

**MINUTES OF THE
MENDHAM BOROUGH
HISTORIC PRESERVATION COMMISSION
January 24, 2011
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 7:30 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 28, 2010 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

Oath of Office was taken by Ms. Carpenter before the meeting.

ATTENDANCE

Ms. C. Jones-Curl – Present	Mr. M. Zedalis – Present
Mr. N. Cusano – Absent	Mr. J. Dannebaum, Alternate I – Absent
Mr. M. Furgueson – Present	Ms. Susan Carpenter, Alternate II- Absent
Mr. C. Nicholson - Present	

2011 REORGANIZATION

Election of Chair: Mr. Nicholson 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 3 to 0 with 1 abstention as follows:

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

The motion carried. Mr. Zedalis was elected Chair.

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

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

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

The motion carried. Mr. Nicholson was elected Vice Chair.

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

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

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

The motion carried. Ms. Callahan was appointed Secretary.

Meeting Dates: The following resolution was provided to the Commission in 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 28, 2011

March 21

April 18

May 16

June 20

July 18

August 15

September 19

October 17

November 21

December 19

January 23, 2012

The regular and reorganization meeting of the Commission will be held on January 23, 2012.

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 4 to 0 as follows:

In Favor: Jones Curl, Furgueson, Nicholson, Zedalis

Opposed: None

Abstentions: None

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

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

**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 4 to 0 as follows:

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

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

Appointment of Attorney: The following resolution was provided to the Commission in 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 2011 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 2011, 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 2011; 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. Nicholson made a motion to approve the resolution. Mr. Furgueson seconded.

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

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

The motion carried. Mr. Henry, Esq. was appointed attorney. Ms. Callahan will make the appropriate public notifications.

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MINUTES

Mr. Zedalis made a motion to approve the minutes of the December 20, 2010 regular meeting of the Commission as written. Ms. Jones-Curl seconded. All members being in favor, the minutes were approved.

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OTHER BUSINESS

Historic District Expansion: Mr. Zedalis summarized the Mayor's followup Historic District Expansion meeting with several residents who had expressed their concern at the June public meeting. There were still concerns by residents about inclusion as they lived on a private road, were not visible from the street and/or questioned their home within the period of significance. Commission expressed that for ordinance implementation their top priority was visibility from the streetscape. Mr. Zedalis will meet with the core team for the expansion and provide further feedback to the Commission.

ADJOURNMENT

There being no additional business to come before the Commission, on motion duly made, seconded and carried, the meeting was adjourned at 8:30 p.m. The next meeting of the Historic Preservation Commission will be held on Monday, February 28, 2011 at 7:30 p.m. at the Phoenix House, 2 West Main St., Mendham, NJ.

Respectfully Submitted,

Diana Callahan
Recording Secretary