

CONSERVATION COMMISSION BYLAWS

Revised August 5, 2019

ARTICLE I AUTHORIZATION

- A. The purpose of the Merrimack Conservation Commission (“Commission”) is to assist in protecting the natural resources and watershed resources and to make recommendations on wetland permits to the NH Wetlands Board pursuant to RSA 36-A:2.

- B. The Charter of the Town of Merrimack as approved by the voters in April 2006 re-established the Commission. Originally, the Town of Merrimack voted to establish the Commission at the March 3, 1967 town meeting pursuant to RSA 36-A.

- C. In accordance with RSA 36-A:4; the Commission may receive gifts in the name of the Town subject to the general approval of the Town Council. Such gifts to be managed and controlled by the Commission for the purposes of this section.

ARTICLE II MEMBERSHIP

- A. The Commission shall consist of six Full-time (6) voting members, to be 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 of the Committee shall conform to the limitations on multiple memberships as set forth in RSA 36-A:3.

- B. 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 the rights and responsibilities of an ex-officio member as defined by the Town Charter Article 2-1B(7).

- C. 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 seven (7) Full-time voting 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 terms and requirements of the Town of Merrimack Charter Article 6-1B and 6-5. Members of the Committee shall conform to the limitations on multiple memberships as set forth in RSA 36-A:3.

- D. A maximum of seven (7) Commission members are authorized to vote at any meeting, with the exception of elections as noted in Article IV.
- E. 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.

ARTICLE III MEETINGS

- A. 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.
- B. A quorum of four (4) Full-time members or designated Alternates or ex-officio member, shall constitute a quorum necessary to transact business at all meetings.
- C. 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.
- D. 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 a special meeting. The agenda shall specify the purpose of the meeting and no other business shall be discussed.
- E. 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, Vice Chairperson, and Secretary to serve for the following year.

ARTICLE IV ELECTIONS

- A. The Chairperson, Vice Chairperson, and Secretary shall be elected by a majority of full-time, Alternate and ex-officio members 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.

ARTICLE V OFFICER RESPONSIBILITIES AND DUTIES

- A. 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 Chairperson. The Chairperson shall appoint such Committees as directed by the Commission including one member of the Commission.
- B. All Chairpersons shall see that minutes are taken whenever a quorum is present and that they are distributed and posted as required by RSA 91-A.
- C. The Vice Chairperson shall assume the duties of the Chairperson in the absence of the Chairperson. Other additional duties may be delegated as deemed by the Chairperson.
- D. The Secretary may assume administrative duties delegated by the Chairperson or Vice Chairperson to include Commission correspondence, non-public minutes and preparation of the agenda and minutes.

ARTICLE VI FUNCTIONS OF THE MEMBERS

- A. 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.
- B. Members shall observe the established goals of the Commission such as natural resource land use, water quality protection, and proper management of town-owned parcels consistent with the letter and spirit of the enabling RSA's of New Hampshire. As well as any Management and/or Stewardship Plans officially adopted by the Conservation Commission or the Town of Merrimack for the properties we manage.
- C. 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.
- D. Members shall assist in creating an annual budget and in the gathering of information for the annual report.

ARTICLE VII ATTENDANCE

- A. 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.

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

ARTICLE VIII VOTING

- A. In the absence of a Full-time voting member, the Chairperson shall appoint an Alternate member to act in the absence of the absent Full-time member. If the absent member arrives late, the Alternate shall continue to act in place of the missing Full-time member until the agenda item under consideration is completed. Upon the start of the next agenda item the voting member will replace the Alternate.
- B. The Chairperson will call for a motion to be made on the issue being discussed. A motion made by a voting member and duly seconded shall be passed by a majority of the members present voting in the affirmative. If the vote is not unanimous, the record shall indicate by name those voting as opposed or abstaining.

ARTICLE IX FINANCE

- A. The Chairperson shall authorize expenditures of funds within the approved budget.
- B. Expenditures from any special funds managed by the Commission shall be approved by a majority of the members present at the meeting.
- C. The Chairperson shall approve invoices prior to their payment by the town. Approval shall indicate the budget account to be utilized for payment.