

**BOROUGH OF MENDHAM
HISTORIC PRESERVATION COMMISSION
MINUTES OF THE JANUARY 18, 2021
REORGANIZATION/REGULAR MEETING**

CALL TO ORDER/FLAG SALUTE

The reorganizational/regular meeting of the Historic Preservation Commission was called to order by Peter Henry, Esq, at 7:30PM and the open public meeting statement was read into the record via Zoom with limited seating at the Garabrant Center, 4 Wilson St., Mendham, NJ

OATHS OF OFFICE

Mr. Henry administered the oaths of office to the following members:

- i) Michael Zedalis – Regular Class B Member expiring 12/31/24.
- ii) Addie Shafran – Regular Class C Member expiring 12/31/24.
- iii) Nancy Rodrigues – Alternate II Member expiring 12/31/22.

REORGANIZATION

ELECTIONS

CHAIR:

Ms. Shafran nominated Mr. Zedalis as Chair, which was seconded by Mr. Van Arsdale. There being no additional nominations, Ms. Shafran made a motion to close the nominations, Mr. Maresca seconded. Nominations were closed. There being no other nominations a single ballot can be cast, and Mr. Zedalis was elected Chair.

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

VICE CHAIR:

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

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RESOLUTIONS

COMMISSION SECRETARY:

Motion by Mr. Zedalis, seconded by Ms. Reilly and unanimously carried by voice vote to appoint Lisa Smith as Commission Secretary.

Roll Call: The result of the roll call was 6 to 0 as follows:

In favor: Mr. Zedalis, Mr. Van Arsdale, Ms. Reilly, Ms. Shafran, Mr. Maresca, and Ms. Rodrigues
Opposed: None
Abstentions: None

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, 2021.

I certify that this is a true and exact copy of a resolution adopted by the Borough of Mendham Historic Preservation Commission on January 18, 2021.

Land Use Coordinator

Chairman, Historic Preservation Commission

MEETING DATES:

Motion by Mr. Van Arsdale, seconded by Mr. Maresca and unanimously carried by voice vote to adopt a resolution (as outlined herein) setting forth the meeting dates for 2021 and the first meeting of 2022.

Roll Call: The result of the roll call was 6 to 0 as follows:

In favor: Mr. Zedalis, Mr. Van Arsdale, Ms. Reilly, Ms. Shafran, Mr. Maresca, and Ms. Rodrigues
Opposed: None
Abstentions: None

**BOROUGH OF MENDHAM
MORRIS COUNTY, NEW JERSEY
HISTORIC PRESERVATION COMMISSION**

RESOLUTION (2021 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 7:30PM prevailing time on each of the dates in 2021 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.

- Monday, January 18, 2021 (Previously Advertised)*
- Wednesday, February 17*
- Monday, March 15*
- Monday, April 19*
- Monday, May 17*
- Monday, June 21*
- Monday, July 19*
- Monday, August 16*
- Monday, September 20*
- Monday, October 18*
- Monday, November 15*
- Monday, December 20*
- Monday, January 17, 2022 (Regular and Reorganization)*

The regular and reorganization meeting for 2022 will be held on January 17, 2022.

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 18, 2021

Chairman, Historic Preservation Commission

ATTEST:

Land Use Coordinator

OFFICIAL NEWSPAPERS:

Motion by Ms. Shafran, seconded by Mr. Van Arsdale 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 2021.

Roll Call: The result of the roll call was 6 to 0 as follows:

In favor: Mr. Zedalis, Mr. Van Arsdale, Ms. Reilly, Ms. Shafran, Mr. Maresca, and Ms. Rodrigues
Opposed: None
Abstentions: None

**BOROUGH OF MENDHAM
MORRIS COUNTY, NEW JERSEY
HISTORIC PRESERVATION COMMISSION
RESOLUTION (OFFICIAL NEWSPAPERS)**

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 18, 2021

Chairman, Historic Preservation Commission

ATTEST:

Land Use Coordinator

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COMMISSION ATTORNEY:

Motion by Ms. Reilly, seconded by Mr. Van Arsdale and unanimously carried by voice vote to adopt a resolution (as outlined herein) authorizing entry into an agreement with Peter E. Henry, Esq. of the firm McElroy, Deutsch, Mulvaney & Carpenter, LLP for legal services.

Roll Call: The result of the roll call was 6 to 0 as follows:

In favor: Mr. Zedalis, Mr. Van Arsdale, Ms. Reilly, Ms. Shafran, Mr. Maresca, and Ms. Rodrigues
 Opposed: None
 Abstentions: None

**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 PETER E. HENRY, ESQ., of the firm
 MCELROY, DEUTSCH, MULVANEY & CARPENTER, LLP 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, Peter E. Henry, Esq. of the firm McElroy, Deutsch, Mulvaney & Carpenter, LLP has submitted a proposal indicating that he will provide Commission Attorney services in an amount projected not to exceed \$5,000 (this amount does not include payments made against escrow accounts which are not paid out of taxpayer funds); 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 Peter E. Henry, Esq. 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 Peter E. Henry, Esq. 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 Peter E. Henry, Esq.; 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 Peter E. Henry, Esq. to serve as Commission Attorney for the year 2021, in an amount projected not to exceed \$5,000 (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.*
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, 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 18th day of January 2021.

Lisa J. Smith, Land Use Coordinator

ATTEST: _____
Lisa J. Smith
Land Use Coordinator

Michael Zedalis, Chairman

COMMISSION PLANNER:

Ms. Caldwell summarized the reasoning for appointment as Commission Planner.

Motion by Mr. Maresca, seconded by Ms. Reilly 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 6 to 0 as follows:

In favor: Mr. Zedalis, Mr. Van Arsdale, Ms. Reilly, Ms. Shafran, Mr. Maresca, and Ms. Rodrigues
Opposed: None
Abstentions: None

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 2021, 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.*

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 Historic Preservation Commission of the Borough of Mendham, held this 18th day of January 2021.

Lisa J. Smith, Land Use Coordinator

ATTEST: _____
Lisa J. Smith
Land Use Coordinator

_____ Chairman

PUBLIC COMMENT:

Chairman Zedalis 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.

Adjourn to Regular Meeting at 7:59 pm

REGULAR MEETING

ROLL CALL:

Mr. M. Zedalis – Present	Mr. Van Arsdale – Present
Mr. Encin – Absent	Ms. Shafran – Present
Ms. Reilly – Present	Alternate #1: Mr. Maresca – Present
	Alternate #2: Ms. Rodrigues - Present

Also Present: Mr. Peter Henry, Esq., Commission Attorney
Ms. Caldwell, Commission Planner

MINUTES:

Motion by Ms. Shafran, seconded by Mr. Zedalis and unanimously carried by voice vote to adopt the Minutes of December 21, 2020 meeting as written.

Roll Call: The result of the roll call was 6 to 0 as follows:

In favor: Mr. Zedalis, Ms. Shafran, and Mr. Maresca
Opposed: None
Abstentions: None

DISCUSSION:

Mr. Zedalis commented that the Historic Commission Ordinance needs to be updated in regard to signage and demolitions.

Mr. Van Arsdale stated that he has noticed the outcomes of previous applications and that the projects were well done. Mr. Van Arsdale questioned the outcome of the demolition of the Elkins property. The windows are broken, siding ripped off, and the door left open. Mr. Maresca spoke to the Mayor regarding the property and let her know that the door has been left open. The Elkins application was approved with conditions and Ms. Elkins has taken out a permit for the demolition.

ADJOURNMENT:

There being no additional business, Mr. Van Arsdale made a motion to adjourn and Ms. Shafran seconded. On a voice vote, all were in favor. Mr. Zedalis adjourned the meeting at 8:30PM.

The next meeting of the Historic Preservation Commission will be held on Wednesday, February 17, 2021 via Zoom and with limited seating at 7:30PM at the Garabrant Center, 4 Wilson Street, Mendham, NJ.

Respectfully Submitted,

Lisa J. Smith

Lisa J. Smith

Land Use Coordinator