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## BOROUGH OF WOODBURY HEIGHTS

January 31, 2023

**Via email only ([opra+request-39300-ff9884b7@requests.opramachine.com](mailto:opra+request-39300-ff9884b7@requests.opramachine.com))**  
broskiman332

### Re: Open Public Records Act/Common Law Records Request

Dear broskiman332:

The Borough of Woodbury Heights 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. We have forwarded your request to the Woodbury City Police Records Sub-Custodian pursuant to a shared services agreement for processing as to Items 2-5 of your request. Accordingly, this response addresses only Item 1 of your request.

Your records request was as follows:

From: broskiman332 <[opra+request-39300-@..](mailto:opra+request-39300-@..)>  
Sent: Thursday, January 19, 2023 10:42 AM  
To: Municipal Clerk <[@..](mailto:@..)>  
Subject: OPRA request - WHPD request

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Woodbury Heights Borough,

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 records 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 from Woodbury City

[5] - Any and all policies, letters, procedures, SOPs, etc sent out by members of Woodbury City Police Admin to Woodbury Heights Police

Yours faithfully,

broskiman332

### **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 Borough records attorney, 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:

|          |                                              |
|----------|----------------------------------------------|
| 05/18/22 | RESOLUTION 64-2022 SSA WOODBURY TEMP POLICE  |
| 11/22/22 | RESOLUTION 108-2022 SSA WOODBURY EXTENSION 2 |

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 Borough of Woodbury Heights 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](mailto:grc@dca.state.nj.us), or at their web site at [www.state.nj.us/grc](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.

Very truly yours,

*Shannon Elton*

Shannon Elton, RMC, CTC, CMR  
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Planning/Zoning Board Secretary  
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Woodbury Heights, NJ 08097  
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