

BOROUGH OF GLASSBORO

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

KATHLEEN MCLEER, CMR
Deputy Borough Clerk
Phone: 856-881-9230 ext. 88199
kmcleer@glassboro.org



"Summit City USA"

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

Borough of Glassboro Website
www.glassboro.org



March 27, 2023

Via email only (opra+request-40976-6af9e797@requests.opramachine.com)
FratLawz

Re: Open Public Records Act/Common Law Records Request

Dear FratLawz:

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 March 18, 2023, via email on March 20, 2023. Accordingly, the initial seven (7) business day deadline to respond to your request under OPRA is March 29, 2023. This response is being provided on the fifth business day after we received your request.

Your records request was as follows:

From: fratlaw <opra+request-40976-6af9e797@requests.opramachine.com>
Sent: Saturday, March 18, 2023 8:36 PM
To: Karen Cosgrove <KCosgrove@glassboro.org>
Subject: [EXTERNAL] OPRA request - Request to MC Clerk/Police

Dear Glassboro Borough Municipal Clerk, and Police Records Custodian, and the Fire Marshal (Department).

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.) All people or groups/organizations who have obtained a zoning permit, followed by obtaining a mercantile license, and then a filed for a permit with the Chief of Police to be approved per municipal status to solicit, please note successful and unsuccessful applicants, from January 1st to present.

2.) To the Fire Marshal, Fire Department, and Police Department Record Custodian(s) : All information relating to any and all incidents on March 4th at 18 N Academy Street at any time, to include,
- All Law Enforcement reports, all highly detailed CAD records with NCIC, Fire department dispatch logs, fire department incident reports, fire marshal incident reports, tickets issued by any department, any violations of any municipal or state code pertaining to the Uniform Fire Code specifically tents, police dispatch logs, list of any mutual aid requested, any written reports regarding incidents, any warning of violation issued to the property noted above on same date.

3.) In relation to the same incident as above, please prepare body cam footage if possible, for all incidents found, from any municipal department.

Yours faithfully,

FratLawz

Our response to Items 1 and 2 of your request are set forth below. Please note that your request has been forwarded to the Police Records Sub-Custodian for their response as to Items 2 and 3.

Response to Item 1

After consultation with the Borough Solicitor, this part of your request is denied for the following reason(s):

Request for Information. To the extent your request seeks information and does not identify specific government records, it is an invalid request and is therefore denied. *Doe v. Rutgers, the State University of New Jersey*, 466 N.J. Super. 14 (App. Div. 2021); *Burke v. Brandes*, 429 N.J. Super. 169, 174 (App. Div. 2012); *MAG Entertainment, LLC v. Div. of Alcoholic Beverage Control*, 375 N.J. Super. 534, 546 (App. Div. 2005); *Bent v. Twp. of Stafford Police Dep't.*, 381 N.J. Super. 30, 37 (App. Div. 2005); *N.J. Builders Ass'n v. N.J. Council on Affordable Hous.*, 390 N.J. Super. 166, 180 (App. Div. 2007); *Schuler v. Borough of Bloomsbury (Hunterdon)*, GRC Complaint No. 2007-151 (February 2009); *Rummel v. Cumberland Cnty. Bd. of Chosen Freeholders*, GRC Complaint No. 2011-168 (December 2012); *Harris v. N.J. Dep't of Corr.*, GRC Complaint No. 2011-66 (August 2012); *Lopez vs. N.J. Dep't of Corr.*, GRC Complaint No. 2008-250 (November 2009). 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 Beverage Control*, 375 N.J. Super. 534, 546 (App. Div. 2005); *Librizzi v. Township of Verona Police Department*, GRC Complaint No. 2009-213 (August 2010). To the extent you are requesting specific government records, please clarify your request by identifying the specific records requested.

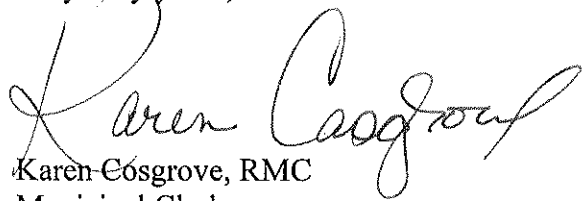
Overbroad/Improper Request. OPRA and the common law require that a requestor identify the records sought with specificity. The request may not be a broad, generic description of documents that requires the custodian to search the agency's files and analyze, compile and collate the requested information. *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 Beverage Control*, 375 N.J. Super. 534, 546 (App. Div. 2005); *Librizzi v. Township of Verona Police Department*, GRC Complaint No. 2009-213 (August 2010). To the extent you are requesting specific government records, please clarify your request by identifying the specific records requested.

Response to Item 2

A search of our available records has identified no records responsive to your request.

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 cursive script, reading "Karen Cosgrove". The signature is written in dark ink and is positioned above the printed name and title.

Karen Cosgrove, RMC
Municipal Clerk
Borough of Glassboro