

TOWN OF THORNTON BOARD OF SELECTMEN MEETING MINUTES

Meeting Date: June 27, 2012

APPROVED

The Board of Selectmen met and held a public meeting on Wednesday, June 27, 2012 10:00 AM at the Thornton Town Hall.

Board Members present: Vice Chairman Roy Sabourn, Brad Benton, Steve Morton and Marianne Peabody

Absent: A.W. (Butch) Burbank

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

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

10:00 a.m. Vice Chairman Roy Sabourn opened the meeting with the flag salute.

Work session – (no public input)

Manifest

****Motion****

10:50 a.m. Selectmen Morton motioned to approve the payroll manifest dated 6/29/12 in the amount of \$19,237.22. Seconded by Selectman Benton. Roll call, motion passed 3-0-1. Selectwoman Peabody abstained.

****Motion****

10:51 a.m. Selectmen Morton motioned to approve the vendor manifest dated 6/29/12 in the amount of \$457,017.43. Seconded by Selectman Benton. Roll call, motion passed 4-0.

Public Forum (5 minute session per person)

Gloria Kimball informed the board that at the last historical meeting, Ralph Perron stated that he has noticed people, perhaps kids, going in under the old town house building. The board discussed potential hazardous situations and agreed to board up the entrance to prevent further access. The board thanked Ms. Kimball for bringing this situation to their attention.

Jim Demeritt informed the selectmen that the zoning board met last night and they would like to advertise for alternates again. The board is not sure if Dennis Day intends to remain an alternate. He also stated that the fire commission minutes have been submitted. Mr. Demeritt asked if there was any new information on the RFP project. Ms. Beaulieu informed him that Attorney Spector-Morgan has the proposal and is expected to review it before next week.

Mr. Demeritt also stated that the zoning board discussed the zoning ordinances and has identified some areas of concern, and they have suggestions. Their suggestions will be reviewed by counsel and then forwarded to the selectboard and the planning board for discussion.

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Beverley Chappell stated that the zoning ordinance on the town website is not signed and asked if this a binding document without signatures. Ms. Beaulieu stated that the copy in the office is signed, which is the same document that is on the town website.

Town Administrator presents (no public input)

Previous Selectboard Member Process

Ms. Beaulieu asked the board if they would like to establish criteria for issuing gifts or cards for board members that have served as a thank you gift. Vice Chairman Sabourn suggested that the town administrator review their past practice and they will review at a future meeting.

11:00 a.m. Town Clerk/Tax Collector – Selectmen Minute correction

Lou Klotz met with the selectboard to discuss some concerns regarding a comment that Mr. Sabourn made at a previous meeting indicating that he is not in favor of closing either service window on Fridays as there are more staff in the town clerk department than ever before and he feels the employees hours can be changed to allow more service hours to the public. Mr. Klotz would like this statement retracted in the May 16, 2012 minutes. Mr. Klotz provided a memo to be included as part of the minutes (attached) explaining his thoughts. The memo indicated that the town clerk office is budgeted for 60 hours per week, and the window is open 37.5 hours per week allowing for less wait time by having two staff working at one time. Mr. Klotz reviewed the hours of the window and stated that although the budget allows for open hours on Fridays, it is not clear which time is most productive to include those extra hours according to feedback received from residents. He does not feel that opening on Fridays would be beneficial to the town.

Vice Chairman Sabourn stated that he stands by his statement and will not retract it. Mr. Sabourn feels strongly that the window should be open on Fridays; he does not feel that agents should be doubling up on three days a week, and if these days were split up then the office could be open on Fridays. Mr. Sabourn explained that he understands that the hours of the town clerk office is determined by Mr. Klotz and thinks that there should be hours on Friday because the Selectmen receive continuous complaints from the residents. Mr. Klotz argued the meaning of staffing and feels that there are one and a half staff working in his office, not three, and stated that he and Mr. Sabourn do not agree on the difference between staffing and budgeted hours.

Ms. Beaulieu stated that previous staffing included one full time individual for 36 hours and a part time individual for 20 hours per week at a total of 56 hours per week. Business hours then were Monday, Wednesday and Thursday 8:30-4:00p.m., Tuesdays 11:00-5:30 p.m. and Fridays 8:30-3:30p.m. for opening of 36 hours per week. The current budget is 59.5 hours weekly between Lou Klotz, Paulette and Desiree with business hours Monday, Wednesday, Thursday 8:30-3:30 and Tuesday 8:30-6:00 p.m. for 30.5 open hours to the public. Mr. Klotz asked how the record keeping was during

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the previous town clerk administration. Ms. Beaulieu explained that she did a five year budget analysis for the town clerk/tax collector office and in 2008 was \$249,973, 2009 was \$240,687, 2010 was \$255,708, 2011 was \$267,057, and 2012 was \$287,515. Mr. Klotz asked if the elections are included and asked to move on to page 5 of the minutes in question.

Mr. Klotz feels that the on-line registrations mentioned was to view taxes online rather than registrations on line, as indicated in the minutes. Ms. Beaulieu stated that she was informed by Ms. Mahurin that she was researching the registration process as well. Mr. Klotz also feels that the comment in the minutes regarding the fire commission minutes not being available at that time was incorrect and they are available in his office, and have been all along. Mr. Sabourn asked if the minutes are put in the public viewing binder in the hall for the public to view with all the other minutes of town boards and committees. Mr. Klotz stated that he has not been doing that.

Mr. Klotz further stated that the minutes reflect that Mr. Demeritt will be meeting with the selectmen once a month to update them on fire commission issues. He is ok with this but wants the board to be aware the Commissioners appointed him as their chairman and he is half of Thornton's fire commission now. Vice Chairman Sabourn explained that this comment was made during the meeting because Mr. Demeritt always attends the selectboard meetings and takes time during public input to update the board on other town business and he felt that Mr. Demeritt should have a time set aside on the agenda for these types of updates.

Lastly, Mr. Klotz finds that the statement made in the minutes indicating that he was rude to Ms. Chappell was not true. Ms. Chappell stated that she was referring to the comment made by Mr. Klotz regarding Chief Moorehead and that Mr. Klotz did not say anything particular to her specifically. Ms. Chappell stated that the comment of "keeping the animals at bay" made by Mr. Klotz was referring to the Thornton taxpayers in general. She understands that the comment was directed towards everyone in town and not her specifically. Her concerns were more related to how Mr. Klotz spoke about Chief Moorehead during a public meeting and this was discussed with Chairman Burbank.

Selectwoman Peabody is concerned that there is still stress between the board and Mr. Klotz and feels it should be discussed so that he does not leave upset. Mr. Klotz feels that the stress cannot be changed because of differing opinions. He is very disappointed in the ability of the board and administration of the town to manage the expectations of the residents. The concerned citizen form is not the way to manage the town. He does not feel the board supports him in his position as town clerk and wonders if the board has ever supported the town clerk office. Selectwoman Peabody stated that the selectboard has always supported this office in the past. Peabody asked if it is at all possible to reduce the staff one day so that there is not double coverage to allow for office hours on Fridays to accommodate the people. Mr. Klotz stated that the lines would be too long and the tax payments may not be posted and suggested the only

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solution is to rotate the hours every three months, which would make residents angrier. He is not willing to budge on spreading the hours out. Ms. Peabody does not feel that the concern form is adequate and that disapproval will be shown at the polls. Ms. Beaulieu stated that Mary Conn is not deliberately handing these forms out, she does try to reason with residents on Fridays but some residents are so angry and take this frustration out on the selectmen's office staff. At that point she offers a concerned citizen form. Mr. Klotz feels that the town is not managing the public correctly and that staff should manage better. Ms. Beaulieu stated that it is not fair for Mr. Klotz, and elected official, to set his hours that are not meeting the needs of the residents and turn the management over to the selectmen. Ms. Beaulieu explained that Mr. Klotz is claiming that management is not doing their job, but neither she nor the selectmen manage the town clerk's office, Mr. Klotz does. Mr. Klotz does not feel that the selectmen and the town clerk are working as a team. Selectman Sabourn called the meeting back to order and agreed that no further progress will be made today.

Agenda Items: (no public input)

11:15 John Kubik Jr. – Road Agent – Highway Department update

Mr. Kubik met with the board to provide an update on the activities of the highway department. The board and Mr. Kubik Jr. discussed annual duties, date lists and what needs to be accomplished before winter. Mr. Sabourn stated that he has heard very favorable comments regarding his work. Mr. Kubik informed the board that he has been ditching with the backhoe, and with his experience he feels an excavator would be more efficient and would allow the work to be done quicker and better, and would be able to be used for other purposes. The board reviewed the budget for ditching and paving. Selectman Sabourn stated that they would not be able to include an equipment purchase this year, but Mr. Kubik could include this suggestion for the CIP and could be in a future year budget. Sabourn would not be opposed to renting a machine and try it this summer as long as Mr. Kubik is within the budget. The board agreed. Selectman Benton suggested a monthly lease to try it out and then Mr. Kubik can update the board as to the benefits. The board agreed with the rental process as long as he manages his budget.

Selectman Sabourn stated that the previous road agent created a list of needs according to each road, this list should be reviewed and updated. The board feels that the ditching should be a priority before paving. He expressed that the paving should be scheduled during the summer rather than the fall. The road agent should request quotes for the list of roads to be paved. Ms. Beaulieu clarified that the road agent would have to go out to bid to meet the procurement policy. The winter sand supply was discussed.

Mowing / Brush Cutting

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The board asked Mr. Kubik if he can do brush cutting rather than mowing. Mr. Kubik stated that he sees a need for both. Sabourn suggested Mr. Kubik determine the amount of time needed to rent the mowing machine.

Old Town Hall Parking Lot - RFP Update

Mr. Kubik has suggestions for the grading and rails for the project and he is comfortable drafting criteria for the RFP. Sabourn would like this to be a priority so that they can have this done this year since it was in the budget. The board discussed the plans that were provided previously by Sabourn Surveying and the fact that he may not be able to donate more time from his CAD operator for changes that are needed to the plan. Mr. Sabourn feels that he is in an awkward position, and that the town may be able to work directly with his CAD operator if he is interested, rather than going through Sabourn Surveying to incorporate the road agent's suggestions to the plans. The board discussed the anticipated expenses. Mr. Sabourn feels that the cost would be small perhaps no more than \$500. Selectwoman Peabody feels that Mr. Sabourn has already donated a large amount of services and that any additional expense the board could approve and Mr. Sabourn can recuse himself from this decision. Mr. Sabourn suggested that Selectman Morton meet with his CAD Operator and determine a cost amount and the board could allow Mr. Morton the authority to approve the expense. The board agreed that it would cost much more to have another engineer work on the project.

****Motion****

11:45 a.m. Selectwoman Peabody motioned that Road Agent John Kubik Jr. and Sabourn Surveying work together to complete the engineering drawings so that the town can meet their obligation to the people to complete the excavation for the parking lot at the old town hall historical building not to exceed the amount of \$500. Seconded by Steve Morton. Roll call – Selectman Benton, yes, Selectman Morton yes, Selectwoman Peabody – yes. Motion passed 3-0-1. Selectman Sabourn recused himself.

Press Release (Road Agent)

The board reviewed the autobiography submitted by Mr. Kubik. The board approved and Ms. Fleury will advertise.

Steve Morton – Dead Trees Mad River Road

The board discussed the 13 trees that were flagged and agreed that all 13 trees are completely dead. Mr. Kubik received a safety complaint of trees falling down in the middle of the road. He flagged the obvious hazards and also flagged two trees next to wires that would need to be contracted for removal. Morton agreed they are all dead and those that are dropping branches over the road are considered hazardous. Sabourn stated that according to the Hard Road to Travel, book by LGC, the planning board must hold a public hearing for work done on a scenic road, and does include exceptions, but asked if the removal of trees could wait 4-6 weeks for a public hearing with the planning board. After discussion, the hearing would have to be scheduled with

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for the August planning board meeting to meet posting requirements. Morton stated that there are 3 or 4 trees with an imminent threat for public safety. The other trees may not pose an imminent threat to the road area. Morton suggested that the 3 trees with the greatest threat can be removed prior to the hearing. The board agreed that Selectman Morton could work with the road agent to determine the imminent hazardous trees, and the board of selectmen can come into the town hall to sign a letter granting approval for the removal of trees. They would then request a scenic road public hearing with the planning board for permission to remove the other dead trees. The board discussed that the trees are on the abutter's property since he owns the dead trees. The property owner can have the trees removed without a public hearing. The board also agreed that if these trees are removed by the town, the property owner should be allowed the opportunity to collect the wood from the tree.

Selectman Benton stated that the Tole's have built a stone wall directly alongside the road. The board agreed that there are setbacks and that the stone wall cannot be so close to the road. The board agreed that they would take a look at the rock wall and information on file as to the right of way and surveys and send a letter requesting that they discontinue activities until the board has the chance to review the right of way.

11:45 a.m. Christine Carpenter – Code Requirements

Ms. Carpenter met with the board at 12:17p.m. to discuss a situation where an individual is living in a teepee type structure. Ms. Beaulieu contacted Rob Tardiff at NH DES, and was informed that if there is no water that has been brought to the structure then the state has no authority. However, the town may have authority under RSA 147 relating to health. Ms. Peabody stated that as the former health officer she is familiar with this situation as it has been ongoing for years. She stated that there should be an outhouse at the location. The board discussed the history of the situation. Ms. Carpenter informed the board that she lives in the neighborhood and is concerned of the disposal of human waste. Ms. Peabody informed the board that when she was health officer she had not recognized any violations. Ms. Beaulieu asked if the health officer ever created any regulations. Ms. Peabody confirmed that she did not create health officer regulations in the past. Ms. Beaulieu stated that the selectmen can make regulations for the prevention and removal of nuisances concerning health and sanitary issues. Vice Chairman Sabourn feels that the board should adopt regulations, and check with LGC and the local health officer association for a sample, and then they would be able to require a portable outhouse.

The board agreed that there may be covenants or restrictions on the property as recorded with the deeds, then there could be enforcement actions through the superior court. The board suggested that Chairman Burbank and Selectman Morton visit the property to view the situation before writing the regulations. Ms. Beaulieu will set up the site review visit for two members; if other members will like to attend she requested notice so that she could post a meeting.

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Building Permit

The board reviewed a building permit submitted by Nancy Decoteau in a new and more organized format. Ms. Decoteau submitted all required back-up and indicated that all requirements are met. The forms have also been updated at the counter as the board requested. The board agreed that they would like the building permits included in the action folder so they have more time to review them prior to approving.

****Motion****

12:45 p.m. Selectwoman Peabody motioned to approve the building permit for the Murrays at 139 Pemi River Road for re-decking existing deck to include an 80 sq ft addition. Morton Seconded. All in favor 4-0.

PLT insurance

Ms. Beaulieu compared last year's insurance rate to this year, since there was an increase. She would like permission to gather some quotes for liability insurance. The board agreed. The unanticipated increase of \$1,641 will have to come out of the contingency funds since the contract is higher than budgeted. Ms. Beaulieu recommended that the expenditure be included under the correct account number with the understanding that they will overspend to keep track of the expenses and recognize that the funds would be offset from contingency. The board agreed.

Ms. Beaulieu stated that Ms. Peabody submitted an email indicating that she does not feel her services assisting Nancy Decoteau with the planning board is necessary anymore. Ms. Beaulieu thanked Ms. Peabody for the time she spent with the staff helping them through the transition. Ms. Peabody also stated that she would not be submitting a payment request for her hours. The board thanked her.

Ms. Beaulieu informed the board that the closing paperwork for the Petrycki/Town property PID 6-3-9 has been received and she was informed that she was not required to attend the closing. All applicable forms have been received and signed. The board will need to sign the deed today and it will be held within the attorney office until the closing date. The board signed the deed and it was notarized. Attorney Conklin will send a check to the town after the closing scheduled for Friday morning. Ms. Peabody stated that the building has been broken into and the copper has been stolen from the wiring.

****Motion****

12:55 p.m. Selectman Morton motioned to sign the quitclaim deed for PID 6-3-9. Selectman Benton seconded. Roll call, motion passed 3-1. Selectwoman Peabody abstained.

Timber Tax Levy-Johnston

Timber tax levy approved previously for Leigh Johnston PID 15-4-30, was motioned and approved at a previous meeting. Due to lack of signature, the other board members reviewed and signed the document again.

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Job Description-Sub-committee

Ms. Beaulieu informed the board that the sub-committee suggested changes in the job descriptions for the code enforcement officer and planning board administrator positions. Ms. Beaulieu stated that due to the temporary jobs that have been filled, she completed some temporary job descriptions. She would like the board to review the temporary job descriptions today. The board reviewed the descriptions and made suggestions. Ms. Beaulieu will finalize the changes and make final letters of offer.

Action Folder (no public input)

Minutes 5/30/12 – These minutes were not approved at the previous meeting because they did not have a quorum that included members present at the May 30, 2012 meeting.

****Motion****

1:26 pm Selectman Benton motioned to approve the public meeting minutes of 5/30/12 as amended. Seconded by Selectman Morton. Motion passed, roll call 4-0.

****Motion****

1:26 pm Selectman Benton motioned to approve the non-public session minutes of 5-30-12 as submitted Seconded by Selectman Morton. Motion passed, roll call 4-0.

Minutes of 6/13/12

****Motion****

1:29 pm Selectwoman Peabody motioned to approve the meeting minutes of 6-13-12 as amended. Seconded by Selectman Sabourn. Motion passed, roll call 2-0-2. Selectman Morton and Selectman Benton abstained.

****Motion****

1:29 p.m. Selectman Sabourn motioned to approve the non-public minutes of 6-13-12 as submitted. Seconded by Selectwoman Peabody. Roll call, 2-0-2, Selectman Morton and Selectman Benton abstained.

Intent to Cut-Duffy

****Motion****

1:30 p.m. Vice Chairman Sabourn motioned to approve the intent to cut, for PID 15-1-10, Richard Duffy. Seconded by Selectwoman Peabody, Roll call, motion passed 4-0.

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Abatements

****Motion****

1:31p.m. Vice Chairman Sabourn motioned to attach the list of abatements to the minutes and to approve the recommendations from Avitar in the total amount of \$529.35 as attached for abatements including, denial for PID 7-2-07-15, approval for PID 11-1-219, denial for PID 15-3-2 & 16-3-4, and approval for PID 17-17-34. Seconded by Selectwoman Peabody. Roll call, motion passed 4-0.

Board of Selectmen Item Discussions (no public input)

Smoke Rise Lane - Road Name Change

Ms. Beaulieu informed the board that she received an email from Fire Chief Tobine regarding a resident, Leo Cody, who wants to change the name of Smoke Rise Lane to Timothy J. Hayes Road and he erected a sign without the permission of the chief. The board discussed the situation and agreed that they would like a letter sent to Mr. Cody informing him that the town does not approve the change in road name and that for emergency service purposes; he should replace the current sign with the correct sign. The board discussed the fact that the sign is continuously stolen and suggested that cameras could be placed to capture whoever is stealing the sign, or securing the sign post with concrete. The board also agreed that a copy of the letter should be sent to Carl Kilmer from the association.

Suggested amendments to the 5-22-12 minutes

The board reviewed suggested minute changes received from FEMA representative Jennifer Gilbert, and agreed that the suggested changes can be attached to the 6-21-12 minutes but the board does not agree to amend the minutes and the original approved minutes will continue to serve as the approved set. The board does not agree that all of the suggestions from Ms. Gilbert reflect what was actually said during the meeting.

Concerned Citizens Complaint

Ms. Beaulieu informed the board that a concerned citizen form was received from resident, Paula Tanner, indicating her frustration with the change of hours for the town clerk/tax collector office. She indicated that she was upset with the lack of notice for hours as well as the lack of respect received from the town clerk office. The board discussed the request and agreed to send her a letter acknowledging her concerns and informing her that they had a conversation with the town clerk earlier in the meeting and they are working towards a resolution.

Correspondence from Town Counsel – Appeal of PB Decision

Ms. Beaulieu informed the board that the town attorney has informed the planning board that the selectmen have withdrawn the appeal to the superior court conditioned upon the Matson's compliance with the final stipulations including that they merge the Boughton lot with their existing lost within 30 days of obtaining title to the Boughton lot.

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Management Letter from Plodzik and Sanderson

The board reviewed the management letter from the auditors, and agreed that they do not find fault with the letter. The board approved the management letter.

Transfer Station Update – Large Waste Removals

Kevin McGuire from the Thornton Transfer Station sent a photo of the large amount of construction debris that was dumped at the station by the Town of Campton. The board discussed the photo and agreed that Mr. McGuire should keep a calendar and indicate when large amounts are dumped from other towns, as well as any large deposits made by the Town of Thornton. This will help explain any discrepancies in reporting.

Code Enforcement Log

Ms. Beaulieu stated that they no longer feel there is a need to track the activity in the code enforcement office since Nancy Decoteau is keeping her own log and attending to business in a timely manner. Selectman Morton asked if the continuation of break down would be helpful to determine department hours for budgeting time. Ms. Beaulieu agreed that she would ask Ms. Decoteau to indicate the approximate time spent between the building, planning and zoning departments.

Selectmen Comments

Selectman Morton – Mr. Morton stated that he anticipates the need for legal opinion concerning the application before the planning board, titled Thornton Bluffs Campground. The board discussed the assessment of the park models that are proposed for the campground. He would like the Selectmen to grant him permission to seek information regarding the assessing of the units with Avitar and residency questions with town counsel. The board discussed the assessment of the trailers rather than the registration of them. Selectman Sabourn thinks there is a question as to whether this project is in the spirit of the zoning ordinance, and if it is in the general good of the town in accordance with the zoning ordinance. He also feels that the fire chief should be involved completely and suggested that a second exit or entrance for the larger area should be included. Ms. Beaulieu asked if the planning board could require them to annually submit a list of owners as of April 1 for assessing purposes. Mr. Morton will relay this information to the planning board. The board agreed that Ms. Beaulieu and Mr. Morton should work together to gather additional information for both the selectboard and the planning board.

Steve Morton excused himself from the meeting at 2:20 p.m.

The board also agreed that the campground regulations should be updated, even though they cannot be applied to this application.

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Public Forum (5 minute session per person)

Jim Demeritt stated that there is a tree down on Mill Brook. Mr. Sabourn asked if he would call Mr. Kubik to inform him as to the location of the tree. Mr. Demeritt agreed.

Beverly Chappell stated that previously the fire commission meeting minutes were directed to the Campton website for publishing. Mr. Demeritt stated that the commission is creating a new website.

****Motion****

2:29 p.m. Selectman Sabourn motioned to enter non-public session pursuant to RSA 91-A: 3, II (c-reputation). Seconded by Selectman Benton. Roll call –Vice Chairman Sabourn – yes, Selectwoman Peabody – yes, Selectwoman Peabody - yes, Motion passed 3-0.

****Motion****

2:50 p.m. Vice Chairman Sabourn motioned to come out of non-public session. Seconded by Selectwoman Peabody. Roll call, motion passed 3-0.

****Motion****

2:51 p.m. Vice Chairman Sabourn motioned to approve the welfare manifest in the amount of \$530.00 for checks dated 6-30-12. Seconded by Selectman Benton. Roll call, motion passed 3-0.

****Motion****

2:52 p.m. Selectmen Sabourn motioned to adjourn. Seconded by Selectwoman Peabody seconded. Roll call, motion passed, all in favor 3-0.

Respectfully submitted,

Jessi Fleury
Board Secretary
Draft Posted 7/3/2012