

BERNARDS TOWNSHIP PLANNING BOARD

MINUTES ^{v2}

Special Joint Meeting with Township Committee
May 23, 2017

Vice Chairman Piedici called the Planning Board portion of the meeting to order at 7:32 PM.

FLAG SALUTE

OPEN MEETING STATEMENT

Mayor Gaziano read the following open meeting and procedural statement:

"In accordance with the requirements of the Open Public Meetings Law of 1975, notice of this regular meeting of the Planning Board of the Township of Bernards was posted on the bulletin board in the reception hall of the Municipal Building, Collyer Lane, Basking Ridge, NJ, was mailed to the Bernardsville News, Bernardsville, NJ, and to the Courier News, Bridgewater, NJ, and was mailed to all those people who have requested individual notice and paid the required fee."

ROLL CALL:

Members Present: Baldassare, Gaziano, Kleinert, Malay, Moschello, Piedici, Zaidel
Members Absent: Ross
Also Present: Board Attorney Drill, Township Planner Schley, Board Secretary Kiefer

Vice Chair Piedici made a motion to authorize a closed session for the purpose of: (1) discussion of pending litigation titled The Islamic Society of Basking Ridge et al. v. Township of Bernards, et al. and United States of America v. Township of Bernards, NJ and Bernards Township Planning Board and (2) matters falling within the attorney-client privilege where confidentiality is required for the attorney to exercise his ethical duties as a lawyer, namely legal advice regarding the litigations.

Vice Chairman Piedici read the following Resolution authorizing the Closed Session into the record and moved for its adoption:

WHEREAS, N.J. S.A. 10:4-12 (the Open Public Meeting Act) authorizes this Board to exclude the public from that portion of a meeting at which this Board discusses certain matters;

WHEREAS, the Board is about to discuss such matters, specifically: (1) pending litigation titled The Islamic Society of Basking Ridge et al. v. Township of Bernards, et al., Case No. 3:16-cv-01369-MAS-LHG and pending litigation titled United States of America v. Township of Bernards, NJ and Bernards Township Planning Board, Case No. 16 Civ. 08700 (MAS) (LHG) (the "litigations"), and (2) matters falling within the attorney-client privilege where confidentiality is required for the attorney to exercise his ethical duties as a lawyer, namely legal advice regarding the litigations;

WHEREAS, this Board believes the public should be excluded from those discussions;

NOW, THEREFORE, be it resolved by the Bernards Township Planning Board on May 23, 2017, that the Board now go into closed session and the public be excluded and that the Board believes that the discussions conducted in the closed session may not be disclosed to the public because they will involve attorney-client privileged advice and information.

Vice Chairman Piedici's motion was seconded by Mr. Moschello.

Roll Call:

Aye: Baldassare, Gaziano, Kleinert, Malay, Moschello, Piedici, Zaidel
Nay: NONE
Abstain: NONE

Motion carried.

The open session of the May 23, 2017 Planning Board meeting was adjourned at 7:36 PM.

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Vice Chairman Piedici made a motion to close the closed session and re-open the open session. The motion was seconded by Mr. Moschello. By unanimous Voice Vote the motion carried.

The open session of the May 23, 2017 Planning Board meeting was reconvened at 8:26 PM.

Open Session

Vice Chairman Piedici moved to adopt a Resolution authorizing Ted Carey, Esq., to sign the agreement settling The Islamic Society of Basking Ridge et al. v. Township of Bernards and Bernards Township and asked attorney Drill to read the resolution into the record. Mr. Zaidel seconded.

Roll Call:

Aye: Baldassare, Gaziano, Kleinert, Malay, Piedici, Zaidel
Nay: Moschello
Abstain: NONE

Motion carried.

Vice Chairman Piedici moved to adopt a Resolution authorizing Ted Carey, Esq., to sign the agreement settling The United States Department of Justice v. Township of Bernards and Bernards Township and asked attorney Drill to read the resolution into the record. Mr. Zaidel seconded.

Roll Call:

Aye: Gaziano, Kleinert, Malay, Piedici, Zaidel
Nay: Baldassare, Moschello
Abstain: NONE

Motion carried.

Vice Chairman Piedici moved to adjourn. Mr. Moschello seconded and by unanimous Voice Vote, the Planning Board portion of the meeting was adjourned.

Respectfully submitted,



Cyndi Kiefer, Secretary
Bernards Township
Planning Board