

TUFTONBORO CONSERVATION COMMISSION

RULES OF PROCEDURE

ARTICLE I. Name of Organization

The name of this organization shall be The Tuftonboro Conservation Commission, hereafter called the Commission.

ARTICLE II. Authority

These Rules of Procedure are established in accordance with the powers granted under the authority of NH RSA 36-A and the Town of Tuftonboro ordinances. Nothing in these Rules of Procedure is intended to conflict with either of these authorities.

ARTICLE III. Principal Place of Business

The principal place of business of the Commission shall be in the Town Office building of the Town of Tuftonboro in Carroll County, New Hampshire. The mailing address of the Commission shall be: Tuftonboro Conservation Commission, P.O. Box 98, Center Tuftonboro, NH 03816.

ARTICLE IV. Mission

The Commission's objective is to ensure the proper protection, promotion and management of the natural resources of Tuftonboro: To further an awareness of conservation practices and policies throughout the Town so that such preservation is achieved for the benefit of all present and future residents; to educate and encourage the public to make informed decisions about our natural resources; to assist and advise other town boards, town officials, developers, landowners and the New Hampshire Department of Environmental Services (NHDES) in the utilization and protection of the natural resources of the Town of Tuftonboro.

ARTICLE V. Services

The Conservation Commission maintains an office in the Town Office building and encourages all Town employees, members of Town boards, landowners, developers and the general public to use the Commission as a resource for all matters related to conservation and resource management. The Commission assists the NHDES by providing preliminary review and comments of NH DES applications for proposed projects in areas potentially affecting lakes, ponds and other waters and wetlands or natural resources.

ARTICLE VI. Membership

Pursuant to RSA 36-A, the Board of Selectmen shall appoint members of the Commission. Members of the Commission must be residents of the Town of Tuftonboro and have an interest in conservation and a willingness to commit time to the work of the Commission. No specific education or knowledge requirements are imposed prior to becoming a member. Members are encouraged to participate in their choice of conservation related educational activities so as to enhance their contributions to the Commission and to the Town. The Board of Selectmen and the Commission will post notices inviting new members to apply.

A. Member Terms

The Commission shall consist of seven (7) members. Terms of the members shall be for a period of three (3) years and so arranged that approximately one third of the member's terms expire yearly. Yearly terms begin on July 1st and end on June 30th.

B. Alternate Member

The Board of Selectmen may appoint alternate members to the Commission. Alternate members of the Commission shall join the regular members in all meetings, public hearings and discussions. When the alternate member serves in the absence of or disqualification of a regular member, the alternate member shall have full voting powers (RSA. 36-A:3).

C. Attendance

When a member does not attend consecutive meetings and has not notified the chairman or staff in advance of his/her absence, the chairman shall request the member to attend the meetings, become an Alternate member of the Commission or resign from the Commission. If the member agrees to be more diligent in their attendance but, fails to do so, the chairman may request the Board of Selectmen to remove the person as a member of the Commission. If the latter occurs, the person shall be notified of the action in writing.

ARTICLE VII. Organization

A. Election of Officers

The Commission members shall elect by majority vote, from among themselves, officers, which may include a Chair and Vice-Chair. The position of Secretary may be voluntary. A non-member may be hired to perform administrative duties.

B. Terms of Office

Officers shall be elected at the first meeting in July of each year and will remain in office until the first meeting in July of the succeeding year (this period shall constitute one calendar year). A vacancy occurring otherwise than by the expiration of a term shall be filled for the balance of that term in the same manner as an original appointment.

C. Duties of the Chair

The Chair shall preside at all meetings, call the meeting to order and shall appoint any subcommittee found necessary to carry out the business of the Commission. The Chair will also appoint the leader of any such committee so established. The Chair shall serve a term of one calendar year beginning the day following the election and may be elected for successive terms. The Chair prepares a proposed budget for the upcoming year and files an annual report. The Chair may, with the majority concurrence of the Commission members, also recommend new members to the Selectmen.

D. Duties of the Vice-Chair

The Vice-Chair shall preside at all meetings of the Commission in the absence of the Chair and shall have all powers of the Chair in case of temporary absence or incapacity of the Chair. The Vice-Chair shall serve a term of one calendar year beginning the day following the election and may be elected for successive terms.

E. Duties of the Secretary

The position of Secretary may be elected, appointed or hired. Such person shall act as a recorder and correspondent for the Commission and act in accordance with the provisions of RSA 91-A, as amended, relative to notification of meetings, and records of meetings and hearings. The Secretary, or administrative assistant, may be hired on a yearly basis, dependent on Town Policies and Procedures.

ARTICLE VIII. Special Committees

The Chair, with the concurrence of the Commission, may establish special committees. Members of a special committee may provide recommendations or information relative to a matter before the Commission. Such special committees shall submit minutes for recording purposes and submit reports in writing on relevant issues.

- a. DES Wetlands Bureau Applications: The Commission, as a continuing responsibility, shall review all wetland applications submitted to NH DES by residents. Each application is assigned to a Commission member who initially assesses the application for impact and performs a site inspection. All Commission members, including alternate members, are responsible to review and sign applications and/or to sign a request for an extension of review time.
- b. Open Space: The Commission, as a continuing responsibility, shall seek to promote land conservation and preservation in the Town of Tuftonboro either through the purchase and/or designation of conservation easements or fee simple purchase.

ARTICLE IX. Meetings and Hearings

A. Regular meetings

Regular meetings of the Commission shall be held on the third Monday of each month at 6:30PM unless otherwise posted. An additional meeting, if the workload warrants, may be called on the first Monday of the month. The Chair reserves the right to call, cancel or postpone any meeting. At least one meeting should be held each month.

B. Special Meetings

The Chair may call special meetings of the Commission provided that at least 48 hours advance notice of the time, place and business of such meeting is given to each member of the Commission and provided that the special meeting is given proper public notice. At any special meeting no business other than that specified in the notice may be considered. Special meetings can also be called by the Chair upon receipt of written request by two (2) regular members.

C. Notice to Public of all Meetings

Public notice of all meetings and hearings will be posted in two (2) public places twenty-four (24) hours in advance of the meeting.

D. Quorum for all meetings.

The Commission will conduct and transact business only when a quorum is present. A quorum shall be at least a majority of the total active voting members. If no quorum is present, the meeting must be terminated.

E. Hearings

The Commission, at its discretion, may conduct public or informational hearings when it determines such hearings will be in the public's best interest or prior to expending money from the Conservation Commission Land Fund to acquire interest in real property. Notification of each public hearing shall be posted in two public locations and published in a local newspaper at least ten (10) calendar days prior to the date of such hearings, in accordance with RSA 675:7. A record will be kept of those persons testifying and or presenting documentation at such hearings as part of the hearing minutes.

F. Real Property Hearings

The Conservation Commission shall hold a public hearing with notice in accordance with RSA 91-A: 1(d) before using money from the conservation land fund to acquire any interest in real property.

G. Place of Meetings and Hearings

Meetings of the Conservation Commission shall be specified in the posting.

H. Majority Vote Required

Determination on any matter during any meeting or hearing will require the concurrence of a majority of the regular members (including the alternate member acting in the place of a regular member) who are present and voting, and provided that a quorum is present.

I. Right to Know

All meetings of the Commission shall be held in accordance with the provisions of RSA 91-A, as amended, relating to meetings open to the public, nonpublic sessions, notification of meetings, and records of meetings and hearings. No interested party shall be denied attendance to any meeting or hearing.

J. Conflict of Interest

No member of the Commission shall introduce, speak on or vote on any motion, resolution or issue in which that member has a personal, special or pecuniary interest, direct or indirect. Recusal of a member shall be determined by the Conservation Commission prior to any vote on that issue.

ARTICLE X. Wetland Violations

Wetlands violations shall be handled as follows:

If the Commission is notified of an apparent violation, the report shall be immediately referred to the Code Enforcement Officer, who shall become available for technical consultation throughout the evaluation and reporting process. The Chair may notify the NHDES.

ARTICLE XI. Amendments to the Rules of Procedure

The Commission may amend these Rules of Procedure at a regular meeting of the Commission by an affirmative vote of 2/3 of the Commission members provided that the amendment has been presented in writing to each member of the Commission at least thirty (30) days preceding the meeting at which the vote is taken. Alternate members may not substitute for regular members in this voting.

ARTICLE XII. Severability

If any provision or portion of the duly adopted Rules and Procedures shall be deemed to be unlawful, inappropriate, or not in compliance with current Town Policies and Procedures, the remaining provisions or portions of the current Rules and Procedures shall remain in place.

ARTICLE XIII. Adoption

These Rules of Procedure supersede and replace, in entirety, any previous rules of procedure previously adopted and are hereby adopted by the Tufonboro Conservation Commission at a lawfully called and posted meeting on the date specified below and are effective on and after that date. They are to be placed on file with the Town Clerk for public inspection.

Date of Adoption: February 15, 2016