

**Minutes of the Government Records Council
Closed Session of November 10, 2005**

First Closed Session

The Council convened in the first closed session at 9:16 a.m. in Room 129 of the Department of Community Affairs, Trenton, New Jersey. In attendance were: Chairman Vincent Maltese, DeAnna Minus Vincent (designee of Commissioner Susan Bass Levin, Department of Community of Affairs), Robin Berg Tabakin, Executive Director Paul Dice, Assistant Executive Director Gloria Luzzatto, In-House Counsel Catherine Starghill, Deputy Attorney General Debra Allen, GRC Staff: Chris Malloy, Kimberly Gardner, Jennifer Arozamena, Colleen McGann, Dara Lownie and Marion Davies.

Absent: Diane Schonyers (designee of Acting Commissioner Davy, Department of Education) and Mitchell Fishman.

The Council sought legal advice regarding the following matters, and conduct an *in camera* inspection listed in the Resolution for Closed Session:

1. Legal advice in response to correspondence from John Paff dated October 4, 2005 on closed session minutes

Legal advice provided to the Council regarding the preparation of closed session minutes pursuant to the Open Public Meetings Act (“OPMA”). Council was informed that the GRC staff is meeting with the Division of Law on OPMA to ensure the Council is in compliance.

2. Legal advice on the “Matrix”

Legal advice provided to the Council regarding the “Matrix” and its application under OPRA.

3. James Colby v. Pittsgrove Township (2005-88)

Legal advice provided to the Council on the provision of N.J.S.A. 47:1A-5.f. in this case.

In Camera Proceedings

Anne Rademacher v. Borough of Eatontown (2004-18)

In Attendance: Council Members: Chairman Vincent Maltese, Secretary DeAnna Minus-Vincent, Robin Berg Tabakin; GRC Staff: Executive Director - Paul Dice, Assistant Executive Director - Gloria Luzzatto, Chris Malloy - Case Manager, Catherine Starghill – In-House Counsel; Deputy Attorney General - Debra Allen.

Distributed case summary to Council Members and staff; reviewed events bringing case before the Council for *in camera* review of documents; read applicable section of OPRA cited by the Custodian. It was noted that Task 3 was released to the Complainant and Task 1 and 2 were not disclosed and these documents are the subject of the *in camera* review by the Council. The Council concluded that portions of the documents were exempt from disclosure as “inter-agency or intra-agency advisory, consultative or deliberative material” pursuant to N.J.S.A. 47:1A-1.1 as specifically noted below:

**Management Study For the Borough of Eatontown (Study) – Task I
Organizational Structure:**

The Study, Task I consists of twenty-seven (27) total pages: 4 pages include the cover page, table of contents and Task II table of contents, the written report with numbered pages 1 through 16, and 7 pages identified as Appendix A through Appendix G.

1. **Page 2:** Redact all sentences after the first sentence in paragraph one, the third sentence in paragraph two, the second and third sentences in paragraph three.
2. **Page 3:** Redact the third and fourth sentences in paragraph one and all of paragraph three.
3. **Page 4:** Redact paragraph one, the first, second and fourth sentences in paragraph two, and paragraph five.
4. **Page 5:** Redact paragraph two, the third and fourth sentences in paragraph three, the second sentence in paragraph five, and the second sentence in paragraph six.
5. **Page 6:** Redact the last sentence in paragraph one after “ADP” and the last sentence in paragraph four.
6. **Page 7:** Redact paragraph one, the fifth sentence in paragraph two and the second sentence in paragraph three.
7. **Page 8:** Redact the second, fifth, sixth, seventh and eighth sentences in paragraph two, the second sentence after “such” and the first four words in the fourth sentence in paragraph three.
8. **Page 9:** Redact the paragraph on this page.
9. **Page 10:** Redact paragraph five and the first sentence in paragraph six.
10. **Page 11 and 12:** Redact the third sentence in paragraph one, the second sentence in paragraph three, all of paragraph four, the sixth sentence in paragraph five on page 11 and ending on page 12.
11. **Page 13:** Redact paragraph three.
12. **Page 14:** Redact the two paragraphs on this page.
13. **Page 15:** Redact the second sentence in paragraph two, the second sentence in paragraph three and the last sentence in paragraph four.
14. **Page 16:** Redact the last sentence in paragraph two.
15. **Appendices A through G:** The Council concluded that it was unclear which charts are proposed or current tables of the organization referenced in Task I and the Custodian is to provide access to the current tables of the organization contained in Appendices A through G with redactions of proposed organization changes.

Chairman Maltese asked for a motion to adjourn the closed session. Ms. Tabakin offered the motion, which was seconded by Ms. Minus-Vincent. All members present approved the motion.

The closed session concluded at 10:40 a.m.

Respectfully Submitted:



DeAnna Minus-Vincent, Secretary

Dated Approved: April 11, 2006