

**BOROUGH CLERK**  
Barbara L. Dispoto, RMC/CMC

**ADMINISTRATOR**  
Adrian Febre, CPM



**MAYOR**  
Richard Bolan

**COUNCIL  
PRESIDENT**  
Jacqueline DeMuro

**COUNCIL  
MEMBERS**  
Katherine Bennin  
Jacqueline Flynn  
Douglas Herrick  
Claire Padovano  
Ryan P. Ullman

**BOROUGH OF MAYWOOD**  
**15 Park Avenue, Maywood, NJ 07607**

**ORDINANCE #9-25**

**AN ORDINANCE TO ESTABLISH A NEW CHAPTER IN THE CODE OF THE  
BOROUGH OF MAYWOOD, CHAPTER 262, ENTITLED "RESTRICTED AREAS IN  
BUILDINGS WHERE BOROUGH OPERATIONS ARE CONDUCTED LIMITED TO  
AUTHORIZED EMPLOYEES ONLY TO PROTECT AND SAFEGUARD PUBLIC  
RECORDS CONTAINING PERSONALLY IDENTIFIABLE INFORMATION"**

**WHEREAS**, the Borough of Maywood (“Borough”) recognizes the importance of the rights guaranteed under the First Amendment of the United States Constitution and Article 1 Section 6 of the New Jersey Constitution; and

**WHEREAS**, the Borough acknowledges that as a matter of public policy, the rights afforded by the First Amendment of the United States Constitution and Article 1 Section 6 of the New Jersey Constitution are not unlimited; and

**WHEREAS**, the rights afforded by the First Amendment of the United States Constitution and Article 1 Section 6 of the New Jersey Constitution are subject to reasonable time, place and manner restrictions; and

**WHEREAS**, the Borough officials and employees have a responsibility to maintain and safeguard public records that contain confidential information and information that is exempt from disclosure by law; and

**WHEREAS**, to adequately comply with the New Jersey Open Public Records Act, N.J.S.A. 47:1A-1, et seq., and to comply with the statutorily defined responsibilities, the maintenance and custody of specific records are required; and

**WHEREAS**, municipal officials assigned this responsibility include, but are not limited to; the Borough Clerk, Borough Registrar, Police Chief, Library Director, Chief Financial Officer, Tax Collector, Tax Assessor, Borough Court Administrator, Borough Prosecutor, Public Defender, Borough Court Judge, Construction Official, Superintendent of Public Works, Fire Chief, Fire Official, Board of Health, and the Borough Administrator; and

**WHEREAS**, the responsibility for the maintenance and safeguarding of records, reports,

documents and information in municipal offices may not be available for immediate public view since they may contain personal information, phone numbers, social security numbers, dates of birth and other confidential information; and

**WHEREAS**, securing these records maintains the integrity of this information and when an Open Public Records Act request is received, and it is determined that a requester is entitled to the records, the records can be released individually and redacted as required by law; and

**WHEREAS**, it is not expected that borough employees physically intervene to protect a record, and creating secure areas with clear signage will help deter persons from collecting records which they are not entitled to receive without following the process required by the Open Public Records Act.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council of the Borough of Maywood in the County of Bergen and State of New Jersey that the Code of the Borough of Maywood is hereby amended to add Chapter 262 entitled Restricted Areas in Buildings Where Borough Operations are Conducted Limited to Authorized Employees Only to Protect and Safeguard Public Records Containing Personally Identifiable Information as follows:

Section 1. The Borough recognizes the importance of the rights guaranteed under the First Amendment of the United States Constitution and Article I Section 6 of the New Jersey Constitution.

Section 2. The Borough of Maywood acknowledges that as a matter of public policy, the rights afforded by the First Amendment of the United States Constitution and Article I Section 6 of the New Jersey Constitution are not unlimited.

Section 3. The rights afforded by the First Amendment of the United States Constitution and Article I Section 6 of the New Jersey Constitution are subject to reasonable time, place, and manner restrictions.

Section 4. The Borough of Maywood officials and employees have a responsibility to maintain and safeguard public records that consist of confidential information.

Section 5. To adequately comply with the New Jersey Open Public Records Act, N.J.S.A. 47:1A-1, and to comply with the statutorily defined responsibilities, the maintenance and custody of specific records are required.

Section 6. Municipal officials assigned this responsibility include, but are not limited to; the Borough Clerk, Borough Registrar, Police Chief, Library Director, Chief Financial Officer, Tax Collector, Tax Assessor, Borough Court Administrator, Borough Prosecutor, Public Defender, Borough Court Judge, Construction Official, Superintendent of Public Works, Fire Chief, Fire Official, Board of Health, and the Borough Administrator; and

Section 7. The responsibility for the maintenance and safeguarding of records, reports, documents and information in municipal offices may not be available for immediate public view since they

may contain personal information, phone numbers social security numbers, dates of birth and other confidential information.

Section 8. Securing these records maintains the integrity of this information and when an Open Public Records Act request is received, and it is determined that a requestor is entitled to the records, the records can be released individually and redacted as required by law.

Section 9. It is not expected that borough employees physically intervene to protect a record, and creating secure areas with clear signage will help deter persons from collecting records which they are not entitled to receive without following the process required by the Open Public Records Act.

Section 10. For the exception of public reception spaces, the Borough Office areas in the Maywood Police Department & Maywood Borough Hall: 15 Park Avenue; Department of Public Works & Garages: 205 East Hunter Avenue; Fire Headquarters: 15 Park Avenue, 30 West Hunter Avenue; Maywood Library: 459 Maywood Avenue; Senior Recreation Center: 145 West Magnolia Avenue; Maywood Ambulance Building: 15 Park Avenue; have been secured and such areas and offices are not open to the public for the purpose of protecting documents, digital data and other written, copied or printed materials that are not subject to the Open Public Records Act, which may include, but are not limited to, personally identifiable information that is protected by the Statutes of the State of New Jersey and the Federal laws of the United States.

Section 11. The Borough of Maywood shall be required to post signs outside of offices which read the following but not limited to the following wording, "Restricted Area", "Authorized Employees Only", "Recording, Videorecording or Photography is Strictly Prohibited". "Violators are Subject to Criminal Prosecution" by Borough Ordinance #9-25". Any variation of the above language shall all include, "Violators are Subject to Criminal Prosecution".

Section 12. Persons that trespass these posted, protected offices may be subject to prosecution under N.J.S.A. 2C-18-3.

Section 13. In the event any section, part or provision of this Ordinance shall be held unconstitutional or otherwise invalid by any Court of competent jurisdiction, such determination shall not affect the validity of this Ordinance or the remaining provisions which shall remain in full force and effect.

Section 14. All ordinances or parts thereof which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

Section 15. This Ordinance shall take effect after adoption and publication in the manner prescribed by law.

Date: June 24, 2025

APPROVED: Richard Bolan  
Richard Bolan, Mayor

ATTEST: Barbara L. Dispoto  
Barbara L. Dispoto, RMC/CMC  
Borough Clerk

**Introduction-1<sup>st</sup> Reading**

**Date: May 27, 2025**

	Moved	Seconded	Ayes	Nays	Abstain	Absent	Recuse
Mayor Bolan							
Councilmember Bennin			X				
Councilmember Flynn			X				
Councilmember Herrick		X	X				
Councilmember Padovano	X		X				
Councilmember Ullman			X				
Council President DeMuro			X				

**Adoption-2<sup>nd</sup>/Final Reading**

**Date: June 24, 2025**

	Moved	Seconded	Ayes	Nays	Abstain	Absent	Recuse
Mayor Bolan							
Councilmember Bennin		X	X				
Councilmember Flynn			X				
Councilmember Herrick			X				
Councilmember Padovano	X		X				
Councilmember Ullman			X				
Council President DeMuro						X	

**CERTIFICATION**

I, Barbara L. Dispoto, Municipal Clerk of the Borough of Maywood in the County of Bergen and the State of New Jersey do hereby certify that the foregoing ordinance is a true copy of the original ordinance duly passed and adopted on second reading by the Governing Body at the meeting of June 24, 2025.

Date: \_\_\_\_\_

\_\_\_\_\_  
Barbara L. Dispoto, RMC/CMC  
Borough Clerk