

**RULES OF PROCEDURE**  
**DANVILLE HERITAGE/HISTORIC DISTRICT COMMISSION**  
*(name clarified - 2024)*

Adopted by the Danville Heritage Commission  
Danville, New Hampshire  
On January 8, 1997

And as amended: April 1999; August 2000; January 2003; April, 2006; July 2009; March 2012;  
September 2015; December 2018; reviewed/certified 2021; April 2024

Amended document filed with the Town Clerk on:

Date:

May 2, 2024

Town Clerk:

Christine Tracy  
Signature

**Section I – Authority**

- 1) These Rules of Procedure are adopted under the authority of New Hampshire Revised Statutes Annotated (RSA) 676:1.
- 2) The Town established a Heritage Commission by Town Meeting vote in 1996 under the provisions of RSA 674:46-a. The 1996 Town Meeting vote also authorized the Commission so established to assume the composition, duties, responsibilities and powers of a Historic District Commission as provided in RSA 674:44-b, III and RSA 674:46-a V. The Town adopted a Historic District Zoning Ordinance by Town Meeting vote in 1999, which ordinance requires that the Historic District Ordinance be administered by the Heritage Commission. The Town Meeting votes in 1996 and 1999 resulted in the Heritage Commission assuming the duties of a combined Heritage/Historic District Commission. Thus, whenever Heritage Commission is used in reference to the Commission, it also means the Heritage/Historic District Commission.  
*(added - 2024)*
- 3) **Heritage Commission Authority** *(added - 2024)*

**Purpose:** By Town Meeting Vote in 1996 the Town established a Heritage Commission for the proper recognition, use and protection of resources, tangible or intangible, primarily man-made, that are valued for their historic, cultural, aesthetic, or community significance within their natural, built or cultural contexts. (RSA 673:1, II and 674:44-a.)

**Powers:** The Heritage Commission shall have authority for the following under RSA 674:44-b:

- a. Survey and inventory all historical and cultural resources.



- b. Conduct research and publish findings, including findings to establish the legal basis for a historic district and preparation of historic district ordinances within the Town.
- c. Assist the Planning Board, as requested, in the development and review of those sections of the Master Plan which address historic and cultural resources.
- d. Review applications for subdivision and site plan design review in an advisory capacity and provide recommendations to the Planning Board.
- e. Advise, upon request, local agencies and other local boards in their review of requests on matters affecting or potentially affecting historic and cultural resources.
- f. Coordinate activities with appropriate service organizations and nonprofit groups.
- g. Publicize its activities.
- h. Hire consultants and contractors as needed.
- i. Receive gifts of money and property, both real and personal, in the name of the Town, subject to the approval of the local governing body, such gifts to be managed and controlled by the Commission for their proper purposes.
- j. Hold meetings and hearings necessary to carry out its duties.
- k. Act as a resource to local boards and commissions.
- l. Serve as a steward for resources within the Town.
- m. Assume the composition and duties of the historic district commission as authorized by Town Meeting Votes in 1996 and 1999.

#### 4) **Historic District Commission Authority** (*added - 2024*)

##### **Purpose:**

Under the authority of RSA 674:46, the Town's local legislative body, by Town Meeting Vote in 1999, approved zoning ordinances to establish, lay out and define a historic district and designated the Heritage Commission as administrator of the Historic District Ordinance.

RSA 674:45 provides that the preservation of cultural resources, and particularly of structures and places of historic, architectural and community value is declared a public purpose. The heritage of the municipality will be safeguarded by:

- a. Preserving districts in the municipality which reflect elements of its cultural, social, economic, political, community and architectural history.
- b. Conserving property values in such districts;
- c. Fostering civic beauty;
- d. Strengthening the local economy; and
- e. Promoting the use of historic districts for the education, pleasure and welfare of the citizens of the municipality.

##### **Powers:**

The Heritage Commission, acting as the Historic District Commission, shall have the authority under RSA 674:46-a to carry out the following:



- a. Perform research and prepare the content of the historic district ordinance prior to its adoption or amendment as provided in RSA 675:2.
- b. Prepare and submit recommendations to the Planning Board for adoption and amendments to the Historic District Ordinance in the manner provided in RSA 675:6.
- c. Administer the ordinance and regulations within the historic district as provided in RSA 676:8-10.
- d. Ensure that all historic districts and regulations are compatible with the municipality's master plan and zoning ordinance.
- e. Assume the composition and duties of the heritage commission as authorized by Town Meeting Vote in 1996.

## **Section II – Members**

- 1) In accordance with the 2011 Town Meeting Vote, the Heritage Commission so established shall consist of five (5) members who shall be appointed by the Board of Selectmen. One of the 5 Commission members shall be a member of the Board of Selectmen. One of the 5 Commission members may be a member of the planning board. The term of the Selectman member shall be determined by the governing body. The terms of the remaining 4 members shall be three years (RSA 673:4-a). *(added - 2024)*
- 2) Alternates: In accordance with the 2011 Town Meeting Vote, not more than 3 alternate members may be appointed. The term for an alternate member shall be three (3) years, the same as regular members. *(added - 2024)*
- 3) In determining each member's qualifications, the appointing authority shall take into consideration the appointee's demonstrated interest and ability to understand, appreciate and promote the purpose of the Heritage Commission (RSA 673:4-a II).
- 4) Heritage Commission terms, removal of members and filling of vacancies shall conform to RSA 673.13 and 673.12 respectively.
- 5) Each newly appointed or re-appointed member shall be sworn in and take an oath of office as required by RSA 42:1.
- 6) Heritage Commission members may serve on any other Danville boards or commissions, provided that such multiple membership does not result in two Heritage Commission members serving on the same board or commission.
- 7) Vacancies in membership occurring other than through the expiration of a term of office shall be filled by appointment by the Selectmen of a replacement for the unexpired term. Heritage Commission members may vote to recommend the appointment of an existing alternate member to fill the vacancy of a regular member or may request that the Selectmen advertise for a new regular member.



### **Section III – Officers and Staff**

- 1) The officers of the Heritage Commission shall be elected by the Commission annually at the first regular meeting following appointment of the new members by the Selectmen following a general election.
- 2) The Officers of the Heritage Commission shall be as follows:

- a. Chairman: The Chairman shall serve for one year and shall be eligible for re-election. The Chairman shall prepare agendas for Commission meetings, preside over meetings and hearings; shall be the official spokesman for the Commission; shall prepare an annual report; and shall perform other duties as customary to the office. The Chairman shall also appoint such committees as directed by the Commission, and shall affix his or her signature in the name of the Commission. The Chairman may vote in all cases where he/she does not have a conflict of interest. The Chairman is also authorized to sign and approve expenditures and submit payment vouchers to the Board of Selectmen. With the exception of the clerk's pay, expenses over \$50 and payments from grant funds shall be approved with the Commission prior to such expenses being incurred.
- b. Vice Chairman: The Vice Chairman shall serve for one year and shall be eligible for re-election. The Vice Chairman shall preside in the absence of the Chairman and shall have the full powers of the Chairman on matters that come before the Commission in the absence of the Chairman. At the discretion of the Chairman, the Vice Chairman may prepare an annual budget, maintain an accounting of the Commission's expenditures during the year and present the Commission's proposed budgets to the Selectmen and Budget Committee. The Vice Chairman shall be the official spokesperson for the Commission in the absence of, or at the request of, the Chairman.

#### **3) Staffing**

Recording Clerk: In accordance with RSA 673:16, the Heritage Commission, by majority vote, may appoint a non-member clerk, as deemed necessary, to carry out administrative work related to the proper and efficient implementation of Heritage Commission duties and obligations. The Recording Clerk shall be considered a Town employee and shall be subject to the same employment rules as other employees of the Town. The Recording Clerk may perform the following tasks:

- a. Maintain a record of all meetings, transcriptions, and findings of the Commission;
- b. Have draft minutes of each meeting available for the public within five (5) business days of the meeting as required by RSA 91-A:2, Section II; (*amended - 2024*)
- c. Deliver the draft meeting minutes to the Commission members by email within 48 hours before each meeting to enable the members to review, correct, amend and approve the minutes in final form at a subsequent meeting of the Commission; (*amended - 2024*)



- d. Deliver final approved minutes by email to the Town Clerk for posting in the Commission's minutes record book within five (5) business days of the Commission's approval as required by RSA 91-A:2, Section II.
  - e. Draft correspondence as directed by the Commission or Chairman for the review and approval of the Commission as to content at a regular meeting before sending it;
  - f. Prepare a draft Meeting Agenda for review by the Chairman before sending it to the members;
  - g. Perform all such other administrative tasks as directed by the Commission.
- a) Additional Staffing: The Heritage Commission may acquire additional staffing and/or consultants pursuant to its authority under RSA 673:16.

#### **Section IV – Meetings** *(amended and re-ordered - 2024)*

##### **Policies and Procedures applicable to all meetings:** *(title added 2024)*

- 1) Notice of meetings, hearings, work sessions or changes to the regular meeting schedule must be posted in two public places in accordance with RSA 91-A:2. Posting on the Town of Danville website qualifies as one public place. Other public places include the Town Hall, Library and Post Office. Public hearings under the Historic District Ordinance require an additional posting in a newspaper. *(added 2024)*
- 2) Cancellations may be made by the Chairman if no business is before the Commission or if inclement weather or other unusual circumstances warrant a cancellation.
- 3) A quorum shall be constituted if at least three (3) members or alternates are in attendance. A quorum must be present to take action, vote, transact business or proceed with a hearing. If a quorum is lost during a hearing, a motion shall be made to continue the hearing to a later date before the meeting is adjourned. If a quorum ends during a meeting, the chairman shall immediately adjourn the meeting. *(amended - 2018)*
- 4) Discussion, decisions made or votes taken at a time or place other than during an officially convened meeting of the Heritage Commission shall not be recognized as official or binding votes or decisions.
- 5) If any regular Commission member is absent from a meeting, or disqualifies himself/herself from sitting upon a particular application or matter, the Chairman shall designate one of the alternate members to sit in their place. The Chairman may, in his/her discretion designate such alternate on a rotating basis with the other alternates or on a seniority basis. Such alternate shall have all the powers and duties of a regular member. Once the Chairman has designated an alternate as a voting member, the alternate shall hold that status for the duration of the meeting. In instances where a regular member has notified the Chair that he or she will be arriving at a meeting late, the Chair may, in his or her discretion, appoint an alternate member pro temp until the regular member arrives, provided there is no hearing scheduled for a zoning application for review. The alternate member shall step down as a pro temp voting member upon the arrival of



the regular member. If an alternate member has been designated by the Chair as a voting member at a meeting at which a hearing on a zoning application for review is scheduled, the alternate member shall retain his or her status as a voting member for the duration of meeting even though a regular member may arrive during the meeting and after the alternate has been designated a voting member. Based upon the knowledge of the regular member and the alternate, and based upon the complexity of the proposal and length of time that it will be before the Commission, the Chairman of the Commission shall determine whether the regular Commission member or the alternate shall sit on subsequent hearings on the particular proposal or issue. Only an alternate chosen by the Board of Selectmen shall sit in place of the ex-officio member.

6) Alternates' Participation (*amended - 2018*)

- a. It is expected alternates will attend meetings on a regular basis, as well as serve on various appointed committees. Alternates in attendance will be entitled to sit with the Commission, ask questions and participate in meeting discussion. Only alternates designated by the Chairman to sit in for absent regular members may vote.
- b. When any Board member is absent from any meeting or hearing, or disqualifies him/herself from sitting on a particular case at the commencement of the meeting or hearing, or must leave the meeting or hearing before adjournment, the Chairman shall designate an Alternate member to sit in the place of the absent Member, and such Alternate shall be in all respects a full Member while so sitting. In selecting an Alternate, the Chairman shall first consider which Alternates are present, then he/she shall select an Alternate on a rotational basis to ensure all alternates get an equal chance to serve. In the event any member, including an alternate who has been appointed as voting, is disqualified or steps away from a hearing or matter, the Chairman shall appoint another alternate for that topic.
- c. If a regular member resigns and a regular member vacancy exists, the Commission shall discuss the opening with the current alternates for their opinions on a recommendation to the Board of Selectmen for an appointment to the empty seat. The senior alternate shall be given first priority.

- 7) Attendance: Any Commission member unexcused and failing to attend three (3) consecutive meetings will be cause for the Heritage Commission to request his/her removal and replacement as an active member. Members are requested to notify the Chairman or the Secretary in advance if he/she cannot attend a meeting or will be late in arriving.

**Regular Meetings:**

(*title added 2024*)

- 1) Regular meetings shall be held at the Danville Town Office Building at 7:30 p.m. on the second and fourth Wednesday of each month. The number of meetings per month may be changed by a majority vote of the Commission. Additional meetings, work sessions or changes to the regular schedule shall be allowed provided proper notice is given in accordance with RSA 91-A:2.



2) Other meetings may be held on call of the Chairman, provided notice is given to each member at least 48 hours prior to the time of such meeting; 48 hours notice will be waived if, in fact, all members attend a special meeting called without such notice. A meeting may also be called by petition of three (3) members of the Commission.

3) Order of Business for Regular Meetings shall be as follows:

Call to order by Chairman  
Designation of voting members;  
Review/approval of Minutes;  
Mail and Announcements;  
Continued Public Hearings;  
New Public Hearings  
Citizens' scheduled appointments;  
Discussion of Commission projects;  
Other Business;  
Adjournment

4) The Chairman may change the order of business as necessary to conduct an orderly meeting. Members of the Commission may move to amend an Agenda.

**Non Public Meetings:**

*(amended 2018)*

1) Non public sessions shall be held in accordance with RSA 91-A:3.

2) A motion which states the statutory basis for the non-public session shall be made during a public meeting of the Commission.

3) A recorded roll call vote is required to be taken on a motion to go into non-public session and the vote shall be recorded in the public minutes of the meeting. Only those alternates who have been appointed as voting members during the public meeting at which said motion is made shall participate in the required recorded roll call vote.

4) Minutes of said non-public session shall be written and kept separately from the minutes of the public session at which the vote for a non-public session was taken and approved.

5) At the conclusion of the non-public session, a motion shall be made and approved by a majority of the voting members present to return to public session for additional business and/or adjournment.

6) Upon returning to public session, a motion may be made to seal the minutes of the non-public session. Such motion to seal the minutes of the non-public session shall require approval by a majority of the voting members who were present during the non-public session.

7) Copies of draft non-public minutes shall be returned to the recording clerk after review.



- 8) If the Commission votes to seal minutes of a non-public session, the Commission's chair shall deliver the final, approved minutes of the non-public session to the Town Clerk in a sealed envelope marked "Non-pubic meeting minutes" and the meeting date. The Town Clerk will retain the sealed non-public meeting minutes in a secure place until they are unsealed by a majority vote of the Commission. *(added - 2024)*

**Work or Work Sessions:**

*(added - 2024)*

Work or work sessions may be convened in the same manner as regular meetings. Notice of a work session shall be posted in two public places in the same manner as what is required for regular meetings. No quorum shall be required for a work session and no official action or votes shall be taken. If a quorum is present for a work session, minutes shall be prepared to document the date, starting and ending times, members present and a brief description of the work that was done.

**Meetings and Hearings under Historic District Ordinance:**

*(added 2024)*

- 1) All procedures and regulations regarding the Historic District are contained in the Historic District Zoning Ordinance. As administrator of the Historic District Zoning Ordinance pursuant to the Town Meeting Votes in 1996 and 1999, the Commission shall have the authority to:
  - a. Conduct preliminary consultations with potential applicants pursuant to the Ordinance.
  - b. Review applications for Certificates of Approval under the Ordinance for a determination about completeness.
  - c. Schedule and post required public hearings for accepted applications for Certificates of Approval pursuant to the Ordinance.
  - d. Conduct site visits in connection with applications for Certificate of Approval under the Ordinance.
  - e. Request opinions and reports from other municipal boards and officials, professionals and legal counsel regarding applications for Certificate of Approval under the Ordinance.
  - f. Consult, review and rely upon reputable design standards from recognized sources when evaluating applications for Certificates of Approval under the Ordinance.
  - g. Render a final written decision on applications for Certificates of Approval under the Ordinance which shall contain the reasons for the decision and written findings of fact supporting the decision. (RSA 676:3 as revised in 2022).
  - h. Develop forms for applications for Certificate of Review and forms to assist the Commission during a review under the Ordinance. All forms and revisions thereof shall be adopted by majority vote of the Commission.
- 2) **Public hearings:** The Heritage/Historic District Commission is authorized to conduct public hearings on applications for Certificates of Approval that have been accepted as complete in accordance with the Historic District Zoning Ordinance. The conduct of public hearings shall be governed by the procedure and regulations found in the ordinance and by the following rules:



- a. The Chair shall call the hearing into session, and read the application information into the record.
- b. The applicant, or their authorized representative, will present an overview of the application to the Commission.
- c. Members of the Commission may ask questions at any point during the applicant's presentation.
- d. Members of town staff, boards or committees may present any comments or recommendations to the Commission.
- e. Any applicant, any abutter, or any person with an interest in the matter may testify in person or in writing.
- f. Any party to the matter who desires to ask a question of another party must go through the Chairman.
- g. Each person who speaks shall be required to state her/his name and address for the record.
- h. The Commission can make any appropriate motions regarding the application including approval, denial, or continuance of the application.
- i. The Chair shall indicate whether the hearing is closed or continued pending the submission of additional material or information or the correction of noted deficiencies. In the case of a continuance, additional notice is not required if the date, time and place of the continuation is made known at the adjournment.

### 3) **Decisions:**

A Notice of Decision, in writing and with supporting written findings of fact, will be made available for public inspection at the Town Clerk's office within 72 hours after the decision is made as required in RSA 676:3. If the application is disapproved, the Commission shall provide the applicant with written reason and written findings of fact for the disapproval.

## **Section V - Correspondence and Communication**

- 1) All correspondence shall be directed to the Chairman.
- 2) All press releases are to be given only by the Chair or by the Vice Chair at the direction of or in the absence of the Chair after review by the Commission.



- 3) All outgoing correspondence shall be reviewed with Commission members unless a majority of the members vote to waive this requirement.

4) **Email Policy:**

- a. In an effort to insure that all Heritage Commission business is conducted within an appropriate forum, open to the public, the Heritage Commission does not have an official email address.
- b. Commission members may choose to provide personal email addresses, for the sole purposes of receiving meeting reminders, receiving draft meeting minutes and receiving meeting agendas. These items may be mailed by regular mail to any Commission member who does not have an email address or who chooses not to provide a personal email address. Personal email addresses of Heritage Commission members shall not be disseminated to anyone other than Commission members, the Commission's clerk, the Board of Selectmen or authorized representatives of the Board of Selectmen.
- c. Any Heritage Commission member who receives email(s) which references the Heritage Commission and/or Heritage Commission business shall consider such as correspondence to the Heritage Commission. The recipient shall not respond to the email(s) and shall print the email(s) and present them to the Commission as correspondence at the next regularly scheduled meeting or work session.
- d. Any member may email to the Chair information for distribution to the members in advance of an upcoming meeting. The Chair or the clerk will then forward the information to the members in compliance with the exception set forth in Paragraph 4), e., viii. (*added - 2018*)
- e. It is the policy of this Commission that absolutely no Heritage Commission member or the Commission's clerk shall engage in email correspondence and/or discussions that can be construed as conducting Heritage Commission business unless the email communication falls under one of following exceptions:

Exceptions:

1. The Heritage Commission members may vote during a meeting to authorize one or more members to send out or forward emails in connection with the Commission's work or projects.
2. The Chair, the Vice Chair or the Commission's clerk may send draft meeting minutes to Heritage Commission members. No comments, reactions or changes shall be sent to the clerk or other Commission members regarding draft meeting minutes via email. Draft minutes shall be reviewed and discussed only at the next public meeting.
3. The Chair, the Vice Chair or the Commission's Recording Clerk may:



4. submit the Commission's draft and final approved meeting minutes to the Town Clerk for posting in the Commission's minutes record book; and
5. submit the Commission's final approved meeting minutes to the Selectmen's Administrative Assistant for posting on the town's official website.
6. The Chair, the Vice Chair or the Commission's clerk may send meeting reminder notices and meeting agendas to Heritage Commission members via email. Heritage Commission members may respond via email only with requests for additional agenda items.
7. Should the recipient of email correspondence feel the subject demands the immediate attention of the Commission, he or she may forward same to the Chair, who at his or her discretion may take appropriate action.
8. Should the Chair receive an email inquiry that requires action or the furnishing of information before the next regular meeting of the Commission, the Chair may act, respond or reply, providing such reply is limited to the subject referenced in the email. Such action, response or reply shall be reported to the Commission members at the next regularly scheduled meeting and reference thereto shall be incorporated into that meeting's minutes.
9. Heritage Commission members may submit inquiries by email for information or assistance and communicate with local, federal, state, regional or private agencies or consultants after consensus at a public meeting of the Commission .
10. The Chair may forward to Commission members by email notices, publications, correspondence or other documents which the Chair in his or her discretion, determines would be necessary or informative for the Commission members to receive. No comments, reactions or changes shall be sent by email to the Recording Clerk or other Commission members regarding such information, but any member may bring the information up for discussion at a future meeting of the Commission.
11. Any Commission member who feels harassed and/or threatened by email correspondence received from a resident(s), another member(s) of any town board, commission or committee, or any other person, related to the business of the Heritage Commission, shall immediately advise the Chair. The Chair shall, with the permission of the complainant, refer the issue to the Board of Selectmen.

#### **5) Social Media Policy:**

*(added - 2018)*

- a. Purpose: As with all communication, social media presents a number of legal issues municipalities need to recognize. Websites, blogs and all other social media can expose a



municipality to liability. The purpose and intent of this policy is to protect the Town of Danville, as well as the Danville Heritage Commission and its duties, responsibilities and integrity. There is no intent in this policy to infringe on the First Amendment Constitutional rights of Commission members.

b. Definitions:

1. *Social media:* Social media includes all means of communicating or posting information or content of any sort on the Internet, including to a member's own or someone else's web log (or "blog"), journal or diary, personal web site, social or professional networking or affinity web site, web bulletin or a chat room, whether or not associated or affiliated with the Town or Heritage Commission, as well as any other form of electronic communication.
2. *Personal Social networking:* a non-governmental related social networking activity (e.g., a Heritage Commission member establishing a Facebook page or Twitter account for his/her own personal use).

c. Social Media Networking and Postings on behalf of the Commission:

1. No member of the Heritage Commission is authorized to establish an official social network site on behalf of the Commission on any platform.
2. The Heritage Commission may designate a member to place informational posts on behalf of the Commission on social network sites under the following conditions:
  - a. Social media postings may include information that may be of interest to voters regarding local government initiatives, suggestions, proposals, plans and background information regarding other issues.
  - b. Social medial postings shall be limited to those that are for public purposes and official municipal business, such as event invitations, notices, minutes, forms, information, alerts, contact information and ordinances.
  - c. The Commission has discussed and reached agreement concerning the contents of each posting and has specified the social network sites a posting will be placed on.
  - d. One Commission member has been designated by Commission vote to place approved postings on the social network sites that have been agreed to. Each posting must contain an acknowledgement it has been approved by the Heritage Commission.
  - e. No comments will be allowed for any social network postings made on behalf of the Heritage Commission. The comments option shall be turned off for all postings.



- f. Direct advocacy for or against a particular warrant article that directly affects the Heritage Commission and/or its duties or other measure in social media postings made on behalf of the Commission shall be permitted. Any other advocacy not directly associated with the Heritage Commission shall be avoided.

d. Personal Social Networking and Postings by Members:

1. The Commission neither encourages nor discourages any of its members from posting or accessing Personal Social Networking. However, if Commission members chose to utilize Personal Social Networking, these guidelines are intended to assist members in understanding the Commission's expectations related to such use. Failure to abide by the Commission's expectations may compromise an individual's continued membership.
2. Heritage Commission members are advised to:
  - a. refrain from publishing information about the Heritage Commission or its activities that they learned as a result of their membership without the approval of a majority of the Commission members as set forth above;
  - b. abide by the Code of Conduct adopted by the Commission and set forth in Article VII of these Rules of Procedures;
  - c. not divulge on social media any privileged or confidential information concerning any matter or issue that is or has come before the Heritage Commission.
  - d. avoid social media postings that can be construed or interpreted as demonstrating a bias concerning any matter or issue in which the Heritage Commission is or has been involved.
  - e. avoid publishing postings that include defamatory statements, discriminatory, harassing or threatening remarks, , or confidential resident information;
  - f. be mindful of the responsibility to the Town of Danville and its residents pursuant to, and with respect for, his or her oath of office and duties as a member of the Heritage Commission and representative of the Town.
3. Heritage Commission members may post their personal photographs of Heritage Commission events.
4. Heritage Commission members should avoid commenting on social media about pending projects, events, issues or matters until the item is finalized.
5. A member who decides to post complaints or criticism should avoid using statements, photographs, video or audio that reasonably could be viewed as malicious, obscene, threatening, or intimidating, that disparage residents, vendors, employees, or that might constitute harassment.



6. Should a member reference the Town in any way, you must state that the views, opinions, ideas or information belong to you personally and are not in any way attributable to the Town.

#### **Section VI - Joint Meetings and Coordination Between Boards**

- 1) Any activity which may come before the Board of Selectmen, Conservation Commission or Planning Board related to Tuckertown Road and its branches on town land or land within the Historic District under the closed, scenic and trail designations or for any other purpose shall be discussed with the Heritage Commission as part of the decision-making process.
- 2) The Heritage Commission may hold joint meetings and hearings with other Town of Danville Land Use Boards when called jointly by the Chairman of the two boards. Each board shall have discretion whether or not to hold such joint meeting or hearing.
- 3) A joint public hearing must be a formal public hearing when the subject matter of the hearing is within the responsibilities of the Boards convened.
- 4) The Heritage Commission Chairman and the other Land Use Board Chairman shall mutually determine who shall chair joint meetings and public hearings.
- 5) The rules of procedure for joint meetings and hearings shall be the same as required in this section.
- 6) Each Board involved in a joint public hearing makes its own decision based on its criteria for the particular matter.

#### **Section VII – Legal Advice**

*(added - 2018)*

- 1) The following process shall be followed when the Heritage Commission encounters situations that may require legal advice:
  - a. A motion to request legal advice shall require a majority approving vote by the Heritage Commission members present and voting.
  - b. The specific legal advice questions to be asked shall require a majority approving vote by the Heritage Commission members present and voting.
  - c. The legal advice questions approved by vote of the members shall be submitted to legal counsel by the acting chairman.



d. All legal advice received from legal counsel shall be distributed to all non-recused Heritage Commission members and alternates. It is the responsibility of each Heritage Commission member to treat each written attorney/client privileged document as confidential and to ensure it is stored appropriately and destroyed after use.

e. Written legal advice is subject to attorney/client privilege and an exception to disclosure under New Hampshire's Right-to-Know law. Therefore, it shall remain undisclosed to the public and shall not be distributed or made public unless a majority of the Heritage Commission members vote to approve its release.

2) The Commission shall contact attorneys available through the New Hampshire Municipal Association for simple legal inquiries that do not involve interpretation of the Town's zoning ordinances or disagreements between one or more of the Town's boards or committees. The available of the New Hampshire Municipal Association attorneys is a free service contingent upon the Town's membership in that association. (*added - 2024*)

3) Town counsel shall be used for legal advice on matters that cannot be handled by the attorneys from the New Hampshire Municipal Association. The Commission shall notify the Board of Selectmen when a request is made for legal advice from town counsel, as the Board of Selectmen oversees the town's budget for legal expenses. If town counsel cites a conflict of interest, the Commission shall request guidance from the Board of Selectmen on how to proceed to obtain legal counsel. (*amended - 2024*)

### **Section VIII - Code of Conduct**

(*renumbered - 2018*)

1) Danville Heritage Commission members (and staff as identified in paragraph 3 of Section III) shall not use their position for a purpose that is, or gives the appearance of being, motivated by a desire for personal benefit or private gain for themselves or others, particularly those with whom they have family, business, organizational or other ties.

2) Danville Heritage Commission members (and staff as identified in paragraph 3 of Section III) who have a financial interest in a property shall not participate in any discussion, hearing or other Commission consideration of that property, whether as part of local review procedures pursuant to RSA 674 and 676, or as a part of actions (such as National Register nomination review procedures) pursuant to the responsibilities of a "Certified Local Government" under the National Historic Preservation Act, and under the associated requirements established by the National Park Service and the State of New Hampshire for participation in the Certified Local Government program.

3) Danville Heritage Commission members (and staff as identified in paragraph 3 of Section III) shall not participate in the preparation or administration, monitoring, approval or payment of any grants or contracts made to, or by, the Commission, if a real or apparent conflict of interest would be involved.



- 4) In conformance with RSA 673:14, no member of the Danville Heritage Commission shall sit upon the hearing of any question which the Commission is to decide, if that member has a direct personal or pecuniary interest in the outcome which differs from the interest of other citizens, or would be disqualified for any cause to act as a juror upon the trial of the same matter in any action at law.
- 5) When uncertainty arises as to the application of these provisions to a Commission member in particular circumstances, the Commission, shall, upon the request of that member or another member of the board, vote on the question of whether that member should be disqualified. Any such request and vote shall be made prior to or at the commencement of any required public hearing. Upon a majority vote that the member(s) should be disqualified, the member(s) shall remove himself/herself from the hearing and shall not vote (RSA 676:1). Such a vote may not be requested by persons other than board members, except as provided by local ordinance or by a procedural rule adopted under RSA 676.1.
- 6) If a member of the Danville Heritage Commission is disqualified or is unable to act, in any particular case pending before the Commission, the chairperson shall designate an alternate to act in place of the disqualified member, as specified in RSA 673.11.
- 7) Any member of the Danville Heritage Commission who may have an apparent, potential or actual conflict of interest with respect to any deliberations or matters before the Commission, shall excuse himself or herself from the Commission's deliberations and vote on that issue while it is being considered or acted upon.

#### **Section IX – Records and Right to Know Requests**

*(amended - 2018)*

- 1) The public records of the Commission, including minutes, plans and correspondence, shall be available for inspection as required by RSA 673 and RSA 91-A.
- 2) Minutes of public meetings are retained in the Town Clerk's Office and shall be open to public inspection at the Town Clerk's Office in accordance with RSA 91-A:2, II.
- 3) The Commission's meeting minutes for non-public sessions are kept in the Town Clerk's office. If the Commission has voted to seal non-public minutes, they shall remain sealed, and shall not be distributed to the public, unless the Commission has voted to unseal them.
- 4) Requests under the Right-to-Know Law for inspection of the Heritage Commission's public records shall be made to the Selectmen's office in accordance with the Board of Selectmen's Policy #13-1 (RSA 91-A Request for Inspection) and shall be handled by the Selectmen's office under that policy.
- 5) Access to Information Stored in Computers: If the only copy of a public document (other than meeting minutes) is stored on a computer, such document shall be available as set forth in Paragraph 4) of this section and in the same manner as records stored in public files if access to



such records would not reveal work papers, personal information, personnel data, or other confidential information (RSA 91-A:4.V.). The Right-to-Know Law does not require an agency to compile data in the format requested by a member of the public or to create a new document (see *Attorney General's Memorandum on New Hampshire's Right-To-Know Law, RSA Chapter 91-A*; February 8, 2007; Section III, C.).

## **Section X – Historical Information**

*(renumbered and amended – 2018)*

- 1) Many historical documents, photographs and artifacts are obtained by or entrusted to the Commission at considerable expense of time and/or money. Some items would be difficult to replace. To safeguard items such as these the Commission has elected to keep them in a locked area. A key to the locked storage area shall be given to the Town Clerk for the use of the Heritage Commission members only.
- 2) Any person may review these items by making an appointment to do so with the Chair or the Commission's clerk. If the appointment is not scheduled during a regular meeting of the Commission, arrangements must be made by the Chair or Vice Chair for a member of the Commission, the Commission's clerk or another appointed authority to be present while the items are being reviewed. The Commission, in its discretion, reserves the right to determine and set conditions under which fragile historical items may be reviewed and handled for their protection and safety. The Commission also reserves the right to prohibit photocopying if the photocopying process could result in damage to any item.
- 3) Copies of historical documents may be provided, but under no circumstances shall the Commission's copies of historical records, documents, photographs and artifacts be loaned or given to anyone except another Commission member. The cost of copies requested will be in accordance with current rates established by the Town.

## **Section XI – Website**

*(renumbered – 2018)*

- 1) The Heritage Commission has been granted permission by the Selectmen's Office for one member of the Commission to access and edit the Heritage Commission's pages on the official website for the Town of Danville. The Heritage Commission members shall appoint by vote the member who will have such website access and the appointed member shall be given the necessary password and login information. Edits to the Commission's website pages shall be made only after approval by a majority vote of the Heritage Commission members.
- 2) Minutes availability: Minutes of public meetings of the Heritage Commission are retained in the Town Clerk's Office and shall be open to public inspection at the Town Clerk's Office in accordance with RSA 91-A:2, II. This notice is provided in compliance with RSA 91-A:2, II-b (a). *(added - 2024)*



**Section XII - Amendment**

*(renumbered – 2018)*

- 1) These rules of procedure may be amended by a majority vote of a quorum of the Commission as provided under RSA 676:1. The rules of procedure and any amendments shall be filed with the Town Clerk.
- 2) These rules of procedure shall be reviewed every three (3) years or as deemed appropriate.