



Minutes of the Government Records Council October 26, 2010 Public Meeting – Open Session

The meeting was called to order at 10:05 a.m. at the Department of Community Affairs, Conference Room 126, Trenton, New Jersey. The Open Public Meetings Act statement was read.

The pledge of allegiance was recited while standing by all.

The meeting notice and fire emergency procedure was read by Ms. Tabakin.

Ms. Hairston called the roll:

Present: Robin Berg Tabakin, Chairwoman, Charles Richman (designee of Department of Community Affairs Commissioner Lori Grifa), Stacy Spera (designee of Department of Community Affairs Commissioner Lori Grifa for the sole purpose of the Caggiano complaint adjudications), and Deborah E. Bleisnick (designee of Department of Education Acting Commissioner Rochelle Hendricks).

GRC Staff In Attendance: Executive Director Catherine Starghill, GRC Secretary Brigitte Hairston, Case Managers: Dara Lownie, Frank Caruso, Darryl Rhone, John Stewart, Designated Outside Counsel Joseph Maddaloni and Deputy Attorney General Debra Allen.

Ms. Tabakin read the Resolution for Closed Session to go into 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 matters:

1. Thomas Healy v. NJ Department of Labor & Workforce Development (2008-108) *In Camera Review*
2. Stanley Baker, Jr. v. NJ Civil Service Commission (2009-253) *In Camera Review*
3. Thomas Caggiano v. Sussex County Prosecutor's Office (2010-211)
4. Thomas Caggiano v. NJ Government Records Council (2010-212)
5. Thomas Caggiano v. NJ Government Records Council (2010-213)

A motion was made to go into closed session by Ms. Spera and seconded by Ms. Bleisnick to go into closed session. The motion was adopted by a unanimous vote. A motion was made by Ms. Spera and seconded by Ms. Bleisnick to end the closed session. The motion was adopted by a unanimous vote. The Council met in closed session from 10:09 a.m. until 10:40 a.m.

Open Session reconvened at 10:44 a.m. and Ms. Hairston called roll.

Present: Ms. Tabakin, Mr. Richman, Ms. Spera and Ms. Bleisnick.

There was no quorum to approve the meeting minutes from the following meetings:

1. Open Session Minutes (June 29, 2010)
2. Closed Session Minutes (June 29, 2010)
3. Open Session Minutes (July 27, 2010)
4. Closed Session Minutes (July 27, 2010)
5. Open Session Minutes (August 24, 2010)
6. Closed Session Minutes (August 24, 2010)

Therefore, there were no votes to approve these minutes.

Council Adjudication:

The following complaints were presented to the Council for summary administrative adjudication:

1. Perry Barse v. City of Vineland (Cumberland) (2009-272)
2. Pauline A. Higgins v. Township of Vernona (Essex) (2010-31)
3. Philip Charles v. Plainfield Municipal Utilities Authority (Union) (2010-60)
4. Randal Young v. Montclair State University (Essex) (2010-80)
5. Robert J. Bifani, Jr. v. Borough of West Long Branch (Monmouth) (2010-127)
6. Robert G. Buckalew v. Borough of Carteret (Middlesex) (2010-144)
7. Jerry Jeter v. NJ Department of Corrections (2010-146)
8. Abdul Islam v. University of Medicine & Dentistry of NJ (2010-158)
9. Kevin Conley v. NJ Department of Corrections (2010-231)
10. Claire Begley v. Township of Belleville (Essex) (2009-243)
11. John Belthoff v. Borough of River Edge (Bergen) (2010-69)
12. William Brunt v. NJ Department of Law & Public Safety, NJ State Police (2010-74)
13. Chris L. Hayes v. City of Camden (Camden) (2010-129)
14. Vincent J Conte v. Morris County Sheriff's Office (2010-214)
15. Larry A. Kohn v. Township of Livingston (Essex) (2010-234)
16. Keith Bragg v. NJ Dept of Law & Public Safety, Division of Consumer Affairs, Bd of Nursing
17. David Herron v. Township of Little Falls (Passaic) (2010-236)
18. Norberto D. Ocampo v. Bergen County Community College (2010-239)
19. Keeneth Rozov v. Burlington County Board of Chosen Freeholders (2010-254)
20. Sabino Valdes v. NJ Department of State, Division of Archives & Records Management (2010-264)

Ms. Tabakin called for a motion to accept the Executive Director's recommendations as written in all of the above Administrative Complaint Dispositions. A motion was made by Mr. Richman and seconded by Ms. Bleisnick. The motion passed unanimously.

The following complaints requiring individual adjudication were not put to a vote due to the lack of quorum:

1. James D'Andrea v. NJ Department of Community Affairs, Division of Local Government Services (2007-64)
2. William Gettler v. Wantage Regional Schools, Board of Education (Sussex) (2007-105)
3. Joyce Blay v. Jackson Board of Education (Ocean) (2007-177)
4. John Paff v. Borough of Lavallette (Ocean) (2007-209)
5. David Hinchcliffe v. NJ Department of Community Affairs, Division of Local Government Services (2007-306)
6. John Bentz v. Borough of Paramus (Bergen) (2008-89)
7. J.C. v. NJ Department of Education, Deputy Commissioner's Office (2008-91)
8. Robert Verry v. Borough of South Bound Brook (Somerset) (2008-161)
9. Gertrude Casselle v. NJ Department of Community Affairs, Division on Community Resources (2008-248)
10. Ursula Cargill v. NJ Department of Education (2009-9)
11. Ursula Cargill v. State Ethics Commission (2009-10)
12. Jason Alt v. NJ Department of Education (2009-114)
13. Joseph Armenti v. Robbinsville Board of Education (Mercer) (2009-154)

John Paff v. Borough of Roselle (Union) (2007-255)

Ms. Tabakin called for a motion to accept the Executive Director's findings and recommendations as written. A motion was made by Mr. Richman and seconded by Ms. Bleisnick. The motion passed unanimously.

Thomas Healy v. NJ Department of Labor & Workforce Development (2008-108)

Ms. Tabakin called for a motion to accept the Executive Director's findings and recommendations as written. A motion was made by Ms. Bleisnick and seconded by Mr. Richman. The motion passed unanimously.

Michael Pierone v. County of Warren (2008-195)

Ms. Tabakin called for a motion to accept the Executive Director's findings and recommendations as written. A motion was made by Ms. Bleisnick and seconded by Mr. Richman. The motion passed unanimously.

Paul Kaplan v. Winslow Township Board of Education (Camden) (2009-148)

Ms. Tabakin called for a motion to accept the Executive Director's findings and recommendations as written. A motion was made by Ms. Bleisnick and seconded by Mr. Richman. The motion passed unanimously.

Miguel Mendes v. Freedom Academy Charter School (Camden) (2009-184)

Ms. Tabakin called for a motion to accept the Executive Director's findings and recommendations as written. A motion was made by Ms. Bleisnick and seconded by Mr. Richman. The motion passed unanimously.

Rory Moore v. Township of Nutley (Essex) (2009-186)

Ms. Tabakin called for a motion to accept the Executive Director's findings and recommendations as written. A motion was made by Ms. Bleisnick and seconded by Mr. Richman. The motion passed unanimously.

Robert Verry v. Borough of South Bound Brook (Somerset) (2009-204)

Robert Verry v. Borough of South Bound Brook (Somerset) (2009-205)

Ms. Tabakin called for a motion to accept the Executive Director's findings and recommendations as written. A motion was made by Ms. Bleisnick and seconded by Mr. Richman. The motion passed unanimously.

Thomas Parker v. Essex County Prosecutor's Office (2009-225)

Ms. Tabakin called for a motion to accept the Executive Director's findings and recommendations as written. A motion was made by Ms. Bleisnick and seconded by Mr. Richman. The motion passed unanimously.

Frank Miller v. NJ Department of Corrections (2009-226)

Ms. Tabakin called for a motion to accept the Executive Director's findings and recommendations as written. A motion was made by Ms. Bleisnick and seconded by Mr. Richman. The motion passed unanimously.

Daniel Gatson v. Somerset County Prosecutor's Office (2009-238)

Ms. Tabakin called for a motion to accept the Executive Director's findings and recommendations as written. A motion was made by Ms. Bleisnick and seconded by Mr. Richman. The motion passed unanimously.

Daniel Gatson v. Cliffside Park Police Department (Bergen) (2009-239)

Ms. Tabakin called for a motion to accept the Executive Director's findings and recommendations as written. A motion was made by Ms. Bleisnick and seconded by Mr. Richman. The motion passed unanimously.

James Blum v. NJ Department of Law & Public Safety, NJ State Police (2010-109)

Ms. Tabakin called for a motion to accept the Executive Director's findings and recommendations as written. A motion was made by Ms. Bleisnick and seconded by Mr. Richman. The motion passed unanimously.

Marilou Halvorsen v. NJ Department of Law & Public Safety, Division of Consumer Affairs (2010-114)

Ms. Tabakin called for a motion to accept the Executive Director's findings and recommendations as written. A motion was made by Ms. Bleisnick and seconded by Mr. Richman. The motion passed unanimously.

Barbara Sacco v. Monmouth County Prosecutor's Office (2010-123)

Ms. Tabakin called for a motion to accept the Executive Director's findings and recommendations as written. A motion was made by Ms. Bleisnick and seconded by Mr. Richman. The motion passed unanimously.

Thomas Caggiano v. Borough of Stanhope (Sussex) (2010-132)

Thomas Caggiano v. Borough of Stanhope (Sussex) (2010-133)

Ms. Tabakin called for a motion to accept the Executive Director's findings and recommendations as written. A motion was made by Ms. Spera and seconded by Ms. Bleisnick. The motion passed unanimously.

Thomas Caggiano v. Borough of Stanhope (Sussex) (2010-173)

Ms. Tabakin called for a motion to accept the Executive Director's findings and recommendations as written. A motion was made by Ms. Spera and seconded by Ms. Bleisnick. The motion passed unanimously.

Thomas Caggiano v. Sussex County Prosecutor's Office (2010-211)

Ms. Tabakin called for a motion to accept the Executive Director's findings and recommendations as written. A motion was made by Ms. Spera and seconded by Ms. Bleisnick. The motion passed unanimously.

Nia Gill v. NJ Department of Banking & Insurance (2007-189)

Ms. Tabakin called for a motion to accept the Executive Director's findings and recommendations as written. A motion was made by Ms. Bleisnick and seconded by Mr. Richman. The motion passed unanimously.

John Pusterhofer v. Shrewsbury Borough Board of Education (Monmouth) (2007-270)

Ms. Tabakin called for a motion to accept the Executive Director's findings and recommendations as written. A motion was made by Ms. Bleisnick and seconded by Mr. Richman. The motion passed unanimously.

Anonymous v. Township of Long Hill Board of Education (Morris) (2008-192)

Ms. Tabakin called for a motion to accept the Executive Director's findings and recommendations as written. A motion was made by Ms. Bleisnick and seconded by Mr. Richman. The motion passed unanimously.

Tom Coulter v. Township of Bridgewater (Somerset) (2008-220)

Ms. Tabakin called for a motion to accept the Executive Director's findings and recommendations as written. A motion was made by Ms. Bleisnick and seconded by Mr. Richman. The motion passed unanimously.

Richard Rivera v. Wall Township Police Department (Monmouth) (2008-280)

Ms. Tabakin called for a motion to accept the Executive Director's findings and recommendations as written. A motion was made by Ms. Bleisnick and seconded by Mr. Richman. The motion passed unanimously.

John Paff v. Barrington School District (Camden) (2009-55)

Ms. Tabakin called for a motion to accept the Executive Director's findings and recommendations as written. A motion was made by Ms. Bleisnick and seconded by Mr. Richman. The motion passed unanimously.

Jesse Wolosky v. Andover Regional School District (Sussex) (2009-94)

Ms. Tabakin called for a motion to accept the Executive Director's findings and recommendations as written. A motion was made by Ms. Bleisnick and seconded by Mr. Richman. The motion passed unanimously.

Travis Moore v. NJ Department of Corrections (2009-144)

Ms. Tabakin called for a motion to accept the Executive Director's findings and recommendations as written. A motion was made by Ms. Bleisnick and seconded by Mr. Richman. The motion passed unanimously.

Jesse Wolosky v. Township of Sparta (Sussex) (2009-151)

Ms. Tabakin called for a motion to accept the Executive Director's findings and recommendations as written. A motion was made by Ms. Bleisnick and seconded by Mr. Richman. The motion passed unanimously.

John Paff v. Borough of Lawnside (Camden) (2009-155)

Ms. Tabakin called for a motion to accept the Executive Director's findings and recommendations as written. A motion was made by Ms. Bleisnick and seconded by Mr. Richman. The motion passed unanimously.

Stultz Taylor v. Township of Downe (Cumberland) (2009-174)

Ms. Tabakin called for a motion to accept the Executive Director's findings and recommendations as written. A motion was made by Ms. Bleisnick and seconded by Mr. Richman. The motion passed unanimously.

U'Bay Lumumba v. Essex County Prosecutor's Office (2009-181)

Ms. Tabakin called for a motion to accept the Executive Director's findings and recommendations as written. A motion was made by Ms. Bleisnick and seconded by Mr. Richman. The motion passed unanimously.

Robert Verry v. Borough of South Bound Brook (Somerset) (2009-233)

Ms. Tabakin called for a motion to accept the Executive Director's findings and recommendations as written. A motion was made by Ms. Bleisnick and seconded by Mr. Richman. The motion passed unanimously.

Daniel Gatson v. Bergen County Prosecutor's Office (2009-240)

Ms. Tabakin called for a motion to accept the Executive Director's findings and recommendations as written. A motion was made by Ms. Bleisnick and seconded by Mr. Richman. The motion passed unanimously.

Stanley Baker, Jr. v. NJ Civil Service Commission (2009-253)

Ms. Tabakin called for a motion to accept the Executive Director's findings and recommendations as written. A motion was made by Ms. Bleisnick and seconded by Mr. Richman. The motion passed unanimously.

Kimberly Smela v. City of Newark (Essex) (2009-254)

Ms. Tabakin called for a motion to accept the Executive Director's findings and recommendations as written. A motion was made by Ms. Bleisnick and seconded by Mr. Richman. The motion passed unanimously.

Joseph Oswald v. NJ Motor Vehicle Commission (2009-305)

Ms. Tabakin called for a motion to accept the Executive Director's findings and recommendations as written. A motion was made by Ms. Bleisnick and seconded by Mr. Richman. The motion passed unanimously.

George Melick v. NJ Association of Counties (Mercer) (2010-04)

Ms. Tabakin called for a motion to accept the Executive Director's findings and recommendations as written. A motion was made by Ms. Bleisnick and seconded by Mr. Richman. The motion passed unanimously.

Pauline Higgins v. Township of Montclair (Essex) (2010-25)

Ms. Tabakin called for a motion to accept the Executive Director's findings and recommendations as written. A motion was made by Ms. Bleisnick and seconded by Mr. Richman. The motion passed unanimously.

Pauline Higgins v. Township of West Orange (Essex) (2010-27)

Ms. Tabakin called for a motion to accept the Executive Director's findings and recommendations as written. A motion was made by Ms. Bleisnick and seconded by Mr. Richman. The motion passed unanimously.

Pauline Higgins v. Township of Millburn (Essex) (2010-28)

Ms. Tabakin called for a motion to accept the Executive Director's findings and recommendations as written. A motion was made by Ms. Bleisnick and seconded by Mr. Richman. The motion passed unanimously.

Francis LoBosco v. NJ Department of Health & Senior Services, Division of Certificate of Need & Healthcare (2010-64)

Ms. Tabakin called for a motion to accept the Executive Director's findings and recommendations as written. A motion was made by Ms. Bleisnick and seconded by Mr. Richman. The motion passed unanimously.

Stuart Alterman v. Borough of Haledon (Passaic) (2010-118)

Ms. Tabakin called for a motion to accept the Executive Director's findings and recommendations as written. A motion was made by Ms. Bleisnick and seconded by Mr. Richman. The motion passed unanimously.

David H. Weiner v. Newark Housing Authority (Essex) (2010-121)

Ms. Tabakin called for a motion to accept the Executive Director's findings and recommendations as written. A motion was made by Ms. Bleisnick and seconded by Mr. Richman. The motion passed unanimously.

Margaret Snyder v. Montague Board of Education (Sussex) (2010-122)

Ms. Tabakin called for a motion to accept the Executive Director's findings and recommendations as written. A motion was made by Ms. Bleisnick and seconded by Mr. Richman. The motion passed unanimously.

Complaints on Appeal: None.

Complaints Adjudicated on NJ Superior Court & NJ Supreme Court: Sussex Commons Associates, LLC v. Rutgers Environmental Law Clinic, Docket No. A-1567-0873 (App. Div. October 25, 2010).

Executive Director's Report and New Business: Ms. Starghill informed the Council that the meeting times for November and December 2010 have been changed from 9:30 a.m. to 1:00 p.m.

Ms. Starghill also informed the Council that she had conducted three (3) OPRA seminars this month – two (2) for the NJ League of Municipalities (in Holmdel, NJ and Mt. Holly, NJ) and one (1) for Law Enforcement Officers in Union County (Scotch Plains, NJ). All three (3) seminars were successful and we are receiving many requests for more law enforcement training since police departments have special issues not experienced by other custodial agencies. Further, Ms. Starghill informed the Council that she is scheduled to give OPRA seminars in November for the 2010 NJ League of Municipalities Conference (Atlantic City, NJ) and NJ Institute for Local Government Attorneys (Atlantic City, NJ).

Lastly, Ms. Starghill reminded the Council that the newly amended OPRA copy fees become effective on Tuesday, November 9, 2010. Ms. Starghill stated that GRC will issue another advisory as we get closer to that date to remind all custodian about the change in fees:

- Every public agency must charge \$0.05 per page for letter sized pages and smaller;
- Every public agency must charge \$0.07 per page for legal sized pages and larger;
- Any public agency whose actual costs to produce paper copies exceed the \$0.05 and \$0.07 rates may charge the actual cost of duplication;
- Every public agency must provide electronic records FREE OF CHARGE (i.e. records sent via e-mail and fax); and
- Every public agency must charge the actual cost to provide records in a medium other than paper (i.e. computer disc, CD-ROM, DVD).

Public Comment: None.

A motion to end the Council's meeting was made by Mr. Richman and seconded by Ms. Bleisnick. The motion passed unanimously.

Meeting adjourned at 11:05 a.m.

Respectfully submitted,

Charles Richman, Secretary

Date Approved: November 30, 2010