

**TOWN OF DEERING, NEW HAMPSHIRE Conservation Commission
Bylaws/Rules of Procedure**

As of 9 May 2022

Town of Deering New Hampshire

CONSERVATION COMMISSION HISTORY, BY-LAWS AND RULES OF PROCEDURE

APPROVED

SECTION 1 HISTORY AND IMPORTANT DECISIONS

1.1 Establishment of Deering Conservation Commission.

Deering Town Meeting 1969, the proposal to establish a town Conservation Commission under NH RSA 36-a was passed.

Under RSA 36:A-5, Town may appropriate money to enable CC to carry out its mission. Excess funds may be placed in a Conservation Fund and allowed to accumulate from year to year.

1.2 Establishment, funding of, and expenditure from Town Conservation Fund

Deering 2005 Town Meeting adopted provisions of RSA 79-A: 25II. Town voted to allocate 100% of Land Use Change Tax to the town Conservation Fund. Although this formula has been challenged in Town Meetings 2008 and 2010, challenges were not successful. The allocation remains at 100%.

Under RSA 36:A-5 money may be expended from the Conservation Fund by the Conservation Commission for the conservation purposes of this chapter without further approval of the Town meeting. Any expenditure “for the proper utilization and protection of the natural resources and for the protection of watershed resources” is a proper expenditure.

A majority of members of the Conservation Commission must approve expenditure of conservation funds.

Expenditures from the Conservation Fund for purchasing an interest in land within the municipal boundaries must also be approved by the Board of Selectmen after a public hearing, pursuant to NH RSA 36-A:4.

Exceptions to this are in 36-A:4-a Optional Powers with regard to purchasing interests in land. The legislative body of a city or town may vote at an annual meeting to authorize the conservation commission to:

- (a) Expend funds for the purchase of interests in land outside the boundaries of the municipality, subject to the approval of the local governing body; and
- (b) Expend funds for contributions to "qualified organizations," as defined in section 170(h)(3) of the Internal Revenue Code of 1986, for the purchase of property interests or facilitating transactions relative thereto to be held by the qualified organization, when such purchase carries out the purposes of this chapter.

Because such contributions further the protection of the state's natural resources, they are hereby declared to be a public purpose.

The 2019 Town Meeting (Warrant Article 10) gave Conservation Commission permission to expend funds for contributions to "qualified organizations" for the purchase of property interests, or facilitating transactions related thereto, where the property interest is to be held by the qualified organization and the Town will retain no interest in the property. A motion at 2020 Town Meeting to amend the permission by adding a requirement for approval by the BOS before Conservation Commission can expend funds from the Conservation Fund was defeated and the motion to expend by Conservation Commission was affirmed.

The provisions of this section may be rescinded by vote of the legislative body.

SECTION 2 TITLE; AMENDMENT

- 2.1 These rules may be cited as the Deering Conservation Commission By-Laws and Rules of Procedure.
- 2.2 These rules may be amended and revised by a majority vote of the members of the Commission.

SECTION 3 PURPOSE and AUTHORITY

- 3.1 The purpose of the Conservation Commission is to protect the watershed resources and promote the proper utilization and protection of natural resources within the Town of Deering.
- 3.2 Establishing a Town Forest pursuant to RSA 31:110-113
- 3.3 These By-Laws and Rules of Procedure are adopted under the authority of New Hampshire Revised Statutes Annotated (RSA) 36-A, "Conservation Commission".
- 3.4 The Conservation Commission serves in an advisory capacity to the Board of Selectmen.

SECTION 4 MEMBERSHIP; OFFICERS; TERMS of OFFICE

- 4.1 The Conservation Commission shall consist of three to seven members who are residents of the Town of Deering and appointed by the Board of Selectmen upon recommendation by the Commission.
- 4.2 Up to three (3) qualified alternates shall be appointed to three (3) year terms by the Board of Selectman upon recommendation by the Commission. Alternates should attend all meetings to familiarize themselves with the workings of the Commission to stand ready to serve whenever a regular member of the Commission is unable to fulfill his/her responsibilities.
- 4.3 Selection, qualification, terms, removal of members, and filling of vacancies shall conform to RSA 673.
- 4.4 Each full member and alternate member shall be sworn in and take an oath of office as required by RSA 42:1.
- 4.5 Terms of office commence on April 1st and end on March 31st three years subsequent, provided however that the term shall continue until a successor is appointed.
- 4.6 The Conservation Commission shall elect the following officers: Chairman and Vice-Chairman.
- 4.7 Officers are elected for a one (1) year term at the first regular meeting following the annual Town Meeting.
- 4.8 The Commission shall appoint a Secretary from among the Commission members, including the alternates.
- 4.9 The By-Laws shall be reviewed at the first regular meeting following the annual town meeting. All Commission members, including alternates, shall be familiar with these By-Laws.
- 4.10 The Select Board may be represented on the Conservation Commission by one of its members. The Representative of the Select Board shall be a nonvoting member of the Commission but may participate in all discussions of the Commission.
- 4.11 One member of the Commission may serve on the Planning Board and/or the Zoning Board to

facilitate communications between the Commission and these Boards as they consider issues that pertain to natural resources and conservation in Deering.

SECTION 5 DUTIES of the CONSERVATION COMMISSION

- 5.1** Keep an inventory of all protected land in Deering.
- 5.2** Undertake periodic visits to properties with conservation easements held by the Town.
- 5.3** Organize and manage a Lake Host Program under NH Lakes, including writing an annual salary support grant proposal, hiring Lake Hosts to staff the boat launch, and recruiting volunteer Lake Hosts to undertake voluntary inspection of all boats entering and leaving Deering Lake to help prevent the introduction of invasive organisms into Deering Lake.
- 5.4** Support Lake Water testing under the Department of Environmental Services (DES) Volunteer Lake Assessment Program (VLAP) and track lake water testing.
- 5.5** Keep an index of all open space and natural aesthetic or ecological areas in Deering including marshlands, swamps, and other wetlands.
- 5.6** Advise the Board of Selectman, Planning Board, Zoning Board, and other local bodies on conservation matters.
- 5.7** Seek to coordinate the activities of unofficial groups involved with the protection of natural or watershed resources.
- 5.8** Keep accurate records of Conservation Commission meetings and actions and file an annual report, which shall be printed in the annual report of the Town. These minutes, in draft form, must be made available in accordance with RSA 91-A.
- 5.9** Manage, protect and properly utilize conservation land.
- 5.10** Be aware of, investigate and make recommendations on permits filed with the NH Department of Environmental Services (DES), including Dredge and Fill, Shoreland and Wetland permits and associated Permits by Notification and Expedited permits.
- 5.11** Advise the Selectboard on receipt of gifts and acquisitions.
- 5.12** Maintain a Wood Duck Box program.
 - 5.12.1** Remove or relocate boxes that have been unused for years.
 - 5.12.2** Repair or replace lost, damaged, or deteriorated boxes.
 - 5.12.3** Visit each box annually to clean and replenish nesting material and take notes on the use of the box.
 - 5.12.4** Maintain a record of use for each box.
 - 5.12.5** Prepare an annual report of the use of duck boxes in Deering that shall be made available to the public.
- 5.13** Create pamphlets and maps of conserved land, natural resources, and hiking trails for display in town as educational aids.
- 5.14** Organize an annual town-wide Spring Roadside cleanup.
- 5.15** Fulfill obligations of the NH DOT and Adopt-a-highway program for Deering Center Road between Hillsborough and Wolf Hill Road, including at least a cleanup in spring and fall of

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6.3 The Secretary shall maintain a record of all meetings, transactions, and decisions of the Commission, and perform such other duties as the Commission may direct by resolution.

Note All draft minutes of Public Meetings should be posted in a public place within five (5) days of the meeting.

6.4 The Chairman, or other member or alternate designated by members of the Commission, shall communicate authorized business of the Commission to the Select Board, Town Committees, Town Administration, and the Public.

SECTION 7 DUTIES of MEMBERS

7.1 Attendance: Members are expected to attend all meetings and workshop sessions.

7.1.1 If a member is unable to attend an announced meeting or workshop, the chairman shall be notified, preferably within 24 hours of the meeting.

7.1.2 Members shall be permitted to miss three (3) meetings in a single calendar year. Upon missing three (3) meetings, the Chairman shall notify the member by writing of the next upcoming meeting. Should the member miss a fourth meeting, the DCC may submit a request in writing to the Board of Selectmen to have said regular member removed from the Commission in accordance with RSA 673:13.

7.2 Members shall participate where possible in activities of the Commission, including but not exclusively easement monitoring, duck box maintenance, roadside cleanup, Japanese knotweed mitigation, volun-,000911 0 tenance, roadside cleanup

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occurs when a member has a direct personal or pecuniary interest in the outcome of a vote which differs from the interest of other citizens. No member shall participate in a vote or the discussion leading up to a vote if that person has a potential conflict of interest.

8.2 A quorum comprises a majority of Commission members, including alternates.

8.3 A quorum is required for a vote but not for discussion.

8.4 An affirmative vote of a majority of members voting on a question shall be sufficient for adoption of the question. Members of the Commission present may be counted to determine whether a quorum is present although they may abstain from voting affirmatively or negatively. Persons abstaining shall not be considered "members voting" in determining whether a question has been adopted. Members are expected to vote on matters before the Commission, unless that member has recused himself/herself. Abstaining from a vote is discouraged unless the issue pertains to business that took place when the member was absent.

8.5 When the vote on a question is evenly divided the question shall be deemed to have been defeated.

8.6 A motion to reconsider a previous vote by the Commission shall be in order only if made by a member who voted with the prevailing side.

8.7 Unless modified by a vote, the Commission regularly follows the following Order of Business:

8.7.1 Call to Order / Roll Call

8.7.2 Approval of minutes of previous meeting(s)

8.7.3 Communication

8.7.4 Old Business

8.7.5 New Business

8.7.6 Adjournment

SECTION 9 Records

9.1 The records of the Board shall be kept at the DCC office and shall be made available for public inspection at the Town Hall as required by RSA 676:3 II and on the Town website.

9.2 Minutes of the Board meetings shall be kept in accordance with the provisions of RSA 91-A. Minutes shall be considered a summary of events and business transacted once adopted by the Board with any corrections noted.

SECTION 10 Adoption and Amendment

10.1 In accordance with RSA 676:1, the By-Laws and Rules of Procedure shall be adopted at a regularly scheduled meeting of the Conservation Commission. Once adopted, a copy of the adopted By-Laws and Rules of Procedure shall be made public and shall be placed on file with the Town Clerk.

10.2 The By-Laws and Rules of Procedure may be amended by a majority vote of the Conservation Commission provided that such amendment is read and signed by the Commission at the next regularly scheduled meeting. Once amended, a copy of the amended By-Laws and Rules of Procedure shall be placed on file with the Town Clerk. The date of adoption of any amendment shall be indicated. A statement shall be provided that states "Date Adopted" shall be added at

the end of the document.

Date Adopted unanimously by members of the Deering Conservation Commission on May 9th, 2022.

Members



Gary Samuels, Chairman

Tim Finn

Stacie Hernandez

Rebecca Mitchell

Dennis Sawyer

Jackie Sawyer

Mike Thomas

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DATES:

Adopted May 2022

Amended

Amended