



**Minutes of the Government Records Council  
February 28, 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: Catherine Starghill (Executive Director), Karyn Gordon (In-House Counsel), Dara Lownie (Communications Manager), Brigitte Lillie (Secretary), Frank Caruso (Senior Case Manager) Harlynn Lack (Case Manager), John Stewart (Mediator), Debra Allen (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:

**David Hinchcliffe v. NJ Department of Community Affairs, Division of Local Government Services (2007-306) (*In-Camera*)**

Mr. Richman recused himself from this discussion.

Mr. Stewart introduced the proposed recommendations of the Executive Director. The Council reviewed the documents submitted for an *in camera* review to determine the validity of the Custodian's assertion that the records are exempt from disclosure under OPRA as advisory, consultative, or deliberative material pursuant to N.J.S.A. 47:1A-1.1.

The Council agreed that additional information is needed before the Council can put the proposed recommendations of the Executive Director to a vote. The Council agreed to table the adjudication of this complaint during open session.

**George Burdick, Jr. v. NJ Office of Administrative Law (2009-150)**

Mr. Caruso introduced the proposed recommendations of the Executive Director. Mr. Caruso described the nature of the record at issue in this complaint (backup recording at OAL). The Council received legal advice from Mr. Maddaloni regarding a possible appeal of the Council's decision in this matter and the likelihood of success. The Council agreed to put the recommendations to a vote during open session.

**Joan McGee v. Township of East Amwell (Hunterdon) (2009-275) (In-Camera)**

Ms. Gordon introduced the proposed recommendations of the Executive Director. The Council reviewed the documents submitted for an *in camera* review to determine the validity of the Custodian's assertion that the records contain attorney-client privileged information and communications with the Township's insurance carrier, administrative service organization or risk management office which is exempt from disclosure pursuant to N.J.S.A. 47:1A-1.1.

Ms. Vetti introduced possible amendments to the proposed recommendations of the Executive Director regarding information that could reveal strategy if disclosed. The Council agreed to put the recommendations to a vote during open session.

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

Ms. Lack introduced the proposed recommendations of the Executive Director. The Council reviewed the documents submitted for an *in camera* review to determine the validity of the Custodian's assertion that the records contain attorney client privileged material exempt from disclosure as stated by the Custodian pursuant to N.J.S.A. 47:1A-1.1. The Council agreed to put the recommendations to a vote during open session.

**John Paff v. Township of Teaneck (Bergen) (2010-9) (In-Camera)**

Mr. Ritardi recused himself from this discussion.

Ms. Gordon introduced the proposed recommendations of the Executive Director. 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 pursuant to N.J.S.A. 10:4-12.b(4), N.J.S.A. 10:4-12.b(6) and N.J.S.A. 10:4-12.b(7) of the Open Public Meetings Act. The Council agreed to put the recommendations to a vote during open session.

**Jesse Wolosky v. Township of Rockaway (Morris) (2010-242)**

Ms. Gordon introduced the proposed recommendations of the Executive Director. The Council received legal advice from Deputy Attorney General Allen regarding the Council's likelihood of success on appeal. The Council agreed to put the recommendations to a vote during open session.

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

The closed session meeting concluded at 11:33 a.m.

Respectfully Submitted:

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Robin Berg Tabakin, Chairwoman

Date Approved: March 27, 2012