

**MINUTES OF THE
REORGANIZATION AND REGULAR MEETING
MENDHAM BOROUGH PLANNING BOARD
JANUARY 14, 2019**

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 Mr. Kraft at 7:31PM at the Garabrant Center, 4 Wilson Street, Mendham, NJ.

OPENING STATEMENT

Notice of this meeting was published in the *Star Ledger* and in the *Daily Record* on January 11, 2018 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.

ATTENDANCE

Mr. Bradley – Present
Mr. Cascais – Absent
Mr. Corona – Present
Mayor Glassner - Present
Councilman Reilly – Present
Chairman Kraft – Present

Mr. Kay – Absent
Ms. Lichtenberger – Absent
Ms. Masse - Present

Alternates:

Mr. Dunn, Alternate I - Present
Mr. Pace, Alternate II - Present

Also Present:

Mr. Ferriero, Engineer
Mr. Henry, Esquire

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2019 REORGANIZATION

Slate of Officers/Technical Review Committee

Election of Chair: A nomination was made for Mr. Kraft as Chair by Mayor Glassner. There being no additional nominations, on motion made and seconded by Mr. Bradley, a single ballot was cast for Mr. Kraft as Chair.

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

In favor: Bradley, Corona, Dunn, Glassner, Masse, Reilly, Pace, Kraft
Opposed: None
Abstentions: None

The motion carried and Mr. Kraft was elected Chair.

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Planning Board

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Election of Vice-Chair: : A nomination was made for Ms. Masse as Vice-Chair by Mayor Glassner. There being no additional nominations, on motion made and seconded by Mr. Corona a single ballot was cast for Ms. Masse as Vice Chair.

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

In favor: Bradley, Corona, Dunn, Glassner, Masse, Reilly, Pace, Kraft
Opposed: None
Abstentions: None

The motion carried and Ms. Masse was elected Vice-Chair.

Appointment of Secretary: A nomination was made for Ms. Lisa Smith as Board Secretary by Mr. Bradley. On motion made and seconded by Ms. Masse, Ms. Lisa Smith was appointed Board Secretary.

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

In favor: Bradley, Corona, Dunn, Glassner, Masse, Reilly, Pace, Kraft
Opposed: None
Abstentions: None

The motion carried and Ms. Lisa Smith was elected Secretary.

Technical Review Committee (TRC): Chairman Kraft appointed Mr. Bradley, Mr. Lichtenberger, Mr. Cascais and Councilman Reilly to serve as regular members. Mr. Kraft will serve as alternate.

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RESOLUTIONS

Planning Board Meeting Dates: In the meeting packet, Board Members received a copy of a resolution listing proposed meeting dates for 2019.

**BOROUGH OF MENDHAM
PLANNING BOARD**

RESOLUTION (2019 MEETING DATES)

BE IT RESOLVED that the Planning Board of the Borough of Mendham will meet to discuss or act upon public business at 7:30PM prevailing time on each of the dates set forth below, at the Garabrant Center, 4 Wilson Street, Mendham, NJ:

Monday, January 14, 2019 (published 01/11/18)
Monday, February 11
Monday, March 11
Monday, April 8
Monday, May 13
Monday, June 10
Monday, July 8
Monday, August 12

Planning Board
 Monday, September 9
Tuesday, October 15
Tuesday, November 12
 Monday, December 9
 Monday, January 13, 2020 (Regular & Reorganization)

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.

With respect to matters presented to this Board by applicants, the public shall be heard during the hearing on the application in accordance with the procedure as established by the Municipal Land Use Law.

Dated: January 14, 2019

Ms. Masse made a motion to approve the meeting dates for 2019, and Mr. Masse seconded.

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

In favor: Bradley, Corona, Dunn, Glassner, Masse, Reilly, Pace, Kraft
 Opposed: None
 Abstentions: None

The motion carried.

TRC Meeting Dates: In the meeting packet, Board Members received a copy of a resolution listing proposed TRC meeting dates for 2019.

**BOROUGH OF MENDHAM
PLANNING BOARD**

RESOLUTION (TRC MEETING DATES)

BE IT RESOLVED that the Technical Review Committee of Planning Board of the Borough of Mendham will meet to discuss or act upon public business at 9:00AM prevailing time on each of the dates set forth below, at the Phoenix House, 2 West Main Street, Mendham, NJ:

- January 21
- February 19
- March 18
- April 15
- May 20
- June 17
- July 15
- August 19

September 16
 October 21
 November 18
 December 16
 January 20, 2020

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.

Dated: January 14, 2019

Ms. Masse made a motion to approve the meeting dates for 2019, and Mr. Bradley seconded.

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

In favor: Bradley, Corona, Dunn, Glassner, Masse, Pace, Reilly, Kraft
 Opposed: None
 Abstentions: None

The motion carried.

Official Newspapers: In the meeting packet, Board Members received a copy of a resolution listing proposed Official Newspapers for 2019.

**BOROUGH OF MENDHAM
 PLANNING BOARD**

RESOLUTION

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 *Star Ledger* and the *Daily Record* having been designated by the Governing Body as the two official 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 13 of the Open Public Meetings Act.

Ms. Masse made a motion to approve the Official Newspapers, and Mr. Pace seconded.

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

In favor: Bradley, Corona, Dunn, Glassner, Masse, Reilly, Pace, Kraft
Opposed: None
Abstentions: None

The motion approved the *Star Ledger* and the *Daily Record* as the Official Newspapers.

Appointment of Board Attorney: The following resolution, distributed in the meeting packet, was introduced:

**BOROUGH OF MENDHAM
PLANNING BOARD**

RESOLUTION (BOARD ATTORNEY)

WHEREAS, the Planning Board of the Borough of Mendham has a need to acquire professional Board Attorney 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 McElroy, Deutsch, Mulvaney & Carpenter, LLP, has submitted a proposal indicating that he may provide legal services for 2019 in an amount projected to exceed \$17,500 (including escrows); and

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

WHEREAS, Peter E. Henry, Esq., of the firm McElroy, Deutsch, Mulvaney & Carpenter, LLP, 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 (1) 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 McElroy, Deutsch, Mulvaney & Carpenter, LLP; 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 McElroy, Deutsch, Mulvaney & Carpenter, LLP, to serve as Board Attorney for the year 2019 at a total annual cost not to exceed [\$15,000], such sum as may be duly appropriated for the purposes in the duly adopted municipal budget for 2019: and escrows as required for 2019; 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.

DATED: January 14, 2019

Mr. Corona made a motion to approve the appointment of Peter E. Henry, Esq. as Board Attorney, and Mr. Bradley seconded.

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

In favor: Bradley, Corona, Dunn, Glassner, Masse, Reilly, Pace, Kraft
Opposed: None
Abstentions: None

The motion carried and Peter E. Henry, Esq., was appointed as Board Attorney.

Appointment of Consulting Engineer: The following resolution, distributed in the meeting packet, was introduced:

**BOROUGH OF MENDHAM
PLANNING BOARD**

RESOLUTION (BOARD ENGINEER)

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 submitted a proposal indicating that they may provide engineering services for 2019 in an amount projected to exceed \$17,500 (including escrows); and

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

WHEREAS, Paul W. Ferriero 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 (1) 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 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 for 2019, at a

total annual cost not to exceed [\$5,000] such sum as duly appropriated for the purposes in the duly adopted municipal budget for 2019; and escrows as required for 2019; 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).

6. This Resolution shall take effect as provided herein.

DATED: January 14, 2019

Mr. Bradley made a motion to approve the appointment of Paul W. Ferriero, PE as Board Engineer, and Ms. Masse seconded.

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

In favor: Bradley, Corona, Dunn, Glassner, Masse, Reilly, Pace, Kraft
Opposed: None
Abstentions: None

The motion carried and Paul W. Ferriero, PE was appointed as Board Engineer.

**BOROUGH OF MENDHAM
PLANNING BOARD**

RESOLUTION (BOARD PLANNER)

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 (including escrows); and

WHEREAS, J. Caldwell & Associates, LLC, has submitted a proposal indicating that they may provide planning services for 2019 in an amount projected to exceed \$17,500 (including escrows); and

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

WHEREAS, J. Caldwell & Associates, LLC 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 (1) 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 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 Planning Board of the Borough of Mendham as follows:

1. That the Planning Board of the Borough of Mendham retain Jessica Caldwell, PP/AICP of the firm J. Caldwell & Associates, LLC to serve as Planning Consultant for 2019, at a total cost not to exceed [\$10,000] such sums may be duly appropriated for the purposes in the duly adopted municipal budget for 2019; 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).

7. This Resolution shall take effect as provided herein.

DATED: January 14, 2019

Mr. Bradley made a motion to approve the appointment J. Caldwell & Associates, LLC as Board Planner, and Mr. Pace seconded.

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

In favor: Bradley, Corona, Dunn, Glassner, Masse, Reilly, Pace, Kraft
Opposed: None
Abstentions: None

The motion carried and J. Caldwell & Associates, LLC was appointed as Board Planner.

Liaison to Environmental Commission: Chairman Kraft appointed Mr. Cascais to be the liaison to the Environmental Commission.

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MINUTES

Mr. Bradley made a motion to approve the minutes of the regular meeting of December 10, 2018 and Ms. Masse seconded. On a voice vote the minutes were approved.

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

In favor: Bradley, Masse, Kraft
Opposed: None
Abstentions: None

The motion carried.

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PUBLIC COMMENT

Mr. Kraft 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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OTHER DISCUSSION ITEMS

Chairman Kraft welcomed the new members to the board.

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ADJOURNMENT

There being no additional business to come before the Board, Chairman Kraft adjourned the meeting at 8:06pm. The next regular scheduled meeting of the Planning Board will be held on **Monday, February 11, 2019 at 7:30PM** at the Garabrant Center, 4 Wilson Street, Mendham.

Respectfully submitted,

Kimberly A. Coward

Kimberly A. Coward
Acting Recording Secretary