

TOWN OF THORNTON BOARD OF SELECTMEN MEETING MINUTES

Meeting Date: May 16, 2012

APPROVED

The Board of Selectmen met and held a public meeting on Wednesday, May 16, 2012 5:00 PM at the Thornton Town Hall.

At 5:03 p.m. Chairman Burbank opened the business meeting with the salute to the flag.

Board Members present: A.W. (Butch) Burbank, Roy Sabourn, Brad R. Benton, Steve Morton and Marianne Peabody

Staff present: Tammie Beaulieu, Administrator; Jessi Fleury, Secretary.

Work session – (no public input)

Signature File

The board reviewed the meeting file contents.

****Motion****

5:47 p.m. Selectman Sabourn motioned to accept the payroll manifest for 5-18-2012 in the amount of \$18,026.55. Seconded by Selectman Morton. Roll call, Motion passed 4-0-1. Chairman Burbank abstained.

****Motion****

5:50 p.m. Selectman Morton motioned to accept the vendor manifest for check dated 5-18-2012, in the amount of \$144,658.02. Seconded by Selectman Sabourn. Roll call, motion passed 3-0-2. Chairman Burbank and Selectwoman Peabody abstained.

6:00 p.m. Senator Jeanie Forrester

Senator Jeanie Forrester met with the Board to review her progress this year, upcoming events and issues that the senate is working on concerning her district.

Signature File

****Motion****

6:13 p.m. Vice Chairman Sabourn motioned to approve timber tax levy for April 1, 2011 to March 31, 2012, in the amount of \$595.23 for Nevin & Mary Scrimshaw PID 18-4-3 and 18-5-2. Selectwoman Peabody seconded. Roll call. Motion passed 5-0.

Public Forum

Justin Atwood asked if the board is planning to approve his building permit for his garage. He explained that he met with Mr. Rand last Thursday and was informed that he does not have a problem with the permit but that Selectman Sabourn has concerns and suggested that he meet with the Board of Selectmen. Selectman Sabourn stated that the building structure has not been changed as requested during the Selectmen

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meeting on August 8, 2010 and the building is encroaching on the property line. Selectman Sabourn would like to see the as-built permit. Selectman Morton would like to review the previous minutes and the as-built that was submitted. The board requested that the Town Administrator request written recommendations from Clint Rand. Chairman Burbank reviewed the history with Selectman Morton since he was not a board member at that time. Vice Chairman Sabourn has concerns that there is history of the building permit process not being followed by Mr. Atwood in other situations as well. The board agreed to schedule Mr. Atwood on the May 30th meeting agenda to discuss further after more information is received.

Hubbard Brook Scholarship

Tim Tyler informed the board that the last recipient of the scholarship grant was his daughter, and she has been very successful in her academic and extra-curricular activities. He would like the board to know how valuable this scholarship is. Beverly Chappell agreed and updated the board as to the success of her daughter whom was also a recipient of this scholarship. Adrian Campbell received the most votes from the Selectmen. Hubbard Brook recommended a different candidate although the selectmen had considered the Hubbard Brook recommendation as well.

****Motion****

6:32 p.m. Sabourn motioned to award the Hubbard Brook Scholarship for 2012 to Adrienne Campbell for outstanding scholastics. Selectwoman Peabody seconded. Roll call, Motion passed. 4-0-1, Burbank abstained.

Town Hall/Town Clerk/Tax Collector Hours

Ms. Beaulieu provided a copy of the Town Clerk's suggested hour changes in response to the previous board meeting with Lou Klotz regarding creating the same open hours as the selectmen's office. The board discussed the proposal. Selectman Morton assumed that the town clerk office would not be closing for a lunch period with the new office hour schedule. Selectman Sanborn stated that he is not in favor of closing either window on Friday, as the town clerk office has more staff than ever before and feels that work schedules can be arranged to prevent closing on Friday. The board discussed the idea of cross training a selectmen's staff member to do registrations and selectmen's work. Selectwoman Peabody does not feel that there should be another staff member added to the town clerk department. The board discussed further and agreed that the town hall hours will remain the same and the town clerk can implement the hours he submitted since they cannot establish hours for that department

Town Administrator's Report

Emergency Purchases

Ms. Beaulieu received an inquiry from Chief Moller regarding the town's ability to fund incidentals for emergencies. Ms. Beaulieu asked the board if they would like to consider a town credit card for emergency management situations. Selectwoman Peabody asked if the welfare department would have access in emergency situations. Vice chairman Sabourn stated that if the welfare department or any other town

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emergency department has an emergency then they could contact the chairman of the selectmen for access to the credit card, which should be stored in the vault. Ms. Beaulieu will create a policy for the board's review.

Abatement for Mr. McCormack

Ms. Beaulieu informed the board that a resident, Mr. McCormack asked that she view his property for assessing reasons because he did not want Gary Roberge from Avitar to view his property. Ms. Beaulieu asked Lauren from Avitar about having another person review properties other than the town's regular assessor. Lauren does not feel it is a good idea to have too many opinions but she will go if the board requests. The board agreed that the current assessor that reviews the town's property will view this property as well and another individual will not provide an opinion. The board further agreed that Mr. McCormack has the option of appealing the abatement if needed to the BTLA or Superior Court if he does not agree with the town assessment.

Return Check Policy

Desiree Mahurin assisted in revising the town's return check policy for review, to include more specific information pursuant to RSA 261:156.

****Motion****

7:10 p.m. Vice-Chairman Sabourn motioned to adopt the revised return check policy to include provisions of RSA 261:156. Seconded by Selectman Morton. Roll call, motion passed 5-0.

Ms. Beaulieu informed that board that Russ Gilman has declined payment for hours worked at town election. The board thanked him for volunteering his time.

Ms. Beaulieu informed the board that in the mail folder for the board's review, there is the order of notice for the Planning Board that is moving forward. She explained that because the other parties involved are moving slowly it is creating a need for an extension request from the courts with noticing requirements, which is very expensive. Laura Spector-Morgan is moving ahead with the paperwork process to avoid the expense of filing for another extension. Ms. Beaulieu asked that Ms. Spector-Morgan contact the planning board chairman so that he understands why the town is moving forward. The other attorney has already responded and they hope to move quickly.

Flood Plain Applications

Ms. Beaulieu asked for clarification as to the new forms that the Code Enforcement officer placed at the counter for building in a flood plain. Ms. Beaulieu understands that these forms are not actually permits, but are applications and checklists. She asked if the permit for floodplain development is the town building permit. The board discussed the permits and the process. Selectman Sabourn and Selectman Morton feel that this should be addressed at the joint meeting with FEMA. Ms. Beaulieu agreed and reminded the board that the Selectmen will be meeting with FEMA on May 22 at 9:00 a.m. with Jennifer Gilbert, State of New Hampshire ,FEMA representative to educate

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and assist the town.

Ms. Beaulieu explained the confusion with the forms being referenced as permits, but the forms have no area for approving signatures. Selectwoman Peabody spoke with the Town of Plymouth, and as long as they have an engineer stamp and if there is construction below base flood elevation then they require a base flood certification. Chairman Burbank stated that these issues will be discussed at the meeting on May 22, 2012. The board agreed that the form will not be passed out until they understand what the process is after meeting with Ms. Gilbert.

Action Folder

RFQ – Professional Engineer

Chief Moller made some wording changes to the RFQ for the repair of the covered bridge on Covered Bridge Road and would like to know who the RFQs should be submitted too. Vice Chairman Sabourn agreed with the wording changes. The board agreed that the RFQ's should be submitted to the Town Administrator to present to the Selectmen.

Department of Safety – Public Hearing to Accept Funds

Chief Moller provided a letter to Ms. Beaulieu from the Department of Safety regarding anticipated grant funds. Ms. Beaulieu advised the board that according to RSA 31:95b the town would have to have a public hearing to accept the funds before the funds are available. A hearing will be scheduled.

Bruce and Laura Rodgers – Tax Deeded Property Inquiry

Ms. Beaulieu informed the board that she received an email from Bruce and Laura Rodgers referencing the closing of town property purchased by town bid process. Ms. Rodgers requested an extension to the closing deadline to allow more time for their new attorney to perform closing research.

****Motion****

7:38 p.m. Chairman Burbank motioned to extend the closing for the sale of town property known as PID 6-3-9/TOWN until June 18, 2012. Second by Selectman Morton. Roll call, motion passed 5-0.

Notice of Decisions

Selectman Morton explained that at the last selectmen meeting they discussed the planning board Notice of Decisions and it was brought up that there was no notice of decision regarding a sign for a home occupation. Morton explained that there was a question if the decision was legal since it was not specified to be heard on the agenda, and the business wasn't an approved home occupation. Selectmen Morton will bring this situation up to the planning board for clarification.

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Special Event Checklist Application Michelle Bilodeau – Campton/Thornton Market Day

An application for special event was received for Campton/Thornton Market Day to be held on August 25, 2012 at the Benton's Field/Sugar Shack location. The board reviewed the Special Event Checklist and all questions were answered no, indicating that a Special Event Application is not required. After discussion, the board agreed that no permit is required.

Desiree Mahurin – Tax Deeding notification

Ms. Mahurin provided the board with a list of properties that have yet to be deeded from the tax liens imposed on May 7, 2010. If no redemption is made by July 30, 2012 then the properties could be deeded per RSA 80:76-77a. The board agreed to review the list and provide a written response at a later date but before July 30th as the list will decrease before the actual deeding date.

Ms. Beaulieu explained that Desiree is working on establishing a kiosk to do online registrations to better assist the Town.

Old Building Permits

Ms. Beaulieu presented old building permits to the selectmen and asked for direction. The building permits were from 2011 and no action has been taken. The board agreed that Mr. Rand should visit the sites and determine if any building has been done.

Minutes 5/2/2012

The board reviewed the minutes.

****Motion****

8:02 p.m. Selectman Morton motioned to approve the minutes of May 2, 2012 with amendments attached. Seconded by Vice Chairman Sabourn. Roll call, Motion passed 4-0-1. Selectman Benton abstained.

Marvel Sign Quote

Tim Tyler had received three quotes previously for the message sign in front of the town hall. The board agreed that Town Administrator can sign the contract.

Notice of Intent to Cut

The board reviewed an Intent to cut for Steven Poulin PID 4-5-01, total lot is 5 acres with 3 acres being cut, taxes are current.

****Motion****

8:06 p.m. Selectwoman Peabody motioned to approve the Intent to Cut, for PID 4-5-01 for Steven Poulin. Selectman Morton seconded. Roll call, motion passed 5-0.

Code Enforcement – Corrective Action

Ms. Beaulieu received a memo from Mr. Rand recommending that the selectmen take corrective action before a building permit is approved for Brad Benton/ Helen Steele for PID 10-3-37 due to lack of permitting and the proceeding of unpermitted development in

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a Floodplain. The board agreed to hold the permit until the joint meeting with FEMA on May 22, 2012 in order to have a better understanding of the FEMA requirements. Selectman Morton informed the board that the on-site inspection for this property occurred with the Planning Board and they intend to review the application for final approval of the site plan review for the campground during their meeting tomorrow night. Then a building permit will be needed for the Benton's to move forward. Selectman Morton explained that the Selectmen need to know what is required for a building permit in a flood zone and they should speak with OEP to have a permit application in place that is specific for Thornton.

Building Permit Shed - Justin Atwood

****Motion****

8:17 p.m. Selectman Morton motioned to approve the building permit for the garden shed. Selectwoman Peabody seconded. 4-0-1. Vice Chairman Sabourn abstained.

Tax Collector Warrant

Ms. Beaulieu prepared the 2012 P1 warrant for the town to collect property taxes and requires the selectmen's signatures.

****Motion****

8:18 p.m. Vice Chairman Sabourn motioned to accept the tax warrant for 2012 P1 for \$3,300,881.00. Seconded by Selectman Morton, Roll call. Motion passed 5-0.

Daniel Kindlon - Current Use Application

Chairman Sabourn stated that the acreage calculation for the current use application is off by 2/10 of an acre since it is inconsistent with the tax map. It should be fixed considering that it will be recorded at the registry of deeds. Ms. Beaulieu was asked to return the document requesting the accuracy required for this application to be approved.

Maintenance Agreement for the Library/School

Ms. Beaulieu explained that since the last meeting, the library and school has started communications regarding completion of the agreement. The board agreed that it is no longer necessary for the town administrator to contact the school/library to facilitate communications regarding the agreement. The board will need to review the final agreement before signing their approval. The board will review the agreement before their next meeting.

Selectmen comments

Selectwoman Peabody

No Comments

Selectman Morton

No comments

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Selectman Benton

No comments

Chairman Burbank

Chairman Burbank stated that he would like to meet with the road agent to discuss his intentions with the ditching process and if he intends to continue the ditching. Ms. Beaulieu informed the board that the road agent is on the next agenda already. Mr. Burbank stated that he will not be at the next meeting, but he would like to know what Mr. Kubik's ditching plan is.

Vice Chairman Sabourn

Vice Chairman Sabourn stated that at the last meeting, Mr. Rand stated that he is taking a month off as code enforcement officer, and he is not in favor of this vacation. The board discussed the current vacation policy for all part time employees whom work a 30 hour week. Selectwoman Peabody is concerned with the duties being completed. Chairman Burbank stated that any further discussion should be held in non-public.

Road Agent Activities

John Kubik Jr is working on the RFP for the parking lot at the old town house and Sabourn is very happy with his work. He is saving the town money by doing these duties as the road agent. Selectman Morton explained that Mr. Kubik would like to take some dead trees down on Mill Brook Road which is a scenic road. He asked what the process is for road maintenance on a scenic road. Jim Demeritt stated that he does not need to go before the planning board if the trees are less than 6 inch diameter or if the trees are dead. If there is a safety hazard it needs to be addressed and hire a company while staying within his budget. Sabourn recommended that Mr. Kubik flag the dead trees that he would like to cut and have a few planning board members view to be sure the trees are considered dead. Vice Chairman referenced the requirements as stated in the Hard Road to Travel. He also suggested that Selectman Morton review the trees, since he is a tree expert, and then the board can give written approval to cut.

Public Comment

Jim Demeritt

Mr. Demeritt feels that there are areas that need to be fixed from previous ditching work and hopes that the same mistakes are not made this year. Chairman Burbank stated that Mr. Kubik does feel that some roads need to be reconstructed rather than increasing ditching. Chairman Burbank feels that Mr. Kubik may be prepared to revisit the Town's ditching needs. Selectman Sabourn suggested that Mr. Kubik could put together a plan to address some road issues and a few selectmen can drive the roads with him to get a better idea of his plans.

Fire Commission minutes are not available currently and some changes are being made regarding minute taking and processing. The commission had discussions regarding

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grants; Ms. Beaulieu has spoken to the Fire Chief about intergovernmental policies. Mr. Demeritt is going to suggest that the Chief write a letter to the board once he submits what grant funding he is applying for to give the selectmen notice what will be forthcoming. Selectman Sabourn stated that this is up to the Fire Chief, but if he decides he wants to send a letter then the selectmen would appreciate that.

Chairman Burbank asked if Mr. Demeritt could be put on the agenda list as a Fire Commissioner once a month. Mr. Demeritt and the board agreed.

Russell Gilman

Mr. Gilman asked what the planning board should do since they are looking to make a decision on the sugar shack campground tomorrow night at their meeting with respect to the flood regulations. Selectman Morton stated that at the last planning board meeting there were items from Chief Tobine and Chief Moller that had to be addressed, and the LOMA had to be received. He does not think that there are any other conditions that would prevent the planning board from moving forward making a decision on the site plan review. Ms. Beaulieu explained that if the selectmen receive information that pertains to the planning board decision then the selectmen have 30 days to appeal the decision with the planning board if that is their agreed course of action.

Selectman Sabourn stated that there is no reason that the planning board could not recess the meeting until the following week to consider the final action if the planning board can attend the FEMA meeting.

Beverly Chappell

Ms. Chappell asked if the meeting on May 22, 2012 with FEMA is non-public. The board explained that it is not non-public and the public can attend but public comment will not be permitted.

Ms. Chappell asked what the status is of the flood plain development application and checklist process. Selectman Sabourn stated that there is no application, and forms were generated that were not approved by the Board of Selectmen yet, and the board is meeting with FEMA to clarify the application process. She asked if other applicants have been given the application and checklist for flood plain development. Ms. Beaulieu stated that the packets could have been given out by staff, there is no way for her to know how many have been given to the public. The board agreed that the process is being looked at and they will know more as to what is required after the meeting with FEMA.

Ms. Chappell informed the board that throughout contentious issues the board and residents have been civil with each other. She mentioned that some conversations during the public board meeting had been disturbing to her. She mentioned some statements made by some board members were inappropriate towards town employees and should have taken place in a non-public setting. She also felt that Lou Klotz made

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statements regarding Chief Moorehead and herself which were degrading and inappropriate.

Ms. Chappell stated that she thinks highly of the staff and the way she has been treated at the selectmen's window in spite of all the issues facing the town. Chairman Burbank apologized and he should have stopped prior conversations sooner. Burbank stated that he will pay more attention and he plans to apologize to staff and it will not happen again as long as he is chairman. Chairman Burbank stated that he agreed that some things should not have been said and he could have controlled the meeting better with Mr. Klotz as well.

****Motion****

9:20 p.m. Vice Chairman Sabourn motioned to go into non-public session pursuant to RSA 91-C: 3, II (a-personnel and c-reputation). Seconded by Selectman Morton. Roll call, Motion passed 5-0. Roll Call, Selectman Morton – yes, Selectman Sabourn – Yes, Selectman Benton – Yes, Chairman Burbank – Yes, Selectwoman Peabody-yes.

****Motion****

9:56 p.m. Selectmen Sabourn motioned to exit non-public session. Seconded by Selectman Morton. Roll call, motion passed, all in favor 5-0.

****Motion****

9:57 p.m. Selectmen Sabourn motioned to approve the non-public welfare manifest in the amount of \$582.78. Seconded by Selectman Morton. Roll call, motion passed, all in favor 4-0-1.

****Motion****

9:58 p.m. Selectmen Sabourn motioned to adjourn. Seconded by Selectman Morton. Roll call, motion passed, all in favor 5-0.

Respectfully submitted,

Jessi Fleury
Board Secretary
Draft Posted 5/23/2012