

2018
TOWN OF PHILLIPSBURG
HISTORIC PRESERVATION COMMISSION
BY-LAWS

1. **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.
2. **Meetings.** The Commission shall meet once a month, on the 2nd Monday of the month, at 6:30PM, unless another date or time shall have been adopted by the Commission. The Chair may call a special meeting as required, upon proper compliance with the Open Public Meetings Act.
3. **Notice of Meetings.** Notice of regular meetings shall be published once each year in the *Express-Times*, 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 the *Express-Times* as required by law.
4. **Place of Meeting.** The Commission shall meet in the Municipal Building at 120 Filmore Street, Phillipsburg, NJ 08865.
5. **Organizational Meetings.** The January meeting of the Commission shall be its organizational meeting. At that meeting, the Commission shall elect a Chair and Vice-Chair, establish the schedule of meetings for the year, and adopt its by-laws.
6. **Officers of the Commission.** The Commission shall elect from among its members a Chair, and Vice-Chair who shall serve from the meeting at which they are elected until the election of officers at the organizational meeting of the next year. Officer vacancies shall be filled by election at the first meeting of the Commission after the vacancy occurs, and the newly elected officer shall serve until the next organizational meeting. Unless the Commission shall vote to make different appointments, the Planning Board Planner shall serve as Secretary to the Commission; in accordance with the Municipal Land Use Law, the Planning Board Attorney shall provide legal advice to the Commission as required.
7. **Regular attendance at meetings.** Regular attendance at meetings of the Commission is expected of all members. No member should miss more than two consecutive regularly scheduled meetings of the Commission, or four meetings total during any one calendar year, with or without cause.
8. **Annual Training Session.** Each member of the Commission (including alternates) should attend at least one program per year on a subject relevant to the work of the Commission.

9. **Conflict of Interest.** No member of the Commission shall participate in a matter in which the member has a 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.

10. **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.

11. **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 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 #14.

12. **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.

13. **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 or 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.

14. **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.

15. **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 five (5) members. All decisions of the Commission shall be by majority vote of those voting; absence shall be counted as “not voting.”

16. **Role of Alternate Members.** Alternate members may participate fully in any meeting of the Commission, but may constitute part of the quorum and vote only if replacing an absent member, as provided by Municipal Land Use Law.

17. **Continued Hearing.** Where 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

18. **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 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, unsworn, and without application of the Rules of Evidence.

19. **Special rule for Siding Application.** Where the application involves a proposal to replace or cover the existing siding material of a structure, both the owner of the property and either the contractor or architect must be present at the hearing.

20. **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.

21. **Special Expertise.** Where, 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 ask for authority to retain such consultants as are necessary. The Commission may also seek volunteers or financial support from other groups as it deems appropriate, but shall not commit the Town of Phillipsburg to compensate any such consultants unless specifically authorized by the Mayor and Council.

22. **Decision by the Commission.** Upon 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.

24. **Lapsed Applications.** A decision on an application may be deferred by agreement with the applicant so that the applicant can supply additional information to the Commission, or prepare a revised proposal, or for any other reason. Where the applicant neither supplies the information, revises the proposal, takes whatever action was intended, nor advises the Commission that he or she wishes to have a decision based on the application as originally submitted and heard, the application shall be deemed to have lapsed and have been withdrawn. Thereafter, a new application must be prepared in order for the matter to be considered by the applicant has not taken appropriate action 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.

As adopted by the Town of Phillipsburg Historic Preservation Commission, February 26, 2018

A handwritten signature in blue ink, appearing to read "Angela Knowles", is written over a horizontal line.

Angela Knowles, PP/AICP
Acting Secretary to the Commission