

**BOROUGH OF MENDHAM
HISTORIC PRESERVATION COMMISSION**

**SPECIAL & REORGANIZATION MEETING MINUTES OF
February 23, 2014 at 7:30PM**

Phoenix House, 2 West Main Street, Mendham, NJ

CALL TO ORDER

The regular meeting of the Historic Preservation Commission was called to order by Mr. Zedalis at 7:30PM 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 February 12, 2015 in accordance with the Open Public Meetings Act and posted on the bulletin board of the Phoenix House on the same date.

ATTENDANCE

Present: Mr. R. Patton – Alternate I
 Mr. C. Nicholson
 Mr. M. Zedalis

Absent: Ms. S. Carpenter – Alternate II
 Mr. N. Cusano
 Mr. J. Dannenbaum
 Ms. C. Jones Curl

Also Present: Ms. M. Kaye, Commission Secretary

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2015 REORGANIZATION

Election of Chair: Mr. Nicholson nominated Mr. Zedalis as Chair, which was seconded by Mr. Patton. There being no additional nominations, the nominations were closed.

ROLL CALL: The result of the roll call was 3 to 0 as follows:

In favor: Patton, Nicholson, Zedalis
Opposed: None
Abstentions: None

Mr. Zedalis was elected Chair.

Election of Vice-Chair: Mr. Zedalis nominated Mr. Nicholson as Vice Chair, which was seconded by Mr. Patton. There being no additional nominations, the nominations were closed.

ROLL CALL: The result of the roll call was 3 to 0 as follows:

In favor: Patton, Nicholson, Zedalis
Opposed: None
Abstentions: None

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

Appointment of Board Secretary: Mr. Nicholson made a motion to nominate Ms. Kaye as Commission Secretary, which was seconded by Mr. Zedalis. There being no additional nominations, the nominations were closed.

ROLL CALL: The result of the roll call was 3 to 0 as follows:

In favor: Patton, Nicholson, Zedalis
Opposed: None
Abstentions: None

The motion carried and Ms. Kaye was appointed Commission Secretary.

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RESOLUTIONS

Historic Preservation Commission Meeting Dates: Mr. Zedalis presented the following resolution that was included in the pre-meeting packet:

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

HISTORIC PRESERVATION COMMISSION

RESOLUTION

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 2015 set forth below, at the Phoenix House, 2 West Main Street, Mendham, NJ.

- February 23, 2015
- March 16
- April 20
- May 18
- June 15
- July 20
- August 17
- September 21
- October 19
- November 16
- December 21
- January 25, 2016

The regular and reorganization meeting of the Commission will be held on January 25, 2016.

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, which was seconded by Mr. Patton.

ROLL CALL: The result of the roll call was 3 to 0 as follows:

In favor: Patton, Nicholson, Zedalis
Opposed: None
Abstentions: None

The motion carried. Ms. Kaye will make the appropriate public notification.

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Official Newspapers: Mr. Zedalis presented the following resolution that was included in the pre-meeting packet:

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

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 *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 be paid by any person requesting individual notice of meetings as provided in Section 14 of the Open Public Meetings Act.

Mr. Nicholson made a motion to approve the resolution, which was seconded by Mr. Patton.

ROLL CALL: The result of the roll call was 3 to 0 as follows:

In favor: Patton, Nicholson, Zedalis
 Opposed: None
 Abstentions: None

The motion carried. Ms. Kaye will make the appropriate public notification.

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Appointment of Attorney: Mr. Zedalis presented the following resolution that was included in the pre-meeting packet:

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

HISTORIC PRESERVATION COMMISSION

RESOLUTION

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 may provide legal services for 2015 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 2015, 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 2015; 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 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, which was seconded by Mr. Patton.

ROLL CALL: The result of the roll call was 3 to 0 as follows:

In favor: Patton, Nicholson, Zedalis
Opposed: None
Abstentions: None

The motion carried and the resolution was approved. Mr. Henry was appointed Board Attorney. Ms. Kaye will make the appropriate public notification.

MINUTES

Mr. Nicholson made a motion to approve the minutes of the regular meeting of December 15, 2014, which was seconded by Mr. Patton. On a voice vote, all eligible voters were in favor and the minutes were approved, as written.

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PUBLIC COMMENT

Mr. 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.

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APPLICATIONS**HPC #01 -15 – Jurist, Alice & Baus, Allen (It’z Vintage)**

6 Hilltop Road, Block 1501, Lot 41
Change in Tenant: Site Plan Waiver

Present: Alice Jurist & Allen Baus, Applicants

The Applicants stated their intention to open a vintage toy, comic book and clothing store at the above-referenced retail space. They confirmed that there would be no exterior changes other than the store front signage and curb signage. It was agreed that both the street sign and building sign will be made of wood with painted letters in the font, color and dimensions indicated in the submission.

Mr. Nicholson made a motion to approve the application, as submitted, which was seconded by Mr. Patton.

ROLL CALL: The result of the roll call was 3 to 0 as follows:

In favor: Patton, Nicholson, Zedalis
Opposed: None
Abstentions: None

The motion carried and the application was approved.

HPC #20 -14 – Durso, John

15 West Main Street, Block 301, Lot 39
Change in Tenant: Site Plan Waiver

Hearing for #20-14 was carried to the March 16, 2015 regular scheduled meeting.

HPC #02 -15 – Callahan, Scott

11 New Street, Block 1903, Lot 1
Fence Replacement

Present: Scott & Barbara Callahan

Applicant applied for a zoning permit to replace the rotting fence located at the north side of the above referenced property. He confirmed that the section facing the street will be like-for-like with the existing 4’ split rail fence that will then turn the corner and connect to a tongue in groove fence with a spindle top that will replace the current stockade fencing in that location. Both styles will be unfinished cedar. Applicant added that the fencing will not be the same all around the property as it would require a variance from the Board of Adjustment.

The Applicant also inquired about the HPC approval process for roof replacement. The process was explained and it was noted that the addition of a cupola would require a hearing before the Commission.

Mr. Nicholson made a motion to approve the application, as submitted, which was seconded by Mr. Patton.

ROLL CALL: The result of the roll call was 3 to 0 as follows:

In favor: Patton, Nicholson, Zedalis
Opposed: None

Abstentions: None

The motion carried and the application was approved.

ADJOURNMENT

There being no additional business to come before the Commission, Mr. Nicholson made a motion for adjournment which was seconded by Mr. Patton. On a voice vote, all were in favor and the meeting was adjourned at 7:50PM.

The next regular scheduled meeting of the Historic Preservation Commission will be held on Monday, March 16, 2014 at 7:30PM at the Phoenix House, 2 West Main Street, Mendham, NJ.

Respectfully Submitted,

Margot G. Kaye

Margot G. Kaye
Commission Secretary