

2021
TOWN OF PHILLIPSBURG HISTORIC PRESERVATION
ADVISORY COMMISSION BY-LAWS

1. Establishment of Rules of Procedure:

- a. Pursuant to the provisions of N.J.S.A. 40:55D-107 et seq., the Town of Phillipsburg Historic Preservation Advisory Commission (hereafter "Commission") is hereby established and created.
- b. The By-Laws and Rules of Procedures of the Commission are hereby established effective February 25, 2018.
- c. These By-Laws may be amended at regular meetings of the Commission. They shall be reviewed, discussed and passed at two consecutively scheduled meetings. The present By- Laws and proposed amendments must be given to the members prior to the meetings where they are going to be discussed and then read out loud to the members at both scheduled meetings. If there are more than 5 major changes to the By-Laws, the provision to read them out loud at the meetings may be waived by a simple majority vote of the members in attendance at the meetings. The motion to approve an amendment must pass by as 2/3 majority vote of the members present at the meetings where the amendments are discussed. A revised, dated copy of the By-Laws shall be kept in the Secretary's file at all times. The By-Laws can be reviewed at any time, but a formal review must not be longer than three years after the last revision.

2. Open Public Meetings Act: All meetings of the Commission shall be held in compliance with the Open Public Meetings Act, Ch.231, P.L. 1975.

3. Meetings: The Commission shall meet once a month, on the third Thursday of the month, at 3:30 PM, unless another date or time have been adopted by the Commission and notice given according to law. The Chairman may call a special meeting as required, upon proper compliance with the Open Public Meetings Act.

4. Notice of Meetings: Notice of regular meetings shall be published once each year in the local newspapers, covering all regularly scheduled meetings beginning in February of that year through January of the following calendar year. Special or rescheduled meetings shall be published individually in local newspapers as required by law.

5. Agenda of Meeting: The Chair or Vice Chair and the Secretary, shall set the "Agenda". The agenda, copies of the minutes and all other documentation shall be distributed so that they are available to members of the Commission no later than five (5) days prior to the meeting.

6. Place of Meetings: The Commission shall meet in the Phillipsburg Free Public Library, 200 Broubalow Way, Phillipsburg New Jersey unless the Commission gives notice of a different location according to law.

- 7. Organizational Meeting:** Each year, the January meeting of the Commission shall be its organizational meeting. At that meeting, the Commission shall:
- a. elect a Chair and Vice-Chair from its members:
 - b. select a Secretary who may or may not be a member of the Commission or a municipal employee:
 - c. employ, contract for, and fix compensation of experts and other staff and services as deemed necessary; obtain legal counsel from the Planning Board Attorney or other authorized attorney approved by the Town Council.
 - d. expenditures shall not exceed, exclusive of gifts, grants or other sources of self-generated revenue, the amount appropriated by the governing body for the Commission's use and shall be in accordance with the Local Public Contracts Law:
 - e. the Town Council shall make provision in its annual budget and appropriate funds for the expenses of the Commission:
 - f. set escrow and application fee schedules necessary to reimburse the Commission for costs incurred pursuant to code 625-105 B (2).
- 8. The Commission:** The Commission shall consist of seven (7) regular voting members (no alternates). One (1) shall be designated Class A and two (2) shall be designated Class B. The remaining four (4) regular members shall be designated as Class C. All shall serve without compensation, except Commission members shall be reimbursed for reasonable and necessary expenses incurred in the performance of official business within the guidelines of the budget established by the Town Council. Commission members shall be appointed solely by the Mayor. Each Commission member shall be appointed for a term of four years:
- a. Class A: A person knowledgeable in building design and construction or architectural history and who may reside outside the municipality; and
 - b. Class B: Two members who are knowledgeable of, or with a demonstrated interest in, local history and who may reside outside the municipality; and
 - c. Class C: Four regular members who are not designated Class A or Class B shall be designated as Class C. Class C members shall be citizens of the municipality who shall hold no other municipal office, position, or employment, except for membership on the Planning Board.

9. Responsibilities:

A. Powers and duties. The powers and duties of the Commission are as follows:

- a) Prepare and regularly update a survey of historic sites in the Town of Phillipsburg and recommend the establishment and boundaries of historic sites and districts where appropriate to the Planning Board and Town Council:
- b) Prepare the necessary supporting documentation for nominating eligible properties for designation to the State and/or National Registers:
- c) Prepare and maintain guidelines for appropriate architectural designs applicable to the exterior appearance of new construction and for the renovation, alterations, enlargement, or other change to the exterior of structures that are located on an historical property which has been designated an historic landmark:
- d) Make recommendations to the Planning Board on the historic preservation plan element of the Master Plan and on the implications for preservation of historic sites of any other Master Plan elements:
- e) Advise the Planning Board and Town Council on the inclusion of historic sites in any recommended capital improvement program:
- f) Advise the Planning Board on applications for development pursuant to 625-108:
- g) Carry out such other advisory, educational and informational functions that promote historic preservation in the Town, such as providing public education regarding the benefits of historic preservation to individual property owners and the community at large.

B. Compatibility with other agencies:

☐ The responsibilities, powers and duties of the Commission shall not conflict with or supersede the powers and duties of any other board or agency within the Town of Phillipsburg.

☐ The Planning Board shall refer to the Commission every application or development submitted to the Board for development in historic zoning districts or on historic sites designated on the Zoning Map or identified in any component element of the Master Plan (see code 625-105 B2 for further details)

10. Regular attendance at meetings: Regular attendance at meetings of the Commission is expected of all members. No member should miss more than two (2) consecutive regularly scheduled meetings of the Commission, or four (4) meetings total during any one calendar year, unless due to illness or some other uncontrollable event.

- 11. Conduct of the Meeting:** The Chair shall preside at all meetings. In the absence of the Chair, the Vice-Chair shall preside. In the absence of both, the Chair shall designate a member to preside. A quorum shall consist of four (4) members. All decisions of the Commission shall be by majority vote of those voting; absence shall be counted as "not voting."
- 12. Minutes:** All public proceedings of the Commission shall be recorded on audio tape. The Secretary shall maintain the tape as a public record and shall make it available for listening to any member of the public during normal business hours. Copies of the tape shall be furnished on request at the cost of making a reproduction. The Secretary shall be designated to prepare written summary minutes of each meeting. In case of a difference between the written summary minutes and the audio tape, the tape recording shall govern.
- 13. Continued Hearing.** Where a matter is continued from one meeting to a later one, members absent from the prior meeting may vote, provided that they state on the record that they have listened to the tape of the prior meeting and feel that they are fully familiar with the proceedings that they missed.
- 14. Conflict of Interest:** No member of the Commission shall be permitted to act on any matter in which the member has, either directly or indirectly, any personal or financial interest, and all members shall disclose to the Commission any such personal or financial interest. By way of example, and without limiting other examples, a member shall be deemed to have a personal interest in a matter if it involves a property adjacent to property owned by the member or someone related to his or her immediate family. A member should not participate in a matter where there is no actual conflict of interest, but a reasonable appearance of such a conflict.
- 15. Annual Training Session:** Each member of the Commission should attend at least one program per year on a subject relevant to the work of the Commission.
- 16. Applications:** Matters requiring review by the Commission shall be accompanied by a written application, on a form as set forth in Appendix A to these by-laws. Ten copies of the completed application shall be submitted to the Secretary at least ten (10) days before the scheduled meeting at which the application is to be heard, or such later date as specified by the Secretary that will not delay circulation of applications to members of the Commission in accordance with By-Law #22.
- 17. Order of Presentations:** Applicants shall normally be heard in the order the applications were received by the Secretary, except that, upon reviewing the agenda, the Chair may determine that one or more applications present minor proposals that can be disposed of quickly or, alternatively, that one or more proposals are sufficiently large, complicated, or difficult that extended consideration will be necessary. Where this is the case, the Chair may re- order the agenda to the simpler applications first, so that the least number of applicants will be inconvenienced by a lengthy wait to be heard.

- 18. Supporting Information:** Each application shall be accompanied by plans, sketches, materials specifications and written description sufficient that members may understand the work that is proposed to be approved. If the application is not accompanied by such information, the Commission may find that the application is not complete and may decline to hear it. The applicant shall bring to the meeting of the Commission (but need not attach to the application) original photographs showing present condition of the property and actual materials samples that are proposed to be used.
- 19. Special Rule for Siding Applications:** Where the application involves a proposal to replace or cover existing siding of a structure, both the owner of the property and either the contractor or architect must be present at the meeting.
- 20. Opportunity to be heard:** Each applicant shall be given an opportunity to describe the proposed work, to present information from the contractors or other relevant persons, and to respond to questions from the members of the Commission. Members of the public shall also be heard, but the Chair may, in its discretion, limit the number of speakers or the length of each presentation to prevent duplicative or unnecessarily prolonged proceedings. All presentations shall be informal, un-sworn, and without application of the Rules of Evidence.
- 21. Review by Chair: Appointment of Subcommittee:** Before applications are circulated to the members of the Commission, the Planning Board Planner may consult with the Chair to determine whether any of the applications would benefit from subcommittee review. If, in the judgement of the Chair, the application is complicated, unclear or might otherwise benefit from informal consultation with members of the Commission in advance of the meeting, the Chair may designate up to two (2) members to serve as a subcommittee to report on the application. The subcommittee may consult with the applicant or take further steps as it thinks appropriate but shall not have the power to bind the Commission nor delay hearing the application at the regularly scheduled meeting.
- 22. Distribution of Applications - Viewing Sites:** Completed applications shall be distributed so that they are available to members of the Commission no later than five (5) days prior to the meeting at which they are to be heard. Members shall make an effort to personally observe, from the street, the site of each application so that the work proposed can be evaluated in terms of the streetscape of the Historic District.

23.Special Expertise: When, in connection with any of its duties, the Commission finds that it requires the assistance of expertise that cannot be supplied by members of the Commission, the Commission shall communicate its needs to the Mayor and Council and shall:

- o ask for authority to retain such consultants as are necessary,
- o seek volunteers or financial support from other groups as it deems appropriate
- o but shall not commit the Town of Phillipsburg to compensate any such consultants unless specifically authorized by the Mayor and Council.

24.Decision by the Commission: On completion of each presentation, the Commission shall discuss the application and reach a decision, in the presence of the applicant. The decision shall be explained to the applicant orally and the decision shall be recorded in the Summary Minutes.

25.Lapsed Applications: A decision on an application may be deferred by agreement with the applicant so that the applicant can supply:

- o additional information to the Commission, or
- o prepare a revised proposal, or o for any other reason.
- o Where the applicant neither:
 - o supplies the information, o revises the proposal,
 - o takes whatever action was intended,
 - o nor advises the Commission that he or she wishes to have a decision made based on the application as originally submitted and heard, it shall be determined that the applicant had not taken the appropriate action, therefore the application shall be deemed to have lapsed and have been withdrawn.

Thereafter, a new application must be prepared that permits the Commission to consider the application at the second regularly scheduled meeting after the meeting at which the application was deferred. For example, an application originally considered in April and deferred so that the applicant can revise the proposal shall lapse if the revised proposal is not presented to the Commission in time to be considered at its June meeting.

12 HISTORIC PRESERVATION ORDINANCE - CHAPTER 625/ARTICLE XXI -
MUNICIPAL LAND USE LAW of the STATE of NEW JERSEY (N.J.S.A. 40:55D-2 st. sec) t seq.)

- a. As revised by the Town of Phillipsburg Historic Preservation Advisory Commission, January 16, 2025
- b. As revised by the Town of Phillipsburg Historic Preservation Advisory Commission, October 11, 2023
- c. As revised by the Town of Phillipsburg Historic Preservation Advisory Commission, March 9, 2022
- d. As revised by the Town of Phillipsburg Historic Preservation Advisory Commission, August 9, 2021
- e. As adopted by the Town of Phillipsburg Historic Preservation Advisory Commission, February 26, 2018



John F. Kingfield, Chairman
Phillipsburg Historic Advisory
Preservation Commission



Date

Voting in favor of the motion to adopt the Amendments to the revised By-Laws, January 16, 2025:

John F. Kingfield, Chaiman
Robert Ellwood, Vice Chairman
Bernard J. Rooney
William E. Hann, Jr.
Wayne Sherrer
Douglas Mace

Absent: Kenneth Miller