

Town of Boscawen Agricultural Commission
Rules of Procedure
Adopted September 9, 2010

Article A - Establishment, Purpose and Authority.

- a. The Town of Boscawen Agricultural Commission was established by vote of the local legislative body, (March 9th, 2010, Town Meeting), by a majority vote of those voters present, in accordance New Hampshire Revised Statutes Annotated, (RSA), 673:1.
- b. The mission of the Boscawen Agricultural Commission is to promote and to advocate for agricultural activities within the Town of Boscawen, as enabled by RSA 674:44-e; “for the proper recognition, promotion, enhancement, encouragement, use, management, and protection of agriculture and agricultural resources, tangible or intangible that are valued for their economic, aesthetic, cultural, historic or community significance within their natural, built or cultural contexts.”
- c. These Rules of Procedure and duties are adopted under the authority of RSA 673:4-b - Agricultural Commissions, RSA 674: 44-f - Powers, and RSA 674:44-g – Appropriations Authorized.

Article B: Membership.

1. The Boscawen Agricultural Commission shall consist of five to seven members appointed by the Select Board as authorized by RSA 673:4-b I. The Select Board shall designate one Selectperson as *ex-officio* member with power to vote and if he or she so chooses, designate an alternate *Ex-Officio*. Three to five alternate members shall be appointed by the Select Board as authorized by RSA 673:4-b II.
2. All members shall be appointed for three-year terms. Terms of office will be staggered so that two to three regular and one to two alternate members are appointed each year, except for the Select Boards’ representative, and the Select Boards alternate, if appointed. Terms of office commence on April 1 and end on March 31, three years subsequent, provided however, that the term shall continue until successors have been appointed.
3. A vacancy occurring other than term expiration shall be filled for the unexpired term in the same manner as an original appointment, by the Select Board.
4. Town staff shall forward to the town clerk for recording, each Commission member's term of appointment and expiration dates.
5. In the event of a vacancy on the Commission, The Chair may appoint an alternate to serve as a voting member until the Select Board makes a replacement appointment as authorized by RSA 673:12-III.
6. If an individual who is not known to the Commissioners expresses an interest in Commission membership, the individual will be offered the opportunity to volunteer in a commission sponsored project or activity for up to six months prior to a membership vote relative to a recommendation to the Select Board.

Article C: Organization and Officers.

1. The Agricultural Commission, at its first regular meeting following the annual Town Meeting, shall be called to order by the Chair of the previous year, if the chair is still a member of the

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Board, or otherwise, by the regular member with the most years of membership. At this meeting, the Board shall organize the election of one of its regular members as Chair, and one as Vice-Chair.

The Commission Officers and their duties shall be:

- A. Chair: The Chair shall preside over all meetings and hearings in accordance with rules adopted by the Boscawen Agricultural Commission and RSA 91-A, and shall, with the assistance of the town staff, post meeting agenda and notice, prepare an annual report and perform other duties customary to the office. The Chair shall conduct all meetings with openness, efficiency and respect. The Chair shall sign all documents prepared by the Commission, see that decisions of the Commission are implemented and represent the Commission in dealings with other bodies. The Chair may exercise the same right as any other member to vote on matters before the Commission and to speak for or against proposals, but motions are not to be originated by the Chair. The Chair declares intent or not to exercise voting right.
- B. Vice Chair: The Vice Chair shall preside in the Chair's absence and shall have the full powers of the Chair on matters that come before the Commission during the Chair's absence. The Vice Chair shall accept and undertake duties as delegated by the Chair and assist the Chair as requested.

Article D: Duties of Commission.

The duties of the Agricultural Commission are:

- 1. Promote agricultural activities within the Town of Boscawen,
- 2. Be an advocate for agriculture before the Boards, Commissions, and legislative bodies within the Town of Boscawen, the counties and State of New Hampshire, as well as the federal government,
- 3. Be available to advise and assist other Town Boards and Commissions as well as the public on agricultural matters in accordance with RSA 674:44-f.

Article E: Committees.

- 1. The Chair may from time to time appoint sub-committees for any purpose deemed necessary. Each sub-committee shall report to the Commission at each meeting or at such other times as may be requested.

Article F: Meetings.

- 1. All meetings, including non-public sessions, shall be held in accordance with RSA 91-A,
- 2. Regular meetings shall be held at a minimum of four times annually and at other times as may be necessary at the call of the Chair. The meetings will be held at the Municipal Office Building

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or other designated place on the 2nd Tuesday of each month at 6:30 PM in accordance with RSA 673:10,

3. Special meetings and/or workshops may be called by the Chair or, in his/her absence, by the Vice Chair; or at the request of three Commission members. Public notice and notice to each member shall be given at least 24 hours prior to such meeting, excluding Sundays and legal holidays. The notice shall specify the meeting's purpose. If a public hearing is called for, the requirements of RSA 676:7 shall apply.
4. Quorum: A majority of the Commission membership shall constitute a quorum, including alternates sitting in place of regular members in accordance with RSA 673:11. Should a quorum of Commissioners not be present to begin a meeting, the Chair shall designate alternate members needed to reach a quorum. If any regular Commissioner is absent from any meeting or hearing or is disqualified from sitting on a particular application or other business, the Chair shall designate an alternate member to sit in place of the absent or disqualified member. Alternate members have all regular member powers and duties regarding any matter under consideration on which a regular member is unable to act. The alternate member shall continue until the matter is completed; the regular member does not vote on that matter,
5. In the matter of selecting voting alternates, the Chair shall maintain a list of which alternates have voted and chose the voting member in order of rotation,
6. Alternates who are not voting may partake in deliberations and will be seated with the voting members,
7. Members and alternates are requested to attend all regular meetings and as many other meetings, site walks, and Commission sponsored educational programs as possible. Notification of absence shall be submitted to the Chair in advance. Continued absences, (more than three consecutive unexcused meetings), will result in a letter of warning to the member. If absences continue, the member will be requested to submit his or her resignation by a date certain. If the member does not resign by that date, the Select Board will be so notified and requested to remove the member for cause in accordance with RSA 673:13,
8. Recusal: Any member who has a conflict of interest in any matter before the Commission shall recuse himself or herself from voting or speaking on said matter. If any member finds it necessary to be recused from sitting on a particular case, he/ he shall notify the Chair as soon as possible so that an alternate may be appointed to fill the place. Either the Chair or the member shall announce the recusal before the discussion, or the public hearing begins. The recused member shall leave the Commission table during all deliberations and hearings on the matter. If uncertainty arises as to whether a Commission member should recuse her/himself on the request of that member, or the request of another member of the Commission, the Commission shall vote on the question of whether that member should be recused. Such request and vote shall be made at the commencement of any required public hearings. A vote on a question of recusal may not be requested by persons other than Commission members in accordance with RSA 673:14.
9. Site Visit Protocol: Chair or designee informs Commissioners, Alternates and town staff of date, time and location of upcoming site visit. On-site visits are considered public Commission meetings. On-site visits shall be conducted according to the following policies:
 - a. The group shall stay together. Persons, who want to go to another part of the site, need

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- permission of the chair and property owner, unless the group moves to that place.
- b. Persons can video record or take pictures of the matter before the Commission or of the attendees. Video and camera use can be restricted from items not related, or only tangentially related, to the matter before the Commission.
 - c. The use of recording equipment shall be discussed when the site visit is scheduled. Audio recorders are permitted. The Commission can prohibit the use of video recorders and cameras where matters subject to RSA 91-A:3, II, (i) are present at the site. If the use of video recorders or cameras is to be restricted, the reasons and ground rules for such use shall be established when the site visit is scheduled.
 - d. Items are to be evaluated considering the applicable New Hampshire Department of Agriculture, Markets, and Food's *Manual of Best Management Practice Guidelines (BMPs) For Agriculture in New Hampshire*. Site Visit official record is the *Agricultural Commission Site Visit Public Meeting Minutes*. Form attached.
 - e. Chair or designee prepare and circulate a draft letter summarizing findings and recommendations to all Commissioners and Alternates for comment and input within 2 business days.
 - f. Following the two-day comment/input period the Chair or designee prepare the Commission's official response for the appropriate land use board.
 - g. The official response may be an agenda item at the Commission's upcoming meeting.
10. Meeting Protocol to be read before public hearings and site visits at the discretion of the Chair. In the interest of conducting an orderly meeting/visit/hearing that is fair to all, the Chair will read and enforce the following rules:
- a. Everyone is expected to display common courtesy and conduct themselves accordingly.
 - b. The Commission will give everyone concerned a fair and impartial hearing. Everyone shall remain silent unless called upon. Those who fail to do so may be asked to leave. Cell phones must be turned off and no video recording shall be allowed.
 - c. The presenter shall address all testimony, comments and questions to the Commission. The presenter shall not address any questions or comments from the public.
 - d. Everyone will be given a chance to speak, ask questions or offer opinion in order of the Rules of Procedure, with abutters first, the members of the general public next and town or state officials last. When the Chair opens the hearing, calling your category, please raise your hand and you will be recognized.
 - e. When called upon, please state your name, address and state if you have any relationship with the presenter or are employed by the presenter.
 - f. Please address your testimony, comments and questions to the Chair. There will be no direct exchange between the presenter and the audience. The Chair will determine if the questions posed will be conveyed to the presenter.
 - g. We request anyone with an interest in the item before the Commission remain in the room until the final vote is taken. RSA 676:4 states that once a hearing is closed, and during deliberation, the Commission has a question of the presenter or staff, the hearing must be reopened. Thus, all concerned are given an opportunity to speak to the issues raised.

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h. When the gavel is struck, all conversation shall cease.

11. Utilization of Town Counsel Policy: Policy shall be reviewed, and form completed by Chair as shown in the Policy for Appointed Officials.

Article G: Order of Business.

1. The Order of Business shall be in accordance with RSA 676:1.
2. Call to order by the Chair: State date and time.
3. Roll call by the Chair.
4. Designate alternates to vote, if needed.
5. Read meeting protocol, if needed (See below).
6. Review the minutes, discuss, make corrections, if needed. Ask for motion to accept (as amended if changes are made), second, vote.
7. Public hearing, if necessary, as authorized by RSA 674:44-f IX. The Chair, or designee, manages this discussion and may change the order of the meeting.
 - a. Invite the Presenter to join the Commission. Explain the meeting process, if necessary (Items 1- 4) to the Presenter and the public.
 - b. Ask the Presenter to explain his/ her item.
 - c. Open the public hearing. The order is:
 - i. Abutters in favor of the item,
 - ii. Abutters opposed to the item,
 - iii. Public in favor of the item,
 - iv. Public opposed to the item,
 - v. Any Town of Boscawen or other jurisdictional officials commenting in their official capacity. (Appearance must be endorsed by their Board, Committee or Commission.) If necessary, move to the next item and start over at 1.
8. Old business: Discuss, motion, vote on each item.
 - a. Close the public hearing.
 - i. Any discussion or questions among the Commissioners.
 - ii. If no further discussion, call for a motion, a second and then a vote (All in favor- any opposed)
9. New business: Discuss, motion, vote on each item. Discuss, motion, vote on each item.
10. Members comments, if any Communications or correspondence other business to come before the Commission Adjournment: motion, vote.

Article H: Nonpublic Session.

1. Nonpublic sessions are only allowed for specific exemptions detailed in RSA 91-A,
2. The Agricultural Commission may exclude the public only after passing a motion stating the exemption relied upon for the nonpublic session. The motion, duly seconded, must be carried by an affirmative recorded roll-call vote of a majority of the members present,
3. All discussion and decisions made during nonpublic session shall be confined to the matters set

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out in the motion,

4. Minutes of proceedings in nonpublic session shall be kept, and the record of all actions shall be made available for public inspection as outlined in RSA 91-A:3, III. If it is determined by a recorded vote of 2/3 of the members present that indulgence of the information would have an adverse affect (see RSA 91-A:3, III) information may be withheld by sealing the minutes until (in the opinion of a majority of members) the applicable circumstances no longer apply. In that case, immediately after the nonpublic session, the Commission will take a roll call vote in public session to seal the minutes.

Article I: Joint Meetings and Hearings

1. The Commission may hold joint meetings and hearings with other “land use boards” including the Planning Board. Each Board shall have discretion whether to hold such joint meeting or hearing in accordance with RSA 676:2.
2. Joint business meetings with another local land use board may be held any time when called jointly by the Chairs of the boards or commissions.
3. The rules of procedure for joint meetings and hearings, the subject matter of which involves the Commission, shall be the same as these rules of procedure, except that the order of business shall be as follows:
 - A. Call to order by the Chair. The Chair of a joint meeting is governed by RSA 676:2,
 - B. Introduction of members of the boards involved by their respective Chairs,
 - C. Explanation of reason for joint meeting/hearing by Chair,
 - D. In the case of a public hearing relative to a requested permit or an application for a plan of approval, or both, the applicant shall be called to present his proposal,
 - E. Adjournment.
4. Each board involved in a joint public hearing shall make its own decision, based on its criteria for the particular matter.

Article J: Records

1. Commission records shall be kept by town staff and shall be made available for public inspection within five business days at the town office as required by RSA 676:3, II,
2. Minutes of meetings including Commission member's names, persons appearing before the Commission and a brief description of the subject matter, shall be open to public inspection as required in RSA 91-A:2, II.

Article K: Amendments

1. These Rules of Procedures may be amended by a 2/3 majority vote of Commission members provided that such amendment is duly noticed and read at the meeting immediately preceding the meeting at which the vote is taken,
2. The Rules of Procedure may be changed at any meeting by two-thirds majority vote of the Commissioners,

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3. The Rules of Procedure shall be filed with the town clerk,
4. The Rules of Procedure are regulated by current RSA's and may be amended from time to time.

Adoption:

Adopted by the Boscawen Agricultural Commission at a regularly scheduled and duly noticed public meeting held on September 9, 2010, as required by RSA 676:1.

Amendments:

- Article A, Section 2 was amended by replacing the word “purposes” with “mission” in the first sentence and correcting the grammar on April 14, 2011.
- Article B Membership was amended by adding section 6 on April 14, 2011.
- Article C, Organization and Officers, Section 1, C-Secretary and D-Treasurer were combined on June 9, 2011.
- Article F, addition of Utilization of Town Counsel Policy on January 16, 2024.

John Keegan, Chair



John Porter, Vice Chair

Ralph Odell, Commissioner

Gary Tillman, Commissioner

Julie Fournier, Alternate Commissioner

William Bevans, Ex-Officio

Date Signed: January 23, 2024

Adoption Certification:


(Town Clerk)

Date:

1/23/24