

BERNARDS TOWNSHIP PLANNING BOARD

MINUTES Reorganization & Regular Meeting v2 January 8, 2019

Ms. Kiefer called the reorganization meeting to order at 7:34 PM.

FLAG SALUTE

Ms. Kiefer read the following open meeting and procedural statements:

OPEN MEETING STATEMENT

"In accordance with the requirements of the Open Public Meetings Law of 1975, notice of this special 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, Whippany, and to the Courier News, Bridgewater on January 25, 2018 and was mailed to all those people who have requested individual notice."

"The following procedure has been adopted by the Bernards Township Planning Board. There will be no new cases heard after 10:00 p.m. and no new witnesses or testimony heard after 10:30 p.m."

REORGANIZATION MEETING

OATHS OF OFFICE

Jonathan Drill, Esq., swore in the following members:

- Joseph Esposito, Class I Member, one-year term expiring 12/31/19
- John Coelho, Class II Member, one-year term expiring 12/31/19
- Joan Harris, Class III Member, one-year term expiring 12/31/19
- Gregory Hurley, Class IV Member, four-year term expiring 12/31/22
- Paul Damurjian, Class IV, Alternate 1, (filling unexpired term of G. Hurley) two-year term expiring 12/31/19
- Kathleen Mastrangelo, Class IV, Alternate 2, two-year term expiring 12/31/20

Continuing Board Members: Asay, Crane, McNally, Piedici, Zaidel

ROLL CALL

Members Present:	Asay, Coelho, Crane, Damurjian, Esposito, Harris, Hurley, McNally, Mastrangelo, Piedici, Zaidel
Members Late:	NONE
Members Absent:	NONE
Also Present:	Attorney, Jonathan Drill; Planner, David Banisch; Township Planner, David Schley; Secretary, Cyndi Kiefer.

NOMINATIONS FOR CHAIRMAN

Mr. Drill called for nominations for Chairman of the Board for 2019.

Committeeman Esposito nominated Ms. Piedici for the position of Chairwoman of the Board for 2019. Mr. Hurley seconded. There were no further nominations for the position.

Roll Call for Ms. Piedici:

Aye: Asay, Coelho, Crane, Esposito, Harris, Hurley, McNally, Piedici, Zaidel
Nay: NONE
Abstain: NONE

Motion carried.

NOMINATIONS FOR VICE CHAIRMAN

Chairwoman Piedici called for nominations for Vice-Chairman of the Board for 2019.

Committeeman Esposito nominated Mr. Zaidel for the position of Vice-Chairman of the Board for 2019. Dr. Coelho seconded. There were no further nominations for the position.

Roll Call for Mr. Zaidel:

Aye: Asay, Coelho, Crane, Esposito, Harris, Hurley, McNally, Piedici, Zaidel
Nay: NONE
Abstain: NONE

Motion carried.

NOMINATIONS FOR VICE CHAIRMAN PRO TEMP

Chairwoman Piedici called for nominations for Vice-Chairman Pro Temp of the Board for 2019.

Mr. Zaidel nominated Ms. Asay for the position of Vice-Chairwoman Pro Temp of the Board for 2019. Dr. Coelho seconded. There were no further nominations for the position.

Roll Call for Ms. Asay:

Aye: Asay, Coelho, Crane, Esposito, Harris, Hurley, McNally, Piedici, Zaidel
Nay: NONE
Abstain: NONE

Motion carried.

EXECUTIVE SESSION

Resolution authorizing closed session for the purpose of: discussion of matters involving the employment and terms and conditions of employment of professionals appointed by the Board.

Chairwoman Piedici read the resolution in its entirety into the record. On motion made by Mr. McNally, seconded by Mr. Zaidel, all in favor and carried, the resolution was approved as read and the open session of the reorganization portion of the meeting was recessed at 7:42 PM. Mr. Drill, Mr. Schley and Mr. Banisch left the room. Mr. Crane recused himself from discussions pertaining to Mr. Banisch and left the dais during those discussions.

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On motion made by Mr. Hurley, seconded by Committeewoman Harris, all in favor and carried, the open session of the reorganization portion of the meeting was reconvened at 8:00 PM.

Chairwoman Piedici advised the public that during the closed session, the contracts for Board Planner, David J. Banisch, PP, AICP and Board Attorney, Jonathan E. Drill, Esq were discussed. Chairwoman Piedici stated that the Board felt that the hourly rate increases requested by both professionals were warranted.

APPOINTMENT OF ENGINEER FOR THE BOARD

Chairwoman Piedici advised the Board that the motion to appoint involves a contract for professional services which would be exempt from public bidding under the Local Public Contracts Law, that the Chief Financial Officer

of the Township has provided a Certificate that municipal funds are available for this purpose and that the approval is subject to a written contract. She read [Resolution #19-01 \(Professional Services Contract for 2019 Planning Board Engineer](#) Awarded to Cathleen Marcelli, PE, CME and Larry Plevier PE, CME of the firm Mott MacDonald LLC) in its entirety into the record.

Moved by Dr. Coelho seconded by Ms. Asay, all in favor and carried, that Cathleen Marcelli and Larry Plevier be appointed as Engineers for the Board for the year 2019 and that the resolution be adopted as read.

APPOINTMENT OF PLANNER FOR THE BOARD

Chairwoman Piedici advised the Board that the motion to appoint involves a contract for professional services which would be exempt from public bidding under the Local Public Contracts Law, that the Chief Financial Officer of the Township has provided a Certificate that municipal funds are available for this purpose and that the approval is subject to a written contract. She read [Resolution #19-02 \(Professional Services Contract for 2019 Planning Board Planner](#) Awarded to Francis J. Banisch III, PP/AICP and David J. Banisch, PP/AICP of the firm Banisch Associates) in its entirety into the record.

Moved by Mr. McNally, seconded by Mr. Hurley, all in favor and carried, that Francis J. Banish and David J. Banisch be appointed as Planners for the Board for the year 2019 and that the resolution be adopted as read.

APPOINTMENT OF SECRETARY FOR THE BOARD

On motion made by Mr. Zaidel seconded by Dr. Coelho, all in favor and carried, the appointment of Cyndi Kiefer as Secretary for the Board for the year 2019 was approved.

APPOINTMENT OF LEGAL COUNSEL FOR THE BOARD

Chairwoman Piedici advised the Board that the motion to appoint involves a contract for professional services which would be exempt from public bidding under the Local Public Contracts Law, that the Chief Financial Officer of the Township has provided a Certificate that municipal funds are available for this purpose and that the approval is subject to a written contract. She read [Resolution #19-03 \(Professional Services Contract for 2019 Planning Board Attorney](#) Awarded to Jonathan E. Drill, Esq., of the firm Stickel, Koenig, Sullivan & Drill) in its entirety into the record.

Moved by Ms. Asay, seconded by Dr. Coelho, all in favor and carried, that Jonathan E. Drill, Esq. be appointed as Legal Counsel for the Board for the year 2019 and that the resolution be adopted as read.

ADOPTION OF OFFICIAL NEWSPAPERS

Moved by Mr. Crane, seconded by Mr. Hurley, all in favor and carried, that the Bernardsville News, Whippany, NJ and the Courier News, Bridgewater, NJ be designated as the official newspapers for 2019 and that the Daily Record of Morristown, NJ and the Star Ledger of Newark, NJ be designated as newspapers which may be given notice by the Secretary when the publication schedule of the Bernardsville News or the Courier News does not enable either to publish advance notice of special or rescheduled meetings.

ADOPTION OF MEETING DATES

Chairwoman Piedici read [Resolution #19-04 Schedule of Planning Board Meetings for 2019](#) in its entirety into the record.

Moved by Mr. Zaidel, seconded by Dr. Coelho, all in favor and carried, that the Schedule of Meeting Dates for 2019 be approved and that the resolution be adopted as read.

ADOPTION OF THE PLANNING BOARD'S RULES AND REGULATIONS

Mr. Drill suggested revisions to Section 4:3-4 of the Rules and Regulations involving recusal. A discussion ensued and numerous comments in support of the revisions were voiced by various members.

Chairwoman Piedici read [Resolution #19-05 Planning Board Rules and Regulations for 2019](#) in its entirety into the record.

Moved by Mr. McNally, seconded by Dr. Coelho, all in favor and carried, that the Rules and Regulations of the Board be approved as revised and that Resolution #19-05 be adopted as read.

Referring to Section 1:1-2 "Attendance" of the Rules and Regulations, Chairwoman Piedici advised the new members that any absence must be reported to either Ms. Kiefer or to her *prior* to the meeting in order for that absence to be excused. Failure to do so would deem the absence *unexcused*.

Chairwoman Piedici announced that this concluded the "Reorganization" portion of the meeting (8:24 PM).

REGULAR MEETING

Chairwoman Piedici read both of the following resolutions in their entirety into the record:

EXECUTIVE SESSION #1

Resolution authorizing a closed session for the purpose of: (1) the review of previously approved closed session minutes to determine whether any of such minutes can be made public, 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 review of the closed session minutes to determine whether any of such minutes can be made public.

Moved by Dr. Coelho, seconded by Mr. Crane, all in favor and carried, that the resolution be adopted as read and that the open session of the regular portion of the meeting be recessed.

EXECUTIVE SESSION #2

Resolution authorizing a closed session for the purpose of: discussion of the status of pending litigation titled *Christopher Quick et al., v Township of Bernards Planning Board et al.* (the "litigation") and 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 litigation.

Moved by Mr. Hurley, seconded by Mr. Zaidel, all in favor and carried, that the resolution be adopted as read and that the open session of the regular portion of the meeting be recessed at 8:27 PM.

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Moved by Dr. Coelho, seconded by Mr. Hurley, all in favor and carried, that the open session of the regular portion of the meeting be reconvened at 9:20 PM.

Pursuant to discussions held during Executive Session #1, the following closed session minutes were approved for release to the public: November 21, 2017, February 6, 2018, February 20, 2018 #1, February 20, 2018 #2, March 6, 2018, April 3, 2018, April 17, 2018 and October 2, 2018.

The "[Resolution Authorizing Release of Certain Closed Session Minutes](#)" was read in its entirety into the record by Chairwoman Piedici.

Ms. Asay moved approval of the resolution as read. Dr. Coelho seconded.

Roll Call:	Aye:	Asay, Coelho, Crane, Esposito, Harris, Hurley, McNally, Piedici, Zaidel
	Nay:	NONE
	Abstain:	NONE

Motion carried.

Chairwoman Piedici read "[Resolution Memorializing that the Board will not waive the Attorney-Client Privilege in relation to any and all matters involving the Islamic Society of Basking Ridge, including but not limited to ISBR Site Plan Applications and ISBR Litigation and ISBR Related Litigation](#)" in its entirety into the record.

Mr. Crane moved approval of the resolution as read. Mr. Zaidel seconded.

Roll Call:	Aye:	Asay, Coelho, Crane, Esposito, Harris, Hurley, McNally, Piedici, Zaidel
	Nay:	NONE
	Abstain:	NONE

Motion carried.

COMMENTS FROM STAFF - None

COMMENTS FROM MEMBERS

Mr. Crane stated that the Lighting Committee had visited the Ridge Oak site on December 28, 2018 as required by a condition of approval for application #18-001 and found the lighting to be sufficient. He added that he had requested a letter from the applicant's engineer verifying that the plans accurately depicted the lighting installed on the site. Mr. Schley confirmed that he had received that letter.

Chairwoman Piedici stated that according to the Municipal Land Use Law, the Planning Board was required to re-examine the Master Plan every 10 years. The last re-examination of the Bernards Township Master Plan was conducted in 2010 and she felt would that it would be prudent to begin the process for the 2020 re-examination this year. She asked Mr. Banisch to create a "roadmap" for the Board adding that he would prepare updates and drafts of the Master Plan based on guidance from the Board and the public.

ADJOURNMENT

On motion by Ms. Asay, seconded by Dr. Coelho, the meeting was adjourned at 9:35 PM.

Respectfully submitted,

Cyndi Kiefer, Secretary
Township of Bernards
Planning Board

01/16/19v2 ds jd kp

Adopted as written 01/22/19