



**Minutes of the Government Records Council  
July 26, 2011 Public Meeting – Open Session**

The meeting was called to order at 1:15 p.m. at the Department of Community Affairs, Conference Room 129, 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), and Denise Parkinson Vetti (designee of Department of Education Acting Commissioner Christopher D. Cerf).

GRC Staff In Attendance: Catherine Starghill (Executive Director), Karyn Gordon (In-House Counsel), Brigitte Hairston (Secretary), Dara Lownie (Communications Manager), Frank Caruso (Senior Case Manager), Debra Allen (Deputy Attorney General) and Joseph Maddaloni, Jr. (Designated Outside Counsel).

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/or discuss anticipated litigation in which the public body may become a party in the following matters:

1. Cynthia McBride v. Township of Cherry Hill (Camden) (2010-97)
2. Open Public Meetings Act

A motion was made by Ms. Vetti to go into closed session and seconded by Mr. Richman. The motion was adopted by a unanimous vote. A motion was made by Mr. Richman to end the closed session and seconded by Ms. Vetti. The motion was adopted by a unanimous vote. The Council met in closed session from 1:17 p.m. until 2:01 p.m.

Open Session reconvened at 2:05 p.m. and Ms. Hairston called roll.

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

The following meeting minutes requiring Council approval were put to a vote:

**June 28, 2011 Open Session Minutes:**

A motion was made by Ms. Vetti and seconded by Mr. Richman to approve the open session minutes of the June 28, 2011 meeting. The motion passed by a unanimous vote.

**June 28, 2011 Closed Session Minutes:**

A motion was made by Ms. Vetti and seconded by Mr. Richman to approve the closed session minutes of the June 28, 2011 meeting. The motion passed by a unanimous vote.

**Council Adjudications:**

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. David Hinchcliffe v. NJ Department of Community Affairs, Division of Local Government Services (2007-306)
3. J.C. v. NJ Department of Education, Deputy Commissioner's Office (2008-91)
4. Gertrude Casselle v. NJ Department of Community Affairs, Division on Community Resources (2008-248)
5. Ursula Cargill v. NJ Department of Education (2009-9)
6. Ursula Cargill v. State Ethics Commission (2009-10)
7. Jason Todd Alt (on behalf of The Daily Journal) v. NJ Department of Education (2009-114)
8. William Cimochoowski v. NJ Department of Community Affairs, Div. of Codes & Standards, Office of Code Enforcement
9. Michael Pushko v. NJ Department of Community Affairs, Division of Housing & Community Resources (2009-269)

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

1. Joan McGee v. Township of East Amwell (Hunterdon) (2010-45)
2. Cynthia A. McBride v. Township of Cherry Hill (Camden) (2010-97)
3. Steven J. Kossup v. NJ Department of Treasury, Division of Pensions & Benefits (2010-290)
4. Katalin Gordon v. City of Orange (Essex) (2011-11)
5. G. Brynes v. County of Essex (2011-49)
6. Keith A. Werner v. County of Camden (2011-207)
7. David Marc Drukaroff v. NJ Department of Law & Public Safety, Division on Civil Rights (2011-238)

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 put to a vote:

**Robert A. Verry v. Borough of South Bound Brook (Somerset) (2008-161)**

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.

**Robert J Diaz v. South Harrison Township (Gloucester) (2009-171)**

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.

**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 Mr. Richman and seconded by Ms. Vetti. The motion passed unanimously.

**Robert A. Verry v. Borough of South Bound Brook (Somerset) (2009-204) and  
Robert A. 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 Mr. Richman and seconded by Ms. Vetti. The motion passed unanimously.

**Jesse Wolosky v. Township of Frankford (Sussex) (2009-242)**

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.

**Richard Rivera v. Borough of Fort Lee, Police Department (Bergen) (2009-266)**

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.

**Richard Rivera v. Borough of Fort Lee, Police Department (Bergen) (2009-285)**

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.

**Edward J. Guz v. NJ Civil Service Commission (2010-33)**

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.

**Martin E. O’Boyle, Jr. v. Borough of Longport (Atlantic) (2010-107)**

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. Borough of Wharton (Morris) (2010-162)**

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.

**Luisa D. Erich-Carr v. Plumsted Township School District (Ocean) (2010-168)**

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.

**Janet Pizar v. NJ Department of Environmental Protection (2010-176)**

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. Sparta Board of Education (Morris) (2010-189)**

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.

**Sabino Valdes v. NJ Department of State, Division of Archives & Records Management (2010-286)**

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.

**GRC Complaints on Appeal: Livecchia v. Borough of Mount Arlington**, Docket No. A-4501-09T2 (App. Div. July 13, 2011). On appeal from Livecchia v. Borough of Mount Arlington, GRC Complaint No. 2008-80 (Interim Order dated April 8, 2010).

Ms. Starghill informed the Council that the complainant submitted OPRA requests for copies of audiotapes recording the borough's council meeting and cell phone records for all borough employees for a two-month period. The borough released the phone record after redacting the telephone numbers and destination of the calls. The complainant appealed to the GRC, and the Council ordered the borough to release the destination location of cell calls made by municipal employees using government-issued cell phones, redacting only the phone numbers called. The borough argued that additional redaction of the records was warranted because a privacy interest existed in the people and places the employees called.

Ms. Starghill stated that the appellate court disagreed. It determined that when balancing the competing interests of access and redaction of records to protect a person's right of privacy, the

destination location of cellular calls made by municipal employees using government issued cellular phones was not encompassed by a reasonable right to privacy as is protecting telephone numbers and persons called, warranting the release of the information. The borough was also unable to justify how its fees for audiotapes reflected the actual costs incurred, as required by N.J.S.A. 47:1A-5.b.

Ms. Starghill stated that the Appellate Division affirmed the order of the GRC in its entirety.

**Complaints Adjudicated in NJ Superior Court & NJ Supreme Court:** None.

**Executive Director's Report and New Business:** Ms. Starghill reminded the Council that the date is set for the GRC's 5th Annual OPRA Seminar for the Public – Thursday August 11, 2011. Ms. Starghill stated that this is a full day seminar with the Division of Archives and Records Management – same format as last year. Continuing Education Units and Continuing Legal Education Credits are available. Ms. Starghill informed the Council that registration is at capacity and there is currently a registration waiting list.

**Public Comment:** None.

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 2:16 p.m.

Respectfully submitted,

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Denise Parkinson-Vetti, Secretary

Date Approved: September 27, 2011