

MAYOR

Denice DiCarlo

TOWNSHIP COMMITTEE

Megan Kerr

James Mehaffey

Adam Reid

Jim Robinson

**WEST DEPTFORD TOWNSHIP****Municipal Building**

400 Crown Point Road
West Deptford, New Jersey 08086
Phone (856) 845-4004

Township Administrator

Lee Ann DeHart

Chief Finance Officer

Michael Kwasizur

Registered Municipal Clerk

Lee Ann DeHart

April 19, 2021

Via email only (opra+request-21599-4ad052ea@requests.opramachine.com)

Anonymous

Re: Open Public Records Act/Common Law Request

Dear Anonymous:

The West Deptford Township Records Custodian received your request for records pursuant to the Open Public Records Act (OPRA) and the New Jersey common law right of access on April 8, 2021. Accordingly, the initial seven (7) business day deadline to respond to your request under OPRA is April 19, 2021. This response is being provided on the seventh business day after receipt of your request.

Your records request was as follows:

From: Anonymous <opra+request-21599-4ad052ea@requests.opramachine.com>
Sent: Thursday, April 8, 2021 5:36 AM
To: Lee Ann DeHart <DeHart@westdeptford.com>
Subject: OPRA request - 66 W First Ave

Dear West Deptford Township,

This is a request for public records made under OPRA and the common law right of access. I am not required to fill out an official form. Please acknowledge receipt of this message.

Records requested:

Copies CAD reports with narratives from 1/1/2000 to 12/31/2005 for 66 W First Ave (aka First Ave, 1st Ave, etc).

Yours faithfully,

Anonymous

A search of our available records has identified the following as responsive to your request:

05/27/05 CAD Activity Detail 05-011514

Response to Common Law Request

The common law right to access public records depends on three requirements: (1) the records must be common law public documents, *Nero v. Hyland*, 76 N.J. 213, 222 (1978); (2) the person seeking access must "establish an interest in the subject matter of the material," *South Jersey Publishing Co. v. New Jersey Expressway Auth.*, 124 N.J. 478, 487 (1991); and (3) the citizen's right to access "must be balanced against the State's interest in preventing disclosure." *Loigman v. Kimmelman*, 102 N.J. 98 (1986).

After consultation with the Township Solicitor, we have determined that you have failed to establish a proper interest in the requested records. Your request is therefore denied.

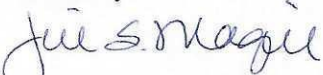
Response to OPRA Request

A copy of the identified CAD Activity Detail Report is enclosed. Please note that, after consultation with the Township Solicitor, this record has been redacted as follows:

Privacy/Personal Information. Portions 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); *North Jersey Media Group 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 Township of West Deptford Clerk's office 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,



Jill S. Magill, RMC

Deputy Clerk

jmagill@westdeptford.com

856-845-4004 ext. 174

**CAD Activity Detail Report**

Printed On: 04/09/21 13:16

West Deptford Township**05-011514 66 W First Ave, Acf;T****Investigation (INVE)****Reported : 05/27/2005 21:13:21****Prime Unit : 4125****Priority : 5****Call Taker : System, Admin****Stacked : 21:13:21****Dispatcher : System, Admin****Dispatched : 21:14:35****Case# :****Arrived : 21:23:49****Finished : 21:30:43****Disposition : N****Notes**

Date	Unit	Notes	PF
05/27/2005 00:00:00		Officer 1: RP4125 - PENNEY, RICHARD	
05/27/2005 00:00:03		Type: CALL Last Name: [REDACTED] First Name: [REDACTED] Address: 66 W FIRST AVE Phone: [REDACTED]	
05/27/2005 00:00:32		OPEN FIRE IN BACK YARD//ACROSS FROM	
05/27/2005 00:00:33		CALLER FROM 64 WANTS TO SPEAK TO OFFICER	
05/27/2005 00:00:38		Information on the units assigned to the call follows.	
05/27/2005 00:00:39		Unit#: P4125 Radio#: 000 Ofcr 1: RP4125 Ofcr 2: RP4125	
05/27/2005 00:00:40		DSP: 05/27/05 21:14 ARV: 05/27/05 21:23 CLR: 05/27/05 21:30	
05/27/2005 00:00:41		NO PROBLEM OUT AT THE RESIDENCE. 21:30:41	
05/27/2005 00:00:42		PADUKES CHANGED LOCTN FROM 66,W,FIRST,AVE,, 21:14:29	
05/27/2005 00:00:43		PADUKES CHANGED ADDITIONAL INFORMATION 21:14:29	

Units

Unit	Unit Time	Activity	Officer	Dispatcher	Disposition
4125	05/27/05 21:14:35	DSP	RP4125		
4125	05/27/05 21:22:07	ENR	RP4125		
4125	05/27/05 21:23:49	ASP	RP4125		
4125	05/27/05 21:30:43	CAP	RP4125		



CAD Activity Detail ReportPrinted On: 04/09/21 13:16

Summary

Dispatched To 64 W. First Ave. For An Open Burn Complaint. On arrival Spoke With [REDACTED] Who Advised That Her Neighbor had A Fire Burning and That She Was Tired Of Them Getting Away With everything. She Advised That She Will Keep Calling Until They Dont light The Fire Anymore. I Advised Her That If The Fire Was Controlled there Would Be No Problem As Long As It Does Not Get Out Of Control. at That Time [REDACTED] Became Upset and Advised That We Woundnt Do anythingbecause Of Who She Is and The Problems We Had With Her Son In law [REDACTED] At That Time I Then Went To The Neighbors Home of 69 W. First Ave. and Spoke With [REDACTED]. She Advised Me That The fore Was Controlled and Her Young Daughter Was Roasting Marshmallows. i Observed The Fire To Be In A Small Metal Pit With Mesh Side and A solid Cover Top. There Was No Risk For Any Large Fire. She Was advised To Put The Fire Out For The Night. No Further Action At This time. Ptl.penny #4125 Dispatched To 64 W. First Ave. For An Open Burn Complaint. On arrival Spoke With [REDACTED] Who Advised That Her Neighbor had A Fire Burning and That She Was Tired Of Them Getting Away With everything. She Advised That She Will Keep Calling Until They Dont light The Fire Anymore. I Advised Her That If The Fire Was Controlled there Would Be No Problem As Long As It Does Not Get Out Of Control. at That Time [REDACTED] Became Upset and Advised That We Woundnt Do anythingbecause Of Who She Is and The Problems We Had With Her Son In law [REDACTED] At That Time I Then Went To The Neighbors Home of 69 W. First Ave. and Spoke With [REDACTED]. She Advised Me That The fore Was Controlled and Her Young Daughter Was Roasting Marshmallows. i Observed The Fire To Be In A Small Metal Pit With Mesh Side and A solid Cover Top. There Was No Risk For Any Large Fire. She Was advised To Put The Fire Out For The Night. No Further Action At This time. Ptl.penny #4125