



## **Minutes of the Government Records Council January 31, 2012 Public Meeting – Open Session**

The meeting was called to order at 10:34 a.m. at the Department of Community Affairs, Conference Room 129, Trenton, New Jersey. Ms. Tabakin read the Open Public Meetings Act statement.

All stood and recited the pledge of allegiance in salute to the American flag.

Ms. Tabakin read the meeting notice and fire emergency procedure.

Ms. Lillie called the roll:

Present: Robin Berg Tabakin, Esq. (Chairwoman), Charles Richman (designee of Department of Community Affairs Acting Commissioner Richard E. Constable, III) and Denise Parkinson Vetti, Esq. (designee of Department of Education Acting Commissioner Christopher D. Cerf) and Steven Ritardi, Esq.

GRC Staff In Attendance: Karyn Gordon (In-House Counsel), Brigitte Lillie (Secretary), Dara Lownie (Communications Manager), Frank Caruso (Senior Case Manager), Harlynn Lack (Case Manager), Darryl Rhone (Case Manager), John Stewart (Mediator), Patricia Stern (Deputy Attorney General) and Joseph Maddaloni, Jr. (Designated Outside Counsel).

Ms. Tabakin welcomed Steven Ritardi, Esq. to the Council as the newest Council member.

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. William Gettler v. Township of Wantage (Sussex) (2009-73) (*In-Camera*)
2. William Gettler v. Township of Wantage (Sussex) (2009-74) (*In-Camera*)
3. Joseph Armenti v. Robbinsville Board of Education (Mercer) (2009-154) (*In-Camera*)
4. Matthew Zahorsky v. NJ Department of Environmental Protection, Office of the Chief of Staff (2009-270) (*In-Camera*)
5. John Paff v. Borough of Manasquan (Monmouth) (2009-281) (*In-Camera*)
6. Jeffrey Farneski v. Hunterdon County Prosecutor's Office (2010-20) (*In-Camera*)
7. Melissa Ann Michalak v. Borough of Helmetta (Middlesex) (2010-220)

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

session and Mr. Richman seconded the motion. The Council adopted the motion by a unanimous vote. The Council met in closed session from 10:37 a.m. until 11:09 a.m.

Open Session reconvened at 11:11 a.m. and Ms. Lillie called roll.

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

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

**December 20, 2011 Open Session Minutes:**

Ms. Vetti made a motion and Mr. Richman seconded the motion to approve the open session minutes of the December 20, 2011 meeting. The motion passed by a majority vote; Mr. Ritardi abstained since he was not present at the December 20, 2011 meeting.

**Council Adjudications:**

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

1. Katherine C. Suskkevich v. Borough of Point Pleasant (Ocean) (2010-282)
2. Benny Cardona v. New Jersey Department of Health & Senior Services, Division of Health Emergency Preparedness & Responses (2011-295)
3. David Marc Drukaroff v. Ocean County Prosecutor's Office (2011-299)
4. Joan Schmitt v. Belleville Board of Education (Essex) (2011-308)
5. Megan Britton (On Behalf of Peak Environmental Inc.) v. Township of Irvington (Essex) (2011-311)
6. Jeannie Swint v. Bound Brook Board of Education (Somerset) (2011-335)
7. Hailly Korman (On Behalf of Cellco d/b/a/ Verizon Wireless) v. New Jersey Office of Information Technology, Office of Emergency Telecommunications Services (2011-369)
8. Sultan A. Kirkland v. Township of Irvington (Essex) (2011-373)
9. Jeanne Swint v. Plainfield Housing Authority (Union) (2011-378)
10. Jeremy Rosen (on Behalf of Courier Post) v. Township of West Deptford (Gloucester) (2011-380)
11. Bradford Forb Mayne v. Sussex County Jail (2011-383)
12. Michael Vance v. Sussex County Jail (2011-384)
13. Phillip Molnar v. Warren County Board of Chosen Freeholders (2011-387)
14. George Baeslack v. The Port Authority of New York and New Jersey (2012-01)

Ms. Tabakin called for a motion to accept the Executive Director's recommendations as written in all of the above Administrative Complaint Dispositions. Mr. Richman made a motion and Ms. Vetti seconded the motion. The motion passed unanimously.

The Council put the following complaints requiring individual adjudication to a vote:

**Allan Johnson v. Borough of Oceanport (Monmouth) (2008-141)**

Mr. Caruso informed the Council that the findings and recommendations have been amended at page 17 and in the conclusions and recommendations.

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

**Rita Watson v. Washington Township Public Schools, (Gloucester) (2009-29)**

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

**William Gettler v. Township of Wantage (Sussex) (2009-73) and  
William Gettler v. Township of Wantage (Sussex) (2009-74)**

Ms. Tabakin called for a motion to accept the Executive Director's findings and recommendations as written. Mr. Richman made a motion and Ms. Vetti seconded the motion. The motion passed by a majority vote; Mr. Ritardi abstained.

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

Ms. Gordon informed the Council that the findings and recommendations have been amended to delete discussion of prevailing party attorney fees.

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

**Robert A. Verry v. Borough of South Bound Brook (Somerset) (2009-233)**

Ms. Tabakin called for a motion to accept the Executive Director's findings and recommendations as written. Mr. Richman made a motion and Ms. Vetti seconded the motion. 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. Mr. Richman made a motion and Ms. Vetti seconded the motion. The motion passed by a majority vote; Mr. Ritardi recused.

**Joseph Ingemi v. Town of Hammonton (Atlantic) (2009-265)**

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

**Matthew Zahorsky v. New Jersey Department of Environmental Protection, Office of the Chief of Staff (2009-270)**

Ms. Gordon informed the Council that the findings and recommendations have been amended on Page 6 to note that the Council declines to address whether the Custodian knowingly and willfully violated OPRA because no violation of OPRA occurred.

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

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

Ms. Gordon informed the Council that the findings and recommendations have been amended on Page 8 to note that the Council declines to address whether the Custodian knowingly and willfully violated OPRA because no violation of OPRA occurred.

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

**Richard Rivera v. Rutgers, The State University of NJ, Police Department (2009-311)**

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

**Jesse Wolosky v. Township of Sparta (Sussex) (2009-325)**

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

**Costantino Colasante v. County of Bergen (2010-18)**

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

**Kenneth Vercammen v. New Jersey Department of Law & Public Safety, NJ State Police (2010-57)**

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

**Robert A. Verry v. Borough of South Bound Brook (Somerset) (2010-105) and Robert A. Verry v. Borough of South Bound Brook (Somerset) (2010-106)**

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

**Richard Rivera v. City of Camden (Camden) (2010-182)**

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

**Jesse Wolosky v. Township of East Hanover (Morris) (2010-185)**

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

**Jesse Wolosky v. Township of Randolph (Morris) (2010-186)**

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

**Jesse Wolosky v. Township of Denville (Morris) (2010-191)**

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

**Jesse Wolosky v. Borough of Chatham (Morris) (2010-204)**

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

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

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

**Jesse Wolosky v. Township of Boonton (Morris) (2010-223)**

Ms. Tabakin called for a motion to accept the Executive Director's findings and recommendations as written. Mr. Richman made a motion and Ms. Vetti seconded the motion. The motion passed by a majority vote; Ms. Tabakin recused.

**Jean Mikle v. Burlington County Board of Taxation (2010-232)**

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

**Shawn Smith v. New Jersey Department of Corrections (2010-238)**

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

**Jesse Wolosky v. Borough of Lincoln Park (Morris) (2010-241)**

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

**Robert A. Verry v. Borough of South Bound Brook (Somerset) (2010-302)**

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

**David J. Roundtree v. New Jersey Department of the State, Division of Election (2011-305)**

Ms. Tabakin called for a motion to accept the Executive Director's findings and recommendations as written. Mr. Richman made a motion and Ms. Vetti seconded the motion. The motion passed by a majority vote; Mr. Ritardi abstained

**GRC Complaints on Appeal:** None.

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

**Executive Director's Report and New Business:** None.

**Public Comment:** None.

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

Meeting adjourned at 11:37 a.m.

Respectfully submitted,

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Denise Parkinson-Vetti, Secretary

Date Approved: