

SECTION 9

LOCAL GOVERNMENT PROGRAM

TOWN OF SHELBURNE

ORDINANCE

FOR THE CERTIFIED LOCAL GOVERNMENT PROGRAM

APPROVED AND ADOPTED THIS 20th DAY OF May, 1987

William A.R. Deming
William A.R. Deming, Chairman, Board of Selectmen

Barbara Mann

Thomas T. Bessette

Kenneth Albert
Kenneth Albert

Dale W. Good
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ORDINANCE

THE SELECTMEN OF THE TOWN OF SHELBURNE HEREBY ORDAIN:

1. The Town of Shelburne has agreed to enforce, within its jurisdiction, the provisions of the Vermont Planning and Development Act (24 V.S.A. Chapter 117), the Vermont Historic Preservation Act (22 V.S.A. Chapter 14), and any other state or local legislation which may be enacted for the designation and protection of historic properties.

2. The Town of Shelburne has established by action appropriate to its procedures a historic preservation review commission of not less than three nor more than nine members appointed by the Board of Selectmen. The structure and responsibilities of the commission shall be as follows:

A. The commission shall be composed of professional and lay members, a majority of whom reside within the jurisdiction of the Town of Shelburne.

B. The commission shall be such that all members have a demonstrated interest, competence or knowledge in historic preservation.

C. To the extent available within the jurisdiction of the Town of Shelburne, at least a majority of the members shall be professionals from the disciplines of history, archaeology, architectural history, architecture and historical architecture who meet the requirement outlined in Appendix A of the "Vermont Certified Local Government Program Handbook" (Vermont Division for Historic Preservation, April 1987). Members representing other historic preservation related

disciplines, such as urban planning, American studies, American civilization, cultural geography, or cultural anthropology, and lay members are encouraged.

D. All activities of the commission shall be in accord with the terms of the Vermont Open Meeting Law (1 V.S.A. Chapter 5, Subchapter 3), and that the commission shall take additional steps as it deems appropriate to stimulate public participation in commission activities, such as, publishing its minutes, publishing the procedures by which assessments of potential National Register nominations will be carried out or using public service announcements to publicize commission activities.

E. The commission shall have written rules of procedure, including conflict of interest provisions incorporating the detailed requirements involving conflict of interest set out in the National Register Programs Guideline, Chapter 3.

F. The commission shall have the following responsibilities, to be carried out in coordination with and in accord with format and standards established by the Division:

(1) Creation and maintenance of a system for the survey and inventory of historic properties within its jurisdiction that is coordinated with the Vermont Historic Sites and Structures Survey and the Vermont Archaeological Inventory.

(2) Preparation, for submission to the Division by the legislative body of the local government, of a report concerning properties within its jurisdiction which are under consideration for nomination for inclusion on the National Register. The report shall be prepared in cooperation with the Division and shall be prepared in a manner consistent with the following

requirements of the National Historic Preservation Act:

101 (c) (2) (A) "Before a property within the jurisdiction of the certified local government may be considered by the State to be nominated to the Secretary for inclusion on the National Register, the State Historic Preservation Officer shall notify the owner, the applicable chief local elected official, and the local historic preservation commission. The commission, after reasonable opportunity for public comment, shall prepare a report as to whether or not such property, in its opinion, meets the criteria of the National Register. Within sixty days of notice from the State Historic Preservation Officer, the chief local elected official shall transmit the report of the commission and his recommendation to the State Historic Preservation Officer. Except as provided in subparagraph (B), after receipt of such report and recommendation, or if no such report and recommendation are received within sixty days, the State shall make the nomination pursuant to section 101 (a). The State may expedite such process with the concurrence of the certified local government."

101 (c) (2) (B) "If both the commission and the chief local elected official recommend that a property not be nominated to the National Register, the State Historic Preservation Officer shall take no further action, unless within thirty days of receipt of such recommendation by the State Historic Preservation Officer an appeal is filed with the State. If such an appeal is filed, the State shall follow the procedures for making a nomination pursuant to section 101(a). Any report and recommendations made under this section shall be included with any nomination submitted by the State to the Secretary."

(3) When determined to be appropriate in the discretion of the commission, preparation and submission for approval by the Board of Selectmen of grant applications to the Division for funds from the CLG share of the state's annual Historic Preservation Fund (HPF) grant award.

(4) Advising and assisting the Board of Selectmen, Planning Commission, Zoning Board of Adjustment and other appropriate persons on matters related to historic preservation.

(5) Performance of additional responsibilities in accordance with a mutual written agreement between the Division and the Certified Local Government.

G. The commission shall meet no less than four times annually, and maintain an attendance rule for commission members.

3. The Town of Shelburne has agreed to cooperate with the Division with respect to the Division's monitoring and evaluation of the CLG program.

(a) A request for certification will be approved without the minimum number of professional persons on the commission if the Town of Shelburne demonstrates to the SHPO that it has made a reasonable effort to fill the positions with persons from appropriate disciplines. When a discipline is not represented on the commission, the commission shall seek the assistance of the Division in obtaining the necessary expertise when considering National Register nominations and other actions that will impact properties which are normally evaluated by a professional in such discipline.

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TOWN OF SHELBURNE

RULES OF PROCEDURE

SHELBURNE HISTORIC PRESERVATION REVIEW COMMISSION

RULES OF PROCEDURE

A. Structure of the Commission:

1. The Commission shall consist of three to nine (3 - 9) members appointed by the Board of Selectmen for a three year term. Initial terms shall be staggered.
2. The Commission shall be composed of professional and lay members whom shall reside within the jurisdiction of the local government.
3. The Commission shall meet no less than four (4) times annually, and maintain an attendance rule for commission members.
4. A Chairman shall be elected each year and shall hold office until the next annual meeting; or until his/her successor is elected.
5. A Vice Chairman shall be elected each year to perform the duties of the Chairman in the event that the Chairman is absent.
6. An appointed Secretary will keep minutes of all meetings and shall record the names of all members, give notice of meetings and perform such other duties as may be assigned to him/her by the Commission. The Secretary shall be responsible that copies of all minutes and other information pertaining to the CLG program is made available to the public in the Shelburne Town Offices.
7. A quorum of the Commission shall not exist unless at least three (3) members are personally present and voting at any meeting.
8. When vacancies occur on the Commission, new members shall be appointed within 60 days by the Board of Selectmen with prior approval from the Division.
9. No person of the Commission shall participate on any issue before them in which there is a conflict of interest. The determination of whether or not a conflict of interest exists shall be based upon the following:

No person shall participate in the selection, or in the award or administration of a subgrant, contract, or subcontract assisted by HPF grants, a Tax Act Certification, or National Register nomination, if a conflict of interest, real or apparent, would be involved. In the procurement of supplies, equipment, construction, and services by grantees, subgrantees, or other grant recipients, the conflict of interest provisions in Attachment O of OMB Circulars A-102 (see Chapter 17, Section E, Code of Conduct) and A-110 shall apply. Such cases include the provision of HPF financial

assistance by the grantee or its subgrantees to any public or private organizations, individuals, businesses, and other entities for any HPF grant supported activity.

These provisions apply to any person who is an employee, agent (including Review Board members), consultant, officer, or official of the grantee (whether elected or appointed), or any other recipient of funds under an HPF grant, including Certified Local Government - sponsored organizations.

Except for approved eligible personnel costs for staff, no persons who exercise or have exercised any functions or responsibilities with respect to HPF - assisted activities, or who are in a position to participate in a decision making process or to gain information not generally available to the general public with regard to such activities, may obtain a personal or financial interest or benefit from the activity. Further, such persons shall not have an interest in any contract, subcontract, or agreement with respect thereto, or the proceeds therefrom, either for themselves or for persons with whom they have family or business ties, during their tenure or for one (1) year thereafter. However, persons who abstain from the decision making process shall not be considered to be ineligible to take part in, or benefit from, such activity. Persons who thus abstain from the decision making process shall not be precluded from rendering an opinion concerning the activity, so long as those in a position to make a decision are fully informed as to the possible interest of the persons abstaining.

10. All activities of the Commission shall be conducted in accord with the terms of the Vermont Open Meeting Law (3 V.S.A. Chapter 5, Subchapter 3).

B. Duties and Responsibilities of the Commission:

1. The Commission will create and maintain a system for the survey and inventory of historic properties within its jurisdiction that is coordinated with the Vermont Historic Sites and Structures Survey and Vermont Archaeological Inventory. Surveyed properties or sites shall be recorded on Vermont Historic Sites and Structures Survey forms or Vermont Archaeological Inventory forms and forwarded to the Division.
2. The Commission will prepare for submission to the Division by the Board of Selectmen a report concerning properties within its jurisdiction which are under consideration for nomination for inclusion on the National Register. The report shall be prepared in cooperation with the Division and shall be prepared in a manner consistent with requirements of the National Historic Preservation Act (101 (c) (2) (A)) described in the Town of Shelburne Ordinance for the Certified Local Government Program.

3. The Commission shall prepare and submit to the Board of Selectmen for approval, grant applications to the Division for funds from the CLG share of the State's annual Historic Preservation Fund (HPF) grant award. The applications shall be prepared in accordance with the requirements of Chapter 7 of the Vermont Certified Local Government Program Handbook.
4. The Commission shall advise and assist the Board of Selectmen, Planning Commission, Zoning Board and other appropriate persons on matters related to historic preservation.
5. The Commission shall create and update Design Review Guidelines pertaining to existing and proposed structures for the Town's designated Historic District subject to design review.
6. The Commission shall keep a detailed record of actions taken to buildings on the National Register or historically significant properties that have been surveyed.
7. The Commission shall conduct design review sessions pertaining to proposed site plans or building permit requests in the Historic District which is subject to design review. Recommendations and comments resulting from such design review sessions will be sent to either the Board of Selectmen, Planning Commission or Zoning Board depending on who would be reviewing the next stage of the proposal as well as the applicants making the proposal.
8. The Commission shall prepare and submit an annual report to the Division on the date specified in the CLG Agreement. This report must address the items specified in Appendix C of the Vermont Certified Local Government Program Handbook.
9. The Commission shall conduct educational activities or programs concerning historic preservation in the community.
10. The Commission shall act consistently and in coordination with the State historic preservation planning process and perform any additional duties required by the Division.
11. The Commission shall be responsible for revising these Rules of Procedure from time to time with the Division's approval.

**END OF
DOCUMENT**