



**Minutes of the Government Records Council
January 31, 2012 – Closed Session**

The Council convened in closed session at 10:37 a.m. in Conference Room 129 of the Department of Community Affairs, Trenton, New Jersey. In attendance were: Robin Berg Tabakin, Esq. (Chairwoman), Denise Parkinson Vetti, Esq. (designee of Department of Education Acting Commissioner Christopher D. Cerf), Charles Richman (designee of Department of Community Affairs Acting Commissioner Richard E. Constable, III) and Steven Ritardi, Esq.

Also in attendance were GRC Staff: Karyn Gordon (In-House Counsel), Dara Lownie (Communications Manager), Brigitte Hairston (Secretary), Frank Caruso (Senior Case Manager) (present solely for the discussion of William Gettler v. Township of Wantage (Sussex) (2009-73) and William Gettler v. Township of Wantage (Sussex) (2009-74)), John Stewart (present solely for the discussion of Jeffrey Farneski v. Hunterdon County Prosecutor's Office (2010-20)), Patricia Stern (Deputy Attorney General) and Joseph Maddaloni, Jr. (Designated Outside Counsel).

Ms. Vetti made a motion and Mr. Richman seconded the motion to go into closed session. The Council adopted the motion by a unanimous vote.

The Council met in 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:

William Gettler v. Township of Wantage (Sussex) (2009-73) (In-Camera)

William Gettler v. Township of Wantage (Sussex) (2009-74) (In-Camera)

The Council reviewed the documents submitted for an *in camera* review to determine the validity of the Custodian's assertion that the records contain information which is exempt from disclosure as advisory, consultative or deliberative material which is exempt from disclosure pursuant to N.J.S.A. 47:1A-1.1.

The Council also discussed the disclosability of e-mail addresses. Mr. Caruso summarized the facts of the complaints for the Council regarding the issue of disclosing e-mail addresses.

The Council discussed the proposed recommendations of the Executive Director. The Council agreed to put the recommendations to a vote during open session.

Joseph Armenti v. Robbinsville Board of Education (Mercer) (2009-154) (In-Camera)

The Council reviewed the documents submitted for an *in camera* review to determine the validity of the Custodian's assertion that the records contain information which is exempt from disclosure as inter-agency or intra-agency advisory, consultative or deliberative material which is exempt from disclosure pursuant to N.J.S.A. 47:1A-1.1. The Council discussed the proposed

recommendations of the Executive Director. The Council agreed to put the recommendations to a vote during open session.

Matthew Zahorsky v. NJ Department of Environmental Protection, Office of the Chief of Staff (2009-270) (In-Camera)

The Council reviewed the documents submitted for an *in camera* review to determine the validity of the Custodian's assertion that the records contain information which is exempt from disclosure as advisory, consultative or deliberative material pursuant to N.J.S.A. 47:1A-1.1. The Council discussed the proposed recommendations of the Executive Director. The Council agreed to put the recommendations to a vote during open session.

John Paff v. Borough of Manasquan (Monmouth) (2009-281) (In-Camera)

The Council reviewed the documents submitted for an *in camera* review to determine the validity of the Custodian's assertion that the records contain information which is exempt from disclosure as attorney-client privileged pursuant to N.J.S.A. 47:1A-1.1. and personnel matters and contract negotiations pursuant to N.J.S.A. 47:1A-9.a. and N.J.S.A. 10:4-12. The Council discussed the proposed recommendations of the Executive Director. The Council agreed to put the recommendations to a vote during open session.

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

The Council reviewed the documents submitted for an *in camera* review to determine the validity of the Custodian's assertion that the records contain information which is exempt from disclosure as advisory, consultative, or deliberative material pursuant to N.J.S.A. 47:1A-1.1. The Council discussed the proposed recommendations of the Executive Director. The Council agreed to put the recommendations to a vote during open session.

Melissa Ann Michalak v. Borough of Helmetta (Middlesex) (2010-220)

Ms. Gordon introduced the proposed recommendations of the Executive Director. The Council discussed the implications of the proposed recommendations of the Executive Director as they relate to shared services agreements. The Council agreed to put the recommendations to a vote during open session.

Ms. Vetti made a motion and Mr. Richman seconded the motion to end the closed session. The Council adopted the motion by a unanimous vote.

The closed session meeting concluded at 11:09 a.m.

Respectfully Submitted:

Denise Parkinson Vetti, Secretary

Date Approved: February 28, 2012