



North Hampton
Heritage
Commission

Thursday, 15 May 2014 9:30 AM
Heritage Commission Conference Room
237 Atlantic Avenue

Present:

Donna Etela, Chair
Jim Maggiore
Cynthia Swank

Alternate: Carolyn Brooks

Absent: Paul Cuetara, Jane Currivan, Tibbie Field, Jeff Hillier, Nancy Monaghan, Jane Robie

1. Call to Order at 9:35 AM; designation of voting Brooks for Robie.
2. Treasurer's Report. Currivan dropped off reports prior to start of meeting. Heritage Fund balance of \$4,019.82; budget amount remaining of \$769. Currivan also signed two photo print bills totaling \$30.34 relating to the Mooseplate grant application. Swank will submit.
3. Approval of Minutes. April 17, 2014 minutes were approved as written.
4. Old Business
Attic Finds- Mooseplate Grant. Swank submitted grant application and received acknowledgement of its receipt from Janet Eklund. Apple provided an affidavit signed by Bruce Dow to include with the application verifying the Town's ownership. Swank received from object conservator an assessment and estimated cost for repairing and restoring the Alethoscope (\$2150) and Megaletlescope (\$1800).

A discussion ensued about paying for the repair of the Megaletlescope by selling the Alethoscope. and the process for doing so.

[Maggiore called away]

During Maggiore's absence, Commission members discussed the following:

Rail to Trail. No report until Hillier and Robie present.

Survey Update. Swank noted that Marcy McCann had sent her a history of 212 Atlantic Avenue as well as printouts of a news clipping relating to Dow's second store. The image is poor and Swank will transcribe and provide to Joe Kutt and Bruce Dow. It provides significant information about the 1901 building. Swank did not receive an architectural description of the building and will contact Field to learn if she has photographs and information.

Etela suggested aiding McCann in preparing a State or National Register application for Centennial Hall.

Town Facilities update - May 15 @ 5:30PM SB Meeting. Etela suggested documenting the newer buildings on the campus before changes occur.

North Hampton Library Celebration - Update/Meeting May 16. Etela expects tomorrow's meeting to be the last which the Heritage Commission initiates. The Library's capital campaign committee has assumed much of the work on the event, and has scheduled a meeting to which all are invited on May 29 at 6:30pm. Swank noted that Kelly Parrott, Chair of the Library Trustees, had created another task list incorporating the Commission's information. It is being called North Hampton Library Day; the Select Board may wish to proclaim June 28 North Hampton Library Day.

[Maggiore returned 10:17AM]

Attic Finds- Mooseplate Grant. Discussion resumed with Maggiore's return. He thought the Town would be the party selling the Alethoscope. Funds go to the General Fund as it is town-owned property but the proceeds could be earmarked for the Heritage Commission and the Committee deemed the agent to expend. Similar sales of cultural or historical items of no or little significance to the town could also be sold. If the amount was more than \$5000, the Commission would need to come to the Select Board; if less than \$5000, let the Town Administrator know. The monies would be placed in a Fund for Preservation of Cultural and Historical Materials.

167 Atlantic Ave./Gift -SB approval Update/Bylaws Revision. Approved Bylaws as Apple had amended at the last meeting effective 5/23/2014. Swank will send with the draft minutes.

Action Items. Brooks asked about rehabilitation of the stone building. Maggiore indicated that the Select Board is doing it piecemeal and limiting the work to what is absolutely necessary at this time.

Maggiore also reported that it will not be possible for alcohol to be available during the North Hampton Library Day event.

Maggiore spoke with the Code Enforcement Officer who liked the idea of having the asbestos notification as part of the demolition application form.

5. New Business

Demo Review Committee Meeting/Minutes. The May 5, 2014 minutes were approved unanimously. Maggiore will give a copy of the minutes to Kevin Kelley. Members agreed the Rye demolition application form with the additions mentioned in May 5th minutes would produce a reasonable form for North Hampton. Maggiore will prepare and give to Kelley. Etela noted the outline of procedures Hillier had created and all agreed to use the outline.

LBH Heritage Commission Request. Jane Rockwell phoned Etela from Florida and requested a joint meeting sometime in July. Rockwell asked Etela to call Margaret Schoenberger to discuss and set up a day and time. Maggiore reiterated that the demolition review ordinance covers the entire town.

Historical Society Amendment to Constitution. There was a discussion of the current bylaws of the Historical Society and the revisions Paul Apple had drafted. Etela and Swank hope to see Apple next week to discuss. Before possibly involving the Select Board, the Historical Society leadership and Heritage Commission need to review proposed changes and their ramifications.

Recognition. The Commission recommended that instead of individual recognition awards the Town hold an annual appreciation social event with refreshments where individuals and groups of individuals can be recognized for their service.

6. Next Meeting Date & Time. ***N.B.* Thursday, June 12th (the 2nd, not 3rd Thursday of the month)**

7. Adjournment 11:30am

Cynthia G. Swank
Recording Secretary

Attachment: By-laws and Rules of Procedure revised effective May 23, 2014



BY-LAWS & RULES OF PROCEDURE

Adopted 18 August 2011; amended 17 May 2012; 21 Jun 2012; 23 May 2014

I. Authority: The North Hampton Heritage Commission was established by the voters on 11 March 1997 (Town Meeting Warrant Article VII) pursuant to RSA 673:II and in accordance with RSA 674:44-a and 674:44-b. The Commission has adopted these Rules of Procedure to prescribe the method of conducting its business pursuant to RSA 676:1, RSA 673, RSA 674, RSA 676 and RSA 91-A.

II. Purpose: The North Hampton Heritage Commission is established in accordance with RSA 673 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.

III. Powers: Pursuant to RSA 674:44-b the Commission shall have advisory and review authority, specifically, as follows:

1. Survey and inventory all cultural resources.
2. Conduct research and publish findings, including reports to establish the legal basis for a district and preparation of heritage district ordinances within the Town prior to its adoption or amendment as provided in RSA 675:6.
3. Assist the Planning Board, as requested, in the development and review of those sections of the Master Plan which address cultural and historic resources.
4. Advise, upon request, local agencies and other local boards in their review of requests on matters affecting or potentially affecting cultural and historic resources.
5. Coordinate activities with appropriate service organizations and nonprofit groups.
6. Publicize its activities.
7. Hire consultants and contractors as needed.
8. Receive gifts of money and property, both real and personal, in the name of the Town, subject to the approval of the Select Board such gifts to be managed and controlled by the Commission for its proper purpose.
9. Hold meetings and hearings necessary to carry out its duties.

Historic District Commission: Pursuant to RSA 674:44-b III, the Heritage Commission, by passage of the warrant article in 1997, assumed the powers and duties of the Historic District Commission it replaced.

IV. Appropriations and expenditures: Pursuant to RSA 674:44-d upon establishment of the North Hampton Heritage Commission, the Town may appropriate money as deemed necessary to carry out its purposes. The whole or any part of money so appropriated in any year and any gifts of money received pursuant to RSA 674:44-b shall be placed in a Heritage Fund and allowed to accumulate from year to year. Money may be expended from such fund by the Heritage Commission for its purposes without further approval of the town meeting.

The Town Treasurer, pursuant to RSA 41:29 shall have custody of all monies in the Heritage Fund and shall pay out the same only upon order of the Heritage Commission. The disbursement of Heritage Funds shall be authorized by a majority of the Heritage Commission. Prior to the use of such funds for the purchase of any interest in real property, the Heritage Commission shall hold a public hearing with notice in accordance with RSA 675:7.

Property: Pursuant to RSA 674:44-b, the Commission may acquire, in the name of the Town and subject to the approval of the Select Board, by gift, purchase, grant, bequest, devise, lease, or otherwise a fee or lesser interest, development rights, covenant, or other contractual right, including conveyances with conditions, limitation or reversions, as may be necessary to acquire, maintain, improve, protect, limit the future use of, or otherwise conserve and properly use the cultural resources of the town, and shall manage and control the same; provided, however, that the Town or Commission shall not have the right to condemn property for these purposes. The Commission shall, by affirmative vote, recommend to the Select Board whether the property shall be accepted by the Town. The Commission shall conduct a public hearing with respect to any proposed acquisition of real property under this section; provided, however, that the requirement of a public hearing in this section shall be satisfied by any public hearing conducted by the Select Board under RSA 31:95-b as amended or other similar statute.

V. Membership: The appointment of members shall conform to the terms and requirements of RSA 673:4-a and RSA 673:5; and the North Hampton Zoning Ordinance Article IV District Regulations, Section 413 Critical and Unique Area Regulations, Section 413.2.

The Commission consists of five members appointed by the Select Board. They serve

three year terms and the terms are staggered. The Select Board appoints one of its members each year to serve as a sixth member of the Commission.

The Commission may nominate as many as five alternate members. The Commission encourages the Planning Board to select one of its members as an alternate member to the Commission if there is no Planning Board member who also is serving as a Commission member.

An alternate may be designated by the Commission Chair to serve as a voting member at a meeting of the Commission if a regular member other than the Select Board member is absent or disqualifies him / herself from the proceedings. All voting and non-voting members may participate in all discussions.

Removal: Members may be removed for cause in a manner provided by RSA 673:13. Pursuant to RSA 673:13 I, after a public hearing, appointed members and alternate members of an appointed local land use board may be removed by the appointing authority upon written findings of inefficiency, neglect of duty, or malfeasance in office.

VI. Officers: Election of Officers: The Commission shall elect, by a majority vote at its first regular meeting after the town meeting, the following officers from among its membership. The term of each officer shall be limited to one year; however any officer shall be eligible for re-election. An alternate member may not serve as Chair.

Chair: The Chair shall preside at all meetings of the Commission and shall have the duties normally conferred on such officers, appoint such committees as directed by the Commission, and affix her / his signature in the name of the Commission to all correspondence or documents from the Commission. The Chair shall approve the agenda for all regular meetings and special meetings of the Commission. The Chair or the Commission's designee shall act as the official spokesperson for the Commission and / or prepare an annual report.

Secretary: The Secretary shall act as Chair in the absence of the Chair, or may appoint a designee to act as Chair with permission of the Commission. In the absence of the Secretary, the Commission may appoint another member to act as Secretary. The Secretary shall record the minutes of the meetings of the Commission and shall uphold the requirements of RSA 91-A.

Treasurer: The Treasurer shall act as Chair in the absence of both the Chair and Secretary, or may appoint a designee to act as Chair with permission of the Commission. The Treasurer obtains from the Town Treasurer regular monthly reports

indicating the opening and closing balances and any transactions in the current year's operation budget and in the Heritage Fund. The Treasurer signs invoices for expenditures voted upon by the Commission and conveys to the Town Accountant.

VII. Members and their duties: Members and Alternate Members: Members and Alternate Members are expected to attend all regular, special, annual and joint meetings and hearings involving the Commission. If a member cannot be present at any meeting they shall notify the Chair or acting Chair prior to the meeting of his / her inability to attend.

Attendance Policy: Regular attendance at meetings by full members promotes continuity. Therefore a member who has three (3) consecutive absences, not excused by the Chair, shall be given the opportunity to become an alternate member. If the member declines, the Commission may request that the Select Board remove the member from office for neglect of duty, pursuant to RSA 673:13. A public hearing shall be held prior to removing a member.

VIII. Meetings:

Regular Meetings. The Commission shall meet on the 3rd Thursday of the month unless there is no business before the Commission. All regular meetings shall be open to the public, unless otherwise noticed, and conducted in strict accordance with RSA 91-A: 3. Meetings shall not be held on Sundays or legal holidays.

The following general rules of procedure shall govern the conduct of the meeting.
Quorum Required: A majority of the membership of the Commission, including alternates sitting in the place of members, shall constitute the quorum necessary in order to transact business at any meeting.

Notice of Meetings: Notice of the time, date and place of any public meeting of the Commission shall be posted in two public places at least 24 hours, excluding Sundays and holidays, prior to the meeting. Notice to each member also will be given at least one (1) day prior to such meeting.

Records Required: Minutes of the events of the meeting shall be taken and shall include the names of members in attendance, persons appearing before the Commission, a brief description of the topics discussed, and a record of any actions taken or recommendations from the Commission to boards or respective parties. All records must meet the requirements of RSA 91-A.

Order of Business: The general order of business shall be in accordance with the agenda

unless modified by a majority of the Commission. The agenda shall include but is not limited to:

- a. Call to order by Chair
- b. Resolution of conflicts of interest and designation of voting
- c. Treasurer's report
- d. Approval of minutes
- e. Old business
- f. New business
- g. Date and time of next meeting
- h. Adjournment

Voting: A motion, duly seconded, shall be passed by a majority of the members present, voting in the affirmative, once a quorum has been established. After all discussion of the motion by Commission members has been completed, the Chair will call for a vote on the motion by the Commission.

Special Meetings: Special meetings of the commission shall take place at the call of the Chair or as the commission deems necessary. All special meetings shall be open to the public unless otherwise noticed, and conducted in strict accordance with RSA 91-A: 3.

Work or Work Sessions: Work or work sessions may be convened as a whole or as a committee of the whole in the same manner as special meetings, provided that no quorum shall be required and that no official action shall be taken.

Joint Meetings and Hearings: Pursuant to RSA 676:2, an applicant seeking a local permit may petition two or more land use boards to hold a joint meeting or hearing when the subject matter is within the responsibilities of those boards. Similarly, the Heritage Commission shall have the authority on its own initiative, pursuant to RSA 676:2 to request a joint meeting with any other land use board(s). Each land use board so petitioned shall have the discretion as to whether or not to hold a joint meeting with any other land use board.

- a. A joint hearing shall be a formal public hearing.
- b. The Chair of the Heritage Commission along with the chairperson(s) of the other land use board(s) shall mutually determine who shall chair the joint meeting; except in the case of the Planning Board, the Planning Board Chair shall chair the meeting.
- c. The rules of procedure for the joint meeting shall be governed by the land use board that chairs the meeting.
- d. Every board shall be responsible for rendering a decision on the subject matter that is

within its own jurisdiction.

Non-Public Sessions: In accordance with RSA 91-A: 3, the Commission shall not meet in non-public session, except for the purposes set forth in (a) through (c) below. No session at which evidence, information or testimony in any form is received shall be closed to the public, except for the purposes set forth in (a) through (c) below. The Commission may not enter non-public session, except pursuant to a motion properly made and seconded. Minutes of non-public sessions shall be kept, recorded and made available for public inspection in accordance with RSA 91-A: 3, III.

- a. Matters which, if discussed in public, would likely affect adversely the reputation of any person, other than a member of the Heritage Commission itself, unless such person requests an open meeting.
- b. Consideration of the acquisition, sale or lease of real or personal property which, if discussed in public, would likely benefit a party or parties whose interest are adverse to those of the general community.
- c. Consideration or negotiation of pending claims or litigation which has been threatened in writing or filed against the Heritage Commission or any member thereof, or against any member thereof because of his or her membership in the Heritage Commission, until the claim or litigation has been fully adjudicated or otherwise settled.

Site Review (site walk):

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. 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 pursuant to Section V or expenditure of public funds for the treatment of historic structures. A site review shall be considered a potential meeting and shall be posted and open to the public (minutes are only necessary if a quorum exists).

IX. Acquisitions and Holdings:

Public Hearing: The Commission shall hold a public hearing prior to the acquisition or acceptance of a partial or whole interest in a real property. At the hearing, any applicant, abutter, or holder of conservation or preservation restriction shall be provided an opportunity to testify in person, and any party with a direct interest in the matter may testify in person or in writing.

Notice: Notice shall be provided to the seller/grantor/donor, holders of conservation or

preservation restrictions and to abutters by mail of the date upon which the Commission will consider the matter. Notice shall be sent by regular mail at least 5 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.

Due Diligence: The Commission shall perform or cause to be performed all necessary due diligence to protect the interests of the town and to make an appropriate determination as to the public benefit of the proposed acquisition. Due diligence may include some or all of the following: title search, survey, historic structure report, environmental tests, appraisal, etc.

Consultation with the Select Board: The Commission shall seek the approval of the Select Board prior to making a final decision on whether to acquire or accept real property.

Gifts of Personal Property: In the case of gifts of personal property, the Commission shall recommend to the Select Board, by affirmative vote, the acceptance of any personal property. The Commission shall conduct a public hearing on the acceptance of said funds; however, that any public hearing conducted by the Select Board as required by RSA31:95-b, as amended, or similar statute shall satisfy the requirement of this section of a public hearing. A record of the gift will be made in the minutes of the meeting at which it is announced. Monetary gifts will be immediately deposited in the "North Hampton Heritage Commission Fund". Gifts of securities and of other personal property that does not have historic or cultural value to North Hampton's heritage will be immediately sold and the proceeds deposited into the "North Hampton Heritage Commission Fund". Gifts of historic or cultural value to North Hampton's heritage may be offered to the North Hampton Historical Society for accession consideration.

X. Administration:

Forms: All forms and revisions thereof shall be adopted by vote of the Commission.

Due Diligence: The Commission may table final consideration of an issue for the purposes of seeking advice, recommendations, or reports from professional, educational, cultural, civic or other groups or persons as may be deemed necessary for the determination of a reasonable decision.

Records: Commission minutes and by-laws shall be kept in the office of the Town Clerk

/ Tax Collector and be available to the public in accordance with RSA 91-A. Other public records may reside with the Commission or Commission members, and will be made available upon request to the Secretary of the Commission.

XI. Code of Conduct:

1. Commission members 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. Commission members and staff 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 RSA 676, or as 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, or 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. Commission members and staff shall not participate in the preparation of, administration, monitoring, approval, or payment of grants or contracts made to the Commission if a real or apparent conflict of interest would be involved.
4. In conformance with RSA 673:14, no member of the 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 a action of 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 Commission, 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. Such a vote shall be advisory and non-binding, and may not be requested by persons other than Commission members, except as provided by local ordinance or by these Rules of Procedure.
6. If a member of the Commission is disqualified or unable to act in any particular case before the Commission, the Chair shall designate an alternate to act in place of the disqualified member as specified in RSA 673:11.
7. Any member of the Commission who may have an apparent, potential, or actual conflict of interest with respect to any deliberations or matters before the Commission shall absent himself or herself from the Commission's meeting while such matters are being considered or acted upon.
8. Commission members who are in office at the time these code of conduct provisions

are adopted shall be exempted for a period not to exceed one year from the date of adoption, pursuant to RSA 31:39-a.

XII. Amendments:

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

Filing with the Town Clerk: These by-laws and any amendments thereto shall be placed on file with the Town Clerk for public inspection. A complete set of by-laws, as amended, shall be attached to the minutes of the Commission meeting in which they were amended and finalized.

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.

Interpretation: These By-laws and Rules of Procedure are based upon the most current statutes governing land use boards as of its writing. Whenever the requirements of these Rules of Procedure are at variance with those of any other lawfully adopted rules, regulations, ordinances, or statutes, the requirements that are most restrictive or that impose the higher standard shall govern.

Severability: If any section, subsection, sentence, clause, phrase or other part of these Rules of Procedure is for any reason held by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions of these Rules of Procedure.