

Rules of Procedure

Town of Pelham, New Hampshire

PELHAM FORESTRY TRAIL SUBCOMMITTEE

The Pelham Forestry Trail Subcommittee was created by way of the 2024 Warrant Article 14 and approved by the Town at the 2024 Town Meeting.

The subcommittee establishment shall consist of a five (5) member committee, of which appointment and membership shall be established by the Pelham Forestry Committee. Terms shall be staggered to ensure that, in any given year, a majority of the existing committee will remain to serve.

Subcommittees created by way of a warrant article and approved by Town vote shall appoint their Chairman, Vice Chairman, Recording Secretary and Rules of Procedure independently and are subject to the warrant article language. (See 2024 Warrant Article 14 attached to page 7)

The Pelham Forestry Trail Subcommittee shall be governed by the provisions of all the State statutes, in accordance with the Robert's Rules of Order and the RSA 91-A Right-to-Know Law.

Article 1 - Purpose

- 1.1 The Pelham Forestry Trail Subcommittee shall serve as an advisory subcommittee to the Pelham Forestry Committee and any and all committees and land use boards for the Town.
- 1.2 The Pelham Forestry Trail Subcommittee will be performing trail maintenance on any and all trail systems located in Pelham, NH.
- 1.3 The duties and responsibilities of the subcommittee include the operation of power tools such as chainsaws and such, operating wheeled vehicles such as tractors, ATV's, brush hog's, trucks and power equipment.
- 1.4 The Pelham Forestry Trail Subcommittee shall perform trail maintenance techniques, repair trails, build and construct as needed and attend to all matters that pertain to trails and the maintenance of them.

Article 2 - Title; Adoption and Amendment of the Rules of Procedure

- 2.1 These Rules may be cited as the Pelham Forestry Trail Subcommittee Rules of Procedure.

2.2 These Rules shall be adopted following one (1) public meeting of the Pelham Forestry Trail Subcommittee by a Motion to adopt.

2.3 These Rules shall be effective upon adoption by a majority vote of the Pelham Forestry Trail Subcommittee members.

2.4 These Rules may be amended at any regular meeting by a majority vote of the members provided that such amendment is read into record and motioned in as amended.

Article 3 - Officers, Roles, and Responsibilities

3.1 The Pelham Forestry Trail Subcommittee will consist of a Chairman, a Vice Chairman and a Recording Secretary.

3.2 The Chairman, Vice Chairman and Recording Secretary shall be appointed by the Pelham Forestry Trail subcommittee members.

3.3 CHAIRMAN - The Chairman shall preside over meetings and shall be responsible for the conduct and decorum of the meeting. In accordance with Robert's Rules of Order, the Chairman shall not make motions but may recommend or entertain a motion. The Chairman is delegated the responsibility to prepare the agenda for each meeting in consultation with the municipal staff and other subcommittee members in accordance with the RSA 91-A Right-to-Know Law.

3.4 VICE CHAIRMAN- The Vice Chairman shall preside over meetings and assume the powers and duties of the Chairman in the absence of the Chairman.

3.5 RECORDING SECRETARY- A Recording Secretary shall be present at all meetings, as a public body and must have compiled its draft minutes.

- A. Minutes of the meeting shall be kept by the Recording Secretary in accordance with the provisions of RSA 91-A Right-to-Know.
- B. Minutes shall be considered a summary of events and a business transacted once approved with the members with any amendments.
- C. The Recording Secretary shall ensure that minutes are made available to the public in accordance with RSA 91-A Right-to-Know. Draft minutes shall be open to public inspection not more than five (5) business days after the meeting per RSA 91-A:2 (II).
- D. Draft minutes and revised draft minutes will be provided to the members for review. Discussion on the draft minutes or revised draft minutes on the proposed amendments/corrections will only take place at a public meeting.

Article 4 - Scheduling of Meetings, Special Meetings, Site Walk Meetings

4.1 The Pelham Forestry Trail Subcommittee will meet one (1) time per month on the fourth Thursday, unless otherwise posted by the Chairman.

4.2 Meeting agendas shall be posted at the Town Hall in accordance with the RSA 91-A Right-to-Know Law.

Notice to the Public

The RSA 91-A Right-to-Know Law requires:

- A. The notice must be given at least 24 hours in advance, not including Sundays and or holidays.
- B. Must include the date, time, and place of the meeting.
- C. be published in a newspaper or posted in two “prominent” public places in the municipality, one of which may be the public body’s official website.

4.3 Special Meetings of the Pelham Forestry Trail Subcommittee may be held at the call of the Chairman or by request of three (3) majority members. These meetings will be posted in accordance with RSA 91-A Right-to-Know Law.

In the case of an Emergency Meeting, the Pelham Forestry Trail Subcommittee shall act in accordance with the RSA 91-A:2 (II), an emergency can be held with less than 24 hours notice when the Chairman determines that an immediate, underlying action is imperative. The minutes of the emergency meeting shall clearly spell out the need for the emergency meeting and all voting taking during such meeting shall be by roll call vote.

4.4 Site Walk Meetings of the Pelham Forestry Trail Subcommittee may be requested by a member at any time during a public meeting. When a Site Walk is scheduled by the committee, the Chairman shall post the same as a public meeting of the Pelham Forestry Trail Subcommittee in accordance with RSA 91-A Right-to-Know. Site Walks are public meetings of the Pelham Forestry Trail Subcommittee and members of the public are allowed to attend. Minutes of the Site Walk shall be kept only if there is a quorum of the committee conducting the Site Walk.

Article 5 - Quorums, Voting and Volunteers

5.1 A quorum of three (3) members shall be required to conduct business. Members of the committee physically present are counted to determine whether a quorum is present.

5.2 All members are expected to vote on all matters.

5.3 Only the members of the Pelham Forestry Trail Subcommittee can recruit volunteers to assist with the operations of the trail maintenance.

5.4 All volunteers must be approved by a majority vote of the Pelham Forestry Trail Subcommittee members.

Article 6 - Conduct of Meetings, Rules and Standards of Conduct

6.1 The Chairman shall be the moderator and call the public meeting to order.

6.2 Pledge of Allegiance to the flag

6.3 Meeting Minute Review in accordance with the RSA 91A Right-to-Know Law.

6.4 Open Forum / Public Comment - Order of Operations

- The Chairman will open the meeting to the public for public comment.
- Members of the public must be recognized by the Chairman to speak in an open forum.
- The Chairman will close the open forum and bring the discussion back to the board.
- Open Forum remains closed and can only be reopened at the discretion of the Chairman.

Reference notes: NHMA New Hampshire's Right to Know Law, 2021:

If the public body is holding a regular business meeting, RSA 91-A simply does not require public bodies to allow public comment. That being said, many public bodies, including most local governing bodies, provide a public comment portion in their meeting, usually before or after the body's business is conducted. When doing so, the public body must comply with the First Amendment.

https://www.nhmunicipal.org/sites/default/files/uploads/workshop-materials/rtk_guidebook_w_supplement.pdf

6.5. Rules of Public Comment and Standards of Conduct

The Pelham Trail Subcommittee Chairman shall regulate the conduct of public comment through reasonable time, place, and manner restrictions and the conduct of public meetings shall be governed by the following rules:

- A. Public comment will take place before the business portion of the meeting.
- B. One (1) person speaks at a time (no interrupting).
- C. No one speaks until they are recognized by the Chairman.
- D. Speakers must identify themselves for the record (name and address) when they Speak.
- E. Public comment is a time for members of the public to speak; it is not a “question and answer session” with the public body.
- F. The Chairman may limit each speaker to a limited time period of three (3) minutes if there are many from the public that would like to speak.

Reference notes: NHMA New Hampshire Right-to-Know Law, 2021

When the public body does allow for public comment, it creates a type of “public forum”. In a traditional public forum, the government therefore cannot allow or disallow an individual to speak based on the topic of the speech (content) or the stance a person has on the topic he or she is speaking about (viewpoint).

https://www.nhmunicipal.org/sites/default/files/uploads/workshop-materials/rtk_guidebook_w_supplement.pdf

Article 7 - Disruptive Conduct

7.1 The primary obligation of the Pelham Forestry Trail subcommittee members is to serve the public’s interest, and to conduct themselves so as to maintain the public's confidence in the Pelham Forestry Trail Subcommittee and the conduct of its business.

7.2 At no time shall disruptive conduct be tolerated by members and or members of the public while attending a Pelham Forestry Trail Subcommittee public meeting.

7.3 Despite the protections of the First Amendment, nobody has a right to disrupt a meeting or to speak without being recognized by the Chairman.

7.4 The New Hampshire Supreme Court has said that the Chair of a public body is in control of who speaks and when, and that an individual can be lawfully removed from a public meeting, without violating the First Amendment protections if the individual's conduct "prevents the public body from continuing their meeting" and impacts "the rights of others to speak in an orderly manner". *State v. Dominic, 117 N.H. 573 (1977)*

In *Dominic*, the disruptive individual removed was a member, however, this same principle would apply to a member of the public disrupting the meeting in a severe manner, perhaps by repeatedly trying to speak outside of the public comment session (open forum), by interrupting others during public comment, or by refusing to yield the floor once his or her designated time for speaking during public comment has ended. Such conduct may rise to the level of disorderly conduct, a criminal offense, which occurs when a person "purposely causes a breach of peace, public inconvenience, annoyance or alarm, or recklessly creates a risk thereof, by... disrupting any lawful assembly or meeting of persons without lawful authority". *RSA 644:2, III (C)*.

However, having someone removed from a public meeting should be a last resort, only after other methods of trying to control the situation have been pursued.

https://www.nhmunipal.org/sites/default/files/uploads/workshop-materials/rtk_guidebook_w_supplement.pdf

7.5 It will be at the discretion of the Chairman to decide if the disruption "focuses on the conduct of the individual" that causes the real disorder in the meeting, and not on the "critical or unpleasant content of the individual's speech" and if the RSA 644:2, IIIc is warranted.

Article 8 – Nashua Planning Regional Commission NRPC

- 8.1 The Pelham Forestry Trail Subcommittee may have one (1) member appointed to act as the NRPC Sole Point of Contact in reference to any and all Forestry Trail matters, including but not limited to, trails, trail repairs, mapping of trails, updating trail mapping, and any and all matters pertaining to all trails within the Town of Pelham.
- 8.2 The Pelham Forestry Committee shall appoint the NRPC Sole Point of Contact for the first year of the subcommittee's establishment only.

- 8.3 The Pelham Forestry Trail Subcommittee shall appoint the NRPC Sole Point of Contact thereafter for the subcommittee is an independent subcommittee by way of Warrant Article 14 voted on by the Town at the 2024 Town vote.
- 8.4 The term of the NRPC Sole Point of Contact shall be decided by the Pelham Forestry Subcommittee members by way of a motion and a vote and shall be included within the meeting minutes.

Article 9 - Rules of Procedures and Revisions

- 9.1 These Rules of Procedure may be revised and or amended by members as stated in Article 2.4 by a majority vote of the Pelham Forestry Trail Subcommittee members present at a regular monthly meeting.

Article 10 - Conflict with Rules and Procedures

- 10.1 In the event of a conflict in these Rules of Procedures, Robert's Rules of Order shall be Followed.

2024 Warrant Article 14:

https://www.pelhamweb.com/sites/g/files/vyhli4856/f/uploads/2024_final_pelham_voting_results-2.pdf

RULES OF PROCEDURE ADOPTION RECORD

These “*Pelham Forestry Trail Subcommittee Rules of Procedure*” were created and adopted by the 2024 Pelham Forestry Trail Subcommittee and its acting members on August 29, 2024.

Respectfully signed,

David Abare, Chairman of the Pelham Forestry Trail Subcommittee

Bob Lamoureux, Vice Chairman of the Pelham Forestry Trail Subcommittee

John Picard, Member of the Pelham Forestry Trail Subcommittee

Derek Pomerleau, Member of the Pelham Forestry Trail Subcommittee

Larry Horgan, Member of the Pelham Forestry Trail Subcommittee