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Press Release - For Immediate Release

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Moultonborough Completes Review of Blink Bonnie Matter No Legal Conflict of Interest Found

At its meeting of October 7th the Moultonborough SelectBoard issued the results of a review of the Blink Bonnie matter recently completed by Town Counsel, Peter J. Minkow. This follows on a late August complaint before the Planning Board by Mr. Randy Hilman, a Moultonborough Business owner. Mr. Hilman voiced his concern, having knowledge of the regulations from his research in connection with potential interest in purchasing the property, that work had been undertaken on the property without the proper site plan approvals.

Shortly thereafter the SelectBoard was urged to have Town Counsel review the matter. Some in the community believed there were improprieties in that the building owner Roundabout Now, LLC had as its principal Mr. Keith Nelson an alternate member of the Planning Board and the Contractor on the job was Mr. Robert Stephens, Chairman of the Zoning Board of Adjustment. Town Counsel completed his review over September.

Working from a prepared statement, Chairman Joel Mudgett quoted Town Counsel as saying that, "Mr. Hilman made it clear that he has no problem with the information provided to him by Don Cahoon (the Town's Code Enforcement Officer). He is (however) concerned that Keith Nelson's role on the Planning Board and Bob Stephens' role on the ZBA may have led town officials to allow Roundabout Now, LLC to exceed the scope of work permitted by the Building Permit issued by Don Cahoon on June 30, 2010." However, Town Counsel's review showed that "The Building Permit clearly indicates: "No Change in Existing Foot Print". It also indicates: "Replace Addition 6 X 36"".

In Counsel's discussion with Mr. Stephens, "Mr. Stephens proceeded to build a foundation and subfloor outside of the existing footprint and larger than the 6 X 36' addition indicated on the Building Permit." and that "Mr. Stephens has accepted responsibility for the mistake...". Mr. Nelson said that (he) "... was aware that a site plan was required, but... Not knowing the nature of the tenancy (he) ... could not file a final site plan." and that "...he would take full responsibility for the mistake."

Town Counsel further indicated that the State Department of Justice had closed its file on the matter and that Mr. Cahoon had no culpability in the matter as he was unaware that work had exceeded the scope of the permit. Attorney Minkow concluded by stating that "I find that the actions of Mr. Nelson and Mr. Stephens resulted from errors in judgment. There was no apparent premeditated attempt on their part to use their official positions to further themselves for gain nor was any accommodation of favor given to them as a result of their positions. There was no legal impropriety which would rise to the level where consideration might be given to a hearing on the potential of removal from their positions pursuant to RSA 673:13.

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However, their actions did give rise to the appearance of a conflict which as you know can be as damaging to the public trust as an outright act of wrongdoing. I would therefore suggest that the Town consider giving a training seminar for all of its employees and officials on having sensitivity toward how the public views such matters and how to best conduct oneself whenever such an appearance is possible or in doubt.”

Mr. Mudgett said with the exception of having instructed the Town Administrator to research and have a qualified individual conduct the recommended training seminar, it considered the matter closed.

End