

Approved 10-17-12 JF  
by Bas  
Original To Town Clerk  
10-22-12 JF

TOWN OF THORNTON BOARD OF SELECTMEN MEETING MINUTES

Meeting Date: October 3, 2012

APPROVED

The Board of Selectmen met and held a public meeting on Wednesday, October 3, 2012 10:00 a.m. at the Thornton Town Hall.

**10:00 a.m. Chairman Burbank opened the meeting with the flag salute and began the work session.**

**Board Members present:** Butch Burbank, Roy Sabourn, Brad Benton, Steve Morton and Marianne Peabody.

**Staff present:** Jessi Fleury, Board Secretary

**Absent:** Tammie Beaulieu, Town Administrator

*Vendor Manifest*

**\*\*Motion\*\***

**10:24 a.m. Selectman Benton motioned to approve the vendor manifest dated 10-5-12 in the amount of \$47,822.74. Seconded by Selectman Sabourn. Motion passed 4-0-1. Selectwoman Peabody abstained.**

*Payroll Manifest*

**\*\*Motion\*\***

**10:26 a.m. Selectman Morton motioned to accept the payroll manifest dated 10-5-12 in the amount of \$27,105.66. Seconded by Selectman Sabourn. Discussion began regarding the unexpected change in work schedule of the highway department. The board agreed that the department heads need to meet with either the town administrator or the board of selectmen before changing work schedules. Selectman Sabourn is opposed to a four day work week in general and recalls that they disproved this request from an earlier request. The board agreed that if this change in schedule is temporary to get a job done quickly then the Road Agent needs to meet with the Town Administrator to receive approval. However, the selectmen will need to determine any permanent changes in work schedules. Chairman Burbank called for a vote on the motion. Motion passed 4-0-1, Selectwoman Peabody abstained.**

**Public Forum**

*Shirley Benton* – Mr. Benton informed the board that for the past several years he has been trying to donate loam to the town as a gift for improvements to the lawn at the town hall/police department. He explained that the beautification committee has been doing some work to improve the grounds and this prompted him to revisit his request to donate materials to the town. Selectwoman Peabody stated that permission has been received from NHDOT to beautify around the town hall from the town building to NH Route 3 and to Merrill Access Road; however, no structures would be permitted.

Mr. Benton asked if Steve Morton or Brad Benton would be willing to donate their trucking service to haul the material. He also stated that Jim Ingram is willing to donate

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the bulldozer and the road agent can operate the equipment needed to spread the loam, the only cost to the town would be the seeding of grass. Selectwoman Peabody stated that this is a very generous gift and thanked him. The board thanked him for his generosity.

**\*\*Motion\*\***

**10:40 p.m. Selectwoman Peabody motioned to accept the gift of loam from Benton Enterprises to the Town of Thornton for the beautification of the town grounds. Seconded for discussion by Selectman Sabourn. The board discussed the gift and decided that they would like to address this request later in the meeting. Selectwoman Peabody rescinded the motion, and Selectman Sabourn rescinded his second. Motion failed.**

**Action Folder (no public input)**

The board discussed appointments for Emergency Management. Amy Moller is stepping down as Director of Emergency Management Director to deputy and has recommended Tom Powers as her replacement as Director.

**\*\*Motion\*\***

**10:41 p.m. Selectman Sabourn motioned to appoint Amy Moller as the Deputy Emergency Management Director for the Town of Thornton. Selectman Morton seconded. Motion passed 5-0.**

**\*\*Motion\*\***

**10:42 p.m. Selectman Morton motioned to appoint Tom Powers as the Director of Emergency Management for the Town of Thornton. Selectwoman Peabody seconded. Motion passed 5-0.**

*Sale of Tax Deeded Property Policy*

**\*\*Motion\*\***

**10:43 a.m. Selectman Morton motioned to accept and sign the Sale of Tax Deeded Property Policy effective October 3, 2012. Selectwoman Peabody seconded. Motion passed 5-0.**

*Tax Deeded Property Processing Policy*

**\*\*Motion\*\***

**10:44 a.m. Selectman Benton motioned to accept and sign the Tax Deeding Process Policy effective October 3, 2012. Selectman Morton seconded. Motion passed 5-0.**

*Settlement Agreement*

**\*\*Motion\*\***

**10:50 a.m. Selectman Sabourn motioned to accept and sign the settlement agreement for William and Elaine Franks, for property at 70 Holland Drive, BTLA Docket #26158-11PT for 2011 revised assessment of \$186,700. Selectwoman Peabody seconded. Motion passed 5-0.**

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**\*\*Motion\*\***

10:53 a.m. Selectman Sabourn motioned to accept and sign the settlement agreement for Howard and Barbara Clement, for property at 33 Tamarack Road, BTLA Docket #26160-11PT for 2011 revised assessment of \$239,300. Selectwoman Peabody seconded. Motion passed 5-0.

*WEVD Warrant*

**\*\*Motion\*\***

10:54 a.m. Selectman Benton motioned to accept and sign the warrant for the 2012 Waterville Estates Village District meeting of October 24, 2012, at 6:30 p.m. at Waterville Estates Community Center in Campton, NH. Selectman Morton seconded. Motion passed 5-0.

*Minutes*

**\*\*Motion\*\***

10:55 a.m. Selectman Sabourn motioned to approve the public minutes of 9-19-2012 as amended. Seconded by Selectman Morton. Motion passed 3-0-2  
Selectman Benton and Chairman Burbank abstained.

**\*\*Motion\*\***

10:56 a.m. Selectman Morton motioned to approve the non-public minutes of 9-19-12 as submitted. Seconded by Selectwoman Peabody. Motion passed 3-0-2  
Selectman Benton and Chairman Burbank abstained.

*Zoning Compliance Applications*

The board reviewed three zoning compliance applications.

**\*\*Motion\*\***

10:57 p.m. Selectman Morton motioned to approve zoning compliance application #2012-25 for John & Lorraine Ruliera, PID 12-7-47 for a 12x8 covered deck. Selectwoman Peabody seconded. Motion passed 5-0.

**\*\*Motion\*\***

10:58 p.m. Selectman Morton motioned to approve zoning compliance application # 2012-26 for Gerald Gateman, PID 15-4-68 for a 12x20 lean to/carport. Seconded by Selectwoman Peabody. Motion passed 5-0.

**\*\*Motion\*\***

10:59 p.m. Selectman Morton motioned to approve zoning compliance application #2012-27 for Laurence & Carole Szetela, PID 16-6-21 to finish off 2<sup>nd</sup> floor of existing family home to include three bedrooms and one bathroom. The board confirmed that the house does have a four bedroom septic system and that the

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state energy code regulation is on file. Seconded by Selectman Sabourn. Motion passed 5-0.

**Signature Folder**

The board signed the following items:

- o BTLA Settlement Agreements for Howard & Barbara Clement
- o Warrant for WEVD meeting on October 24, 2012
- o Zoning Compliance Application forms for Szetela, PID 16-6-21; Gateman, PID 15-4-68; Ruliera, PID 12-7-47
- o Presidential Warrant
- o Tax Deeding Process Policy
- o Sale of Tax Deeded Property Policy
- o Appointment for Amy Moller as Deputy Emergency Management Director
- o Appointment for Tom Powers as Director of Emergency Management
- o Letter to Plodzik & Sanderson re: Audit of Financial Statements

**Agenda Items:** (no public input unless approved by the Chairman)

**11:02 Bid Award process “2012 Old Town Hall Parking Lot project”**

Chairman Burbank opened the bid meeting and read the announcement as advertised.

*Present: Shirley Benton*

Three bids were received:

- o Benton Enterprises Sand and Gravel - \$16,300.00
- o Dirt Design – Johnston Brothers Inc. - \$42,000.00
- o Jim Sanborn & Sons - \$43,750.00

The board discussed the bids received. Selectman Benton recused himself as a voting board member. In light of the drastic price difference, Selectman Morton stated that he assumes that Shirley Benton understands the scope of services needed as specifically outlined in the bid specifications and understands the plans. Selectman Sabourn confirmed that Mr. Benton understands that asphalt is needed for this project as well Shirley Benton agreed that he has reviewed the specifications and understands them. Chairman Burbank discussed the rock wall that was needed. Mr. Benton stated that the rock wall was removed from the specifications; he has no problem with the loam holding in that area. Chairman Burbank has concerns with water run-off and erosion. Selectman Sabourn mentioned that if there is a hard rain, there could be silt run off as well. Mr. Benton told the board that he would take care of that and has the materials needed to prevent run-off. He also explained that he determined his bid amount with the understanding that he has all the materials on-site that are needed for the project and would be of no additional cost to him.

The board agreed that they would like a contract between the Town and Mr. Benton so that each party is clear on expectations and agreements, as well as the requirement of

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a certificate of insurance. Payment terms were discussed, Mr. Benton and the board agreed to provide 50% up front and 50% at the successful completion of the job.

Mr. Benton explained that he has already agreed to donate the material for both parking lots prior to the advertising of this project. He further explained that he is an eighth generation resident of Thornton and that his great-great grandfather worked on the old town hall and the project has sentimental value to him. Mr. Benton agreed to follow the specifications as advertised. The board was appreciative of the low bid amount.

Selectman Sabourn stated that Mr. Kubik asked if the old outhouses are coming off the building at this time and Mr. Sabourn replied that they are not at this time. John Kubik can confer with Mr. Benton on the details of the outhouses. The board suggested that the work begin as soon as the contract has been signed by both parties which could be completed once the Town Administrator returns from vacation. The board thanked him for his generosity.

**\*\*Motion\*\***

**11:01 a.m. Selectman Morton motioned to accept the bid from Benton Enterprises in the amount of \$16,300 for the parking lot at the old town hall on Route 175 according to the scope of services needed as specifically outlined in the bid specifications. Seconded by Selectwoman Peabody. Motion passed 4-0-1 Selectman Benton abstained.**

Selectman Benton rejoined the meeting as a voting board member. The board re-addressed Mr. Benton's offer to donate loam as discussed previously in the meeting. Mr. Benton explained that he has been trying to donate these materials to the town for years and he hopes that the town will accept his offer.

**\*\*Motion\*\***

**11:05 a.m. Selectwoman Peabody motioned to accept the gift donation for loam from Shirley Benton. Seconded by Selectman Sabourn. The board agreed that this is a very generous gift of Mr. Benton and that the road crew should be involved to get this project done soon. Motion passed 5-0.**

*11:15 Cable Committee – Franchise Agreement Update  
Present: Lou Klotz and John Piantedosi*

Mr. Klotz provided a brief history of the cable contract events and explained that the programming is controlled by the FCC not the franchise agreement. Mr. Piantedosi has concerns regarding the excessive Vermont channels that are part of the programming and would like the programming to include main news centers coming from Boston.

The board determined that there are two separate issues to be addressed: the business end is related to expansion of services, and the political issues of programming options. Mr. Klotz requested an additional two weeks to receive an updated contract from Comcast with recommended changes. After the contract is received, the board may

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wish to have town counsel review. In order to accept the agreement the board will need to hold a public hearing. Mr. Klotz suggested that Comcast be in attendance at the public hearing, the board agreed.

The board stated that they appreciate the hard work of the cable committee. Chairman Burbank requested that all future emails or correspondence from Mr. Klotz acting in the capacity of the cable committee be less inflammatory in nature as this committee is an extension of the town.

Selectwoman Peabody asked how a customer would know if they need an updated box, John Piantedosi explained that if the customer calls and requests an updated box then the cable company will provide it. Piantedosi stated that since this is a remote area, there is not a lot of competition among cable companies.

**Selectmen Comments**

*Steve Morton*

Mr. Morton mentioned that the town may have the ability to request that Mr. Provost remove the clothesline that crosses the road according to the public nuisance definition in obstruction and encroachment RSA's. Vice-chairman Sabourn stated that he is still working on research; he hopes to finish over the holiday weekend. Mr. Sabourn feels that once the research is done, the town's authority should be reviewed

*Butch Burbank*

Chairman Burbank stated that Mr. Kubik is doing a good job and he is very happy with the work that he is doing for the town. The concerns that were mentioned are operational situations and he is confident that they will be corrected.

12:00 p.m. Chairman Burbank recessed the meeting for 15 minutes.

Chairman Burbank called the meeting back in session at 12:12 p.m.

**\*\*Motion\*\***

**12:12 p.m. Selectman Morton motion to enter non-public session pursuant to RSA 91-A:3, II (c). Seconded by Selectwoman Peabody. Roll call, Butch Burbank – yes, Roy Sabourn – yes. Marianne Peabody – yes, Brad Benton – yes, Steve Morton – yes.**

**\*\*Motion\*\***

**12:41 p.m. Selectman Benton motioned to come out of non-public session. Selectwoman Peabody seconded.**

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**\*\*Motion\*\***

**12:42 p.m. Selectman Morton motioned to accept the welfare manifest for check date 10-6-2012 in the amount of \$375. Seconded by Selectman Benton. Selectwoman Peabody abstained. Motion passed 4-0-1.**

*12:30 Chris Fournier – HEB – Millbrook covered bridge FEMA project*

Mr. Fournier met with the board to discuss an update as to the bridge project. The scope of the project has extended beyond their control due to a change in personnel at FEMA, whom is now questioning if the bridge was eligible for any federal funding. Chris Fournier adamantly disagreed with this thought. A formal decision has not been submitted by FEMA yet indicating that the bridge does not qualify for funding. The board discussed the funding issues and the fact that they did not want to spend unnecessary funds with repairs that would not fix the problems with the bridge. Mr. Fournier provided different options available to the town. The board agreed that the town needs to perform a hydrological study to demonstrate that a repair of the abutment is not feasible. Mr. Fournier would like to have the surveyors out immediately to begin the work, he feels that the hydrology could be done relatively quickly, and he estimates 3-4 weeks for completion of the study with the an estimated cost of \$8,000 - \$10,000.

Chairman Burbank supports moving forward with the project. Mr. Sabourn suggested that they must move forward to repair/replace the bridge since it is not adequate as it is, and they cannot have residents stranded if the bridge fails.

*Chairman Burbank left the meeting at 1:00 p.m. Discussion continued on the needs of the bridge.*

**\*\*Motion\*\***

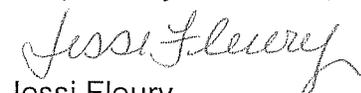
**1:18 p.m. Selectman Morton motioned to provide HEB Engineers the authority to provide a proposal for an environment and hydrological studies. Seconded by Selectman Benton. Motion passed 4-0.**

The board thanked Mr. Fournier for meeting with them.

**\*\*Motion\*\***

**1:18 p.m. Selectman Sabourn motioned to adjourn. Seconded by Selectwoman Peabody. Motion passed 4-0.**

Respectfully submitted,



Jessi Fleury  
Board Secretary

Draft Posted 10/10/2012