

**Wolfeboro Board of Selectmen
Meeting minutes
Unapproved
July 6, 2011**

Members present: Chairman Sarah Silk, Vice-Chairman Linda Murray, Dave Senecal, and Q. David Bowers

Members absent: Chuck Storm.

Staff present: Town Manager David W. Owen, Police Lieutenant Dean Rondeau, Finance Director Pete Chamberlin, and Recording Secretary Amelia Capone-Muccio.

Chairman Silk opened the meeting at 6:30 PM.

Non-Public Session RSA 91-A: 3II

Mr. Owen stated a non-public session is needed to discuss non-public minutes.

Consideration of Minutes

➤ **June 22, 2011**

Chairman Silk amended page one the first paragraph, fifth line from the bottom to change the word "does" to "doesn't".

Mrs. Murray amended page two, the third paragraph and she removed the second and third sentence and replaced with as follows: She looked back through her files and reviewed the 2000 BMH code report, the Wicker's building proposal, \$6.7 million dollar warrant article and information, the Town Hall Options Committee's subcommittee reports on vacating BMH or reuse, on possible town-owned land and other land within 4 miles of downtown bridge, on possible current town-owned facilities for possible use as Town Offices, on a reduced scale BMH proposal for Town Offices and on Lehner Street sites. She reviewed the Group B/TOCAG proposals and survey for Town Offices and the 2010 possible warrant article for a \$4.5 million dollar Town Office building which included the old electric building and Community Center lot.

Member Dave Bowers moved the Wolfeboro Board of Selectmen to approve the minutes of June 22, 2011 as amended. Linda Murray seconded. Members voted and being none opposed the motion passed.

Public Input

Josephine Amatucci joined the Board for discussion and requested the Board of Selectmen fire Police Officer James O'Brien claiming he is a felon and that she has new information in regards to her "kidnapping" case from 2003. See attached statement and other documentation she submitted for the record.

Chairman Silk clarified that the Board of Selectmen can not hire and fire members of the Police Department because that it done by the Police Commission.

Ms. Amatucci stated they do have the right to.

Chairman Silk replied they don't and same with other Town Employees because that is the duty of the Town Manager.

Mr. Owen stated he can hire and fire all Town Employees except members of the Police Department.

Ms. Amatucci stated that Commissioner Goodgame will not allow her to speak at their meetings so she is here to tell the people that she has new evidence in her case and they can verify such with the Clerk of Court and Sgt. Keaton and that the matter was not a stalking order, but a civil order.

Chairman Silk noted that her 3 minutes to speak is up and that she may speak again under public input at the end of the meeting.

Suzanne Ryan joined the Board for discussion and noted the Police Department has been very proficient in their grants, but questioned if there is any financial obligations linked to such grants.

Mr. Owen replied there are no matching funds required.

Mrs. Ryan referred to some Union Leader articles in regards to the State's budget shortfalls and what cuts have been made to balance the budget, including draining the "rainy day fund" and collecting small surpluses. She stated basically they had overestimated their revenues. She noted that Wolfeboro will see the \$22 million dollar county home on their December tax bill along with the sewer bond and she is still not confident they have straightened out the school aid. She suggested all this for them to keep in mind when doing the budget this year.

Mrs. Murray noted that the Sewer bond will be in the 2011 tax bill.

Kenneth Bowers joined the Board for discussion and explained that he recently met with the Town Manager to discuss Brewster Memorial Hall. He explained that although it is a historical building and it would be nice to preserve it, they need to address the space needs for the staff. He stated that Suzanne Ryan had made a comment at a previous meeting that they need to look at a Municipal Complex, a multi-functional building and he agrees. He stated they need to keep in mind that Wolfeboro has more than one service location that needs to be addressed. He stated they need to come up with a Plan B and look at having a committee of residents to look at the idea of selling Brewster Memorial Hall to a developer and possibly retaining a portion of the building. He used Pease International Trade Port as an example of how this idea can work or the Old French Church in Newburyport Massachusetts. He does not mean to sound disrespectful, but would like to see the Board stop closing their eyes to other alternatives and that as a citizen he feels as though he is being held hostage to that building. He reminded them that 750 people voted against renovating that building.

Public Hearings

A. Grant Acceptances-Police Department Grants

- i. Grant #308-11B-158-DUI Patrols in the amount of \$ 5,335
- ii. Grant #314-11B-009 Pedestrian Patrols in the amount of \$ 5,456.25
- iii. Grant #315-11B-188 Speed Enforcement Patrols in the amount of \$ 5,456.25
- iv. Grant #2011CD14 Enforcing NH Underage Drinking Laws in the amount of \$ 5,000

Chairman Silk opened the public hearing.

Lieutenant Rondeau joined the Board and explained that the Police Department has been approved for the above listed grants from National Highway Safety and the last one is from the NH Attorney General's Office. He explained these will supplement their patrols and focus on enforcement operations in target areas.

Chairman Silk clarified there is no matching funds.

Lieutenant Rondeau replied they fully funded.

Mrs. Murray questioned if they are approved by the Police Commission.

Lieutenant Rondeau replied they are fully supportive of the grants.

Mrs. Murray questioned if this is done by the current officers.

Lieutenant Rondeau replied yes they are at overtime.

Being no further comments, Chairman Silk closed the public hearing.

Member Dave Bowers moved the Wolfeboro Board of Selectmen to approve the acceptance and expenditure of the following grants by the Wolfeboro Police Department: (1) Grant #308-11B-158-DUI Patrols in the amount of \$ 5,335; (2) Grant #314-11B-009 Pedestrian Patrols in the amount of \$ 5,456.25; (3) Grant #315-11B-188 Speed Enforcement Patrols in the amount of \$ 5,456.25; (4) Grant #2011CD14 Enforcing NH Underage Drinking Laws in the amount of \$ 5,000. Dave Senecal seconded. Members voted and being none opposed the motion passed.

B. Proposed Ordinance: Town Hall Parking

Chairman Silk opened the public hearing.

Mr. Owen stated as discussed at a previous meeting he has provided the recommended ordinance to address the parking issues raised at Brewster Memorial Hall, which includes having the parking open for town hall business during the day and includes the three spaces on the street in front of the building.

Joan Hill, 2 Kenniston Island, stated that her family has been coming to the island for 50 years and noted that there is a need for overnight parking for the island residents. She questioned if they could do a sticker program for those residents.

Chairman Silk stated she did raise this issue in the previous discussion and agrees they need to allow parking for the island residents.

Suzanne Ryan questioned how many spaces will be available for town use and how many will be used by employees and handicap spaces.

Mr. Owen replied there are 19 employees and 5 handicap spaces.

Mr. Senecal replied there are 60 spaces total.

Mrs. Murray stated that she would like the three spaces out by the street reserved for thirty minutes not specific just to town business.

Suzanne Ryan questioned who would be enforcing the ordinance.

Mr. Owen replied the Police Department.

Mrs. Ryan questioned if there will be a penalty and would like to see some consideration to allow enough time for some to attend a meeting at town hall.

Mary DeVries of the Chamber of Commerce respectfully requests they give consideration to those conducting business in the downtown area.

Mr. Bowers stated that feels they could address the island residents' needs and noted that they can reevaluate the ordinance as needed.

Mr. Senecal agreed they should provide the island residents parking.

Chairman Silk stated that they could discuss implementing a sticker policy easily.

Mr. Owen noted that such would require amendments to the proposal.

Member Dave Senecal moved the Wolfeboro Board of Selectmen to continue the public hearing to the July 20, 2011 Board of Selectmen meeting. Linda Murray seconded.

DISCUSSION:

Mrs. Murray stated that they have started to keep track of the visitors to town hall and the Billing and Collections office has reported a high of 380 customers per day and the Town Clerk's office is reporting an average of 50 to 100 customers per day.

Members voted and being none opposed the motion passed.

C. Temporary Event permit- Re-enactor Encampment at Brewster Field, July 14, through July 17, 2011

Chairman Silk opened the public hearing.

Tom Beeler joined the Board for discussion and explained that the first event was last year during the 250th and they would like to make this an annual event. He noted the Farmer's market will participate in the event again this year as well.

Suzanne Ryan questioned the breakdown of funding for the event.

Tom Beeler replied the Historical Society agreed to sponsor the event, the Wolfeboro Encampment Committee raised the funds and the Parks & Recreation Department is providing the portable toilets.

Mrs. Murray noted they also received private donations.

Chairman Silk noted the notes on the permit request from the Department Heads.

Member Dave Bowers moved the Wolfeboro Board of Selectmen to approve the issuance of a Temporary Event Permit to the Wolfeboro Encampment Committee, the Wolfeboro Historical Society, and the Wolfeboro Parks & Recreation Department to hold a re-enactor encampment on July 14, 2011 beginning at 9:00 AM through July 17, 2011 at Noon at Brewster Field. Dave Senecal seconded. Members voted and being none opposed the motion passed.

Bulk Vote

A. Raffle Permit-Perform It! Young People's Stage Co.

B. Acceptance of Grants Under \$ 5, 000

- i. Grant #308-11B-090-Enhanced DWI Hunter Patrols in the amount of \$ 1, 485
- ii. Grant #315-11B-077 Operation Safe Commute Patrols in the amount of \$ 1,237.50
- iii. Bicycle Helmet Grant in the amount of \$ 156.25
- iv. Radar Grant in the amount of \$ 1,700

C. Use of Form PA-28 for 2012-Not to Use

Member Dave Senecal moved the Wolfeboro Board of Selectmen to approve the Bulk vote items A through C above. Dave Bowers seconded. Members voted and being none opposed the motion passed.

New Business

A. Request of Philip Bosch-Tax Abatement

Philip Bosch joined the Board for discussion and explained that he is requesting an abatement of \$500 on his tax bill because he did not receive his veteran's credit. He explained that he visited town hall on January 27, 2011 to change over his electric bill for his home he purchased and he also visited the town clerk's office to inquire about his registration and dog license. He stated that he was never directed to the Assessing Office to get information for his veteran tax credit and when he received his bill he notice he was not given a credit. He stated that he visited the Assessing Department and was informed that the application must be received by them no later than April 15th, which he claims he would have done had he known about it. He stated that he contacted the Department of Revenue and they informed him he could apply for an abatement with the town.

Mr. Owen stated he spoke to Mr. Bosch in regards to this matter and although he sympathizes with him, the town does not have right to waive a statutory deadline. He stated that in regards to his claim that no one directed him to the Assessing Office, he does not believe it is in the town clerk's purview to have notified him of the veteran credit as they only deal with vital records. He feels that since Mr. Bosch has received the credit in NH already he would have filled out the form before. He stated the DRA has advised Mr. Bosch to seek an abatement in the same amount of as the tax credit, but according to the town attorney's opinion he has not meet the criteria of a misfortune or mistake.

Mr. Bosch stated that he did not know he was supposed to do anything and that it has probably been since 1978 that he filled out the form. He noted the application from the state says "permanent application".

Mrs. Murray stated that their Assessing Department does have the forms updated periodically.

Mr. Bosch stated that he is new to town and he did not know he was supposed to go to the Assessing Department and stated in Campton and Lee such was handled by different departments.

Mrs. Murray stated although she feels sorry for his circumstance, she does not believe it fits the criteria for them to grant an exemption. She stated she would like the Town Manager to put together a new resident checklist so that this does not happen again.

Chairman Silk agreed it is not that they do not sympathize with his issue, but according to Town Attorney's advice an exemption does not meet the criteria.

Member Dave Senecal moved the Wolfeboro Board of Selectmen to deny the \$500 tax abatement as requested based on Town Attorney's advice. Linda Murray seconded. Members voted and being none opposed the motion passed.

B. Monthly Budget Expenditure and Revenues Report

Pete Chamberlin joined the Board for discussion and noted that the change in retirement deductions was a surprise resulting in towns and cities having to pay more in. He noted that the new rates for Group II Fire are 30.9% and Police 25.6%. He noted they are also in the process of reviewing the budget for year end and checking that all payroll budgets are inline.

Mrs. Murray questioned the increase in all other employees for the retirement.

Mr. Owen replied the employees are paying in 2% more, and the town's required contribution was increased to 11.09% which was already included in the budget, but the Police and Fire contribution rates was changed above and beyond what was anticipated.

Mrs. Murray stated they may need to freeze the budget.

Mr. Owen replied that in regards to the Police and Fire retirement contributions increases, he has directed those departments to find the funds within their budget to cover the cost of the increased retirement contributions, which may include not filling vacancies.

Mr. Chamberlin stated that he has discussed the cost of Electricity for the year with the Director of Operations and they are awaiting the next billing.

Mrs. Murray questioned if the end of June is missing a payroll as they are at 51.9% and she is concerned.

Mr. Owen replied they are concerned also, but they are monitoring it closely and if they need to freeze the budget they will.

C. Propose Budget Guidelines for 2012

Mr. Owen stated that it is that time of year again and the Budget Committee is meeting next week. He has provided proposed guidelines for the departments similar to last year except for fuel costs due to the increase.

Chairman Silk stated she is concerned about that in regards to departments like Public Works and those departments need to be aware of that and make decreases in other areas.

Mrs. Murray suggested decreasing budget guidelines to -1% (minus 1%).

Chairman Silk agreed they still can provide their "wish list".

Member Dave Bowers moved the Wolfeboro Board of Selectmen to decrease the departmental submissions by 1%, with the exception of contractual obligations, legal requirements (including contractually required step increases for AFSCME employees), and increased fuel costs. Linda Murray seconded. Members voted and being none opposed the motion passed.

D. Proposed Ordinance Prohibiting the Unlawful Sale and Possession of Certain Intoxicating and Illegal Smoking Substances within the Town of Wolfeboro, NH.

Lieutenant Rondeau joined the Board for discussion and stated that such ordinance has been reviewed by the Town Attorney and he incorporated Town Counsel's recommended changes.

Mr. Bowers noted that it has been very well written.

Mrs. Murray questioned if it is supported by the Police Commission.

Lieutenant Rondeau replied it is.

Chairman Silk stated that the next step for this is a public hearing.

Member Dave Senecal moved the Wolfeboro Board of Selectmen to set a public hearing with at least 10 days public notice as required. Linda Murray seconded. Members voted and being none opposed the motion passed.

E. Revised proposal from NCA Architects.

Chairman Silk stated the \$ 5,000 estimate would cover the phasing plans and code compliance issues, but they would need more to do mechanical and engineering work.

Mr. Senecal stated he thought that is what they received from Building Science.

Mr. Owen replied he believes that the information from Building Science needs to be incorporated into the plans and specifications and would require additional costs to do that and that would be included in the scope of the whole project.

Chairman Silk stated such cost estimate includes two meetings and she would like one of those meetings to be with the Board of Selectmen.

Member Dave Senecal moved the Wolfeboro Board of Selectmen to authorize the Town Manager, David Owen, to sign the revised proposal from NCA Architects and to authorize the expenditure of up to \$ 5,000 for such work. Dave Bowers seconded. Members voted and being none opposed the motion passed.

F. Application for annual payment of State Grant-Water.

Mr. Owen stated this is an annual application renewal for reimbursement for the town's water filtration system.

Member Linda Murray moved the Wolfeboro Board of Selectmen to authorize the Town Manager, David Owen, to sign and submit the Request and Certification for State grant for water filtration. Dave Senecal seconded. Members voted and being none opposed the motion passed.

G. Route 28 Corridor Concept Plan Steering Committee

Chairman Silk stated that this Committee will be facilitated by Dave Ford and includes members from the following: Board of Selectmen, Planning Board, EDC, CIP, Budget Committee, Chamber of Commerce, Pathways Committee, GWSD, Conservation Commission, Public Works and she feels they should also include a member of the public.

Mr. Senecal volunteered to be the Board's representative.

Chairman Silk stated they received requests from three volunteers: Bob Livie, Dave Thurston, and Roger Murray.

Member Dave Bowers moved the Wolfeboro Board of Selectmen to appoint Roger Murray as the member of the public to the Route 28 Corridor Steering Committee. Dave Senecal seconded. Members voted, Linda Murray abstained, and being none opposed the motion passed.

H. Revised Mileage Reimbursement Policy

Mr. Owen stated that the IRS has raised their allowable mileage reimbursement to 55.5 cents/mile and the town has practiced following such rate.

Mrs. Murray stated she thought they set this rate once a year for budget purposes.

Mr. Senecal agreed they should do it during the budget cycle.

Member Linda Murray moved the Wolfeboro Board of Selectmen to table revising the mileage reimbursement until they are reviewing the 2012 budget. Dave Senecal seconded. Members voted and being none opposed the motion passed.

Any Other Business

Chairman Silk noted that the Agricultural Commission won first place for their division in the Independence Day Parade and the Milfoil Committee got a Commander's Trophy.

Committee Reports

Mrs. Murray stated the following:

- She attended an Encampment meeting Friday
- Lakes Region Planning Commission awarded the Pathways Committee of Wolfeboro with an award at their annual meeting.
- The EDC and Chamber met to discuss working together.
- She attended a Milfoil Joint Board meeting.

Chairman Silk stated the Hazardous Waste Collection will be in Alton on July 9th and in Wolfeboro on July 16th.

Questions from the Public

None.

Questions from the Press

None.

Being no further business before the Board, Chairman Silk entertained a motion to non public session.

Member Dave Bowers moved the Wolfeboro Board of Selectmen to enter non-public session at 8:21 PM to discuss minutes. Dave Senecal seconded. Roll call vote: Sarah Silk-yes, Dave Senecal-yes, Dave Bowers-yes, and Linda Murray-yes, the motion passed.

The Board re-entered public session at 8:46 PM.

Member Dave Senecal moved the Wolfeboro Board of Selectmen to adjourn at 8:47 PM. Member Linda Murray seconded. Being none opposed, the motion passed.

Respectfully submitted,

Amelia Capone-Muccio

Recording Secretary

1. As you know I am accusing police officer James O'Brien of a felony for my abduction and kidnapping on December 28, 2003.
2. I am here because I am asking the Selectmen to fire O'Brien who is a felon. I do not believe this is discretionary, it is mandatory.
3. I have come with new evidence that was never litigated in the courts. Evidence that does not need any investigation, the evidence speaks for itself, and besides, the Selectmen can call the Superior Court and speak to either the Clerk of Court, or Elaine to verify what I am stating. The Selectmen can also verify these statements with Sargeant Keaton of the Wolfeboro Police Department, who verified all this information.
4. My new evidence was obtained by chance at the Superior Court when Elaine a worker at the court advised me that the order of the Court issued in 2003 was not a Stalking Order, under RSA 633:3a. The order was a no-contact restraining order, an injunction, between two neighbors, it was a civil order. The police do not prosecute civil matters, they do not have authority by law to prosecute civil matters they can only prosecute criminal offenses. This was a civil order, it was not a criminal offense.
5. Elaine went on to say that the order issued by the court on November 12, 2003 was a mutual no-contact restraining order, and stalking orders are not mutual orders.
6. The docket number applied to the case indicates that this was not a stalking order.
7. Also, she said the Superior Court does not issue Stalking orders, they are issued in the District Court.
8. Evidence in the files will show that police officer James O'Brien used the state police data base NCIC to find out if there was a valid stalking order in this case, and the data base received by O'Brien was that there was no stalking order under my name. Therefore, officer O'Brien knew before he seized me for a violation of a stalking order, that there was no stalking order issued in the Superior Court.
9. Officer O'Brien seized me at my house by filling out a Complaint for my arrest and in the Complaint he stated that I violated stalking RSA 633:3a and the enforcement of the stalking order was under RSA 173:B-9 which mandates that the police arrest detain and prosecute the defendant. First of all he knew it was not a stalking order, and the enforcement of a stalking order under RSA 633:3a is not under RSA 173:B-9. The enforcement of a stalking order is under Chapter 10 (e) RSA 173:B Protocol 18:18. Officer O'Brien did not cite this chapter for a violation of stalking because under Chapter 10 the police cannot arrest, detain and prosecute a defendant unless he committed a criminal act. And O'Brien knew that my writing a legitimate legal demand letter to Norman Bolduc, who was not the targeted person in the stalking order, was not a criminal act. And if he cited this enforcement chapter, he would not have arrested, detained and prosecute me. Writing a demand letter to Norman Bolduc, who was not a party to the restraining order, was not a criminal act. Therefore, the arrest for a stalking order and the enforcement of a stalking order are two legal issues which were a fraudulent concealment of an abduction and kidnapping.
10. The whole purpose of the seizure was to terrorize me and confine me and control me. They handcuffed me and dragged me to the police cruiser and would not allow me to put on my shoes, even though there was snow on the ground. They would not allow me to bail out, even

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though I begged them to do so because any minute my son was arriving with his fiancée and her father who had just arrived from Ireland to meet me for the first time.

11. Officer's O'Brien and Hamilton fraudulently told me that when we got to the jail they would call for bail, but when we arrived at the jail, they said that once we were in the jail they had no authority to call for bail.
12. Under Chapter 638:14 O'Brien is guilty of unlawful simulation of legal process, who knowingly delivers to such person a notice of arrest which cannot have judicial or other sanction, but on its format simulates a warrant. State v. Ronald E. McKean.
13. Although O'Brien had a warrant for this seizure, the warrant was void on its face. Judge Varney trespassed the law when he issued a warrant in this case. It was Judge Varney who moved this case from the District Court to the Superior Court, because he claimed it was not a stalking offence as the case was a case that involved property disputes, which belonged in the Superior Court. Also, Judge Varney could easily determine in looking over the "Order" that it was not a stalking order, and when he issued a warrant for my arrest, based on O'Brien's Complaint that I violated a stalking order and the enforcement of the stalking order was under RSA 173:B-9, Judge Varney knew or should have known that this was not the truth. The judge trespassed the law, and his warrant was void on its face, of no legal force.

Chapter 10
VIOLATIONS OF PROTECTIVE ORDERS
& CHAPTER

RSA 173-B

PROTOCOL 18-16

The court staff shall promptly forward all stalking orders to the AOC for entry into a registry. See Chapter 17, Domestic Violence Registry for more detail.

PROTOCOL 18-17

The Court should encourage the victim to share the existence of the stalking protective order with immediate family members and other concerned parties.

E. ENFORCEMENT OF STALKING ORDERS

RSA 633:3-a, III(a) provides that the enforcement of stalking orders and the penalties for violations thereof shall be the same as those set forth in RSA 173-B.

PROTOCOL 18-18

Enforcement of orders through criminal law. RSA 633:3-a, III-a provides that enforcement of stalking orders may be undertaken in the same manner as under RSA 173-B.

RSA 173-B:9, I(a) requires that police arrest and refer for prosecution any defendant who violates a temporary or permanent protective order by committing assault, criminal trespass, criminal mischief or another criminal act. These arrests may be made without a warrant upon probable cause as long as the arrest is within six hours of the alleged criminal act. The Court should follow the procedures outlined in Chapter 10.

*→ Total previously by police
these are added in new ones*

F. BAIL ISSUES

PROTOCOL 18-19

When a person has been arrested for stalking or violation of a stalking protective order, the court should consider the same factors in setting bail as it would for any domestic violence related offense. (See Chapter 12 on issuing Criminal Orders of Protection including Orders and Conditions of Bail.) If there is clear and convincing evidence that the person poses a danger to another, the court may order preventive detention without bail, or order restrictive conditions, including, but not limited to, electronic monitoring and supervision, or issue a criminal order of protection including order and conditions of bail. The court may, but shall not be limited to, consider any of the following conduct outlined by RSA 597:2 as evidence of posing a danger:

- a. Threats of suicide;
- b. Acute depression;
- c. History of violating protective orders;
- d. Possessing or attempting to possess a deadly weapon in violation of an order;

STATE OF NEW HAMPSHIRE

F/L

DISTRICT COURT FOR
SOUTHERN CARROLL
COUNTY

CARROLL, SS

STATE OF NEW HAMPSHIRE

v.

Fred Palmer III

Probable Cause Affidavit

NOW COMES the undersigned, Dean J. Rondeau, and under oath says as follows:

1. I am a Patrolman Sergeant for the Wolfeboro Police Department;
2. That I have been employed as a Wolfeboro Police Officer for 9 years;
3. That I have been a certified full time police officer in New Hampshire since 1996;

On Wednesday, 31 August 2005 at approximately 1400 hours Mr. Fred Palmer phoned me at the Wolfeboro Police Station for an unrelated matter and in so doing and while in a conversation he had admitted to me that he had just phoned his ex-girl-friend, Ms Karen De Pree. I asked him if there was a Restraining Order in effect and against him and he replied "yes". I instructed Mr. Palmer not to contact Ms De Pree any more. *DON'T TALK TO HER ANYMORE*

On Wednesday, 31 August 2005, at approximately 1630 hours, I responded to a complaint of Violation of a Domestic Violence Restraining Order at # 74 Fernald Crossing Road, Wolfeboro, NH 03894.

The complainant, Ms Nancy Crease told me that a Mr. Fred Palmer, whom her daughter Karen De Pree has an active restraining order against, has been phoning the residence repeatedly, in violation of that order.

A check of that order, # 05-M-301 (PNO # 2120-05-049) shows that the order had been served by SGT Christopher Keaton on 24 August 2005.

cc - 4/7/05
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REPORT.

TITLE XII

PUBLIC SAFETY AND WELFARE

CHAPTER 173-B

PROTECTION OF PERSONS FROM DOMESTIC VIOLENCE

Section 173-B:9

173-B:9 Violation of Protective Order; Penalty. —

I. (a) When the defendant violates either a temporary or permanent protective order issued or enforced under this chapter, peace officers shall arrest the defendant and ensure that the defendant is detained until arraignment, provided that in extreme circumstances, such as when the health of the defendant would be jeopardized by the temporary detention, a judge in response to a request by the arresting law enforcement officer or agency, may order an alternative to detention pending arraignment. Such arrests may be made within 12 hours without a warrant upon probable cause, whether or not the violation is committed in the presence of a peace officer.

(b) Subsequent to an arrest, the peace officer shall seize any firearms and ammunition in the control, ownership, or possession of the defendant and any deadly weapons which may have been used, or were threatened to be used, during the violation of the protective order. The law enforcement agency shall maintain possession of the firearms, ammunition, or deadly weapons until the court issues an order directing that the firearms, ammunition, or deadly weapons be relinquished and specifying the person to whom the firearms and ammunition or deadly weapons will be relinquished.

II. The prosecution and sentencing for criminal contempt for a violation of a protective order shall not preclude the prosecution of or sentencing for other criminal charges underlying the contempt.

III. A person shall be guilty of a class A misdemeanor if such person knowingly violates a protective order issued under this chapter, or RSA 458:16, III, or any foreign protective order enforceable under the laws of this state. Charges made under this chapter shall not be reduced to a lesser charge, as permitted in other instances under RSA 625:9.

**THE STATE OF NEW HAMPSHIRE
DISTRICT COURT of SOUTHERN CARROLL COUNTY
WARRANT**

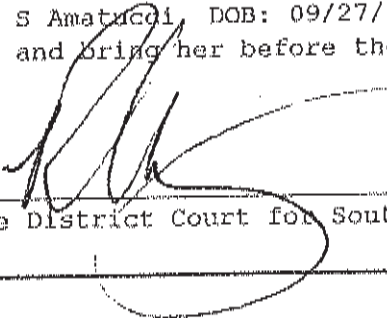
NO _____
CARROLL, SS

To the Sheriff of any County in the State, or his deputy or any Police Officer of any City or Town within the State:

WHEREAS: James O'Brien of the Wolfeboro Police Department
Wolfeboro, New Hampshire, in the County of Carroll has exhibited to me,
Ronald Varnum, a Justice of the District
Court for Southern Carroll County in the County of Carroll, his complaint,
upon oath charging the crime of
Violation of Protective Order, 173: B-9
against Josephine S Amatucci, DOB: 09/27/1938
of 350 Gov Wentworth Hwy, Wolfeboro NH 03894
in the County of Carroll

WE COMMAND YOU to take Josephine S Amatucci, DOB: 09/27/1938
(if found to be in your precinct) and bring her before the District Court of
Southern Carroll County.

Dated December 02 2003


Justice of the District Court for Southern Carroll County

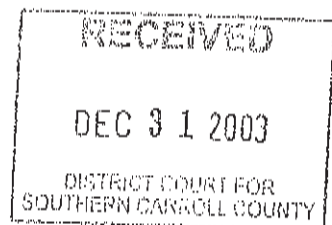
CARROLL, SS 12/29/03 2003

I have arrested Josephine S Amatucci, DOB: 09/27/1938
and now have her before the District Court of Southern Carroll County, as
commanded.

James O'Brien
Name of Officer

Patrolman
Title of Officer

WPD #03-453



Exhibit

PLAINTIFF'S
EXHIBIT

14

PST Group, Inc. (781) 297-3770 17004 09

SET TYPEWRITER SPACING AT 1 1/4

Docket# _____ TN# _____

State of New Hampshire
COMPLAINT

Docket#

☐ DOMESTIC VIOLENCE RELATED

☐ VIOLATION

☒ CLASS A MISDEMEANOR
CLASS B

☐ FELONY

YOU ARE HEREBY NOTIFIED TO APPEAR BEFORE SAID COURT
AT 12 O'CLOCK IN THE AM/PM ON January 7 YR. 2004
UNDER PENALTY OF LAW TO ANSWER TO A COMPLAINT
CHARGING YOU WITH THE FOLLOWING OFFENSE:
TO THE District COURT, COUNTY OF Carrroll

THE UNDERSIGNED COMPLAINS THAT: PLEASE PRINT

NAME Amatucci Josephine S.
Last Name First Name MI

350 Governor Wentworth Highway Wolfeboro, NH 03894
Address State Zip

DOB 9/27/1938 OPLC # 09A1J38271 (NH)

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| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| F | W | 507 | 155 | Brown | Brown | | | | |
| Sex | Race | Height | Weight | Color Hair | Color Eyes | | | | |

☐ COMM. VEH.

☐ COMM. DR. LIC.

☐ HAZ. MAT.

AT 350 Governor Wentworth Highway Wolfeboro, NH
(Location)

ON THE 13th DAY OF November YR. 2003 at PM A.M.

on/at in said county and state, did commit the offense of

Violation of Protective Order contrary to RSA 173-B:9.

and the laws of New Hampshire for which the defendant should be held to answer, in
that the defendant did

knowingly violate a stalking order issued by Judge James
O'Neil on November 12, 2003, by writing a letter to Norman
Bolduc on November 13, 2003, knowing she was enjoined from
having any contact by any means to all members of the Maloney
family, which Bolduc is a member.

against the peace and dignity of the State.

James R. O'Brien Wolfeboro Police Dept.
Complainant

Personally appeared the above named complainant and made oath that the above
complaint by him/her subscribed is, in his/her belief, true.

DATE Dec 2, 2003

[Signature]
Justice of the Peace

The State of New Hampshire

CARROLL COUNTY

SUPERIOR COURT

JOSEPHINE AMATUCCI

v.

PAULINE MALONEY

03-E-081

and

PAULINE MALONEY

v.

JOSPEHINE AMATTUCI

03-E-080

ORDER

Further hearing held in reference to the two Stalking Petitions submitted by the respective parties in District Court which were transferred without rulings to this Court by Order (dated 07-10-03-Varney-J.). Subsequent to offers of proof by the parties representing themselves pro se, the Court renders the following determination(s).

By way of brief background, subsequent to a hearing held on November 12, 2003, an Order encompassing what was deemed to be the agreement of the parties was directed whereby the parties were enjoined from having any contact or communication with the other respective party by any means or with that party's relatives or members of the party's household. At this hearing, the party-Josephine Amatucci indicates that the

agreement encompassed the "family" as opposed to the party's relatives or members of that party's household.

Accordingly, by way of clarification, if same is necessary, the Court directs the following provision(s):

1) That the parties are enjoined from having any contact or communication with the other respective party by any means or with that parties' family. This Order shall remain in effect pending further Order of the Court. Further, this Order shall not preclude an attorney for any of the respective parties from having contact with the other respective party for legitimate purposes related to counsel's representation of said party.

All earlier Orders, not inconsistent with the above, shall remain in full force and effect.

SO ORDERED.

DATED: 5/14/09


JAMES D. O'NEILL, III
Presiding Justice