

**BOROUGH OF MENDHAM
HISTORIC PRESERVATION COMMISSION
MINUTES OF THE JANUARY 22, 2024
REORGANIZATION/REGULAR MEETING**

CALL TO ORDER/FLAG SALUTE

The reorganizational/regular meeting of the Historic Preservation Commission was called to order at 7:30PM and the open public meeting statement was read into the record.

REORGANIZATION

ELECTIONS

CHAIR:

Ms. Shafran nominated Mr. Van Arsdale as Chair, which was seconded by Mr. Encin. There being no additional nominations, nominations were closed. There being no other nominations a single ballot can be cast, and Mr. Van Arsdale was elected Chair.

Roll Call: The result of the roll call was 3 to 0 as follows:

In favor: Mr. Encin, Ms. Shafran, and Ms. Rodrigues
Opposed: None
Abstentions: Mr. Van Arsdale

Mr. Van Arsdale was elected Chair and assumed leadership of the Commission.

VICE CHAIR:

Mr. Van Arsdale nominated Ms. Shafran as Vice Chairman, which was seconded by Mr. Encin. There being no additional nominations, nominations were closed. There being no other nominations a single ballot can be cast, and Ms. Shafran was elected Vice Chair.

Roll Call: The result of the roll call was 3 to 0 as follows:

In favor: Mr. Encin, Ms. Rodrigues, and Mr. Van Arsdale
Opposed: None
Abstentions: Ms. Shafran

ROLL CALL:

Mr. Encin – Present	Mr. Van Arsdale – Present
Mr. Tosso – Absent	Mr. Mullany - Alternate #1: Absent
Ms. Shafran – Present	
Ms. Rodrigues - Present	

Also Present: Mr. Edward Pasternak, Esq., Commission Attorney
Ms. Alison Kopsco, Commission Planner

RESOLUTIONS

MEETING DATES:

Motion by Ms. Shafran, seconded by Mr. Van Arsdale and unanimously carried by voice vote to adopt a resolution (as outlined herein) setting forth the meeting dates for 2024 and the first meeting of 2025.

Roll Call: The result of the roll call was 4 to 0 as follows:

In favor: Mr. Encin, Ms. Shafran, Ms. Rodrigues, and Mr. Van Arsdale
Opposed: None
Abstentions: None

Motion carried

**BOROUGH OF MENDHAM
MORRIS COUNTY, NEW JERSEY
HISTORIC PRESERVATION COMMISSION
RESOLUTION #01-2024**

**RESOLUTION SETTING THE ANNUAL MEETING SCHEDULE
FOR THE HISTORIC PRESERVATION COMMISSION
OF THE BOROUGH OF MENDHAM
CALENDAR YEAR 2024**

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 2024 set forth below, at the Garabrant Center, 4 Wilson St., Mendham, NJ. During a declared state of emergency when meetings of the Historic Preservation Commission are held remotely, the public may attend remotely by Zoom. Instructions on how to attend a meeting via Zoom will be posted on the meetings schedule webpage on the Borough’s website in advance of the meeting and in accordance with the Open Public Meetings Act.

- Wednesday, January 17, 2024 (Previously Advertised) changed to January 22, 2024*
- Wednesday, February 21, 2024*
- Monday is President’s Day*
- Monday, March 18*
- Monday, April 15*
- Monday, May 20*
- Monday, June 17*
- Monday, July 15*
- Monday, August 19*
- Monday, September 16*
- Monday, October 21*
- Monday, November 18*
- Monday, December 16*
- Wednesday, January 22, 2025 (Regular and Reorganization)*

The regular and reorganization meeting for 2025 will be held on January 22, 2025.

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 and maintained in the Phoenix House, 2 West Main St., Mendham, NJ for purposes of public inspection, and will be filed in the Office of the Borough Clerk in accordance with the Open Public Meetings Act and delivered to the official newspapers in advance as required by law.

Dated: January 22, 2024

Chairman, Historic Preservation Commission

ATTEST:

Land Use Coordinator

OFFICIAL NEWSPAPERS:

Motion by Ms. Shafran, seconded by Mr. Encin 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 2024.

Roll Call: The result of the roll call was 4 to 0 as follows:

In favor: Mr. Encin, Ms. Shafran, Ms. Rodrigues, and Mr. Van Arsdale
Opposed: None
Abstentions: None

Motion carried

**BOROUGH OF MENDHAM
MORRIS COUNTY, NEW JERSEY
HISTORIC PRESERVATION COMMISSION
RESOLUTION #02-2024
RESOLUTION DESIGNATING OFFICIAL NEWSPAPERS
FOR CALENDAR YEAR 2024**

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. Notice of this meeting of the Historic Preservation Commission of the Borough of Mendham shall be posted and maintained in the Phoenix House, 2 West Main Street, Mendham, NJ for purposes of public inspection, and will be filed in the Office of the Borough Clerk in accordance with the Open Public Meetings Act
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.

Dated: January 22, 2024

Chairman, Historic Preservation Commission

ATTEST:

Land Use Coordinator

COMMISSION SECRETARY:

Motion by Ms. Shafran, seconded by Mr. Van Arsdale and unanimously carried by voice vote to appoint Lisa J. Smith as Commission Secretary.

Roll Call: The result of the roll call was 4 to 0 as follows:

In favor: Mr. Encin, Ms. Shafran, Ms. Rodrigues, and Mr. Van Arsdale
Opposed: None
Abstentions: None

Motion carried

**BOROUGH OF MENDHAM
MORRIS COUNTY, NEW JERSEY
HISTORIC PRESERVATION COMMISSION
RESOLUTION #05-2024
RESOLUTION APPOINTING LISA J SMITH AS COMMISSION SECRETARY
FOR CALENDAR YEAR 2024**

BE IT RESOLVED by the Historic Preservation Commission of the Borough of Mendham that Lisa J. Smith has been appointed to the position of

Secretary to the Historic Preservation Commission effective January 1, 2024.

I certify that this is a true and exact copy of a resolution adopted by the Borough of Mendham Historic Preservation Commission on January 22, 2024.

Land Use Coordinator

Chairman, Historic Preservation Commission

COMMISSION ATTORNEY:

Motion by Ms. Shafran, seconded by Mr. Encin and unanimously carried by voice vote to adopt a resolution (as outlined herein) authorizing entry into an agreement with Edward R. Pasternak, esq. of the firm Dorsey and Semrau, LLC for legal services.

Roll Call: The result of the roll call was 4 to 0 as follows:

In favor: Mr. Encin, Ms. Shafran, Ms. Rodrigues, and Mr. Van Arsdale
Opposed: None
Abstentions: None

Motion carried

**BOROUGH OF MENDHAM
MORRIS COUNTY, NEW JERSEY
HISTORIC PRESERVATION COMMISSION
RESOLUTION #03-2024**

RESOLUTION OF THE HISTORIC PRESERVATION COMMISSION OF THE BOROUGH OF MENDHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, AUTHORIZING THE AWARD OF A PROFESSIONAL SERVICES CONTRACT WITHOUT COMPETITIVE BIDDING TO EDWARD R. PASTERNAK, ESQ. OF THE FIRM DORSEY AND SEMRAU, LLC FOR COMMISSION ATTORNEY SERVICES

WHEREAS, the Historic Preservation Commission of the Borough of Mendham has a need to acquire professional Commission 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, Edward R. Pasternak, Esq. of the firm Dorsey and Semrau, LLC has submitted a proposal indicating that he will provide Board Attorney services in an amount projected not to exceed \$6,000 (this amount does not include payments made against escrow accounts which are not paid out of taxpayer funds); and

WHEREAS, Edward R. Pasternak, Esq. of the firm Dorsey and Semrau, LLC has completed and submitted a Business Entity Disclosure Certification which certifies that Dorsey & Semrau 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 Edward R. Pasternak, Esq. of the firm Dorsey and Semrau, LLC from making any reportable contributions through the term of the contract; and

WHEREAS, the Historic Preservation Commission of the Borough of Mendham desires to award the contract to Edward R. Pasternak, Esq. of the firm Dorsey and Semrau, 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 Historic Preservation Commission of the Borough of Mendham as follows:

1. *The Historic Preservation Commission of the Borough of Mendham hereby authorizes execution of a professional services agreement with Edward R. Pasternak, Esq. of the firm Dorsey and Semrau, LLC to serve as Commission Attorney for the year 2024 in an amount projected not to exceed \$6,000 (this amount does not include payments made against escrow accounts which are not paid out of taxpayer funds).*
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 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.*

I, Lisa J. Smith, Land Use Coordinator, do hereby certify that the foregoing Resolution was duly adopted at the Reorganization Meeting of the Historic Preservation Commission of the Borough of Mendham, held this 22nd day of January 2024.

Lisa J. Smith, Land Use Coordinator

ATTEST: _____
Lisa J. Smith
Land Use Coordinator

Chairman, Historic Preservation Commission

COMMISSION PLANNER:

Motion by Ms. Shafran, seconded by Mr. Van Arsdale and unanimously carried by voice vote to adopt a resolution (as outlined herein) authorizing entry into an agreement with J. Caldwell & Associates, LLC for planner services.

Roll Call: The result of the roll call was 4 to 0 as follows:

In favor: Mr. Encin, Ms. Shafran, Ms. Rodrigues, and Mr. Van Arsdale
 Opposed: None
 Abstentions: None

Motion carried

**BOROUGH OF MENDHAM
 MORRIS COUNTY, NEW JERSEY
 HISTORIC PRESERVATION COMMISSION
 RESOLUTION #04-2023**

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 COMMISSION PLANNER SERVICES

WHEREAS, the Historic Preservation Commission of the Borough of Mendham has a need to acquire professional Commission 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 J. Caldwell & Associates, LLC will provide Commission Planner services in an amount projected to not exceed \$4,000 (this amount does not include payments made against escrow accounts which are not paid out of taxpayer funds); 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 Historic Preservation Commission 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 Historic Preservation Commission of the Borough of Mendham:

1. *The Historic Preservation Commission of the Borough of Mendham hereby authorizes execution of a professional services agreement with J. Caldwell & Associates, LLC. to serve as Commission Planner for the year 2023, in an amount projected not to exceed \$4,000 (this amount does not include payments made against escrow accounts which are not paid out of taxpayer funds).*
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 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.*

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 Historic Preservation Commission of the Borough of Mendham, held this 16th day of January 2023.

Lisa J. Smith, Land Use Coordinator

ATTEST: _____
Lisa J. Smith
Land Use Coordinator

Chairman, Historic Preservation Commission

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PUBLIC COMMENT:

Chairman Van Arsdale 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.

MINUTES:

Motion by Ms. Shafran, seconded by Mr. Encin and unanimously carried by voice vote to adopt the Minutes of August 21, 2023 meeting as written.

Roll Call: The result of the roll call was 3 to 0 as follows:

- In favor: Mr. Encin, Ms. Shafran, and Mr. Van Arsdale
- Opposed: None
- Abstentions: Ms. Rodrigues

APPLICATIONS:

**HPC #21-23
Peter Peckers, LLC
9 Hampton Rd
Blk 1904 Lot 8**

**Present: Mr. Godinho – Applicant
Mr. Dembele– Architect**

Mr. Godinho summarized the application for alterations to the house and driveway at 9 Hampton Rd. After discussion the Commission felt that there were a number of changes that would need to be made to the plans and asked the applicant to make the changes and return. The application was dismissed without prejudice.

**HPC #01-24
John Kim-Robinsons Wellness
27 East Main St
Blk 1501 Lot 12**

Present: Mr. Kim –Applicant

Mr. Encin recused himself.
Mr. Kim summarized the application for additional signs at 27 East Main Street. Mr. Kim explained that the same materials will be used for the additional signs that were used for the signs previously approved.
Ms. Shafran suggested the sign on the side of the building be raised a bit higher.

Motion was made by Mr. Van Arsdale, seconded by Ms. Shafran to approve the application as submitted.

Roll Call: The result of the roll call was 3to 0 as follows:

- In favor: Ms. Shafran, Ms. Rodrigues, and Mr. Van Arsdale
- Opposed: None
- Abstentions: Mr. Encin

The motion carried.

**HPC #02-24
Custom Sign Source-Lia Construction
23 East Main St
Blk 1501 Lot 10**

Applicant did not appear. Commission denied the application without prejudice.

**HPC #03-24
Stephanie Blum Photography
2A Hilltop Rd
Blk 1501 Lot 1**

Present: Ms. Blum – Applicant

Ms. Blum summarized her application to install signs at 2A Hilltop Rd in order for her clients to be able to find her. Ms. Blum explained that the business is behind Mendham Creamery

Motion was made by Ms. Shafran, seconded by Mr. Encin to approve the application as submitted.

Roll Call: The result of the roll call was 4to 0 as follows:

In favor: Mr. Encin, Ms. Shafran, Ms. Rodrigues, and Mr. Van Arsdale

Opposed: None

Abstentions: None

The motion carried.

DISCUSSION/MISCELLANEOUS:

ADJOURNMENT:

There being no additional business, Ms. Shafran made a motion to adjourn, and Mr. Encin seconded. On a voice vote, all were in favor. Mr. Van Arsdale adjourned the meeting at 8:45 PM.

The next meeting of the Historic Preservation Commission will be held on Wednesday, February 21, 2024 at 7:30PM at the Garabrant Center, 4 Wilson Street, Mendham, NJ.

Respectfully Submitted,

Lisa J. Smith

Lisa J. Smith

Land Use Coordinator