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Increase in public records requests prompts Galloway Township to budget more money for legal fees

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What's next?

Galloway Township Council will hold a public hearing and vote on its 2012 budget at the April 24 meeting at 6:30 p.m. at City Hall on 300 East Jimmie Leeds Road.

By JOEL LANDAU, Staff Writer

GALLOWAY TOWNSHIP — Council has increased the amount of money earmarked for legal fees in the 2012 budget after the township was inundated with open public records act requests in the past year.

During a budget workshop meeting, Township manager Arch Liston said the township will increase its amount for legal fees by \$65,000. The legal fees in the 2011 budget were \$135,000 but the amount slated for the 2012 budget is \$200,000. The line item for legal fees in 2010 was \$115,000.

This is one of the few increases in the proposed \$24.2 million budget that the council is expected to vote on at the April 24 meeting.

Liston said he hopes the township's actual expenditure this year is "far under" the \$200,000 figure, but the clerk's office has been inundated with requests in recent months. Any unspent money on this line item could be redistributed for another need.

Solicitor Mike Blee is paid \$120 to review each document. The township is not required to have Blee review every request but the township has asked him to look at a number of the OPRA's.

"We are being careful," Liston said, noting the handling of requests seems to have become more efficient now that the council appointed TC Kay to interim clerk last month.

The township responded to about 240 OPRA requests in 2010 compared with about 380 requests in 2011.

Between Aug. 25 and Dec. 20, 2011, the township received nearly 90 OPRA requests. In that time, the township paid Blee more than \$13,000 to review the requests compared to \$3,000 in 2010.

Chief Financial Officer Marilyn Dolcy said the increased legal fees also are needed to conduct appraisals for help with tax appeals with large commercial properties. The township saw the amount of appeals increase to about 1,900 in 2012 — about 900 more appeals than in 2011.

The township had difficulty keeping up with the volume of OPRA requests before Kay was hired. There was a lot of turnover in the position after former clerk Lisa Tilton resigned last October.

The expense from OPRA is more than just the township's attorney fees.

Last month the township reached an agreement with Harry Scheeler, a Woodbine resident and activist who said he has filed between 100 and 150 OPRA requests in the past year.

Scheeler had filed a lawsuit over not receiving OPRA requests before Kay started her position. His attorney Donald Doherty said the two sides reached a settlement when Scheeler received his information and Galloway agreed to pay his attorneys' fees, which totaled about \$2,500.

The council discussed the lawsuit during a closed session after Tuesday's meeting. Blee said formal action has not been taken and he could not comment on the suit.

Scheeler said he is considering a second lawsuit due to more unfulfilled OPRA requests.

Doherty, who has his own practice in Berlin and specializes in OPRA cases, said it is not a surprise the problems in the clerk's office led to increased requests.

"Once you start freezing people out, they want to know what they're being frozen out from. All of a sudden people who were not interested before get their interests piqued."

Scheeler said he's filed his requests based on tips he's gotten from people in the township.

Scheeler said the township's system has been ineffective and he alleges he has been denied requests because they don't want certain information released.

"The solicitor is supposed to prevent lawsuits and he's not doing that," he said. "In fact he is costing them money."

The township has had other legal expenses including paying Tilton \$3,800 in legal expenses when she left her position last year. Tilton also has two \$3 million tort claim against the township.

In a separate matter, the township spent \$9,150 for an investigation of a complaint Tilton made against Councilman Dennis Kleiner. Tilton claimed Kleiner threatened her reappointment. That situation has been settled.

Mayor Don Purdy said he is confident that City Hall will run more smoothly and properly address all the requests since the appointment of Liston in March .

"I know Arch will have it under control," he said.

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