



From: NJLM - Municipal Clerks [mailto:njlm-clerks@cityconnections.com]

Sent: Tuesday, December 22, 2009 4:15 PM

To: Lashway, Lisa

Subject: Recent Raritan Borough OPRA Decision

LEAGUE ALERT

Municipal Clerk: Please forward to Mayor and Governing Body.

December 22, 2009

**Re: Recent Raritan Borough OPRA
Decision**

Dear Mayor:

This is the latest information on a court case that should be of prime concern to all municipalities in the state.

Gannett Newspapers sent out numerous Open Public Records Act (OPRA) requests to different municipalities requesting specific payroll information for a six month period over two years. Gannett request stated that they wanted the records in electronic format, preferably excel, non-PDF format. Raritan Borough and several other towns replied that such records were not kept in the format requested and provided Gannett with the actual cost to convert them. In Raritan's case, they provided Gannett with the cost from their payroll company. Gannett refused to pay the charge and sued Raritan.

Assignment Judge Yolanda Ciccone released a decision affirming what the League has contended all along: that the costs of such requests should be born by the requesters, and not by the taxpayers.

We consider this an important victory for municipalities and taxpayers. The decision could still be appealed by Gannett, however. We will keep a close eye on this case and inform you of any further developments.

For more information, please contact Matthew Weng at 609-695-3481 x137 or by e-mail mweng@njslom.com.

Very truly yours,

William G. Dressel, Jr.

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