TOWN COUNCIL – AGENDA REQUEST FORM

THIS FORM WILL BECOME PART OF THE BACKGROUND INFORMATION USED BY THE COUNCIL AND PUBLIC

Please submit Agenda Request Form, **including back up information**, 8 days prior to the requested meeting date. **Public Hearing requests must be submitted 20 days prior to requested meeting date to meet publication deadlines** (exceptions may be authorized by the Town Manager, Chairman/Vice Chair).

MEETING INFORMATION

Date Submitted: April 13, 2015
Submitted by: Agricultural Commission Chairman Bob McCabe
Department:
Speakers: Agricultural Commission Chairman Bob McCabe

Date of Meeting: April 23, 2015
Time Required: 15 minutes
Background Info. Supplied: Yes: _☒_ No: _☐_

CATEGORY OF BUSINESS (PLEASE PLACE AN "X" IN THE APPROPRIATE BOX)

Appointment:	☐	Recognition/Resignation/ Retirement:	☐
Public Hearing:	☐	Old Business:	☐
New Business:	☒	Consent Agenda:	☐
Nonpublic:	☐	Other:	☐

TITLE OF ITEM

Agricultural Commission Bylaws

DESCRIPTION OF ITEM

The Town Council to consider the approval of the recommended Agricultural Commission Bylaws

REFERENCE (IF KNOWN)

RSA:		Warrant Article:	
Charter Article:		Town Meeting:	
Other:		N/A	

EQUIPMENT REQUIRED (PLEASE PLACE AN "X" IN THE APPROPRIATE BOX)

Projector:	☐	Grant Requirements:	☐
Easel:	☐	Joint Meeting:	☐
Special Seating:	☐	Other:	☐
Laptop:	☐	None:	☐

CONTACT INFORMATION

Name:	**Bob McCabe**	Address	
Phone Number		Email Address	bobmccabe@comcast.net

APPROVAL

Town Manager: Yes _☒_ No: _☐_ Chair/Vice Chair: Yes _☐_ No: _☐_

Hold for Meeting Date: _____

07/06

MERRIMACK AGRICULTURAL COMMISSION
BY-LAWS

I. AUTHORIZATION

The Merrimack Agricultural Commission (the "Commission") was duly established by the Merrimack Town Council on November 12, 2008, in accordance with RSA 673:1(II) and hereby establishes the following rules of procedure for the conduct of its business, pursuant to RSA 676:1.

II. PURPOSE

The purpose the Commission shall be for the proper recognition, promotion, enhancement, encouragement, use, management and protection of agriculture and agricultural resources, tangible and intangible, that are valued for their economic, aesthetic, cultural, historic or community significance within their natural, built or cultural contexts. The word "agricultural" shall include the entirety of RSA 21:34-a, which is the definition of farm, agriculture and farming.

III. POWERS AND DUTIES

The Merrimack Agricultural Commission shall have advisory and review authority and other duties as follows, per RSA 674:44-f:

1. Survey and inventory all agricultural resources. Generate data about the number, size, scope and diversity of farm businesses and services in the town.

2. Conduct activities to recognize, promote, enhance and encourage agriculture, agricultural resources, and agricultural-based economic opportunities.

3. Assist the Planning Board, as requested, in the development and review of those sections of the Master Plan that addresses agricultural resources.

4. Advise, upon request, local agencies and other local boards in their review of requests on matters affecting or potentially affecting agricultural resources.

5. Coordinate activities with appropriate service organizations and non-profit groups.

6. Publicize and report its activities.

7. Hire consultants and contractors as needed.

8. Receive gifts of money to assist in carrying out its purposes.

9. Hold meetings and hearings as necessary to carry out its duties.

10. Publicize farm retail outlets in the town.

IV. MEMBERSHIP

1. The Commission shall consist of not less than three (3) members and not more than seven (7) members appointed by the Town Council. The appointment of members shall conform to terms and requirements of the Town of Merrimack Charter Article 6-1B and 6-5. Members shall conform to the limitations on multiple memberships as set forth in RSA 673:4-b, III.

2. The Town Council shall appoint one (1) of their members as an ex-officio member of the Commission in accordance with the Merrimack Town Charter Article 6-1B. The ex-officio member shall participate in the issues before the Commission. The ex-officio member shall have all rights and responsibilities of an ex-officio member as defined by the Town Charter Article 2-1B(7).

3. The Commission shall also include Alternate members, numbering not more than three (3), to be appointed by the Town Council. An alternate may participate in the issues before the Commission but does not have voting rights. Alternates may be designated by the Chairperson to serve in place of any of the Full-time members in the event of disqualification or absence and will have voting rights when appointed. Selection of an Alternate to fill the place of an absent member shall be on a rotational basis in order to give each Alternate approximately equal participation, whenever possible. The appointment of Alternate members shall conform to the terms and requirements of the Town of Merrimack Charter Article 6-1B and 6-5. Members of the Commission shall conform to the limitations on multiple memberships as set forth in RSA 673:4-b, III.

4. A majority vote of the sitting members present is required to pass a motion, with the exception of elections as noted in Article V.

5. All appointed members shall adhere to the oath taken at the time of their appointment and shall conduct themselves in keeping with the oath and these By-laws.

V. ELECTIONS

The Chairperson and the Vice-Chairperson shall be elected by a majority of all Full-time, Alternate and ex-officio members present and voting. Only Full-time members shall hold office. The term for each officer shall be one (1) year or until their successor is duly elected. Officers may be re-elected. In the event that the Chairperson cannot or will not continue in the elective position, the Vice-Chairperson may serve as Chairperson for the remainder of the term. If the Vice-Chairperson cannot continue the elective position or does not want the Chairperson position, the Commission shall elect new officers at the next regularly scheduled meeting.

VI. OFFICERS RESPONSIBILITIES AND DUTIES

1. The Chairperson shall preside at all meetings and hearings and has the duties normally conferred on such officers. The Chairperson shall approve all agendas, ensure the minutes are properly prepared, prepare Commission correspondence, is responsible for preparing and presenting the annual budget and annual report for approval by the Commission and

any other duties that may be required of the Chairman. The Chairman shall appoint such Committees as directed by the Commission, to include one member of the Commission.

2. The Chairperson shall see that minutes are taken whenever a quorum is present and that they are distributed and posted as required by RSA 91-A.

3. Duties may be delegated as deemed by the Chairperson.

4. The Secretary shall keep a record of all meetings of the Commission and shall perform other duties as may be prescribed by law or the vote of the Commission.

VII. FUNCTIONS OF THE MEMBERS

1. Full-time and Alternate members shall not unilaterally represent the Commission without the knowledge and approval of the Commission. Members shall work together in establishing and achieving the goals set forth by the Commission.

2. Members may observe the established goals of the Commission such as established in Section III and consistent with the letter and spirit of the enabling RSAs of New Hampshire.

3. Members shall establish beneficial relationships with other organizations pertinent to the function and goals of the Commission. Members may be appointed by the Commission to serve on such organizations as representatives of the Commission when appropriate.

4. Members shall assist in creating an annual budget for the Commission and in the gathering of information for the annual report.

VIII. DISQUALIFICATION OF MEMBER

1. No member of the Agricultural Commission shall participate in deciding or shall sit upon the hearing of, any decision that the Commission shall decide if that member has a direct or pecuniary interest in the outcome apart from the general interests of all other citizens.

2. If a member is disqualified or unable to act in any particular case pending before the Commission, the Chairperson shall designate an alternate to act in the member's place.

IX. MEETINGS

1. Regular meetings of the Commission shall be held at least monthly and shall be open to the public. Meetings shall be posted as required by RSA 91-A. Non-public sessions may be called pursuant to RSA 91-A:3. Meetings shall not be held on Sundays or legal holidays.

2. A majority of Full-time members or designated Alternates or ex-officio members, shall constitute a quorum necessary to transact business at all meetings. Minutes shall be taken whenever a quorum of four members is assembled.

3. Minutes of all public and non-public meetings shall be taken and shall include the names of the members present, absent, persons appearing before the Commission, a summary of the

items discussed and the results of all votes taken. The Commission shall review the minutes and approve them as soon as possible.

4. Special Meetings may be called by the Chairperson, or in the absence of the Chairperson, the Vice-Chairperson, or designee. All Commission members shall receive at least forty-eight (48) hours' notice of such special meeting. The agenda shall specify the purpose of the meeting and no other business shall be discussed.

5. The Commission shall hold their Annual Meeting in July of each year. The Annual meeting may be part of a normally scheduled meeting. The Commission shall review the By-laws and elect a Chairperson and Vice-Chairperson to serve for the following year.

X. ATTENDANCE

1. Full-time members and Alternates shall attend all regular and special meetings called by the Chairperson at the time indicated. They shall review all materials provided in advance of the meeting and shall be prepared to act on all agenda items. If any member is unable to attend a meeting, they shall notify the Chairperson as far in advance of the meeting as possible.

2. If a Full-time member or Alternate member misses five (5) consecutive meetings without notice this shall be evidence of neglect of duty. The Commission may vote to recommend to the Town Council that the member be removed from the Commission.

XI. REMOVAL OF MEMBERS

1. After a public hearing, the Town Council may remove appointed members and alternate members of the Commission upon written findings of inefficiency, neglect of duty or malfeasance in office.

2. The Town Council shall file with the Town Clerk a written statement of reasons for any cause enumerated above for removal under the section.

XII. LEAVING A MEETING

Any member or alternate may leave a meeting after notice to the Chair, providing that there is no loss of quorum as determined by the Chair. A loss of quorum will require a recess or adjournment of the meeting.

XIII. ADVISORS, VOLUNTEERS, CONSULTANTS AND CONTRACTORS

1. Advisors and volunteers are non-voting participants and may serve at the request of the Agricultural Commission Members. They may attend meetings and provide information, expertise and help to guide the work of the Commission. They may also provide clerical and organizational assistance, help plan meetings, social events and public education events.

2. Consultants and contractors may be employed as non-voting volunteers and under contract with the authorization of the Town Council, to advise and to assist the commission in carrying out its duties.

3. The Commission may appoint any committee, subcommittee or subordinate body thereof or advisory committee thereto as it deems necessary in carrying out its duties.

XIV. STAFF AND FINANCING

1. Within the limits made available by the Town Council, the Commission may employ such staff personnel and/or consultants and contractors as may be required to carry out its purpose. The whole or any part of money so appropriated in any year and any gifts of money received pursuant to Article III (Powers and Duties), shall be placed in an agricultural fund and allowed to accumulate from year to year.

2. The Town Treasurer, pursuant to RSA 41:29, shall have the custody of all monies in the agricultural fund and shall pay out the same only upon order of the Commission. The disbursement of agricultural funds shall be authorized by a majority vote of the members of the Commission present and voting. The use of such funds shall not be for the purchase of any interest of real property.

3. The Chairperson may be authorized to sign contracts for employing personnel and contracting for consulting services as approved by the Commission and Town Council. The Chairperson may authorize the expenditure of funds, within the parameters set by the Town meeting and Town Council approved budget of the Commission.

4. The Commission shall review and approve its annual budget prior to submittal of the budget to the Town Council and to the Town Manager.

XV. PUBLIC RELATIONS

The Chairperson or a duly appointed Commission member or staff person may be authorized to act as principal public relations contact for the Commission.

XVI. BYLAWS AND AMENDMENTS TO BYLAWS

The Commission may change its name and amend these Bylaws. Such action shall be recommended to the Town Council for approval by majority of the Commission's members duly called for that purpose.