

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
Lyman Barnes

Chief Finance Officer
Christine Greenwood

Registered Municipal Clerk
Lee Ann DeHart

April 16, 2018

Anonymous
opra+request-1412-bbe9d188@requests.opramachine.com

Re: Open Public Records Act/Common Law Records Request

Dear Anonymous:

The West Deptford Township Clerk's Office received your request for records pursuant to the Open Public Records Act (OPRA) and New Jersey common law on April 9, 2018. The official Records Custodian, Amy Leso, RMC, received your OPRA request on April 9, 2018. As such, the seven (7) business day deadline to respond to your request is April 18, 2018. This response is being provided on the 5th business day following receipt of your request.

Your records request sought access to the following:

"Records requested: Copies of all e-mails both sent and received by the following police department officials using their Township e-mail addresses:

Samuel DiSimone

Please include all e-mails sent and received (that are able to be disclosed pursuant to NJSA 47:1A) from April 14, 2017 to April 21, 2017."

A search of our available records has identified over 241 records which are within the scope of your request.

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.

Response to OPRA Request

OPRA allows public agencies to impose special service charges whenever the nature, format, manner of collation, or volume of a government record embodied in the form of printed matter to be inspected, examined, or copied pursuant to this section is such that the record cannot be reproduced by ordinary document copying equipment in ordinary business size or when fulfilling a request requires an extraordinary expenditure of time and effort. *See* N.J.S.A. 47:1A-5.c.

Special service charges must be based upon the actual direct cost of providing the copy or copies. OPRA mandates that the requestor shall have the opportunity to review and object to the charge prior to it being incurred. *See* N.J.S.A. 47:1A-5.c.

In order to further process your request, it will be necessary to identify, locate, and review the contents of the files, copy the requested records, and then review the records to determine whether any redactions are necessary prior to their release. The following is the estimated special service charge for your request:

lowest level employee capable of fulfilling the request	Amy Leso
direct hourly rate (minus fringe benefits)	\$18.00
number of hours anticipated to complete request	2
solicitor review hourly rate	\$175.00
number of hours anticipated for solicitor review	0.67
total estimated special service charge	\$153.25
deposit required	\$76.63

Please note that this estimated charge does not include any applicable copying charges. In order to proceed with fulfilling your request, we require a deposit in the amount of \$76.63, representing one-half of the total estimated special service charge for your request.

Kindly respond in writing with your acceptance or rejection of the estimated charges for each category of records set forth above. We will not begin to further process this request until we receive your written acceptance. If you reject the estimated charges and you wish to challenge the special service charges, you have a right to challenge the decision. 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,



Amy Leso, RMC

West Deptford Township Clerk's Office

lesoa@westdeptford.com

856-845-4004 ext. 129