



## **Minutes of the Government Records Council**

### **April 26, 2016 – Closed Session**

The Council convened in closed session at 1:35 p.m. in Conference Room 129 of the Department of Community Affairs, Trenton, New Jersey. In attendance were: Robin Berg Tabakin, Esq. (Chairwoman), Christopher Huber, Esq. (designee of Department of Education Commissioner David C. Hespe), Jason Martucci, Esq. (designee of Department of Community Affairs Commissioner Charles A. Richman), and Steven Ritardi, Esq. (Public Member).

Also in attendance were GRC Staff: Joseph Glover (Executive Director), Rosemond Bordzoe (Secretary), Frank F. Caruso (Communications Specialist/Resource Manager), John Stewart (Mediator), Ernest Bongiovanni, (Staff Attorney), Samuel Rosado (Staff Attorney), Husna Kazmir (Staff Attorney), and Deputy Attorney General Debra Allen.

Ms. Tabakin called for a motion to go into closed session. Mr. Ritardi made a motion, seconded by Mr. Martucci. 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:

- Michael I. Inzelbuch v. Lakewood Board of Education (Ocean) (2013-145)
- Charles Urban v. Clinton Township (Hunterdon) (2014-343)
- Gregory W. Kasko v. Town of Westfield (Union) (2014-389)
- Legal Advice – Procedure for motions

Mr. Rosado introduced GRC Complaint No. 2013-145 to the Council. The Council reviewed records *in camera* and received advice from DAG Allen. The Council agreed with the conclusions as written.

Ms. Kazmir introduced GRC Complaint No. 2014-343 to the Council. The Council reviewed records *in camera*, at which time Mr. Martucci provided his impression of some of the redactions. Ms. Tabakin and Mr. Huber added to Mr. Martucci's comments and also provided additional comments about the documents and the structure of the *in camera* examination table. Mr. Caruso noted that the examination table included identification of e-mails within the chains that were addressed earlier in the table.

Mr. Ritardi provided his interpretation of one e-mail in particular, as well as the broader implication of e-mails and the attorney-client privilege exemption. DAG Allen provided advice to the Council on this issue, at which time it was agreed that the Findings & Recommendations should be amended.

Ms. Kazmir introduced GRC Complaint No. 2014-389 to the Council. Mr. Huber had some questions about the relevant bid process. Ms. Tabakin expressed some concern about the redacted information.

DAG Allen provided advice regarding this view point. The Council agreed that the recommendation should be amended to seek additional information as part of the *in camera* review.

DAG Allen introduced the Council's question about procedures for motions. DAG Allen instead provided legal advice on the proper procedure for tabling a case at a monthly meeting.

Ms. Tabakin called for a motion to end the closed session. Mr. Ritardi made a motion, seconded by Mr. Martucci. The Council adopted the motion by a unanimous vote. The closed session meeting concluded at 2:42 p.m.

Respectfully Submitted:

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Robin Berg Tabakin, Esq., Chair

Date Approved: May 24, 2016