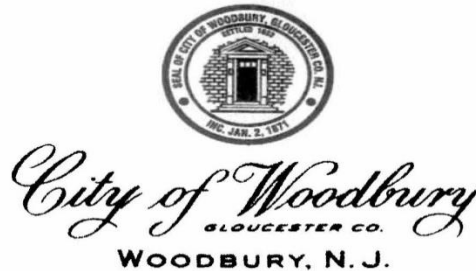


Cassidy L. Swanson
City Clerk
(856) 845-1300 x146
cswanson@woodbury.nj.us



City of Woodbury
City Hall
33 Delaware Street
Woodbury, NJ 08096
(856) 845-1300

January 31, 2023

Via email only (opra+request-39299-ae9a5701@requests.opramachine.com)

FratzLawsz

Re: Open Public Records Act/Common Law Records Request

Dear FratzLawsz:

The City of Woodbury Records Custodian received your request for records pursuant to the Open Public Records Act (OPRA) and the common law right of access via email on January 19, 2023. Accordingly, the initial seven (7) business day deadline to respond to your request under OPRA is January 30, 2023. By correspondence dated January 30, 2023, we requested a seven (7) business day extension, until February 8, 2023, to further process your request.

Your records request was as follows:

From: broskiman332 <opra+request-39299-ae9a5701@requests.opramachine.com>
Sent: Thursday, January 19, 2023 10:37 AM
To: Cassidy Swanson <cswanson@Woodbury.nj.us>
Subject: OPRA request - WCPD Request / WHPD

Dear Woodbury City,

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:

Any and all government records as defined by OPRA of the following:

- [1] - Resolutions allowing Woodbury City Police Administration to run the Woodbury Heights Police Department
- [2] - Resolutions or documentation appointing Lt. Boucher as Woodbury Heights Officer in charge
- [3] - Any documentation's requesting Woodbury City's assistance
- [4] - Any request from Woodbury Heights requesting Police Administrative services
- [5] - Any and all policies, letters, procedures, SOPs, etc sent out by members of Woodbury City Police Admin to Woodbury Heights Police

Yours faithfully,

FratzLawsz

Response to Common Law Request

The common law right to access public records depends on three requirements: (1) the records must be common law public documents; (2) the person seeking access must establish an interest in the subject matter of the material; and (3) the citizen's right to access must be balanced against the State's interest in preventing disclosure. *Richard Rivera v. Union County Prosecutor's Office*, 250 N.J. 124, 143-44 (2022); *South Jersey Publishing Co. v. New Jersey Expressway Auth.*, 124 N.J. 478, 487 (1991); *Loigman v. Kimmelman*, 102 N.J. 98 (1986); *Nero v. Hyland*, 76 N.J. 213, 222 (1978).

After consultation with the City Solicitor, we have determined that you have failed to establish a proper interest in the requested record(s). Your common law request is therefore denied.

Response to OPRA Request

Response to Item 1:

A search of our available records has identified the following as responsive to your request:

05/11/22	Resolution 22-100
08/10/22	Resolution 22-151
11/09/22	Resolution 22-191

Copies of the identified record are enclosed.

Response to Items 2-5:

Your request has been forwarded to the Woodbury City Police Records Sub-Custodian for a separate response as to Items 2-5.

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 City of Woodbury 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,

Cassidy Swanson, RMC, CMR
City Clerk
Deputy Registrar
Community Events Coordinator
City of Woodbury
(856) 845-1300 x 146
cswanson@woodbury.nj.us