



# Township of Bernards

1 Collyer Lane, Basking Ridge, NJ 07920  
 Phone: 908-204-3001; Fax: 908-204-3015; Website: [www.bernards.org](http://www.bernards.org)

## (OPRA) GOVERNMENT RECORDS REQUEST FORM

### Important Notice

This form contains important information related to your rights concerning government records. Please read it carefully.

### Requestor Information – Please Print

First Name		MI	Last Name	
Company				
Mailing Address				
City		State		Zip
Phone		Email		
Preferred Delivery <input type="checkbox"/> Pick Up <input type="checkbox"/> US Mail <input type="checkbox"/> On Site Inspection <input type="checkbox"/> Email				
Check One <input type="checkbox"/> I have		<input type="checkbox"/> I have not		
Been convicted of any indictable offense under the laws of NJ, any other state, or the United States.				
Signature				Date

Max. Authorized Cost	\$
Fees	
CD	\$ 2.00
Assessment Search	\$ 10.00
Continuation Search	\$ 2.00
List 200' Property Search	\$ 10/B-L
Tax Bill (1 <sup>st</sup> copy)	\$ 5.00
Tax Bill (additional copies)	\$ 25.00
Tax Sale Certificate	\$100.00
Other, Pages 1-10 @	\$ .75
Other, Pages 11-20 @	\$ .50
Other, Pages over 20 @	\$ .25
Police Videotape	\$ 5.00
Map	\$ 2.00
Postage	Varies
Surcharge (if applicable)	Varies

Records Request Information: To expedite the request, be as specific as possible in describing the records being requested. Also, please include the type of access requested (copying or inspection, and if data, the medium requested.)

### Agency Use Only

Est. Document Cost	\$
Est. Delivery Cost	\$
Est. Extras Cost	\$
Total Est. Cost	\$
Deposit Amount	\$
Estimated Balance	\$
Deposit Date	

### Agency Use Only

Disposition Notes	
Custodian: If any part of request cannot be delivered in 7 business days, detail reasons here.	
In Progress - Open	
Denied - Closed	
Filled - Closed	
Partial - Closed	

### Agency Use Only

Tracking Information		Final Cost	
Tracking #		Total	\$
Rec'd Date		Deposit	\$
Ready Date		Due	\$
Total Pages		Paid	\$
Custodian Signature		Date	

**Requesting Access to Government Records Under the NJ Open Public Records Act (NJSA 47:1A-1 et seq.)**

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**REQUEST FOR RECORDS UNDER THE COMMON LAW**

If, in addition to requesting records under OPRA, you are also requesting the government records under the common law, please check here: .  
*A public record under the common law is one required by law to be kept, or necessary to be kept in the discharge of a duty imposed by law or directed by law to serve as a memorial and evidence of something written, said, or done, or a written memorial made by a public officer authorized to perform that function, or a writing filed in a public office. The elements essential to constitute a public record are that it be a written memorial, that it be made by a public officer, and that the officer be authorized by law to make it. If the information requested is a "public record" under common law and the requestor has a legally recognized interest in the subject matter contained in the material, then the material must be disclosed if the individual's right of access outweighs the State's interest in preventing disclosure.*

Please set forth your interest in the subject matter contained in the requested material:

**Note that any challenge to a denial of a request for records under the common law cannot be made to the Government Records Council, as the Governmental Records Council only has jurisdiction to adjudicate challenges to denials of OPRA requests. A challenge to the denial of access under the common law can be made by filing an action in Superior Court.**

**DEPOSITS**

The custodian may require a deposit against costs for reproducing documents sought through an anonymous request whenever the custodian anticipates that the information thus requested will cost in excess of \$5 to reproduce.

Where a special service charge is warranted under OPRA, that amount will be communicated to you as required under the statute. You have the opportunity to review and object to the charge prior to it being incurred. If, however, you approve of the fact and amount of the special service charge, you may be required to pay a deposit or pay in full prior to reproduction of the documents.

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*For Internal Use*  
*To be Completed by the Custodian of Records if Request for Records is Denied*

**NJSA 47:1A-1.1**

- Inter-agency or intra-agency advisory, consultative or deliberative material
- Legislative records
- Law enforcement records:
  - Medical examiner photos
  - Criminal investigatory records (however, NJSA: 47:1A-3.b. lists specific criminal investigatory information which must be disclosed)
  - Victims' records
- Trade secrets and proprietary commercial or financial information
- Any record within the attorney-client privilege
- Administrative or technical information regarding computer hardware, software and networks which, if disclosed would jeopardize computer security
- Emergency or security information or procedures for any buildings or facility which, if disclosed, would jeopardize security of bldg., facility or persons
- Security measures and surveillance techniques which, if disclosed, would create a risk to the safety of persons, property, electronic data to software
- Information which, if disclosed, would give an advantage to competitors or bidders
- Information generated by or on behalf of public employers or public employees in connection with:
  - Any sexual harassment complaint filed with a public employer
  - Any grievance filed by or against an employee
  - Collective negotiations documents and statements of strategy or negotiating
- Information that is a communication between a public agency and its insurance carrier, administrative service organization or risk management office
- Information that is to be kept confidential pursuant to court order
- Certificate of honorable discharge issued by the United States Government (Form DD-214) filed with a public agency
- Social security numbers
- Credit card numbers
- Unlisted telephone numbers
- Drivers' license numbers
- Convicts requesting their victims' records **NJSA 47:1A-2.2**
- Ongoing investigations of non-law enforcement agencies (must prove disclosure is inimical to the public interest) **NJSA 47:1A-3.a**
- Public defender records **NJSA 47:1A-5.K.**

- Upholds exemptions contained in other State or federal statutes and regulations. Executive Orders, Rules of Court, and privileges created by State Constitution, statute, court rule or judicial case law **NJSA 47:1A-9**
- Personnel and pension records, except specific information identified as follows:
  - An individual's name, title, position, salary, payroll record, length of service, date of separation and reason for such, and amount and type of pension received.
  - When required to be disclosed by another law, when disclosure is essential to the performance of official duties of a person duly authorized by this State or the US, or when authorized by an individual in interest
  - Data contained in information which disclosed conformity with specific experiential, educational or medical qualifications required for government employment or for receipt of a public pension, but not including any detailed medical or psychological information **NJSA 47:1A:10**

**NJSA 47:1A-1**

“A public agency has a responsibility and an obligation to safeguard from public access a citizen’s personal information with which it has been entrusted when disclosure thereof would violate the citizen’s reasonable expectation of privacy.” Burnett v. County of Bergen, 198 NJ 408 (2009). Without ambiguity, the court held that the privacy provision “is neither a preface nor a preamble.” Rather, “the very language expressed in the privacy clause reveals its substantive nature; it does not offer reasons why OPRA was adopted, as preambles typically do; instead, it focuses on the law’s implementation.” “Specifically, it imposes an obligation on public agencies to protect against disclosure of personal information which would run contrary to reasonable privacy interests.”

**Executive Order #21 (McGreevey 2002)**

- Records where inspection, examination or copying would substantially interfere with the State’s ability to protect and defend the State and its citizens against acts of sabotage or terrorism, or which, if disclosed, would materially increase the risk or consequences of potential acts of sabotage or terrorism
- Records exempted from disclosure by State agencies’ proposed rules are exempt from disclosure by this order

**Executive Order 26 (McGreevey 2002)**

- Resumes, applications for employment or other information concerning job applicants while a recruitment search is ongoing
- Records of complaints and investigations undertaken pursuant to the Model Procedures for Internal Complaints Alleging Discrimination, Harassment or Hostile environments
- Information relating to medical, psychiatric or psychological history, diagnosis, treatment or evaluation
- Information in a personal income or other tax return
- Information describing a natural person’s finances, income, assets, liabilities, net worth, bank balances, financial history or activities or creditworthiness, except as otherwise required by law to be disclosed
- Test questions, scoring keys and other examination data pertaining to the administration for an examination for public employment or licensing
- Records in the possession of another department (including NJ Office of Information Technology or State Archives) when those records are made confidential by regulation EO9

**Other Exemption(s) contained in a State statute, resolution of either or both House of Legislature, regulation, Executive Order, Rules of Court, any federal law, federal regulation or federal order pursuant to NJSA 47:1A-9.a.**

**(Please provide detailed information regarding the exemption from disclosure for which you are relying to deny access to government records. If multiple records are requested, be specific as to which exemption(s) apply to each record).**

**Requesting Access to Government Records Under the New Jersey Open Public Records Act (N.J.S.A. 47:1A-1 et seq.)**

1. This form should only be used to submit records request to **Bernards Township**.
2. In order to request access to government records under OPRA, you must complete all the required portions of and date this request form and deliver it in person during regular business hours or by mail, fax or electronically to the agency custodian of records. Your request is not considered filed until the agency custodian of records receives the request form. If you submit the request form to any other officer or employee of **Bernards Township**, that officer or employee may not have the authority to accept your request form on behalf of **Bernards Township** and your request will be directed to the agency custodian of records. The seven (7) business day response time will not commence until the agency custodian of records receives the request form.
3. The fees for duplication of a government record in printed form are listed on the front of this form. We will notify you of any special service charges or other additional charges authorized by State law or regulation before processing your request. Payment shall be made by cash, check or money order payable to **Bernards Township**.
4. If it is necessary for the records custodian to contact you concerning your request, providing identifying information, such as your name, address, telephone number, fax number or e-mail address is required. Where contact is not necessary, anonymous requests are permitted; except that anonymous requests for personal information are not honored.
5. **You may be charged a 50% or other deposit when a request for copies exceeds \$25.** **Bernards Township's** custodian will contact you and advise you of any deposit requirements. Anonymous requests, when permitted, require a deposit of 100% of estimated fees. You agree to pay the balance due upon delivery of the records.
6. Under OPRA, a custodian must deny access to a person who has been convicted of an indictable offense in New Jersey, any other state, or the United States, and who is seeking government records containing personal information pertaining to the person's victim or the victim's family.
7. By law, **Bernards Township** must notify you that it grants or denies a request for access to government records within seven (7) business days after the agency custodian of records receives the request. If the record requested is not currently available or is in storage, the custodian will advise you within seven (7) business days after receipt of the request when the record can be made available and the estimated cost for reproduction. You may agree with the custodian to extend the time for making records available, or granting or denying your request.
8. You may be denied access to a government record if your request would substantially disrupt agency operations and the custodian is unable to reach a reasonable solution with you.
9. If **Bernards Township** is unable to comply with your request for access to a government record, the custodian will indicate the reasons for denial on the request form and send you a signed and dated copy.
10. Except as otherwise provided by law or by agreement with the requester, if the agency custodian of records fails to respond to you within seven (7) business days of receiving a request, the failure to respond is a deemed denial of your request.
11. 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 **Bernards Township** to deny access. At your option, you may either institute a proceeding in the Superior Court of New Jersey or file a complaint in writing with the Government Records Council ("GRC"). You may contact the GRC by toll-free telephone at 866-850-0511, by mail at PO 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 Council can also answer other questions about the law.
12. Information provided on this form may be subject to disclosure under the Open Public Records Act.

\*Custodians (all located at 1 Collyer Lane, Basking Ridge, NJ 07920, unless otherwise noted)

Department Deputy	Custodian	Phone	Fax	E-Mail	Office Hours
Police Department	Ed Byrnes	908-204-3044	908-766-0575	<a href="mailto:ebyrnes@bernards.org">ebyrnes@bernards.org</a>	8:30 AM – 5 PM; M-F
Engineering, DPW & Construction Depts., Sewerage Authority, 277 S. Maple Avenue, BR, NJ	Peter Messina Rhonda Pisano	908-204-3000	908-204-3089	<a href="mailto:rpisano@bernards.org">rpisano@bernards.org</a>	8:30 AM – 5 PM; M-F
Finance, Tax Assessor	Marcia Sudano	908-204-3083	908-766-1644	<a href="mailto:msudano@bernards.org">msudano@bernards.org</a>	8:30 AM – 5 PM; M-F
Finance, Tax Collector	Peggy Warren	908-204-3077	908-766-1941	<a href="mailto:pwarren@bernards.org">pwarren@bernards.org</a>	8:30 AM – 5 PM; M-F
Health Department 262 S. Finley Avenue, BR, NJ	Lucy Forgione Denise Paternoster	908-204-2520	908-204-3075	<a href="mailto:dpaternoster@bernards.org">dpaternoster@bernards.org</a>	8:30 AM – 5 PM; M-F
Finance Dept., Sup. Treas. Svcs.	Terri Johnson	908-204-3064	908-204-3089	<a href="mailto:tjohnson@bernards.org">tjohnson@bernards.org</a>	8:30 AM – 5 PM; M-F
Finance Dept., Purchasing	Francis Decibus	908-204-3065	908-766-5762	<a href="mailto:fdecibus@bernards.org">fdecibus@bernards.org</a>	8:30 AM – 5 PM; M-F
All Other Departments	Denise Szabo	908-204-3001	908-204-3015	<a href="mailto:OPRARequest@bernards.org">OPRARequest@bernards.org</a>	8:30 AM – 5 PM; M-F