

Minutes of the Government Records Council November 9, 2004 Public Meeting - Open Session

The meeting was called to order at 9:00 a.m. at the Department of Community Affairs, Room 235A, Trenton, New Jersey. The Open Public Meetings Act statement was read.

Ms. Luzzatto called the roll:

Present: Chairman Vincent Maltese, Secretary Virginia Hook, Diane Schonyers (designee of Commissioner William Librera, Department of Education)

Absent: Bernard Spigner, Kimberly Ricketts (designee of Commissioner Susan Bass Levin, Department of Community Affairs)

Also Present: Executive Director Paul Dice, Assistant Executive Director Gloria Luzzatto, Case Managers Chris Malloy, Kimberly Gardner, Erin Knoedler, Marion Davies and Colleen McGann, Deputy Attorney General Andrea Grundfest, Staff Advisor David Zipin

Mr. Maltese read the resolution to convene in closed session to receive legal advice concerning the complaints to be adjudicated that day. Ms. Hook moved to adopt the resolution that was seconded by Ms. Schonyers. All members present approved the motion. The Council met in closed session from 9:05 a.m. to 10:45 a.m.

The Council reconvened in open session at 10:55 a.m. in Room 129 of the Department of Community Affairs, Trenton, New Jersey. The Open Public Meetings Act statement was read and attendees recited the Pledge of Allegiance.

Mr. Maltese asked Mr. Dice to review personnel matters. Mr. Dice discussed the addition of a case manager to replace the resignation of a case manager several months earlier.

Mr. Maltese deferred the approval of the minutes to the end of the meeting to handle an administrative matter concerning the GRC Complaint Toth v. Ewing Township, 2004-21. Mr. Maltese reviewed the procedure for the “in camera” review of documents in said case that would take place in closed session following the discussion of the other cases on the agenda. Mr. Maltese received the documents in question from the Ewing Township Custodian Etta Kimbrough, which were presented to Executive Director Paul Dice in a sealed envelope. The Township’s Counsel Maeve Cannon informed the Council that the envelope contained a certification from the Custodian as to the documents contained in the envelope and an index of said documents.

Mr. Maltese noted the following cases were settled in mediation:

1. Fred Burnett v. Mercer County, 2004-20
2. Andrew Bilarczyk v. Pine Hill Board of Education, 2004-56
3. William Heffron v. City of South Amboy, 2004-69
4. Exemplaire Exantus v. Newark City of Department of Health, 2004-86
5. Cynthia McBride v. Teaneck, 2004-101
6. David Herron v. Township of Montclair, 2004-115
7. Amy Hollenbeck v. Somers Point Police Department, 2004-116

Mr. Maltese called for a motion to dismiss the cases on the basis of the settlements reached in mediation. The motion was made by Ms. Hook and seconded by Ms. Schonyers. The motion was passed on roll call:

Ayes: Ms. Hook, Ms. Schonyers and Mr. Maltese

Nays: None

Mr. Maltese noted the following cases were voluntarily withdrawn:

1. Cynthia McBride v. Middletown Township, 2004-104
2. Cynthia McBride v. Florham Park Tax Collector's Office, 2004-126
3. Harry Coleman v. NJ Department of Transportation, 2004-132
4. Josef Wodeslavsky v. City of Englewood, 2004-133
5. Karen Dubuske v. NJ Turnpike Authority, 2004-143
6. Harriet Rubenstein v. NJ Health Care Facilities Financing Authority, 2004-159 –

Mr. Maltese called for a motion to dismiss the cases on the basis the complaints were voluntarily withdrawn. The motion was made by Ms. Schonyers and seconded by Ms. Hook. The motion was passed on roll call:

Ayes: Ms. Hook, Ms. Schonyers and Mr. Maltese

Nays: None

Mr. Maltese stated that the following cases would be postponed until the December meeting:

- W. v. William Paterson University (2003-80)
- Sharkey v. Borough of Oceanport (2004-67)
- Gallenthin v. Borough of Merchantville (2004-95)
- Kohlman v. East Orange (2004-99)
- Gallenthin v. County of Gloucester (2004-106)
- Cuba v. Essex County Superior Court (2004-131)

C.W. v. William Paterson University (2003-109)

Ms. McGann reviewed the background information of the case set forth in the Executive Director's November 1, 2004 Findings and Recommendations. Ms. McGann informed the Council that the requested certification from the Custodian was received November 9, 2004 and sufficiently addresses the remaining issues in the case. Ms. McGann requested that the Council consider the recommendation of the Executive Director in light of the November 9, 2004 certification and find that the case be dismissed on the following basis:

1. The Custodian certified that the requested records pertaining to the July 25, 2004 OPRA request were non-existent.
2. The Council should find that items 3, 4 and 5 of the complaint should be dismissed for the purposes of this complaint. They are not subject of GRC Case 2003-109 and are addressed in GRC Case 2003-113.
3. The staff has reviewed the Supplement to the Denial of Access and has determined that, based on the Custodian's August 7, 2003 response to the OPRA request, access to the requested records has not been denied. There is no further action required by the Council.

The Council members discussed the Custodian's November 9, 2004 submission. Mr. Maltese then called for a motion to accept the amended findings and recommendations of the Executive Director. The motion was made by Ms. Schonyers and seconded by Ms. Hook. The motion was passed on roll call:

Ayes: Ms. Hook, Ms. Schonyers and Mr. Maltese

Nays: None

C.W. v. William Paterson University (2003-113)

Ms. McGann reviewed the background information of the case set forth in the Executive Director's November 1, 2004 Findings and Recommendations. Ms. McGann also reviewed the November 8, 2004 certification from the Records Custodian, Marc Schaeffer, explaining that all available records responsive to the OPRA requests were provided to the Complainant and requested that the Council consider the Executive Director's recommendations in light of November 8, 2004 certification and amended the recommendations to reflect same. Ms. McGann reviewed the amended recommendations to dismiss the case on the basis of:

1. The Custodian's certification that there are no separate records of witness statements responsive to the request.
2. The Custodian's certification that there are no records responsive to the request for "record request document from Complainant's disciplinary file."

3. The request for the “restriction list” was properly withheld pursuant to the Federal Educational Rights and Privacy Act (FERPA), specifically, 20 U.S.C.A. 1232g and is not abrogated by the Open Public Records Act (“OPRA”) pursuant to N.J.S.A. 47:1A-9
4. The Custodian violated N.J.S.A. 47:1A-5(g) by requiring the Complainant to use the University’s request form. However, the Custodian’s actions did not rise to the level of a knowing and willful violation of OPRA under the totality of the circumstances.

Mr. Maltese called for a motion to accept the amended findings and recommendations of the Executive Director. The motion was made by Ms. Hook and seconded by Ms. Schonyers. The motion was passed on roll call:

Ayes: Ms. Hook, Ms. Schonyers and Mr. Maltese

Nays: None

Janon Fisher v. NJ Department of Law & Public Safety, Division of Law (2004-55)

Mr. Dice noted that Deputy Attorney General Andrea Grundfest recused herself from representation for the Council and that Booker, Rabinowitz, Trenk, Lubetkin, Tully, DePasquale and Webster is representing Council in this case. Mr. Dice reviewed the background information of the case set forth in the November 3, 2004 Findings and Recommendations of the Executive Director. The Council members discussed the recommendations and suggested the following amendments to the “Conclusions and Recommendations of the Executive Director:” in number “1” items “a” and “j” be combined, add “level, rate and number” to item “e” and change number “2” to read: “Provide the Government Records Council with a certification outlining the following.”

Mr. Maltese called for a motion to accept the findings and recommendations of the Executive Director as amended. The motion was made by Ms. Schonyers and seconded by Ms. Hook. The motion was passed on roll call:

Ayes: Ms. Hook, Ms. Schonyers and Mr. Maltese

Nays: None

Janon Fisher v. NJ Department of Law & Public Safety, Division of Law (2004-82)

Mr. Dice noted that Deputy Attorney General Andrea Grundfest recused herself from representation for the Council and that Booker, Rabinowitz, Trenk, Lubetkin, Tully, DePasquale and Webster is representing Council in this case. Ms. Luzzatto reviewed the background information of the case set forth in the November 3, 2004 Findings and Recommendations of the Executive Director. Mr. Maltese suggested that the recommendations be amended to order disclosure within 15 days from receipt of the Council’s decision unless the Council is presented with a Vaughn Index explaining the basis for the redactions. The Council members concurred.

Mr. Maltese called for a motion to accept the findings and recommendations of the Executive Director as amended. The motion was made by Ms. Hook and seconded by Ms. Schonyers. The motion was passed on roll call:

Ayes: Ms. Hook, Ms. Schonyers and Mr. Maltese

Nays: None

Martin O'Shea v. West Milford Township Board of Education (2004-93)

Ms. Luzzatto reviewed the case and the November 2, 2004 submissions from the Custodian and the Custodian's counsel to the Government Records Council advising that a "Notice of Appeal" was filed to the Appellate Division in the this case and the Custodian's request for a Stay of the Council's ruling in the October 14, 2004 Interim Decision. Ms. Luzzatto reviewed the Executive Director's recommendation to grant the requested Stay. Council suggested that the recommendation be amended to grant the Stay on the basis that the Public Agency is diligent in processing their Appeal.

Mr. Maltese called for a motion to:

1. Grant the Custodian Counsel's request for a Stay of the Council's ruling in number "2" of the Council's October 14, 2004 interim decision on the basis the Public Agency filed a "Notice of Appeal" in Superior Court on November 2, 2004 and the Public Agency is diligent in processing their Appeal.
2. Dismiss number "1" of the Council's October 14, 2004 interim decision on the basis of the Custodian's certification that the entirety of the requested resolution was contained in the June 22, 2004 Board Minutes which the Complainant received on July 9, 2004 and the Custodian complied with said determination.

The motion was made by Ms. Schonyers and seconded by Ms. Hook. The motion was passed on roll call:

Ayes: Ms. Hook, Ms. Schonyers and Mr. Maltese

Nays: None

William Osterman v. City of Trenton (2004-96)

William Osterman v. Trenton Police Department (2004-107)

Ms. Gardner reviewed the background information of both cases set forth in the November 1, 2004 Executive Director's Findings and Recommendations. The Council discussed conducting a hearing on whether a knowing and willful violation exists in the case and suggested a tentative date for January 2005. Mr. Maltese called for a motion to accept the Executive Director's Findings and Recommendations in #1 and #2 and amend the recommendations to include that the Council will conduct a hearing in January 2005 for a determination of whether a knowing and willful violation exists pursuant to OPRA under the totality of the circumstances, and the basis for the denial of access to the following records request as addressed in the complaints:

- a) Statistical Data
- b) Personnel Transfers
- c) Case #2004-107 in its entirety

The motion was made by Ms. Hook and seconded by Ms. Schonyers. The motion was passed on roll call:

Ayes: Ms. Hook, Ms. Schonyers and Mr. Maltese

Nays: None

Larry Loigman v. Borough of Matawan (2004-98)

Mr. Malloy reviewed the background information of the case set forth in the October 5, 2004 Findings and Recommendations of the Executive Director. Mr. Maltese suggested that the custodian's response to #3 of the recommendations should be within 10 calendar days from receipt of the order. Ms. Schonyers noted an administrative correction on page one of the findings and recommendations to include that the complainant may view, inspect and receive a copy of said documents. Mr. Maltese called for a motion to accept the Executive Director's Findings and Recommendations as amended.

The motion was made by Ms. Hook and seconded by Ms. Schonyers. The motion was passed on roll call:

Ayes: Ms. Hook, Ms. Schonyers and Mr. Maltese

Nays: None

Allison Lassiter v. New Jersey Department of Environmental Protection (2004-100)

Ms. Luzzatto reviewed the background information of the case set forth in the Executive Director's November 2, 2004 Findings and Recommendations and the recommendation that the

case be referred to the Office of Administrative Law for determination as detailed in said recommendations. Ms. Schonyers suggested that the recommendations include the additional determination by the Office of Administrative Law for costs associated to exporting the records in the requested medium.

Mr. Maltese called for a motion to accept the Findings and Recommendations of the Executive Director as amended. The motion was made by Ms. Hook and seconded by Ms. Schonyers. The motion was passed on roll call:

Ayes: Ms. Hook, Ms. Schonyers and Mr. Maltese

Nays: None

Christine Gillespie v. Newark Public Schools (2004-105)

Ms. Luzzatto reviewed the background information of the case set forth in the Executive Director's October 1, 2004 Findings and Recommendations with the recommendation that the case be dismissed as all available records responsive to the OPRA requests were provided to the Complainant and the Council lacks jurisdiction to determine the validity of a record. Administrative changes were noted on page 3 of said findings and recommendations.

Mr. Maltese called for a motion to accept the Findings and Recommendations of the Executive Director with the noted administrative changes. The motion was made by Ms. Schonyers and seconded by Ms. Hook. The motion was passed on roll call:

Ayes: Ms. Hook, Ms. Schonyers and Mr. Maltese

Nays: None

Christine Cirello v. Department of State (2004-109)

Ms. Davies reviewed the background information of the case set forth in the October 1, 2004 Findings and Recommendations of the Executive Director with the recommendation that the Council dismiss the case based on the Complainant having received the requested information.

Mr. Maltese called for a motion to accept the Findings and Recommendations of the Executive Director as written. The motion was made by Ms. Schonyers and seconded by Ms. Hook. The motion was passed on roll call:

Ayes: Ms. Hook, Ms. Schonyers and Mr. Maltese

Nays: None

Ross Kushner v. Township of West Milford (2004-111)

Ms. Gardner reviewed the background information of the case set forth in the November 1, 2004 Findings and Recommendations of the Executive Director. Deputy Attorney Andrea Grundfest

added that the Executive Director's recommendations were based on the specific information in the case finding that the custodian had not met the burden of proving any factual or legal basis for requiring any kind of access agreement. The Council, Executive Director and Ms. Gardner discussed the delay in responding to the request, however, noted that the parties acknowledge verbal communication.

Ms. Schonyers suggested that the custodian be informed of the OPRA obligation for a written response to explain any delay in providing access. Ms. Schonyer's suggested further that the custodian's name be placed on the Matrix with a footnote stipulating there was verbal communication between the parties. Mr. Maltese added that the custodian certify compliance within ten (10) business days from receipt of the Council's decision.

Mr. Maltese called for a motion to accept the Findings and Recommendations of the Executive Director as amended. The motion was made by Ms. Hook and seconded by Ms. Schonyers. The motion was passed on roll call:

Ayes: Ms. Hook, Ms. Schonyers and Mr. Maltese

Nays: None

Larry Loigman v. Middletown Township (2004-112)

Ms. Davies reviewed the background information of the case set forth in the November 1, 2004 Findings and Recommendations of the Executive Director with the recommendation that the Council dismiss the case on the basis that the requested "Letter of Resignation of Chief Pollinger" was properly withheld pursuant to N.J.S.A. 47:1A-10. Mr. Maltese asked Deputy Attorney General Andrea Grundfest for legal clarification of the enumerated provision of OPRA as it relates to the resignation letter in question. Ms. Grundfest explained that the personnel exemptions of OPRA contain certain exclusions, such as, the reason for separation from employment and to the extent the reason for separation is not personal to the individual, the information may be disclosable. Mr. Maltese suggested that the recommendations be amended to reflect that the Custodian shall provide access to the requested resignation letter pursuant to N.J.S.A. 47:1A-10 with appropriate redactions of any personal information that would violate the individual's privacy under the Open Public Records Act.

Mr. Maltese called for a motion to accept the Findings and Recommendations of the Executive Director as amended. The motion was made by Ms. Hook and seconded by Ms. Schonyers. The motion was passed on roll call:

Ayes: Ms. Hook, Ms. Schonyers and Mr. Maltese

Nays: None

Barbara Schwarz v. NJ Department of Health & Senior Services (2004-118)

Ms. Davies reviewed the background information of the case set forth in the October 20, 2004 Findings and Recommendations of the Executive Director with the recommendation that the Council dismiss the case on the basis of the custodian's certification that there were no records responsive to the request.

Mr. Maltese called for a motion to accept the Findings and Recommendations of the Executive Director. The motion was made by Ms. Schonyers and seconded by Ms. Hook. The motion was passed on roll call:

Ayes: Ms. Hook, Ms. Schonyers and Mr. Maltese

Nays: None

Barbara Schwarz v. NJ Division of Local Government Services (2004-119)

Ms. Davies reviewed the background information of the case set forth in the October 20, 2004 Findings and Recommendations of the Executive Director with the recommendation that the Council dismiss the case on the basis of the custodian's certification that there were no records responsive to the request.

Mr. Maltese called for a motion to accept the Findings and Recommendations of the Executive Director. The motion was made by Ms. Schonyers and seconded by Ms. Hook. The motion was passed on roll call:

Ayes: Ms. Hook, Ms. Schonyers and Mr. Maltese

Nays: None

Barbara Schwarz v. Department of Community Affairs (2004-120)

Ms. Davies reviewed the background information of the case set forth in the October 20, 2004 Findings and Recommendations of the Executive Director with the recommendation that the Council dismiss the case on the basis of the custodian's certification that there were no records responsive to the request.

Mr. Maltese called for a motion to accept the Findings and Recommendations of the Executive Director. The motion was made by Ms. Hook and seconded by Ms. Schonyers. The motion was passed on roll call:

Ayes: Ms. Hook, Ms. Schonyers and Mr. Maltese

Nays: None

Barbara Schwarz v. NJ Department of Law and Public Safety (2004-121)

Ms. Davies reviewed the background information of the case set forth in the October 25, 2004 Findings and Recommendations of the Executive Director with the recommendation that the Council dismiss the case on the basis of the custodian's certification that there were no records responsive to the request pertaining to the specific named individuals and the custodian was proper in withholding a copy of the documents pertaining to the "Church of Scientology" because the payment of \$27.50 was not received from the Complainant. Council suggested adding the number of pages to item #2 of the recommendations.

Mr. Maltese called for a motion to accept the Findings and Recommendations of the Executive Director as amended. The motion was made by Ms. Schonyers and seconded by Ms. Hook. The motion was passed on roll call:

Ayes: Ms. Hook, Ms. Schonyers and Mr. Maltese

Nays: None

Barbara Schwarz v. NJ Department of Agriculture (2004-122)

Ms. Davies reviewed the background information of the case set forth in the October 20, 2004 Findings and Recommendations of the Executive Director with the recommendation that the Council dismiss the case on the basis of the custodian's certification that there were no records responsive to the request.

Mr. Maltese called for a motion to accept the Findings and Recommendations of the Executive Director. The motion was made by Ms. Hook and seconded by Ms. Schonyers. The motion was passed on roll call:

Ayes: Ms. Hook, Ms. Schonyers and Mr. Maltese

Nays: None

Barbara Schwarz v. NJ Department of Education (2004-125)

Ms. Davies reviewed the background information of the case set forth in the October 20, 2004 Findings and Recommendations of the Executive Director with the recommendation that the Council dismiss the case on the basis of the custodian's certification that there were no records responsive to the request.

Mr. Maltese called for a motion to accept the Findings and Recommendations of the Executive Director. The motion was made by Ms. Hook and seconded by Ms. Schonyers. The motion was passed on roll call:

Ayes: Ms. Hook, Ms. Schonyers and Mr. Maltese

Nays: None

Florence Perino v. Borough of Haddon Heights (2004-128)

Mr. Malloy reviewed the background information of the case set forth in the November 2, 2004 Findings and Recommendations of the Executive Director. Mr. Malloy detailed the balancing test factors and corresponding responses. He noted further that factor “6” in the analysis should be amended to reflect the deletion of the paragraph after “none” because it was not applicable to the case and the insertion of “the Complainant wanted the information in order to apologize.”

Mr. Maltese called for a motion to accept the Findings and Recommendations of the Executive Director as amended. The motion was made by Ms. Schonyers and seconded by Ms. Hook. The motion was passed on roll call:

Ayes: Ms. Hook, Ms. Schonyers and Mr. Maltese

Nays: None

Joseph Renna v. County of Union (2004-136)

Mr. Malloy reviewed the background information of the case set forth in the November 1, 2004 Findings and Recommendations of the Executive Director. An administrative change was noted on page “1” of the findings and recommendations that “August 3rd” should be “September 3, 2004” Mr. Maltese expressed concern about the County’s policy limiting conversion of medium was contrary to the provisions of OPRA and the reasons offered to be disingenuous. Mr. Maltese suggested that the Council consider holding a hearing in January 2005 to determine whether there is a knowing and willful violation of the Act and all Council members concurred.

Mr. Maltese called for a motion to accept the Findings and Recommendations of the Executive Director as amended. The motion was made by Ms. Schonyers and seconded by Ms. Hook. The motion was passed on roll call:

Ayes: Ms. Hook, Ms. Schonyers and Mr. Maltese

Nays: None

Mr. Maltese asked Mr. Dice for his report and communications. Mr. Dice noted that there were no communications. He noted that the current listing of outreach presentations appear on the GRC website. He informed the Council of an outreach intervention conducted by the GRC staff with Haddon Township and a complainant as directed by the Council in a case heard at the October meeting.

Mr. Maltese opened the floor for public comments.

Anne Barron of Highland Park addressed the Council regarding the Government Records Council's process and her denial of access complaint filed in September 2004. She stated that she did not respond to the offer of mediation and wanted to know the time frame to have her case heard by the Council. Mr. Dice explained that the cases are heard as expeditiously as possible once the investigation of the circumstances surrounding the complaint is completed. Ms. Barron stated that she has been experiencing difficulty in accessing records in Highland Park and asked if the GRC staff would do a training presentation in Highland Park. Mr. Dice offered to conduct a specific OPRA presentation and intervention at Highland Park. Ms. Barron asked the Council's opinion on what constitutes a government record, where common law impacts OPRA and whether the complainant is required to search out the specific legal reference. The Executive Director and Mr. Maltese explained that the Council is guided by the definition of a government record under OPRA and the presumption of disclosure unless there is an OPRA exemption or preemption under other laws, regulations, statutes, or executive orders and bring forth the issues to the Council for determination. Deputy Attorney General Grundfest noted that the Council's jurisdiction did not extend to what may be accessible under common law.

Martin O'Shea of West Milford addressed the Council stating that he was concerned with the handling of his case through the Office of Administrative Law because the case continues to be rescheduled. He stated that currently the case is scheduled for a telephone conference in March and he learned at today's meeting of other cases being heard by the Council in January on the same issue. Mr. Dice explained that Mr. O'Shea's case was referred to OAL at a time before the decision was made to have the Council conduct such hearings. Mr. Dice offered to review his case to determine whether it fit the type of case the Council is hearing at this juncture.

Janon Fisher addressed the Council regarding his two cases that the Council decided in today's meeting and asked for clarification of the Council's decision. Mr. Dice clarified the Council's decision for Mr. Fisher. Mr. Fisher posed questions regarding several other cases decided in the meeting. Mr. Dice and GRC Counsel addressed his questions.

Mr. Maltese called for a motion to go into closed session for the in-camera review of documents submitted earlier in the meeting concerning Thomas Toth v. Ewing Township, GRC Complaint No. 2004-21.

The motion was made by Ms. Hook and seconded by Ms. Schonyers. The motion was passed on roll call:

Ayes: Ms. Hook, Ms. Schonyers and Mr. Maltese

Nays: None

The Council adjourned into closed session at 1:55 p.m. The Council reconvened in open session at 2:55 p.m.

Thomas Toth v. Ewing Township (2004-21)

Mr. Dice stated that pursuant to the provisions of N.J.S.A. 47:1A-7(c) the Council conducted an *in camera* inspection of the records responsive to the request for a determination on access.

Present during the *in camera* review were:

Council Members:	Vincent Maltese Virginia Hook Diane Schonyers
Government Records Council Staff:	Paul Dice, Executive Director Gloria Luzzatto, Assistant Executive Director Case Manager, Kimberly Gardner
Deputy Attorney General:	Andrea Grundfest

After completing the *in camera* inspection the Council made the following determination on access pertaining to the requested records:

1. Document C-1a (Memorandum from Township's Administrator): Disclose document in its entirety with the exception of the last two sentences in the second paragraph.
2. Document C-1b (Chart of Employees Sick and Vacation Under ERI 2004 For those who indicated non-retirement and/or an extension in retirement. For Comparison – if they were to retire): Redact the names and disclose all other information in the document
3. Document C-1c (Chart of Employees Sick and Vacation Under ERI 2004 For those who indicated non-retirement and/or an extension in retirement. For Comparison – if they were to return): Redact the names and disclose all other information in the document
4. Document C-1d (Annualized Impact of Early Retirements, Nonparticipants, 5 Year Bond Payout): Disclose the document's heading and all category descriptions; redact all dollar figure information
5. Document C-1e (Annualized Impact of Early Retirements, Nonparticipants, 7 Year Bond Payout): Disclose the document's heading and all category descriptions; redact all dollar figure information
6. Document C-1f (Annualized Impact of Early Retirements, Nonparticipants, 10 Year Bond Payout): Disclose the document's heading and all category descriptions; redact all dollar figure information
7. Document C-1g (Impact of Early Retirement Program): Disclose entire document
8. Document C-1h (Impact of Early Retirement 15 Bond Payout): Disclose the document's heading and all category descriptions; redact all dollar figure information
9. Document C-1i (Impact of Early Retirement 15 Bond Payout): Disclose the document's heading and all category descriptions; redact all dollar figure information

Mr. Maltese called for a motion to accept the Council's above conclusions from the *in-camera* review. The motion was made by Ms. Hook and seconded by Ms. Schonyers. The motion was passed on roll call:

Ayes: Ms. Hook, Ms. Schonyers and Mr. Maltese

Nays: None

The approval of Minutes was rescheduled for the December meeting. Mr. Maltese called for a motion to adjourn the meeting. The motion was made by Ms. Schonyers and seconded by Ms. Hook. The meeting was adjourned by consensus at 3:00 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "DeAnna Minus-Vincent", is centered on a light gray rectangular background.

DeAnna Minus-Vincent, Secretary

Dated: April 19, 2005