

The Board of Adjustment Reorganization meeting of January 7, 2010 was called to order at 7:00 p.m. by Clerk Kesper

**MEMBERS PRESENT:**

**Present:** Elliott Averett, Morris Bauer, Felix Graziano,  
Anthony Spina, Craig Schwemmer, John Turick  
**Alternates Present:** Frank Baguiao, Dorothy Walter  
**Members Absent:** Harvey Ort  
**Others Present:** Attorney Fraser, Clerk Kesper,

**STATEMENT OF COMPLIANCE WITH THE OPEN PUBLIC MEETINGS ACT**

- Adequate notice of this meeting was sent to the Observer-Tribune and the Morristown Daily Record on January 15, 2009 and posted on the Bulletin Board on the same date.

At the Township Committee meeting of January 5, 2010 Mr. Turick was appointed as a regular members of the Board of Adjustment and Mrs. Walter was appointed in as Alternate number 2.

**ELECTION OF OFFICERS**

1. Chairman

Clerk Kesper called for nominations for Chairman for 2010. Mr. Averett nominated Mr. Schwemmer as Chairman for 2010, seconded by Mr. Bauer.

Mr. Spina made a motion to close nominations, seconded by Mr. Bauer.

A voice vote to close nominations was taken. All were in favor and the motion carried.

A roll call vote to elect Mr. Schwemmer as Chairman was taken:

A roll call vote was taken:

Ayes: Averett, Bauer, Graziano, Schwemmer. Spina, Turick, Baguiao,  
Walter

Nays: None          Abstentions: None          Absent: Ort

Clerk Kesper turned the meeting over to Chairman Schwemmer.

2. Vice Chairman

Mr. Schwemmer stated that he spoke to Mr. Ort regarding his absences during 2009 and Mr. Ort stated that he planned on attending meetings regularly in 2010. He noted that Mr. Ort had advised him and Clerk Kesper that he would not be at this meeting because he is away on vacation.

Mrs. Walter stated that she would like to nominate Mr. Bauer, but that he had to recuse himself from applications.

A discussion was held on Mr. Ort's absences and Mr. Bauer's need to recuse himself.

Mr. Bauer stated that most of the times that he has he recused himself from a hearing have been because of the fact that his law firm was working with the firm of Courter, Kobert and Cohen on another matter. He stated that when he is not working on a case with them he would not need to recuse himself. He noted that it was his opinion that he did not really have to step down from the application but he has done so to be abundantly cautious and because of the fact that we have alternate members.

Ms. Fraser concurred with Mr. Bauer, that he does not necessarily have to recuse himself.

Mr. Bauer stated that he would have a conflict with ATT and Verizon Wireless as they are accounts of his firm.

The board discussed the issue.

Mrs. Walter made a motion to nominate Mr. Bauer as first vice chair seconded by Mr. Graziano.

Mr. Schwemmer made a motion to close nominations for first vice chairman, seconded by Mr. Spina. A voice vote to close nominations was taken; all were in favor and the motion carried.

A roll call vote to elect Mr. Bauer as First Vice Chairman was taken:

Ayes: Averett, Bauer, Graziano Schwemmer. Spina, Turick, Baguiao, Walter

Nays: None

Abstentions: None

Absent: Ort

3. Second Vice Chairman

Mr. Schwemmer made a motion to elect Mr. Averett second vice chair  
Seconded by Mr. Bauer.

Mr. Schwemmer made a motion to close nominations for second vice  
chairman, seconded by Mr. Spina. A voice vote to close nominations was  
taken; all were in favor and the motion carried.

Ayes: Averett, Bauer, Graziano, Schwemmer. Spina, Turick, Baguiao,  
Walter      Nays: None                      Abstentions: None                      Absent: Ort

**RESOLUTIONS**

- 10-01 - Appointment of Board Professionals for 2010.
- 10-02 - Appointment of Virginia R. Kesper as Secretary/Clerk for 2010.
- 10-03 - Scheduled Meeting Dates for 2010.
- 10-04 - Designation of Official Newspaper/Agenda Fee.
- 10-05 - Adoption of Rules of Procedure for 2010.

Mr. Schwemmer made a motion to approve resolutions 10-01 through 10-  
05, seconded by Mr. Spina.

The resolutions were reviewed.

A roll call vote was taken:

Ayes: Averett, Bauer, Graziano, Schwemmer. Spina, Turick, Baguiao,  
Walter

Nays: None                      Abstentions: None                      Absent: Ort

Mr. Bauer made a motion to adjourn the reorganization meeting, seconded  
by Mr. Averett. A voice vote was taken and the reorganization meeting was  
adjourned at 7:30 p.m.

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Virginia R. Kesper, Clerk