

TABLE OF CONTENTS

**BERNARDS TOWNSHIP
TOWNSHIP COMMITTEE & PLANNING BOARD
JOINT MEETING MINUTES**

May 10, 2017

(Click on the page number to go directly to that page)

CALL TO ORDER 2

ROLL CALL 2

RESOLUTION #2017-0222 - AUTHORIZING AN EXECUTIVE SESSION MEETING OF THE BERNARDS TOWNSHIP COMMITTEE..... 2

RESOLUTION - AUTHORIZING AN EXECUTIVE SESSION MEETING OF THE BERNARDS TOWNSHIP PLANNING BOARD 3

OPEN SESSION RESUMED..... 3

PUBLIC COMMENT 3

ADJOURNMENT 4

CALL TO ORDER

The mayor called the meeting to order at 7:30 PM and read the open public meetings statement in accordance with the law. Those present saluted the flag.

ROLL CALL

Present:

- | | |
|-------------------------|-------------------------|
| Ms. Axt (PB) | Mr. Malay (TC & PB) |
| Mr. Baldassare (PB) | Mr. Moschello (PB) |
| Ms. Bianchi (TC) | Ms. Piedici (PB) |
| Mr. Carpenter (TC) | Mr. Plaza (PB) |
| Mayor Gaziano (TC & PB) | Mr. Ross (PB) – Alt 1 |
| Mr. Harris (PB) | Mr. Russo (TC) |
| Ms. Kleinert (PB) | Mr. Zaidel (PB) – Alt 2 |

Absent: None

Also Present:

- | | |
|-------------------------------|--------------------------------------|
| Administrator McArthur | Insurance Attorney Carey |
| Municipal Attorney Belardo | Township Planner Schley |
| Planning Board Attorney Drill | Municipal Clerk/Assist. Admin. Szabo |

Resolution #2017-0222 - Authorizing an Executive Session Meeting of the Bernards Township Committee

Motion by Malay, second by Russo, and unanimously agreed that Resolution #2017-0222 (TC) be approved.

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.*

Upon
conclusion of
litigation

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

Resolution - Authorizing an Executive Session Meeting of the Bernards Township Planning Board

Motion by Piedici, second by Zaidel, and unanimously agreed that the resolution be approved.

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 10, 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.

The meeting temporarily adjourned to Executive Session at 7:33 PM.

OPEN SESSION RESUMED

The meeting resumed in open session at 8:55 PM and the Township Committee and Planning Board took a short recess.

When recess ended, the mayor announced to the public that the Township Committee & Planning Board did not reach an agreement with ISBR, the USDOJ or Mohammad Ali Chaudry, and that no action would be taken at this meeting.

Motion by Moschello, second by Baldassare, that the Planning Board adjourn their portion of the meeting. Members of the Board as well as Drill and Schley left the meeting room.

Belardo left shortly thereafter.

PUBLIC COMMENT

The following members of the public commented on the ISBR litigation:

- Nick Xu, Battalion Drive, Bernards Township
- Delle Zing_, Gayuga Way, Bernards Township
- Paul Zubulake, Church Street, Bernards Township
- Nancy Cambell, Brittany Place, Bernards Township
- Barbara Buger, Church Street, Bernards Township
- Leslie_____, Chestnut Court, Bernards Township
- Doug Watson, Liberty Corner Road, Bernards Township
- Zhihua Zhang, Wellington Drive, Bernards Township
- Erin Yessa, Church Street, Bernards Township
- Mohmed Eldaly, Canterbury Way, Bernards Township
- Bassma Elshemmy, Canterbury Way, Bernards Township
- Cindy_____, Railroad Avenue, Far Hills Borough
- Qasim Ahmad, Elizabeth Street, Bernards Township
- Arshia Ahmad, 30 Elizabeth Street, Bernards Township
- Lorrain Staples, Lyons Road, Bernards Township
- James Ricky, West Oak Street, Bernards Township
- Erin Sumka, Vail Terrace, Bernards Township
- Renee Arias, Douglas Road, Bernards Township

Michael Macchiarola, Mine Brook Road, Bernards Township
Susan Patton, 14 Oxbow Lane, Bernards Township
Sinan Kutty, Douglas Road, Bernards Township
Cody Smith, Royal Oak Drive, Bernards Township
Tarun Sethi, Somerville Road, Bernards Township
Ashok Wahi, Somerville Road, Bernards Township
Katherine Wang, Vanderveer Drive, Bernards Township
Syed Siddiq, Honeyman Road, Bernards Township
Linda Waldruff, Annin Road, Bernards Township
Frank Zhao, Alder Lane, Bernards Township
Isabel Ortega, Patriot Hill Drive, Bernards Township
Stella Perna, 105 Tuxford Terrace, Bernards Township
Shui He, 80 Bernard Drive, Bernards Township
Xingyue Huang, 18 Vanderveer Drive, Bernards Township
Parag Dhagat, 274 S Finely Avenue, Bernards Township

ADJOURNMENT

By unanimous consent, the meeting adjourned at 10:37 PM.

Respectfully submitted,

Denise Szabo
Municipal Clerk/Assistant Administrator

Carolyn Gaziano
Mayor