

From: Hebron Select Board ellielonske@gmail.com
Subject: SPECIAL NOTICE TO HEBRON RESIDENTS & TAXPAYERS
Date: April 18, 2017 at 12:31 PM
To: ellielonske@gmail.com



**Special Notice to Hebron Residents &
Taxpayers - April 18, 2017**

[View this email in your browser](#)



Town of Hebron

Grafton County, New Hampshire



Special Town Meeting

by Town Moderator Peter Carey

Our annual town meeting in March is the one time of the year that the town's legislative body—the voters—must assemble and vote on the town warrant and its various articles. About 114 Hebron residents attended this year's town meeting and voted in favor of warrant articles that included:

- Ordering and financing a new backhoe;
- Financing and moving forward with the Hebron Academy project;
- Planting new trees on the Town Common;
- Repairing and paving Cross and George Roads;
- Resolving right of way issues in connection with Lake Shore Road and the Town Beach;
- Resolving a potential boundary line issue with Bruce Platts and Faye Foster;
- Helping to fund the Gazebo Program;
- Contributing to the Day Away "Caring for the Caregiver" of memory loss patients;
- Effectively merging Heritage Commission and Historic District Commission functions; and
- Funding the operating budget.

The meeting lasted three and a half hours. Since the backhoe and Hebron Academy articles involved financing, a two-thirds or super majority ballot vote was required for each article. By law, the ballot voting had to be kept open for at least one hour. Another article involving the Common Tree Capital Reserve Fund changed and expanded the original purpose of the Fund, and so a two-thirds majority was required to pass the article.

There is a ton of preparation that goes into town meeting each year. The process takes months, and every single town official and employee is involved in various ways. There are volumes of state law and regulations that govern the town meeting process, and, as you can imagine, we get lots of scrutiny along the way. Our own town counsel provides legal reviews at several stages of the process, and, of course, we get state regulators looking over our shoulders, too. The Secretary of State and Attorney General's offices closely monitor our elections, and the Department of Revenue Administration (DRA) follows the money—just about every aspect of town finances.

There is also a ton of work that is required after town meeting. Hebron's Town Clerk must produce meeting minutes for DRA review within a statutory 20-day deadline. Our Town Administrator must produce and submit to DRA various reports as well. DRA's Municipal Bureau is required by law "to review estimated revenues, voted appropriations, and the manner in which appropriations were voted" and to determine whether these items comply with applicable state statutes. In essence, the DRA reviews our town meeting process and results and determines whether we complied with the law.

We received [written word](#) from the DRA on Thursday, April 13th, that the agency had identified a "procedural defect" in our town meeting process. "Procedural defect" has special meaning under RSA 31:5-b, II: "Procedurally defective actions shall mean minor procedural irregularities such as failure to comply with statutory requirements regarding time or place of notice, vote, hearing, or wording, or with any procedural act not contrary to the spirit or intent of the law."

Here's how the DRA summarized our procedural defect:

"ISSUE: The MS-636 form was not posted with the annual meeting warrant. In accordance with RSA 32:5, VI, 'the governing body shall post certified copies of the budget with the warrant for the town meeting.' That budget form shall be as prescribed in RSA 32:5, III and Rev Rule 2008.04(a)."

If this sounds hyper-technical to you, that's because it is. In the lead-up to the town meeting, the Town Administrator has to post at a couple places in town, including the Public Safety Building meeting place, copies of the town warrant as well as certain budget reports. The MS-636 is a form that breaks out budget information for each

warrant article. That form, like many others produced and required by DRA, now has to be completed electronically. Hebron's Town Administrator, like many others around the state, could not get the form to print properly. Repeated calls to DRA went unanswered. She decided to publish and post the town's budget information, using an older report format. While the format used contained basically the same information, it was not in the MS-636 format currently required by DRA. Hebron's town counsel, one of the leading and best-known municipal law firms in the state, assures us that Hebron is far from being the only town having problems with DRA's new electronic forms. Other towns are in the same boat.

Importantly, all the required information was contained in handouts at the two budget hearings, posted on the Town website, and included in the Annual Report.

Besides identifying this procedural defect in the bulletin board postings, DRA has told us exactly what we need to do to fix it:

“The Selectmen need to hold a procedural defect meeting, in accordance with RSA 31:5-b. The warrant article to be voted on should read, ‘To see if the town will vote to ratify the results of the March 14th annual meeting even though the statutory requirement to post the MS-636 Budget Form with the warrant were [sic] not met.’ In addition, the MS-636 form needs to be completed, signed, and posted with the warrant.”

Besides the grammatical error (“were” should be “was”) in DRA's proposed warrant article, you may have picked up on the fact that the article refers to a March 14th annual meeting date—not March 18th when we held our “business meeting.” By law (RSA 39:1), except for “SB2 towns” that operate under RSA 40:13, town meetings must occur on the second Tuesday in March. For towns like ours that have bifurcated town elections and business meeting, the official town meeting date remains the second Tuesday in March—the 14th this year.

The Selectmen's procedural defect public hearing will be held on Tuesday, May 9th at 7:00 PM, in the Community Hall located in the the Union Congregational Church basement. The Selectmen are required by law to explain the reasons that a special town meeting must be convened. The special meeting is the last step in the process. At the special meeting, we must vote on the single warrant article ratifying our March 14th town meeting results. Town counsel has produced a timeline (available for your review on the Hebron town website) that outlines all the steps we have to go through before the special meeting. The soonest we can [legally schedule](#) the special meeting is May 16th. At their last Thursday meeting, the Selectmen officially scheduled the special meeting for Tuesday, May 16th, at 7:00 PM, in the Community Hall located in the Union Congregational Church basement.

The special meeting will not be a redo or rehash of the March town meeting. There

will not be a re-vote on any town meeting article. We will assemble and vote on the one ratification article that DRA requires us to vote on. Unless we get to an affirmative vote, the Selectmen are limited in their spending authority. They cannot spend money on any of the warrant articles approved by the voters at the town meeting. Town Counsel reminds us that the ratification “article must pass or the town will have no appropriations, and no appropriation articles will be considered to be lawful.” Town Counsel adds that if the ratification article does not pass by simple majority vote, “the town will have to go to [Superior] Court and ask for help—NOT a position the town wants to be in. We have never seen it happen and there are no statutory provisions to address the situation.”

So, I seek your indulgence one more time and ask that you attend the May 16th special meeting. I’m hoping that we can beat Bridgewater’s records for shortest town meeting. Their meeting last year ran 13 minutes. I heard that this year’s meeting broke 10 minutes. Finally, lest we feel too bad about having to meet again, that other issue I wrote about in last month’s newsletter involving the 73 towns that postponed their elections because of the March 14th blizzard is still unresolved. The matter remains tied up in the state legislature. While we can gripe about our “procedural defect,” at least the fix is pretty simple. Sorry to bother you with this ... and thanks so much for your patience.

Update on Hebron Academy Project Bank Note

Select Board Chairman Patrick Moriarty reports that the bank will hold our note and interest rate as is until after the May 16 vote.

Copyright © 2017 Town of Hebron, New Hampshire, All rights reserved.
Hebron Residents & Taxpayers

Our mailing address is:
Town of Hebron, New Hampshire
7 School Street
PO Box 188
Hebron, NH 03241

[Add us to your address book](#)

[unsubscribe from this list](#) [update subscription preferences](#)

The MailChimp logo is displayed in a white, cursive font within a grey rectangular box.