

**[B1][B2] OFFICE OF SELECTMEN  
6 HOLLAND STREET  
PO BOX 139  
MOULTONBOROUGH, NH 03254**

**Selectmen's Meeting**

**February 21, 2008**

**MINUTES**

Present: Selectmen: Karel A. Crawford, Edward J. Charest, James F. Gray, Betsey L. Patten;  
Carter Terenzini, Town Administrator, Hope K. Kokas, Office Secretary.

**I. CALL TO ORDER:** Karel called the meeting to Order at 7:00 P.M.

**II. PLEDGE OF ALLEGIANCE**

**III. REVIEW/APPROVE MINUTES:** Betsey Made the Motion to approve the Minutes of February 21 , 2008 as written. Jim Seconded. The Motion carried Unanimously.

**IV. NEW RESIDENTS:** Shawn & Karen Haskins.

**PISTOL PERMITS:** None.

**V. PUBLIC MEETING:**

7:05 **Public Hearing, SB2:** Karel opened the Public Hearing, stating that it was duly noticed and posted, to receive comments regarding SB2, which is a petition warrant article and a ballot question. She asked that speakers direct their comments through the Chair and expressed the Board's hope to hear from different people. Ed asked Al Hume, the petitioner for the Moultonboro Alliance Coalition, and he agreed, for the Selectmen to give their presentation first and Al would give MAC's presentation after. Ed thanked Peter Jensen and Jean Beadle for once again assisting in creating and running the Power Point presentation. He began by detailing the early history of Town Meeting, going as far back as the Mayflower Compact. Ed stated that it was the duty of every citizen (male) to attend Town Meeting and vote. Secret ballots were rare. This history is part of the Town's character. Ed reported that once a town's population exceeds approximately 8,000 residents, the Town Meeting form of government is less effective and the next step is to create a town council or charter government. He stated that with SB2 form of government, the character of the town changes. The goal of SB2, greater participation with more convenience for voters, reduces voters' responsibility. From information he's researched through the state, Ed reported that SB2 does not lower taxes. The deliberative meeting is the problem, which can dramatically change warrant articles, but not delete them. The voters will only have on the ballot what was approved during the deliberative meeting. Ed added that people who don't attend the deliberative session have no say on the warrant articles/ballots. He wanted that voters will become disenfranchised as they are denied input. The budget is created during the deliberative session and the defeat of a budget creates a default budget, going back to last year's operating budget. With multiple years of default budgets, equipment breaks down (i.e., police squad cars, fire trucks and equipment) leading to higher expenses and higher taxes. Ed reported that if an operating budget is challenged, then the Town Moderator resolves the dispute. This eventually leads to cutting services. Ed stated that the Town has always planned for the

future and has maintained limited debt and an excellent credit history. He gave as an example that last year, the Town purchased a new fire truck. This was done one year early than on the fleet replacement schedule as the cost for a 2007 engine was known to be less expensive than the 2008. It was a wise decision to make the purchase and save the Town money in the long run. Ed commented that fixed costs can't be changed for the Town and the School District. As an example, the Tax Collector, Town Clerk and Assessing office are required to purchase equipment and technology. He added that contractual agreements must be honored and expressed his concern that SB2 could lead to unionization of Town employees. Ed cautioned that although contracts must be honored, staff can be cut. He expressed his concern that the quality of the Town's schools will be in decline and Town services will be cut. Ed stated that Moultonborough is still a small town and Town Meeting still works best for our size. With SB2, data shows that participation in the first year does increase, but then goes into decline. Ed recalled a woman who spoke to the Selectmen during the prior meeting, stating that she was nervous, but she summoned the courage and practiced democracy to speak her mind. Ed concluded that the Selectmen are not in favor of SB2. Mr. Hume, speaking for the Moultonboro Citizen's Alliance gave his presentation, stating with or without SB2, the Town will be OK. He added that the voters will have their say. He presented the numbers of participating voters from the 2007 Town Meeting, School District meeting, and actual balloting during Election Day. Mr. Hume reported that the Town in 2007 had approximately 3,800 registered voters and 1,067 voted by ballot, which is 28%. During Town Meeting, 360 voters participated, which is 9%. The School District meeting had 107 voters, which is 3%. With the Town Meeting form of government, there are three separate days to vote and attendance is required for two out of the three. Mr. Hume added that voters can cast their ballot via absentee ballot. He stated that SB2 separates the discussion from voting with paper ballots only and eliminates the intimidation during Town Meeting. The warrant articles are published in the newspaper in advance allowing voters to be informed and the ballot questions are also published. Mr. Hume stated that if the budget is voted down and it goes into a default budget, SB2 provides that a special meeting will be held in thirty days and during this time the Selectmen can adjust the budget. Mr. Hume acknowledged that all contractual agreements will be honored. He concluded by saying that SB2 allows everyone to vote with an absentee ballot. Ed informed the audience that with a default budget special session (30 days after deliberation) people must attend and absentee ballots are not allowed. Karel stated that people, who can't attend and vote at Town Meeting and choose to only vote by ballot, are choosing their representation in their Town for Selectmen, and for state and national representation. Ed reminded the audience that during Town Meeting, it only takes five people to request a secret ballot. Mel Borrin stated that Mr. Hume's choice to represent numbers from 2007 is not an accurate picture of participation. He reminded everyone that when it came time to vote for a \$12 million school district project, voter participation was at 70% and the question was voted down. The people spoke and next year the school district came back to the Town and it was approved with high voter participation. Mr. Borrin added that people who spend six months of the year not in Town will not likely receive the newspaper with the warrant articles or the ballot. He cited as an example, the Town of Wolfeboro with their ongoing sewer district problem and default budgets. He expressed his belief that SB2 will lead to unionization of Town employees. Mr. Borrin informed everyone that the law for absentee ballots reads that it is only for those who are not able bodied and unable to physically cast their ballot on Election Day, or they will not be in Town on that day. He recalled that there was a problem regarding absentee ballot eligibility during the 1970's. People who cast absentee ballots are not part of the discussion/deliberative session and are likely to be solicited by mail to vote no and to

request absentee ballots. Mr. Borrin added that those who vote with absentee ballot can't vote during the special session, as attendance is required. He expressed his concern that with SB2 any capital budget will be destroyed. The Town voted to increase the number of Selectmen from three to five for more representation. Mr. Borrin stated that if you can vote for someone else if you feel you are not being represented. The Selectmen are doing their job and they support their recommendations at Town Meeting and the Town will vote on it. With the SB2, once the deliberative session is over and after the 30 day special meeting occurs, if something changes or additional information is received, no changes can be made to the warrant article. Mr. Borrin stated that with Town Meeting there are several public hearings to gather information and to voice your opinion. He concluded by saying that during Town Meeting any warrant article can be amended. Ed expressed his concern that many of the warrant articles that are by petition, "Hearts and Flowers", such as the Red Cross, Salvation Army, Wellness Center, Meals on Wheels, etc., will be lost and defeated. Lori Whitley stated that it is admirable to increase the participation during Town Meeting and the School District meeting, and this year this is being done by having the School and Town Meeting on the same day and place. She added that voters should proceed carefully as it takes 60% of the vote for SB2 to come in and 60% of the vote to eliminate it. Jim Leiterman stated that very few Town rescind SB2. Ed responded that it is difficult to get a 60% vote. Jordan Prouty, stated that his feeling that, "If it ain't broke, don't fix it." He added that Town Meeting works for Moultonborough. Mr. Prouty also asked people to look at the tax rates for the previous years and they will find that taxes have gone down. Karel reported that since 2004 there the tax rate has gone down and stayed down. She added that assessed values have increased, depending on the market. With the yearly updates, everyone is paying their fair share. Karel gave her opinion that people who live six months out of Town will vote their pocketbooks. Al Hume that it is the person's right to vote. Ken Tatro commented that people can choose to vote and to attend Town Meeting. Lisa St. Amond stated that those who can't attend Town Meeting also won't be able to attend the deliberative session. Discussion occurred about Town employees working during Saturday's Town Meeting, March 15<sup>th</sup> and their ability to participate. Phyllis Prouty wondered if the Library should close or take shifts in order to attend. Ms. St. Amond asked the Selectmen that once the deliberative session occurs, if all of the Board's work is done for nothing. Karel agreed that was the case. Suzanne Fullerton informed the Selectmen that in Vermont, everything closes for Town Meeting day. Jennifer Corriea stated that as a municipal accountant, she works with Town with SB2 and they seem to operate fine. Adding that she thinks it gives the power back to more people. Peter Jensen stated that he's sure SB2 works in some Town, but expressed that he's not in favor due to his previous experience as a school board member in another town, where people only voted their pocketbooks. He added that the quality of education in this town decreased. Mr. Jensen stated he likes what Moultonborough has now. Ed stated that the state makes adjustments to the law for SB2 in order to avoid manipulation by a few. Dennis Cahoon, a lifelong resident of Town, stated he is not in favor of SB2, adding that those who don't come to Town Meeting are either not interested or rely on others to make the decision. This doesn't mean they are disenfranchised. Ed added that the lifelong residents he's spoken to don't want to change Town Meeting. Sally Carver was asked how many registered voters there are. She reported that there are approximately 4,000 registered to vote, but the actual residency of about 600 is in question, as they don't live here year round, but register to vote only by ballot. Ms. Carver stated that those who are interested attend Town Meeting. Hollis Austin expressed that not enough people are involved in deciding how the Town spends its money. He added that SB2 will increase the numbers of people voting, providing them more time to review and gather information on their

own, choose the time of day to vote with privacy in a ballot booth, or with an absentee ballot.

Allan Ballard commented that one needs to be careful when looking at the numbers. He feels that a low turn out of voters means that people are happy and a high number of voters mean they are interested in a hot issue. Eric Taussig, stated that he is not in favor of SB2, and from the discussion of this meeting it appears that there isn't a lot of interest in change. With Town Meeting is encouraged. Betsey stated that as a State Representative, she voted in favor to allow voters to have the choice of SB2, but told everyone in Concord that if the question came to Moultonborough, she would fight it. She wants to see our Town is governed by the Town Hall and not by Concord. When SB2 first came out, Concord provided that a 2/3 vote was required, but Concord has since changed this to 3/5. It was proposed in Concord that the Planning and Zoning Boards ordinances be subject to SB2 and changed during the deliberative session. If this occurred, then all of their work would be for nothing. Betsey added that luckily this proposal was defeated. Concord continues to tinker and change SB2, dictating on Town government will be run. Betsey added that if a default budget occurs, there is no discussion to tell the Selectmen what the voters want changed. During the special meeting they develop a budget without hearing from the voters. She reminded everyone that warrant articles can only be amended at Town Meeting. SB2 deliberative sessions actually changes what goes on the ballot. Those who do not attend the deliberative session are denied the actual discussion. Those who voted during the deliberative session are not accountable to the public. With Town Meeting, the Board of Selectmen are held accountable for their warrant articles and recommendations. Betsey added that there has been a major finding that SB2 is more associated with a larger population. Moultonborough is still a small Town. Hollis Austin recalled that last year a petition for a warrant article was presented to the Town, but the people didn't vote. Betsey disagreed with this statement, adding that the Town did vote. Ken Tatro asked and heard that the criteria for an absentee ballot is that one must be infirm, can't travel and not in Town on voting day. It is not designed to be used for convenience. Karel thanked all those for participating and voicing their opinions, closing the Public Hearing at 9:03 pm.

8:00 Non-Public Session, Personnel Matter:

## **VI. NEW BUSINESS:**

1. Application for Sign Permit, Tim Morrison, 1120 Whittier Highway: Karel reported that the CEO states that the face of the sign is being changed only and he find that is in compliance with the ordinance. Ed Made the Motion to approve the Application for Sign Permit for Tim Morrison, 1120 Whittier Highway. Jim Seconded. The Motion carried Unanimously.
2. Karel expressed her concern that the Town does not have a residence ordinance for sex offenders and would like to begin the process of developing one. She feels the Town should be proactive and not wait until there is a problem. She asked Chief Scott Kinmond and Betsey to provide the Selectmen with information in order to do this within NH state law. The Chief stated he will check with the Attorney General's office and report back. He added that people with second homes in NH must register in both towns where they own property. Karel asked that this matter be placed in pending.

## **VII. OLD BUSINESS:**

1. Jim Morrison asked the Selectmen if they have discussed the policy for closing Town offices due to inclement weather. Karel replied that they haven't had time to do this and asked that this be placed on pending.

**VIII. OTHER BUSINESS:**

1. Legislative Update: Betsey reported that the Senate in a 19-5 vote passed the first attempt at the constitutional amendment to target aid for needy towns. She added that the House has yet to vote and the Governor doesn't get to vote on it.
2. Planning Board Update: Ed stated that the next meeting will be on February 27<sup>th</sup>.
3. Administration Update: Heidi reported that the Town Report will be available in the Town Hall on March 3<sup>rd</sup> and copies will be available at Town Meeting. Karel, on behalf of the Selectmen, thanked Heidi, Hope and Carol in Administration for putting the Town Report together, adding that it was above and beyond the call of duty. She added that the Board appreciates their hard work.

**IX. PENDING:** None.

**IX. CORRESPONDENCE:**

1. Anthony F. Alibrio, Sr., February 19, 2008: Karel summarized Mr. Alibrio's letter stating that he is in favor of SB2. She noted that Mr. Alibrio spends the winter months in Florida.
2. John & Judi Soja, February 19, 2008: Karel summarized the Soja's letter stating that they are not in favor of a community/senior center, stating that Town government shouldn't be involved in a fun spot and let the Lions Club do this.

Betsey Made a Motion to go into Non-Public Session. Ed Seconded the Motion. Karel asked for a roll call for the Selectmen to go into Non-Public Session per RSA 91-A:3 II (a). Jim – Aye; Betsey – Aye; Ed – Aye; Karel – Aye. The Selectmen went into Non-Public Session at 9:25 pm.

Jim Made a Motion to come out of Non-Public Session. Betsey Seconded the Motion. Karel asked for a roll call for the Selectmen to come out of Non-Public Session per RSA 91-A:3 II (a). Jim – Aye; Betsey – Aye; Ed – Aye; Karel – Aye. The Selectmen came out of Non-Public Session at 9:35 pm.

Betsey Made a Motion to Seal the Non-Public Minutes until the matter is resolved. Ed Seconded the Motion. The Motion carried Unanimously.

- X. ADJOURNMENT:** Ed Made the Motion to Adjourn. Jim Seconded.  
Motion Carried Unanimously.  
Karel adjourned the meeting at 9:40 p.m.

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Approved

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Date  
Respectfully Submitted  
Hope K. Kokas, Office Secretary