

**MINUTES OF THE
MENDHAM BOROUGH
HISTORIC PRESERVATION COMMISSION
January 26, 2009
Phoenix House, 2 West Main Street, Mendham, NJ**

CALL TO ORDER

The regular and reorganization 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 31, 2008 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

Ms. Carpenter and Messrs. Nicholson and Zedalis had taken their Oaths of Office with the Borough Clerk before the meeting.

ATTENDANCE

Ms. C. Jones-Curl – Present
Mr. N. Cusano – Present
Mr. M. Furgueson – Present
Mr. C. Nicholson - Present

Mr. M. Zedalis - Present
Mr. J. Dannebaum, Alternate I - Present
Ms. Susan Carpenter, Alternate II- Present

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2009 REORGANIZATION

Ms. Callahan assumed leadership for the election of the Chair.

Election of Chair: Mr. Cusano made a motion to nominate Mr. Zedalis as Chair. Mr. Furgueson seconded. There being no additional nominations, nominations were closed.

ROLL CALL: The result of the roll call was 4 to 0 with 1 abstention as follows:

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

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

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Election of the Vice Chair: Mr. Furgueson nominated Mr. Nicholson as Vice Chair. Mr. Cusano seconded. There being no other nominations, nominations were closed.

ROLL CALL: The result of the roll call was 4 to 0 with 1 abstention as follows:

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

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

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Appointment of Secretary: Mr. Nicholson made a motion to appoint Ms. Callahan as Secretary. Ms. Jones-Curl seconded.

ROLL CALL: The result of the roll call was 5 to 0 as follows:

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

The motion carried. Ms. Callahan was appointed Secretary.

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Approval of Meeting Dates: The following resolution with 2009 meeting dates was provided to the Commission with 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 23, 2009
March 16
April 20
May 18
June 15
July 20
August 17
September 21
October 19
November 16
December 21
January 25, 2010

The regular and reorganization meeting of the Commission will be held on January 25, 2010.

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 5 too 0 as follows:

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

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

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

**RESOLUTION
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 paid by any person requesting individual notice of meetings as provided in Section 13 of the Open Public Meetings Act.

Mr. Nicholson made a motion to approve the resolution. Mr. Cusano seconded.

ROLL CALL: The result of the roll call was 5 to 0 as follows:

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

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

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Appointment of Attorney: The following resolution was included in the Commission's 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 2009 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 2009, 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 2009; 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 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.

Mr. Nicholson made a motion to approve the resolution. Mr. Furgueson seconded.

ROLL CALL: The result of the roll call was 5 to 0 as follows:

In Favor: Jones-Curl, Cusano, 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. Furgueson made a motion to approve the minutes of the December 15, 2009 regular meeting of the Commission as written. Mr. Nicholson seconded. All members being in favor, the minutes were approved.

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APPLICATIONS

HC 02-09: VanDessel Sports – Review of Sign
Block 301, Lot 39, 15 West Main St.

Present: Edwin Bull, Applicant
Ron Forzanie, Esq., Attorney for Applicant
Brian Keary, Hampshire Realty

Mr. Bull had provided the Commission with sign design and specifications with his application dated December 28, 2008.

Mr. Forzanie, Esq. stated that the plan is to take the existing sign, turn it over and place the name of the business on it. It will be a painted sign with cut vinyl and it matches the existing advertising of the VanDessel.

In discussion on the lighting, the applicant advised that the existing lighting and the wattage would remain the same.

Chair opened the meeting to questions and comments by the public. There being none, the public session was closed.

Mr. Nicholson made a motion to approve the application as submitted. Mr. Zedalis seconded.

ROLL CALL: The result of the roll call was 5 to 0 as follows:

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

The motion carried. The application was approved. Ms. Callahan will prepare a letter of approval with copies to the Zoning Officer, Construction Official and Planning Board.

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Mr. Furgueson recused from the Commission as applicant for the next application. Ms. Jones-Curl recused from the application as a resident within 200 ft.

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HC 11-08: **M. Furgueson & K. Seabrook** – Change to previously approved plans
Block 602, Lot 4, 36 East Main St.

Present: Michael Furgueson, Applicant

Mr. Furgueson provided the Commission with the adjusted floor plans and photographic views of his home.

Utilizing the drawings provided, Mr. Furgueson explained to the Commission that they want to expand the bathroom forward into the front porch area. They have had pipes freeze and need to renovate the bathroom that still has not been completed since they moved into their home. The existing bathroom/laundry area was part of the original porch and they need to construct a proper foundation and provide insulation. The plan is to extend forward into the porch area 5 ft., up to the first pillar of the porch. The pillar will remain.

Mr. Furgueson continued using the photographs to show the various views from Main Street and Hillcrest. The most visible view is directly looking at the home from Hillcrest. They will match the existing siding and reuse the existing window and shutters. The small window on the side in the existing laundry room will remain. They would like to use Hardiplank on the house, but given the cost, it does not appear to be feasible.

Mr. Cusano offered that the home is of Shingle style and if it were technically pure, shingles instead of clapboard would be used for historical accuracy. Sometimes cedar shakes were used on the roof and siding on the building. Another option for the period was to do the second story in shakes and the first floor in wood.

Responding to Mr. Nicholson on the foundation, Mr. Furgueson stated that there would be a full foundation, but the lattice would be continued to maintain the continuity.

Mr. Cusano made a motion to approve the revised plan as drawn in the Mendham Design plans as revised January 14, 2009 and with column to remain on the front porch. Mr. Nicholson seconded.

ROLL CALL: The result of the roll call was 5 to 0 as follows:

In Favor: Cusano, Nicholson, Dannenbaum, Carpenter, Zedalis
Opposed: None
Abstentions: None

The motion carried. The change was approved. Ms. Callahan will prepare a letter of approval with copies to the Zoning Officer and Construction Official.

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OTHER BUSINESS

Ms. Callahan reported the status of the Historic District work, the Borough's Highlands work and the Board of Adjustment Telecommunications Application.

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PUBLIC COMMENT

Mr. Zedalis opened the meeting to public comment or questions on any items that were not on the agenda. There being none, the public session was closed.

ADJOURNMENT

There being no additional business to come before the Commission, on motion duly made, seconded and carried, the meeting was adjourned at 8:20 p.m. The next meeting of the Historic Preservation Commission will be held on Monday, February 23, 2009 at 7:30 p.m. at the Phoenix House, 2 West Main St., Mendham, NJ.

Respectfully Submitted,

Diana Callahan, Secretary

**MINUTES OF THE
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HISTORIC PRESERVATION COMMISSION
January 26, 2009
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CHAIR'S OPENING STATEMENT

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OATHS OF OFFICE

Ms. Carpenter and Messrs. Nicholson and Zedalis had taken their Oaths of Office with the Borough Clerk before the meeting.

ATTENDANCE

Ms. C. Jones-Curl – Present
Mr. N. Cusano – Present
Mr. M. Furgueson – Present
Mr. C. Nicholson - Present

Mr. M. Zedalis - Present
Mr. J. Dannebaum, Alternate I - Present
Ms. Susan Carpenter, Alternate II- Present

#####

2009 REORGANIZATION

Ms. Callahan assumed leadership for the election of the Chair.

Election of Chair: Mr. Cusano made a motion to nominate Mr. Zedalis as Chair. Mr. Furgueson seconded. There being no additional nominations, nominations were closed.

ROLL CALL: The result of the roll call was 4 to 0 with 1 abstention as follows:

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

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

#####

Election of the Vice Chair: Mr. Furgueson nominated Mr. Nicholson as Vice Chair. Mr. Cusano seconded. There being no other nominations, nominations were closed.

ROLL CALL: The result of the roll call was 4 to 0 with 1 abstention as follows:

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

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

#####

Appointment of Secretary: Mr. Nicholson made a motion to appoint Ms. Callahan as Secretary. Ms. Jones-Curl seconded.

ROLL CALL: The result of the roll call was 5 to 0 as follows:

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

The motion carried. Ms. Callahan was appointed Secretary.

#####

Approval of Meeting Dates: The following resolution with 2009 meeting dates was provided to the Commission with their pre-meeting packages:

**RESOLUTION
BOROUGH OF MENDHAM
HISTORIC PRESERVATION COMMISSION
MEETING DATES**

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The regular and reorganization meeting of the Commission will be held on January 25, 2010.

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 5 too 0 as follows:

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

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

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

**RESOLUTION
BOROUGH OF MENDHAM
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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.

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3. The sum of \$12.00 per year is hereby fixed as the amount to paid by any person requesting individual notice of meetings as provided in Section 13 of the Open Public Meetings Act.

Mr. Nicholson made a motion to approve the resolution. Mr. Cusano seconded.

ROLL CALL: The result of the roll call was 5 to 0 as follows:

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

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

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Appointment of Attorney: The following resolution was included in the Commission's 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 2009 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 2009, 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 2009; 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 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.

Mr. Nicholson made a motion to approve the resolution. Mr. Furgueson seconded.

ROLL CALL: The result of the roll call was 5 to 0 as follows:

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

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

#####

MINUTES

Mr. Furgueson made a motion to approve the minutes of the December 15, 2009 regular meeting of the Commission as written. Mr. Nicholson seconded. All members being in favor, the minutes were approved.

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APPLICATIONS

HC 02-09: VanDessel Sports – Review of Sign
Block 301, Lot 39, 15 West Main St.

Present: Edwin Bull, Applicant
Ron Forzanie, Esq., Attorney for Applicant
Brian Keary, Hampshire Realty

Mr. Bull had provided the Commission with sign design and specifications with his application dated December 28, 2008.

Mr. Forzanie, Esq. stated that the plan is to take the existing sign, turn it over and place the name of the business on it. It will be a painted sign with cut vinyl and it matches the existing advertising of the VanDessel.

In discussion on the lighting, the applicant advised that the existing lighting and the wattage would remain the same.

Chair opened the meeting to questions and comments by the public. There being none, the public session was closed.

Mr. Nicholson made a motion to approve the application as submitted. Mr. Zedalis seconded.

ROLL CALL: The result of the roll call was 5 to 0 as follows:

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

The motion carried. The application was approved. Ms. Callahan will prepare a letter of approval with copies to the Zoning Officer, Construction Official and Planning Board.

#####

Mr. Furgueson recused from the Commission as applicant for the next application. Ms. Jones-Curl recused from the application as a resident within 200 ft.

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HC 11-08: **M. Furgueson & K. Seabrook** – Change to previously approved plans
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Mr. Furgueson provided the Commission with the adjusted floor plans and photographic views of his home.

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Mr. Furgueson continued using the photographs to show the various views from Main Street and Hillcrest. The most visible view is directly looking at the home from Hillcrest. They will match the existing siding and reuse the existing window and shutters. The small window on the side in the existing laundry room will remain. They would like to use Hardiplank on the house, but given the cost, it does not appear to be feasible.

Mr. Cusano offered that the home is of Shingle style and if it were technically pure, shingles instead of clapboard would be used for historical accuracy. Sometimes cedar shakes were used on the roof and siding on the building. Another option for the period was to do the second story in shakes and the first floor in wood.

Responding to Mr. Nicholson on the foundation, Mr. Furgueson stated that there would be a full foundation, but the lattice would be continued to maintain the continuity.

Mr. Cusano made a motion to approve the revised plan as drawn in the Mendham Design plans as revised January 14, 2009 and with column to remain on the front porch. Mr. Nicholson seconded.

ROLL CALL: The result of the roll call was 5 to 0 as follows:

In Favor: Cusano, Nicholson, Dannenbaum, Carpenter, Zedalis
Opposed: None
Abstentions: None

The motion carried. The change was approved. Ms. Callahan will prepare a letter of approval with copies to the Zoning Officer and Construction Official.

#####

OTHER BUSINESS

Ms. Callahan reported the status of the Historic District work, the Borough's Highlands work and the Board of Adjustment Telecommunications Application.

#####

PUBLIC COMMENT

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ADJOURNMENT

There being no additional business to come before the Commission, on motion duly made, seconded and carried, the meeting was adjourned at 8:20 p.m. The next meeting of the Historic Preservation Commission will be held on Monday, February 23, 2009 at 7:30 p.m. at the Phoenix House, 2 West Main St., Mendham, NJ.

Respectfully Submitted,

Diana Callahan, Secretary

