

NORTH CONWAY WATER PRECINCT
BY-LAWS
ADOPTED AT THE ANNUAL MEETING
MARCH 30, 2005

Article I
Organization

Section 1. The North Conway Water Precinct (NCWP) is a specially municipal corporation providing water and sewer service, fire protection and recreational facilities and programs to Precinct residents in North Conway and Bartlett, New Hampshire. The legislative charter of NCWP (the "NCWP Charter) is comprised of Laws of 1905, ch.170, as amended by Laws 1987, ch 417.

Section 2. These bylaws are adopted as the bylaws of the NCWP pursuant to the authorization contained in Section 5-d of the NCWP Charter.

Section 3. Subject to technical and economic feasibility, the availability of facilities and the budget and appropriation process, it is the goal of the NCWP to provide water and sewer service to all properties within the Precinct. This goal shall be reflected in the master plan adopted pursuant to Article V, Section 6 of these bylaws.

Article II
Meetings

Section 1. The Annual Meeting shall be held once each calendar year on the last Wednesday in March, except under extenuating circumstances but in any event between January 1 and May 1 of each year. The time and place shall be determined by the Commissioners. The purposes of the meeting are to elect required officials, adopt the budget, select independent certified public accounts to serve as auditors and to conduct any other business properly brought before the meeting.

Section 2. Special Meetings of the NCWP may be called by the Board of Commissioners and may also be called by the Board of Commissioners within 30 days following the submission to them of a petition signed by at least 60 registered voters requesting such a meeting and stating the business to be conducted.

Section 3. The warrant for any annual or special meeting shall be issued by the Commissioners and shall prescribe the place, day and hour of the meeting and the subject matter of all business to be acted upon at the meeting. The Commissioners shall post an attested copy of the warrant for any meeting at the place of meeting and a like copy at one other public place in the Precinct

NORTH CONWAY WATER PRECINCT
BY-LAWS
ADOPTED AT THE ANNUAL MEETING
MARCH 30, 2005

at least 14 days before the day of the meeting, not counting the day of the posting or the day of the meeting. The Commissioners, when calling a special meeting, shall within one week after posting the warrant for such meeting, cause a copy of the warrant to be published once in a newspaper of general circulation of the Precinct.

Section 4. The voters who attend any annual or special meeting of the Precinct shall constitute a quorum, and, unless otherwise required by law, the business of the meeting shall be conducted by majority vote of the voters present and voting.

Article III
Voting Privileges

Section 1. Any individual 18 years or older who is a full time resident of the NCWP and a United States citizen may register to vote.

Section 2. Residents may register to vote at NCWP meetings (i) during working hours at the NCWP business office at 104 Sawmill Lane, North Conway, NH 03860 (ii) at such other times and places as may be designated by the Supervisor of the Checklist and (iii) at an annual or special meeting.

Article IV
Board of Commissioners

Section 1. The NCWP Board of Commissioners shall be elected for three-year terms at the annual meeting. Terms shall be staggered so that one Commissioner is elected annually.

Section 2. Only persons who are registered NCWP voters shall be eligible to serve as Commissioners.

Section 3. The Board of Commissioners, at their first regularly scheduled meeting following the annual meeting, shall elect a chairman and vice chairman.

Section 4. The Board of Commissioners shall hold a minimum of 26 public meetings to accomplish the business of the Precinct. The Commissioners at the first meeting following the annual meeting shall establish time and place for said meetings. Evenings meetings shall be held at least quarterly to provide increased availability to the public. In the event that additional meetings are held, the NCWP Office Manager shall post notices of the meetings at the NCWP business office and fire station and provide written or telephonic notices of the meeting to the

NORTH CONWAY WATER PRECINCT
BY-LAWS
ADOPTED AT THE ANNUAL MEETING
MARCH 30, 2005

home of each Commissioner at least 24 hours prior to the meeting.

Section 5. The order of business for the meetings of the Board of Commissioners shall be as follows:

- Call to Order
- Public Hearings
- Approval of Minutes
- Fire Chief
- Old Business
- New Business
- Commissioners/Superintendent Reports
- Other Business
- Public Comments/Media Questions
- Signature of Documents
- Signing of Checks
- Non-public Sessions
- Adjournment

Changes to the order of business shall occur only by unanimous consent of the Commissioners.

Section 6. Two Commissioners shall constitute a quorum. Every attempt shall be made to notify all three Commissioners whenever an additional meeting is necessary.

Section 7. Minutes of all public and non-public meetings of the Board of Commissioners shall be prepared and maintained in accordance with RSA 91-A. Such minutes shall be bound to insure a complete record is maintained. Official copies of minutes shall be maintained at the NCWP business office at 104 Sawmill Lane, North Conway, New Hampshire. Additionally, one copy of all minutes shall be maintained off site.

Section 8. When a vacancy on the Board of Commissioners occurs between annual meetings, the remaining Commissioners shall appoint an acting Commissioner to fill the vacancy until the next annual or special meeting. Notice of the vacancy shall be published in a newspaper of

NORTH CONWAY WATER PRECINCT
BY-LAWS
ADOPTED AT THE ANNUAL MEETING
MARCH 30, 2005

general circulation within the NCWP, and an announcement of the vacancy shall be made at each meeting of the Board of Commissioners until an acting Commissioner is appointed. The acting Commissioner must be a registered NCWP voter.

Section 9. The Board of Commissioners may request a salary increase from time to time. The Board of Commissioners shall bring the salary increase in a Separate Warrant Article before the voters at the Annual Meeting for approval.

Section 10. The NCWP Commissioners shall be indemnified to the extent permitted by law in connection with an actual or threatened actions or proceedings arising out of their service as a Commissioner.

Article V
Powers and Duties

Section 1. The business management and affairs of the NCWP shall be under the direction of the Board of Commissioners. The Superintendent and the Fire Chief shall report to the Board of Commissioners. Subject to the budget and appropriations process, the Board of Commissioners shall have the authority to authorize contracts, incur liabilities, expend or invest money and perform such other matters and things as they deem prudent for the operation of the Precinct.

Section 2. The Board of Commissioners shall appoint the Superintendent. All other persons directly under the supervision of the Superintendent shall be appointed by the Superintendent subject to approval by the Board of Commissioners,

Section 3. The Superintendent shall perform the duties associated with the operation of the NCWP as described in his/her job description.

Section 4. The Board of Commissioners shall engage the necessary legal services to insure smooth operation of the NCWP and compliance with state and federal law and to defend the Precinct in any lawsuit filed against the Precinct and to pursue any other action deemed necessary by the Board of Commissioners.

Section 5. The Board of Commissioners may establish advisory committees. The advisory committees shall report directly to the Board of Commissioners. One member of the Board of Commissioners shall serve on each such committee. In establishing any advisory committee, the Board of Commissioners shall specify number of committee members, a clear statement of purpose, timeframe for fulfilling assigned duties, and the final work product expected. Each advisory committee shall provide periodic progress reports to the Board of Commissioners.

NORTH CONWAY WATER PRECINCT
BY-LAWS
ADOPTED AT THE ANNUAL MEETING
MARCH 30, 2005

Section 6. The Board of Commissioners shall have responsibility for the preparation and maintenance of a master plan for the Fire Department and for the provision of water and sewer services within the Precinct. The Board shall also have responsibility for the development of a five-year capital improvements plan, which shall be updated annually. Projects within the capital improvements plan shall be subject to the budget and appropriations process at the annual meeting and at any special meeting called for the purpose of approving any such appropriation.

Section 7. The Board of Commissioners shall have responsibility for the deposit of the cash proceeds received from the sale of any vehicle or item of equipment into the capital reserve account maintained by the NCWP for vehicles or equipment of the type sold.

Section 8. The Board of Commissioners shall adopt a cash management policy for the NWP providing for the investment of Precinct funds in the New Hampshire Public Deposit Investment Pool and other similarly secure legal investments while maximizing the return on NCWP's funds.

Section 9. The Board of Commissioners shall not make any changes in the rates, charges or fees for water, sewer or fire services without first holding a public hearing to receive public comment on the proposed change. Notice such public hearing shall be published in a newspaper of general circulation within the Precinct not fewer than 7 days prior to the hearing and again not fewer than 3 days prior to the hearing. The Board of Commissioners shall make a report to the voters at each annual meeting of any changes made in the rates, charges or fees for water, sewer or fire services during the preceding year and the reasons for such change.

Section 10. The Board of Commissioners shall bring before the voters, at the annual meeting, a warrant article to authorize the Commissioners to accept funds under RSA 31:95-b and a warrant article for tax and/or bond anticipation notes.

Section 11. At each annual meeting, the Board of Commissioners shall identify an independent Certified Public Account to serve as auditor for the Precinct. The auditor for the Precinct shall be ratified annually by the voters at the annual meeting. If the appointed auditor vacates the position during the course of his/her appointed term, the Board of Commissioners will appoint an auditor until the next annual meeting.

Article VI
Other Elected Officials

Section 1. The following elected officials shall serve one-year terms, Moderator, Treasurer, and Clerk.

NORTH CONWAY WATER PRECINCT
BY-LAWS
ADOPTED AT THE ANNUAL MEETING
MARCH 30, 2005

Section 2. There shall be three Supervisors of the Checklist who shall be elected by the voters and shall serve three year terms. The terms shall be staggered and no more than one Supervisor of the Checklist shall be elected annually unless a vacancy occurs.

Section 3. The Board of Commissioners shall appoint a person to serve as “acting” Moderator, Treasurer, Clerk or Supervisor of the Checklist in the event that the elected office holder resigns or is unable to fulfill his/her duties. The term of the appointment shall be until the next annual meeting. Notice of the vacancy shall be published in a newspaper of general circulation within the NCWP, and an announcement of the vacancy shall be made at each meeting of the Board of Commissioners until the Board appoints a person to fill the vacancy. The person appointed must be a registered NCWP voter.

Article VII
Fire Department

Section 1. The Fire Chief is appointed by the Board of Commissioners for an indefinite term subject to the guidelines outlined in RSA 154:5 I and II. The Assistant Fire Chief and the First Deputy Fire Chief shall be appointed by the Board of Commissioners.

Section 2. The Fire Chief shall inform the Board of Commissioners of the individuals appointed as volunteer firemen, emergency medical technicians and first responders.

Section 3. The Fire Chief shall perform the duties associated with the operation of the fire department in accordance with his/her job description.

Section 4. The Fire Chief is responsible for providing to the Board of Commissioners an annual budget.

Article VIII
Changes in By Laws

Section 1. The Commissioners are authorized and empowered, with the approval of the voters at an annual or special meeting called for that purpose, to amend these bylaws for the conduct of the Precinct’s business provided that the amendments do not conflict with charter. The text of the specific amendment shall be stated as a separate warrant article. If a proposed amendment

NORTH CONWAY WATER PRECINCT
BY-LAWS
ADOPTED AT THE ANNUAL MEETING
MARCH 30, 2005

would result in a fiscal impact on the NCWP, two public hearings shall be held, one of which must be held in conjunction with the budget hearing associated with that meeting.

Section 2. Voters at the Annual Meeting or Special Meeting shall vote on the warrant article stating the proposed amendment to the bylaws. A majority vote is required for passage.