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March 28, 2006

Ann R. Rubin, Esq., Assistant Prosecutor
Union County Prosecutor's Office
32 Rahway Avenue
Elizabeth, NJ 07202-2115

RE: Open Public Meetings Act violation by
Union County Board of Chosen Freeholders

Dear Assistant Prosecutor Rubin:

We recently complained to you about Open Public Meetings Act violations committed by the Union County Board of Chosen Freeholders. Please accept this letter as a supplement to that complaint.

Attached are Exhibits A, B and C:

- A. The version of the Board's February 10, 2005 closed meeting minutes released to me in response to my January 17, 2006 records request. (1 page)
- B. The version of the same minutes that were released to me on March 23, 2006, after I had filed a complaint against the Board with the Government Records Council¹. (2 pages)
- C. The Board's "description" of the redacted portions of those minutes. (1 page)

I specifically invite your attention to ¶ 8 of all three exhibits. When the Board initially released the minutes, it suppressed all the information concerning ¶ 8, claiming it was exempt under the Attorney-Client privilege. In Exhibit B, however, we learn that ¶ 8 was merely a report that certain county officials had been named in a lawsuit.

Clearly, the information in ¶ 8 should have been disclosed to me in the Board's response to my first request (i.e. Exhibit A). Since the lawsuit in question had already been filed, it was a matter of public record. R.1:38.

¹ Tina Renna v. County of Union, GRC Case No. 2006-22.

Our Mission

The Union County Watchdog Association, Inc. is a nonpartisan, nonprofit organization working on behalf of residents and taxpayers to monitor Union County government and advocate for the elimination of waste, corruption and incompetence. We believe that good government can only be achieved through a system of checks and balance - a system that includes the watchful eye of the people.

I also note that the Board's comment, in ¶ 8 of Exhibit C, that the information regarding the Sinclair lawsuit had "recently been approved for public release" does not excuse the Board's failure in this regard. The question of whether information contained in closed session minutes should be publicly disclosed turns on the nature of the information itself, not upon whether the information has been "approved for public release."

Finally, I believe that bringing the present issue to your office by way of this letter does not conflict with my pending case before the Government Records Council. If you disagree, however, I will withdraw this letter and again bring this matter to your attention after the Government Records Council case is concluded.

Thank you for your attention to this matter.

Very truly yours,

Tina Renna
President

EXECUTIVE SESSION
REGULAR MEETING - FEBRUARY 10, 2005

Present: Freeholders Proctor, Mirabella, Estrada, Holmes, Kowalski, Mapp,
Sullivan & Ward
County Manager Devanney, County Counsel Bob Barry,
COB Nicole Tedeschi

Also: Frank Capece, Esq & Steve Nerman, Esq.

There were nine items discussed:

- 1: Weresow v. The County of Union: The case will be settled at \$390,000. The confidentiality agreement is being finalized.
- 2: Todaro v. The County of Union: Minutes redacted under Attorney-Client privileged communication in a matter involving on-going litigation. Minutes redacted under Attorney-Client privileged communication.
- 3: Ewanus v. The County of Union: Two out of three counts have been dismissed. Remainder of the minutes redacted under Attorney-Client privileged communication on a matter involving on-going contractual negotiations.
- 4: Minutes redacted relative to a personnel matter exempt under N.J.S.A. 47:1A-10.
- 5: Minutes redacted relative to a personnel matter exempt under N.J.S.A. 47:1A-10.
- 6: Minutes redacted relative to a personnel matter exempt under N.J.S.A. 47:1A-10.
- 7: Sica v. The County of Union: Plaintiff asserts the County has some liability because Officer Frank Catena was present and should have stopped the actions of the Winfield Park Police Officer. Winfield settled for \$240,000. Remainder of the minutes redacted under Attorney-Client privileged communication.
- 8: Minutes redacted under Attorney-Client privileged communication in a matter involving on-going litigation.
- 9: Minutes redacted under Attorney-Client privileged communication in a matter involving on-going litigation. Minutes redacted under Attorney-Client privileged communication.

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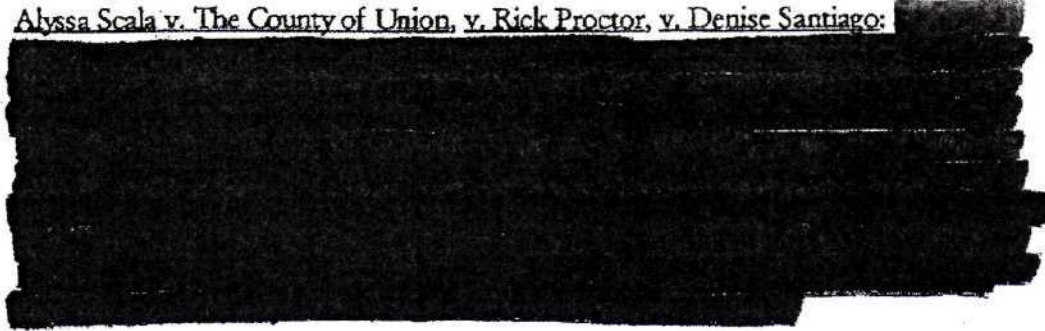
Also: Frank Capece, Esq & Steve Merman, Esq.

There were nine items discussed:

- 1: Weresow v. The County of Union: The case will be settled at \$390,000. The confidentiality agreement is being finalized.
- 2: Todaro v. The County of Union: Counsel will offer a possible settlement of [REDACTED]
- 3: Ewanus v. The County of Union: Two out of three counts have been dismissed. [REDACTED]
- 4: Two upcoming arrests: [REDACTED]
- 5: [REDACTED]
- 6: [REDACTED]
- 7: Sica v. The County of Union: Plaintiff asserts the County has some liability because Officer Frank Catena was present and should have stopped the actions of the Winfield Park Police Officer. Winfield settled for \$240,000. [REDACTED]

8: The Estate of Edward Sinclair, Jr. v. The County of Union: The County, present and former Freeholders, the present and former County Managers, Director Guzzo, Darryl Hatchett and Officer Cunningham have all been named in a law suit filed by the family of Edward Sinclair, Jr. Counsel will be assigned at next week's agenda meeting, for approval on February 24, 2005.

9: Alyssa Scala v. The County of Union, v. Rick Proctor, v. Denise Santiago:



**Description of Redacted Portions of the
February 10, 2005 Executive Session**

- Item 1. No redactions.
- Item 2. Portion redacted consists of advice from attorney to client (Board of Chosen Freeholders) regarding settlement options.
- Item 3. Portion redacted consists of advice from attorney to client regarding settlement options.
- Item 4. Portions redacted consist of a brief report to the Freeholder regarding personnel actions against two (2) County employees.
- Item 5. Portion redacted consists of a report to the Freeholders about an incident involving a Juvenile detainee.
- Item 6. Portion redacted consists of a brief report to the Freeholder regarding personnel action against a County employee.
- Item 7. Portion redacted consists of advice from attorney to client regarding settlement options.
- Item 8. No redactions. (This information has recently been approved for public release).
- Item 9. Portion redacted consists of a brief report from counsel regarding allegations made in a matter of pending litigation.