



Minutes of the Government Records Council August 11, 2009 – Closed Session

The Council convened in closed session at 9:53 a.m. in Conference Room 129 of the Department of Community Affairs, Trenton, New Jersey. In attendance were: Robin Berg Tabakin, Kathryn Forsyth (designee of Commissioner Lucille Davy, Department of Education) and Janice Kovach (designee of Acting Commissioner Charles A. Richman, Department of Community Affairs).

Also in attendance were GRC Staff: Executive Director Catherine Starghill, In-House Counsel Karyn Gordon, GRC Staff Secretary Brigitte Hairston, Deputy Attorney General Debra Allen and Designated Outside Counsel Gina Orosz.

First Closed Session

A motion was made by Ms. Forsyth and seconded by Ms. Kovach to go into closed session. The motion was adopted 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 matter:

1. Beth Barile v. Stillwater Township (2007-92) (In-Camera review)

The Council reviewed the unredacted records and the Executive Director's recommendations based on the *in-camera review*. The Executive Director asked the Council members if there were any questions regarding said recommendations or any objections.

DAG Debra Allen recommended amendments to the Executive Director's *in-camera review* findings to which the Council members and Executive Director agreed should be incorporated in the findings. Such amended findings will be noted when this complaint is presented to the Council during Open Session.

2. Randolph Young v. NJ Department of Personnel (2007-210) (In-Camera review)

The Council reviewed the unredacted records and the Executive Director's recommendations based on the *in-camera review*. The Council members discussed the recommendations and agreed that they were appropriate.

3. Martin O'Shea v. Stillwater Township (Sussex) (2007-253) (In-Camera review)

The Council reviewed the unredacted records and the Executive Director's recommendations based on the *in-camera review*. The Council members discussed the recommendations and agreed that they were appropriate.

4. Joan McGee v. Township of East Amwell (Hunterdon) (2007-305) (In-Camera review)

The Council reviewed the unredacted records and the Executive Director's recommendations based on the *in-camera review*. The Council members discussed the recommendations and agreed that they were appropriate.

5. Tina Renna v. Union County Improvement Authority (Union) (2008-86) (In-Camera review)
The Council reviewed the unredacted records and the Executive Director's recommendations based on the *in-camera review*. The Council members discussed the recommendations and agreed that they were appropriate.

A motion was made by Ms. Kovach and seconded by Ms. Forsyth to end the closed session. The motion was adopted by a unanimous vote.

The closed session meeting concluded at 10:10 a.m.

Second Closed Session

The Council convened in closed session again at 10:16 a.m. (Exact same attendees as above.) A motion was made by Ms. Forsyth and seconded by Ms. Kovach to go into closed session. The motion was adopted 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 matter:

1. New Jersey Foundation for Open Government v. New Jersey Government Records Council (in Superior Court)
DAG Debra Allen discussed this lawsuit against the GRC for access to the e-mail addresses of the complainants of Denial of Access Complaints filed with the GRC. Ms. Allen discussed how the court's decision is distinguishable for other non-adjudicatory administrative agencies.

A motion was made by Ms. Kovach and seconded by Ms. Forsyth to end the closed session. The motion was adopted by a unanimous vote.

The closed session meeting concluded at 10:36 a.m.

Respectfully Submitted:

Robin Berg Tabakin, Chairman
Dated Approved: September 30,2009