

Via email

BOROUGH OF HADDON HEIGHTS
Request for Public Information

For office use only

- | | | | |
|--|--|---|--|
| <input type="checkbox"/> Clerk's Office | <input type="checkbox"/> Tax Office | <input type="checkbox"/> Finance Office | <input type="checkbox"/> Assessor's Office |
| <input type="checkbox"/> Planning Board | <input type="checkbox"/> Zoning Board | <input type="checkbox"/> Municipal Court | <input type="checkbox"/> Police Department |
| <input type="checkbox"/> Fire Department | <input type="checkbox"/> Ambulance Corps | <input type="checkbox"/> Public Works Dept. | <input type="checkbox"/> Construction Office |

Today's Date 10/2/09

Daytime Phone Number 732-873-1251

Your Name _____

Mailing Address _____

John T. Paff
P.O. Box 5424
Somerset, NJ 08875-5424

Residence Address (if different) _____

Information Requested:

_____ **Copy of Minutes** (Specify board or entity, date, topic or other identifying information)

_____ **Copy of Ordinance or Resolution** (Specify date, number or other identifying information)

_____ **Police Accident Report Fee \$1.00**
Identify Accident: _____

X _____ **Other** (Specify) See Supplement attached

_____ **License Information** (Specify) _____

_____ **Information on a Specific Property** Address _____
Block _____ Lot _____

_____ **Municipal Lien Search Fee \$10.00**
Municipal Lien Searches are provided by the designated search officer and will be provided within 15 days after the request is received and the fee paid, as provided in NJSA 54:5-11, et seq.

_____ **List of Property Owners Within 200'** Fee _____
As provided in NJSA 40:55D-12, the fee is the greater of \$.25 per name or \$10.00.

A request for a copy of Public Records should be submitted on this form that has been adopted by the Municipal Clerk as the Custodian of Records. Some records will be immediately available during normal business hours. Some records will require time to compile and to make the copies requested, but will normally be available during normal business hours and within seven (7) business days. If any document or copy which has been requested is not a public record or cannot be provided within the seven (7) business days, you will be provided with a response with that information within the seven (7) business days. Some records requested have specific fees or other response times established by statute. There is no fee involved in simply inspecting a document during normal business hours. This request may be filed electronically. In general:

- Immediate access is ordinarily available for budgets, bills, vouchers, contracts, including collective negotiation agreements and individual employment contracts, and public employee salary and overtime information. Minutes of public meetings will be generally available immediately after the minutes have been approved.
- Records which are not readily available or which will require a search of records will be made available as soon as possible and the applicant will be provided with an interim report within seven (7) business days indicating the time that will be required to provide the records.
- Except as otherwise provided by law or regulation, the fee assessed for the duplication of a printed record shall be: First page to tenth page, \$0.75 per page; eleventh to twentieth page, \$0.50 per page; all pages over twenty, \$0.25 per page; for a police accident report there is an additional fee when the request is not made in person of \$5.00 for the first 3 pages and \$1.00 for each additional page as provided by NJSA 39:4-131.
- Where a request is for a copy in a format other than a photocopy, reasonable efforts will be made to provide the information in the format requested. The cost will be based on the costs of producing the format requested.
- Where a legal determination must be made as to whether records are "public records" as provided by law, the request will be reviewed by the Municipal Attorney.

The term "public records" generally includes those records determined to be public in accordance with NJSA 47:1A-1. The term does not include employee personnel files, police investigation records, public assistance files or other matters in which there is a right of privacy or confidentiality or which is specifically exempted by law.

~~The applicant hereby acknowledges receipt of a copy of this form with the date on which the information is expected to be available and the estimated cost.~~ The applicant hereby certifies that he or she has not been convicted of any indictable offense under the laws of this State, any other state or the United States and is not seeking government records containing personal information pertaining to the victim or the victim's family as provided by NJSA 47:1A-1 et seq.

This form, when signed by the municipal official shall constitute a receipt for any deposit received.

The information requested will be ready on _____
Estimated Number of Pages _____
Estimated Cost _____
Deposit (Required when the anticipated cost exceeds \$5.00) _____



(Applicant)
10/2/09

(Date)

(Municipal Official)

(Date)

Supplement to John Paff's October 2, 2009 records request to Haddon Heights

Background

I looked today at the directory of the Mayor and Council on the Borough's Internet site¹ and noticed that the e-mail addresses listed for members appear to be their personal rather than "municipal" e-mail addresses. For example, Council President Fetter's e-mail address, as listed on the Borough's site, is tadfetter@gmail.com which is apparently Mr. Fetter's **personal** e-mail address.

Compare the Haddon Heights Council's e-mail directory to that of Cherry Hill Township². If you click on the e-mail link next to Cherry Hill Council President's Steven Polansky's name, you'll see that Mr. Polansky's e-mail address is SPolansky@CHTownship.com which is apparently his **municipal** e-mail address.

This concerns me because it leaves open the possibility that the Haddon Heights Mayor and Council may be sending e-mails to each other that are "government records" in accordance with the Open Public Records Act (OPRA) but which are **not** being properly retained and archived by the Borough administration.

For example, suppose that Councilwoman Trish Shields, whose term of office expires this year, does not seek reelection. Suppose further that one year from now, a citizen requests some e-mails that Councilwoman Shields sent and received during 2009 that dealt with municipal business.³ The Borough's Internet site lists Councilwoman Shields' e-mail address as Sheilds6@aol.com, which is apparently her personal e-mail account.

Would the Borough Clerk be able to produce the requested e-mails from the Borough's files, or would she need to track down former Councilwoman Shields and ask her to produce the e-mails from her own files in order to satisfy the records request? If it's the latter, then what would the Borough Clerk do if former Councilwoman Shields' computer had crashed or if the e-mails were otherwise not available?

Cherry Hill wouldn't have this problem because e-mails that are sent or received by CHTownship.com e-mail addresses are undoubtedly preserved on the Township's server. So, Cherry Hill's clerk could retrieve any requested e-mails from the Township's server without having to contact the Councilmember who sent or received those e-mails.

As you are probably aware, the Borough must comply with the New Jersey Division of Archives and Records Management's "Circular Letter No. 03-10-ST" entitled, "Managing Electronic Mail: Guidelines And Best Practices"⁴ which, among other things, makes the Borough responsible for a) archiving e-mails and ensuring that the e-mail system is reliable enough to meet state and federal "Rules of Evidence" requirements (Sec. 2.6); b) ensuring

¹ See <http://www.haddonhts.com/mayor-and-council.php>

² See <http://www.cherryhill-nj.com/government/council.asp>

³ E-mails on an elected official's personal computer are government records subject to disclosure under the Open Public Records Act. See *Donal Meyers v. Borough of Fair Lawn*, GRC Case No. 2005-127 at <http://www.nj.gov/grc/decisions/2005-127.html>

⁴ See, <http://www.njarchives.org/links/circular-letter-03-10-st.html>

that e-mails are “indexed in an organized and consistent pattern” (Sec. 2.7); and c) setting forth “agency procedures” so that employees can “understand and carry out their role in managing e-mail.” (Sec. 2.8).

The main thrust of this request is to determine whether the Borough is complying with DARM’s requirements.

Records Request:

1. The nonexempt portion of the first e-mail sent by Council President Fetter after 12:01 a.m. on February 23, 2009 that related to municipal business.
2. The nonexempt portion of the first e-mail sent by Mayor Alexander after 12:01 a.m. on February 23, 2009 that related to municipal business.
3. Any policy or other writing presently in force in Haddon Heights Borough which addresses the requirements and recommendations set forth in DARM Circular Letter No. 03-10-ST.

Basis for Request:

I request the above records in accordance with the Open Public Records Act (OPRA), the Senator Byron M. Baer Open Public Meetings Act and the common law right of access.

Requested Medium for Response and for Documents Responsive to Request:

Please respond to this request in the following order of preference: a) e-mail to paff@pobox.com, b) fax to 908-325-0129, c) regular mail to P.O. Box 5424, Somerset, NJ 08875-5424.

Please send the responsive documents to me by whichever of the above stated methods (i.e. a, b, and c in the immediately preceding paragraph) is the least expensive method. If two or more methods tie for the least expensive method, please transmit the documents in accordance with the order of preference set forth in the immediately preceding paragraph

From: "Joan Moreland" <jmoreland@haddonheightsboro.org>
To: "John Paff" <paff@pobox.com>
Subject: OPRA Request #09-42

Mr. Paff:

I've attached 2 pages responding to #1 and #2 of your request both of which provided to me by Council President Fetter and Mayor Alexander.

Regarding #3 there is nothing in writing here at the Borough that covers DARM Circular Letter No. 03-10-ST. I abide by the OPRA Law and follow the suggested guidelines and best practices to the best of my ability. <<...>>

There is no charge for this response to your request.

*Joan D. Moreland, RMC/MMC
Borough Clerk
Borough of Haddon Heights
625 Station Avenue
Haddon Heights, NJ 08035
856-547-7164 Ext. 24*



[Mr. Paff's OPRA request.pdf](#)

MAYOR'S RESPONSE TO
MR. PAFF'S REQUEST.

Joan Moreland

From: Mayor Scott M. Alexander [hhmayor@comcast.net]
Sent: Friday, October 02, 2009 11:16 AM
To: 'Joan Moreland'
Cc: 'Robert A. Gleaner, P.C.'
Subject: OPRA Request

In reference to the OPRA request dated October 2nd, 2009. As a matter of practice I do not store sent emails, therefore I do not have anything to provide.

10/2/2009

*COUNCILMAN FETTER'S
REPLY TO MR. PAFF'S
REQUEST.*

1. The nonexempt portion of the first e-mail sent by Council President Fetter after 12:01 a.m. on February 23, 2009 that related to municipal business.

-----Original Message-----

From: tadfetter@gmail.com [mailto:tadfetter@gmail.com]

Sent: Wednesday, February 25, 2009 7:59 AM

To: Scott Alexander

Subject: Budget

Finalized a great deal last night with the budget and am very comfortable with our position. With no Cmptra cuts it requires 444k in surplus. Revenue assumptions are conservative so anything in excess will add to surplus. We need to chat about construction and zoning and the police special.

Sent from my Verizon Wireless BlackBerry