

**Minutes of the Government Records Council
October 13, 2005 Public Meeting - Open Session**

The meeting was called to order at 9:20AM at the Department of Community Affairs, Room 129, Trenton, New Jersey. The Open Public Meetings Act statement was read.

Ms. Luzzatto called roll call:

Present: Mr. Maltese, Ms. Minus-Vincent, Ms. Schonyers.

Not In Attendance: Ms. Tabakin, Mr. Fishman

Present: Chairman Vincent Maltese, DeAnna Minus-Vincent (designee of Commissioner Susan Bass Levin, Department of Community of Affairs), Ms. Diane Schonyers (designee of Commissioner Lucille Davy, Department of Education) Executive Director Paul Dice, Assistant Executive Director Gloria Luzzatto, In-House Counsel Catherine Starghill, Deputy Attorney General Daniel Reynolds, GRC Staff: Chris Malloy, Kimberly Gardner, Erin Knoedler, Jennifer Arozamena, Colleen McGann and Marion Davies.

The Council met in closed session from 9:20AM to 1:30PM.
Open Session reconvened at 1:30PM.

Ms. Luzzatto presented the decision for the following *in-camera* review:

John Paff v. NJ Department of Labor 2003-128

Ms.Luzzatto stated that at the October 13, 2005 public meeting, the Government Records Council (Council) conducted an *in camera* inspection of documents not disclosed to the Complainant in response to his OPRA request for “any documents relating to the following Certificate of Debt: Docket # MER-DJ-492454-97 Department of Labor Docket #ND-103920-97 Department of Labor v. Gladys Garbin SS# _____ Certificate of Debt filed 10/30/97 for #1,764.72 open and still due.”

After completing the *in camera* review in Closed Session of the six (6) unredacted documents certified by the Custodian in the document index to be all the documents responsive to the OPRA request, the **Council concluded by a unanimous vote** that access is to be provided, in part, as specified in the Final Decision.

The Custodian shall provide the Complainant access to the requested documents within ten (10) business days from receipt of the decision on the basis of the Council’s above determination and provide confirmation to the Executive Director that the Custodian has complied with the Council’s decision.

Mr. Dice presented the decision for the following *in-camera* review:

Martin O’Shea v. Township of West Milford 2004-93

Mr. Dice stated that at the October 13, 2005 public meeting, the Government Records Council (Council) conducted an *in camera* inspection of the document not disclosed to the Complainant in response to his OPRA request for the “Board Secretary’s handwritten notes of the June 22, 2004 closed session.”

The Council conducted said review pursuant to the order for remand to the Council by the Superior Court of New Jersey-Appellate Division dated September 12, 2005.

After conducting the *in camera* review in Closed Session of the requested handwritten notes and seeking legal advice, the **Council concluded by a unanimous vote** that:

1. The Executive Director through assistance of legal counsel shall seek a 30-day extension of the remand from the Superior Court of New Jersey-Appellate Division for the Council to have an opportunity to review the complete record.
2. The Custodian shall provide the Executive Director with a certified copy of the June 22, 2004 draft Executive Session minutes made available to the Complainant on July 12, 2004 within five (5) business days from receipt of this decision.

John Paff v. Borough of Somerville 2005-55

Mr. Dice presented at the October 13, 2005 public meeting, the Government Records Council (Council) conducted an *in camera* inspection of the redacted portions of the March 1, June 7, and December 20, 2004 Executive Session Workshop minutes sought in the Complainant’s OPRA request.

After completing the *in camera* review of the unredacted March 1, June 7, and December 20, 2004 Executive Session Workshop minutes certified by the Custodian in the document index are the complete unredacted documents responsive to the OPRA request, the **Council voted unanimously** that the Custodian is to provide access to the requested information contained in the March 1, June 7 and December 20, 2004 Executive Session Workshop minutes as specified in the Final Decision.

The Custodian shall provide the Complainant access to the requested documents within ten (10) business days from receipt of this decision on the basis of the Council’s above determination and provide confirmation to the Executive Director that the Custodian has complied with the Council’s decision.

Administrative Closures:

Ms. Luzzatto presented the following Administrative Closures:

Edward Buttimore v. NJ Division of Criminal Justice 2005-91 – no records responsive to the request.

Edward Bogert v. Mahwah Township Public Schools- 2005-94 – no records responsive to the request.

Daniel Newman v. Brick Township 2005-122 - settled in mediation.

John Paff v. Township of Union 2005-138 - complaint withdrawn.

Carl Varriale v. Borough of Montvale 2005-144 – no records responsive to the request.

Anthony Bussie v. NJ Department of Corrections 2005-147 – no records responsive to the request.

Esti Mosee v. Family Division of Superior Court 2005-154 – judicial or legislative jurisdiction not within the scope of OPRA.

Stephen Biss v. Passaic county Sheriff's Department 2005-157 – agreed to mediation.

Anthony Amelio v. Morris County Prosecutor's Office 2005-162 – complaint withdrawn.

Ducan Warner v. Monmouth Beach Borough 2005-177 – agreed to mediation.

John Bart v. City of Paterson 2005-186 – settled between the parties.

Mr. Maltese called for a motion to accept the Executive Director's recommendations of the Administrative Closures. A motion was made by Ms. Minus-Vincent and seconded by Ms. Schonyers. The Motion was adopted by roll call.

Ayes: Ms. Schonyers, Ms. Minus-Vincent, Mr. Maltese

Nays: None

Not in Attendance: Mr. Fishman, Ms. Tabakin

Meeting adjourned by unanimous vote at 1:45PM.

Respectfully submitted,



DeAnna Minus-Vincent, Secretary

Dated: November 10, 2005