**ORDINANCE 2023-03**

*Township of New Hanover*

*County of Burlington*

*State of New Jersey*

**AN ORDINANCE ESTABLISHING**

**THE NEW HANOVER TOWNSHIP HISTORIC COMMISSION**

**WHEREAS,** New Hanover Township was first established on December 2, 1673, and was incorporated as one of the original nine townships of Burlington County in 1798; and

**WHEREAS,** New Hanover Township Committee (“Committee”) wishes to honor and preserve the rich history of the Township by establishing the New Hanover Township Historic Preservation Commission; and

**WHEREAS,** the Committee is authorized by N.J.S.A. 40:55D-107 to establish a historic preservation commission; and

**NOW THEREFORE BE IT ORDAINED** by the Township Committee of the Township of New Hanover in the County of Burlington, State of New Jersey, that the New Hanover Township Historic Commission is hereby established as set forth herein:

**Section I. Purpose:**

1. Purpose

The purpose of this chapter is to safeguard the heritage of the Township of New Hanover, preserving the elements of the natural and built environment of the township, which reflects its cultural, social, economic and architectural history. The purpose is also to help stabilize and improve property values, foster civic pride, to protect and enhance the township's historic sites for residents and visitors, to support the maintenance and development of harmonious settings for the architecturally and historically significant sites within the township and to promote, support and stimulate the use of the historic sites for the education, pleasure and welfare of the citizens of New Hanover, its visitors, business and industry.

**Section II. Historic Preservation Commission:**

A. There is hereby created an Historic Preservation Commission in order to carry out the responsibilities set forth in this Ordinance and in N.J.S.A. 40:55D-107 through 40:55D-112, inclusive. In order to make available to the public information useful to the preservation and protection of historic buildings, places, landmarks and improvements, and provide the basis for consistency of policy in decision making, the Commission shall maintain complete files and records, including but not limited to data used in the classification of buildings, places and improvements, minutes of Commission meetings, records of applications for certificates of appropriateness and other matters, as well as information, materials and references submitted by the public relating to historic preservation. All Commission records and minutes shall be made public records as provided by law, and all Commission meetings shall comply with the Open Public Meetings Act, (N.J.S.A. 10:4-7 et seq.) Membership, appointments and terms, conflicts of interests and removal, officers, staffs and expenditures shall be as mandated by N.J.S.A. 40:55D-107 through 40:55D-112. The Commission shall adopt written bylaws and procedures for the transaction of its business and for the consideration of applications. The Commission shall be governed by Robert's Rules of Order. At least three members of the Commission shall constitute a quorum for the transaction of its business.

[B.](https://ecode360.com/8750247#8750247)Membership. The Commission shall consist of five regular members and no more than one alternate member. The members shall be divided into four classes with no more than two members living outside of New Hanover Township as follows:

[(1)](https://ecode360.com/8750248#8750248)Class A: one person who is knowledgeable in building design and construction or architectural history and who may reside outside of New Hanover Township.

[(2)](https://ecode360.com/8750249#8750249) Class B: one person who is knowledgeable or with a demonstrated interest in local history and who may reside outside of New Hanover Township.

[(3)](https://ecode360.com/8750250#8750250)Class C: citizens of New Hanover Township who shall hold no other township office, position or employment except for membership on the township's Land Development Board.

[(4)](https://ecode360.com/8750251#8750251)Class D: one member of the governing body.

[C.](https://ecode360.com/8750252#8750252) Appointment and terms.

[(1)](https://ecode360.com/8750253#8750253)The members of the Commission shall serve without compensation. The Mayor shall appoint all regular and alternate members of the Commission and shall designate at the time of appointment the regular members by class.

[(2)](https://ecode360.com/8750254#8750254)The alternate member must meet the qualifications of Class C members.

(3) Insofar as it is lawful and proper under N.J.S.A. 40:55D-107 and this chapter, the existing Commission membership shall serve in the appropriate class for the term as designated by the Committee. Thereafter, the term of a regular member shall be four years and the term of an alternate member shall be two years. A vacancy occurring other than by expiration of term shall be filled for the unexpired term only, within 60 days. Vacancies shall be filled in the same manner as the original appointment and shall be only for the balance of the unexpired term.

[(5)](https://ecode360.com/8750257#8750257)The alternate member may participate in discussions of the proceedings but may not vote except in the absence or disqualification of a regular member. A vote shall not be delayed in order that a regular member may vote instead of the alternate member.

[D.](https://ecode360.com/8750258#8750258)Conflicts of interest and removal.

[(1)](https://ecode360.com/8750259#8750259)No member may act on any matter in which the member has any personal or financial interest, either directly or indirectly.

[(2)](https://ecode360.com/8750260#8750260)A member may be removed by the Township Committee for cause. Prior to such removal, the Township Committee shall conduct a hearing, if so requested in writing by the member, within 10 days of notice of intention to remove.

[(3)](https://ecode360.com/8750261#8750261)While retaining all other rights of removal existing by reason of statutory provision or common law, it is the intent of this chapter to include absenteeism as a cause for removal.

[E.](https://ecode360.com/8750265#8750265)Officers, staff and expenditures.

[(1)](https://ecode360.com/8750266#8750266)The Commission shall elect a Chairperson and Vice Chairperson from its members and select a Secretary, who may or may not be a member of the Commission or a municipal employee, to keep a record of the proceedings before the Commission, which shall include the voting records of the members, their attendance, resolutions acted upon by the Commission and any of its findings, determinations and decisions. The Commission shall be governed by Robert's Rules of Order. At least three members of the Commission shall constitute a quorum for the transaction of its business. The Commission shall adopt rules for the transaction of its business, which shall provide for the time and place of holding regular meetings and for the calling of special meetings by at least two members of the Commission. All meetings of the Commission shall be governed by the New Jersey Open Public Meetings Act.

[(2)](https://ecode360.com/8750267#8750267)The Township Committee shall provide for the Commission in its budget and shall appropriate such funds for the expenses of the Commission as the Township Committee, in its sole discretion, shall determine pursuant to N.J.S.A. 40:55D-108. The Commission may employ, contract for and fix the compensation of experts and other staff and services as it shall deem necessary, except that the Commission shall obtain legal counsel from the Township Solicitor at the rate of compensation determined by the Township Committee unless the Township Committee, by appropriation, provides for separate legal counsel for the Commission. Expenditures pursuant to this subsection shall not exceed, exclusive of gifts or grants, the amount appropriated by the Township Committee for the Commission's use.

[F.](https://ecode360.com/8750269#8750269)The Historic Preservation Commission shall be responsible for the responsibilities set forth in N.J.S.A. 40:55D-109 including but not limited to:

[(1)](https://ecode360.com/8750270#8750270) Assisting other public bodies in aiding the public in understanding historic resource significance and methods of preservation.

[(2)](https://ecode360.com/8750271#8750271)Recommending to the Land Development Board and the Township Committee sites to be designated as historic landmarks.

[(3)](https://ecode360.com/8750272#8750272)Recommending to the Land Development Board guidelines for review to be utilized in determinations of historic landmark status.

[(4)](https://ecode360.com/8750274#8750274)Advising the Land Development Board on how development and zoning applications affect historic landmarks or districts.

(5) Advising the Township Committee on the relative merits of proposals involving public lands to restore, preserve and protect historical buildings, places and improvements.

(6) Advising and assisting township officers, employees, boards and other bodies including those at the county, state and federal levels, on all matters which have potential impact on the historic buildings, places, structures and districts in the township or on the physical character and ambience of a district.

(7) Cooperating with local, county, state or national historical societies, governmental bodies and organizations to maximize their contributions to the intent and purposes of this chapter.

**Section III.** [**Effect on other provisions; when effective.**](https://ecode360.com/8750222#8750360)

[A.](https://ecode360.com/8750361#8750361)No duties or powers of the Commission shall supersede or infringe on the powers of other township boards or committees.

[B.](https://ecode360.com/8750362#8750362)If any section or provision hereof shall be adjudged invalid, such determination shall not affect the other provisions hereof, which shall remain in full force and effect to the extent severable from such determination.

[C.](https://ecode360.com/8750363#8750363)All ordinances and all provisions thereof inconsistent or conflicting with the provisions of this chapter are hereby repealed to the extent of such conflict or inconsistency.

[D.](https://ecode360.com/8750364#8750364)This chapter shall take effect upon final adoption after publication thereof in accordance with the law.

Introduction: February 15, 2023  
Date of Publication: February , 2023

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| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| COUNCILMEMBER | YES | NO | NV | AB | COUNCILMEMBER | YES | NO | NV | AB |
| KOSHAK | **X** |  |  |  | SMITH | **X** |  |  |  |
| PAWLYZYN | **X** |  |  |  | PETERLA | **X** |  |  |  |
| MURPHY | **X** |  |  |  |  |  |  |  |  |
| MOTION | **PAWLYZYN** | | | | SECOND | **MURPHY** | | | |
| X – INDICATES VOTE AB- ABSENT NV- NOT VOTING | | | | | | | | | |

I hereby certify the foregoing to be a true copy of an ordinance introduced by the Township Committee of the Township of New Hanover, Burlington County, New Jersey at a regular meeting held on February 15, 2023.

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Susan D. Jackson, RMC

Borough Clerk

Adopted:

Date of Publication:

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| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| COUNCILMEMBER | YES | NO | NV | AB | COUNCILMEMBER | YES | NO | NV | AB |
| KOSHAK |  |  |  |  | SMITH |  |  |  |  |
| PAWLYZYN |  |  |  |  | PETERLA |  |  |  |  |
| MURPHY |  |  |  |  |  |  |  |  |  |
| MOTION |  | | | | SECOND |  | | | |
| X – INDICATES VOTE AB- ABSENT NV- NOT VOTING | | | | | | | | | |

I hereby certify the foregoing to be a true copy of an ordinance adopted by the Township Committee of the Township of New Hanover, Burlington County, New Jersey at a regular meeting held on March 14, 2023.

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Susan D. Jackson, RMC

Borough Clerk

ATTEST:

Susan D. Jackson, Clerk Paul Peterla, Mayor