

**MAYWOOD PLANNING BOARD
MINUTES
June 1, 2017 Closed Session #2017-09**

Chairman Lichtenberger made a motion to go into Closed Session. Vice Chairman Kuhn seconded the motion. All members present voted in favor of the motion.

**BOROUGH OF MAYWOOD PLANNING BOARD
Closed Session Resolution # 2017-09**

BE IT RESOLVED by the Planning Board of the Borough of Maywood, pursuant to the provisions of the Open Public Meetings Act, that the Maywood Planning Board met in closed session to discuss the following subject matter(s): Pending litigation and personnel matters.

which subject matter(s) is (are) permitted to be discussed in closed session pursuant to the following designated sub-section(s) of Section 7 of the Open Public Meetings Act:

- () Sub-section 1 dealing with material rendered confidential by express provision of Federal or State law
- () Sub-section 2 covering a matter in which release of information would impair a right to receive federal funds
- () Sub-section 3 involving disclosure of material that would constitute an unwarranted invasion of privacy, including material related to an individual's personal and family circumstances, without the express written consent of the individual involved
- () Sub-section 4 pertaining to collective bargaining agreements and the terms, conditions and negotiations thereof
- () Sub-section 5 dealing with the acquisition of real property, the setting of bank rates, or the investment of public funds where discussion thereof would adversely affect the public interest
- () Sub-section 6 dealing with tactics and techniques used in protecting the safety and property of the public where disclosure could impair such protection or investigation of violation of the law
- (X) Sub-section 7 dealing with pending or anticipated litigation, contract negotiations, or matters falling within the attorney-client privilege
- (X) Sub-section 8 concerning personnel matters dealing with employment, appointment, termination, or terms and conditions of employment of any person or persons, or the evaluation, promotion or disciplining of employees unless all employees involved consent to disclosure thereof
- () Sub-section 9 involving deliberations after public hearing on a matter which may result in the imposition of a civil penalty or the suspension or loss of a license

AND BE IT FURTHER RESOLVED that, as precisely as can be determined at this time, the discussion conducted in the said closed session can be disclosed to the public upon taking final action thereon, provided disclosure shall not violate the attorney-client privilege or constitute an undue invasion of privacy; and

BE IT FURTHER RESOLVED that the Planning Board of the Borough of Maywood
(X) Will return to open session after this meeting.
() Do not envision that they will return to open session after this meeting but reserves the right to do so.

Date of Passage: 6/1/17

Time: 8:13pm

Board Attorney Kaczynski advised that Tom Lemanowicz was leaving Remington & Vernick and that a new engineer would be assigned to the Board. Board Attorney Kaczynski advised that the Board may have some options as to how to proceed. The Board was polled and the majority felt that it would be best to continue with Remington & Vernick for the remainder of the year and to revisit the issue prior to the beginning of the 2018 calendar year.

The Board then had questions regarding the litigation filed by Maywood Joint Venture – specifically whether a temporary certificate of occupancy could be issued; what enforcement issues would result from the issuance of a temporary certificate and whether the resolution could be rescinded at this juncture. Board Attorney Kaczynski advised that she would look into these issues and report back to the Board if unable to reach a resolution of the matter.

Ken Terzo made a motion to return to the regular order of business. Vice Chairman Paul Kuhn seconded the motion. All members present voted in favor of the motion.

Respectfully submitted,

Tara Grunstra
Planning Board Recording Secretary

Please note: Minutes prepared by Board Attorney Kara Kaczynski