

**BOROUGH OF MENDHAM
HISTORIC PRESERVATION COMMISSION**

**MINUTES OF THE REORGANIZATION & REGULAR MEETING
January 28, 2019 at 7:30PM**

Phoenix House, 2 West Main Street, Mendham, NJ

CALL TO ORDER

The regular meeting of the Historic Preservation Commission was called to order by Chair Zedalis via conference call, at 7:30PM at the Phoenix House, 2 West Main Street, Mendham, NJ.

CHAIR'S OPENING STATEMENT

Notice of this meeting was published in the *Star Ledger* and *Daily Record* on January 25, 2018 in accordance with the Open Public Meetings Act and posted on the bulletin board of the Phoenix House on the same date.

ATTENDANCE

Mr. Callahan – Absent
Mr. Encin – Present
Ms. Reilly – Absent

Mr. M. Zedalis – Present (via conference call)
Mr. Van Arsdale – Present

Alternate #1: Mr. Maresca – Present
Alternate #2: Ms. Shafran – Present

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2019 REORGANIZATION

Election of Chair: Mr. Van Arsdale nominated Mr. Zedalis as Chair, which was seconded by Mr. Encin. There being no additional nominations, the nominations were closed.

Since there were no other nominations a single ballot can be cast and Mr. Zedalis was elected Chair.

Mr. Zedalis was elected Chair and assumed leadership of the Commission.

Election of Vice-Chair: Mr. Maresca nominated Mr. Callahan as Vice Chair, which was seconded by Ms. Shafran. There being no additional nominations, the nominations were closed.

Since there were no other nominations a single ballot can be cast and Mr. Callahan was elected Vice Chair.

Appointment of Board Secretary: Mr. Zedalis made a motion to nominate Ms. Smith as Commission Secretary, which was seconded by Mr. Van Arsdale.

ROLL CALL: The result of the roll call was 5 to 0 as follows:

In favor: Encin, Maresca, Shafran, Van Arsdale, Zedalis
Opposed: None
Abstentions: None

Ms. Smith was appointed Commission Secretary.

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RESOLUTIONS

Historic Preservation Commission Meeting Dates: Mr. Zedalis presented the following resolution that was included in the pre-meeting packet:

**BOROUGH OF MENDHAM
MORRIS COUNTY, NEW JERSEY**

HISTORIC PRESERVATION COMMISSION

RESOLUTION (2019 MEETING DATES)

BE IT RESOLVED that the Historic Preservation Commission of the Borough of Mendham will meet to discuss or act upon public business at 7:30PM prevailing time on each of the dates in 2019 set forth below, at the Garabrant Center, 4 Wilson St., Mendham, NJ.

- January 28, 2019 (previously advertised)
- February 19
- March 18
- April 15
- May 20
- June 17
- July 15
- August 19
- September 16
- October 21
- November 18
- December 16
- January 20, 2020

The Reorganization meeting of the Commission will be held on January 20, 2020.

BE IT FURTHER RESOLVED that notice of any additions to the above schedule or change in the time, date or place of any scheduled meeting will be posted on the bulletin board in the Phoenix House and delivered to the official newspapers in advance as required by law.

Ms. Shafran made a motion to approve, which was seconded by Mr. Maresca.

ROLL CALL: The result of the roll call was 5 to 0 as follows:

In favor: Encin, Maresca, Shafran, Van Arsdale, Zedalis
Opposed: None
Abstentions: None

The motion carried and the resolution was approved. Ms. Smith will make the appropriate public notification.

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Official Newspapers: Mr. Zedalis presented the following resolution that was included in the pre-meeting packet:

**BOROUGH OF MENDHAM
MORRIS COUNTY, NEW JERSEY
HISTORIC PRESERVATION COMMISSION
RESOLUTION (OFFICIAL NEWSPAPERS)**

BE IT RESOLVED by the Historic Preservation Commission of the Borough of Mendham, Morris County, New Jersey as follows:

The Historic Preservation Commission of the Borough of Mendham hereby makes the following designations:

1. The *Star Ledger* and/or the *Daily Record* are hereby designated as the two newspapers to receive notice of meetings required by any and all sections of the Open Public Meetings Act, it appearing that said newspapers are most likely to inform the local public of such meetings. Notices required by the New Jersey Municipal Land Use Law or the Borough’s Land Use Regulations may be placed, as required by law, in either of the designated newspapers.

- 2. The location for posting of notices of meetings shall be the bulletin board in the Phoenix House, 2 West Main Street, Mendham, NJ, where notices of this kind are normally posted.
- 3. The sum of \$12.00 per year is hereby fixed as the amount to be paid by any person requesting individual notice of meetings as provided in Section 14 of the Open Public Meetings Act.

Mr. Van Arsdale made a motion to approve, which was seconded by Ms. Shafran.

ROLL CALL: The result of the roll call was 5 to 0 as follows:

In favor: Encin, Maresca, Shafran, Van Arsdale, Zedalis
 Opposed: None
 Abstentions: None

The motion carried and the resolution was approved. Ms. Smith will make the appropriate public notification.

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Appointment of Attorney: Mr. Zedalis presented the following resolution that was included in the pre-meeting packet:

**BOROUGH OF MENDHAM
 MORRIS COUNTY, NEW JERSEY
 HISTORIC PRESERVATION COMMISSION**

RESOLUTION (APPOINTMENT OF COMMISSION ATTORNEY)

WHEREAS, the Historic Preservation Commission of the Borough of Mendham has a need to acquire professional legal services without competitive bidding pursuant to the provisions of N.J.S.A. 19:44A- 20.5; and,

WHEREAS, the business administrator has determined and certified in writing that the value of the services will exceed \$17,500; and

WHEREAS, Peter E. Henry, Esq. of the firm McElroy, Deutsch, Mulvaney & Carpenter, LLP has submitted a proposal indicating that they may provide legal services for 2019 in an amount projected to exceed \$17,500; and

WHEREAS, the anticipated term of this contract is 1 year; and

WHEREAS, Peter E. Henry, Esq. of the firm McElroy, Deutsch, Mulvaney & Carpenter, LLP has completed and submitted a Business Entity Disclosure Certification which certifies that he has not made any reportable contributions to a political or candidate committee of the Borough Council in the Borough of Mendham in the previous one year, and that the contract will prohibit him from making any reportable contributions through the term of the contract; and

WHEREAS, this resolution is subject to the Chief Financial Officer certifying to the availability of funds; and

WHEREAS, the Historic Preservation Commission of the Borough of Mendham wishes to retain Peter E. Henry, Esq. of the firm McElroy, Deutsch, Mulvaney & Carpenter, LLP and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) requires that the Resolution authorizing the award of contracts for “professional services” without competitive bids and the contract itself must be available for public inspection.

NOW THEREFORE, BE IT RESOLVED by the Historic Preservation Commission of the Borough of Mendham as follows:

1. That the Historic Preservation Commission of the Borough of Mendham retain Peter E. Henry, Esq. of the firm McElroy, Deutsch, Mulvaney & Carpenter, LLP. to serve as Commission Attorney for the year 2019, at a total cost not to exceed [\$2,000], such sum as may be duly appropriated for the purposes in the duly adopted municipal budget for 2019; and

2. This contract is awarded without competitive bidding as a “professional service” in accordance with N.J.S.A. 40A:11-5(1)(a) of the Local Public Contracts Law because said services are exempt from the provisions of the bidding statutes in that they are services rendered or performed by a person authorized by law to practice a recognized profession and are services which require knowledge of an advanced type in a field of learning acquired by a prolonged course of specialized instruction as distinguished from general academic instruction or apprenticeship and training.

3. The Business Entity Disclosure Certification and the Determination of Value shall be placed on file with this resolution.

4. That a notice of this action shall be published once in the official newspapers of the Historic Preservation Commission of the Borough of Mendham, as required by N.J.S.A. 40A:11-5(1)(a).

5. This Resolution shall take effect as provided herein.

Mr. Zedalis made a motion to approve, which was seconded by Mr. Van Arsdale.

ROLL CALL: The result of the roll call was 5 to 0 as follows:

In favor: Encin, Maresca, Shafran, Van Arsdale, Zedalis
Opposed: None
Abstentions: None

The motion carried and the resolution was approved. Mr. Henry, Esq. was appointed Board Attorney. Ms. Smith will make the appropriate public notification.

MINUTES

Motion by Mr. Encin to approve and seconded by Mr. Van Arsdale

ROLL CALL: The result of the roll call was 2 to 0 as follows:

In favor: Encin and Van Arsdale
Opposed: None
Abstentions: None

The motion carried and the Minutes of October, 15, 2018, were approved as written.

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APPLICATIONS

App. #13-18 (Addition)
Weaver-Bost (7 Orchard Street)
Block 602, Lot 29
(2nd Appearance)
Present: Patrick Weaver

Mr. Weaver’s expressed at his second appearance that his understanding of the previous meeting was to continue the storm horizontal freeze board into the addition to make sure everything was aligned and show and that has been picked up on the new drawings. Mr. Encin agreed, but the other half had to do with the same element on the overhang of the rake board itself and the overhang coming into the back. Mr. Weaver said that it matches close to the existing rake. Mr. Encin clarified that the key to the revisions would be creating a consistency of a roof, trim overhangs and other things to have it blend more with the house, showing rear and side elevations. After discussion amongst the applicant and Commission, Mr. Encin suggested making notations on the plans as to what the HPC would approve. Mr. Henry suggested the plans be signed and dated by Mr. Encin, Ms. Smith and Mr. Weaver. The plans were signed and dated.

Mr. Zedalis made a motion to approve the plans that Mr. Encin sketched on sheet A-8 dated January 18, 2019 and was seconded by Mr. Encin.

ROLL CALL: The result of the roll call was 5 to 0 as follows:

In favor: Encin, Maresca, Shafran, Van Arsdale, Zedalis
Opposed: None
Abstentions: None

The motion carried.

App.# 18-18 (Sign)
Banasiak (18 East Main Street)
Block 601, Lot 8
Present: Dr. Banasiak

Dr. Banasiak is applying for a new sign due to the fact that the old one was weather worn and the metal bits on the sign have rusted and run down on the sign. Dr. Banasiak would like to get approval to replace with a new sign. Dr. Banasiak is replacing with the same size, same shape, same material just new text with 4" font. Mr. Encin asked if the letters were raised. Dr. Banasiak stated that the letters would be carved. Mr. Zedalis asked if the sign is painted. Dr. Banasiak said color of the letters has changed but the sign is white.

Mr. Zedalis made a motion to approve based on the sign plan submitted and Mr. Encin seconded

ROLL CALL: The result of the roll call was 5 to 0 as follows:

In favor: Encin, Maresca, Shafran, Van Arsdale, Zedalis
Opposed: None
Abstentions: None

The motion carried.

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ADJOURNMENT

There being no additional business to come before the Commission, Ms. Shafran made a motion for adjournment, seconded by Mr. Maresca, all were in favor the meeting was adjourned at 9:30PM.

The next regular meeting of the Historic Preservation Commission will be held on Monday, February 19, 2019 at 7:30PM at the Garabrant Center, 4 Wilson St., Mendham, NJ.

Respectfully Submitted,

Lisa Smith

Commission Secretary