



MUNICIPAL BUILDING
BOROUGH OF RUTHERFORD

MARGARET M. SCANLON, RMC
BOROUGH CLERK

July 21, 2020

B. Saint-Jean

RE: OPRA – Abandoned/VACANT/Probate-Bergen County

In regards to your OPRA received by this office on July 16, 2020, please see the below responses:

- 1) *All abandoned/vacant residential properties (Property Class 2)* - The Borough of Rutherford does not maintain a file of such properties
- 2) *All condemned properties* - The Borough of Rutherford does not maintain a file of such properties
- 3) *All residential properties with delinquent taxes* - Attached
- 4) *All residential properties for which a Lis Pendens notice has been filed or that are currently in probate* - The Borough of Rutherford does not maintain a file of such properties
- 5) *All properties that are absentee-owned* - The Borough of Rutherford does not maintain a file of such properties
- 6) *All properties with delinquent water and sewer which date back up to 1 year, including amounts owed* - The Borough of Rutherford does not maintain a file of such properties
- 7) *All properties currently listed with water shut-off notice* - The Borough of Rutherford does not maintain a file of such properties
- 8) *All properties with code violations, including the type of violation* - please be advised that same is being respectfully denied as overly broad. If you would like to resubmit the request seeking identifiable government records within a certain period of time, we would be better able to assist you.
- 9) *All properties with notices of abatement* - please be advised that same is being respectfully denied as overly broad. If you would like to resubmit the request seeking identifiable government records within a certain period of time, we would be better able to assist you.

According to the following case law, if an OPRA request does not name specifically identifiable records or is overly broad, a custodian may deny access pursuant to the following court decisions: *MAG Entertainment, LLC v. Division of Alcoholic Beverage Control*, 375 N.J. Super 534 (App. Div. 2005), *Bent v. Stafford Police Department*, 381 N.J. Super. 30 (App. Div. 2005), *New Jersey Builders Association v. New Jersey Council on Affordable Housing*, 390 N.J. Super. 166 (App. Div. 2007), and *Schuler v. Borough of Bloomsbury*, GRC Complaint No. 2007-151 (February 2009). If you would like to resubmit the request which seeks identifiable government records, we would be glad to assist you.

Regards,

Margaret M. Scanlon
Borough Clerk

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