



**Minutes of the Government Records Council
February 24, 2011 Public Meeting – Open Session**

The meeting was called to order at 1:03 p.m. at the Department of Community Affairs, 7th Floor Library, Trenton, New Jersey. The Open Public Meetings Act statement was read by Ms. Tabakin.

The pledge of allegiance was recited while all stood in salute to the American flag.

The meeting notice and fire emergency procedure were 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 adjudicating Caggiano v. Borough of Stanhope (Sussex), GRC Complaint No. 2011-03), and Denise Parkinson Vetti (designee of Department of Education Acting Commissioner Christopher D. Cerf).

GRC Staff In Attendance: Executive Director Catherine Starghill, In-House Counsel Karyn Gordon, Secretary Brigitte Hairston, Communications Manager Dara Lownie, Mediator John Stewart, Case Managers: Frank Caruso, Harlynn Lack and Darryl Rhone, and Deputy Attorney General Debra Allen.

Council Adjudication: The following complaint requiring individual adjudication was put to a vote by Ms. Tabakin, Ms. Spera and Ms. Vetti.

Thomas Caggiano v. Borough of Stanhope (Sussex) (2011-03)

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. Vetti. The motion passed unanimously.

Ms. Spera exited the meeting.

Ms. Tabakin read the Closed Session Resolution 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 matter:

1. Steven Lemongello (on behalf of The Press of Atlantic City) v. City of Brigantine (Atlantic) (2010-88) *In-Camera Review*

2. Nancy Lewen v. Robbinsville Public School District (Mercer) (2008-211)

A motion was made to go into closed session by Mr. Richman and seconded by Ms. Vetti. The motion was adopted by a unanimous vote. A motion was made by Mr. Richman and seconded by Ms. Vetti to end the closed session. The motion was adopted by a unanimous vote. The Council met in closed session from 1:05 p.m. until 1:15 p.m.

Open Session reconvened at 1:17 p.m. and Ms. Hairston called roll.

Present: Ms. Tabakin, Mr. Richman and Ms. Vetti.

A motion was made by Mr. Richman and seconded by Ms. Vetti to approve the open session minutes of the January 25, 2011 meeting. The motion passed by a unanimous vote.

A motion was made by Mr. Richman and seconded by Ms. Vetti to approve the closed session minutes of the January 25, 2011 meeting. The motion passed by a unanimous vote.

Council Adjudication:

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

1. Luis Pastoriza (on behalf of the City of Camden City Counsel) v. City of Newark (Essex) (2010-51)
2. Karen L. Bosley v. Ocean County College (2010-104)
3. Robert J. Rusignuolo v. Nutley Board of Education (Essex) (2010-128)
4. Richard Rivera v. Borough of Penns Grove Police Department (Salem) (2010-171)
5. Chris L. Hayes v. Township of Ocean (Monmouth) (2010-172)
6. Sabino Valdes v. NJ Department of Education (2010-179)
7. Richard H. Rybak (on behalf of Bayonne Residential Limited Partnership) v. Bayonne Local Redevelopment Authority (Hudson) (2010-195)
8. David J. Gutowski v. NJ Department of Treasury, Division of Taxation (2010-240)
9. Sabino Valdes v. NJ Department of Education (2010-246)
10. Sabino Valdes v. NJ Department of Education (2010-250)
11. Sabino Valdes v. NJ Department of Education (2010-288)
12. Michael Faller v. Township of Mansfield (Warren) (2010-299)
13. Sabino Valdes v. NJ Department of Education (2010-338)
14. Regina DiPasqua v. City of Hackensack (Bergen) (2011-16)
15. Cynthia A. McBride v. Township of Lakewood (Ocean) (2011-33)

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. Vetti. 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)
14. William Cimoehowski v. NJ Department of Community Affairs, Div of Codes & Standards, Office of Code Enforcement (2009-261)
15. Michael Pushko v. NJ Department of Community Affairs, Division of Housing & Community Resources (2009-269)

The following complaints requiring individual adjudication were put to a vote:

Nancy Lewen v. Robbinsville Public School District (Mercer) (2008-211)

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. Vetti. The motion passed unanimously.

Jesse Wolosky v. Township of Frankford (Sussex) (2008-254)

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. Vetti. The motion passed unanimously.

Jesse Wolosky v. Township of Frankford (Sussex) (2008-278)

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. Vetti. The motion passed unanimously.

Ronald T. Leto v. Borough of Franklin Lakes (Bergen) (2009-11)

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. Vetti. The motion passed unanimously.

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

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. Vetti. The motion passed unanimously.

Jesse Wolosky v. Vernon Township Board of Education (Sussex) (2009-57)

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. Vetti. The motion passed unanimously.

Orie J. McMillan v. City of Newark Housing Authority (Essex) (2009-77)

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. Vetti. The motion passed unanimously.

Philip Charles v. Plainfield Municipal Utilities Authority (Union) (2009-169)

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. Vetti. The motion passed unanimously.

Janne Darata v. Monmouth County Board of Chosen Freeholders (2009-312)

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. Vetti. The motion passed unanimously.

Larry A. Kohn v. Township of Livingston (Essex) (2009-313)

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. Vetti. The motion passed unanimously.

Walter T. Wolf, Esq. (on behalf of Ivette & Gary Moss) v. Franklin Township Construction Office (Gloucester) (2010-71)

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. Vetti. The motion passed unanimously.

Stephen M. Shea v. Village of Ridgewood (Bergen) (2010-79)

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. Vetti. The motion passed unanimously.

Steven Lemongello (on behalf of The Press of Atlantic City) v. City of Brigantine (Atlantic) (2010-88)

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. Vetti. The motion passed unanimously.

Arnold Rozsanky v. Township of Lakewood (Ocean) (2010-89)

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. Vetti. The motion passed unanimously.

James Sage v. Freehold Regional High School District (Monmouth) (2010-108)

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. Vetti. The motion passed unanimously.

Katalin Gordon v. City of Orange (Essex) (2010-120)

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. Vetti. The motion passed unanimously.

Sharon Simon v. Margate City School District (Atlantic) (2010-140)

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. Vetti. The motion passed unanimously.

Complaints on Appeal: None.

Complaints Adjudicated on NJ Superior Court & NJ Supreme Court: None.

Executive Director's Report and New Business: Ms. Starghill informed the Council of the upcoming National Sunshine Week (March 13-19) and of the article (Eight Step Guideline for Records Custodian) she wrote that will appear in the March issue of the New Jersey League of Municipalities Magazine. Additionally, Ms. Starghill informed the Council that to compliment the Eight Step Guideline, she created a Custodian Toolkit with template response letters for custodians to use in an effort to lawfully comply with OPRA.

Public Comment: Joe Tyrell – questioned the two (2) public vacancies on the Council and whether anyone will be appointed soon. Ms. Starghill responded that the appointments have not yet been filled. Mr. Tyrell also questioned the Council on why there is no public discussion on the adjudication of the complaints. Ms. Starghill indicated that the Council does publicly discuss issues when necessary. However, Ms. Starghill stated that the Council would revisit this issue at the March meeting.

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

Meeting adjourned at 1:30 p.m.

Respectfully submitted,

Charles A. Richman, Secretary

Date Approved: May 24, 2011