



**Minutes of the Government Records Council
October 25, 2011 Public Meeting – Open Session**

The meeting was called to order at 1:13 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), Harlynn Lack (Case Manager), Darryl Rhone (Case Manager), Matthew Rudd (Case Manager) John Stewart (for the sole purpose of the Culver v. Borough of Lawnside (Camden), 2010-15 adjudication) and Debra Allen (Deputy Attorney General).

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

September 27, 2011 Open Session Minutes:

A motion was made by Mr. Richman and seconded by Ms. Vetti to approve the open session minutes of the September 27, 2011 meeting. The motion passed by a unanimous vote.

September 27, 2011 Closed Session Minutes:

A motion was made by Mr. Richman and seconded by Ms. Vetti to approve the closed session minutes of the September 27, 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 Cimochowski 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)

Ms. Lack informed the Council of a new administrative disposition category appearing in David J. Roundtree v. New Jersey Department of State, Division of Elections, GRC Complaint No. 2011-305. Ms. Lack informed the Council that the new category is entitled, "Not a Valid OPRA Request" and in this particular instance the requestor submitted a written request, not on an official OPRA request form, which did not mention OPRA anywhere in the request and the custodian did not treat the request as an OPRA request.

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

1. John G. Paschal v. Township of Mine Hill (Morris) (2010-237)
2. John Paff v. Plainfield Board of Education (Union) (2010-252)
3. Jennafer N. Mesigian v. New Jersey Department of Treasury, Division of Taxation (2010-272)
4. Frank N. D'Amore, Sr. v. Borough of North Plainfield (Somerset) (2011-2)
5. Frank N. D'Amore, Sr. v. Borough of North Plainfield (Somerset) (2011-9)
6. Frank N. D'Amore, Sr. v. Borough of North Plainfield (Somerset) (2011-30)
7. Robert Gatto v. North Plainfield Board of Education (Somerset) (2011-55)
8. Patricia Noeth v. Village of Ridgewood (Bergen) (2011-106)
9. Chris Hayes v. City of Newark (Essex) (2011-199)
10. Tom Coulter v. Bridgewater Police Department (Somerset) (2011-211)
11. Richard Isasi v. New Jersey State Parole Board (2011-240)
12. Darlene R. Esposito v. New Jersey Department of Community Affairs, Local Government Services (2011-245)
13. Ruth Thompson McLean v. Middlesex County Superior Court (2011-301)
14. Robert A. Verry v. Borough of South Bound Brook (Somerset) (2011-302)
15. David J. Roundtree v. New Jersey Department of State, Division of Elections (2011-305)

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

The adjudication of the following complaints were tabled until the next meeting:

1. Jesse Wolosky v. Township of Montville (Morris) (2010-160)
2. Jesse Wolosky v. Borough of Wharton (Morris) (2010-162)
3. Jesse Wolosky v. Township of Roxbury (Morris) (2010-183)
4. Jesse Wolosky v. Township of Rockaway (Morris) (2010-188)

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

Virginia Culver v. Borough of Lawnside (Camden) (2010-15)

Mr. Richman questioned Mr. Stewart regarding whether in this particular complaint if it would have been easier for the custodian to have the payroll company generate a report rather than copying existing records and making voluminous redactions. Mr. Stewart and Ms. Starghill explained that in this particular complaint, records responsive to the request already existed on file. As such, it was unnecessary to have the payroll company generate a report. Ms. Starghill also stated that the requested records are immediate access records.

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 Edwards v. City of Plainfield, Planning Board (Union) (2010-17)

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.

Jeffrey Farneski v. Hunterdon County Prosecutor's Office (2010-20)

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 Sebastian v. Borough of Ramsey (Bergen) (2010-42)

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.

Quddoos Farra'D v. New Jersey Department of Corrections (2010-47)

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.

Bernard Reid v. New Jersey Department of Corrections (2010-83)

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) (2010-86)

Mr. Caruso informed the Council that conclusion number 2 has been edited since the Council's receipt of the Executive Director's Findings and Recommendations.

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

Jesse Wolosky v. Borough of Morris Plains (Morris) (2010-190)

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 Riverdale (Morris) (2010-192)

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.

Paul S. Kaplan v. Township of Winslow (Camden) (2010-202)

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 East Hanover (Morris) (2010-205)

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 Dover (Morris) (2010-206)

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.

Tracy L. Wadhams v. Town of Belvidere (Warren) (2010-209)

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.

Jeff Carter v. Franklin Fire District #2 (Somerset) (2011-124)

Jeff Carter v. Franklin Fire District #2 (Somerset) (2011-125)

Jeff Carter v. Franklin Fire District #2 (Somerset) (2011-126)

Jeff Carter v. Franklin Fire District #2 (Somerset) (2011-127)

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: None.

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

Executive Director's Report and New Business: Ms. Starghill informed the Council of the following upcoming OPRA Seminars:

1. November 4, 2011 - Seminar on OPRA and records retention/destruction as part of the Uniform Construction Code Program with the Rutgers Center for Government Services at the Monmouth County Fire Academy in Freehold, NJ.
2. November 17, 2011 - Joint OPRA Session with Municipal Clerks at the 96th Annual League of Municipalities Conference in Atlantic City, NJ.

Ms. Starghill also informed the Council that the tentative dates of the 2012 Council Meetings were mailed to all members with their meeting packets. Ms. Starghill asked the Council to review the dates and inform her if any members have any conflicts with the proposed dates.

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 1:29 p.m.

Respectfully submitted,

Denise Parkinson-Vetti, Secretary

Date Approved: November 29, 2011