



**Minutes of the Government Records Council
November 29, 2011 – Closed Session**

The Council convened in closed session at 1:17 p.m. in Conference Room 129 of the Department of Community Affairs, Trenton, New Jersey. In attendance were: Robin Berg Tabakin (Chairwoman), Denise Parkinson Vetti (designee of Department of Education Acting Commissioner Christopher D. Cerf), and Charles Richman (designee of Department of Community Affairs Commissioner Lori Grifa).

Also in attendance were GRC Staff: Catherine Starghill (Executive Director), Karyn Gordon (In-House Counsel), Dara Lownie (Communications Manager), Brigitte Hairston (Secretary), Harlynn Lack (Case Manager) (present solely for the discussion of James Sage v. Freehold Regional High School (Monmouth), GRC Complaint No. 2010-108), Debra Allen (Deputy Attorney General) and Joseph Maddaloni, Jr. (Designated Outside Counsel).

A motion was made by Ms. Vetti and seconded by Mr. Richman 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 matters:

1. Robert A. Verry v. Borough of South Bound Brook (Somerset) (2009-237) (*In-Camera*)

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 under OPRA as attorney-client privileged material pursuant to N.J.S.A. 47:1A-1.1. The Council discussed the proposed recommendations of the Executive Director. The Council agreed to put the recommendations to a vote during open session.

2. Rahim Caldwell v. City of Vineland (Cumberland) (2010-19) (*In-Camera*)

The Council reviewed the documents submitted for an *in camera* review of the requested Vineland Police Department radio codes and their meaning to determine the validity of the Custodian's assertion that the record constitutes "...security measures and surveillance techniques which, if disclosed, would create a risk to the safety of persons, property, electronic data or software..." pursuant to N.J.S.A. 47:1A-1.1. The Council discussed the proposed recommendations of the Executive Director, as well as possible amendments to said recommendations. The Council agreed to put the recommendations to a vote during open session.

3. James Sage v. Freehold Regional High School (Monmouth) (2010-108) (*In-Camera*)

The Council reviewed the documents submitted for an *in camera* review to determine the validity of the Custodian's assertion that the record contains advisory, consultative or deliberative material which is exempt from disclosure under OPRA pursuant to N.J.S.A. 47:1A-1.1. The Council discussed the proposed recommendations of the Executive Director. The Council agreed to put the recommendations to a vote during open session.

4. Jesse Wolosky v. Township of Sparta (Sussex) (2008-219)

5. Jesse Wolosky v. Township of Sparta (Sussex) (2008-277)

The Council discussed these two (2) complaints in tandem. The Council discussed the prevailing party attorney's fee analysis section of the draft Findings and Recommendations of the Executive Director as they relate to the lodestar and possible award of fee enhancements. The Council agreed to put the recommendations to a vote during open session.

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

The closed session meeting concluded at 1:38 p.m.

Respectfully Submitted:

Denise Parkinson Vetti, Secretary

Date Approved: December 20, 2011