



Emerald Lake Village District

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ELVD Special Meeting - To Cure Procedural Defects
Wednesday July 8, 2020 @ 6:00 PM

Location: online meeting via GO TO Meetings and physically at the ELVD office

ATTENDEES in Office:

Brett Taber - Commissioner (Chair)
Sara Auger - Commissioner
Shawna Kilcoyne - Treasurer
Rick Rose - Clerk
Mark Rodier - Moderator

Residents in attendance:

Wayne Held - in office
Don Johnson - in office
Chris Reed - remote
Greg Klos - remote
Melissa Taber - remote
Richard Morency - remote
Claudette Morency - remote
David Stefanelli - remote
Tricia Stefanelli - remote

Non-resident in attendance:

Justin Richardson (legal counsel) - remote

Moderator Mark Rodier opened the meeting at 6:02pm.

- Roll Call & Quorum of Commissioners – validate online forum rules are followed.
- Review need / options for future Annual meeting date needs under revised Governor Emergency order #12 Pursuant to Executive order 2020-04 – Temporary modifications of public access to meetings under RSA91-A and Emergency order #23.
- Residents were made aware, prior to the meeting, through an invitation and were provided a phone number and an access code for dial in purposes or to access the meeting through GoToMeeting.

Moderator Rodier recited the following:

Article 1. To see if the District will vote, pursuant to RSA 31:5-b, to cure all procedural defects and to legalize and ratify the actions taken by the District at its Annual Meeting of June 6 and 7, 2020 to approve Warrant Articles 3 to 13 raising and appropriating funds and electing officers for the District. Said Warrant Articles included two bond articles: Article 3 which raised and appropriated the sum of \$357,000 for the purpose of replacing the

Red Fox Crossing culvert, with \$220,000 of such sum to come from the issuance of bonds and notes pursuant to the provisions of the Municipal Finance Act, RSA 33; and Article 4 which raised and appropriated the sum of \$350,000 for the purpose of researching and obtaining a new water source and water infrastructure upgrades, with \$275,000 of such sum to come from the issuance of bonds and notes pursuant to the provisions of the Municipal Finance Act, RSA 33.

However, due to public health concerns which led to the Executive Orders issued by the Governor, the District did not comply with the procedural requirements set forth below, which therefore requires a vote, at a Special Meeting to cure procedural defects set forth below.

- a. The District held its meeting on June 6, 2020, which meeting was continued to and adjourned on June 7, 2020 when RSA 52:12 requires that a District Annual Meeting "shall be held between January 1 and May 1 of each year."
- b. The District continued its Annual Meeting to Sunday June 7, 2020, for voting on unofficial ballots when RSA 39:14 provides that "[w]henver any adjournment of any town meeting shall fall upon a Sunday, it shall be held on the next secular day thereafter."
- c. The District used a single combined ballot box for voting on all warrant articles when RSA 33:8-a, II, provides that: "A separate ballot box shall be provided for each bond article to be voted upon."
- d. The District's notice of bond and budget hearings did not include a "helpline" mechanism for the public to alert the Commissioners during the meeting if there were problems with access as required by the Governor's Executive Order #12.

Approval of this article will ratify the procedures used and the results of the District's voting using an unofficial ballot on June 7, 2020. Should this article not pass, such a vote will not rescind the procedures used or the results of the District's voting or the original bond authorizations.

Recommended by the Board of Commissioners

(Two-thirds (2/3) ballot vote required to cure procedural defects for Articles 3 and 4)

Moderator Rodier asked if there was a motion to move the Article. Commissioner Taber responded "so moved", Commissioner Auger seconded the motion.

Commissioner Taber commented on section (a) stating the meeting was not held primarily due to Covid-19 restrictions that started in March and the extensions that followed made holding the meeting impossible. Section (b) knowing that we had to have the meeting to Cure Procedural Defects and to keep the time-line in tact and extending the voting another day, the board felt it would've been detrimental. Section (c) the board felt that using a single box and ballot would enable the flow of the drive-by voting to ensue in an orderly fashion, and on section (d) that was missed on the advertisement, however, on April 7 this information was shared with the residents via the district website.

Moderator Rodier then asked if there were any questions from those in attendance at the office and those that joined remotely. Wayne Held asked if there now had to be a separate ballot box for each article? Commissioner Taber responded "no" stating that this is **one** warrant article clearing ALL procedural defects.

Moderator Rodier asked if there was a motion to move for a ballot vote. Commissioner Taber responded "so moved" and Commissioner Auger seconded the motion. No objections were made from the floor nor the remote attendees. Moderator Rodier concluded that voting could begin and would be open until 8:00pm. Meeting was

suspended at 6:15pm. Once voting ended, the meeting would then be reopened to share the results.

The meeting resumed (8:10pm) when the Supervisors of the Checklist handed the results to Moderator Rodier who relayed that we had a total of 20 votes. There were 18 that voted yes and 2 that voted no. That meant that a 2/3 requirement had been met and that Article 1 had passed.

Moderator Rodier asked if there was a motion to adjourn the meeting. Commissioner Taber seconded the motion and meeting was adjourned at 8:12pm.

*Meetings will be held primarily in the office as some of the Governors Emergency orders have been lifted; online via usage of GOTO meetings as posted on website will be supported during this transition; meetings will resume to be held at District Office, 147 W. Main St. Hillsboro, NH.

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