

# **STATE OF NEW JERSEY REVIEW BOARD FOR HISTORIC SITES BY-LAWS**

## **Article I**

### **Purpose**

The responsibilities of the State Review Board for Historic Sites ("Board") are prescribed in the Federal Regulations, 36 CFR 60, 36 CFR 61), and the State Administrative Code N.J.A.C. 7:4-2 et. seq. They include but need not be limited to the following:

1. Reviewing nomination forms or documentation submitted with the nomination forms, and any comments concerning a property's significance and eligibility in order to (a) determine whether or not the property meets the New Jersey & National Register Criteria for Evaluation, [N.J.A.C. 7:4-2.3 & 36 CFR 60.4]; and (b) recommend that the State Historic Preservation Officer ("SHPO") accept or reject the proposed nomination for inclusion of the property in the New Jersey and National Registers of Historic Places;
2. Participating in the review of appeals of nomination decisions complying with 36 CFR 60.12, and providing written opinions as requested on the significance of the properties;
3. Providing advice to the New Jersey Historic Preservation Office about documentation submitted to the National Park Service in conjunction with the Historic Preservation Fund, including, but not limited to, grant applications, end-of-year reports, and the State comprehensive historic preservation planning process;
4. Providing general advice, guidance and professional recommendations to the State Historic Preservation Officer ("SHPO") in carrying out the duties and responsibilities of the SHPO as listed in 36 CFR 61.4.

## **Article II**

### **Membership**

1. The Board shall consist of at least five persons who must demonstrate competence, interest or knowledge in historic preservation. A majority of Board members must be

- recognized professionals in preservation-related fields. Each such professional must have the specific professional qualifications outlined in 36CFR 61.4. At a minimum, the Board must include one professional meeting the specific professional qualifications in each of the following disciplines: history, prehistoric archeology, historic archeology, [architecture,] and architectural history.
2. Members of the Board shall be appointed for a term of three (3) years by the SHPO. Members may continue to serve after the expiration of their terms, until their own reappointment or the appointment of their replacement. Additional Board members representing the [five] disciplines outlined in 36 CFR 61.4 or other professional disciplines may be appointed as needed at the SHPO's discretion.
  3. The SHPO shall certify annually to the Secretary of the Interior that the Board members meet the minimum requirements outlined above in accordance with 36 CFR 61.4 (e, f).
  4. The Board may recommend that the SHPO request the resignation of any member who fails to attend three (3) consecutive meetings.

## Article III

### Meetings

1. Meetings of the Board are open to the public and conducted according to the Open Public Meetings Act, N.J.S.A. 10:4-6 et seq. Notices of meetings are provided to the Secretary of State and are posted [appear] on the web[ ]site of the NJ Historic Preservation Office at [www.dep.nj.gov/hpo](http://www.dep.nj.gov/hpo).
2. The Board shall meet at least once a year. Additional meetings may be held as necessary but no meeting shall be scheduled unless a majority (quorum) of the membership is planning to attend. Emergency meetings may be called by the Chair upon notice of five (5) working days.
3. A member may participate by telephone if that member cannot be physically present
4. In making decisions, the Board must have access to the expertise and information necessary to make objective professional judgments. In order to facilitate this access, the staff of the Historic Preservation Office shall send all necessary materials regarding the Board's agenda to each member of the Board three weeks prior to the date of the scheduled meeting. Such materials shall include, but not be limited to, copies of the National Register nominations, photocopied photographs and all other relevant information that will be presented.

5. National Register nominations ordinarily shall be presented to the Board at a scheduled meeting in the form of a brief oral report augmented by color slides. At the discretion of the chair, a consent list of nominations for individual property listings (not historic districts) that require no changes may be very briefly presented and voted on with no further discussion.
6. The Board shall review nominations for completeness, accuracy and fulfillment of the Criteria for Evaluation for inclusion of properties in the New Jersey & National Register of Historic Places as set forth by the NJAC 7:4-2 & 36 CFR 60.4.
7. The public has the right to comment on a nomination during its presentation on the condition that comments be confined to the items specified in Section 5 of this Article, above. Such public comment at Board meetings is directed by guidelines that are attached to these By-Laws as an Addendum.
8. After the close of the Board's discussion of a nomination, the Chair or her designee shall call for a motion to approve, conditionally approve, reject or table a nomination. Each member of the Board may vote yes, no or may abstain from voting.
9. A majority vote is required for approval. This shall be defined as more than half the votes cast at a legal meeting where a quorum is present. [A quorum is defined as a simple majority of the Board, provided each of the mandatory fields of professional expertise is represented as specified in Article II, Section 1 of these By-Laws.]
10. An applicant may request the opportunity to re-present a rejected nomination. Ordinarily, such a request will be granted [by the Board] only if there is a substantial amount of new material to justify a second re-presentation.
11. Minutes of all Board meetings shall be prepared by the staff of the Historic Preservation Office (HPO). Once approved, the minutes are signed by the Chair and maintained in the permanent files of the HPO.
12. The chair or acting chair are permitted to vote on all questions, and are not limited to the breaking of tie votes. The chair or acting chair may make or second motions, and may speak to the substance of any matter raised in discussion by the Board. Procedural questions not covered by these By-Laws shall be answered pursuant to Robert's Rules of Order.

## Article IV

### Officers

The Board shall elect a Chair and a Vice Chair whose term shall be three years in length. The election for these officers shall be held at the second meeting of each three-year term, or as needed.

# Article V

## **Conflicts of Interest**

Conflict of interest provisions developed by the National Park Service, United States Department of the Interior, state that no person shall participate in the selection or in the award or administration of a sub-grant, contract, or sub-contract assisted by Historic Preservation Fund grants; assist in the preparation of Federal Historic Preservation Tax incentives applications or National Register nominations; or participate in Review and Compliance cases if a conflict of interest, real or apparent, would be involved.

These provisions are directly applicable to the Board executing the functions outlined in 36 CRF 60 and 36 CFR 61. A “conflict of interest” exists when a person may benefit (either through financial or personal gain) from the position he/she holds on the Board or may be unable to make impartial decisions or render impartial advice due to outside relationships or other activities with other persons.

An “apparent conflict of interest” exists whenever circumstances are such that a person may appear to be in a position to benefit (either through personal or financial gain) from his/her Board position or appear to be unable to make important decisions or render impartial advice due to outside relationships or other activities with other persons. An apparent conflict exists when a person may appear to benefit from information generally available to the public. An apparent conflict of interest also exists when a person may appear to have an unfair competitive advantage because of his/her relationship with the SHPO organization. Accordingly, Review Board members will not be included on any list of qualified consultants distributed to the public by the SHPO.

When a real or apparent conflict of interest situation arises in the context of a Board meeting, the Board member must disclose the possible conflict and absent and recuse himself/herself from the decision-making process (including presentations and discussion) and neither vote directly, in absentia, nor by proxy in that matter. The recusal and the reasons therefore must be recorded in the meeting minutes, enabling those in a position to make a decision to be fully informed as to the possible conflict of interest of the person abstaining and recusing.

In order to protect themselves and the Historic Preservation Office from allegations of conflicts of interest or favoritism, Board members must take individual responsibility for evaluating their own financial interest or that of their family that relates directly, indirectly, or personally to their duties on the Board.

Board members should review the possibility of the existence of an apparent conflict of interest as defined herein. Should an application be transmitted for review which, from the member's evaluation presents a conflict of interest situation, the complete application shall be returned to

the Historic Preservation Office with the advice that the member is abstaining from the review because of a conflict of interest or the appearance of a possible conflict of interest.

The Historic Preservation Office and the Board shall be responsible for enforcing the above conflict of interest provisions. The Historic Preservation Office shall advise all Board members of these By-Laws and ask that all members stipulate in writing their receipt and comprehension of the conflict of interest standards.

The Historic Preservation Office will take appropriate remedial action with respect to any written allegations or evidence coming to its attention concerning the Board and will promptly advise the National Park Service of the status and ultimate disposition of any matter. Alleged violations of these conflict of interest provisions shall be made in writing to the Historic Preservation Office and must clearly state who was involved; the action or topic of discussion involved; the date of the action; and how the action violated the conflict of interest provisions.

All violations and/or formal allegations of violations of these Conflict of Interest By-laws, and any more stringent requirements of State Law, will be pursued according to the provisions of N.J.S.A. 52:13D-12 et seq. and any other applicable State law or administrative rules through the Department of Environmental Protections Ethics Officer and the Executive Commission of Ethical Standards.

## **Article VI**

### **Amendment of By-Laws**

These By-Laws may be amended by a two-thirds majority vote of the Board provided notice of the substance of the proposed amendment is given in writing to the members not less than 30 days before the next scheduled meeting.

*V:\nhr\hpo\Registration\State Review Board\SRB by-laws\Current by-laws\November 12 2015 by-laws*

### **Public Comment Guidelines**

1. Although the meetings of the Board are not public hearings, they are open to the public and are conducted according to the Open Public Meetings Act, N.J.S.A. 10:4-6 to N.J.S.A. 10:4-21. The purpose of the Act is "to ensure the right of citizens to have adequate advance notice of the right to attend meetings of public bodies at which any business affecting the public is discussed or acted upon in any way except in those circumstances where the public interest would be endangered or the personal privacy rights of individuals would be endangered." Nothing in the Act, however, shall be construed to limit the discretion of the Board to permit, prohibit or regulate the active participation of the public at any of the Board's meetings.
2. The Board will accept public comment on any nomination. However, that comment shall be restricted to facts that have **not** been included in the nomination application and may only address issues within the Board's jurisdiction in evaluating nominations. Subjects which the Board may not consider in its evaluation are economic issues, the physical condition of the building (except as it affects the building's architectural and historical integrity) or any other issue that does not directly address the New Jersey & National Register Criteria for Evaluation. The Board is purely an advisory body to the State Historic Preservation Officer and makes no final decisions regarding nominations at its meetings.
3. Anyone wishing to submit expert testimony relevant to a particular nomination in the form of reports or other written material must submit this material fourteen (14) days before the next scheduled Board meeting in order for there to be sufficient time to distribute copies to the Board's members and to permit them to read and absorb the information prior to the meeting.
4. Any expert report testimony or comment, whether oral or written, must include sufficient information to support the individual's qualifications as an expert. An expert is a person with specialized knowledge who can assist the Board in addressing issues within the Board's jurisdiction. Experts credential will be judged by the Board according to the National Park Services' Professional Qualifications Standards. It is within the Board's discretion to determine whether an individual is qualified as an expert. It is also within the Board's discretion to determine what weight an expert's report is given.
5. Because of the constraints of time during the Board's meetings, anyone wishing to make public comment must submit to the Historic Preservation Office an estimate of the time required for his or her presentation. The individual offering comment must strictly adhere to the time allotted for the presentation. It is the chair's discretion to

limit or terminate further comment. The amount of time requested must be reasonable and may be reduced prior to the meeting by the staff of the Historic Preservation Office.

6. In consideration of the time constraints on the Board, anyone wishing to make public comment shall have read the nomination concerned and must refrain from repeating any information contained within the nomination, or presented in previous testimony. This restriction is not meant to limit criticism or correction of information in the nomination or meaningful expansion upon it. In any case, the Chair reserves the right to limit the presentation of all material should the press of business at any particular meeting so require.
7. Nominations are generally heard alphabetically by County. It is a courtesy of the Board to hear nominations out of their order on the agenda in order to accommodate the needs of applicants and members of the public present at the meeting. Applicants and members of the public should advise the Chair of any particularly pressing time constraints at the beginning of the meeting, if possible, in order for the Chair to rearrange the items on the agenda for the day's meeting.
8. All public comment will be limited to the public comment portion of the Board's consideration of each item on the agenda. During the Board's deliberation on the merits of a resource, public comment will be limited to answering questions posed by the members of the Board. No public comment will be accepted once the Board initiates its vote on a motion.

---

Felipe Gorostiza, Chairman