

THE CITY OF SUMMIT

N E W J E R S E Y

CITY HALL 512 SPRINGFIELD AVENUE SUMMIT, NJ 07901

www.cityofsummit.org

Rosemary Licatese
City Clerk
Secy. to Mayor & Council

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June 22, 2022

VIA EMAIL COMMUNICATION

S. Carrero

opra+request-32778-ff5c5604@requests.opramachine.com

Re: OPRA Request

Dear S. Carrero:

I am writing in response to your request pursuant to the Open Public Records Act ("OPRA"). You requested the following:

- 1) A list of all properties with taxes that are delinquent in amounts of at least \$1,500 and beyond that date back to 2021 or prior years. Please include full property location, owner name, amounts, and Class 2 & 1 properties only, if possible.
- 2) A separate list of all properties with Utilities that are delinquent in amounts of at least \$250 and beyond, that date back to 2021 or prior. Please include full property location, owner name, amounts, and Class 2 & 1 properties only, if possible. (The City does not maintain such a list. All we have are utility shut-off notices)
- 3) A list of all properties with open liens in amounts of at least \$500 and beyond, that date back to 2021 or prior years. Please include full property location, owner name, amounts, and Class 2 & 1 properties only. (needs to specify "Or prior years")
- 4) A list of all properties that are currently vacant or abandoned. If the property used to be vacant and no longer is, please do not include. Please include full property location, owner name, and Class 2 & 1 properties only, if possible. (City does not maintain such a list.)
- 5) A list of all properties that have received code violations for high grass/junk/unkept property that are still active or open. Please do not include closed cases, and provide the type of violation. Also, please include full property location, owner name, and Class 2 & 1 properties only, if possible. (Needs date range)

Your request is invalid under OPRA. Specifically, there is no date range for items number 1, 3 and 5 of your request. Absent a specific date or range of dates, a request is overly broad and invalid. See Love v. Spotswood Police Department, GRC Complaint No. 2014-223 (May 2015). In addition, you have failed to identify with reasonable clarity the specific records sought. New Jersey courts have consistently held that "OPRA does not countenance open-ended searches of an agency's files." See MAG Entm't, LLC v. Div.

of ABC, 275 N.J. Super. 534, 549 (App. Div. 2005). Consequently, 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. See Bent v. Twp. of Stafford Police Dep't, 381 N.J. Super. 30, 37 (App. Div. 2005).

Additionally, in response to item number 2 and 4 of your request, the City does not maintain such lists therefore there are no records responsive to those items.

Accordingly, please clarify your request by providing a date range to identify the specific records you are seeking so that the City may conduct a search. Please provide the requested clarification by the close of business on June 24, 2022. Upon receipt of your clarification, the City will advise you in writing of the anticipated response time. If a clarification is not received, your OPRA request will be deemed answered and closed.

If you have any questions, please feel free to contact me.

Sincerely,

A handwritten signature in cursive script, appearing to read "Rosemary Licatese".

Rosemary Licatese, City Clerk