

TRANSCRIPT OF THE SPECIAL MEEETING
NORTH CONWAY WATER PRECINCT

Thursday, September 3, 2009 at 6:00 p.m.
North Conway Fire Station
70 Norcross Circle
North Conway, New Hampshire 03860

Superintendent

David P. Bernier

Precinct Commissioners

James S. Umberger, Chairman
Robert F. Porter, Commissioner
John J. Santuccio, Commissioner

Fire Department Chief

Patrick L. Preece

Treasurer

Maureen Westrick Forbes

Clerk

Karen C. Umberger

Moderator

Kenneth R. Cargill

Assistant Moderator

Rebecca J. Oleson

Auditor

Joseph L. Santoro, MBA/CPA

Supervisors of the Checklist

Richard Hansen
Dale Hamilton
Nancy France

Moderator Kenneth Cargill called the meeting to order at 6:02 p.m.

The first order of this evening was the Pledge of Allegiance.

Moderator Cargill read Warrant Article One in its entirety and then turned the meeting over to Superintendent David Bernier to give a brief explanation of the article.

ARTICLE 1. To see if the Precinct will vote, pursuant to RSA 31:5-b, to legalize and ratify the action taken by the Precinct at its meeting of March 28, 2007 where the Precinct passed Article 2 of the warrant for the Precinct's 2007 annual meeting and raised and appropriated the sum of \$3,950,000 with no more than \$2,088,000 to be raised through the issuance of bonds and notes pursuant to the provisions of the Municipal Finance Act, RSA 33, as amended, which amount would be used to finance the construction of New Sewers for the following areas: Intervale Crossroads, Dinsmore Road, Kearsarge Road and Mechanic Street (the "Bond Issue"); the vote on the Bond Issue being procedurally defective due to the fact that the Commissioner's public hearing on the 2007 budget with respect to the Bond Issue was not properly noticed and held at least 25 days prior to the annual meeting, in violation of the provisions of RSA 32:5,I; provided, however, that should this article not pass, such vote will not rescind the original bond authorization. *[Simple majority vote required as allowed by the North Conway Water Precinct Charter] Recommended by the Commissioners 2-0-0*

Motion of Commissioner Porter seconded by Commissioner Umberger to place the article on the floor for discussion. Motion carried by voice vote.

Superintendent Bernier explained the purpose of the meeting tonight is to explain the Precinct held its public bond hearing on the 2007 Annual Warrant on March 8, 2007 and it should not have been held any later than March 3, 2007. Essentially, by holding this meeting five days later caused a procedural defect of the 2007 Annual Meeting and this special meeting will rectify the procedural defect.

Moderator Cargill asked if there were any questions pertaining to the warrant or explanation by Superintendent Bernier. No questions coming forward, Moderator Cargill explained the voting process. You have a "White yes/no ballot" if you are in favor of the article place your "yes" ballot in the ballot box and if you are not in favor of the article place your "no" ballot in the ballot box.

Moderator Cargill declared the polls open for voting on Article 1 at 6:05 p.m. and stated the polls will remain open for one hour.

Moderator Cargill closed the polls to voting on Article 1 at 7:05 p.m. Moderator Cargill announced the vote on Article 1 as follows: 18 yes votes and 0 no votes. Moderator Cargill declared the article as passed.

ARTICLE 2. To act upon any other business which may legally come before this meeting.

Motion of Commissioner Umberger seconded by Commissioner Porter to adjourn this special meeting at 7:08 p.m. Motion carried by voice vote.

Respectfully,

Kristine M. Cluff
Recording Secretary

I, Karen C. Umberger, Clerk of the North Conway Water Precinct hereby attest these are the minutes of the Special Meeting held on September 3, 2009 relative to the Special Meeting to correct a Procedural Defect at the Annual Meeting of 2007 and certify the votes recorded therein are accurate.

Karen C. Umberger, Clerk