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May 23, 2007

MS. KATHERINE WATT

[REDACTED]
North Plainfield, NJ 07060

RE: Katherine Watt Request for Access to Public Records
Villa Maria Property, North Plainfield

Dear Ms. Watt:

Pursuant to the Open Public Records Act, N.J.S.A. 47:1A-1, et seq., (hereinafter referred to as "OPRA") and RGO § 2-39 of the Ordinances of the Borough of North Plainfield, the following is the response of the Custodian of Records of the Borough of North Plainfield to your request of May 16, 2007.

The Borough objects to the requests as they are in whole or part excessively broad and undefined, not proper requests under OPRA, and are not requests for information but requests for research, collation or assembly of data for which there is no obligation under OPRA. Further, the requests are excessively broad as to time, because the Borough cannot define such limits as "from date when Villa Maria became available for sale" because this relates to private matters in which the Borough is not involved. A request for records for when the "Borough became involved in development and planning in the property" is not proper because the Borough is not involved in developing or planning for the property.

Further, the Borough is not required to reformulate any request under OPRA to make it comply with requirements under OPRA. However, subject to these objections and without waiving any other objection, the Borough makes the following responses to your request.

1. Copies of Minutes related to discussion and decisions by Borough Council, Mayor, Planning Board, and Zoning Board of Adjustment: Minutes of all open sessions of the Borough Council are available for inspection during reasonable business hours, and any items requested will be copied at standard rates. Minutes of Executive Sessions are not available for inspection or copying because they concern legal advice, acquisition of real estate and litigation and are therefore exempt from inspection and copying under OPRA. There are no discussions or decisions of the Mayor other than what is contained in the above minutes. The Planning Board and the Zoning Board of Adjustment are autonomous agencies and can be contacted through the Board Secretaries.

2. Copies of Ordinances or Resolutions by Borough Council, Mayor, Planning Board, Zoning Board of Adjustment: Without waiving any other objections, the only two (2) Ordinances which concern "Villa Maria" are RGO § 05-22 and RGO § 06-01 which are enclosed. Copies of all Ordinances and Resolutions enacted by the Borough Council are available for inspection during reasonable business hours, and

any items requested will be copied at standard rates. There are no Ordinances or Resolutions related to discussions or decisions of the Mayor other than what is contained in the above minutes. The Planning Board and the Zoning Board of Adjustment are autonomous agencies and can be contacted through the Board Secretary.

3. Copies of correspondence related to discussion and decisions by Borough Council, Mayor, Planning Board, Zoning Board of Adjustment, Developers, Somerset County Freeholders, Developers, Order of Child Jesus: Materials of the Borough Council are available for inspection during reasonable business hours, and any items requested will be copied at standard rates, subject to the following conditions. "Reports and correspondence" are not specified with any degree of description sufficient to determine what is requested. Such documents may be located in a number of offices and may be covered by the attorney client privilege or other privilege from disclosure.

Pursuant to OPRA the Custodian of Records will have to examine numerous files in order to redact confidential material and the Borough is entitled to a reasonable fee for the redaction and production of such records for inspection. The Borough Custodian of Records does not have the expertise or training to determine confidentiality or other privileges related to such records and redaction will have to be performed by the Borough Attorney's office. That cost is determined to be three (3) hours of attorney time at \$95.00 per hour, which must be paid in advance pursuant to OPRA. In addition there will be supervision of inspection of identified files which will incur an hourly fee of \$38.50 per hour and for which a minimum of one (1) hour must be paid in advance.

Please be advised in advance that correspondence may not available for inspection or copying because they concern legal advice, litigation or other matters which are exempt from disclosure and are therefore exempt from inspection and copying under OPRA.

The estimated time for response to request number 3 is two (2) weeks. Preparation will not commence until deposits are paid.

The Somerset County Freeholders, Planning Board and the Zoning Board of Adjustment are autonomous agencies or entities and can be contacted through the Board Secretary or other appropriate Custodian. However, a small portion of the North Plainfield Master Plan Revaluation Report of August 2001 prepared by the Borough's Planning and Zoning Consultant pursuant to statute is reasonably believed to be the only report or correspondence from the Planning Board or Zoning Board of Adjustment and a copy of the relevant section is attached.

"Developers" and the "Order of Child Jesus" are not public entities.

The total cost for documents attached is :

28 pages total copies	Pages 1-10 @ \$0.75 per page	\$7.50
	Pages 11-20 @ \$0.50 per page	\$5.00
	Pages 21-28 @ \$0.25 per page	\$2.00

Please remit to: Borough of North Plainfield
Office of the Borough Clerk

263 Somerset Street
North Plainfield, NJ 07060

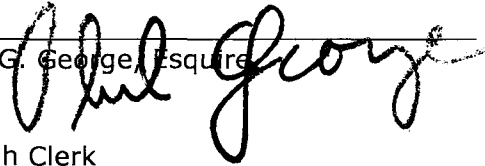
\$14.50

Thank you for your attention to this matter.

Very truly yours,
Eric M. Bernstein & Associates, L.L.C.

By:

Philip G. George, Esquire

A handwritten signature in black ink, appearing to read "Philip G. George", written over a horizontal line.

PGG/pgg

CC: Gloria Pflueger, CMC, RMC, Borough Clerk
David Hollod, Borough Administrator, for Council Distribution
Mayor Janice Allen