

RESOLUTION NO. 78-10

**BRICK TOWNSHIP MUNICIPAL UTILITIES
AUTHORITY**

October 25, 2010

**A Resolution of the Brick Township Municipal
Utilities Authority, County of Ocean, State of
New Jersey, Providing Access to Public Records
in Accordance With N.J.S.A. 47:1A-1 Et Seq**

WHEREAS, pursuant to N.J.S.A. 47:1A-1, et seq., the Legislature has found and declared that government records shall be readily accessible for inspection, copying, or examination by the citizens of this state, with certain exceptions, for the protection of the public interest and any limitations on the right of access accorded by N.J.S.A. 47:1A-1, et seq. as amended and supplemented, shall be construed in favor of the public's right of access; and

WHEREAS, the legislature has further found and declared that all government records shall be subject to public access unless exempt from such access by P.L. 1963, c. 73 (C.47:1A-1 et seq.) as amended and supplemented; any other statute; resolution of either or both houses of the Legislature; regulations promulgated under the authority of any statute or Executive Order of the Governor; Executive Order of the Governor; Rules of the Court; any federal law, federal regulation, or federal order; and

WHEREAS, in compliance therewith, the Brick Township Municipal Utilities Authority shall make all records, with certain exceptions, available to the public as a matter of policy; and

WHEREAS, scheduled and uncontrolled access to such records imposes a burden upon the Authority and its employees which requires reasonable regulation and charges for expenses incurred in providing such access:

NOW, THEREFORE, BE IT RESOLVED, this 25th day of October, 2010, by the Brick Township Municipal Utilities Authority, County of Ocean, State of New Jersey, as follows:

1. Except as otherwise provided by law, all records of the Authority shall be available to the public upon written request therefore, which may, but need not, be made on a form provided by the Authority. The Authority adopts as its revised OPRA Request Form the form prepared and recommended by the Government Records Council.

2. Such records may be inspected at the principal office of the Authority during regular business hours and may be copied, by hand, under the supervision of a representative of the Authority.

Copies of such records may be purchased upon payment of the following fees: 8.5" x 11.0" paper - \$0.5 per page

8.5" x 14.0" paper - \$0.7 per page

3. Whenever the nature, format, manner of collation, or volume of a government record embodied in the form of printed matter to be inspected, examined, or copied pursuant to this section is such that the record cannot be reproduced by ordinary document copying equipment in ordinary business size or involves an extraordinary expenditure of time and effort to accommodate the request, the Authority may charge in addition to the actual cost of duplicating the record, a special service charge that shall be reasonable and shall be based upon the actual direct cost of providing the copy or copies. The requestor shall have the opportunity to review and object to the charge prior to it being incurred.

4. The Custodian shall permit access to an Authority record and provide a copy thereof in the medium requested if the Authority maintains the record in that medium. If the Authority does not maintain the record in the medium requested, the Custodian shall either convert the record to the medium requested or provide a copy in some other meaningful medium. If a request is for a record: (1) in a medium not routinely used by the Authority; (2) not routinely developed or maintained by the Authority; or (3) requiring a substantial amount of manipulation or programming of information technology, the Authority may charge, in addition to the actual cost of duplication, a special charge that shall be reasonable and shall be

based on the cost for any extensive use of information technology, or for the labor cost of personnel providing this service, that is actually incurred by the Authority or attributable to the Authority for the programming, clerical, and supervisory assistance required, or both.

5. The disclosure of records, of any investigation in progress, shall be deemed to be inimical to the public interest and the Authority and shall not be available for copying nor shall the public have access thereto until the investigation shall have been completed and release of such records has been authorized by resolution of the Authority.

6. The public shall not have access to the following records:
- a. Minutes of all Meetings until approved by the Authority.
 - b. Reports, opinions and correspondence between the Authority and its attorney or engineer which are subject to review by the Authority and/or which are privileged information.
 - c. Employment records of staff and administrative personnel and any matters which would violate the privacy of such employees.

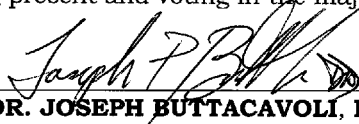
7. All resolutions inconsistent herewith are hereby repealed.

8. The Authority does hereby designate the Authority Secretary as the Custodian of Records.

9. The Authority authorizes and directs the Chairman, Secretary and Executive Director to execute any and all necessary documents in order to implement the intent of this Resolution.

CERTIFICATION

I hereby certify that the foregoing Resolution was duly adopted by the Brick Township Municipal Utilities Authority at a meeting held on the day of October, 2010, a quorum being present and voting in the majority.


DR. JOSEPH BUTTACAVOLI, DMD
Secretary

Prepared by:
DASTI, MURPHY, McGUCKIN, ULAKY,
CHERKOS & CONNORS
Forked River, New Jersey 08731
JJJ/faw[BTMUA-Resolutions 2010 - GL#18765]

**DASTI, MURPHY
McGUCKIN, ULAKY,
CHERKOS & CONNORS**
COUNSELLORS AT LAW
620 WEST LACEY ROAD
P.O. BOX 1057
FORKED RIVER, N.J. 08731