

②

**Lashway, Lisa**

---

**From:** Penny [penny@bolp.org]  
**Sent:** Tuesday, August 17, 2010 9:11 AM  
**To:** Boonton Town Clerk; Boonton Township Clerk; Butler Borough Clerk ; Chatham Borough Clerk; Chatham Township Clerk; Chester Borough Clerk; Chester Township Clerk; Denville Clerk; Dover Clerk; East Hanover Township Clerk; Florham Park Borough Clerk; Hanover Township Clerk; Harding Clerk; Jefferson Township Clerk; Kinnelon Clerk; Laura Roberts; Long Hill Clerk; Maborough Clerk; Mendham Clerk; Mendham Township Clerk; Mine Hill Township Clerk; Montville Clerk; Morris Clerk; Morris Plains Borough Clerk; Morris Township Clerk; Lashway, Lisa; Mountain Lakes Clerk; Parsippany Clerk; Pequannock Township Clerk; Randolph Clerk; Riverdale Borough; Riverdale Borough Clerk; Rockaway Borough; Rockaway Township Clerk; Rosenet Clerk; Roxbury Clerk; Town of Morristown Clerk; Wharton Clerk  
**Cc:** Cindi Sloane  
**Subject:** SCAN0618\_000.pdf  
**Attachments:** SCAN0618\_000.pdf

Please see attached Resolution and urge your Mayor's and Council's to adopt and forward to everyone, we need all the support we can get, thanks

**BOROUGH OF LINCOLN PARK  
OFFICE OF THE BOROUGH CLERK**

**WEB: WWW.LINCOLNPARK.ORG**

**E-MAIL: PENNYS@BOLP.ORG**

August 17, 2010

To: Governor Christie  
State Legislature  
Senate President  
Speaker of the Assembly  
DCA Commissioner  
Senator Pennacchio  
Assemblyman DeCroce  
Assemblyman Webber  
NJ State League of Municipalities, Mr. Wm. Drexel  
MC Board of Chosen Freeholders  
All MC Municipalities

RE: Request to Change OPRA Law

Please be advised that at the August 16, 2010 meeting of the Governing Body of the Borough of Lincoln Park, Resolution R10-200 was Adopted urging the New Jersey Legislative Government to make changes to the OPRA Law.

The Governing Body of the Borough of Lincoln Park is urging you to seek these changes. Enclosed please find a copy of the Adopted Resolution for your files.

Cc: R10-200

Yours truly,

*Annette Maida-Smith*

Annette Maida-Smith, RMC  
Borough Clerk

RESOLUTION R10-200

**WHEREAS**, the Morris County Municipal Clerks represent the interests of the residents and officials in the County of Morris; and

**WHEREAS**, the Morris County Municipal Clerks have identified compliance with the Open Public Records Act, N.J.S.A. 47:A-1 et seq. ("OPRA") as a problem for municipalities as a result of loss efficiency and out-of-pocket costs to municipalities; and

**WHEREAS**, the Morris County Clerks recognizes the importance and virtue of access to public records for all citizens as an important issue because it encourages open government and increases confidence in the operation of government; and

**WHEREAS**, the Morris County Clerks have become increasingly aware of the cost of complying with OPRA and of individuals and attorneys who are using OPRA for their personal financial gain; and

**WHEREAS**, Municipal Officials and Municipal Clerks believe that the Open Public Records Act needs to be reformed to create standardization in providing records to the public and to prevent individuals and attorneys from profiting from the provisions of OPRA where they have no legitimate interest in the records they are requesting; and

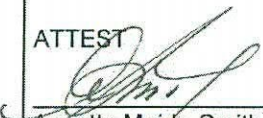
**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Borough of Lincoln Park that the Governor and State Legislature are urged to review the provisions of OPRA and consult with the Municipal Clerks to reform OPRA to include:


1. There should be no potential for Records Custodians to be personally responsible for fines. The public entity would be responsible for any violations.
2. A standardized statewide rate schedule for the most common requests to create uniformity from one municipality to the next.
3. The removal of references to the actual costs of certain records as the calculations can be different and the calculations completely discount the time spent by the Municipal Clerk.
4. Clear authorization to allow the Clerks to bill for time spent organizing data, researching documents, or translating documents to a different medium. An example is scanning documents to provide electronically.
5. The creation of a standard legitimate interests to be applied to requests, such as, for example, tax payer or residency in the municipality or for the press. This would also include a mechanism to regulate commercial entities using OPRA requests to create mailing lists for advertising.
6. The municipality should be entitled to receive a seven (7) day extension for any large or complicated requests. Currently, the requestor must agree. This particularly affects small municipalities with a small or part only time staff.

7. All requested records should be required to be picked-up within a week so that the Clerk does not have to keep them indefinitely.
8. Directions to the Government Records Council or Office of Administrative Law as to when attorney's fees should be awarded to requestors under OPRA to limit the award of Attorney's fees to situations where there was a willful violation of OPRA that resulted in the requestor failing to receive a legitimately requested document.
9. Regulations should be created to prevent a requestor from repeatedly using OPRA to request the same documents as the purpose in these multiple requests is to harass municipal officials.
10. Documents which are already available to the public on a municipalities' website should be excluded from OPRA.
11. The Government Record Council should have mandatory mediation for all complaints. Currently, mediation takes place only where both parties agree.

**BE IT FURTHER RESOLVED** that Certified copies of this Resolution shall be provided to the Governor of the State of New Jersey, the New Jersey State Legislature, Senate President and Speaker of the Assembly, the New Jersey Department of Community Affairs, Senator Joe Pennacchio, Assemblyman Alex DeCroce, Assemblyman Jay Webber, New Jersey League of Municipalities, Morris County League of Municipalities, Morris County Board of Chosen Freeholders, all Morris County Municipalities.


ATTEST

  
 Annette Maida-Smith, R.M.C.  
 Borough Clerk

  
 Louis J. Pepe, Council President

I, Annette Maida-Smith, Borough Clerk of the Borough of Lincoln Park, County of Morris, do hereby Certify the foregoing to be a true and correct copy of a Resolution Adopted by the Governing Body at the August 16, 2010 Regular Meeting.

Cc: Governor Christie  
 State Legislature  
 Senate President  
 Speaker of Assembly  
 DCA  
 Senator Pennacchio  
 Assemblyman DeCroce  
 Assemblyman Webber  
 NJ State League of Municipalities  
 MC League of Municipalities  
 MC Board of Chosen Freeholders  
 All MC Municipalities  
 OPRA File

  
 Annette Maida-Smith, R.M.C.  
 Borough Clerk  
 BOROUGH OF LINCOLN PARK