

Township of Middle



33 MECHANIC STREET
CAPE MAY COURT HOUSE, NJ 08210

Important Notice

The reverse side of 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 _____ Email _____

Business Hours Telephone: Area Code _____ Number _____ Extension _____

Preferred Delivery: Pick Up _____ US Mail _____ On Site Inspect _____

Circle One: Under penalty of N.J.S.A. 2C:28-3, I certify that I **HAVE / HAVE NOT** been convicted of any indictable offense under the laws of New Jersey, any other state, or the United States.

Signature _____ Date _____

Payment Information

Maximum Authorization Cost \$ _____

Select Payment Method

Cash _____ Check _____ Money Order _____

Fees: \$.15 per page
Unless otherwise specified

Delivery: Delivery / postage fees additional depending upon delivery type.

Extras: Extraordinary service fees dependent upon request.

Record 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.

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: _____

Identify Accident: _____

() Other (specify) _____

() 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 N.J.S.A. 54:5-1 1, ct seq.

() List of Property Owners within 200' Fee: _____

As provided in N.J.S.A. 40:55D- 1 2, the fee is the greater of \$.25 per name or \$1 0.00

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

10. If the *Township of Middle* 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.
11. Except as otherwise provided by law or by agreement with the requester, if the custodian of the record requested fails to respond to you within seven business days of receiving a request form, the failure to respond will be considered a denial of your request.
12. If your request for access to a government record has been denied or unfilled within the time permitted by law, you have a right to challenge the decision by the *Township of Middle* 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, or at their web site at www.nj.gov/grc. The Council can also answer other questions about the law.
13. Information provided on this form may be subject to disclosure under the
14. Open Public Records Act.

**MIDDLE TOWNSHIP
MUNICIPAL BUILDING
33 MECHANIC STREET
CAPE MAY COURT HOUSE, NEW JERSEY 08210**

REQUEST FOR PUBLIC RECORDS

A request for a copy of Public Records should be submitted on this form, which 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 current year budgets, bills, vouchers, contracts, including collective negotiations 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 which will be required to provide the records.
- ❖ Where a legal determination must be made as to whether records are "public records" as provided by law, the Municipal Attorney will review the request.
- ❖ **ORDINARY REQUESTS FOR INFORMATION**

The statutory fee schedule shall apply to routine requests under the Open Public Records Law. The fees of N.J.S.A. 47:1A-5 are hereby incorporated herein a such fee schedule presently exists or as such fees might appear in future modifications or amendments of the statute.

At present time, fees under N.J.S.A. 47:1A-5 for routine copies of municipal documents are:
\$.15 per page Mailing envelope \$.25 / Actual postage for any report mailed.
- ❖ **NO RESEARCH OR INTERPRETATION MAY BE COMPELLED**

Nothing in this Ordinance shall require the custodian or deputy custodians of documents or any other municipal official to examine, analyze, tabulate or interpret documents which are subject to production under the New Jersey Open Public Records Act.
- ❖ **SPECIAL SERVICE CHARGE/SPECIAL CHARGES AUTHORIZED**

A. Charges Authorized:
The Township Clerk or deputy custodian of documents qualifying for mandatory products as "governmental records" under the New Jersey Public Records Act shall be entitled to special service charges and/or special charges as set forth in Section 6 of this Ordinance.

B. Requests To Be in Writing:
Any requests for documents shall be made to the Township Clerk on a form established by the Township Clerk for such purposes and adopted by Township Committee of the Township of Middle.

C. Advance Notice Fees, Special Service Charges and Special Charges; Deposits
Any requester of government records which are eligible for the imposition of a special charge or special service charge under Section 6 of this Ordinance shall receive advance notice of the amount of fees and charges before any work is started. The Township Clerk shall require prepayment of such charges before causing the work to begin.
- ❖ **FEES, SPECIAL SERVICE CHARGES AND SPECIAL CHARGES; WHEN CHARGED; AMOUNTS AUTHORIZED**

A. Duplication on Other Work Beyond Capability of Municipal-In-House Work Force:
Whenever the in-house municipal work force or available municipal equipment is insufficient to duplicate or produce government records in a timely fashion, the Township Clerk may cause such duplication or production to be accomplished by outside vendors such as copy centers or producers of digital images. If the cost of such duplication or production charged by such vendors exceeds the routine charges set forth in N.J.S.A. 47:1A-5, the actual direct cost of same without any additional surcharge for labor costs shall be paid.

B. Special Service Charged Authorized:
Whenever government records cannot be reproduced by regular copying equipment or fulfillment of the request would involve extraordinary time and effort (for example, where a large number of records must be recovered from storage or substantive staff time is required to review, sort and assemble records), charges may be imposed as follows:

 1. The actual cost (materials and supplies but no staff labor) of duplication or reproduction; plus
 2. A special service charge of \$32.00 per hour or the actual direct cost of labor (if less) shall be imposed for each hour of extraordinary time predicted to be utilized to respond to the request.

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

C. Rates for In-House Production of Prints or Blueprints:

Any copies of prints or blueprints produced in-house in response to a governmental records request shall be produced for \$8.00 per page, unless actual direct costs are higher, in which case actual costs will be charged.

D. Cost of GIS Data:

The cost of any GIS data owned by the Township of Middle shall be as follows:

1. Tax Map - \$100.00
2. Tax Map Page - \$ 5.00

TOPOGRAPHIC PRICE LIST

This section to be amended when GIS data is available.

E. Digital Records:

If a request for governmental records involves production or conversion of digital or computerized records or film which is:

1. In a medium not routinely used by the agency (i.e., electronic film).
2. Not routinely developed or maintained by an agency; or
3. Requiring a substantial amount of manipulation or programming of information technology.

The requester shall pay fees and special charges as follows:

1. Direct costs (no overhead) to comply with the request, plus
 - a. Special charges; the lesser of the cost of technology and labor actually incurred or \$45.00 per hour.

F. Police Accident Reports:

1. For a Police Accident Report there is an additional fee when the request is not made in person of \$5.00 for the first three (3) pages and \$1.00 for each additional page, as provided by N.J.S.A. 39:4-13.1.

Discovery requests in matters pending in the Municipal Court are submitted through the Municipal Prosecutor.

Fees (other than Municipal Court Discovery)

1. \$.15 per page
2. \$5.00 for mailed accident reports (N.J.S.A. 39:4-131)
3. \$5.00 for each video or audiotape reproduction

Municipal Court Discovery Requests

1. \$.15 per page
2. Actual postage for any report mailed.
3. \$.25 for mailing envelope
4. \$5.00 for each video or audiotape reproduction.
5. On any item that cannot be photocopied on the Township copy machine or not otherwise provided for in this schedule, the actual cost incurred in making the copy shall be charged.
6. Where the discovery must be obtained from an entity other than the Township of Middle, e.g. another police department, the actual costs paid to the other entity shall be paid by the requestor.

All photographs will be photocopied. Actual photo reproductions will be prepared only upon separate request and advanced payment for the actual costs of reproductions.

G. Cost for Copies of Recordings of Township Committee or Planning/Zoning Board and Court Meeting via Cassette Tapes.

1. The cost of reproduction shall be \$10.00 per tape including cost of requested medium, in addition to cost of employee time to copies provided in Section 6 (B) (2).

The term "public records" generally includes those records determined to be public in accordance with N.J.S.A. 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. Further, the municipality reserves the right to redact private information from otherwise public documents.

NOTICE OF REQUESTER OF COPYRIGHT LAWS:

A. *The Township of Middle may be compelled by New Jersey Law to produce or duplicate governmental records but no compliance with these legal obligations shall be deemed to constitute a license, sublicense or waiver of copyright laws.*

B. *The Township Clerk shall give the following notice to any requester of governmental records.*

NOTICE – COPYRIGHT LAWS

You must comply with U.S. copyright laws. These laws may restrict your right to use, duplicate or modify the records provided to you by the Township of Middle. You should consult your own legal counsel on this since severe civil and criminal penalties for violation of copyright laws are provided.

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

WAIVERS FOR GOVERNMENTAL EDUCATIONAL REQUESTER

The Mayor, Clerk or Township Committee (by Resolution) may waive the fees or other charges otherwise chargeable if the requester of governmental records is a governmental or educational entity.

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 N.J.S.A. 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 where the anticipated cost of reproduction exceeds \$5.00] _____

Applicant _____ Date _____

Municipal Official _____ Date _____

Distribution of form :

- One copy is for the applicant upon completion**
- One copy is to be kept by the issuing department**
- One copy is to be forwarded to the Municipal Clerk**

**MIDDLE TOWNSHIP
MUNICIPAL BUILDING
33 MECHANIC STREET
CAPE MAY COURT HOUSE, NEW JERSEY 08210
REQUEST FOR PUBLIC RECORDS**

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

PUBLIC RECORDS REQUEST RESPONSE

TO: (Name of Requester) _____

DATE RECORDS RELEASED _____

RECORDS RELEASED BY: _____

OR

(Complete the following if record is not released)

The document or documents listed below and requested by you are not being provided because the document or documents are not public records as provided by law, for the following reason:

Reason provided by Name: _____ Title: _____

You have a right to appeal the decision that the document or documents are not public records. You may take your appeal to the Government Records Council or to the New Jersey Superior Court, as provided by N.J.S.A. 47:1A-1 et seq.. If your request has been denied, a statement of the procedures for the appeal will be attached to this notification.

Date

Municipal Clerk

ACKNOWLEDGMENT

I hereby acknowledge that I have received the documents requested except for any documents specifically listed above on which a determination has been made that the documents will not be provided. If any documents have not been provided, I have received information on the procedures for any appeal of the determination.

Date

Applicant

Distribution of form :

- One copy is for the applicant upon completion**
- One copy is to be kept by the issuing department**
- One copy is to be forwarded to the Municipal Clerk**