

**MINUTES OF THE
MENDHAM BOROUGH BOARD OF ADJUSTMENT
REORGANIZATION/ REGULAR MEETING
Tuesday, January 7, 2020
Garabrant Center, 4 Wilson Street, Mendham, NJ**

CALL TO ORDER&FLAG SALUTE

The Reorganization/ Regular meeting of the Mendham Borough Board of Adjustment was called to order at 7:30 p.m. and the open public meeting statement was read into the record.

*****REORGANIZATION*****

APPOINTMENTS/OATHS OF OFFICE

The Board Attorney administered Oaths of Office to the following Board members:

- Sam Paone – Regular Member expiring 12/31/23
- Jennifer Cass – Regular member expiring 12/31/23

ELECTION OF OFFICERS

CHAIR

Motion by Mr. Palestina, seconded by Mr. Smith and unanimously carried by voice vote to nominate Bryan Seavey as Chairman. There being no further nominations, a single ballot was cast, and Bryan Seavey was designated Chairman.

Roll Call:

In Favor: Mr. Palestina, Mr. Smith, Mr. Ritger, Mr. Paone, Ms. Cass, and Mr. Dick

Opposed:

Abstain:

VICE CHAIR

Motion by Mr. Ritger, seconded by Ms. Cass and unanimously carried by voice vote to nominate Mike Palestina as Vice Chairman. There being no further nominations, a single ballot was cast, and Mike Palestina was designated Vice Chairman.

Roll Call:

In Favor: Mr. Palestina, Mr. Smith, Mr. Ritger, Mr. Paone, Ms. Cass, and Mr. Dick

Opposed:

Abstain:

SECRETARY

Motion by Mr. Smith, seconded by Mr. Palestina and unanimously carried by voice vote to appoint Lisa Smith as Board Secretary.

Roll Call:

In Favor: Mr. Palestina, Mr. Smith, Mr. Ritger, Mr. Paone, Ms. Cass, and Mr. Dick

Opposed:

Abstain:

ANNUAL REPORT

Vice Chairman Palestina asked the Board to review the Annual Report and make any suggestions prior to submitting it to the Mayor and Council. There being no changes, Vice Chairman Palestina made a motion to approve the 2019 Annual Report as written and Ms. Cass seconded.

Roll Call:

In Favor: Mr. Palestina, Mr. Smith, Mr. Ritger, Mr. Paone, Ms. Cass, and Mr. Dick

Opposed:

Abstain:

RESOLUTIONS

MEETING DATES

Motion by Mr. Palestina, seconded by Mr. Paone and unanimously carried by voice vote to adopt a resolution (as outlined herein) setting forth the meeting dates for 2020 and the first meeting of 2021.

Roll Call:

In Favor: Mr. Palestina, Mr. Smith, Mr. Ritger, Mr. Paone, Ms. Cass, and Mr. Dick

Opposed:

Abstain:

*BOROUGH OF MENDHAM
BOARD OF ADJUSTMENT
RESOLUTION (2020 MEETING DATES)*

BE IT RESOLVED that the Board of Adjustment 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 Garabrant Center, 4 Wilson Street, Mendham, NJ:

Tuesday, January 7, 2020 (Previously Advertised)

Tuesday, February 4

Tuesday, March 3

Tuesday, April 7

Tuesday, May 5

Tuesday, June 2

Tuesday, July 7

Tuesday, August 4

Tuesday, September 1

Tuesday, October 6

Wednesday, November 4

Tuesday, December 1

Tuesday, January 5, 2021

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.

With respect to matters presented to this Board by applicants, the public shall be heard during the hearing on the application in accordance with the procedure as established by the Municipal Land Use Law.

Dated: January 7, 2020

OFFICIAL NEWSPAPERS

Motion by Mr. Smith, seconded by Mr. Paone and unanimously carried by voice vote to adopt a resolution (as outlined herein) recognizing the Star Ledger and The Daily Record as the official newspapers of the Board for 2020.

Roll Call:

In Favor: Mr. Palestina, Mr. Smith, Mr. Ritger, Mr. Paone, Ms. Cass, and Mr. Dick

Opposed:

Abstain:

*BOROUGH OF MENDHAM
BOARD OF ADJUSTMENT
RESOLUTION (OFFICIAL NEWSPAPERS)*

BE IT RESOLVED by the Board of Adjustment 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 Board of Adjustment of the Borough of Mendham hereby makes the following designations:

- 1. The Star Ledger and the Daily Record having been designated by the Governing Body as the two official 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 13 of the Open Public Meetings Act.*

Dated: January 7, 2020

BOARD ENGINEER

Motion by Ms. Cass, seconded by Mr. Dick and unanimously carried by voice vote to adopt a resolution (as outlined herein) authorizing entry into an agreement with Paul Ferriero, PE, PP of Ferriero Engineering for professional engineering services.

Roll Call:

In Favor: Mr. Palestina, Mr. Smith, Mr. Ritger, Mr. Paone, Ms. Cass, and Mr. Dick

Opposed:

Abstain:

*BOROUGH OF MENDHAM
BOARD OF ADJUSTMENT
MORRIS COUNTY, NEW JERSEY
RESOLUTION (BOARD ENGINEER)*

RESOLUTION OF THE BOROUGH OF MENDHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, AUTHORIZING THE AWARD OF A PROFESSIONAL SERVICES CONTRACT WITHOUT COMPETITIVE BIDDING TO PAUL W. FERRIERO, PE & PP FOR BOARD ENGINEER SERVICES

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

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

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

WHEREAS, Paul W. Ferriero, PE & PP of the firm Ferriero Engineering Incorporated has submitted a proposal indicating that he will provide Board Engineer services in an amount projected to exceed \$17,500; and

WHEREAS, Paul W. Ferriero, PE & PP of the firm Ferriero Engineering Incorporated has completed and submitted a Business Entity Disclosure Certification which certifies that Paul W. Ferriero, PE & PP has not made any reportable contributions to a political or candidate committee in the Borough of Mendham in the previous one year, and that the contract will prohibit Paul W. Ferriero, PE & PP from making any reportable contributions through the term of the contract; and

WHEREAS, the Board of Adjustment of the Borough of Mendham desire to award the contract to Paul W. Ferriero, PE & PP; 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 Board of Adjustment of the Borough of Mendham as follows:

1. The Board of Adjustment of the Borough of Mendham hereby authorizes execution of a professional services agreement with Paul W. Ferriero, PE & PP. to serve as Board Engineer for the year 2020.
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 Disclosure Entity 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 Board of Adjustment 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.
6. A Notice of this action shall be published once in the official newspaper as required by law.

I, Lisa J. Smith, Land Use Coordinator of the Borough of Mendham, do hereby certify that the foregoing Resolution was duly adopted at the Reorganization Meeting of the Borough of Mendham, held this 7th day of January 2020.

BOARD ATTORNEY

Motion by Mr. Ritger, seconded by Mr. Dick and unanimously carried by voice vote to adopt a resolution (as outlined herein) authorizing entry into an agreement with Thomas Germinario, Esq. for legal services.

Roll Call:

In Favor: Mr. Palestina, Mr. Smith, Mr. Ritger, Mr. Paone, Ms. Cass, and Mr. Dick

Opposed:

Abstain:

BOROUGH OF MENDHAM
BOARD OF ADJUSTMENT
MORRIS COUNTY, NEW JERSEY
RESOLUTION (BOARD ATTORNEY)

RESOLUTION OF THE BOROUGH OF MENDHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, AUTHORIZING THE AWARD OF A PROFESSIONAL SERVICES CONTRACT WITHOUT COMPETITIVE BIDDING TO THOMAS J. GERMINARIO, JD, PE FOR BOARD ATTORNEY SERVICES

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

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

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

WHEREAS, Thomas J. Germinario, JD, PE has submitted a proposal indicating that he will provide Board Attorney services in an amount projected to exceed \$17,500; and

WHEREAS, Thomas J. Germinario, JD, PE has completed and submitted a Business Entity Disclosure Certification which certifies that Thomas J. Germinario, JD, PE has not made any reportable contributions to a political or candidate committee in the Borough of Mendham in the previous one year, and that the contract will prohibit Thomas J. Germinario, JD, PE from making any reportable contributions through the term of the contract; and

WHEREAS, the Board of Adjustment of the Borough of Mendham desire to award the contract to Thomas J. Germinario, JD, PE; 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 Board of Adjustment of the Borough of Mendham as follows:

1. The Board of Adjustment of the Borough of Mendham hereby authorizes execution of a professional services agreement with Thomas J. Germinario, Esq. to serve as Board Attorney for the year 2020.
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 Disclosure Entity 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 Board of Adjustment 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.
6. A Notice of this action shall be published once in the official newspaper as required by law.

I, Lisa J. Smith, Land Use Coordinator of the Borough of Mendham, do hereby certify that the foregoing Resolution was duly adopted at the Reorganization Meeting of the Borough of Mendham, held this 7th day of January 2020.

BOARD PLANNER

Motion by Mr. Paone, seconded by Mr. Smith and unanimously carried by voice vote to adopt a resolution (as outlined herein) authorizing entry into an agreement with Jessica Caldwell, PP, AICP of J. Caldwell & Associates, LLC professional planning services.

Roll Call:

In Favor: Mr. Palestina, Mr. Smith, Mr. Ritger, Mr. Paone, Ms. Cass, and Mr. Dick

Opposed:

Abstain:

BOROUGH OF MENDHAM
BOARD OF ADJUSTMENT
MORRIS COUNTY, NEW JERSEY
RESOLUTION (BOARD PLANNER)

RESOLUTION OF THE BOROUGH OF MENDHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, AUTHORIZING THE AWARD OF A PROFESSIONAL SERVICES CONTRACT WITHOUT COMPETITIVE BIDDING TO J. CALDWELL & ASSOCIATES, LLC FOR BOARD PLANNER SERVICES

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

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

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

WHEREAS, J. Caldwell & Associates, LLC has submitted a proposal indicating that she will provide Board Planner services in an amount projected to exceed \$17,500; and

WHEREAS, J. Caldwell & Associates, LLC, has completed and submitted a Business Entity Disclosure Certification which certifies that J. Caldwell & Associates, LLC has not made any reportable contributions to a political or

candidate committee in the Borough of Mendham in the previous one year, and that the contract will prohibit J. Caldwell & Associates, LLC from making any reportable contributions through the term of the contract; and

WHEREAS, the Board of Adjustment of the Borough of Mendham desire to award the contract to J. Caldwell & Associates, LLC; 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 Board of Adjustment of the Borough of Mendham as follows:

1. The Board of Adjustment of the Borough of Mendham hereby authorizes execution of a professional services agreement with J. Caldwell & Associates, LLC. to serve as Board Planner for the year 2020.

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 Disclosure Entity 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 Board of Adjustment 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.

6. A Notice of this action shall be published once in the official newspaper as required by law.

I, Lisa J. Smith, Land Use Coordinator of the Borough of Mendham, do hereby certify that the foregoing Resolution was duly adopted at the Reorganization Meeting of the Borough of Mendham, held this 7th day of January 2020.

*****REGULAR MEETING*****

ROLL CALL

Mr. Seavey	Absent
Mr. Palestina	Present
Mr. Ritger	Present
Mr. Paone	Present
Mr. Smith	Present
Ms. Cass	Present
Mr. Dick	Present
Mr. Egerter	Absent

Also Present: Mr. Thomas Germinario, Board Attorney

MINUTES

Motion by Mr. Ritger, seconded by Mr. Smith and unanimously carried by voice vote to adopt the Minutes of November 19, 2019, as presented.

Roll Call:

In Favor: Mr. Palestina, Mr. Smith, Mr. Ritger, Mr. Paone, Ms. Cass, and Mr. Dick

Opposed:

Abstain:

PUBLIC COMMENT

Vice Chairman Palestina opened the meeting to the public for questions and comments on items not included on the agenda. There being none, the public session was closed.

DISCUSSION

Mr. Germinario commented that the Six Main St asked to be carried to the February 4, 2020 meeting and no further notice will be needed.

ADJOURNMENT

There being no additional business to come before the Board, Motion was made by Mr. Smith, seconded by Ms. Cass. On a voice vote, all were in favor. Vice Chairman Palestina adjourned the meeting at 7:50PM.

The next meeting of the Board will be held on Tuesday, February 4, 2020 at 7:30PM at the Garabrant Center, 4 Wilson Street, Mendham, NJ.

Respectfully submitted,

Lisa J. Smith

Lisa Smith
Land Use Coordinator