the petitions are supposed to be available for inspection, without redaction, per N.J.S. § 19:13-11. Please provide unredacted copies of the records. Thank you kindly.

Dear Madame Clerk,
My apologies for the error. The statute I should have cited is N.J. Stat. § 19:13-9.

After consultation with the Borough OPRA attorney, our response is as follows.

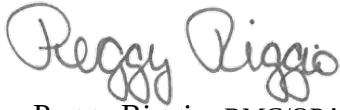
N.J.S.A. 19:13-9 provides in relevant part that “[a]ll petitions when filed shall be open under proper regulations for public inspection.” It does not provide for release of personal identifying information not required to be included on the petition. The personal telephone numbers redacted from the responsive records are information not required to be in the petitions and have been redacted for the following reasons:

Privacy/Personal Information. Part(s) of the identified record(s) containing information for which identified persons have a reasonable expectation of privacy have been redacted. N.J.S.A. 47:1A-1; Executive Order No. 21 (McGreevey 2002); *Paff v. Ocean County Prosecutor’s Office*, 235 N.J. 1 (2018); *Brennan v. Bergen County Prosecutor’s Office*, 233 N.J. 330 (2018); *In the Matter of the New Jersey State Fireman’s Association*, 230 N.J. 258 (2017); *Burnett v. County of Bergen*, 198 N.J. 408 (2009); *Rise Against Hate v. Cherry Hill Township*, slip op., Docket Nos. A-3421-20, A-1440-21, A-1517-21 (App. Div. March 29, 2023); *North Jersey Media Group, Inc. v. Bergen County Prosecutor’s Office*, 447 N.J. Super. 182 (App. Div. 2016); *North Jersey Media Group, Inc. v. Township of Nutley*, slip op., Docket No. A-3483-

14T3 (App. Div. September 30, 2016); *Nelson v. N.J. Department of Law & Public Safety*, No. 2013-124 (GRC 2014); *Merino v. Borough of Ho-Ho-Kus*, No. 2003-110 (GRC 2004).

If your request for access to a government record has been denied or unfilled within the seven (7) business days required by law, you have a right to challenge the decision by the Borough of Hightstown to deny access. At your option, you may either institute a proceeding in the Superior Court of New Jersey or file a complaint with the Government Records Council (GRC) by completing the Denial of Access Complaint Form. You may contact the GRC by toll-free telephone at 866-850-0511, by mail at P.O. Box 819, Trenton, NJ, 08625, by e-mail at grc@dca.state.nj.us, or at their web site at www.state.nj.us/grc. The GRC can also answer other questions about the law. All questions regarding complaints filed in Superior Court should be directed to the Court Clerk in your County.

Sincerely,

A handwritten signature in dark ink, reading "Peggy Riggio". The signature is written in a cursive, flowing style.

Peggy Riggio, RMC/QPA/CMR
Borough Clerk/Purchasing Agent/Registrar