

**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 4, 2018

Anonymous  
[opra+request-1351-4adc2a98@requests.opramachine.com](mailto:opra+request-1351-4adc2a98@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 March 27, 2018. The official Records Custodian, Amy Leso, RMC, received your OPRA request on March 27, 2018. As such, the seven (7) business day deadline to respond to your request is April 6, 2018. This response is being provided on the 5<sup>th</sup> 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 June 1, 2017 to June 30, 2017."*

A search of our available records has identified over 929 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         | 7.7      |
| solicitor review hourly rate                            | \$175.00 |
| number of hours anticipated for solicitor review        | 2.5      |
| total estimated special service charge                  | \$576.10 |
| deposit required                                        | \$288.05 |

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 \$288.05, 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](mailto:grc@dca.state.nj.us), or at their web site at [www.state.nj.us/grc](http://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](mailto:lesoa@westdeptford.com)  
856-845-4004 ext. 129