

The Local Landmarker

Issue 1, September 2006



On the Cover: The historic downtown of Saugerties, a CLG since 1986. Saugerties has a wealth of mid-nineteenth century commercial structures in a picturesque setting. The downtown is increasingly home to a mix of established businesses and newer shops and restaurants. The Historic Preservation Board of Saugerties oversees changes to this area as well as to several residential districts.

From the Coordinator

Welcome to the first edition of *The Local Landmarker*, a newsletter for the Certified Local Government (CLG) community in New York State! Since becoming Certified Local Government Coordinator in April, I've been meeting with as many member communities as my schedule allows. If I haven't gotten to your community yet, trust me, I'm on my way as soon as possible. Call me if you haven't heard from me, and we can schedule a visit.

Although I have many tasks ahead, my first goal is to learn what CLG member landmark commissions, architectural review boards, and preservation commissions need from me in order to do their jobs better. Despite the differences in names, there are a surprising number of shared issues, questions, problems, and opportunities. I hope to use the newsletter to offer some advice, pass on resource information, and begin to link the CLG network together so that we can learn from and support each other. Towards that, I am also enclosing a list of active CLG communities in New York. Please take some time to look the list over and see who may be nearby. A phone call or even a visit to a meeting could be a good way to start dialogue between neighbors who are facing the same challenges and issues.

These first few issues will deal with some very basic issues. This issue deals with the meeting process, which is an important, but oft overlooked aspect of commission meetings. I hope to use each successive newsletter to address what I notice may be common issues. I encourage input, ideas, and questions, which I will answer to the best of my ability. There may be times when we throw a question open to the members and see what answers come back. After all, you are all out there on the "front-lines," seeing trends and solving problems. I hope to establish a listserv (a forum on-line where we can post questions and answers in a fairly instant format) within the year so that members can post questions and open a statewide discussion on a topic. I would also like to be moving towards enhancing web based resources for the New York State CLG program.

This is a newsletter for the CLG communities and other communities that are interested in becoming CLG members. Therefore, I want to hear from you about how best to tailor this effort for your needs. I look forward to hearing from you and seeing you in your community.

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Why worry about process?

When a local commission meets and makes decisions, it can seem a very casual undertaking for those who have done it many times. However, as member of an official public decision-making body that is part of local government, you need to transact business in a professional, clear, and most important, legally defensible way. “Due process” is an important concept in American law, and one of the cornerstones of the way a citizen and his/her government should interact. Without following accepted “due process” standards in the way a preservation commission runs its meetings and makes its decisions, anything it does may not stand up in the case of a legal challenge. On a positive level, a meeting that runs according to accepted standards can go a long way toward providing the public and applicants with the sense that they are dealing with a professional, well organized, and fair process and give commission members a sense of security in their actions.

It may seem strange to some of us to use terms like “come to order,” “make a motion,” “second,” and “abstain,” etc. when we are sitting down with people we may see every day or there are no applicants or members of the public present. However, remember that you are acting as a local official, and records (don’t forget that aspect of the meeting either!) must show that proper procedures were followed regardless of the situation.

How to Start

Most historic preservation ordinances contain a provision in the “Powers and Duties” section that allows the adoption of rules of procedure and process. Check your ordinance or law for this. If you have not adopted any, think about putting procedures on an upcoming agenda and begin to address them. Some CLG communities I have visited run a tight ship as to meeting procedures, others, not as much; most are in the middle, with a semblance of rules, but a somewhat casual approach overall. Check at your next meeting and see where you fall. Some of the most well-known standards for running a meeting are “Robert’s Rules of Order.” If you don’t know them by name, you will recognize them as the procedures you’ve either witnessed or followed in one form or another for everything from church committees to school boards. “Robert’s Rules” are time tested and proven to produce decisions following a logical, democratic, ordered, and defensible process. You can read more about the rules at www.robertsrules.org or purchase a copy at most bookstores.

Using “Roberts Rules” as a base, the Georgia Alliance of Preservation Commissions (GAPC) has created a “Guide to Historic Preservation Commission Meetings.” I have, with GAPC’s permission, reprinted it (with some edits) on the following pages for reference and consideration. I am not saying that meetings have to be run exactly this way, but at some point, if you haven’t already, your commissions do need to adopt rules of order and process.

You will have questions about process, as not every situation is the same. If you have adopted them, consult a copy of “Robert’s Rules,” their website, or see if your municipality has anyone that acts as a parliamentarian (someone who is responsible for addressing points of process and order). Formal rules may feel awkward at first, but practice makes them more comfortable and natural. For those of you using formal rules already, a refresher never hurts!

A Guide to Historic Preservation Commission Meetings

1. The chair (or acting chair) calls the meeting to order, noting the time for the record
2. The chair calls the roll, noting excused absences for the record, and takes the following actions:
 - a. Records presence of quorum
 - b. Introduces members of the commission and staff (if your commission has staff)
3. The chair asks for a motion to waive readings of the minutes and takes the following actions:
 - a. Asks for corrections and additions to minutes
 - b. Initiates vote to adopt minutes
4. Staff (if present) presents report on project to staff
5. The Chair announces that the public hearing portion of the meeting is beginning, that the commission is ready to consider applications, and asks that persons with business before the commission follow the printed agenda as to process and order
6. HEARING OF APPLICATIONS (*Note: as above, the chair initiates all the following actions*)

Call Cases: Call cases according to agenda

Check for Conflict of Interest: Check for conflicts of interest among commission members

- Noted conflicts are recorded
- Any members having conflicts are recused

Introduce Application: Read agenda description of application. If staff is present, ask staff to:

- a. Identify property on map
- b. Indicate impacts on adjoining property and visibility of proposed work from the street
- c. Present staff report. If no staff is present, move to next step.

Support: Call upon applicant for evidence in support of the application. If there are others present for the application, ask then for evidence in support of the application. Ask all persons, applicants and others, to state their names and addresses for the record.

Opposition: Call upon others, if any (recording name and address), for evidence in opposition to the application

A Guide to Historic Preservation Commission Meetings (continued)

Public Statements: Ask if any other public statements (from an official, commission or department of the local government, state agency, any local historical, preservation, or neighborhood association, etc.) are to be submitted for the record; if so, enter into record.

Questions: Call upon commission members to ask any questions regarding the application.

Rebuttal: If there are opponents, offer applicant the opportunity to rebut any evidence in opposition to the application. Remind the applicant that only new information can be presented in rebuttal, and ask that he or she not repeat the initial evidence in support of the application.

Summary: Summarize the evidence and facts, giving all parties an opportunity to make objections or corrections. If there is no evidence in opposition to the application, note for the record that without objections, the statements appearing in the record are uncontested.

THIS CONCLUDES THE PUBLIC TESTIMONY PORTION OF THE HEARING FOR THIS AGENDA ITEM (*Note: This does not mean the public has to leave. This simply closes the public hearing for this application, and opens the commission discussion and decision portion for the agenda item*).

Discussion: Proceed to discussion of the proposal with respect to its congruity in light of the ordinance and design guidelines. *IMPORTANT: Discussion should be limited to how the proposal does or does not meet the criteria or guidelines. This is not a time for personal opinions or recommending design/material revisions. The recommending of revisions is handled through "Conditions," below.* List evidence and facts gleaned during the public hearing. Make sure the commission considers only competent, material and substantial evidence.

Findings of Fact: Accept motion for findings of fact. Several findings may need to be made on an application. Use the following wording:

"I move that, based upon the evidence that has been presented in the application and during the public meeting, the commission finds that the proposed material change in appearance would not (or would) have a substantial adverse effect on the aesthetic, historical, or architectural significance and value of the historic district (or historic property) according to (cite sections of the ordinance, guidelines, and/or Secretary of the Interior's Standards, as appropriate), citing the following facts (cite the appropriate fact)."

Discussion: Ask for second. If seconded;

- a. call on each commission member for comments following motion made
- b. Adopt

A Guide to Historic Preservation Commission Meetings (continued)

Conditions: Discuss the appropriateness of imposing conditions, and if any are determined appropriate, enter into record. (Specific wording is needed here for clarity and direction to applicant)

Decision on Certificate: The chair calls for a motion that the application for Certificate of Appropriateness be:

- a. Approved
- b. Approved subject to conditions
- c. Deferred for further information
- d. Denied.

The chair then calls for the motion to be seconded. If it is seconded, then the chair calls for any discussion on the motion. If a motion does not get a second, it is set aside, and a new motion on the issue must be made. For a seconded motion, if there is no discussion or discussion does not cause any challenge to the motion, the chair calls for a vote. If the motion passes, the decision is made. If the motion does not pass, it is set aside. A new motion on the issue must be made, and the process followed for that new motion.

Thank Applicant: Thank applicant, neighbors, and associations (if present) for coming. Invite them to stay for remaining applications, but indicate that they may leave and that they will receive formal notification from the commission/commission staff.

Next Application: Proceed to next application, following process above.

7. The chair calls for any old business. Take action on each item
8. The chair calls for any new business. Take action on each item.
9. The chair calls for any other business. Take action on each item.
10. The chair calls for any Adjournment. Note Time.

END OF GUIDE

As you can see in the guidelines, a lot of record keeping is part of any good meeting. Proper records of meetings are all that remain to document those meetings once they are concluded and will serve as the only formal (and legally defensible) memory of which commission members were present, the applicants that appeared, and the decisions that were made. So, in addition to your meeting procedures, also check your record keeping. It could save a historic building, the public's faith in your procedures, and the existence of the commission itself!

Featured Website

As a federal program, the network of CLG communities extends beyond New York State. As such, there is a lot of information out there that has been developed either for national or local audiences on landmark or commission issues. I will be using this section to list websites I think will be of interest and assistance to New York's CLG Community. If you don't have access to a computer or the internet, most public libraries have access for free or a small charge. Better yet, ask a friend who does have access if you can access the site together and educate him/her about historic preservation in your community!

<http://www.cr.nps.gov/hps/workingonthepast/index.htm>

This website was produced by the National Park Service and is the basic site for new historic preservation commission members, historic home owners, design professionals, local officials, and architects and developers. It contains information on local ordinances, local districts, and building treatments.



This attractive historic storefront in downtown Saugerties adds to the quality appeal and historic character of the district. It is a protected resource under the Saugerties Historic Preservation Board's oversight.

The Back Page

I'll be using the "Back Page" as a place to include some small bits of useful information that may not work as a topic for an entire newsletter. This first issue's "Back Page" is about:

Benefits of Local Historic Districts

- Local districts protect the investments of owners and residents. Buyers know that the aspects that make a particular area historic will be protected over a period of time. Real estate agents in many cities use historic district status as a marketing tool to sell properties.
- Local districts encourage better design. It has been shown through comparative studies that there is a greater sense of relatedness, more innovative use of materials, and greater public appeal within historic districts than in areas without such designations.
- Local districts help the environment. Historic district revitalization can, and should, be part of a comprehensive environmental policy.
- The educational benefits of creating local districts are the same as those derived from any historic preservation effort. Districts help explain the development of a place, the source of inspiration, and technological advances. They are a record of ourselves and our communities.
- A local district can result in a positive economic impact from tourism. A historic district that is well promoted can be a community's most important attraction. The retention of historic areas as a way to attract tourist dollars makes good economic sense.
- The protection of local historic districts can enhance business recruitment potential. Companies continually re-locate to communities that offer their workers a higher quality of life, which is greatly enhanced by successful local preservation programs and stable historic districts.
- Locally designated districts that are overseen by a well informed, trained, and municipally supported preservation commission can provide social and psychological benefits. A sense of empowerment and confidence develops when community decisions are made through a structured participatory process rather than behind closed doors or without public comment.