

**BOROUGH OF MENDHAM
HISTORIC PRESERVATION COMMISSION
MINUTES OF THE JANUARY 16, 2023
REORGANIZATION/REGULAR MEETING**

CALL TO ORDER/FLAG SALUTE

The reorganizational/regular meeting of the Historic Preservation Commission was called to order at 7:45PM and the open public meeting statement was read into the record.

OATHS OF OFFICE

Mr. Germinario, Commission Attorney, administered the oaths of office to the following members:

- a) Dan Encin – Regular Class A Member expiring 12/31/26.
- b) Scott Van Arsdale – Regular Class C Member expiring 12/31/26.
- c) Ryan Mullany– Alternate Member expiring 12/31/23.

REORGANIZATION

ELECTIONS

CHAIR:

Ms. Shafran nominated Mr. Van Arsdale as Chair, which was seconded by Mr. Maresca. 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 6 to 0 as follows:

In favor: Mr. Encin, Mr. Maresca, Ms. Shafran, Ms. Rodrigues, Mr. Tosso, and Mr. Mullany
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 6 to 0 as follows:

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

ROLL CALL:

Mr. Encin – Present	Mr. Van Arsdale – Present
Mr. Maresca – Present	Mr. Tosso - Alternate #1:– Present
Ms. Shafran – Present	Mr. Mullany - Alternate #2: Present
Ms. Rodrigues - Present	

Also Present: Mr. Thomas Germinario, Esq., Commission Attorney

RESOLUTIONS

MEETING DATES:

Mr. Mullany noted that the Commission meetings fall on MLK, President’s Day and June 19th. Ms. Smith stated that the President’s Day meeting date was changed because it is a Borough Holiday and if the Commission wanted to change the others, she would have to look into availability of the Garabrant Center. Ms. Smith suggested approving the resolution and then amend it once new days were agreed upon. Mayor Serrano Glassner suggested approving the resolution with the condition that the dates will be changed once the availability has been checked.

Motion by Mr. Maresca, seconded by Ms. Shafran and unanimously carried by voice vote to adopt a resolution (as outlined herein) setting forth the meeting dates for 2023 and the first meeting of 2024 with the condition that the dates for Martin Luther King Day and June 19th will be changed once availability is confirmed.

Roll Call: The result of the roll call was 7 to 0 as follows:

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

**BOROUGH OF MENDHAM
MORRIS COUNTY, NEW JERSEY
HISTORIC PRESERVATION COMMISSION
RESOLUTION #01-2023**

**RESOLUTION SETTING THE ANNUAL MEETING SCHEDULE
FOR THE HISTORIC PRESERVATION COMMISSION
OF THE BOROUGH OF MENDHAM
CALENDAR YEAR 2023**

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 2023 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 16, 2023 (Previously Advertised)*
- Wednesday, February 22*
- Monday, March 20*
- Monday, April 17*
- Monday, May 15*
- Monday, June 19***
- Monday, July 17*
- Monday, August 21*
- Monday, September 18*
- Monday, October 16*
- Monday, November 20*
- Monday, December 18*
- Monday, January 15, 2024 (Regular and Reorganization)***

The regular and reorganization meeting for 2024 will be held on January 15, 2024.

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 16, 2023

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 2023.

Roll Call: The result of the roll call was 7 to 0 as follows:

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

**BOROUGH OF MENDHAM
MORRIS COUNTY, NEW JERSEY
HISTORIC PRESERVATION COMMISSION
RESOLUTION #02-2023
RESOLUTION DESIGNATING OFFICIAL NEWSPAPERS
FOR CALENDAR YEAR 2023**

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 16, 2023

Chairman, Historic Preservation Commission

ATTEST:

Land Use Coordinator

COMMISSION SECRETARY:

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

Roll Call: The result of the roll call was 7 to 0 as follows:

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

**BOROUGH OF MENDHAM
 MORRIS COUNTY, NEW JERSEY**

HISTORIC PRESERVATION COMMISSION

RESOLUTION #05-2023

**RESOLUTION APPOINTING LISA J SMITH AS COMMISSION SECRETARY
 FOR CALENDAR YEAR 2023**

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, 2023.

I certify that this is a true and exact copy of a resolution adopted by the Borough of Mendham Historic

Preservation Commission on January 16, 2023.

Land Use Coordinator

Chairman, Historic Preservation Commission

COMMISSION ATTORNEY:

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

Roll Call: The result of the roll call was 7 to 0 as follows:

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

**BOROUGH OF MENDHAM
 MORRIS COUNTY, NEW JERSEY
 HISTORIC PRESERVATION COMMISSION
 RESOLUTION #03-2023**

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 THOMAS J. GERMINARIO, ESQ. 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, Thomas J. Germinario, Esq. 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, Thomas J. Germinario, Esq. has completed and submitted a Business Entity Disclosure Certification which certifies that Thomas J. Germinario, 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 Thomas J. Germinario, 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 Thomas J. Germinario, 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 Thomas J. Germinario, Esq. to serve as Commission Attorney for the year 2023 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 16th day of January 2023.

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. Encin 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 7 to 0 as follows:

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

**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 Mr. Maresca, seconded by Ms. Shafran and unanimously carried by voice vote to adopt the Minutes of October 17, 2022 meeting as written.

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

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

DISCUSSION/MISCELLANEOUS:

Mayor Glassner thanked the members on behalf of the Mayor and Council for their time and help with the Historic Preservation Commission. Mayor Glassner explained that the Borough is making changes for the better in the Construction Department by hiring Rob Rosendale full time and looking to improve customer service. Mayor Glassner stated that the Mendham Messenger is being changed to a new format which will have much more information about the town from committees and boards. Mr. Van Arsdale thanked the mayor for her service and congratulated her on her reelection.

Mr. Van Arsdale asked if a resident comes to the meeting, can they speak what is on their mind. Mr. Germinario explained that as long as it doesn't address any pending applications, they express their view point. However, the Commission should be careful returning their viewpoint. The idea of due process involves the fact that the party that owns the property that is being discussed should have the right to respond to the comments made.

Mr. Encin questioned what could be done when a member of the Commission sees something that is in the Historic District that has not been approved. Ms. Smith stated that the Commission could give the information to the zoning officer and follow up with the zoning officer to find out the outcome.

Ms. Rodrigues asked what authority the zoning officer has and what would be done if a resident did something that wasn't brought before the HPC for approval. Mr. Germinario stated that the zoning officer would try to illicit voluntary compliance and if that doesn't work it could go to municipal court for action.

ADJOURNMENT:

There being no additional business, Ms. Shafran made a motion to adjourn, and Mr. Maresca seconded. On a voice vote, all were in favor. Mr. Van Arsdale adjourned the meeting at 8:20 PM.

The next meeting of the Historic Preservation Commission will be held on Wednesday, February 22, 2023 at 7:30PM at the Garabrant Center, 4 Wilson Street, Mendham, NJ.

Respectfully Submitted,

Lisa J. Smith

Lisa J. Smith

Land Use Coordinator