

**Minutes Open Session
White Township Zoning Board of Adjustment
November 18, 2010**

There was a regular meeting of the White Township Zoning Board of Adjustment on Thursday, November 18, 2010. Present were Board Members: Joseph Magnini, Elaine Reichart, Donald Weidlick, Myron Rasley, James Cooper, and Paul Mourry. Board Members Absent: Michael Grossmann and Kyle Shoemaker. Also Present: Board Attorney William Gold and Board Secretary Alfia Schemm. Chairman Magnini led the Board in the pledge to the flag and he called the meeting to order at 7:30 p.m. He then announced that notice of this meeting was given in compliance with the "Open Public Meetings Act."

OLD BUSINESS:

#447 Clean Jersey Solar, Block 62, Lots 24

Chairman Magnini announced that this matter is being appealed to the Governing Body so the application is now stayed before the Zoning Board of Adjustment. Board Attorney Gold announced to the public that this matter will not be heard until the matter is decided before the Township Committee.

MEMORIALIZING RESOLUTION:

#446 Quick Check Corporation, Block 62, Lots 4 &5

Board Attorney Gold stated that the notice for their site plan request was not clear and Attorney Debra Nicholson stated that she was going to re-notice for tonight's meeting; however, she missed the newspaper publication date. He stated that she plans on being at the Board's December meeting.

MINUTES APPROVED:

The minutes of the October 21, 2010 meeting were distributed to all Board Members prior to this evening's meeting.

Mr. Rasley made the motion to adopt the minutes. Motion seconded by Mr. Cooper. In a voice vote, all were in favor.

PAYMENT OF BILLS: The following vouchers were submitted:

William Gold- Clean Jersey Solar	622.50
William Gold-Quick Check	600.00
William Gold-General	847.50
Hatch Mott MacDonald-Clean Jersey	616.00
Hatch Mott MacDonald-Quick Check	1682.70

Mr. Mourry made the motion to approve the vouchers. Motion seconded by Ms. Reichart. In a voice vote, all were in favor.

EXECUTIVE SESSION:

Barry Wessner questioned what will be discussed in Executive Session. Board Attorney Gold stated that the Board will discuss the legalities of the litigation/appeal filed pertaining to Clean Jersey Solar. The Board stated that the Executive Session minutes will be released, once the matter is concluded.

Mr. Rasley made the motion to go into Executive Session to discuss Litigation. Motion seconded by Ms. Reichart. Discussion on the motion: In a voice vote, all were in favor.

WHEREAS, Section 8 of the Open Public Meetings Act, Chapter 231, P.L. 1975 permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances presently exist;

NOW, THEREFORE, BE IT RESOLVED by the Zoning Board of Adjustment of the Township of White, Warren County, State of New Jersey, as follows:

1. The public shall be excluded from discussion of and action upon the hereinafter-specified subject matter.
2. The general nature of the subject matter to be discussed is as follows: Litigation.
3. It is anticipated at this time that the above stated subject matter will be made public at the conclusion of each individual specified subject matter.
4. This Resolution shall take effect immediately.

Date adopted: November 18, 2010

In a motion made and seconded the Board came out of Executive Session, and the regular meeting resumed. Mr. Cooper who had left during the Executive Session resumed his position on the Board.

OTHER:

The Board authorized Board Attorney Gold to send a letter to the Township Attorney confirming that the Zoning Board of Adjustment is not a party to the appeal and that he or anyone from the Board does not need to be present at the appeal hearing.

Board Attorney Gold also stated that the Board has authorized him to defend the Rodota litigation and to file a motion to dismiss as the lawsuit that was filed beyond the statute of limitation.

ADJOURNMENT:

In a motion made and seconded, the meeting was adjourned. In a voice vote all were in favor.

Respectfully Submitted:

Alfia Schemm
Board Secretary