

**BOROUGH OF HILLSDALE  
COUNTY OF BERGEN  
STATE OF NEW JERSEY**

**ORDINANCE NO. : 97-13**

**AN ORDINANCE ESTABLISHING A POLICY  
OF THE BOROUGH OF HILLSDALE FOR  
ACCESS TO PUBLIC RECORDS.**

**WHEREAS**, the Borough of Hillsdale presently provides public records to citizens, residents and other applicable individuals on an as-needed basis as such requests come to individual departments; and

**WHEREAS**, the Borough now wishes to create a centralized policy as to determining whether records are public in nature; the viability and consequences of the public's right to know; how, when and if the public can obtain such records; and a form to assist in all of these issues.

**NOW THEREFORE, BE IT ORDAINED** by the Borough Council of the Borough of Hillsdale, County of Bergen, State of New Jersey, that a Borough policy as to public records is hereby adopted as follows:

- 1. The Borough of Hillsdale hereby creates a Borough public records policy governing public records created/governed by:**
  - a. N.J.S.A. 47:1A et seq. ("Right to Know" Law);**
  - b. Records that are considered "public records" in accordance with common law; and**

- c. Records that are subpoenaed pursuant to pending litigation and/or court order, which may be subject to judicial review.
2. All requests for records shall be made through the Borough Clerk's Office on a form approved by the Borough. No request for records shall be honored without a properly filled out form, except for document requests by the Mayor and/or Borough Council, the Borough Attorney or other Borough Special Counsel and tax record cards requested by taxpayers of the Tax Assessor, pursuant to pending Bergen County Board of Taxation or New Jersey State Court appeal(s).
3. All requests for public records directed to department heads or other Borough officials/employees shall be directed to the Borough Clerk's Office, which will serve as the depository of such requests and the dissemination of said forms to obtain public records not within the Clerk's control/possession.
4. Upon receipt of a request for records, if said records are public, the Borough will endeavor to honor such request within 10 working days of the receipt of said request. Working days are defined as Monday through Friday, excluding holidays. However, there will be times when, due to the nature or extent of the request or unavailability of manpower, the Borough will be unable to honor the request within 10 working days; if such, the Borough shall attempt to complete such request as soon as feasibly possible.

5. All persons requesting records will be advised that the public business of the Borough will take precedence over a record request, especially where such request is a broad or far reaching information request.
6. All requests for records shall be as specific as possible <sup>to</sup> and the Borough ~~reserves the right to reject a public records request if it is random in nature -- or if it will involve the extensive use of Borough employees' time and/or -- presence of a Borough employee to ensure security of the records in -- question. --~~
7. All requests for records shall, except for requests by Borough employees/officials and non-profit organizations, be subject to the Borough's policy as to copying costs.
8. The following records, or types of records which are not public and shall not be made available to the public, include but are not limited to, the following:
  - a. records of a personal nature regarding Borough officials, employees and/or other applicable individuals;
  - b. medical records;
  - c. all records exempted by state and/or federal statutes, rules and/or regulations;
  - d. all records exempted by presidential and/or gubernatorial executive order;

- e. all records which are not included in the definition of "public records" pursuant to N.J.S.A. 47:1A-1 et seq. where applicable;
- f. confidential police investigation reports;
- g. work product or notes of Borough officials/employees; and
- h. Council closed session minutes involving personnel matters. Council open session minutes shall not be considered public records until such time as they are approved by the Borough Council. Council closed session minutes shall not be considered public records until such time as they are approved by the Borough Council and the matter(s) in question have been concluded pursuant to the provisions of N.J.S.A. 10:4-6 et seq. A report prepared for review by the Mayor and Borough Council shall not be deemed a public record until at least seven (7) calendar days after disbursement of the report by the Borough Clerk to the Mayor and Council or the next Council meeting, whichever is later.


9. Not all requests for records do, in fact, lead to the copying, review and/or release of such records. A record may be a public record under common law, but may not be a public record under the Right To Know Law (N.J.S.A. 47:1A-1 et seq.) or it may be or may not be a public record under any other legal statute, rules, regulations and/or court decision. The Borough Clerk shall seek the opinion of the Borough Attorney as to whether or not a record is public if there is any question as to its release. The Borough Clerk's actions on this type of matter shall be guided by such legal opinion.

**NOW, THEREFORE, BE IT FURTHER ORDERED THAT:**


All Ordinances or parts of Ordinances inconsistent with this Ordinance shall be repealed as to their inconsistencies only.

2. This Ordinance shall take effect after final passage, publication and other provisions in accordance with law.

APPROVED: July 8, 1997

  
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Timothy P. O'Reilly, Mayor

ATTEST:

  
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Robert P. Sandt, RMC  
Borough Clerk