

TOWN OF THORNTON BOARD OF SELECTMEN MEETING MINUTES

Meeting Date: May 30, 2012

APPROVED

The Board of Selectmen met and held a public meeting on Wednesday, May 30, 2012 10:00 AM at the Thornton Town Hall.

At 10:07 a.m. Vice - Chairman Sabourn opened the business meeting with the salute to the flag.

Board Members present: Roy Sabourn, Brad R. Benton, Steve Morton and Marianne Peabody

Absent: A.W. (Butch) Burbank

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

Work session – (no public input)

****Motion****

10:59 a.m. Steve Morton motioned to go into non-public session pursuant to RSA 91-C: 3, II (a-personnel, c-reputation). Seconded by Selectwoman Peabody. Roll call, Selectman Morton – yes, Selectman Sabourn – Yes, Selectman Benton – Yes, Selectwoman Peabody-yes. Motion passed 4-0.

****Motion****

11:53 a.m. Selectmen Morton motioned to come out of non-public session. Seconded by Selectwoman Peabody. Roll call, motion passed 4-0.

****Motion****

11:56 a.m. Selectman Benton motion to accept the welfare manifest for checks dated 6-02-12, in the amount of \$1, 767.41. Selectman Morton seconded, Roll call, Motion passed 3-0-1. Selectwoman Peabody abstained.

****Motion****

11:57 a.m. Selectwoman Peabody motioned to accept the resignation of Code Enforcement Officer Clint Rand effective immediately. Seconded by Selectman Sabourn, motion passed 4-0.

Discussion ensued on the town duties and the staffing needs. It was agreed to continue with the current vendors as part time employees until December 31, 2012 to allow the organization and completion of work to continue. It was agreed to have Selectwoman Peabody assist with a brief training of a few organizational sessions with the staff.

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****Motion****

11:59 a.m. Selectman Morton motioned to continue with the temporary assistance with part-time help for the planning board assistance, and town administrator's assistant. Seconded by Selectman Benton. Roll call, all in favor, motion passed 4-0.

Agenda Items:

11:00 Road Agent – Road Plans for this year & Discussion on draft RFQ-RFP for the Old Town Hall Parking Lot

This appointment will be rescheduled due to the workload of the Road Agent.

11:30 Justin Atwood – previous non-compliance for Garage located on PID 10-5-7

The board reviewed the as-built plans provided by Justin Atwood for his garage.

The second story overhangs the setback requirements by 13 inches. This situation has been discussed with town counsel. Roy Sabourn shared counsel's legal opinion. The board discussed the specifics of this situation. Selectwoman Peabody stated that she believes that in the beginning Mr. Atwood was not sure as to what the board actually asked him to do. She continued that they know for sure that at that time the zoning did not refer to overhang requirements which are what makes this building in violation.

Although it has taken a long time to get resolved, Selectwoman Peabody feels that Mr. Atwood has done what he can do.

Selectman Morton stated that he reviewed the paper trail and in the previous meeting of August 10, 2011, a foot print was mentioned. The regulations never mentioned overhangs but it did mention footprints. He further stated that the rules and laws were ambiguous at the time and has been changed as of March 2012 to be more specific. Selectman Morton acknowledged that Atwood has made some changes in good faith. In the past the abutting land owners have not expressed concern with the setback line encroachment.

Selectman Benton feels that until last spring the regulations were not defined, and feels that Atwood thought the changes he made would bring the building into compliance and will cost a lot of money to cut the whole building back. He also feels that Mr. Atwood has made changes in good faith. Selectman Peabody asked if Mr. Atwood could file for an equitable waiver. Sabourn stated that this option was discussed at the ZBA hearing, and they made a decision to deny a variance allowing the building to stay where it was. Mr. Atwood did not appeal that decision.

Vice-Chairman Sabourn stated that the problem he has with this situation is that the timeline of events shows that Mr. Atwood was aware of the issues in March 2011, instead of stopping he continued to work until he received a cease and desist. The board lifted the order per Mr. Atwood's, request after receiving denial of a variance from the ZBA, so that he could fix the corner of the building to meet the zoning setback requirements. Selectman Sabourn stated that this has been ongoing for 2 years with an

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understanding of the problems known by the applicant, and the offending portion was not moved entirely. He feels that Mr. Atwood has made a decision to be forgiven rather than comply with the regulations.

****Motion****

12:57 p.m. Selectman Morton motioned to accept the corrections that Mr. Atwood did on as shown the as-built plan from Kevin French showing the footprint of the house being out of the setbacks and to grant the intent to build to Mr. Atwood that was applied for February 22, 2011. Seconded by Selectman Benton for discussion. Selectwoman Peabody asked if there is any room in the zoning ordinance for a financial fine, instead of pulling the building down. Sabourn stated that there is a \$275 fine per day penalty if the town appeals it to the Superior Court. There is no fine to resolve the issue. Selectman Benton stated that Justin's permits will be scrutinized in the future and does not want to see another issue like this again. Selectwoman Peabody stated that any building needs to have a permit before building commences. Vice Chairman Sabourn will vote no, because of the way this was carried through and he feels that this has been a scam from the beginning. Mr. Atwood asked the ZBA to make a ruling, which they did, and they agreed unanimously to not grant a variance. Mr. Sabourn feels that the previous board knew what they were requesting of Mr. Atwood earlier. He feels that the board is setting a bad precedent, this is an important decision and he relies on the town attorney's advice. Roll call. Selectwoman Peabody- yes, Selectman Morton-yes, Selectman Benton – yes, Vice Chairman Sabourn – no. Motion passed 3-1.

Mr. Atwood asked if a tree fort needs a building permit. After discussion of the intentions of the type of building, the board agreed that he needs to file intent to build, complete a building permit, and someone has to view the area that the tree fort is going before it is put there.

Public Comment

Mr. Demerritt is disappointed in the board decision; he feels that the zoning board made a decision, and that this decision sets bad precedence.

Mr. Dubach -Tax Bill Question

Mr. Dubach attended the meeting and asked questions about the measurements of a room above the garage as referenced on his assessment card. He feels that the measurements are wrong. Selectman Sabourn suggested having the assessor take another look at the measurements.

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Signature File

The board reviewed the meeting file contents.

****Motion****

12:45 p.m. Selectman Sabourn motioned to accept the payroll manifest for 6-1-2012 in the amount of \$18,357.36 with the condition that the incorrect entry for 50 hours submitted by Clint Rand will be voided. Seconded by Selectman Morton. Roll call, Motion passed 4-0.

****Motion****

12:49 p.m. Selectman Morton motioned to accept the payroll manifest for check dated 6-1-2012, in the amount of \$420.16 including the corrected entry for Clint Rand. Seconded by Selectman Sabourn. Roll call, motion passed 4-0.

****Motion****

12:50 p.m. Selectman Morton motioned to accept the vendor manifest for check dated 6-1-2012, in the amount of \$139,644.81. Seconded by Selectwoman Peabody. Roll call, motion passed 3-0-1. Selectman Benton abstained

Agenda Items:

Signature folder

The board signed the following:

- Letter of Resignation acceptance for Bart Dutto
- Notification to Adrienne Campbell for Hubbard Brook Scholarship Award

Action Folder

Minutes 5/16/2012

The board reviewed the minutes.

****Motion****

12:52 p.m. Selectwoman Peabody motioned to approve the minutes of May 16, 2012 with amendments attached. Seconded by Selectman Morton. Roll call, Motion passed 4-0.

****Motion****

12:52 p.m. Selectwoman Peabody motioned to approve the non-public minutes of May 16, 2012 as submitted. Seconded by Selectman Morton. Roll call, Motion passed 4-0.

****Motion****

12:54 p.m. Selectwoman Peabody motioned to accept the minutes of May 22, 2012 with amendments attached. Seconded by Selectman Morton. Roll call, Motion passed 4-0.

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Town Administrator's Report

The town clerk/tax collector submitted an agreement with Avitar for the tax collector internet Kiosk for tax payments to be made online, cost is \$250. The selectmen staff will be able to collect taxes and the residents would be able to look up their information so they know how much their taxes are. The resident paying the bill online will be subject to a 2.9% fee if using a credit card or electronic check receives a flat 40 cent fee. The tax department feels this would be helpful for the residents. The board agreed.

****Motion****

12:57 p.m. Vice Chairman Sabourn motioned to approve the \$250 expense to Avitar to implement cloud pay by credit card procedure. Seconded by Selectwoman Peabody seconded. Jim Demeritt asked if this expense will come out the tax department budget. Selectman Sabourn stated that it would. Roll call, motion passed 4-0.

Library/School Agreement

The board previously reviewed the contract, submitted by the trustees and school board. Vice Chairman Sabourn feels that they did a great job putting the contract together.

****Motion****

1:00 p.m. Selectman Benton motioned to enter into an agreement between the Town of Thornton library and school effective immediately. Seconded by Selectman Morton, roll call, motion passed 4-0.

Tammie updated the board as to the current expenditures and explained that she does not send out capital reserve and donation expenditures until after taxes are received so that the town does not have to borrow funds.

Action Folder

Letter from NH Electric Coop re a pole license on Millbrook Road

****Motion****

1:05 p.m. Vice Chairman Sabourn motioned to approve the final petition and pole license for located on Mill Brook Road. Seconded by Selectman Morton, Roll call, Motion passed 3-0-1. Selectman Benton abstained.

Marvel Signs and Designs

****Motion****

1:06 p.m. Selectman Benton motioned to expend funds out of the capital reserve to purchase a sign for the municipal building for \$1794.00 Seconded by Selectman Morton, Roll call, motion passed 4-0.

Appointment for Butch Burbank-Interim Local Health Officer

The board agreed and signed the appointment. Ms. Beaulieu informed the board that advertisements have been placed and there has been no interest yet.

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****Motion****

1:08 p.m. Selectman Morton motioned to accept the local health officer nomination for Butch Burbank dated May 14, 2012. Seconded by Selectwoman Peabody. Roll call, motion passed 4-0.

Building Permits

Troy white – 15 Clover Drive – PID 17-7-04102C. Selectwoman Peabody and Selectman Morton reviewed the application and location. Morton explained that he has an existing two bedroom house with an approved four bedroom septic. He is removing a bedroom from the main house, and there will be a total of four bedrooms.

Selectman Sabourn suggested letting Mr. White know that the board approved the application, and suggest that Mr. White have an official 911 sign installed for safety purposes.

****Motion****

1:12 p.m. Selectman Morton motioned to approve the building application for Troy White, at 15 Clover Drive, PID 17-7-04102C. Seconded by Selectwoman Peabody. Roll call, motion passed 4-0.

Geraldine Benton – shed/chicken coop

Selectwoman Peabody stated that the shed is already built and it going to be a chicken house and encroaches on the property line. The shed is still on blocks and does not have chickens yet. Selectman Morton stated that she does have to move the shed 15 feet away from the property line. The board agreed to send a letter informing her that the building needs to be moved, and to contact the town once it is moved, and then the board will sign the permit as an as built

John Hilliard – shed – PID 7-2-2401

Selectman Morton and Selectwoman Peabody stated that the shed meets setbacks and they are in agreement with the permit.

****Motion****

1:15 p.m. Selectwoman Peabody motioned to approve the building permit for Paul Hilliard, PID 7-2-2401 to construct a shed. Selectman Morton seconded, roll call, motion passed 4-0.

James Pender PID 8-12-2

Mr. Pender submitted a building permit last month, and recently submitted a letter stating that he was not happy with the way the application was handled. Ms. Beaulieu explained that Mr. Pender was waiting for a call from the zoning enforcement officer and did not receive a call back in over 30 days. The approved septic plan is on file; however a driveway permit cannot be located. The board discussed the permit and agreed that the home owner needs to provide a copy of the driveway permit and the road agent should visit to be sure the correct size culvert is installed. Selectman Morton stated that the driveway is cut out currently and is ready to install a culvert.

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The board agreed to have Ms. Beaulieu contact Mr. Pender to provide a copy of the permit so that the board can sign the building permit by the end of the meeting.

Waterville Birches LLC

Morton – they are constructing units, they have a building permit from 2008, septic plans were done in 2010. He is reapplying for Building Permit for the two units 4 & 5. There is also a garage built for each unit as well. Morton stated that there are no setback issues.

****Motion****

1:25 p.m. Selectman Morton motioned to accept the building permit application for Waterville Birches LLC. Seconded by Selectwoman Peabody. Roll call, motion passed 4-0.

Brad Benton 10-3-37

Mr. Benton recused himself from the board. The building permit is to maintain and make improvements to the property per request of the police and fire department officials, install evacuation, directional and site signs for the proposed campground, erect privacy fence over six feet tall and to relocate existing shed.

Ms. Beaulieu explained that this is one of the two applications she has worked on with Jennifer Gilbert, OEP. Ms. Gilbert declared that the moving of the shed to the area proposed is not in the flood plain. The town should establish a permitting process for items in the flood zone, such as the fence that would normally not require a building permit. She suggested that the board review if the fence could alter the flow of water. Sabourn asked if the proposed locations of the shed and fence were shown to the planning board. Benton stated that the planning board is aware. Mr. Benton explained that the fence was for a privacy screen for the abutter, but they have decided to remove those campsites since then. He further explained that the fence will have a two foot opening at the bottom to allow water to flow under the fencing. Selectman Sabourn confirmed that Jennifer Gilbert has looked at the application and does not see a problem approving the building permit application.

****Motion****

1:30 p.m. Selectman Morton motioned to approve the building permit application for lot 10-3-37 to maintain and make improvements to the property per request of the police and fire department officials, install evacuation, directional and site signs for the proposed campground, erect privacy fence over six feet tall and to relocate the existing shed. Seconded by Selectwoman Peabody. Roll call, motion passed, 3-0.

Selectman Benton rejoined the board.

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The board received a copy of the driveway permit dated September 12, 2011 from Mr. Pender via fax. The driveway permit does include the culvert requirements.

Motion

1:40 p.m. Selectman Morton motioned to approve the building permit for James Pender PID 8-12-2. Seconded by Selectwoman Peabody. Roll call, all in favor, motion passed 4-0.

Selectmen comments

Selectwoman Peabody

Marianne was at the town hall yesterday and spoke with Representative Lester Bradley. For years he has been involved in memorial services and he expressed concern that the Route 3 memorial ends at World War II. He would like to see the town upgrade to include veterans from World War II to present. Ms. Peabody was going to discuss this with beautification committee. The board discussed. Ms. Beaulieu suggested that the beautification committee could find a place for the monument and bring it to the town meeting as a warrant article. The board agreed. Selectwoman Peabody met with DOT and was told to not place anything in the right-of-way along Route 3 but could along the Merrill Access Road. According to the DOT representative, the town can fix up the culvert since the town maintains Merrill Access Road.

Selectman Morton

No comments

Selectman Benton

No comment

Vice Chairman Sabourn

No comment

Public Comment

Jim Demeritt – Fire Commission Update

Mr. Demerit presented the fire commission minutes. He also stated the building committee met on the building additions and they should have new information by the next meeting or two so the selectmen can put the RFQ out for bid.

Russ Gilman

Mr. Gilman took a ride on Upper Mad River Road, and he commended the Road Agent on the work he is doing. It is how the work should have been to begin with. Mr. Gilman is very pleased with his work.

Special Event – Antique Tractor Show

The board reviewed Russ Gilman's special event application for an antique tractor show. The board agreed since all questions were answered no, there is no special event permit needed for the antique tractor show.

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Vice Chairman Sabourn reminded the board that there is a meeting tomorrow night at 6:00 p.m. for Dam Bureau discussion. He will try to attend. Selectman Benton will not be in attendance. Ms. Beaulieu informed the board that Mark Decoteau from Waterville Valley complained that the state did not give them any information as to what the findings were so they could be prepared with suggestions. She explained that Waterville will be in attendance but may not be in a position to make any decisions without prior notice.

****Motion****

1:55 p.m. Selectmen Morton motioned to adjourn. Seconded by Selectwoman Peabody seconded. Roll call, motion passed, all in favor 4-0.

Respectfully submitted,

Jessi Fleury
Board Secretary
Draft Posted 6/5/2012