

**Minutes Open Session
White Township Zoning Board of Adjustment
June 16, 2011**

There was a regular meeting of the White Township Zoning Board of Adjustment on Thursday, June 16, 2011. Present were Board Members: Elaine Reichart, Joseph Magnini, James Cooper, Kyle Shoemaker, Myron Rasley, Barry Wessner, and Donald Weidlick. Board Members Absent: Mr. Mourry. 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 7:32 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 read an "Open to the Public" Statement. He then opened the meeting to the public.

Mr. Wessner had a question. It was noted that Mr. Wessner can bring up his question during the regular meeting.

Chairman Magnini asked if there was anyone else from the public that had questions. With there being no public comment, the meeting was closed to the public.

MEMORIALIZING RESOLUTIONS:

#451 Bart Shott, Block 30, Lot 66

Mr. Cooper made the motion to adopt the Resolution. Motion seconded by Ms. Reichart. In a voice vote, all were in favor, except for Mr. Rasley who abstained.

MINUTES APPROVED:

The minutes of the May 19, 2011 meeting were distributed to all Board Members prior to this evening's meeting. Ms. Reichart noted a minor typographical error.

Ms. Reichart made the motion to adopt the minutes as amended. Motion seconded by Mr. Cooper. In a voice vote, all were in favor, except for Mr. Rasley, who is ineligible to vote.

Chairman Magnini asked about the Executive Session Minutes of May 19th. Ms. Reichart stated the minutes do not reflect the vote taken during Executive Session. Mr. Wessner also noted that the wrong date is reflected in the Executive Session minutes.

Ms. Reichart made the motion that the date be changed and that the minutes reflect what was discussed during Executive Session. Discussion: Board Attorney Gold asked when the Executive Session Minutes are available. The Board Secretary stated that the Executive Session Minutes are not available until the matter is resolved. No second.

Mr. Cooper asked if the Board should go into Executive Session to discuss the Executive Session Minutes and he asked if the Board wished to finish with the general agenda before going into Executive Session. Discussion: Mr. Wessner questioned when he is eligible to vote as he is an Alternate, which was briefly reviewed.

Ms. Reichart restated her motion that the date be changed and that the minutes reflect the accurate conversation had in Executive Session. Motion seconded by Mr. Wessner. In a voice vote, all were in favor, except for Mr. Rasley, who abstained.

Mr. Shoemaker stated that he does not understand why the Board would amend the minutes. Board Attorney Gold reviewed what the minutes should reflect. Mr. Shoemaker stated his concern over amending the minutes. The Board discussed what the minutes should contain and Board Attorney Gold reviewed what the Cox book states that the minutes should reflect. Ms. Reichart stated that a motion was made and seconded to amend the minutes. Board Secretary Schemm stated that the question is to what extent are the minutes to be amended. Ms. Reichart went on to state her concern that a vote should not have been taken in Executive Session. Board Attorney Gold stated that any action taken should be taken in Public Session; however, since there was no resolution of the issue in Executive Session last month, the Board should go back into Executive Session tonight to discuss the issue and then any action should be taken outside of Executive Session. Ms. Reichart stated that the vote taken last month should be reflected in the Executive Session minutes and that they should reflect that no definitive action was taken. The Board then discussed how to distribute and handle the Executive Session minutes.

Ms. Reichart made the motion that the Executive Session minutes, be distributed and voted in the next Executive Session and then the minutes can be returned back to the Board Secretary. Discussion on the motion: Board Secretary Schemm stated a concern over that procedure. No second.

PAYMENT OF BILLS: The following vouchers were submitted:

William Gold-Schott	150.00
William Gold-General	375.00
Maser-Garden State	343.75
Maser- Quick Check	62.50
Hatch Mott-Quick Check	1232.00
Hatch Mott-Garden State Landscaping	1309.00
Hatch Mott-Clean Jersey Solar	231.00

Mr. Wessner asked why the Board is not receiving all copies of the bills he does not receive the Board Attorney bills in his packet. Board Attorney Gold stated that he usually bills to the date of the meeting and brings his bills to the meeting. Mr. Wessner stated that he does not think it is fair that he does not have the opportunity to review all of the bills ahead of time and that he should have access to all of the bills. After a brief discussion, Board Attorney Gold stated that he will email his bills at least a day in the advance of the Board Meeting.

Mr. Wessner made the motion to direct Board Attorney Gold to email his bills at least the day before the Board Meeting. Motion seconded by Mr. Shoemaker. Discussion on the motion: Mr. Cooper stated that this should apply to all the Board Professionals. Board Secretary Schemm asked that Board Attorney Gold send out the email directly, so that the Board is not relying on her to get it out, in the case she is unavailable. In a voice vote, all were in favor.

Mr. Rasley made the motion to pay the bills. Motion seconded by Mr. Magnini. In a voice vote, all were in favor.

OTHER:

Mr. Wessner questioned the Open Public Statement and the subcommittee process and what can and cannot be discussed after an application is received. It was suggested that Mr. Wessner get his ID taken at the Sheriff's department.

Ms. Reichart questioned the WCPB letter pertaining to Quick Check. Board Attorney Gold stated that there are outstanding conditions that need to be met. Mr. Wessner updated the Board on what transpired with Quick Check at the Township Committee Meeting.

EXECUTIVE SESSION:

Board Attorney Gold stated the only Board Members that should be attending the Executive Session are the Board Members that are eligible to participate, so anyone that has disqualified themselves from past participation or from future participation should be excluded from Executive Session. Mr. Cooper and Mr. Shoemaker recused themselves.

In a motion made by Mr. Rasley and seconded by Ms. Reichart, the Board went into Executive Session to discuss Litigation. 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: Personnel and 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: June 16, 2011

In a motion made and seconded the meeting came out of Executive Session, and the regular meeting resumed. In a voice vote, all were in favor.

OTHER BUSINESS:

Mr. Rasley made the motion to not rehear the Rodata application. Motion seconded by Ms. Reichart. In a voice vote, all were in favor, except for Mr. Weidlick, who voted in opposition.

ADJOURNMENT:

In a motion made and seconded, the meeting was adjourned at 8:59 p.m. In a voice vote all were in favor.

Respectfully Submitted:

Alfia Schemm
Board Secretary