



**Minutes of the Government Records Council
January 26, 2010 – Closed Session**

The Council convened in closed session at 10:07 a.m. in Conference Room 129 of the Department of Community Affairs, Trenton, New Jersey. In attendance were: Robin Berg Tabakin, Kathryn Forsyth (designee of Acting Commissioner Bret Schundler, Department of Education) and Harlynn Lack (designee of Acting Commissioner Charles A. Richman, Department of Community Affairs).

Also in attendance were GRC Staff: Executive Director Catherine Starghill, In-House Counsel Karyn Gordon, GRC Staff Secretary Brigitte Hairston, and Deputy Attorney General Debra Allen.

A motion was made by Ms. Forsyth and seconded by Ms. Lack to go into closed session. The motion was adopted by a unanimous vote.

The Council met in closed session pursuant to N.J.S.A. 10:4-12.b(7) to receive legal advice and discuss anticipated litigation in which the public body may become a party in the following matter:

1. Frank Amoresano v. Rowan University (2008-186) *In-Camera*

The Council reviewed the unredacted records and the Executive Director's recommendations based on the *in-camera review*. The Council members discussed the recommendations and agreed that they were appropriate.

2. John Paff v. County of Camden (2009-25)

The Council discussed the Executive Director's recommendations and determined that even though the Custodian provided the requested record (Code of Ethics) to the Complainant in paper copy, the GRC must order disclosure of same in the specific medium in which the Complainant requested (electronic) even if the Custodian did not have the means to convert the record into that medium.

A motion was made by Ms. Forsyth and seconded by Ms. Lack to end the closed session. The motion was adopted by a unanimous vote.

The closed session meeting concluded at 10:25 a.m.

The Council convened in closed session for a second time at 10:32 a.m. in Conference Room 129 of the Department of Community Affairs, Trenton, New Jersey. In attendance were: Robin Berg Tabakin, Kathryn Forsyth (designee of Acting Commissioner Bret Schundler, Department of Education) and Harlynn Lack (designee of Acting Commissioner Charles A. Richman, Department of Community Affairs).

Also in attendance were GRC Staff: Executive Director Catherine Starghill, In-House Counsel Karyn Gordon, GRC Staff Secretary Brigitte Hairston, and Deputy Attorney General Debra Allen.

A motion was made by Ms. Forsyth and seconded by Ms. Lack to go into closed session. The motion was adopted by a unanimous vote.

The Council met in closed session pursuant to N.J.S.A. 10:4-12.b(7) to receive legal advice and discuss anticipated litigation in which the public body may become a party in the following matter:

1. Joseph Elcavage v. West Milford Township (Passaic) (2009-07) and Joseph Elcavage v. West Milford Township (Passaic) (2009-08)

The Council discussed the Executive Director's recommendations and determined that the standard for requesting e-mails must be established to make it clear for requestors and custodians. Specifically, the Council discussed the minimal information necessary for a custodian to identify e-mails requested. The Council concluded the standard needed to be liberal enough so that requestors did not have to have all identifiers, but a minimal number of them, when requesting e-mails and thus avoid the broad and unclear request standard established by several Appellate Division of New Jersey Superior Court decisions.

A motion was made by Ms. Forsyth and seconded by Ms. Lack to end the closed session. The motion was adopted by a unanimous vote.

The closed session meeting concluded at 10:55 a.m.

Respectfully Submitted:

Harlynn Lack, Secretary

Dated Approved: