

**MINUTES OF THE
MENDHAM BOROUGH PLANNING BOARD
January 10, 2011
Garabrant Center, 4 Wilson Street, Mendham, NJ**

CALL TO ORDER

The regular meeting of the Mendham Borough Planning Board was called to order by Chair Kraft at 8:00 p.m. at the Garabrant Center, 4 Wilson Street, Mendham, NJ.

CHAIR’S OPENING STATEMENT

Notice of this meeting was published in the Observer Tribune and the Daily Record on January 14, 2010 and was posted on the bulletin board in the Phoenix House in accordance with the Open Public Meetings Act, and furnished to all those who have requested individual notice and have paid the required fee. Notice of the time change was published in the Observer Tribune and Daily Record on February 18, 2010 and posted on the bulletin board in the Phoenix House.

OATHS OF OFFICE

Mr. Henry, Esq. administered the Oaths of Office to David Sharkey, Ellen Sandman, Francis Kopcsik and Jennifer Gemberling.

ATTENDANCE:

Mayor Henry – Absent	Mr. Kraft - Present
Mr. Bradley – Present	Mrs. Kopcsik – Present
Mr. Cascais – Present	Mrs. Lichtenberger - Absent
Mr. Gertler – Present	Ms. Sandman – Present
	Councilman Sharkey - Present
Alternates:	Ms. Gemberling, Alternate I - Present
	Mr. Cavanaugh, Alternate II – Present (8:05 p.m.)
Also Present:	Mr. Henry, Attorney
	Mr. Ferriero, Engineer
	Ms. Callahan, Secretary

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MINUTES

On motion made by Mr. Cascais, seconded by Mr. Bradley and carried, the minutes of the regular meeting of December 13, 2010 were approved as written.

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PUBLIC COMMENT

Chair opened the meeting to questions and comments on items not included in the agenda. There being none, the public comment session was closed.

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2011 REORGANIZATION

Slate of Officers/Technical Review Committee

Election of Chair: Mrs. Kopcsik nominated Mr. Kraft as Chair. Mr. Gertler seconded. There being no additional nominations, the nominations were closed. A single ballot was cast for Chair. Mr. Kraft was elected Chair.

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Election of Vice Chair: Mr. Cascais made a motion to nominate Mr. Gertler as Vice Chair. Ms. Gemberling seconded. There being no other nominations, nominations were closed. A single ballot

was cast for Vice Chair. Mr. Gertler was elected Vice Chair.

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Election of Administrative Officer, Secretary and Recording Secretary: Mr. Kraft made a motion to appoint Ms. Callahan as Administrative Officer, Secretary and Recording Secretary. Mr. Cascais seconded. A single ballot was cast. Ms. Callahan was appointed to the positions.

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Technical Review Committee:

Chair Kraft named Mrs. Kopcsik as Chair of the Technical Review Committee. Mr. Bradley, Mrs. Lichtenberger, and Ms. Gemberling agreed to serve as regular members. Mr. Cascais will serve as first alternate and Ms. Sandman as second alternate. The proposed TRC dates as identified in the notice were reviewed by the Committee and found to be acceptable:

**BOROUGH OF MENDHAM
TECHNICAL REVIEW COMMITTEE**

NOTICE IS HEREBY GIVEN that the Technical Review Committee of the Planning Board of the Borough of Mendham will meet to discuss or act upon public business at 9:00 a.m. prevailing time on each of the dates set forth below, at the Phoenix House, 2 West Main St., Mendham, NJ:

Monday, January 17, 2011
Tuesday, February 22
Monday, March 21
Monday, April 18
Monday, May 16
Monday, June 20
Monday, July 18
Monday, August 15
Monday, September 19
Monday, October 17
Monday, November 21
Monday, December 19

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Meeting Dates: The following resolution was introduced and had been provided to members in their pre-meeting packages:

**BOROUGH OF MENDHAM
MORRIS COUNTY, NEW JERSEY
PLANNING BOARD RESOLUTION
2011 MEETING DATES**

BE IT RESOLVED that the regular meetings of the Mendham Borough Planning Board for the year 2011 and January, 2012 will be held on the second Monday of every month with the exception of October which will be held on the second Tuesday. The meetings will be at 8:00p.m. at the Garabrant Center, 4 Wilson Street, Mendham, New Jersey. Meeting dates will be as follows:

February 14	August 8
March 14	September 12
April 11	October 11
May 9	November 14
June 13	December 12
July 11	January 9, 2012

The regular and reorganization meeting of the Board will be held on January 9, 2012.

BE IT FURTHER RESOLVED that notice of any additions to the above schedule, or changes in 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.

Ms. Gemberling made a motion to approve the resolution. Mrs. Kopcsik seconded.

All members being in favor, the resolution was approved. Ms. Callahan will make the appropriate notifications.

Official Newspapers

The following resolution was introduced and had been provided to members in their pre-meeting packages

RESOLUTION BOROUGH OF MENDHAM PLANNING BOARD

BE IT RESOLVED by the Planning Board 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 Planning Board 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 14 of the Open Public Meetings Act.

Mr. Cascais made a motion to approve the resolution. Ms. Sandman seconded.

All members being in favor the resolution was approved. The Board Secretary will make the necessary notifications.

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Appointment of Attorney

The following resolution was introduced and had been provided to the members in their pre-meeting packages:

RESOLUTION BOROUGH OF MENDHAM PLANNING BOARD

WHEREAS, the Planning Board 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 (including escrows); 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 2011 in an amount projected to exceed \$17,500 (including escrows); 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 Planning Board 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 Planning Board of the Borough of Mendham as follows:

1. That the Planning Board of the Borough of Mendham retain Peter E. Henry, Esq. of the firm Dillon, Bitar & Luther, L.L.C. to serve as Board Attorney for the year 2011, at a total cost not to exceed \$23,000 such sum as may be duly appropriated for the purposes in the duly adopted municipal budget for 2011: and escrows as required; 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 Entity Disclosure 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 Planning Board 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. Cascais made a motion to approve the resolution. Mrs. Kopcsik seconded.

ROLL CALL: The result of the roll call was 9 to 0 as follows:

In Favor: Bradley, Cascais, Gertler, Kopcsik, Sandman, Sharkey, Gemberling, Cavanaugh, Kraft
Opposed: None
Abstentions: None

The motion carried. The resolution was approved. Mr. Henry, Esq. was appointed attorney. The Board Secretary will make the appropriate notifications.

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Appointment of Planner

The following resolution was introduced and had been provided to the members in their pre-meeting packages:

RESOLUTION BOROUGH OF MENDHAM PLANNING BOARD

WHEREAS, the Planning Board of the Borough of Mendham has a need to acquire professional Planning Consultant 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, Adrian P. Humbert, AICP/PP of the firm Adrian P. Humbert Associates has submitted a proposal indicating that they will provide planning services for 2011 in an amount projected to exceed \$17,500 (including escrows); and

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

WHEREAS, Adrian P. Humbert, AICP/PP of the firm Adrian P. Humbert Associates 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 Planning Board of the Borough of Mendham wishes to retain Adrian P. Humbert AICP/PP of the firm Adrian P. Humbert Associates; 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 Planning Board of the Borough of Mendham as follows:

1. That the Planning Board of the Borough of Mendham retain Adrian P. Humbert of the firm Adrian P. Humbert Associates to serve as Planning Consultant for the year 2011, at a total cost not to exceed \$17,500 such sum as may be duly appropriated for the purposes in the duly adopted municipal budget for 2011 (PB & HPC): and escrows as required, 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 Entity Disclosure 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 Planning Board 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. Gertler made a motion to approve the resolution. Mr. Bradley seconded.

ROLL CALL: The result of the roll call was 9 to 0 as follows:

In Favor: Bradley, Cascais, Gertler, Kopcsik, Sandman, Sharkey, Gemberling, Cavanaugh, Kraft
Opposed: None
Abstentions: None

The motion carried. Mr. Humbert was appointed Planner. The Board Secretary will make the necessary notifications.

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Appointment of Engineer

The following resolution was introduced and was provided to the members in their pre-meeting package:

RESOLUTION BOROUGH OF MENDHAM PLANNING BOARD

WHEREAS, the Planning Board of the Borough of Mendham has a need to acquire professional Consulting Engineer 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, Paul W. Ferriero, PE & PP of the firm Ferriero Engineering Incorporated has submitted a proposal indicating that they will provide engineering services for 2011 in an amount projected to exceed \$17,500 (including escrows); and

WHEREAS, the anticipated term of this contract is 1 year; 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 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 Planning Board of the Borough of Mendham wishes to retain Paul W. Ferriero, PE & PP of the firm Ferriero Engineering Incorporated 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 Planning Board of the Borough of Mendham as follows:

1. That the Planning Board of the Borough of Mendham retain Paul W. Ferriero, PE & PP of the firm Ferriero Engineering Incorporated to serve as Consulting Engineer for the year 2011, at a total cost not to exceed \$8,000 such sum as may be duly appropriated for the purposes in the duly adopted municipal budget for 2011: and escrows as required; 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 Entity Disclosure 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 Planning Board 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. Cascais made a motion to approve the resolution. Mr. Gertler seconded.

ROLL CALL: The result of the roll call was 9 to 0 as follows:

In Favor: Bradley, Cascais, Gertler, Kopcsik, Sandman, Sharkey, Gemberling, Cavanaugh, Kraft
Opposed: None
Abstentions: None

The motion carried. Mr. Ferriero was appointed Engineer. The Board Secretary will make the necessary notifications.

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TRC UPDATES (For information only)

Mrs. Kopcsik reviewed the TRC schedule for January 17, 2011.

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OTHER BUSINESS

Wastewater Management: Mr. Ferriero reported that the County would be holding a public hearing on the Wastewater Management Plan on February 9. The only issue in the Mendham Borough Chapter deals with the capacity of the sewer plant. The County is stating that the Borough has 100k/day available. It could be an issue of design versus measured flow, but reconciliation is key. There will be an internal Borough meeting on February 2 to review the information.

Mr. Ferriero continued that in the non-sewered area our density is less than the County nitrate dilution model and no Borough zoning changes are required.

COAH: Professionals indicated that the Assembly bill has not moved forward and there is nothing further to do at this time. COAH is operating as it always has.

Highlands: Professional indicated that the Highlands Board is changing, but there is nothing new affecting Mendham Borough.

Ordinance List: In response to Mrs. Kopcsik’s question on the list, Mr. Kraft advised it would be reviewed at a later date.

ADJOURNMENT

There being no additional business to come before the Board, on motion made, seconded and carried, Chair Kraft adjourned the meeting at 8:40 p.m. The next regularly scheduled meeting of the Planning Board will be held on **Monday, February 14, 2011 at 8:00 p.m.** at the Garabrant Center, 4 Wilson St., Mendham.

Respectfully submitted,

Diana Callahan
Recording Secretary

