



**Minutes of the Government Records Council  
February 23, 2010 – Closed Session**

The Council convened in closed session at 9:54 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 Lori Grifa, 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. Lack and seconded by Ms. Forsyth 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) Nancy Lewen v. Robbinsville Public School District (Mercer) (2008-211) In-Camera Review**

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 to re-schedule the adjudication of this complaint pending further investigation of the unredacted record at issue.

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

The Council discussed the Executive Director's recommendations and determined that additional review of the new standard for e-mail requests under OPRA was required to ensure that all Council members were in agreement with such standard. Therefore, the Council re-scheduled the adjudication of this complaint until the next Council meeting.

**(3) John Paff v. Borough of Wildwood Crest (Cape May) (2009-54)**

The Council discussed the Executive Director's recommendations and determined that in order to be consistent with prior decisions and the GRC's statutory authority, additional review of the complaint was necessary. Therefore, the Council re-scheduled the adjudication of this complaint until the next Council meeting.

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

The closed session meeting concluded at 11:00 a.m.

Respectfully Submitted:

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Harlynn Lack, Secretary

Dated Approved: