



TOWNSHIP MANAGER
JOSEPH M. ZICHELLI, ESQ.

MUNICIPAL CLERK
DALE A. FORDE

August 1, 2023

VIA E-MAIL jopra+request-48920-01bd126a@requests.opramachine.com

Nathan Stallone

Re: Open Public Records Act Request dated July 24, 2023

Dear Mr. Stallone:

The Township of Cedar Grove ("Township") records custodian received your Open Public Records Act ("OPRA") request on July 24, 2023. The seven business day deadline to respond to your OPRA request is August 2, 2023. As such, the Township is timely responding to your request in accordance with New Jersey law.

Your OPRA request seeks the following records:

- A list of all property addresses that have an unpaid property tax bill. Please also include in the list or separately a list of properties whose property tax bill was lien against the property.
- A list of all property addresses that have had their water bill lien against the property, have failed to pay their water bill, or have had the water shut off at any point.

The Township conducted a good-faith search and identified 17 pages of records as potentially responsive. However, please be advised that the Township is withholding these records as it is the Township's position that releasing any records that reflect unpaid tax bills and/or water bills would violate residents' reasonable expectation of privacy. See N.J.S.A. § 47:1A-1 (providing that a public agency has a responsibility and an obligation to safeguard from public access a citizen's personal information with which it has been entrusted when disclosure thereof would violate the citizen's reasonable expectation of privacy). The Township's residents clearly have a reasonable expectation of privacy with respect to their accounts and their potential inability to pay same that outweighs your alleged right to access such information. See In re N.J. Firemen's Ass'n Obligation, 230 N.J. 258, 280 (2017) (determining that the potential harm that could be created by the release of an applicant's financial information is unlimited, and that the release of such information would likely create a chilling effect among applicants for fear that the information may be subject to public scrutiny); see also Executive Order 26 (McGreevey, 2002) (exempting "information describing a natural person's finances, income, assets, liabilities, net worth, bank balances, financial history or activities, or creditworthiness" from the definition of a

“government record”). Accordingly, the Township is legally precluded from providing any records relating to delinquent property tax and/or water accounts to you.

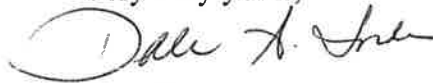
Moreover, please note that OPRA exempts following information from public access:

[T]hat portion of any document which discloses the home address, whether a primary or secondary residence, **of any active, formerly active, or retired judicial officer, prosecutor, or law enforcement officer, or, as defined in section 1 of P.L.2021, c. 371 (C.47:1B-1), any immediate family member thereof;** except for use by any government agency, including any court or law enforcement agency, in carrying out its functions, or any private person or entity acting on behalf thereof, or any private person or entity seeking to enforce payment of court-ordered child support; except with respect to the disclosure of driver information by the New Jersey Motor Vehicle Commission as permitted by section 2 of P.L.1997, c. 188 (C.39:2-3.4).

N.J.S.A. § 47:1A-1.1 (emphasis added). The Township is unable to conclusively determine precisely which residents would satisfy the above, and thus it is further withholding the responsive materials as a precautionary measure to ensure that such addresses are not unlawfully released.

Your OPRA request is now deemed answered and closed. Thank you for your attention to this matter.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Dale Forde", written over a horizontal line.

Dale Forde
Township Clerk