

TOWN OF THORNTON BOARD OF SELECTMEN MEETING MINUTES

Meeting Date: April 4, 2012

APPROVED

The Board of Selectmen met and held a public meeting on
Wednesday, April 4, 2012 10:00 AM at the Thornton Town Hall.

At 10:00 a.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

Please see attached sign in sheet

Selectmen Work Session

Signature File

The board reviewed the meeting file contents.

****Motion****

10:41 a.m. Selectwoman Peabody motioned to accept the payroll manifest for 4-6-12 in the amount of \$28,456.56. Seconded by Selectman Morton. Roll call, motion passed 4-0.

10:42 p.m.

****Motion****

10:41 a.m. Selectwoman motioned to accept the second payroll manifest \$66.46 for Luigi Zanellato , recycling center employee. Seconded by Vice Chairman Sabourn. Roll call. Motion passed 5-0.

****Motion****

10:42 a.m. Selectman Benton motioned to accept the vendor manifest for check dated 4-6-2012, in the amount of \$447,551.24 Seconded by Selectman Morton. Roll call, motion passed 5-0.

****Motion****

10:43 a.m. Selectman Benton motioned to accept the minutes of 3-21-12 as amended, with amendments attached. Seconded by Selectman Morton. Roll call, 4-0-1. Selectwoman Peabody abstained.

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Signature File

The board signed and approved the following:

****Motion****

10:44 a.m. Selectman Sabourn motioned to accept a building permit for a shed for Robert Terhone, map 17 lot 2 subplot 3. Seconded by Selectman Morton. Roll call, all in favor. Motion passed 5-0.

Abatements

****Motion****

10:46 a.m. Selectman Morton motioned to accept the abatements for small interest amounts. Seconded by Selectman Sabourn. Roll call, all in favor. Motion passed 5-0.

Tax Levy

****Motion****

10:47 a.m. Selectman Sabourn motioned to approve the tax levy warrant in the amount of \$1,734.20. Selectman Morton seconded. Roll call, all in favor. Motion passed 5-0.

****Motion****

10:48 a.m. Selectwoman Peabody motioned to accept the timber tax levy warrant in the amount of \$839.62. Seconded by Selectman Morton. Roll call, all in favor. Motion passed 5-0.

****Motion****

10:48 a.m. Selectwoman Peabody motioned to accept the second timber tax levy warrant in the amount of \$1,734.20. Seconded by Selectman Morton. Roll call, all in favor. Motion passed 5-0.

Intent to Cut

****Motion****

10:49 a.m. Selectwoman Peabody motioned to approve Intent to Cut for map 2 lot 45 on Route 175 for Alfred Poulin. Vice Chairman Sabourn seconded. Roll call, all in favor, 5-0.

Intent to Excavate

****Motion****

10:51 a.m. Vice Chairman Sabourn motioned to accept an Intent to Excavate for Shirley Benton, map 10 lot 3 subplot 41, on Cross Road. Seconded by Selectman Morton. Roll call, all in favor, motion passed 5-0.

****Motion****

10:52 a.m. Selectman Benton motioned to approve an Intent to Excavate for Leigh Johnston, map 14 lot 4 subplot 69 for US Route 3. Vice Chairman Sabourn seconded. Roll call, all in favor, motion passed 5-0.

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11:00 Gif Kriebel – Library/School/Town contract

Terri Gabbeitt and Diane Gravell

Mr. Kriebel explained that the library is currently operating under a long expired agreement between the town and school. They are close to having a new agreement ready. Insurance has been an issue, the school has agreed to continue insuring, and the lease should reflect that.

Another issue is ownership of the building; the school board would like to propose that the school lease the library the building for a dollar a year. They do not want to sell the building to the town because it is on school land, they would like to lease the building to the town instead so that the town can use capital improvement funds for potential improvements to the building. Vice Chairman Sabourn would like to verify with counsel to be sure. Mr. Kriebel feels that the agreement can be executed without that information; he thinks it is important to get the agreement signed because the maintenance expenses are in the library budget. The school has continued to pay for plowing and janitorial service and heat, paying more than their 50 % share. For bookkeeping records, Mr. Kriebel feels the funds should be expended from the corresponding account, and the school would like to be reimbursed from the town for those costs beginning from 2012. The trustees have the funds in their budget for the maintenance bills. Ms. Beaulieu clarified that the library trustees, not the town, would lease the building from the school not the town. Mr. Kriebel agreed. Ms. Beaulieu stated that according to LGC, the trustees should lease it from the school. She will further research with DRA regarding the town using capital reserve funds for library improvements. Mr. Kriebel will provide the Town Administrator with a final contract and lease agreement to forward to town counsel.

Vice-chairman Sabourn asked the status of the Waterville Estates matter. Mr. Kriebel said it was continued to the 12th and as far as he knows there is no knowledge of new information. After discussion, Ms. Beaulieu suggested that the town request an extension with their counsel. The board agreed and also suggested that town counsel contact ZBA Alternative Bolt. The board agreed that the Matson's will have to go to the planning board to make the land one lot so that there are no issues with road frontage.

Signature file (continued)

****Motion****

11:20 a.m. Vice Chairman Sabourn motioned to approve an Intent to Excavate for Leigh Johnston, for map 15 lot 4 subplot 30 on Laundromat Road. Chairman Burbank seconded. Roll call, all in favor, motion passed 5-0.

****Motion****

11:21 a.m. Selectman Benton motioned to approve an Intent to Excavate for Dwayne Johnston, for map 6 lot 6 subplot 7 on US Route 3. Selectwoman Peabody seconded. Roll call, all in favor, motion passed 5-0.

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****Motion****

11:22 a.m. Selectman Benton motioned to approve an Intent to Excavate for Dwayne Johnston, for map 15 lot 4 subplot 24 on Laundromat Road. 3. Selectman Morton seconded. Roll call, all in favor, motion passed 5-0.

****Motion****

11:23 a.m. Veteran's tax credit 13-7-10. Vice Chairman motioned to approve. Benton seconded. Selectman Morton asked who verifies veteran status, Ms. Beaulieu explained that Mary Conn makes sure the information is attached so the board can approve, the war service information is also attached and then the board approves with the backup attached. Roll call, 5-0.

****Motion****

11:24 a.m. Vice Chairman Sabourn motioned to approve an application for current use for Michael and Shirley Jacob for map 6 lot 1 subplot 6, for 17.5 acres on Stone Dam Road. Selectmen Benton seconded. Roll call, all in favor, motion passed 5-0.

Non Public Minutes

The Town Administrator explained that a new form is being used for recording of non-public minutes as suggested by the Local Government Center. The board reviewed the format and agreed to use from this point forward for non-public minutes.

Action Folder

Concerned Citizen Form

Chairman Burbank stated the town received a concerned citizen form from a resident regarding an employee and that he will bring it up for discussion at the end of the meeting during non-public session.

Report from DRA

Ms. Beaulieu explained that the equalization ratio set by DRA is 104.7%. This rate is the new ratio and positively reflects the town assessments.

Non-public Meeting Minutes

****Motion****

11:36 a.m. Vice chairman Sabourn motioned to approve non-public meeting minutes of March 21, 2012. Selectman Benton seconded. Selectman Morton stated that he does not feel the reason for non-public session in the minutes reflects the RSA. The board agreed and amended the motion to section b (hiring). Vice chairman Sabourn restated the motion to approve with amendments. Motion seconded by Selectman Benton. Roll call, motion passed 4-0-1. Selectwoman Peabody abstained.

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Deed with Covenants

****Motion****

11:39 a.m. Selectwoman Peabody motioned to approve the deed. Morton seconded, Roll call, motion passed 5-0.

Public Forum

Jim Demeritt informed the board that there were rocks scattered in the middle of Millbrook Road following work performed by the Thornton highway department. He explained that residents were moving the rocks off of the road. Chairman Burbank stated that he was in that area and did not notice the rocks, and agreed that the new road agent will be made aware for future reference.

Lou Klotz mentioned that residents are upset because they cannot open their windows due to the dust. Vice-chairman Sabourn agreed that many residents feel the same way and that it makes sense to begin sweeping once they are sure the winter weather is done for the season.

Beverly Chappel – Right to Know Violation Laws

Ms. Chappel suggested that the town staff use a form when responding to right to know requests. The board thanked her for suggestion.

Smoking on Town Grounds

Lou Klotz asked the board if the town hall could be a non-smoking campus. He feels that the smoke comes through the windows and there is a mess of it in the parking lot. He said that some companies receive a break in insurance. Ms. Beaulieu suggested looking at the personnel handbook before making a decision. Tammie will put on the next agenda

Audit Update

Ms. Beaulieu informed the board that the auditors finished within two and a half days and said that the town books look great. There are ten old un-cashed checks totaling \$1479.70 from 2010 through 2011 that the auditors recommended the board void. Ms. Beaulieu stated that the selectmen are able to reissue these checks at their discretion in the future.

****Motion****

11:49 a.m. Selectman Benton motioned to void the ten checks totaling \$1,479.70. Selectman Morton seconded, roll call, all in favor. Motion passed 5-0.

New meeting calendars

Ms. Beaulieu provided updated board of selectmen meeting calendars.

Special event public hearings

The town administrator informed the board that they have three public hearings scheduled for their next meeting on April 18, 2012 for the Boogie and Blues Festival, Bluegrass Festival and Black Fly Triathlon. She has only received one response from the department heads and asked if

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the board would like to give the fire department and health officer more time to submit their responses and review them at their next meeting. The board agreed.

Planning Board Updates

Ms. Beaulieu informed the board that she has received a copy of the Planning Board agenda and notice of decisions from the last meeting for the board's information. She asked the board how they would like to be kept up to date of the planning board activities in the future. The board discussed. Selectwoman Peabody asked if the selectmen were seeing the notice of decision before the planning board. Ms. Beaulieu explained that the notice of decisions were signed by the planning board assistant and were as a result of the motions at the Planning Board meeting. Selectwoman Peabody asked if this was emailed to the planning board members. The Selectmen stated that the Planning Board should work this out with their assistant if they feel the need to do so. The board discussed who should be signing the Notice of Decisions, the assistant or the chairman of the planning board. Selectman Morton feels that all requests for information or duties should not go through the town administrator, but rather through the planning board chairman. Ms. Beaulieu explained that she is not giving him duties; these duties were already given to Mr. Rand by the Planning Board Chairman but they are not being completed, so the town administrator is prompting him to do these duties so that information flows appropriately. Selectman Morton agreed that he would converse with the Planning Board chairman to make sure information is distributed in a timely manner with Clint Rand and that Ms. Beaulieu should continue to update the selectmen in the same manner.

Ms. Chappell asked the selectmen if a meeting is improperly posted if the meeting can occur. Selectwoman Peabody stated that it cannot. Mr. Demeritt stated that the meeting can be held but could be challenged. Ms. Beaulieu added that she would like to speak to LGC about reposting if it is a continuance as stated during the meeting. The board asked if they had to repost in the newspaper. Ms. Beaulieu will confirm the posting requirement with LGC.

Vice Chairman suggested a meeting should be held with the ZBA and Planning Board chairman, the Town Administrator, Planning Board Assistant, the zoning board secretary and the board secretary to discuss the job responsibilities and needs of each board, posting requirements, and notice of decision process. The board agreed that this was a good idea.

Flood Plain Ordinance

Clint Rand provided copies of the flood plain ordinance to the Selectmen for review. The board agreed that once these ordinances are accepted they be included in the town ordinance document with an amended date included.

Right to Know Law

Ms. Beaulieu passed out informational packets on the right to know law and highly recommended the board reads this information as it applies to what constitutes an illegal meeting.

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Chief Moller Request

Ms. Beaulieu received an email from Chief Moller stating that she would like to be a member of the domestic violence committee which meets about six times a year in Concord, NH. Selectwoman Peabody asked if she has too many memberships that she belongs too. Vice-Chairman Sabourn does not feel that it is a good use of taxpayer money at this time. Chairman Burbank does not have a problem with her attending on behalf of the town as long as her duties are completed. Selectman Benton feels that sooner or later all the committees that she belongs to would require a lot of time. The board discussed concerns as well as their appreciation for the representation that the Chief provides for the town. After consideration, the board agreed that they would like to meet with Chief Moller to discuss her request. Morton asked if she has a preference for one committee over another. Board is ok with comp time. Marianne, is concerned with the amount of committees and whether she is covering the town. The board agreed that they need more information and would like to meet with Chief at their next agenda

Barron Mountain

Ms. Beaulieu informed the board that Russ Gilman provided information regarding the Barron Mountain project and that the permit has been extended. The board agreed that this is a planning board issue at this point.

January 11, 2012 Meeting Minutes

Ms. Beaulieu informed the board that she received an email from Ralph Perron stating that Tim Tyler was not present during the meeting on January 11, 2012 but that some of the motions had Mr. Tyler as a voting member.

****Motion****

1:00 p.m. Vice Chairman Sabourn motioned to amend the 1-21-12 minutes at the 9:00 motion to remove Chairman Tyler's name from the motion as he was not in attendance. Roll call, motion passed 3-0-2. Selectman Morton and Selectwoman Peabody abstained.

Driveway Permit Process

Ms. Beaulieu explained the current process for approving driveways. The board agreed that the permit should be revised so that the road agent is verifying and approving during and after driveway construction. Vice Chairman Sabourn offered to provide the State permit for reference and Selectman Morton offered to research RSA's regarding driveway permits.

Board of Selectmen Comments

Marianne Peabody, Deputy Welfare Officer. Ms. Peabody removed herself as a board member for this discussion and proceeded on the capacity of Welfare Officer.

Ms. Peabody handed out a job description for the deputy welfare officer for the board to review. She explained that she had called Selectman Sabourn and asked if he was interested in continuing as her deputy and he did not return her call so she has changed her mind and would like a deputy with more social experience with the level of people she is dealing. She feels that

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she is being watched over and she does not like that feeling given the incidents that she witnessed after her election. She would like to appoint Terry Joyce as the deputy welfare officer as she has shown interest. Ms. Beaulieu explained to the board of selectmen that it is under their authority to appoint the deputy. Ms. Peabody expressed that it does not state that anywhere in the RSA's. Ms. Beaulieu agreed and explained that counsel informed that because it does not direct in the laws that it reverts to the selectmen. It is dealt with differently due to the position being added in the budget by the selectmen for 2012.

Selectman Morton feels that this alleviates the board members from not being able to vote on the welfare manifest as a conflict of interest and has no problem with Ms. Peabody choosing her assistant. Selectman Benton feels that if Ms. Peabody recommends a deputy he is fine with that. Vice-chairman Sabourn respects her suggestions but he does have issues with the way some things have been processed. Chairman Burbank stated that some things should be discussed in non-public if the situation has anything to do with anyone other than elected officials or procedural items, and that no names shall be mentioned. Selectmen Sabourn explained that during Ms. Peabody's absence from the position he had to assist and he has seen some of the names of those receiving assistance that own homes and there were no liens placed against their property. Vice chairman Sabourn stated that the town has an obligation and the welfare officer has a legal obligation to attach liens on properties to reimburse the town. He has no problem with providing assistance when needed, but it needs to be paid back to the town. He believes that the select board has the responsibility to recoup funds whenever possible. He thinks she does a good job but there have been instances when liens should have been placed when they were not. He thinks that the director has the duty to find out what the status is on the applicants and that there should be someone looking at the situation to make sure processes do not fall through the cracks. Sabourn suggested having a non-public session to review a non-public manifest so that the selectmen are able to protect the town. Ms. Peabody disagreed that any names should be revealed to the Selectmen. Ms. Beaulieu explained that Paul Sanderson from LGC explained to her that the welfare guidelines can indicate the process to include a non-public manifest and the board has the authority to require any backup they feel necessary in completing the manifest. Ms. Peabody disagreed and said that the RSA states that the welfare administrator shall place a lien unless there is due cause. A copy of the lien will be forwarded to the tax department so that the town is reimbursed, she is concerned about confidentiality. Vice Chairman Sabourn suggested that a meeting be held with town counsel at their next meeting if possible, so that they can determine obligations and laws. The board agreed unanimously.

Ms. Peabody stated that if the board of selectmen are not going to provide her with someone that she can work with, then she does not want a deputy at all because the way it is set up now with the Vice Chairman and Town Administrator she does not feel comfortable and feels there is an undercurrent. Ms. Beaulieu stated that she is completely offended that a selectman/elected official is suggesting that there is an undercurrent. Ms. Beaulieu disagrees with Ms. Peabody's allegations. Selectman Morton stated that he would like to have the

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meeting with counsel with the other board members and not only with Ms. Beaulieu. The board agreed that the town attorney would meet during a board meeting. Ms. Beaulieu stated that if there are any thoughts that she was involved in an undercurrent, she thanked Selectman Morton for that suggestion because it could be suggested that she is interpreting advice incorrectly. Ms. Beaulieu addressed the Chairman, and stated as a town administrator, and an employee of the town, that she highly recommends that accusations not be allowed to be discussed in public format and what occurred in this room was not acceptable.

Steve Morton – Committee for Planning Board Assistant Job Description

Selectman Morton believes that the Committee regarding the job description should not meet until the board members meet and discuss their needs from Clint Rand. The board agreed and also agreed that there is no need to advertise for positions on the committee.

Brad Benton – Recommendations for Warrant Articles

Selectman Benton was approached by a citizen regarding the warrant article recommendations and feels that if the board writes that they support the article, and then it appears that they are trying to sway the voters. Ms. Beaulieu explained that the selectmen do not have to, but the planning board does.

Payroll Processing

Chairman Burbank stated that as the chairman he signs the payroll timesheets and he is not at the town hall every day. He feels that he does not witness department heads coming and going and that the Town Administrator is here more often than the board, and he feels that she should sign the timesheets. The board agreed that he would sign the Town Administrator timesheet and the Town Administrator would sign the other department head timesheets.

Sexual Harassment

Chairman Burbank stated that Selectman Morton brought a concern to him about witnessing a potential sexual harassment comment/situation from an elected official to a town employee. After hearing this, Chairman Burbank took it upon himself to check in with the employee to determine if there was a harassment issue. The employee informed him that no offense was taken and did not realize that there was an issue. Chairman Burbank informed Mr. Morton. Chairman Burbank stated that he feels it is very important that as elected officials, they should be very careful. He suggested that the annual sexual harassment training be scheduled.

Suggestion for Planning Board

Vice chairman Sabourn provided RSA 674 to Mr. Morton to relay to the planning board. He feels that the zoning ordinance should be revised to be more clear that only one dwelling is allowed per lot, if this is the intention of the planning board.

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Public forum

Joan Marshall – Transfer Station

Ms. Marshall asked when the mall was going to reopen at the transfer station. The board agreed to discuss the process with the Town of Campton and then to inform Kevin to move forward.

Jim Demeritt – Police Department addition

Jim Demeritt asked that the process for the addition to the Police Department be scheduled on the next agenda. The board agreed that the tax sale of property is already on the agenda as well as three public hearing events. The board agreed to put this on the agenda for May 2, 2012.

****Motion****

1:44 p.m. Selectman Benton motioned to enter into non-public session pursuant to RSA 91-C: 3, II (b-hiring and c-reputation). Seconded by Selectman Morton. Roll call, Motion passed 4-0-1. Roll Call, Selectman Sabourn – Yes, Selectman Benton – Yes, Chairman Burbank – Yes, Selectwoman Peabody-abstained.

Selectmen Comments

****Motion****

3:04 p.m. Selectman Sabourn motioned to exit nonpublic session. Seconded by Selectman Benton. Roll call, motion passed 5-0.

Road Agent

****Motion****

3:06 p.m. Selectman Benton motioned to hire John Kubik Jr. as the new road agent at a labor grade 12 step 1 pending receipt of a successful background check. Selectman Morton seconded. Roll call, motion passed 4-0-1. Selectwoman Peabody abstained.

The road agent will start on April 9, 2012 with a vacation scheduled for April 16 to the 23rd. Chairman Burbank suggested that the town administrator have an article with a photo advertised in the paper to inform the town residents of the new road agent. Ms. Beaulieu has a new employee packet for Mr. Kubik and is going to introduce him to staff Monday morning at 8:00 a.m. Selectmen Morton and Benton will attend that meeting as well.

****Motion****

3:09 p.m. Selectmen Peabody motioned to adjourn. Seconded by Selectman Morton. Roll call, motion passed, all in favor 5-0.

Respectfully submitted,

Jessi Fleury
Board Secretary
Draft Posted 4/10/2012