

Memo



TO: Town Council

FROM: Town Manager Paul T. Micali

DATE: October 5, 2023

RE: **Heritage Commission Membership**

At the Town Council meeting on September 14th, I shared that I looked into this and determined that this commission could be deactivated, however, a Charter change would be required to accomplish this. I also shared that if the Council decides to allow the Commission to continue, the Planning Board will need to be asked to recommend an ex-officio member because the Charter states that there must be a member from the Planning Board on the Heritage Commission. I would then need to work on getting the appropriate bi-law language updated, such as changing “selectman” to “Town Council” and “three members” to state “one Town Council and one Planning Board member”, as well as update to reflect RSA requirements. The Council discussed this and ultimately decided to keep the Heritage Commission active and see if they can make it work the formation of the Heritage commission.

Current Membership:

Currently we only have three (3) full-time positions, one (1) Alternate position and Town Council representative filled:

Full: Term Expires 6/30/2024
Full: Term Expires 6/30/2026
Full: Term Expires 6/30/2026
Alternate: Term Expires 6/30/2026
Town Council Representative

Currently we have two (2) alternates plus the Planning Board representative for a total of three (3) vacancies:

Alternate: Term Expires 6/30/2025
Alternate: Term Expires 6/30/2024
Planning Board Representative

Since the September 14th meeting, we requested that the Planning Board provide a representative to the Commission. However, an issue has come up with the Planning Board providing a representative. NH RSA states that planning board members are limited in what other boards they may serve on: “Any 2 appointed or elected members of the planning board in a city or town may also serve together on any other municipal board or commission, *except that no more than one appointed or elected member of the planning board shall serve on the conservation commission, the local governing body, or a local land use board as defined in RSA 672:7.*” -RSA 673:7, I. Councilor Healey sits on both the Planning Board and the Heritage Commission.

672:7 then defines a “land use board” to include: “...a planning board, historic district commission, inspector of buildings, building code board of appeals, zoning board of adjustment, *or other board or commission authorized under RSA 673 established by a local legislative body.*”-RSA 672:7. A heritage commission is one of those “other” boards or commissions authorized by 673 and established by the local legislative body.

So, state law only allows one person to be a member of both the Planning Board and the Heritage Commission and Councilor Healey is already doing that, so no additional PB members can serve on Heritage.

Solution:

Option 1:

Appoint another Town Council to sit on the Heritage Commission so that the board would have all five (5) full-time positions filled.

Option 2:

Do nothing and have the committee with four (4) full-time members (including Councilor Healey) and appoint the alternate position as a voting member each meeting.