

**KINGSTON HERITAGE COMMISSION**  
**Town of Kingston, NH**

**By-laws, Rules of Procedure, and General Governing Rules**

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*The Kingston Heritage Commission shall be governed by the provisions of all State statutes, local laws, ordinances and these bylaws adopted by the Commission pursuant to RSA 673 and 674.*

**1.0 Authority**

The Kingston Heritage Commission (KHC) was established by the voters of Kingston on March 12, 2013 along with the establishment of the Kingston Heritage Fund. (Warrant Articles 20 and 21)

**2.0 Title**

The Commission is hereby designated the Kingston Heritage Commission (KHC).

**3.0 Purpose**

The Kingston Heritage Commission is established in accordance with RSA 673 for the proper recognition, use, protection and management of historical and cultural resources.

**4.0 Powers and Duties**

The Kingston Heritage Commission, per RSA 674:44-b, shall survey and inventory historical and cultural resources; advise and assist local boards and commissions on issues addressing these resources; educate the public on matters relating to historic preservation; conduct research and publish findings; provide information on historical resources; serve as a resource for revitalization efforts. The KHC, in conjunction with the Kingston Board of Selectmen, can also accept and expend funds for the non-lapsing Heritage Fund; acquire and manage gifts of property of historical value, both real and personal, in the name of the Town of Kingston, subject to approval by the Board of Selectmen, such gifts to be managed and controlled by the KHC for its proper purposes; and hold preservation easements.

**5.0 Membership**

Pursuant to RSA 673:4 and 673:5, the KHC shall consist of seven (7) members and no more than five (5) alternates; the Board of Selectmen shall be the appointing authority.

- a. Each member or alternate member shall be a resident of the Town of Kingston.
- b. One (1) member shall include a Selectmen acting as an ex-officio member (this includes full voting authority).
- c. One (1) member shall be a member of the Kingston Historic District Commission.
- d. Members of other Kingston Town Boards and Commissions may be appointed to the Commission.
- e. The term of office shall be for three (3) years.
- f. In determining each member's qualifications, the Board of Selectmen shall take into consideration the appointee's demonstrated interest and ability to understand, appreciate and promote the purpose of the Kingston Heritage Commission.
- g. Members may be removed for cause in a manner provided pursuant to RSA 673:13. Pursuant to RSA 673:13, after a public hearing, appointed members may be removed by the appointing authority upon written findings of inefficiency, neglect of duty, or malfeasance in office. Any member unexcused and failing to attend three (3) consecutive meetings will be considered in neglect of duty.

## **6.0 Officers and Duties**

### **a. Election of Officers**

The Commission shall elect, by a majority vote, at its first meeting after the March Town election, officers as listed below. The term of each officer shall be one year; however any officer shall be eligible for re-election. Neither an ex-officio nor an alternate member shall serve as Chairperson. The current slate of officers serves until the first meeting's election of officers which shall be held within 30 days of the March Town election.

### **b. Chairperson**

1. The Chairperson shall preside over all meetings/hearing of the Commission; be the official spokesperson for the Commission; designate alternates as needed to replace absent members at a meeting.
2. As directed by the KHC, the Chairperson may affix his/her signature in the name of the Commission to all correspondence or documents from the Commission.
3. The Chairperson shall approve the agenda for all meetings of the Commission.
4. The Chairperson shall appoint any sub-committees and appoint the Chairperson of that sub-committee.

5. In the case of an absent Commission member, the Chairperson shall designate one of the alternate members to sit in the missing members place; this designation either on a rotating basis, on a seniority basis or any other manner chosen at the Chairperson's discretion.
  6. In the absence of administrative staff, the Chairperson or the Chairperson' designee shall be responsible for the records of the meeting.
  7. The Chairperson shall have the ability to call a special meeting as (s)he deems necessary or at the request of a Commission member; all special meetings shall be conducted in accordance with RSA 91:A (3).
  8. Meeting cancellations may be made by the Chairperson if no business is before the Commission or if inclement weather or other usual circumstances warrant a cancellation.
  9. The Chairperson shall have the duties normally conferred on such an officer.
- c. Vice Chairperson**  
The Vice-Chair shall act for the Chairperson in his/her absence and shall adhere to all requirements set forth for the Chairperson.
- d. Secretary**
1. The Secretary shall act as Chairperson in the absence of the Chair and Vice-Chair, or may appoint a designee to act as Chair with permission of the Commission.
  2. In the absence of the Secretary, the Chairperson may appoint another member to act as Secretary.
  3. In the absence of administrative staff, the Secretary shall insure that the minutes of meetings are recorded and that the requirements of RSA 91-A are upheld.
- e. Treasurer**
1. The Treasurer shall prepare a budget, monitor the budget and Heritage Fund, and give periodic reports of receipts/dispersal of funds and funds on hand, and perform such other duties as the Commission may direct by vote.

## **7.0 Members and their Duties**

### **a. Members:**

1. are expected to attend all meetings involving the Commission. If a member cannot be present at any meeting, the Chairman shall be notified with as much notice as possible.
2. May move to amend an agenda

### **b. Alternate Members:**

1. Alternate members are expected to attend meetings on a regular basis.
  2. Alternates shall be allowed to fully participate in all meetings but will not be allowed to vote unless having been designated as a participating member in the place of an absent Commission member. Such alternates shall have all the powers and duties of a regular member.
  3. Only the alternate designated by the Board of Selectmen shall take the place of the ex-officio member; only the alternate designated by the Historic District Commission shall take the place of that Commission's designated representative.
- c. Hearings**
1. No member or alternate member 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 a cause to act as a juror upon the trial of the same matter in an action of law.

## **8.0 Meetings**

- a. The Commission should schedule meetings on a monthly basis, on the 4<sup>th</sup> Thursday of the month; the Commission shall meet, at a minimum, four times per year. Additional meetings, work sessions or changes to the regular schedule shall be allowed by majority vote of the Commission provided proper notice is given for the meeting.
- b. All meetings shall be conducted in accordance with RSA 91:A.
- c. Notice of the time, date and place of any public meeting of the Commission shall be posted in at least two places at least 24 hours, excluding Sundays and holidays, prior to the meeting.
- d. A majority of the voting members of the Commission shall constitute the quorum necessary in order to transact business at any meeting.
- e. Minutes of the events of the meeting shall be taken and shall include the names of the members in attendance, person appearing before the Commission, a brief description of the topics discussed, and a record of any actions taken or recommendations from the Commission to other Boards or respective parties. All records must meet the requirements of RSA 91:A.
- f. Sub-committee meetings, work sessions, site walks and other meetings that establish a quorum of the commission shall comply with all requirements of RSA 91:A.
- g. All records of the KHC shall be kept in the office of the Town Clerk and be available to the public in accordance with RSA 91:A.

## **9.0 Site Review**

- a. At its option, the Commission may table final consideration of an issue pending a site review. The purpose of the site review is to validate information that could materially affect the consideration of the issue at hand.
- b. A site review shall be required in all circumstances where the Commission is considering the acquisition of a full or partial interest in real property or expenditure of public funds, over which it has control, for the treatment of historic structures.

## **10.0 Email Policy**

- a. It is recognized that emails sent by Commission members are government records.
- b. There should be no email communication between groups of Commission members that would constitute a quorum or bind the organization.
- c. Commission members may choose to provide personal email addresses, for the sole purpose of receiving meeting reminders, draft meeting minutes and meeting agendas. Personal email addresses shall not be disseminated to anyone other than Commission members, the Commission's administrative staff, the Board of Selectmen or their authorized representatives.
- d. Any Heritage Commission member who receives email(s) from outside the Commission which references the Kingston Heritage Commission and/or KHC business shall consider such as correspondence to the Heritage Commission. The recipient shall not respond to the email(s) and shall forward it to the Chairperson for response.
- e. The Chairperson may act, respond, or reply to an email inquiry 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.
- f. Heritage Commission members may submit inquiries by email for information, assistance or communication with other agencies. Emails sharing general information may be sent from any member to the Chairman, who will forward to Commission members as appropriate.

## **11.0 Acquisitions and Holdings**

- a. A public hearing shall be held prior to the acquisition or acceptance of a partial or whole interest in a real property. Any applicant, abutter, party with direct interest in the matter may testify in person or in writing.

- b. Notice shall be provided to the seller/grantor/donor, holders of conservation or preservation restrictions and to abutters by mail; notice shall be sent by regular mail at least 14 days prior to the meeting. Notice to the general public shall also be given at the same time by posting in two public places and one local newspaper at least 10 calendar days before the hearing. The notice shall include a general description of the proposal that is the subject of consideration and shall identify the seller/grantor/donor and the location of the proposed property.
- c. The Commission shall seek the approval of the Board of Selectmen prior to making a final decision on whether to acquire or accept real property.

### **12.0 Gifts of Personal Property**

- a. No public hearing is required for receiving gifts of personal property; a record of the gift will be made in the minutes of the meeting at which the Commission votes to accept the gift.
- b. Donations valued at over \$100 require approval from the Board of Selectmen.
- c. Monetary gifts will be immediately deposited in the Kingston Heritage Fund.
- d. Gifts of Securities and of other personal property may be sold and the proceeds deposited in the Kingston Heritage Fund.
- e. Gifts of Historic or Cultural value to Kingston's heritage may be offered to the Kingston Historical Museum for accession consideration or may be managed by the Heritage Commission.

### **13.0 Heritage Commission Spending Authorization**

- a. The Chair of the Heritage Commission shall be authorized to spend no more than \$100 from the Heritage Commission budget for items that he/she feels are necessary without further approval.
- b. If an expense is greater than \$100 and no more than \$200, the verbal approval of any two officers shall be sufficient authorization without further approval.
- c. If an expense exceeds \$200, it shall be approved by a vote of the Heritage Commission.

### **14.0 Amendments**

- a. These by-laws and rules of procedure may be amended at any regular meeting session of the Commission by a majority of the Commission.

- b. The action to propose amending the by-laws and rules of procedure must be properly noticed no less than 48 hours in advance of the meeting.
- c. These by-laws and any amendments thereto shall be placed on file with the Town Clerk for public inspection.

#### **15.0 Effective Date**

These by-laws and any subsequent amendments shall become effective immediately upon passage by the Commission as recorded in the minutes of the meeting at which such action occurs.

#### **16.0 Interpretation and Severability**

- a. Whenever these requirements are at variance with those of other lawfully adopted rules, regulations, ordinances or statutes, the requirements that are the most restrictive or that impose the higher standard shall govern.
- b. If any part of these by-laws are for any reason held by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions.