

BOROUGH OF GLASSBORO

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"Summit City USA"

BOROUGH CLERK'S OFFICE
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Borough of Glassboro Website
www.glassboro.org

February 15, 2023

Via email only (opra+request-39566-d682a907@requests.opramachine.com)

Vittorio Anepete

Re: Open Public Records Act/Common Law Records Request

Dear Mr. Anepete:

The Borough of Glassboro Records Custodian received your records request pursuant to the Open Public Records Act (OPRA), dated January 25, 2023, on January 26, 2023. Accordingly, the initial seven (7) business day deadline to respond to your request under OPRA was February 6, 2023. By correspondence dated February 6, 2022, we requested a seven (7) business day extension, until February 15, 2022, to further process your request.

Your records request was as follows:

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: Property records (permits, plans, applications, approvals, etc.) and any correspondence regarding Block 41 Lot 3 and Block 41 Lot 4.

Yours faithfully,

Vittorio Anepete

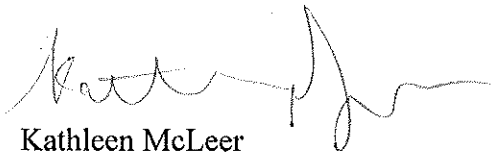
After consultation with the Borough Solicitor, your request is denied *as written* for the following reason(s):

Overbroad/Improper Request. OPRA and the common law require that a requestor identify the records sought with specificity. The request may not be a broad, generic description of documents that requires the custodian to search the agency's files and analyze, compile and collate the requested information. *Bart v. Passaic County Public Hous. Agency*, 406 N.J. Super. 445, 451 (App. Div. 2009); *Bent v. Stafford Police Department*, 381 N.J. Super. 30, 37 (App. Div. 2005). If a request does not name specifically identifiable records or is overly broad, a custodian may deny access. A proper request under OPRA must identify with reasonable clarity those documents that are desired, and a party cannot satisfy this requirement by simply requesting all of an agency's documents. *MAG Entertainment, LLC v. Div. of Alcoholic Beverage Control*, 375 N.J. Super. 534 (App. Div. 2005); *Bent v. Twp. of Stafford Police Dep't.*, 381 N.J. Super. 30 (App. Div. 2005). Custodians are not required to conduct research or create new records in response to an OPRA request. *Simmons v. Mercado*, 247 N.J. 24 (2021); *MAG Entertainment, LLC v. Division of Alcoholic*

A preliminary search of our available records has identified files for "Lundy Hall," a building that has since been demolished, and an ongoing file for "50 South Academy, LLC" for redevelopment. To the extent you are requesting specific government records, please clarify your request by identifying the specific types of records requested, the applicable time frames, and the type of "correspondence" which you seek.

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,

A handwritten signature in black ink, appearing to read 'Kathleen McLeer', with a stylized flourish at the end.

Kathleen McLeer
Deputy Clerk
Borough of Glassboro