

By-Laws and Rules of Procedure
for the
Atkinson, NH Conservation Commission
Approved March 2, 2020
Amended (in italics) and Approved March 23, 2022

Article I: Name

The name of this organization shall be the Atkinson Conservation Commission, hereinafter called “the Commission”.

Article II: Authority

The Commission shall derive its authority from the powers granted under the NH Revised Statutes Annotated (RSA) 36-A and the relevant Town of Atkinson ordinances. Nothing in these By-laws and Rules is intended to be in conflict with either of these statutes.

Article III: Purpose

The purpose of the Commission shall be to assure the proper utilization and protection of the natural resources of Atkinson, to further an awareness of conservation practices and policies throughout the Town, to protect the water resources of the Town, and any other purposes as may be set forth in NH RSA 36-A:2.

The Commission may, from time to time, adopt a **Mission Statement** to further define its role in the community, consistent with NH RSA 36-A.

Article IV: Membership

- 1) **Composition:** The membership of the Commission shall follow the rules set forth in NH RSA 36-A:3. As authorized by the 1974 Atkinson Town Meeting (TM 1974-23) and revised by the 2012 Town Meeting (TM 2012-13), the Commission shall be comprised of seven (7) regular members and up to three (3) alternate members, all residents of Atkinson. Up to one (1) member of the Commission may simultaneously serve on the Atkinson Planning Board, as enabled by RSA 36-A:3.
- 2) **Appointment:** All Commission members shall be appointed by the Atkinson Board of Selectmen, and must be sworn in by the Town Clerk before assuming their duties, as

described in RSA 92:2. Persons reappointed to the Commission must be sworn in again following their reappointment.

- 3) **Terms of Appointment:** Both regular and alternate members shall be appointed to three-year terms, so arranged that the terms of approximately 1/3 of the members and alternates will expire each year. Terms of appointment normally begin on May 1 of each year, but may begin later if appointments by the Board of Selectmen are delayed. Terms normally end on April 30 of each year, but may be extended until such time as the Board of Selectmen make new appointments for the coming year.
- 4) **Terminology:** In these bylaws, the term ‘member(s)’ shall include alternate member(s) unless explicitly stated otherwise.
- 5) **Education:** It is the responsibility of all members to familiarize themselves with the Handbook for New Hampshire’s Municipal Conservation Commissions, and to avail themselves, as they are able, of other educational opportunities such as attendance at the annual conference of the New Hampshire Association of Conservation Commissions.
- 6) **Removal:** Any member of the Commission so appointed and sworn in may, after a public hearing if requested by the member, be removed from the Commission for just cause by the Board of Selectmen.
- 7) **Failure to be Sworn In:** Any person who fails or refuses to be sworn in by the Town Clerk after a reasonable amount of time following their appointment or reappointment may have their appointment returned to the Selectmen, and another person may be appointed in their place.
- 8) **Absenteeism:** Members are requested to attend all regular monthly meetings and as many other site walks and special meetings as possible. Members with an unreasonable number of absences from regular meetings (for example, 4 or more in a 12-month period) may be asked to resign, and, at the discretion of the Chair, may be referred to the Board of Selectmen for removal for cause.
- 9) **Vacancies:** A vacancy occurring otherwise than by the expiration of a term shall be filled for the unexpired term in the same manner as an original appointment.
- 10) **Representation:** A member shall not unilaterally represent the Commission without first discussing the matter at a Commission meeting and gaining the consent of the Commission. If the matter is urgent and cannot wait until the next regular meeting, the member must get the consent of the Chair.
- 11) **Authority:** All members of the Commission shall carry out their duties and responsibilities and exercise their powers as set forth in NH RSA 36-A:2 and 36-A:4.

Article V: Officers and Duties

1) **Election of Officers:** The elected officers of the Commission shall consist of:

- Chair,
- Vice-Chair, and
- Secretary.

All officers shall be elected annually by the Commission from among its regular members at the first regular meeting following appointments by the Board of Selectmen, after which the newly elected candidates shall immediately take office. Vacancies in officers shall be filled at the next regular meeting by majority vote.

2) **Recording Clerk:** A paid recording clerk shall be employed to record the minutes of all regular Commission meetings. This person shall be a Town employee, and shall be hired and paid according to Town guidelines. The Recording Clerk may attend Commission meetings and/or transcribe the minutes from the ACTV recordings of meetings. In the absence of the Recording Clerk, minutes for site walks and other special meetings will be the responsibility of one of the members in attendance, as appointed by the Chair.

3) **Duties of the Chair:** The Chair shall:

- Preside at all meetings of the Commission,
- Set the agenda for all meetings, and post notice of meetings as required by NH RSA 91-A:2, II.
- Prepare and present the annual operating budget, and track expenses on a monthly basis,
- Make corrections to the minutes as part of the review and approval process, and insure that approved minutes are posted on the Town's web site in a timely manner,
- Prepare all correspondence with other boards, commissions, agencies or organizations with which the Commission may conduct business, and keep accurate records of such correspondence,
- Prepare and file the Annual Report as required by NH RSA 36-A:2.
- Submit updates to the town's webmaster, as needed, for posting on the Conservation Commission page on the town's web site,
- Monitor the Commission's Facebook group, and post updates of Commission activities and announcements of events, as needed,
- Maintain a list of Commission members, and keep track of their terms of appointment, and
- Authorize and approve expenditures from the Operating Budget. For expenditures in excess of \$500 the Chair should seek consensus of the Commission whenever possible

The chair may delegate any of these duties to others on the Commission as he or she so desires.

- 4) **Duties of the Vice-Chair:** The Vice-Chair shall perform all duties assigned to him or her by the Chair. In the absence or incapacity of the Chair, or if the Chair recuses him or herself for any reason, the Vice-Chair shall preside at meetings and perform all duties of the Chair, and shall have all powers of the Chair.
- 5) **Duties of the Secretary:** The Secretary shall perform all duties assigned to him or her by the Chair, and shall preside at meetings when neither the Chair nor Vice-Chair is in attendance.

Article VI: Meetings

- 1) **Regular Meetings:** The Commission shall hold regular monthly meetings on the *fourth Wednesday* of each month at the Atkinson Town Hall at 7:00 pm, unless the Chair specifies otherwise and provides proper and timely public notice of the change. *The Chair shall establish the agenda, and may solicit requests for topics from Commission Members. Members of the public wishing to have a topic included on the agenda, whenever possible, should do so in writing at least 7 days prior to the meeting, and the Chair shall decide whether or not to include it on the agenda.*
- 2) **Special Meetings:** Special Meetings may be called by the Chair, provided that proper and timely public notice is provided as required by NH RSA 91-A:2, II.
- 3) **Right To Know:** All meetings of the Commission shall be open to the public except as stipulated by NH RSA 91-A:3. *Pursuant to RSA 91-A:2, members of the public have the right to attend, watch and listen, take notes, photograph, and record meetings of the Commission, but are not automatically granted the right to speak. The privilege of speaking may be granted or rescinded by the Chair, and, unless agreed to by a majority of the Members present, shall be limited to providing information about the particular issue under discussion. The Chair may set time limits for members of the public to give their input to the Commission. Argumentative discourse or personal attacks shall not be allowed.*
- 4) **Conflict of Interest:** As per NH RSA 673:14, no member of the Commission shall introduce, speak, or vote on any motion, resolution, or issue in which that person has a personal or pecuniary interest, direct or indirect. Notwithstanding the foregoing, the Commission by vote may permit or request any such member to speak or testify on any such motion, resolution, or issue.
- 5) **Quorum:** A quorum for a meeting is considered to be a majority of the number of full-time members (4 of 7), or at least 4 members, including alternates. Pursuant to NH RSA 91-A:2, II, a member may attend by *electronic means, provided that a quorum exists in the meeting room. The person chairing the meeting must be physically present in the meeting room.*
- 6) **Conduct of Meetings:** The Commission will strive for a decision-making process based on reaching a consensus whenever possible, falling back on the formal rules only when necessary. If needed, the order of precedence for motions (from Robert's Rules of Order) will be used, and are attached to these By-laws for easy reference.

- 7) **General Consent:** Much business can be conducted without formality, by general consent. The chair can announce decisions that would normally require a majority or 2/3 vote, and then that decision will stand unless someone objects.
- 8) **Voting:** A majority vote requires more than half the votes cast (4 of 7, 4 of 6, 3 of 5, 3 of 4). A 2/3 vote requires 5 of 7, 4 of 6, 4 of 5, or 3 of 4. Most votes are by voice, but any member can demand a vote by *roll call*. *When voting members are attending electronically, all votes shall be by roll call.* The chair must announce exactly what is being voted on before the vote, and must indicate what a vote for or against will do.
- 9) **Amendments:** Any main motion may be amended, but amendments to amendments are not allowed. Only one amendment may be considered at a time, and must be voted on before additional amendments are considered. Amendments must be appropriate to the subject of the motion, although they may be opposed to the maker's intention, and the motion must remain meaningful after the amendment.
- 10) **Debate:** The Chair is the moderator of the debate, and has the power to control the topic, set or change the order of speakers, and halt or deny a speaker's time. The maker of a motion is given the floor first, and the Chair should ask for debate for and against the motion alternately. No member may speak twice until all who wish have spoken once. Debate is to be directed to the issues and not the members or personalities; violators will be asked to yield the floor.
- 11) **Motions:** All motions must be seconded, and are adopted by a majority vote unless otherwise noted. Motions are in order of precedence: motions may be made only if no motion of equal or higher precedence is on the floor.

Article VII: Subcommittees and Working Groups

The Commission may from time to time form special-purpose subcommittees or working groups that are deemed necessary in order to conduct business effectively in accordance with its duties and responsibilities. Members of subcommittees or working groups shall be appointed by the Chair after consultation with other Commission members, and may consist of Commission members and/or members of the public. Subcommittees and working groups will give reports of their work and recommendations at regular Commission meetings, and documentation of such reports in Commission minutes will be deemed sufficient to meet the requirements of NH RSA 91-A.

Article VIII: Advisory Responsibilities

- 1) The Commission is the only Town board specifically charged with protecting Atkinson's natural resources. Therefore, one of the Commission's responsibilities is to act in an advisory capacity to the Planning Board, Zoning Board of Adjustment, Selectmen, or other boards or committees in matters that pertain to the protection of the Town's natural resources. The Commission will review plans and investigate issues, perform site walks as necessary, and the Chair will provide written advice and recommendations to other Town boards and committees in a timely and professional manner.
- 2) The Commission is also responsible for reviewing NH DES Dredge and Fill permit applications, and is the only town board empowered to intervene (request more time) in the review process. Upon receipt of an application from the Town Clerk's office, the Commission will review pertinent plans and documentation, conduct a site visit if necessary, and the Chair will submit a written recommendation to DES within the time schedule specified by DES.

Article IX: Management of Conservation Lands

- 1) All of Atkinson's Conservation Lands have been designated to be "under the supervision and control of the Atkinson Conservation Commission." This designation can be found either in the deed to each parcel, and/or in votes at Town Meeting approving the acquisition of the land or designation of the land as part of the Town Forest (see NH RSA 31:110 thru 114). Therefore, the Commission is responsible for establishing land use regulations for the Town's conservation lands, and may from time to time adopt and publicize a **Land Use Policy**.
- 2) ***Perambulation** - As part of the Commission's responsibility to administer the Town's conservation lands, Commission Members shall periodically walk the land's boundaries, identify and mark monuments placed by surveyors, and place identifying signage at the boundaries of the Town's lands. Because conservation land is open to the public, prior notice to abutters need not be given. Commission Members will exercise due diligence to not trespass on abutting property.*
- 3) For Town Forest lands, the Commission is responsible for hiring a licensed Consulting Forester to prepare Forest Management Plans for the major parcels, and to authorize the execution of forest management plans and procedures to maintain the health of the forest.
- 4) Each time a parcel has been added to the Town Forest at Town Meeting, the Town has voted to place any revenue from periodic selective cuts in a Forest Maintenance Fund pursuant to NH RSA 31:113. The Commission is responsible for developing plans for maintaining the health of the Town Forest, and for recommending expenditures for that purpose from the Forest Maintenance Fund, for approval at Town Meeting.
- 5) The Commission is responsible for monitoring lands for which the Town or a conservation organization (such as the Forest Society) owns a conservation easement, and for alerting the easement holder if possible violations of the terms of the easement are found.

Article X: Expenditures from the Conservation Fund

- 1) The Commission is responsible for approving expenditures from the Conservation Fund to purchase land, or easements to land, so that the land will be permanently protected for future generations of Atkinson residents. Expenditures from the Conservation Fund for purchasing an interest in land must also be approved by the Board of Selectmen after a public hearing, pursuant to NH RSA 36-A:4.
- 2) Approval of expenditures from the Conservation Fund shall be by majority vote of the Commission.
- 3) At the same time that the Town established the Conservation Commission under NH RSA 36-A (TM 1974-23), the Town also established a Conservation Fund pursuant to NH RSA 36-A:5. Over the years, votes at Town Meeting have directed that revenues from the Land Use Change Tax (pursuant to NH RSA 79-A:25) be deposited either in part or completely in this fund. Town Meeting votes have restricted the use of this fund for the acquisition of land (TM 1974-23) or an interest in land such as conservation easements (TM 2003-28). *At the 2021 Town Meeting (TM 2021-18), the Town voted to allow expenditures to qualified organizations to fund acquiring land or easements to land within the Town.*
- 4) The Commission is responsible for researching, writing, and maintaining a **Land Conservation Plan** that will include an updated inventory of our existing natural resources, a prioritization of the environmental qualities we seek to protect, an analysis of which parts of town should be a priority for permanent protection, and an action plan with strategies to focus our effort and leverage our Conservation Fund to protect them.

Article XI: Use of Personal Email Accounts and Computers

- 1) Members may use personal email accounts when conducting Commission business provided that the Commission's town email address (conservation@atkinson-nh.gov) is included in the copy-to of the email. This is to provide a central repository for all Commission email.
- 2) When replying to another member concerning Commission business, members are warned to NOT use the "reply-all" feature to include other members in the reply since this could constitute a "meeting," which is illegal as defined in NH RSA 91-A:2.
- 3) Members may use their own computers in the course of conducting Commission business or preparing Commission documents. It is recommended that members keep

Commission-related computer files in a well-organized set of folders that can be made available to others as needed. Alternatively, some members may prefer to store commission-related files on a cloud server to better preserve these records, and to facilitate sharing among members.

Article XII: Other Powers and Responsibilities

The powers and responsibilities of the Commission include all powers and responsibilities specified in NH RSA 36-A, whether or not they are explicitly mentioned in this document.

Article XIII: Amendment of These By-Laws

Except for amendments resulting from changes to state law (see below), amendments to these By-laws may be made by a motion and second from the floor. After debate or discussion, the Motion to Amend will be automatically tabled until the next regular monthly meeting, at which a 2/3 affirmative vote shall be required to approve the amendment to these By-laws.

Amendments resulting from changes to state law may be proposed and voted on in the same meeting, and may be approved by a simple majority.

Upon adoption, the Chair shall file a copy of amended By-laws with the Town Clerk and provide a copy to the Board of Selectmen.

Summary of Amendments Made in March, 2022:

- *Article VI, Paragraph 1: change the meeting day to the fourth Wednesday of the month, and clarify the Chair's responsibility for setting the agenda.*
- *Article VI, Paragraph 3: clarify that the public's privilege to speak may be granted or rescinded by the Chair, and clarify that the purpose of public input is primarily to receive information and not engage in debate.*
- *Article VI, Paragraph 5: clarify current laws about electronic attendance.*
- *Article VI, Paragraph 8: clarify current laws for voting and electronic attendance.*
- *Article IX: Add a new Paragraph 2 concerning perambulation*
- *Article X, Paragraph 3: Add the last sentence about funding Qualified Organizations.*

These changes are shown in italics.

Order of Precedence (from Robert's Rules of Order)

Motion to Adjourn: Goes to immediate majority vote. This ends the meeting.

Motion To Recess: This ends the meeting for a specified amount of time, after which the members reconvene.

Point Of Personal Privilege: Request for action by the chair, may interrupt if necessary. Points of personal privilege are used to respond to an attack on an individual (rather than the motion) or to complain about conditions, i.e. a plea to open the windows, etc.

Motion To Table: A motion to table is voted upon after it is seconded, without discussion. The motion should be tabled to a specific date.

Call the Question: At the chair's request (or without it), a member may call the question. Requires 2/3 vote, applies to the motion on the floor, closes debate and forces vote.

Motion to Commit or Refer: Refer the question to a committee, which committee and reporting date amendable.

Motion to Amend: Amendments must be voted for by a majority vote. If amendment is accepted as "friendly" by the mover of the original motion, then it will be accepted without a formal vote; this is a way of including a consensus-building process into procedure without endless debate over amendments to amendments.

Main Motion: Requires majority vote.

Point of Order: Request for action by the chair, may interrupt if necessary. A Point of Order is a question about process, or objection and suggestion of alternative process. May include a request for the chair to rule on process.

Motion to Appeal Decision of the Chair: Goes to immediate vote, requires 2/3 vote to override. Allows the body to overrule a decision made by the chair.

Motion to Suspend the Rules: Suspends formal process for dealing with a specific question. Requires 2/3

vote. One such suspension may be to limit or extend the limits of debate.

Motion for Division of the Assembly: Calls for a vote by counting, as opposed to a voice vote.

Object to the Consideration of a Question: Made when a motion is introduced, undebatable, requires 2/3 vote.

Point of Information or Parliamentary Inquiry: A request for information on a specific question, either about process or about the content of a motion. This is not a way to get the floor to say something you think people should know.

Restating The Motion: If someone asks that the motion be restated, the mover of the motion or the recorder restates it.

Motion to Reconsider: made after a vote by one who voted with the majority, may be taken up later to reverse earlier decision. Reversal requires majority vote.

Motion to Rescind: may be moved by anyone, requires 2/3 vote to rescind earlier decision.