



**Minutes of the Government Records Council
November 29, 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. Lillie 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 Lillie (Secretary), Dara Lownie (Communications Manager), Harlynn Lack (Case Manager), Darryl Rhone (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. Robert A. Verry v. Borough of South Bound Brook (Somerset) (2009-237) (*In-Camera*)
2. Rahim Caldwell v. City of Vineland (Cumberland) (2010-19) (*In-Camera*)
3. James Sage v. Freehold Regional High School (Monmouth) (2010-108) (*In-Camera*)
4. Jesse Wolosky v. Township of Sparta (Sussex) (2008-219)
5. Jesse Wolosky v. Township of Sparta (Sussex) (2008-277)

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 1:38 p.m.

Open Session reconvened at 1:39 p.m. and Ms. Lillie called roll.

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

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

October 25, 2011 Open Session Minutes:

A motion was made by Mr. Richman and seconded by Ms. Vetti to approve the open session minutes of the October 25, 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 Cimoehowski v. NJ Department of Community Affairs, Div. of Codes & Standards, Office of Code Enforcement (2009-261)
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. Michael J. Herbert (On behalf of the NJ State Interscholastic Athletic Association) v. New Jersey School Board Associations (2010-324)
2. Leonel M. Campbell v. New Jersey Department of Corrections (2011-95)
3. Fredda Katcoff v. Department of Law & Public Safety, Division of Consumer Affairs (2011-298)
4. Janice Lavin v. Bergen County Board of Social Services (2011-304)
5. John Terlouw v. Bergen County Community College (2011-320)
6. Dwayne Hughes v. Township of Woodbridge (Middlesex) (2011-332)
7. Robert R. Scheer III v. Franklin Fire District #1 (Somerset) (2011-339)
8. Robert R. Scheer III v. Franklin Fire District #1 (Somerset) 2011-340)
9. Alexander Levkovsky v. Supreme Court of New Jersey, Advisory Committee on Judicial Conduct (2011-346)
10. Tracey E. Seals (On behalf of Vanguard Adjusters Groups Inc.) v. City of Newark (Essex) (2011-353)
11. Harry B. Scheeler, Jr. v. Township of Galloway (Atlantic) (2011-354)
12. Harry B. Scheeler, Jr. v. Township of Galloway (Atlantic) (2011-355)

13. Harry B. Scheeler, Jr. v. Township of Galloway (Atlantic) (2011-357)

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 following complaints requiring individual adjudication were put to a vote:

Gayle Livecchia v. Borough of Mount Arlington (Morris) (2008-80)

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 Sparta (Sussex) (2008-219)

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 Sparta (Sussex) (2008-277)

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) (2009-237)

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.

Rahim Caldwell v. City of Vineland (Cumberland) (2010-19)

Ms. Tabakin called for a motion to accept the Executive Director's findings and recommendations as written. Mr. Richman stated he would like to amend the findings and recommendations of the Executive Director to redact code #57 on the requested record. Ms. Tabakin called for a motion to accept the Executive Director's findings and recommendations as amended. 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.

Kenneth Vercammen v. Lodi Police Department (Bergen) (2010-115)

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 Montville (Morris) (2010-160)

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.

Jesse Wolosky v. Borough of Lincoln Park (Morris) (2010-164)

Ms. Lack informed the Council that edits were made to page 2 of the Executive Director's findings and recommendations since the Council's receipt of the draft findings.

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.

Vincent LaFata v. Monroe Township Fire District No.1 (Middlesex) (2010-166)

Ms. Lack informed the Council that conclusion #2 of the Executive Director's findings and recommendations has been amended to add a sentence since the Council's receipt of the draft findings.

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

Jesse Wolosky v. Township of Roxbury (Morris) (2010-183)

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 Rockaway (Morris) (2010-188)

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) (2010-193)

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 Mount Arlington (Morris) (2010-194)

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

Jesse Wolosky v. Town of Boonton (Morris) (2010-207)

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 Mount Arlington (Morris) (2010-210)

Ms. Gordon informed the Council that conclusion #5 of the Executive Director's findings and recommendations has been amended to add a sentence since the Council's receipt of the draft findings.

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

Robert Edwin Kelly v. New Jersey Department of Transportation, Office of the Chief of Staff (2010-215)

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 Madison (Morris) (2010-226)

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. Jefferson Township (Morris) (2010-228)

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 that the December meeting is scheduled for December 20th which is the start of Hanukah. Ms. Starghill confirmed with the Council members that the meeting date will not interfere with holiday plans.

Public Comment: Robert Kelly, Complainant in Robert Edwin Kelly v. NJ Department of Transportation, GRC Complaint No. 2010-215. Mr. Kelly questioned the Council about its complaint process and how it works. Ms. Starghill informed Mr. Kelly that all adjudications are based on submissions provided by the parties, which include but are not limited to: Denial of Access Complaint and Statement of Information. Ms. Starghill informed Mr. Kelly that all parties will simultaneously receive notification of the Council's decision within 5-10 business days from the date of this meeting. Additionally, Ms. Starghill informed Mr. Kelly that if he is

not satisfied with the Council's decision, he may request reconsideration (if he is presenting new evidence to the Council) or appeal to the Appellate Division of New Jersey Superior Court.

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 1:59 p.m.

Respectfully submitted,

Denise Parkinson-Vetti, Secretary

Date Approved: December 20, 2011