

**MINUTES OF THE
MENDHAM BOROUGH PLANNING BOARD
January 9, 2012
Garabrant Center, 4 Wilson Street, Mendham, NJ**

CALL TO ORDER

The regular and reorganization 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 13, 2011 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.

OATHS OF OFFICE

Mr. Henry, Esq. administered the Oaths of Office to David Sharkey, Ellen Sandman, Richard Kraft and Brian Cavanaugh.

ATTENDANCE:

Mayor Henry – Present
Mr. Bradley – Present
Mr. Cascais – Present (8:05 p.m.)
Mr. Gertler – Present

Mr. Kraft - Present
Mrs. Kopcsik – Absent
Ms. Sandman – Present
Councilman Sharkey - Present

Alternates:

Mr. Cavanaugh, Alternate I – Present (8:10 p.m.)
Vacant, Alternate II

Also Present:

Mr. Henry, Attorney
Ms. Callahan, Secretary

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MINUTES

On motion made by Mayor Henry, seconded by Mr. Kraft and carried, the minutes of the regular meeting of December 12, 2011 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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2012 REORGANIZATION

Slate of Officers/Technical Review Committee

Election of Chair: Mayor Henry nominated Mr. Kraft as Chair. Mr. Bradley 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: Mayor Henry nominated Mr. Gertler as Vice Chair. Mr. Kraft 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: Mayor Henry made a motion to appoint Ms. Callahan as Administrative Officer, Secretary and Recording Secretary. Mr. Cascais seconded.

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

In Favor: Henry, Bradley, Cascais, Gertler, Sandman, Sharkey, Kraft
Opposed: None
Abstentions: None

The motion carried. 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 and Mr. Cascais agreed to serve as regular members. Mrs. Lichtenberger will be named in February after being appointed to the Board. Ms. Sandman will serve as first alternate and Mr. Kraft as second alternate.

The proposed TRC dates as identified in the notice were reviewed by the Board:

**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 16, 2012
- Tuesday, February 21
- Monday, March 19
- Monday, April 16
- Monday, May 21
- Monday, June 18
- Monday, July 16
- Monday, August 20
- Monday, September 17
- Monday, October 15
- Monday, November 19
- Monday, December 17

Mr. Cascais made a motion to approve the TRC meeting dates. Mr. Gertler seconded. All members being in favor the TRC dates were approved.

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Meeting Dates: The Board received a resolution listing dates for 2012 in their pre-meeting packages. After reviewing the dates, the resolution was adjusted to reflect the May date as Monday, May 14. The Board Secretary explained that the October and November dates for the meetings were the second Tuesday due to the Columbus Day and Veteran’s Day holidays.

Mr. Gertler made a motion to approve the resolution as amended. Mr. Bradley seconded.

ROLL CALL: The result of the roll call was 8 to 0 as follows:

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

The motion carried. Ms. Callahan will make the appropriate public notification. Following is the revised resolution:

**BOROUGH OF MENDHAM
MORRIS COUNTY, NEW JERSEY
PLANNING BOARD RESOLUTION
2012 MEETING DATES**

BE IT RESOLVED that the regular meetings of the Mendham Borough Planning Board for the year 2012 and January, 2013 will be held on the second Monday of every month with the exception of October and November which will be held on the second Tuesday. The meetings will be at 8:00 p.m. at the Garabrant Center, 4 Wilson Street, Mendham, New Jersey. Meeting dates will be as follows:

- | | |
|-------------|------------------|
| February 13 | August 13 |
| March 12 | September 10 |
| April 9 | October 9 |
| May 14 | November 13 |
| June 11 | December 10 |
| July 9 | January 14, 2013 |

The regular and reorganization meeting of the Board will be held on January 14, 2013.

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.

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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.

Mayor Henry made a motion to approve the resolution. Mr. Cascais seconded.

ROLL CALL: The result of the roll call was 8 to 0 as follows:

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

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

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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 2012 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 2012, at a total cost not to exceed \$19,000 such sum as may be duly appropriated for the purposes in the duly adopted municipal budget for 2012: 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 7 to 0 as follows:

In Favor: Henry, Bradley, Cascais, Gertler, Sharkey, 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 public notification. (Ms. Sandman was away from the table for the vote).

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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, Banisch Associates, Inc. has submitted a proposal indicating that they will provide planning services for 2012 an amount projected to exceed \$17,500 (including escrows); and

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

WHEREAS, Banisch Associates, Inc. has completed and submitted a Business Entity Disclosure Certification which certifies that they have 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 them 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 Banisch Associates, Inc. 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 Charles T. McGroarty, PP/AICP of the firm Banisch Associates, Inc. to serve as Planning Consultant for 2012, at a total cost not to exceed \$15,500 such sum as may be duly appropriated for the purposes in the duly adopted municipal budget for 2012 (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).

6. This Resolution shall take effect as provided herein.

Mayor Henry made a motion to approve the resolution. Councilman Sharkey seconded.

ROLL CALL: The result of the roll call was 7 to 0 as follows:

In Favor: Henry, Bradley, Cascais, Gertler, Sharkey, Cavanaugh, Kraft
Opposed: None
Abstentions: None

The motion carried. The resolution was approved. Mr. McGroarty was appointed planner. Ms. Callahan will make the appropriate public notification. (Ms. Sandman was away from the table for the vote).

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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 (including escrows); and

WHEREAS, Paul W. Ferriero, PE & PP of the firm Ferriero Engineering Incorporated has provided services in 2011 based about a proposal and terms of services and those terms shall continue on a month to month basis in 2012 in an amount projected to exceed \$17,500 (including escrows); and

WHEREAS, the anticipated term of this contract is month to month but not to exceed one year; and

WHEREAS, Paul W. Ferriero 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.; 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 on a month to month basis, at a total cost not to exceed \$9,500, such sum as may be duly appropriated for the purposes in the duly adopted municipal budget for 2012; 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 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 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.

Chair Kraft pointed out that the resolution is a month to month resolution as the Borough is issuing an RFP for Engineering. Mr. Ferriero is aware. Mayor Henry continued that the month to month was to allow the Borough to generally review all Engineering. Every year we have been reviewing certain functions. Last year it was Animal Control and the year before, the Health Department. He has spoken with Mr. Ferriero who will be submitting an RFP.

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

ROLL CALL: The result of the roll call was 8 to 0 as follows:

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

The motion carried. The resolution was approved. Mr. Ferriero was appointed Engineer. Ms. Callahan will make the appropriate public notification.

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ORDINANCE LIST

Chair Kraft referred the Board to the updated Ordinance List and suggested members review it to determine if anything needs to be added and/or worked on.

TRC UPDATES (For information only)

Mr. Bradley and Ms. Callahan reviewed the approved TRC applications. As there are no new applications, there will not be a TRC meeting on Monday, January 16.

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APPLICATIONS

**#910 - Krostek and Veale – Minor Subdivision and C Variance
Extension of Time to Perfect Subdivision
Block 604, Lot 7, 7 Halstead Road**

Present: Alan Hantman, Esq., Attorney for Applicant
Richard Krostek, Applicant

Mr. Hantman, Esq. explained to the Board that they are currently completing the compliance review with the Engineer and the Attorney and have provided the updated set of documentation. The application was approved on July 11, 2011 and contained a substantial set of conditions that they had to meet. They have been going back and forth with the Engineer. The statutory time for the perfection of the subdivision will have expired before the next Planning Board meeting. They are requesting a 6 month extension.

During discussion it was noted by Mr. Hantman, Esq. that they are close to completing the process. Board requested that they consider a 3 month extension as opposed to the 6 month extension and should they require additional time, they return to the Board.

Councilman Sharkey made a motion to grant the 3 month extension. Ms. Sandman seconded.

ROLL CALL: The result of the roll call was 8 to 0 as follows:

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

The motion carried. Mr. Henry, Esq. will prepare a resolution memorializing the action for the February 13 regular meeting of the Board.

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OTHER BUSINESS

Ms. Callahan updated the Board on the following items:

Opening a Business Package: A package has been developed to help new business owners navigate the Borough’s requirements, ordinances and processes. It has been developed in house, reviews have taken place, and it is ready for use beginning 2012. Ms. Sandman and Ms. Callahan will be meeting with the Business Association to advise them of its availability.

In discussion, Chair Kraft requested that we look into a package for new Board members that would contain general information and potentially a disc containing the Master Plan.

State and National Register: Now that the ordinance has been passed, the final cleanup work on the document and the mapping has been completed. The Planning Board had reviewed the document last year. The Historic Preservation Commission would also like a review and then it will be going to the Council for final approval before submission.

State Plan: The dates for the State Plan public hearing were forwarded to the Board. Mr. McGroarty and Ms. Sandman plan on attending the February 27 public hearing.

Historic Awards: Now that the Historic District ordinance has been passed, the Historic Preservation Commission would like to look into an awards program for residents that do a good job on historic renovations. They are currently investigating how to proceed.

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ADJOURNMENT

There being no additional business to come before the Board, on motion made, seconded and carried, Chair Kraft adjourned the meeting at 8:30 p.m. The next regularly scheduled meeting of the Planning Board will be held on **Monday, February 13, 2012 at 8:00 p.m.** at the Garabrant Center, 4 Wilson St., Mendham.

Respectfully submitted,

Diana Callahan
Recording Secretary

