

BY-LAWS OF THE PLAINFIELD HISTORIC PRESERVATION COMMISSION
(HPC)

Article I – Purpose and Construction

101. The purpose of these By-Laws is to establish a guide for the operation of the Plainfield Historic Preservation Commission (“the HPC” or “the Commission”). All previous HPC By-Laws shall be deemed repealed upon the adoption of these By-Laws.
102. These By-Laws shall be deemed supplementary to, and guided by, all applicable laws of New Jersey, and all applicable sections of the Plainfield City Code, particularly §17:4-1 et seq. and §17:10-1 et seq. The Commission shall exercise the powers provided by §17:4-12.
103. These By-Laws shall be construed liberally toward the goals of (a) preserving and enhancing the historic character, characteristic architecture and attractiveness of the City and its historic districts, and of (b) facilitating the ability of property owners and professionals to do so, in as timely, efficient and cost-effective a manner as possible.

Article II – Officers and Their Duties

201. A Chairperson and Vice-Chairperson shall be elected annually, at the organizational meeting, by a majority vote of the Commissioners then serving and present. They shall serve for that calendar year, and until the qualification of their successors, except that they shall not preside at the next organizational meeting until elected.
202. The Commission shall appoint its Secretary and Historic Preservation Consultant, at the annual organizational meeting, and fix their compensation. They shall serve for the rest of the calendar year, and until their successors are appointed. They shall not be Commissioners themselves, and need not be residents of Plainfield.
203. The Chairperson, or in his/her absence the Vice-Chairperson, shall preside at all meetings of the Commission. The Vice-Chairperson shall also preside if, in hearing a case, the Chairperson recuses him/herself, due to conflict under Rule 206, or any other reason. In the event that both of them are unavailable to preside over a case that must go forward, the members present shall elect one of themselves to serve as Chairperson Pro Tempore.
204. The Secretary, at the direction of the Commission, shall conduct and maintain all official correspondence of the Commission, keep a record of its hearings and other official actions, and perform all other duties required by law, by Ordinance, or by these By-Laws. The Secretary shall also arrange for the publication of notices required to be published, either before or after a hearing, and to produce proof of same, when requested to do so.
205. The Secretary, at the direction of the Commission, shall notify the Mayor of any vacancies occurring on the Commission, including alternates, and shall request appointment of one or more new Commissioners.
206. No member or alternate member of the Commission shall be permitted to act on any matter in which he/she has, directly or indirectly, any personal or financial interest. Where a property which is the subject of a case is within 200 feet of a Commissioner’s own property, measured by their closest points, as disclosed by the records of the Tax Assessor, that member shall recuse him/herself from that case. This shall not however prohibit a Commissioner from taking a position on a case, and addressing the Commission as any member of the public could do, in his/her role as a property owner, a neighbor, or a member of a Historic District. Nothing in these By-Laws shall prohibit a Commissioner from

pursuing an Application regarding his/her own property, or from advocating for or against creation or expansion of a Historic District.

207. Three unreported absences from meetings, or a total of five absences from meetings, within any 12-month period, shall be grounds for removal of a Commissioner from office. "Unreported" shall mean that the member did not report in advance that he/she would be absent, and did not give a reason. Any Commissioner, by motion made at a regular or special meeting, may request that the entire Commission consider whether or not to recommend the removal of a Commissioner, due to unexcused absences. If the motion passes, then the Commissioner in question shall be notified by the Secretary of the Commission's action, and requested to appear at the next regularly scheduled meeting, to discuss why removal should not be recommended. The question of whether a Commissioner's absences should be deemed unexcused shall be put to a vote of the Commission, in executive session. At least three members, excluding the one whose attendance record is in question, shall constitute a voting quorum for this purpose. An excused absence may be, but is not limited to, a personal or family illness or emergency, or a substantial, non-recurring, work or business commitment. If the Commission finds by majority vote that a member has had three unexcused absences from meetings, or a total of at least five absences, then the Commission may authorize its Secretary to so inform the Mayor, to recommend that member's removal, and to seek appointment of a replacement.

Article III - Meetings

301. Regular meetings of the Commission shall ordinarily be held on the fourth Tuesday evening of each month. However, they may be moved up or moved back a week, when appropriate, and be thus shown on the Commission's annual calendar, particularly to avoid holidays.

302. The Commission shall hold its organizational meeting each January, on the date specified in the adoption of the previous year's meeting schedule. Reorganization shall be the first order of business, after roll call. If for any reason it cannot be held at that time, due to inclement weather, public emergency, or failure of the City Council to appoint or reappoint members, the organizational meeting may be delayed, either to the February meeting, or at the discretion of the previous year's Chairperson, to the first available feasible date.

303. In the event of little or no business, inclement weather, or public emergency, the Chairperson may, at his/her discretion, dispense with any meeting. The Secretary shall give notice of meeting cancellation, within 24 hours of the Chairperson's direction to do so, to all affected Applicants or their representatives, all Commissioners, and to any other public official, member of the press, or member of other Boards and Commissions, who has requested to be informed of such a decision. Notice shall also be posted, as soon as possible, in the offices of the City Clerk and the Division of Planning, and at the entrance to the room where the meeting was to be held.

304. Special meetings may be called by the Chairperson, when in his/her discretion the amount of Commission business, or the importance of a particular matter, so dictates. Notice of such a meeting shall be given as required by the Open Public Meetings Act, and shall also be posted, as soon as possible, in the offices of the City Clerk and the Division of Planning, and at the entrance to the room where the meeting is to be held.

305. Attendance by any five or more Commissioners shall constitute a meeting quorum. On all Resolutions required to be made by motion, a record of the vote of each Commissioner, and notation as to who made and seconded any motion, shall be kept as a part of the Minutes. The record of each meeting shall include the names and addresses of all Applicants and their witnesses, and of all persons who appeared and spoke, or introduced evidence, before the Commission, and these shall be recited in the Minutes. A detailed description of the action taken by the Commission, along with its findings, and the reasons therefor, shall also be a

part of the Minutes. The Minutes of every regular meeting and special meeting of the Commission shall be kept and posted on the City website, once prepared and approved at a subsequent Commission meeting, and shall also be available for public inspection, during normal business hours, in the office of the Division of Planning.

306. Alternate members shall be designated as "Alternate No. 1" and "Alternate No. 2", in order of their date of appointment by the Mayor and upon advice and consent of the City Council. If any Commissionership is vacant, or when any Commissioner is not in attendance at a meeting, or has recused him/herself, Alternate No. 1 shall be qualified to vote upon any Resolution. If there is more than one vacancy, absence or recusal, Alternate No. 2 shall also be qualified to vote upon any Resolution. Abstentions shall not be cause to qualify an Alternate Member to vote. However, even when not eligible to vote, Alternate Members shall be counted towards a meeting quorum, and shall be entitled to participate fully in hearings and discussions. Throughout these By-Laws, the term "Commissioner" shall include Alternate Members, except when one or both of them cannot vote on a particular matter.

307. Five Commissioners shall constitute a quorum, sufficient to proceed with a meeting. In the event of recusal, abstention, or absence from one or more meetings at which a matter was heard but not voted upon, three Commissioners shall constitute a voting quorum. Where a hearing on a particular case extends over two or more meetings, and any Commissioner has been absent from any of them, that Commissioner is nonetheless eligible to vote, if he/she first hears the sound recording of such meeting, or reads a transcript thereof, and certifies in writing that he/she has done so. Whenever an Alternate is eligible to vote on a matter, he/she shall also be deemed eligible to make or second a motion.

308. The order of business of all regular meetings of the Commission shall be as follows: (a) oral statement of compliance with the Open Public Meeting Act; (b) roll call; (c) approval of minutes of previous meetings; (d) unfinished business carried from a previous meeting; (e) new business; (f) discussion items regarding standing committees and projects underway or planned; (g) communications and miscellaneous business; and (h) adjournment. The Chairperson shall have the discretion to take particular matters out of turn, when appropriate to serve the convenience of the participants therein.

309. Meetings shall commence at 7:30 p.m. or as soon thereafter as possible, and shall terminate not later than 11:00 p.m. Agenda matters not reached or not concluded by 11:00 p.m. will be carried to the next available meeting which the Chairperson and the Applicant agree is mutually convenient, unless by majority vote of Commissioners participating, the Commission decides to grant additional time, in increments of 15 minutes.

310. Robert's Rules of Order, latest available edition, shall ordinarily govern all matters of procedure, particularly those requiring motions and votes.

311. Presentations by Applicants and Objectors, before questions and discussion from the Commissioners, shall not exceed 15 minutes. Objectors, and other members of the public who wish to ask questions or speak on pending matters, shall ordinarily be allowed to address the Commission only after the Commissioners complete their questioning of Applicants and witnesses. However, the Chairperson shall have the discretion to let them speak out of turn, when doing so will serve the goal of creating a clear, orderly and concise record.

312. Public comments, including presentations by Objectors, shall be limited to 5 minutes per person.

313. Work sessions will be held at the discretion of the Chairperson. These need not be announced pursuant to Rule 304, as long as no official action will be taken.

314. The Secretary, or in his/her absence the Chairperson, shall review the proof of notice to neighboring property owners, which is to be supplied by an Applicant before or at the hearing on his/her case, and determine whether it is sufficient. If it is not, the case shall not proceed, and the Applicant shall be instructed to provide new notice to those entitled to receive it. Ordinary mail, and personal delivery as shown on a list of persons to whom given by the Applicant, are acceptable methods of giving notice, and certified mail, though acceptable, is not required.

315. It shall not ordinarily be required for Applicants, their witnesses, or anyone else who wishes to address the Commission, to be first placed under oath. The Chairperson shall have the discretion to require oath or affirmation, if requested by any person to do so, but only if either the Chairperson or some other person present has the authority to administer oaths.

316. Rules of evidence, and procedures for qualifying expert witnesses or making exhibits admissible, as would be done in court, do not ordinarily apply at Commission meetings.

317. The Commission may go into executive session, under the circumstances and in the manner prescribed by the Open Public Meetings Act, N.J.S.A. 10:4-12 and -13.

318. Where the Secretary, Planning Staff or Chairperson are required or allowed by any of these By-Laws to give notice or transmit documents to the Commissioners, or when any of the Committees report back to them on any matter, it shall ordinarily be done by electronic mail. Any Commissioner so requesting shall be entitled to telephone notice instead.

Article IV - Applications

401. An Applicant for a Certificate of Appropriateness (a "CA") shall file an Application with the Commission's Secretary, at the office of the Division of Planning at City Hall. The Application shall be made on a form provided by the Division of Planning, with extra sheets where pertinent, and shall include (a) a written description of the project and explanation of proposed work, (b) the street address involved, with block and lot number, (c) any relevant plans, surveys, sketches, photographs, cut sheets and product literature, (d) identification of individual windows, doors and other structural and visual elements sufficient to allow meaningful Commission review, and (e) any other information which the Applicant wishes the Commission to consider, or which the Chairperson specifically requests. The Planning Staff shall determine whether an Application as submitted is sufficiently complete to proceed, may request a decision from the Chairperson as to completeness, and may require further detail from the Applicant, professional representative or contractor, before scheduling the Application or distributing the relevant paperwork to the Commission.

402. The Secretary shall transmit to the Commissioners all papers and other materials submitted by an Applicant and deemed complete, in time for them to be received by the Commissioners not later than the Friday preceding a Tuesday meeting.

403. The Commission shall hold a public hearing on each Application for a Certificate of Appropriateness, at the next available meeting. The hearing shall, if possible, be held within 45 days after receipt of an Application deemed complete by the Secretary.

404. If a hearing cannot be held within 45 days of receipt of a complete Application, or if a hearing is held but cannot be finished within that time, the Applicant or Applicant's attorney or other agent shall be asked to consent to an extension of time, running at least to the next Commission meeting, to allow the Application to be fully heard and decided. This shall be done orally if at a meeting,

or by letter, if no meeting has been or can be held within 45 days. If the Applicant, attorney or agent does not consent to such an extension of time, the Commission may proceed to deny the Application, without prejudice, and the Chairperson may do so administratively.

405. All Applications must be filed no later than 14 calendar days prior to the public hearing date requested. If deemed incomplete by Planning Staff, the 14 days shall again start running, from the date on which the omitted materials are filed.

406. At the time of the public hearing, the Applicant may appear in his/her own behalf, or be represented by an attorney of this State, or an agent, such as a contractor, architect, or family member. Proof of agency, other than for an attorney, shall be provided on a form available from the Division of Planning, and shall be filed with the Application.

407. Each Decision on any Application for Certificate of Appropriateness shall be in writing, and shall include findings of facts which the Commission deems significant, along with any necessary conclusions of fact and of law.

408. A copy of the Decision shall be mailed by the Secretary, within ten days of the date of the Decision, to the Applicant and to the Applicant's attorney or agent, if any, without separate charge. A copy of the Decision shall be filed by the Secretary in the office of the Division of Planning. The Secretary shall make a copy of any Decision, once signed by the Chairperson, available for public inspection at the office of the Division of Planning, during office hours. The Secretary shall also make it available to any interested party, for a reasonable fee, as set by ordinance.

409. When either the Planning Board or the Zoning Board of Adjustment refer Applications to the Commission, because they affect properties within the Historic Districts or individually landmarked, or otherwise affect historic preservation policies, all of these By-Laws shall apply, as fully as possible, as though the referred matter had been on the Commission's agenda independently.

410. When the Commission hears informational applications made by any interested property owner, attorney, agent or contractor, Articles III and IV of these By-Laws shall generally not apply, and they may proceed in an informal manner.

Article V – Counsel

501. If the Commission deems it appropriate to retain legal counsel, for any particular case or for any other purpose, it shall first determine whether this can be done without providing compensation. If compensation to an attorney would be necessary, the Commission may by Resolution request Corporation Counsel to undertake its representation, or may by Resolution request authorization to use outside counsel, and funding, from the City Council, pursuant to City Code §17-4-7. If for any reason one or more Commissioners need to be given individual legal representation, the same rule shall apply.

Article VI - Fees

601. Fees shall be paid by the Applicant at the time of filing the Application, in accordance with sections 1:1-15 and 17:13-2 of the Municipal Code. Such payment shall be required before Planning Staff shall deem the Application complete.

Article VII - Records

701. A file of all materials and decisions relative to each case resulting in a Decision shall be kept in the office of the Division of Planning. After five (5) years from the date thereof, these records need not be retained.

702. All records of the Commission shall be public records, within the meaning of the Open Public Records Act.

703. Planning Staff shall maintain an informational and reference file in the office of the Division of Planning, and shall make it available to any Commissioner upon request.

Article VIII - Committees

801. There shall be an Architectural Review Committee ("ARC"), the members of which shall be Commissioners willing to serve, appointed by the Chairperson at the annual organizational meeting, or from time to time as needed. The ARC shall consist of the Chairperson and three other members, but it shall be sufficient that any two of these consider the request, view the property in question, and communicate to the others, and to Planning Staff, their view of the matter at hand. It is not necessary that they do so at the same time.

802. The ARC may be requested to view properties in Historic Districts, or individually designated as historic sites, when a property owner or contractor (a) requests permission to make repairs or demolish structures, for reasons sufficiently emergent that they cannot wait for the next available meeting, or (b) requests permission to make repairs or install materials which are replacements for materials and features already present, and are sufficiently similar, being "like for like", to obviate the need for a CA hearing. If the ARC members deem it highly likely that the full Commission would formally approve the proposal on one of these grounds, they may determine that a CA should not be required. The Planning Staff, or the Chairperson, shall consider requests for ARC action as an alternative to scheduling a regular hearing, and shall decide whether to refer it to the ARC, in which case they shall distribute the materials submitted by the Applicant. The Chairperson shall have the responsibility of determining whether the ARC's advice should be adopted and followed by Planning Staff, in advance of the next meeting. The full Commission shall retain the power to affirm or deny such a decision, at the next meeting, and it shall therefore be immediately placed on the agenda.

803. Special committees may be appointed by the Chairperson, for purposes and for terms determined by him/her, or approved by the Commission.

804. The Chairperson shall designate him/herself, or another Commissioner, to attend City Council, Planning Board and Zoning Board of Adjustment meetings, when appropriate due to business, relevant to the Commission, which is expected to be conducted there.

Article IX – Adoption and Amendments

901. In accordance with the authority granted by Sections 3:11A-1 and 17:4-1 of the Plainfield Municipal Code, the foregoing rules and regulations were adopted by the Historical Preservation Commission on July 26, 2016. These By-Laws may be amended by a two-thirds (2/3) vote of the membership of the Commission present at a meeting where a proposal to do so is an agenda item, and for which proper notice to the public has been given in advance.

Dated: July 26, 2016



WILLIAM H. MICHELSON, Chairman
Plainfield Historic Preservation Commission