

**OFFICE OF SELECTMEN  
6 HOLLAND STREET  
PO BOX 139  
MOULTONBOROUGH, NH 03254**

Selectmen's Meeting

February 3, 2011

**MINUTES**

Selectmen: Selectmen: Joel R. Mudgett, Chairman, Karel A. Crawford, Edward J. Charest, James F. Gray, Betsey L. Patten; Carter Terenzini, Town Administrator; Hope K. Kokas, Administrative Assistant.

ABC: Jean Beadle, Chair, Alan Ballard, Barbara Sheppard, Ed Marudzinski, Kathy Garry, Karel Crawford.

**I. CALL TO ORDER:** Joel 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 January 20, 2011 and January 27, 2011, 4 PM and 6 PM. Ed Seconded the Motion. The Motion carried Unanimously.

**IV. RECONVENE SELECTMEN'S PUBLIC HEARING 1/27/11:** Joel opened the Public Hearing by asking if the public had any questions regarding the budget that was heard at last week's Public Hearing, January 27, 2011, which was recessed to today. 1) Hollis Austin asked if the amount budgeted for the Recreation Department \$437,237 was all inclusive and all expenditures. Joel answered in the affirmative. Mr. Austin commended the Library for reducing their budget while continuing to provide quality services and asked how this was done. Barbara Sheppard replied that since the new addition was built, each year they have a better understanding of the building's energy costs. Also, the Children's Librarian has requested to reduce her hours to part-time, and there was a change in an employee family status, thus lowering the insurance costs. Jean Beadle and the members of the ABC added that there were several variables and one is a reduction in purchasing books and supplies. As there were no more comments or questions, Joel asked for a motion to close the Public Hearing. Betsey Made the Motion to close the 2011 Budget and Roads Public Hearing. Ed Seconded the Motion. The Motion carried Unanimously.

Carter told the Selectmen that a draft of the Town Warrant was given to DRA a week ago for their review and recommendations regarding the wording in each article. Today he heard from DRA and they did have recommendations. For the citizens' petitions submitted, DRA wants to see a uniform question throughout and to read, "To see if the Town will vote to raise and appropriate..." versus how the petition was actually written and submitted.

**ARTICLE 2:** Joel asked if the Selectmen or members of the ABC had any comments or questions. As there were none, a vote was called.

**(By Petition)**

**(Not Recommended by Selectmen 5 - 0)**

**(Not Recommended by the Advisory Budget Committee 6 - 0)**

**ARTICLE 10:** Carter reported that DRA has requested that the word “raise” be added, despite the NH DOT Highway Block Grant. Ed said that he was not happy with the increase, but will recommend it. He said that as Americans we are very lucky to be able to freely discuss a question and openly voice our opposition without fear of reprisal. Ed said that watching what is occurring in Egypt brought this point home to him. As there were no further comments or questions, Joel called for a vote.

**(Recommended by Selectmen 5 - 0)**

**(Recommended by Advisory Budget Committee 6 - 0)**

**ARTICLE 11:** Carter reported that DRA requested that the word “raise” be added. As there were no comments or questions, Joel called for a vote.

**(Recommended by Selectmen 5 - 0)**

**(Recommended by Advisory Budget Committee 6 - 0)**

**ARTICLE 12:** As there were no comments or questions, Joel called for a vote.

**(Recommended by Selectmen 5 - 0)**

**(Recommended by Advisory Budget Committee 6 - 0)**

**ARTICLE 13:** As there were no comments or questions, Joel called for a vote.

**(Recommended by Selectmen 5 - 0)**

**(Recommended by Advisory Budget Committee 6 - 0)**

**ARTICLE 14:** Carter reported that DRA had questions and concerns about the Recreation Revolving Fund and the dissolution. The statute isn't clear about what happens if dissolved. DRA asked if the Town could spend it down. Carter said that the Selectmen can go forward with the way the article is written, or draw the fund down, or eliminate the article altogether. The Selectmen agreed to go forward with the article as written and make any needed changes in the future. As there were no further comments or questions, Joel called for a vote

**(Recommended by Selectmen 4 – 1 [Ed])**

**(Recommended by Advisory Budget Committee 6 - 0)**

**ARTICLE 15:** Carter reported that although the wording of this article appears exactly as it did last year with the exception of the date, DRA didn't see the statutory authority to amend the time period. If it goes to bid by the fall of 2011, it won't be a problem. Joel called for a vote.

**(Recommended by Selectmen 5 - 0)**

**(Recommended by Advisory Budget Committee 6 - 0)**

**ARTICLE 16:** There being no comments or questions, Joel called for a vote.

**(Recommended by Selectmen 4 – 1 [Karel])**

**(Recommended by Advisory Budget Committee 1 [Kathy] - 5)**

**ARTICLE 17:** Joel commented that if this article passed it would require that driver's licenses be checked to verify age. He added that the Selectmen raised the cost to \$20/2 years, which is still lower than other towns. There being no further comments or questions, Joel called for a vote.

**(By Petition)**

**(Not Recommended by Selectmen 5 - 0)**

**(Not Recommended by Advisory Budget Committee 6 - 0)**

**ARTICLE 18:** There being no comments or questions, Joel called for a vote.

**(By Petition)**

**(Recommended by Selectmen 5 - 0)**

**(Recommended by Advisory Budget Committee 6 - 0)**

**ARTICLE 19:** Carter reported that DRA requested that the uniform question be used, "To see if the Town will vote to raise and appropriate..." He asked the Selectmen to allow these kinds of changes be made, which will not change what is being requested. If not, then the Board would need to reconvene to vote on the changed wording. Karel felt that the citizens' petitions should appear exactly as they are submitted, but agreed to the changes as long as they are minimal and only to create the uniform question. Agreed by Consensus.

**(By Petition)**

**(Recommended by Selectmen 5 - 0)**

**(Recommended by Advisory Budget Committee 6 - 0)**

**ARTICLE 20:** Betsey asked if the petitioner has fulfilled all of the requirements, i.e., submitted the site plan, documented easements for culverts, utilities, etc. She added that without this required documentation, if the Town were to vote to accept the road, would be left with multiple problems, as has been the case in Balmoral. Joel recalled that the last time the Town was asked to accept a road, they amended the article to include the necessary documentation. Ed Marudzinski asked if the Board and the ABC votes to recommend the article as written, then it appears they accept it as is (without the documentation). Karel agreed. Carter recommended and the Selectmen agreed that the amendment be prepared in advance of Town Meeting and to contact the originator of the petition to inform him of what is required. As there were no further comments or questions, Joel called for a vote.

**(By Petition)**

**(Recommended by Selectmen 0 Yes – 0 No – 5 Abstained)**

**(Recommended by Advisory Budget Committee 0 Yes – 4 No – 2 Abstained [Karel and Kathy])**

**ARTICLE 21:** As there were no comments or questions, Joel called for a vote.

**(By Petition)**

**(Recommended by Selectmen 5 - 0)**

**(Recommended by Advisory Budget Committee 6 - 0)**

**ARTICLE 22:** As there were no comments or discussion, Joel called for a vote.

**(By Petition)**

**(Recommended by Selectmen 5 - 0)**

**(Recommended by Advisory Budget Committee 6 - 0)**

**ARTICLE 23:** Ed asked Peter Jensen if he could recall if a request had been made to convert the subsidized elderly apartments to condominiums. Peter could not recall. As there were no further comments or discussion, Joel called for a vote.

**(By Petition)**

**(Recommended by Selectmen 5 - 0)**

**(Recommended by Advisory Budget Committee 6 - 0)**

**ARTICLE 24:** As there were no comments or questions, Joel called for a vote.

**(By Petition)**

**(Recommended by Selectmen 5 - 0)**

**(Recommended by Advisory Budget Committee 6 - 0)**

**ARTICLE 25:** As there were no comments or questions, Joel called for a vote.

**(By Petition)**

**(Recommended by Selectmen 5 - 0)**

**(Recommended by Advisory Budget Committee 6 - 0)**

**ARTICLE 26:** Carter reported that DRA requests that the uniform questions be asked, "To see if the Town will vote to raise and appropriate..." As there were no questions or comments, Joel called for a vote.

**(By Petition)**

**(Recommended by Selectmen 5 - 0)**

**(Recommended by Advisory Budget Committee 6 - 0)**

**ARTICLE 27:** As there were no questions or comments, Joel called for a vote.

**(By Petition)**

**(Recommended by Selectmen 5 - 0)**

**(Recommended by Advisory Budget Committee 6 - 0)**

**ARTICLE 28:** As there were no questions or comments, Joel called for a vote.

**(By Petition)**

**(Recommended by Selectmen 5 - 0)**

**(Recommended by Advisory Budget Committee 6 - 0)**

**ARTICLE 29:** As there were no questions or comments, Joel called for a vote.

**(Recommended by Selectmen 5 - 0)**

**(Recommended by Advisory Budget Committee 6 - 0)**

**ARTICLE 30:** Barbara Sheppard asked why the article for the Library was last versus in the order it was submitted. Carter replied that only citizens' petitions are submitted in the order that they are received and operating budgets are placed at the end. As there were no further questions or discussion, Joel called for a vote.

**(Recommended by Selectmen 5 - 0)**

**(Recommended by Advisory Budget Committee 6 - 0)**

Betsey asked if the \$7,856,268 for the operating budget will appear in DRA's MS-6. Carter explained that it will, but will look different as DRA requires that the Town include the MS-6 in the Town Report versus the traditional use of the Excel spreadsheets. This is a problem as the categories/accounts are very different than how the Town breaks it out. As an example, Visiting Nurse Service would be under the category of "Health Agencies & Hosp. & Other". The MS-6 requires additional information in some areas and less in others than the Town actually uses. The departments don't line up. In addition, DRA wants the prior years as initially voted and not what was actually the year end amended with transfers. Carter felt that it would be very confusing to the public if the MS-6 and the Town's traditional Excel spreadsheets were both included in the Town Report. He recommended and it was agreed that a two page explanation would accompany the MS-6 in the Town Report.

V. **NEW RESIDENTS:** Brian G. Lynah, Linda C. Fields, George C. Miller, Scott R. & Allison S. Brown.

VI. **PUBLIC MEETING:**

Citizen Input: 1) Hollis asked if the Town plow trucks would no longer have the Town's seal on them. He's seen some of the trucks with the gold lettering of Department of Public Works. He added that he hoped that the trucks would keep the seal, as it is easily recognizable. Joel replied that the DPW is slowly transitioning to the lettering, on new trucks only. Karel added the seal is very expensive to have applied. Carter said that he didn't think that the seal was being used on any of the Police cruisers. Mr. Austin then asked if a bake sale would be allowed at the Public Safety Building during the elections. Joel replied that this is a question for the Town Moderator, as this is under his direction. At Mr. Austin's persistence, Joel said that it was his understanding that the Women's Auxiliary would be holding the bake sale this year. Betsey added that it was good that the different groups take turns each year, as they all provide a valuable service to the Town. 2) Tom Howard asked for the RSA number regarding the Recreation Revolving Fund. Carter later reported that it is RSA 35-B:2 II. 3) Karel reported on the Cease and Desist Order that she received in June of 2010 from the Attorney General's office on a political flyer that was sent out that was signed and had her return address on it. Adding that she never wanted to make this a Select Board issue, nor did she want to make it an issue in June of 2010, but it was brought up by Mr. Heath at a meeting when she was not in attendance, asking for information about the order. She mailed 35 flyers to people that she knew, never thinking that she did anything wrong and abiding by the RSA's by identifying herself and return address. Karel stated that she was very disappointed over the initial order and she wrote to the Attorney General's office asking

them to reconsider and requested that they show her the evidence that was provided to them. What the Attorney General's office showed her was a black and white photocopy of the flyer, which appalled her that this was the evidence that was the basis for their decision. The case was reopened. On January 20<sup>th</sup>, Karel reported that she received a letter from the AG's office saying that they had rescinded the Cease and Desist Order against her and the other individuals who also received the order. It was rescinded because they finally received an original flyer and unlike the photocopied flyer that was previously submitted, the original clearly established that the back of the flyer was used as a mailing envelope, which was Karel's contention all along. She added that she was just exercising her first amendment rights, as everyone has the right to do. Her opposition of SB-2 was as a citizen and not as Selectmen. She was blasted in the local blog, feeling degraded and defamed by them. She is happy to report that the local newspapers reported last week of the AG's decision to rescind the order. Karel stated that as SB-2 is again on the Town Warrant, she will again, as a citizen, voice her opposition to SB-2 and hopefully help to have it voted down. Joel added that the article was in last week's *Meredith News*, *Laconia Citizen* and *the Union Leader* and he was glad that she was vindicated, but it was sad that the incident occurred. Ed said that he was glad Karel was vindicated and felt that blogging anonymously was a form of coward journalism, making derogatory statements about people without any way to fight it. He supports freedom of speech, but not accusing people with inaccuracies, defaming others without proof. He added that it is not ethical or right. 4) Peter Jensen asked if the evidence originally provided to the AG's office by the complainant was false. Karel couldn't confirm this, but based on the letter she received from the AG's office, that they changed their decision once they received an original flyer. Mr. Jensen asked if the complainant knew all along and Karel replied that she couldn't comment. Joel said that based on the newspaper article the AG's office contacted the complainant telling him they needed the original which he sent. What they received, was a single page, double sided, folded three ways, closed with tape at the bottom, with a name and address stamped on the side. The AG's office determined that based on this evidence, it was not illegal, as there was a name of the sender and return address. 4) Jim Leiterman said that the AG's office was sent all of the original information and it was in their possession and the decision was based on the evidence submitted. He added that the AG's office lost the originals and then later asked for the originals. Mr. Leiterman said, "We didn't have any more originals." Karel told Mr. Leiterman that she didn't know that he was a part of the complaint, or did she see his name on the complaint, and asked why he was speaking about it. He replied that he is a friend of the organization and is trying to clarify what occurred, as what was just said isn't quite accurate. Joel added that he found it funny that they found another original that had the name and address on it, which was used for the AG's office to make their final decision to rescind the Cease and Desist order. Betsey and Ed voiced their surprise that this was the first time that they heard the AG's office "lost" the originals. Joel read a portion of the newspaper article, which quoted the AG's office, stating that unlike the photocopied flyer previously made available to them, the original copy subsequently submitted clearly established that the back of the flyer was used as a mailing envelope and was stamped with the last name of Laura Whitley with her return address. Mr. Leiterman alleged that there was an error in the letter from the Attorney General that stated a copy was submitted. He said that the AG's office demanded originals and 4 or 5 were collected and then they made their decision. Later, after Karel's letter, they requested more originals, as what was submitted had disappeared and then they asked for more information. Joel concluded that whatever was subsequently submitted must have been satisfactory to the AG's office. Regarding Mr. Leiterman's allegation that an error had been made, Joel suggested that he and his organization should ask the AG's office.

**VII. NEW BUSINESS:**

1. Review for Approval: Citizens' Petition, Suicide Prevention & Mental Health Coalition: Joel asked that items 1-7, Citizens' Petitions, be placed in the budget file.
2. Review for Approval: Citizens' Petition, Starting Point - Services for Victims of Domestic & Sexual Violence: To the budget file.
3. Review for Approval: Citizens' Petition, West Wynde Senior Housing: To the budget file.
4. Review for Approval: Citizens' Petition, Loon Preservation Committee: To the budget file.
5. Review for Approval: Citizens' Petition, Winnepesaukee Wellness Center: To the budget file.
6. Review for Approval: Citizens' Petition, Adopt RSA 40:13 – SB 2: To the budget file.
7. Review for Approval: Citizens' Petition, Moultonboro/Sandwich Senior Meals Program: To the budget file.
8. Review for Approval: NH Department Highway Safety Agency – Financial Assistance: Carter reported that this is Department Highway Safety's annual notification of available grant funds and he was sure that the Police and Public Works Department will make good use of it. Joel asked that it be forwarded to both departments.
9. Review for Approval: Request to Abate Interest: Based on Susette Remson's memo, the Selectmen agreed that the property owner had the responsibility and knowledge that taxes were due. Betsey made the Motion to deny the request to abate the interest. Karel Seconded the Motion. The Motion carried Unanimously.
10. Review for Approval: LRPC Transportation Ten Year Plan: Carter reported that LRPC must submit every ten years their Transportation Improvement Plan. Five Moultonborough intersections in the Route 25 Corridor Study have been identified as being impaired. The LRPC is requesting that the Town submit a letter of support of the Ten Year Plan project in Moultonborough of the five intersections that were identified in the Route 25 Intersection Design Matrix. Carter reminded the Board that the estimated cost of the projects were outdated and without any detailed design. Karel Made the Motion to authorize the Chair to sign the letter of support for LRPC's Ten Year Plan. Ed Seconded the Motion. The Motion carried Unanimously. Betsey asked that a copy of LRPC's Ten Year Plan be forwarded to the Planning Board.

**VIII. OLD BUSINESS:**

1. Review for Approval: NH & FBI Criminal History Record Checks RSA 103-a & 103-b: Betsey reported that House Bill 252 is requesting that the RSA be rescinded. Therefore this item is not ready for action.
2. Review for Approval: Revised Cemetery Ordinance: Carter reported this remains not ready for action.

**IX. OTHER BUSINESS:**

1. Legislative Update: Betsey reported that Ward Bird was granted a commutation of his sentence to time served. She said she attended the hearing and the following day's discussion. The Governor's Council wanted to grant a full pardon, but the Governor was not in agreement. Betsey added that the biggest issues in Concord were the budget,

retirement, and educational funding. There is a bill to assist police and fire departments who answer calls for non-residents to help recover expenses. She wasn't sure how this would go and it was a question that requires a lot of thought, as it could have a broad effect. Her bill to change the language of the criminal threatening law was coming up. Betsey feels that the Evergreen Clause for labor contracts will go away.

2. Planning Board Update: Ed reported that they met on Monday night and the Planning Board voted on their articles. The article with the most discussion was the sign ordinance.
3. Administration Update: Carter reported that besides his weekly update, he has been communicating with Mike Edgcombe of Time Warner and he was looking to attend either February 17<sup>th</sup> meeting or March 3<sup>rd</sup> meeting. Joel asked that Carter push for the 17<sup>th</sup>, as he will not be able to attend the March 3<sup>rd</sup> meeting.
4. Zoning Board of Adjustment, January 5, 2011: Acknowledged.
5. Blue Ribbon Commission, January 17 & 24, 2011: Acknowledged.
6. Milfoil Committee, January 19, 2011: Acknowledged.
7. Planning Board, January 26, 2011: Acknowledged.

**X. CORRESPONDENCE:**

1. Time Warner Cable, January 7, 2011, Possible Program Changes: This is their regular letter stating that they are in negotiations with broadcasters. Ed reported that he received an email which said it was from Time Warner, asking for billing information. Upon calling Time Warner he learned that it was a scam.

**XI. CITIZEN INPUT:** 1) Hollis Austin asked Betsey about the Right to Work bill in Concord. Betsey replied that she was aware that the hearing was well attended by supporters in favor and Teamsters who oppose it. If people have questions about this bill or any other Legislative issues, or want to voice their opinion to contact Betsey at [blpatten@hotmail.com](mailto:blpatten@hotmail.com).

**XII. NON-PUBLIC SESSION:** Karel Made the Motion for the Selectmen to go into Non-Public Session per RSA 91-A:3 II (a). Betsey Seconded the Motion. A roll call was taken: Jim – Aye; Betsey – Aye; Ed – Aye; Karel – Aye; Joel – Aye. The Selectmen went into Non-Public Session at 8:44 p.m.

The Board exited Non-Public Session at 9:15 p.m. having voted by a vote of 2/3 or greater of the members present to not disclose the minutes and decisions reached therein to the public, as divulgence of the information discussed likely would affect adversely the reputation of any person other than a member of the public body itself, until - in the opinion of a majority of the members - the aforesaid circumstances no longer apply.

**XIII. ADJOURNMENT:** Betsey Made the Motion to Adjourn. Ed Seconded the Motion. Motion Carried Unanimously.  
Joel adjourned the meeting at 9:16 p.m.

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Approved

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Date  
Respectfully Submitted  
Hope K. Kokas, Administrative Assistant