



ORIGINAL

**RESOLUTION 2017-01**  
**RATIFICATION OF TOWN MEETING / ELECTION VOTES**  
**HB 329 (signed into law on April 21, 2017)**

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**Introduced - May 8, 2017**  
**Public Hearing - May 8, 2017**  
**Adoption - May 8, 2017**

**WHEREAS**, the Town of Litchfield had the 2017 Town Meeting voting session scheduled for March 14<sup>th</sup>, 2017 from 7 AM to 7 PM at the Campbell High School Gymnasium, 11 Highlander Court, Litchfield, NH in accordance with the provisions of RSA 40:13.

**WHEREAS**, on March 13<sup>th</sup>, 2017 at 8:02 AM the New Hampshire Bureau of Homeland Security and Emergency Management provided a bulletin from the National Weather Service. The NWS issued a winter storm warning for all of New Hampshire warning of "Major Winter Storm". The prediction of the NWS was for 12-18 inches with 1-4 inches per hour possible. Blizzard conditions were possible with gusts of wind from 30-40 mph. Governor Chris Sununu warned citizens not to travel on the roadways unless it was absolutely necessary. State offices and liquor stores were closed in anticipation of the winter storm.

**WHEREAS**, on March 13, 2017, following the second Homeland Security conference call with Governor Chris Sununu and consultation with Department Heads and Elected Officials, John Regan, Town Moderator determined the forecasted weather presented an unnecessary risk to the safety of voters who would need to travel to the polls to vote. In making this decision, the Town Moderator was advised by the Town Administrator that New Hampshire Municipal Association and Town Counsel Laura Spector-Morgan issued legal opinions that the Town Moderator has the authority to postpone voting day pursuant to RSA 40:4.

**WHEREAS**, the duties of the Town Moderator pursuant to RSA 40:4 are as follows –

- I. The moderator shall preside in the town meetings, regulate the business thereof, decide questions of order, and make a public declaration of every vote passed, and may prescribe rules of proceeding; but such rules may be altered by the town.
- II. In the event a weather emergency occurs on or before the date of a deliberative session or voting day of a meeting in a town, which the moderator reasonably believes may cause the roads to be hazardous or unsafe, the moderator may, up to 2 hours prior to the scheduled session, postpone and reschedule the deliberative session or voting day of the meeting to another reasonable date, place, and time certain. The date originally scheduled shall continue to be deemed the deliberative session or voting day of the meeting for purposes of satisfying statutory meeting date requirements; provided, that in towns or districts that have adopted RSA 40:13, the postponement shall not delay the deliberative session more than 72 hours. The moderator shall employ whatever means are available to inform citizens of the postponement and the rescheduled deliberative session or voting day.

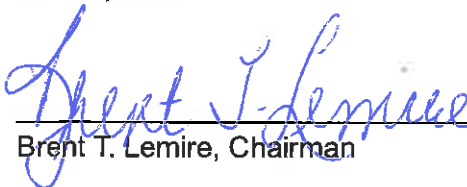
**WHEREAS**, the moderator postponed the voting day from March 14<sup>th</sup>, 2017 to March 21<sup>st</sup>, 2017. The voting times and the location remained the same. Notice of postponement was issued on March 13, 2017 by posting on the town website, Facebook page and the Town Office sign boards. The town's emergency alert system sent phone, email and text messages to residents. Information was provided to the WMUR television station for posting with its scrolling notices and the moderator also posted notice at the voting location.

**WHEREAS**, the moderator acted within his authority. Further, he acted in the best interest of the voters by postponing the voting session of town meeting in the interest of public safety. The safety of the citizens of this town is of the foremost concern to its officials. The decision to postpone ensured the safety of citizens and allowed for the processes of democracy to occur without unduly infringing upon the right to vote.

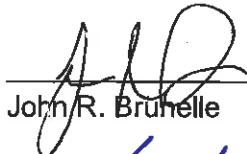
**WHEREAS**, the advice provided by the New Hampshire Municipal Association and Town Counsel is in accordance with the law. The interpretation of the law in this case is in the finest traditions of the legal profession. The NHMA has demonstrated its role of providing training, assistance, guidance and advocacy on behalf of local government in this state with the high degree of professionalism that we have come to expect.

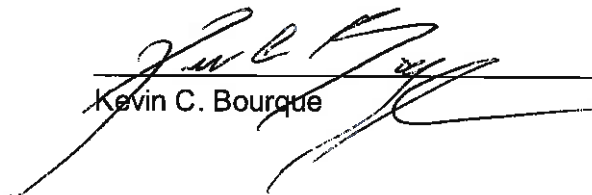
**NOW, THEREFORE, BE IT RESOLVED**, after a properly noticed public hearing on this date in accordance with the provisions of HB 329 which was passed into law on April 21<sup>st</sup>, 2017 we do hereby ratify the 2017 Town Meeting and all actions taken by the legislative body by vote of the people on March 21<sup>st</sup>, 2017.

**ADOPTED BY THE LITCHFIELD BOARD OF SELECTMEN  
MAY 8, 2017**

  
Brent T. Lemire, Chairman

  
Steven D. Perry, Vice Chairman

  
John R. Bruhelle

  
Kevin C. Bourque

  
Kurt D. Schafer