

Lucy Jacobs

From: OPRA <opra@nutleynj.org>
Sent: Thursday, November 6, 2025 12:40 PM
To: saverygordon@gmail.com
Cc: Eleni Pettas; Ceci Tramontana
Subject: OPRA Request No. 635-25
Attachments: RR # 635-25.pdf

Ms. Avery,

This correspondence shall serve as Nutley Township (the "Township")'s response to your request for access to government records pursuant to the Open Public Records Act, N.J.S.A. 47:1A-1.1, et seq. ("OPRA"), which was received by the Township on October 29, 2025 during regular office hours. Attached is a copy of your request for records, and below is the Township's response to the same:

A search of Township files revealed no records responsive to your request.

To the extent that you have also requested access to the above government records under the common law, your stated interest in obtaining the records must be balanced against the Township of Nutley's interest in nondisclosure. See *Loigman v. Kimmelman*, 102 N.J. 98 (1986). The foregoing response to your request for access to government records incorporates the aforementioned balancing test. Please note that "a party's status as a litigant does not enlarge its access to government records under OPRA". *MAG Entm't, LLC v. Div. of Alcoholic Beverage Control*, 375 N.J. Super. 534, 545-46 (App. Div. 2005). The Township reserves its right to deny any request for records that are the subject of any discovery, subpoena or court order pursuant to N.J.S.A. 47:1A-5. Moreover, the Township may restrict access to records sought for a commercial purpose. Id. The Township reserves the right to raise any other grounds for denial not raised in this response. Failure of the Township to assert an exemption or privilege does not act as a waiver of any grounds for denial. Furthermore, a reviewing Court or the Government Records Council ("GRC") may deem a denial of access to be authorized on grounds other than those advanced by a custodian. See *Paff v. Twp. of Plainsboro*, A-2122-05T2, 2007 WL 957289, at *2 (App. Div., Apr. 2, 2007), affirming, *Paff v. Township of Plainsboro*, GRC Complaint No. 2005-29 (March 2006). If your request for access to a government record has been denied or unfilled, you have a right to challenge the decision by the Township to deny access. At your option, you may either initiate a proceeding in the Superior Court of New Jersey or file a complaint with the 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 on its website at <http://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.

Sincerely,



Lucy Jacobs

OPRA Liaison

Department of Revenue and Finance
Township of Nutley, NJ

Office: 973-284-4951 x2222

1 Kennedy Drive
Nutley, New Jersey 07110

www.nutleynj.org