



Minutes of the Government Records Council December 16, 2014 – Closed Session

The Council convened in closed session at 10:42 a.m. in Conference Room 129 of the Department of Community Affairs, Trenton, New Jersey. In attendance were: Robin Berg Tabakin, Esq. (Chairwoman), Denise Parkinson, Esq. (designee of Department of Education Commissioner Chris Cerf) and Dana Lane, Esq. (designee of Department of Community Affairs Commissioner Richard E. Constable, III)

Absent: Steven Ritardi, Esq. (Public Member)

Also in attendance were GRC Staff: Dawn R. SanFilippo, Esq. (Acting Executive Director), Rosemond Bordzoe (Secretary), Frank F. Caruso (Senior Case Manager), John Stewart, Esq. (Mediator), Ernest Bongiovanni, Esq. (Staff Attorney), Samuel Rosado, Esq. (Staff Attorney), and Deputy Attorney General Debra Allen.

Ms. Parkinson made a motion and Ms. Lane seconded the motion to go into closed session. The Council adopted the motion by a unanimous vote.

At 10:42 a.m., the Council withdrew its first motion and reintroduced same to omit the following from closed session due to the absence of outside counsel:

- Thomas E. Ciccarone v. NJ Department of Treasury (2013-280) (ICFR)

Ms. Parkinson made a motion and Ms. Lane seconded the motion to go into closed session. The Council adopted the motion by a unanimous vote at 10:44 a.m.

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:

- John Hyland v. Township of Lebanon (Hunterdon) (2012-227)
- John Hyland v. Township of Tewksbury (Hunterdon) (2012-228) **Consolidated**
- Michael Doss v. Borough of Paramus (Bergen) (2014-149)
- Advisory Opinion 2013-01

Mr. Caruso introduced GRC Complaint Nos. 2012-227 and 2012-228 to the Council. The Council discussed its issues with the proposed recommendations based on advice from DAG Allen. The Council consented to the decision as written.

Mr. Stewart introduced GRC Complaint No. 2014-149 to the Council and suggested no change to the proposed recommendations. Ms. Tabakin asked whether any additional options can be explored for

this complaint. DAG Allen suggested some options; however, Ms. SanFilippo noted that she reviewed the proposed recommendations and agreed with same. The Council consented to the decision as written and asked that the complaint be scheduled for the January 27, 2015 meeting.

Mr. Caruso introduced Advisory Opinion 2013-01 to the Council and provided a background on the issue. DAG Allen provided advice to the Council, who agreed with same. The Council concluded that no advisory opinion should be issued and directed GRC staff to contact the requestor regarding its decision.

Ms. Parkinson made a motion and Ms. Lane seconded the motion to end the closed session. The Council adopted the motion by a unanimous vote. The closed session meeting concluded at 11:41 a.m.

Respectfully Submitted:

Robin Berg Tabakin, Esq., Chair

Date Approved: January 30, 2015