

**BOROUGH OF MENDHAM  
HISTORIC PRESERVATION COMMISSION**

**MINUTES OF THE REORGANIZATION & REGULAR MEETING  
January 23, 2017 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, at 7:31PM at the Phoenix House, 2 West Main Street, Mendham, NJ.

**CHAIR'S OPENING STATEMENT**

Notice of this meeting was published in the *Observer Tribune* and *Daily Record* on January 28, 2016 in accordance with the Open Public Meetings Act and posted on the bulletin board of the Phoenix House on the same date.

**ATTENDANCE**

Mr. Scott Callahan – Absent  
Mr. N. Cusano – Present  
Mr. B. Patton – Present

Mr. M. Zedalis – Present  
Mr. J. Dannenbaum – Present

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**2017 REORGANIZATION**

**Election of Chair:** Mr. Cusano nominated Mr. Zedalis as Chair, which was seconded by Mr. Patton. There being no additional nominations, the nominations were closed.

ROLL CALL: The result of the roll call was 4 to 0 as follows:

In favor: Cusano, Dannenbaum, Patton, Zedalis  
Opposed: None  
Abstentions: None

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

**Election of Vice-Chair:** Mr. Patton nominated Mr. Cusano as Vice Chair, which was seconded by Mr. Zedalis. There being no additional nominations, the nominations were closed.

ROLL CALL: The result of the roll call was 3 to 0 as follows:

In favor: Dannenbaum, Patton, Zedalis  
Opposed: None  
Abstentions: Cusano

Mr. Cusano was elected Vice Chair.

**Appointment of Board Secretary:** Mr. Zedalis made a motion to nominate Ms. Mazzucco as Commission Secretary, which was seconded by Mr. Patton. On a voice vote the motion carried and Ms. Mazzucco 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**

**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 2016 set forth below, at the Phoenix House, 2 West Main Street, Mendham, NJ.

- February 27, 2017
- March 20
- April 17
- May 15
- June 19
- July 17
- August 21
- September 18
- October 16
- November 20
- December 18
- January 22, 2018

The regular and reorganization meeting of the Commission will be held on January 22, 2018.

**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.

ROLL CALL: The result of the roll call was 4 to 0 as follows:

In favor: Cusano, Dannenbaum, Patton, Zedalis  
 Opposed: None  
 Abstentions: None

The motion carried. Ms. Mazzucco 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**

**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 *Observer Tribune* 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.

ROLL CALL: The result of the roll call was 4 to 0 as follows:

In favor: Cusano, Dannenbaum, Patton, Zedalis  
Opposed: None  
Abstentions: None

The motion carried. Ms. Mazzucco 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**

**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 2017 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 2017, 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 2017; 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.

ROLL CALL: The result of the roll call was 4 to 0 as follows:

In favor: Cusano, Dannenbaum, Patton, Zedalis  
Opposed: None  
Abstentions: None

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

**MINUTES**

Mr. Cusano made a motion to approve the minutes of the regular meeting of December 19, 2016. Mr. Dannenbaum seconded. All members being in favor, the minutes were approved, as written.

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**PUBLIC COMMENT**

Mr. Zedalis opened the meeting to comments by the public on anything that was not on the agenda. There being none, the public session was closed.

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**APPLICATIONS**

**HPC # 1-17 Tony and Geri Rago** 1 Peacock Lane  
Block 603, Lot 8.01  
New Garage and Rear Addition

Present: Ms. Geri Rago, Applicant  
Mr. Dan Encin, Architect

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Mrs. Rago explained that they wanted to expand parts of the house and tear down and rebuild a new attached garage to accommodate an aging mother-in-law. Mr. Encin showed the site plan and elevation views delineating the addition of a master bedroom closet, a mudroom between the kitchen and proposed garage, and the placement of an elevator at the rear of the garage.

Mr. Encin mentioned that he planned to make a 3-D rendering of the proposed alterations due to the intricacies of the project. If he needed to make any sizeable change to the proposed plans he would reappear with the applicant before the HPC.

After much discussion about various design modifications, Mr. Cusano made a motion to approve the application as submitted with the following conditions:

- All siding, trim and windows should be painted
- Materials used will be azak and wood
- The siding should be matching cement painted siding
- Carriage style garage doors, painted, with simulated divided lite windows
- The railings and stone façade should match the existing as much as possible
- An asphalt shingle roof

Mr. Patton seconded the motion.

ROLL CALL: The result of the roll call was 4 to 0 as follows:

In favor: Cusano, Dannenbaum, Patton, Zedalis  
Opposed: None  
Abstentions: None

The motion carried.

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#### **ADJOURNMENT**

There being no additional business to come before the Commission, Mr. Zedalis made a motion for adjournment. On a voice vote, all were in favor the meeting was adjourned at 8:35PM. The next regular meeting of the Historic Preservation Commission will be held on Monday, February 27, 2017 at 7:30PM at the Phoenix House, 2 West Main St., Mendham, NJ.

Respectfully Submitted,

*Carolyn Mazucco*

Commission Secretary