



## **Minutes of the Government Records Council June 26, 2012 – Closed Session**

The Council convened in closed session at 10:40 a.m. in Conference Room 129 of the Department of Community Affairs, Trenton, New Jersey. In attendance were: Paul B. Macchia (designee of Department of Community Affairs Commissioner Richard E. Constable, III) Denise Parkinson Vetti, Esq. (designee of Department of Education Acting Commissioner Christopher D. Cerf), and Steven Ritardi, Esq. (public member).

Also in attendance were GRC Staff: Karyn Gordon (Acting Executive Director), Brigitte Lillie (Secretary), Dara L. Barry (Communications Manager), Harlynn Lack (Case Manager), and Patricia Stern (Deputy Attorney General).

Mr. Macchia made a motion and Ms. Vetti 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:

### **Jesse Wolosky v. Township of Vernon (Sussex) (2010-311) *In-Camera Review***

Ms. Lack introduced the proposed recommendations of the Executive Director. The Council reviewed the documents submitted for an *in camera* review of the executive session minutes from April 22, 2010, May 13, 2010, June 10, 2010 and June 24, 2010 meetings in order to determine the validity of Custodian Counsel's assertion that the records are exempt from disclosure as personnel records under N.J.S.A. 47:1A-10.

The Council discussed the Custodian's voluntary release of heading and other information, which may be exempt from public access. The Council discussed possible amendments to the *in camera* table. The Council agreed to table the adjudication of this complaint until the next meeting.

The Council also discussed issuing an *OPRA Alert* regarding redactions since this complaint makes it clear that custodians are not redacting records properly.

### **Mary Steinhauer-Kula v. Township of Downe (Cumberland) (2010-197)**

Ms. Gordon and Ms. Lack discussed the circumstances around the Custodian's non-compliance. Ms. Gordon stated that her recommendation to the Council is to refer this complaint to the Office of Administrative Law, consistent with her recommendations in other complaints filed by the same requestor. Ms. Gordon stated that she would ask the Office of Administrative Law to consolidate all the Steinhauer-Kula complaints.

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

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

The closed session meeting concluded at 11:16 a.m.

Respectfully Submitted:

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Denise Parkinson Vetti

Date Approved: July 31, 2012