

**Minutes Open Session  
White Township Zoning Board of Adjustment  
December 20, 2012**

There was a regular meeting of the White Township Zoning Board of Adjustment on Thursday, December 20, 2012. Present were Board Members: Elaine Reichart, Donald Weidlick, Paul Mourry, Myron Rasley, Barry Wessner, and Joseph Magnini. Board Members Absent: Kyle Shoemaker, Vincent Iacampo, and Jim Cooper. 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 7:36 p.m. He announced that notice of this meeting was given in compliance with the "Open Public Meetings Act."

**OPEN TO THE PUBLIC**

Chairman Magnini opened the meeting to the public for non-agenda items.

Bob Hummer was present and he confirmed that the Board has received Attorney Lyn Aaroe's letter and that they were going to carry the Rodata matter.

Ms. Reichart stated that she would like to go into Executive Session as she has some housekeeping items and questions for the Board Attorney. Chairman Magnini asked if these items are things that should be discussed in Open Session. Ms. Reichart stated that her items have to do with "Attorney/Client Privilege." Motion seconded by Mr. Wessner. Discussion on the motion: Board Attorney Gold stated as a point of order, only the Board Members who are participating in this matter will be included in the Executive Session. Mr. Wessner stated that he did not intend to discuss the matter, but some of the procedural matters leading up to the matter. Mr. Mourry then seconded the motion. In a voice vote, all were in the favor.

Board Attorney Gold stated that the "Attorney/Client Privilege" only pertains to the Board Members that are eligible to vote on this matter, so Mr. Wessner will need to step outside. Mr. Mourry asked why Mr. Wessner wasn't asked to recuse himself in the past. Board Attorney Gold stated that in this situation, only the Board Members who are participating in the case, can remain in the Executive Session. Mr. Wessner stated that he has questions that he would like to ask in Executive Session. Board Attorney Gold stated that by law, only the Board Members that are permitted to be in Executive Session, are to be in Executive Session.

**EXECUTIVE SESSION:**

**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: Attorney/Client Privilege.
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: December 20, 2012

In a motion made by Mr. Rasley and seconded by Ms. Reichart, all were in favor of coming out of Executive Session and resuming the regular meeting.

**OLD BUSINESS:**

**#445 Rodata, Block 48, Lot 6.02**

Board Attorney Gold read the letter that he received from Attorney Lyn Aaroe's office requesting an adjournment. He stated that would advise the Board to honor the request for the adjournment, to the Board's January meeting, as requested by Attorney Lyn Aaroe.

Ms. Reichart made the motion to honor the adjournment requested by Attorney Lyn Aaroe. She also asked if the Board needs an extension. Board Attorney Gold stated that he will write a letter to the Judge advising her of the situation. Motion seconded by Mr. Mourry. Discussion on the motion: Mr. Wessner asked if the matter could be postponed for a week or two instead of 30 days. The Board discussed the scheduling of a special meeting and Board Attorney Gold reviewed the process and procedure. Roll call vote in favor: Ms. Reichart, Mr. Mourry, Mr. Weidlick, Mr. Rasley, and Chairman Magnini.

**MINUTES APPROVED:**

The regular minutes of the November 15, 2012 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. Mourry. In voice vote, all were in favor.

**OTHER BUSINESS:**

Board Attorney Gold then discussed the powers of the Alternate Board Members and he stated that he could not find anything, in his research, that addresses an Alternate making a motion. He stated that he believes that it can be a Board policy decision. Mr. Wessner passed out photocopies of pages out of the NJ Zoning and Land Use Book and he addressed Alternate Board Members. He also commented that the Board has no rules, policies, or bylaws. The Board discussed the matter and it was determined that they will allow Alternates to make and/or second motions on a non-application issue, when there is a full Board present.

Mr. Mourry made the motion to allow Alternates to make or second motions on matters other than applications. Motion seconded by Mr. Rasley. In a voice vote, all were in favor.

The Board then reviewed the Budget for 2013 and if there needs to be additional funds budgeted for litigation. After a brief discussion, it was agreed that the Board would request a total Budget of \$16,000 for 2013.

Ms. Elaine Reichart made the motion to request an overall budget of \$8,000.00 for 2013 and an additional \$8,000.00 for potential litigation, for a total of \$16,000.00. Motion seconded by Mr. Mourry. In a voice vote, all were in favor.

**PAYMENT OF BILLS:** The following vouchers were submitted:

William Gold- General	\$450.00
William Gold-Litigation	750.00

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

**OTHER:**

Mr. Mourry asked if a roll call could be noted in the beginning of the meeting. He also asked which Board Member's terms are expiring and the process of reviewing and appointing the Board Professionals. Mr. Wessner asked if the Township can supply him an Email addresses, so that his personal email address would not be subject to review.

Ms. Reichart asked if The Planner can be mailed out, by the Board Secretary, if the Board does not have a meeting.

Ms. Reichart made the motion to have The Planner mailed out, when the Board does not have a meeting. Motion seconded by Mr. Wessner. In a voice vote, all were in favor.

**ADJOURNMENT:**

In a motion made and seconded, the meeting was adjourned at 9:11p.m. In a voice vote all were in favor.

Respectfully Submitted:

Alfia Schemm  
Board Secretary