

BOROUGH OF GLASSBORO

KAREN COSGROVE, RMC/CMR
Borough Clerk
Phone: 856-881-9230 ext. 88144
kcosgrove@glassboro.org

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Deputy Borough Clerk
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"Summit City USA"

BOROUGH CLERK'S OFFICE
1 South Main Street
Glassboro, N.J. 08028-2592
Fax: 856-881-4248

Borough of Glassboro Website
www.glassboro.org

March 10, 2021

Via email only (opra+request-20619-81c02a0e@requests.opramachine.com)

Jordan Santiago

Re: Open Public Records Act/Common Law Records Request

Dear Mr. Santiago:

The Borough of Glassboro Records Custodian received your request for records pursuant to the Open Public Records Act (OPRA) and the New Jersey common law right of access, dated February 25, 2021, on March 1, 2021. Accordingly, the initial seven (7) business day deadline to respond to your request under OPRA is March 10, 2021. This response is being provided on the seventh business day after receipt of your request.

Your records request was as follows:

From: Jordan Santiago <opra+request-20619-81c02a0e@requests.opramachine.com>
Sent: Thursday, February 25, 2021 4:38 PM
To: Karen Cosgrove <KCosgrove@glassboro.org>
Subject: OPRA request - Property Records

Dear Glassboro Borough,

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:

1. A list of all residential vacant land, single family, and multifamily properties that are delinquent on their taxes, behind 1-3 years from today. Please include balance owed, address, and owner name.
2. A list of all residential single family, and multi family properties with code violations on them for the last 3 months from today. Address, and owner name provided please.
3. A list of all residential single family and multi family properties that are delinquent on their utilities. Address, owner name, and balance owed provided please.
4. A list of all residential single family and multi family properties that are flagged abandoned.
5. A list of all residential single family and multi family properties that are fire damaged in the past month.

Yours faithfully,

Jordan Santiago

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 Borough Solicitor, we have concluded that you have failed to identify identified a proper interest in the requested record(s). Your common law request is therefore denied. *Loigman v. Kimmelman*, 102 N.J. 98 (1986).

Response to Request Nos. 1, 2, 3 and 5

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

Santiago-OPRA (tax and utility)
Santiago-OPRA (utility)
Santiago-OPRA (Glassboro Health & Housing records)
Santiago-OPRA (Glassboro Fire Department records)

Copies of the identified records are enclosed. Please note that, after consultation with the Borough Solicitor, portions of the identified records have been redacted as follows:

Protected Health Information. The identified record(s) or portions thereof are not subject to disclosure because they contain protected health information exempt from disclosure pursuant to the Privacy Rule implemented pursuant to the Health Insurance Portability and Accountability Act of 1996 and Executive Order No. 26, paragraph 4.b.1 (McGreevey 2002) (exempting from disclosure "information relating to medical, psychiatric or psychological history, diagnosis, treatment or evaluation").

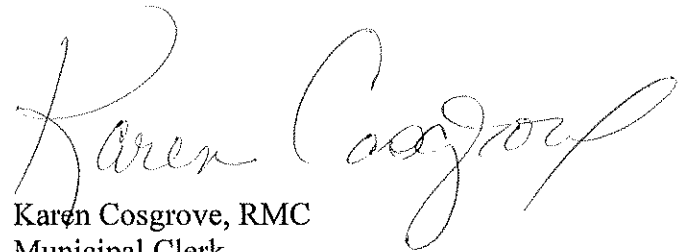
Response to Request No. 4

After consultation with the Borough Solicitor, this part of your request is denied for the following reasons:

1. Your request is for emergency or security information or procedures for buildings or facilities which, if disclosed, would jeopardize security of the building or facility or persons therein. Such information is not within the scope of OPRA's definition of a government record, is deemed to be confidential for the purposes of OPRA, and is therefore not subject to disclosure. N.J.S.A. 47:1A-1.1.
2. Your interest in the requested information is outweighed by the municipality's interest in protecting and preserving property and persons. The release of any information or records regarding vacant or abandoned properties in Glassboro would substantially compromise the Borough's ability to do so. Executive Order 21 (McGreevey, July 8, 2002).
3. The requested records contain information for which identified persons have a reasonable expectation of privacy. 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); *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 Glassboro 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.

Very truly yours,



Karen Cosgrove, RMC
Municipal Clerk
Borough of Glassboro

Kerriane Kennedy

To: Karen Cosgrove
Cc: Tonya Gustafson; Kathy McLeer
Subject: RE: OPRA request - Property Records

-----Original Message-----

From: Jordan Santiago <opra+request-20619-81c02a0e@requests.opramachine.com>
Sent: Thursday, February 25, 2021 4:38 PM
To: Karen Cosgrove <KCosgrove@glassboro.org>
Subject: OPRA request - Property Records

RECEIVED
MAR 01 2021
Torough Clark
Borough of Glassboro

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Yours faithfully,

Jordan Santiago

Please use deliver records electronically via email to the below UNIQUE address for all replies to this request:
opra+request-20619-81c02a0e@requests.opramachine.com

Is kcosgrove@glassboro.org the wrong address for OPRA requests to Glassboro Borough? If so, please contact us using this form:

https://opramachine.com/change_request/new?body=glassboro_borough

Disclaimer: This message and any reply that you make will be published on the internet. Our privacy and copyright policies:

<https://opramachine.com/help/officers>

View this OPRA request & responses online:

https://opramachine.com/request/property_records_143

Please note that in some cases publication of requests and responses will be delayed.