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**BERNARDS TOWNSHIP - TOWNSHIP COMMITTEE  
MINUTES**

**JANUARY 9, 2017 –SPECIAL MEETING**

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## CALL TO ORDER

The mayor called the meeting to order at 5:30 PM. Those assembled saluted the flag and the mayor read the open public meetings statement in accordance with the law.

## ROLL CALL

Present: Bianchi, Carpenter, Russo (speaker phone), Malay, Gaziano

Absent:

Also Present: Administrator McArthur, Attorneys Belardo, Pelosi, Carey and Donovan, Municipal Clerk/Assist. Admin. Szabo

## AMEND AGENDA

By unanimous consent, the committee agreed to add an additional public comment at this point of the meeting.

## PUBLIC COMMENT

Todd Edelstein, Riverside Drive, and Linda Waldroff, Annin Road, commented on the ISBR Litigation.

## EXECUTIVE SESSION - Resolution #2017-0094

Motion by Carpenter, second by Bianchi, and unanimously agreed that Resolution #2017-0094 be approved and the meeting adjourned to executive session at 5:42 PM.

**WHEREAS**, NJSA 10:4-12 allows for a public body to go into closed session during a public meeting; and

**WHEREAS**, the Township Committee has deemed it necessary to go into closed session to discuss certain matters which are exempted from the public; and

**WHEREAS**, the regular meeting of the Township Committee will reconvene.

**NOW THEREFORE BE IT RESOLVED**, that the Township Committee will go into closed session for the following reason(s) as outlined in NJSA 10:4-12; and

**NOW THEREFORE BE IT FURTHER RESOLVED**, that the Township Committee hereby declares that the discussion of subject(s) may be made public at a time when the Township Attorney advises the Township Committee that the disclosure of the discussion will not detrimentally affect any right, interest or duty of the Township or any other entity with respect to said discussion. That time is currently estimated as the time of said matter.

**NOW THEREFORE BE IT FINALLY RESOLVED** that the Township Committee, hereby declares that the public is excluded from the portion of the meeting during which the discussion(s) shall take place and hereby directs the Municipal Clerk to take the appropriate action to effectuate the terms of this resolution.

### Reason for Closed Session

### Estimated Time of Disclosure or Upon Occurrence Of

- Any pending or anticipated litigation or contract negotiations which the public body is or may become a party. Any matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as lawyer. *Under certain circumstances, if public disclosure of the matter would have a potentially negative impact on the Township's position in the litigation or negotiation, this information may be withheld until such time that the matter is concluded or the circumstances no longer present a potential impact.*

At conclusion of litigation.

ISBR v. Bernards Township et al – Case 16:cv-01369 (MAS) v. (LHG); USDOJ v. Bernards Township et al – Case 3:15-cv-08700-MAS-LHG, Bernards Township v. QBE Specialty Insurance Company/Summit Risk Services et al – Arbitration Case 01-16-0003-5508.

The meeting resumed in open session at 7:45 PM.

## PUBLIC COMMENT

The mayor opened public comment. None.

## ADJOURNMENT

By unanimous consent, the meeting adjourned at 7:46 PM.

Respectfully submitted,

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Denise Szabo  
Municipal Clerk/Assistant Administrator

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Carolyn Gaziano  
Mayor