

**MINUTES OF THE
MENDHAM BOROUGH
HISTORIC PRESERVATION COMMISSION
SPECIAL MEETING
January 17, 2013
Phoenix House, 2 West Main Street, Mendham, NJ**

CALL TO ORDER

The special meeting of the Historic Preservation Commission was called to order by Mr. Zedalis at 7:30 p.m. 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 10, 2013 in accordance with the Open Public Meetings Act and posted on the bulletin board of the Phoenix House on the same date.

OATHS OF OFFICE

Mr. Zedalis and Mr. Nicholson had taken their oaths of office prior to the meeting.

ATTENDANCE

Ms. C. Jones-Curl – Present
Mr. N. Cusano – Present
Mr. M. Furgueson – Present
Mr. C. Nicholson - Present

Mr. M. Zedalis – Present
Mr. J. Dannenbaum, Alternate I – Absent
Ms. Susan Carpenter, Alternate II- Absent

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Ms. Callahan led the meeting for the election of the Chair.

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2013 REORGANIZATION

Election of Chair: Mr. Cusano nominated Mr. Zedalis as Chair. Ms. Jones Curl seconded. There being no additional nominations, nominations were closed.

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

In Favor: Jones Curl, Cusano, Furgueson, Nicholson, Zedalis
Opposed: None
Abstentions: None

The motion carried. Mr. Zedalis was elected Chair and assumed leadership of the meeting.

Election of Vice Chair: Mr. Furgueson nominated Mr. Nicholson as Vice Chair. Mr. Cusano seconded. There being no additional nominations, nominations were closed.

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

In Favor: Jones Curl, Cusano, Furgueson, Nicholson, Zedalis
Opposed: None
Abstentions: None

Appointment of Secretary: Mr. Nicholson made a motion to appoint Ms. Callahan as Commission Secretary. Mr. Cusano seconded.

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

In Favor: Jones Curl, Cusano, Furgueson, Nicholson, Zedalis
 Opposed: None
 Abstentions: None

The motion carried. Ms. Callahan was appointed Secretary

Approval of Meeting Dates: The following resolution was provided to the Commission with their pre-meeting packages:

**RESOLUTION
 BOROUGH OF MENDHAM
 HISTORIC PRESERVATION COMMISSION
 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 7:30 p.m. prevailing time on each of the dates set forth below, at the at the Phoenix House, 2 West Main Street, Mendham, NJ

February 25, 2013
 March 18
 April 15
 May 20
 June 17
 July 15
 August 19
 September 16
 October 21
 November 18
 December 16
 January 27, 2014

The regular and reorganization meeting of the Commission will be held on January 27, 2014.

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.

.Mr. Nicholson made a motion to approve the resolution. Mr. Furgueson seconded.

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

In Favor: Jones Curl, Cusano, Furgueson, Nicholson, Zedalis
 Opposed: None
 Abstentions: None

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

Approval of Newspapers: The following resolution was provided to the Commission with their pre-meeting packages:

**RESOLUTION
 BOROUGH OF MENDHAM
 HISTORIC PRESERVATION COMMISSION**

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

WHEREAS, Chapter 231 of the Public Laws of the State of New Jersey for 1975, known as and hereinafter designated as the "Open Public Meetings Act" aforesaid, 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.

Mr. Nicholson made a motion to approve the resolution. Mr. Furgueson seconded.

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

In Favor: Jones Curl, Cusano, Furgueson, Nicholson, Zedalis
 Opposed: None
 Abstentions: None

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

Appointment of Attorney: The following resolution was provided to the Commission with their pre-meeting packages:

**RESOLUTION
 BOROUGH OF MENDHAM
 HISTORIC PRESERVATION COMMISSION**

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 Dillon, Bitar & Luther, L.L.C. has submitted a proposal indicating that they will provide legal services for 2013 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 Dillon, Bitar & Luther, L.L.C. 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 Dillon, Bitar & Luther, L.L.C. 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 Dillon, Bitar & Luther, L.L.C. to serve as Commission Attorney for the year 2013, 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 2013; 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. Cusano questioned the \$17,500 as stated in the resolution. Ms. Callahan explained that the \$17,500 triggers the requirement for pay to play documentation, and since Mr. Henry, Esq. supports the Historic Preservation Commission and the Planning Board we anticipate costs above that for planning purposes. The amount designated for the Historic Preservation Commission in the 2013 budget proposal is \$2,000 as stated later in the resolution.

Mr. Cusano made a motion to approve the resolution. Mr. Nicholson seconded.

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

In Favor: Jones Curl, Cusano, Furgueson, Nicholson, Zedalis
 Opposed: None
 Abstentions: None

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

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MINUTES

Mr. Cusano made a motion to approve the minutes of the regular meeting of December 17, 2012 as written. Mr. Nicholson seconded. All members being in favor, the minutes were approved.

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PUBLIC COMMENT

Vice Chair Nicholson 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

HC: 01-13: Duffy, Kevin & Hillary – Renovations to home
 Block 1901, Lot 6, 4 Prospect Street

Present: Kevin Duffy, Applicant

Mr. Duffy had provided the Commission with drawings and descriptions of his proposed renovations with his application dated December 20, 2012.

Mr. Duffy explained to the Commission that he had previously obtained approval from them and the Board of Adjustment for a much larger plan. They have scaled down and are not moving walls or adding any footprint to the home. They are just renovating the kitchen, adding windows and adding an entrance in one of the bays of the garage. They are the only home on Prospect St. set back 350 ft. They have a long front yard. From the road one will only be able to see that they have changed the door.

Responding to Mr. Cusano's question on the existing entrance to the kitchen, Mr. Duffy stated that it would become a window. There is also an overhang on the new door. Belgium block will be laid as an apron to the door. Windows will be Pella Architectural simulated divided light.

Mr. Cusano was appreciative of the use of SDL and corbels to provide a historic look. The Belgium block was also compatible.

Mr. Cusano made a motion to approve the application. Ms. Jones Curl seconded.

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

In Favor: Jones Curl, Cusano, Furgueson, Nicholson, Zedalis
 Opposed: None
 Abstentions: None

The motion carried. Ms. Callahan will prepare a letter of approval with copies to the Zoning Officer and the Construction Official.

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OTHER BUSINESS

National & State Registry: Mr. Zedalis reported that the public meeting with the State will be held on Thursday, February 21 at 7:30 p.m. at the Garabrant Center. All members are invited to attend. The application will be on the State agenda on March 12.

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ADJOURNMENT

There being no additional business to come before the Commission, on motion duly made, seconded and carried, the meeting was adjourned at 8:00 p.m. The next meeting of the Historic Preservation Commission will be held on Monday, February 25, 2013 at 7:30 p.m. at the Phoenix House, 2 West Main St., Mendham, NJ.

Respectfully Submitted,

Diana Callahan
Recording Secretary