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Some communities significantly drop prices of public documents, CDs

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Several Sussex County communities have changed how much they charge for public records after local activists began monitoring the fees and sought to bring them in line with state requirements.

Several towns are scaling back their fees for audio recordings and paper documents requested under the state's Open Public Records Act after some open government advocates lobbied, and are even fighting, towns in Sussex County.

Jesse Wolosky, a Sparta activist, and Martin O'Shea, a statewide open government advocate from Stockholm, have caused some changes by working with local records custodians. Though Wolosky and O'Shea have taken different approaches, they have run parallel to one another in Sussex County.

Several towns have lowered their cost of audio recordings to "actual cost," or just the cost of the blank CD or tape, as prescribed by the state's Government Records Council. After Wolosky sent lengthy open records requests countywide for various materials, including audio recordings of meetings, several of the municipal clerks lowered their costs.

One of these was Fredon, which dropped its fees for CD audio of its meetings from \$50 to \$5. Fredon's clerk, Joanne Charner, said the change was made in December after Wolosky's request. Hopatcong also is going to lower its \$20 audio recording fee, according to Borough Clerk Lorraine Stark.

"We're actually going to make a change by ordinance," Stark said.

In Byram, the \$10 charge for CDs has been dropped to 50 cents -- and the council there is going to discuss a resident's request for reimbursement of a year's worth of CDs at the \$10 rate. Byram Clerk Doris Flynn said the council has not changed the ordinance to reflect the new price, but her office has been operating with the new fee structure. Before the change, she simply was following the local law, she said.

"That's what the ordinance said; that's what we charged," Flynn said.

Montague also is mulling an audio fee change, according to Township Clerk Diana Francisco.

"It's been a topic," Francisco said.

Lafayette and Andover Township also are looking at the costs of their paper copies. The state's recommended maximum for copies is a sliding scale starting at 75 cents per page, but both townships will discuss changing those fees, according to their respective clerks.

At a recent Andover Township Committee meeting, the members unanimously introduced an ordinance that lowers its paper copies to seven cents apiece. Lafayette is considering a similar change. AnnaRose Fedish, the Lafayette clerk, said the topic would be discussed at an upcoming Township Committee meeting.

"They say you can't teach an old dog new tricks. But yes, you can," Fedish said.

Hardyston might be the best open records model currently in the county as far as costs, O'Shea said. The township's records rate is 10 cents for paper copies and 40 cents for CD audio recordings. Hardyston's manager, Marianne Smith, said there was a philosophical edge to their fee schedule.

"There is a general sentiment that there is a benefit to the public and to the operation of government when everyone is able to be educated and informed on the issues," Smith said.

Not all the municipalities are changing their fees.

Wolosky said he has filed several complaints with the state Government Records Council related to the fee issue, and several towns have not made moves to change their fees despite the attention of the activists. Frankford's administrator and clerk, Louanne Cular, said the committee definitely was not considering changing its records costs. She acknowledged Wolosky had filed a complaint against the town, and said the efforts of he and other activists was "harassment."

"To harass the clerks countywide is wrong. It takes away from what we're doing for the public," Cular said.

The fees have been a hot topic in places beyond Sussex County, according to John Paff, the chairman of the Open Government Advocacy Project of the state Libertarian Party. Paff, who's pushed open record boundaries in more than 100 municipalities statewide the past decade, said it was encouraging to see towns switching to adopt the spirit of the law by making records more accessible to all citizens.

"That's the way it ought to be," Paff said.