

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

**Selectmen's Meeting**

**August 1, 2013**

**MINUTES**

Selectmen: Joel R. Mudgett, Jonathan W. Tolman, Edward J. Charest, Christopher P. Shipp, Russell C. Wakefield; Carter Terenzini, Town Administrator; Hope K. Kokas, Administrative Assistant.

- I. **CALL TO ORDER:** Joel called the meeting to Order at 7:00 P.M.
- II. **PLEDGE OF ALLEGIANCE**
- III. **REVIEW / APPROVAL MINUTES:** Russ Made the Motion to approve the Selectmen's Minutes of July 18, 2013 and July 25, 2013 as written. Chris Seconded the Motion. The Motion carried unanimously.
- IV. **CITIZEN INPUT:** 1) Diane Bartlett introduced herself to the Selectmen explaining that she is Josh Bartlett's wife. On July 25<sup>th</sup>, she said that the Town Administrator and Town Counsel met with her husband informing him that the Selectmen had voted during a non-meeting to request Mr. Bartlett's resignation from the Planning Board due to neglect of duty and malfeasance and was shown the statute (RSA 673:13). Mrs. Bartlett said he was told that the purpose of their meeting with him was to provide him the courtesy to resign versus going through the public hearing process, and if he chose to resign his letter of resignation must be submitted no later than July 29<sup>th</sup>, by 5 pm. If he chose to not resign Mr. Bartlett was told he would receive a letter advising him of the public hearing to consider removing him from office. Mrs. Bartlett stated that they feel there is no reason for her husband to resign, and in fact if he did so, he would be neglecting his duty as an elected officer. She added that she is appalled and as a life-long resident of Moultonborough, has never heard about any such statute or this ever happening before. Mrs. Bartlett said prior to the meeting on the 25<sup>th</sup>, her husband approached one of the Selectmen asking for information and was told that he could not discuss the matter. Mrs. Bartlett questioned the legality of the Selectmen's non-public (*sic*) meeting, as her husband is not a paid employee and she feels this isn't a personnel matter. She felt that this was an attack on her husband's character and she doesn't understand it and would like an explanation of the process. She asked the Selectmen to consider the consequences to the Town. She said they will appeal any decision to remove him from the Planning Board and if the court finds in their favor, the Town may be forced to pay any legal fees incurred. Mrs. Bartlett asked the Selectmen to reconsider their decision and to open a dialog, thanking the Selectmen for their consideration. Joel responded that the Selectmen are unable to comment and will proceed with the public hearing. Carter added that he will be asking the Selectmen to choose a date and time for the public hearing. Russ asked why Mr. Bartlett wasn't given more information regarding the reasons for the public hearing. Carter replied that Mrs. Bartlett's version, who was not at the meeting, doesn't reflect what occurred. In fact there were some specifics given to Mr. Bartlett, which was relayed to the Selectmen by Town Counsel shortly after that meeting. Carter added that beyond that, he was uncomfortable saying anything further. 2) Paul Punturieri asked the Selectmen if a non-public meeting was held and when it was discussed. Joel replied that it was a

meeting with Town Counsel and the actual hearing will be held in a public meeting. The meeting with Town Counsel was not held publicly. Mr. Punturieri further asked who directed the Town Counsel and Town Administrator to speak with Mr. Bartlett, which was due to a non-meeting and he felt it should not have occurred. Carter replied that Town Counsel would not agree with Mr. Punturieri's reading of the statute. 3) Josh Bartlett said other than the terms of malfeasance and neglect of duty given him at the meeting, he still doesn't know what specific incident is being talked about. He added that the Selectmen are aware that it is difficult finding volunteers to sit on boards and committees, he asked if the Board recognizes the negative effect that this will have on anyone considering running for office or presently in office, and if they happen to disagree with the Board of Selectmen on an issue, and the concern that they will be asked to resign or face a public hearing to remove them. Mr. Bartlett asked if the Selectmen would provide him with the specifics of malfeasance and the neglect of duty of which he is being accused. Russ said that he thinks the Board should. Carter replied that during the meeting with Town Counsel, Mr. Bartlett was given the specifics which he responded to, and this information was conveyed to the Board. The specifics will be detailed in a letter to Mr. Bartlett providing adequate time prior to the public hearing. Carter added that he is uncomfortable commenting any further. Russ responded affirmatively. Mr. Bartlett said that he doesn't recall any specifics given to him at this meeting, and asked Carter to repeat them. Carter replied that he is uncomfortable conveying conversations that happen with Town Counsel and himself and the Board. There are specific provisions in the statute that makes conversations with Town Counsel privileged and he is uncomfortable breaking this. Joel agreed that nothing further should be said until the public hearing and no decision has been made about the outcome. Mr. Bartlett said that it appears that he is not entitled to hear the specifics. Russ said that he can only assume what Town Counsel said, and feels that Mr. Bartlett deserves to know. Carter has indicated that sufficient information was provided so he should know. Joel reiterated that Town Counsel provided the Board with the specifics. Mr. Bartlett asked and learned that the Selectmen voted for Carter and Town Counsel to meet with him and were given reasons for this action. He said he was given some vague information that this had to do with the Bear's Nest Planning Board meeting, but other than that he was completely at a loss. Chris said that the purpose of the hearing is for all parties involved to state their case, and if Mr. Bartlett isn't sure what the issues are, he won't be able to present his case. He felt that he needs to be well informed, then they are obligated to be sure he is, even if it is in writing. Joel said that this information will be in the letter and Carter confirmed this. Mrs. Bartlett asked that this letter and information be provided as soon as possible, along with the hearing dates, as they have planned a vacation towards the end of August. 3) Paul Punturieri said he is confused, as the statute 673:13 requires some public hearing by the Selectmen to remove someone from office, and thought that the purpose of the public hearing isn't just to state both sides. The purpose is to remove someone from office. He thought that the Selectmen have already made this decision or there wouldn't be a need to go to a public hearing. Joel responded that it is a public hearing and no decision has been made at this point. Mr. Punturieri said their intention is to remove someone from public office. Joel replied that they will be looking to see if there is enough cause to remove him from public office. Mr. Punturieri then asked if this originated from one of the Selectmen or someone outside of the Board. Joel and Russ replied that it was due to a combination of people outside of the Board. 4) Mrs. Bartlett said she knew who was present at the non-meeting, and asked if the vote was unanimous to have the Town Administrator and the Town's Attorney speak with her husband. Russ replied that it was unanimous and Chris was not present at that meeting. Mr. Bartlett said that based on the Selectmen asking the Town Administrator and Town Counsel to meet with him and request that he resign, this sounds to him that the Selectmen had made up their minds. Joel replied that wasn't the case. Russ added that the meeting gave Mr. Bartlett the opportunity to

speak on his behalf. Mr. Bartlett replied that it was a private meeting in which Carter doesn't feel comfortable repeating what was said. He added that he is very concerned that he will be blind-sided at the public hearing, and sees no reason for him to resign, or no longer to represent the Town's people. He concluded that he is eager to have the public hearing.

**V. NEW BUSINESS:**

1. Review for Approval: Payables/Payroll Manifest & Signature File:

<b>DOCUMENT DATE</b>	<b>DOCUMENT</b>	<b>MAP/LOT#</b>
8/1/13	Land Use Change Tax A-5 & A-5W	014-004-001
8/1/13	Payables Manifest & Signature File, \$633,143.53	N/A

Joel read the file for August 1, 2013. Ed Made the Motion to approve the Payable/ Payroll Manifest & Signature File for August 1, 2013 as written. Chris Seconded. The Motion carried unanimously.

2. Review for Approval: Sandwich Fair Sign Permits: Joel reported that this is their annual request to post temporary signs advertising the Sandwich Fair. Chris Made the Motion to approve the temporary signs for the Sandwich Fair as listed in their letter dated July 15, 2013. Ed Seconded and the Motion carried Unanimously.
3. Review for Approval: Resignation of Officer Peter C. John: Joel and the Selectmen accepted Officer John's resignation with regret and asked that a letter of thanks for his service be drafted. His last day as a Moultonborough Police Officer will be August 4<sup>th</sup>.
4. Review for Approval: Resignation of Betsey L. Patten, Advisory Budget Committee: Joel reported that in Ms. Patten's letter she states that her resignation is due to her moving out of state. The Selectmen accept her resignation with regret and asked that a letter of thanks for her service be drafted.
5. Review for Approval: Blue Choice 2 Tier Decision FY 2014: Joel reported that the Selectmen discussed this during their previous work session. Russ asked Carter to provide a summary of the issue. Carter replied that two years ago the Town offered the Matthew Thornton Blue (MTB) health insurance option to employees with a dollar incentive for making the change and about half of the employees chose to do so. This was again offered last year, with a lower incentive being offered, and now two employees remain that still have Blue Cross Tier 2 (BCT2). The Selectmen decided last year that they would pick from two options; 1) Provide no choice, or 2) continue to offer the two programs, but the employees would have to pay the difference between MTB and BCT2. Carter said that the Finance & Personnel Director recommends discontinuing offering the two, resulting in her having to deal with only one health insurance program. He added that the Town will soon be faced with the "Cadillac Tax" which he has explained to them, and to discontinue BCT2 would result in a savings of \$1,600 per year. He agrees with Heidi and he was looking for ways to involve employees so they could better understand the issues. Carter thought that now was a good time to make this decision, before the budget process. Chris thought that before the Selectmen decide, it would be best to create an employee committee to inform them of the "Cadillac Tax" and help them understand the issues. Carter replied that there are only two employees who have not made the change. Russ offered that his wife is one of the two, and she would prefer to pay the extra to keep the BCT2. Jon thought this was acceptable, as long as they are agreeable to paying the extra cost. Joel briefly explained that the Cadillac Tax will tax any insurance premiums that are over the minimum amount set by the Federal government. Carter added that this was supposed to occur in 2012, thought that the limit

for a single insurance premium was \$10,500, and R25-26,000 for other programs. He projected that with MTB the cost will be \$127,000. He said that the Town is headed to be over the limit. The tax is calculated regardless of employee contribution, as they consider the total amount. Carter suggested that if the Selectmen decide to continue offering the two programs, to not indicate this will go on indefinitely. Chris said he was agreeable to offering the two with employees paying the difference. Carter commented that the health care initiative doesn't address the real problem, which is the cost of health care, but looks at it by whittling down the health insurance programs being offered. Russ recalled that initially when MTB was being considered, the Selectmen had two meetings with employees to talk about it, which wasn't well attended. Carter replied that no one likes change, or changes in their benefits, and overall employees don't understand the cost. If an employee committee is created, they will better understand. It was agreed by Consensus to continue offering BCT2 to the two remaining employees provided they pay the increased cost between the Matthew Thornton Blue and the BCT2 program. Russ asked Carter to talk to the Department Heads about an employee committee to see what they think is the best way to handle this.

6. Review for Approval: Guidance Re VNS – Meeting the Challenge: Ed Made the Motion to endorse the recommended course(s) of action by the VNS Director in her presentation of July 25<sup>th</sup> and more specifically to; 1) continue with marketing actions; 2) acknowledge it is not feasible to expand our services into new geographic regions; 3) authorize the exploration of collaboration with the Visiting Nurse Service of Meredith & Center Harbor and the Visiting Nurse Home Care & Hospice of Carroll County to offer Long Term, Hospice and Telehealth services we cannot offer as a go alone venture; and 4) authorize the exploration of collaboration with the aforementioned agencies and the Rural Home Care Network to achieve cost control through shared services. Chris Seconded and the Motion carried Unanimously.
7. Review for Approval: Moultonborough Inlet S.319 Letter of Intent: Ed Made the Motion to partner with Lake Winnepesaukee Watershed Association as outlined, and to endorse the proposed cash match of \$15,000 (\$5,000 Conservation Commission and \$10,000 Selectmen) and authorize the Town Administrator to sign. Russ Seconded. He asked if this was just for Phase 1. Carter said yes, hopefully they will count the Milfoil Committee funding as credit. The Motion carried Unanimously.
8. Review for Approval: Amendment of the Personnel Manual Re RIFs & RIGs: Joel reported that they have been discussing this during their work session. Russ said he can't get over seniority bumping and everything else is OK. Carter said he needs some kind of alternative. Russ said that with a reduction in force (RIF), he is concerned that a senior staff person could bump someone who could be doing a better job. Carter understood, but asked how you quantify that. Seniority is clear cut and the easiest way to do it. Russ said he realizes that based on merit, it places a huge responsibility on the Department Head. Carter cautioned that it could appear that age discrimination is a factor. Russ said that the Employee Personnel Manual is clear about step increases, occurs after two years, and must be recommended by the Department Head and approved by the Selectmen. Jon said he's concerned that if staff hasn't received a step increase and they are senior, they shouldn't be able to bump a junior employee with a flawless evaluation. Russ added that the evaluation process is not tight enough and Department Heads need to work on this. Chris expressed concern about the voluntary reduction in grade (RIG) and the difference between losing credentials (medical) or purposely not obtaining/renewing required credentials. He feels if an employee purposely doesn't renew or obtain required credentials then they should be let go. Carter explained the Ancillary Rights and Notices,

which details seniority, but it isn't absolute. There was lengthy discussion about voluntary RIGs, focusing on refusal or failing to obtain credentials, and if and how a junior staff could be bumped. Carter said he could work on this to add wording that if an employee refuses to obtain or maintain required credentials/licenses, etc., they will not be offered a junior position. Chris added that if an employee has a medical reason, then he wants to give them the opportunity. Carter said he'd bring this back at their next scheduled meeting, August 15<sup>th</sup>.

9. Review for Approval: Estimate of Footprint Re BRC Gymnasium Facility: Carter explained that the Blue Ribbon Commission suggested that the Town have a new drawing done for the proposed gymnasium for presentation purposes. It is his recommendation that this be done with the site design at the same time. The Selectmen agreed and approved by Consensus.

#### **VI. OLD BUSINESS:**

1. Russ commented on the memorandum in the Read File from the Town Clerk and her decision to no longer provide the Selectmen with the newly completed Residency Forms. The Town Clerk polled the clerks at their recent meeting and found that they do not make this information public. These forms are for the Town Clerk's purposes only and this information if made public could have an adverse effect, especially with domestic issues. Russ recalled that they have been read since 1997, and they all thought it had been occurring earlier than that. Russ Made the Motion to cease reading the new Resident Forms at their meetings. Jon Seconded and the Motion carried Unanimously.
2. Russ reported that he went to the Board of Library Trustees regarding the audit report, and learned that they were unaware of the problem. Russ provided them with the information he had. The Trustees said they were willing to make any needed changes and were aware of some problems. Russ told them that Jean Beadle had offered her assistance and the Town would help anyway we could. Russ said it is a question of how autonomous the Library should be and he suggested that Town Counsel look into this to see where the limit is. Russ said that they need to define the lines of cooperation. Joel said that when the auditor talks with the Library Trustees, a Selectmen should be present. Russ agreed.
3. Russ asked if the Selectmen had finalized the dry hydrant fund questions. Carter said that it had, but the wording needs to be amended at Town Meeting. He noted there will be several corrective warrant articles to be considered.
4. Jon asked if the Town sends out bulletins to employees when changes to the personnel manual are made. Carter replied that they go to Department Heads, but agreed that they should go to employees.

#### **VIII. OTHER BUSINESS:**

1. Board & Staff Liaison and Update Reports: None.
2. Advisory Budget Committee Minutes, June 24, 2013 & July 22, 2013: Acknowledged.
3. Milfoil Committee Minutes, July 10, 2013: Acknowledged.
4. CIPC Minutes, July 11, 2013: Acknowledged.
5. Zoning Board of Adjustment Minutes, July 17, 2013: Acknowledged.

#### **IX. CORRESPONDENCE:**

1. Time Warner Cable, July 3 & July 17th (2): Joel reported that this is their usual letter of possible program changes.
2. Teresa Wilson & Howard Canning, MPD and MFRD, July 22, 2013: Joel reported that this is a letter of appreciation regarding the level of service they received from the Police and Fire Departments when the gas tank dropped out of their car on Moultonboro Neck Road. The Selectmen all agreed that they appreciated receiving letters of praise for Town departments and staff.
3. Steven Tintle, Colby Road Rangeway Use and Signage, July 20, 2013: Joel reported that Mr. Tintle's letter concerns what he perceives as rangeway encroachments. He added that Mr. Tintle has been having issues on this before 2006. Joel recalls that a large boulder was placed, along with signage to prevent motorized launching from this area, but allowing portage of canoes/kayaks, etc. Carter advised that the boulder has been removed, along with the sign. In addition, anything placed there to prevent motorized launching needs to be moveable to allow the Fire Department access to the water. There are about 4 to 6 spaces for parking. Ed thought no parking should be allowed. Carter said that to do this would require changing the ordinance. Russ Made the Motion to replace the sign which states no power launching or recovery of power craft and no lifeguard on duty/swim at your own risk. Jon Seconded the Motion. Carter asked and the Selectmen agreed to inform Mr. Tintle that they will not eliminate/sell the rangeway area as he requested, and if he perceives of any violations that he is to call the police. The Motion carried Unanimously.

**X. CITIZEN INPUT:** 1) Diane Bartlett suggested as was discussed for the Board of Library Trustees, to prevent a 'he said, she said' situation, to record the kind of meeting that took place between her husband and Town Counsel and the Town Administrator. Joel said they would take this into consideration.

**XI. NON-PUBLIC SESSION:** None needed.

**XII. ADJOURNMENT:** Chris Made the Motion to Adjourn. Ed Seconded the Motion. Motion Carried Unanimously.  
Joel adjourned the meeting at 8:47 p.m.

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Approved

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Date:

Respectfully Submitted

Hope K. Kokas, Administrative Assistant