

# TOWN OF THORNTON

## December 12, 2007

### Selectmen's Meeting Minutes

9:00 AM The meeting was called to order.

Board members present: Arthur Gross, Jim Parziale and Roy Sabourn

Also present: Administrator Andrew (TA), Sally Davis, Jim Demeritt, Giff Kriebel, and Maher Mahmoud

Equalization Ratio – The board reviewed assessment vs. sales price ratio for the period from October '06-September '07. During that time period the ratio averaged to 82.7% unless the state excludes additional sales from the calculation.

The Avitar assessing agreement reflects 25 days for general assessing services for 2008. The TA will contact them to make sure the time is adequate given this year's activity.

9:10 Conservation Commission - Sally Davis stated that for 2007 the Conservation Commission had requested a warrant for up to \$10,000 in current use monies to be set aside in a Conservation Fund. This was changed to \$1,500 at Town Meeting. This amount would not pay for a land index to be completed for several years. A land index would help the Planning Board. The expense budget of \$700 allotted for 2007 has not been spent. She, Timmee, and Steve have been attending meetings to better understand how to interpret the index information. The Conservation Commission sent out request for proposals in 2007 for preparation of a land index for Thornton. They received two answers; one from Kane & Ingraham with a range of \$9,000-\$11,000 quoted depending on the work requested. A listing of the kinds of maps available and their costs was included. One thing that needs to be addressed is the mapping of water resources. Only 5% of Thornton public water supplies are shown. Base, wildlife, water, soils and co-occurrence are the basic maps available. Matching grant monies may be available. The Conservation Commission plans to have the Board of Selectmen involved as much as they wish prior to requesting official proposals for the land index. They want to have the index completed in the interest of the citizens of Thornton and as a planning tool going forward.

Selectman Sabourn stated before he agrees to support spending the money he would like to see samples of what is to be presented. \$10K is a lot of money. He continued he is not sure of the benefit to the town. Ms. Davis gave the board some websites that show examples of finished index information. She noted that the finished product could be saved on a CD that is updatable. The Planning Board could use the index for keeping current with the town's growth. The Conservation Commission does not feel that they have the right, if monies were budgeted, to make the decision by themselves about who would do the index and they would want the selectmen's input. They are trying to facilitate the process to help keep the Master Plan current.

9:28 Building Permit/Veit - Marianne Peabody stated that the Viet building permit had been resubmitted on 12/6. She contacted Attorney Bart Mayer as requested due to the setback issues. The Zoning Board (ZBA) felt that they did not have jurisdiction with the prior application and thus no action was taken. Giff Kriebel stated the ZBA felt that a variance was not required because the building was already non-conforming and the change did not increase the non-conformity. Ms. Peabody stated that Attorney Mayer was not happy with the decision but the ZBA has spoken. The RSA that was utilized in the ZBA's decision is not specifically addressed in our zoning ordinance and that is the rule that we have to live by. We have to follow the ordinance specifically because it is a permitted ordinance, and if a question exists with its application counsel should be contacted for clarification.

Ms. Peabody continued that Mr. Viet wants to tear down a non-conforming use garage and build a new structure that is a lesser non-conforming structure. Mr. Demeritt stated what should have happened was that the selectmen or owner should have challenged the ZBA decision within the 30 days. Since that did not happen, the ZBA decision stands. Selectman Sabourn stated the selectmen support our boards because we believe that they make their decisions with the best interest of the town in mind. A decision was made and was not challenged by either the selectman or Mr. Mahmoud within the 30 days. If someone is not happy with that decision, there is no recourse at this time. Mr. Kriebel stated granting an area variance would have been all right had the ZBA decided to do so.

Maher Mahmoud stated he was not aware of the 30 day limitation. He urged that the selectmen not sign the building permit application. The board needs to take responsibility. There was not a decision by the ZBA that needs to be appealed. Selectman Sabourn stated that the board did advise you that it might be in your best interest to contact your counsel. Ms. Peabody stated that a ZBA decision wasn't published because one was not made. Selectman Sabourn stated the selectmen had said that it would go to counsel if the permit was resubmitted. It was resubmitted last week. Mr. Demeritt stated that the ZBA decision was discussed with the selectmen. Mr. Mahmoud stated the selectmen need to start the application process again. Ms. Peabody stated she had asked that specific question of Attorney Mayer. Selectman Gross stated the Viet parcel was in existence prior to zoning. Selectman Sabourn read from the selectmen's minutes after the ZBA decision was heard. We are hearing from counsel that the building permit application should be approved. Mr. Mahmoud argued that there was no decision made by the ZBA, and a new application process needs to begin. Ms. Peabody stated that technically it was written that no decision was made based on an RSA. Mr. Kriebel commented that the ZBA probably should have stated more specifically that the ZBA was overturning a decision made by the Board of Selectmen. Selectman Gross stated the selectmen tend to take the opinion/recommendation of counsel. Selectman Sabourn moved to sign the Veit building permit application. APPROVED (x3) Selectman Gross stated the new construction will be further from the property line and the old garage is to be demolished. It will, in effect, improve both properties.

9:55 Planning Board (PB)/Zoning Board (ZBA) Budgets – Ms. Peabody reported that the 2007 budgets have probably been over expended but that the boards have taken in \$11,687.00 in fees for the year so far. The reason for the over expenditure is primarily that the ZBA has had 9 cases requiring a lot of additional advertising. She inquired if the selectmen would consider separating the Planning and Zoning items. Mr. Demeritt stated that they should know what is being spent for postage, legal and advertising expenses in each area. Ms. Peabody stated that the PB has had 15 applications before them including excavations and lot line adjustments. The town is looking at approximately 108 additional units or parcels approved or about to be approved. There were 151 property transfers last year and Real Data a company that helps with the states equalization ratio was amazed at the number and prices of the sales.

Selectman Sabourn inquired if there is a proposed PB/ZBA budget. NO. The TA and Selectmen establish the budget. Selectman Sabourn stated he does not have a problem with separating budget lines for 2008. The TA stated this should not be a problem. Mr. Demeritt stated that if the ZBA is costing more it should be shown.

Ms. Peabody stated that the PB and ZBA have been meeting and there will be a public hearing on December 20, 2007 relative to proposed zoning changes. This will leave time for a 2<sup>nd</sup> hearing if one is needed. Selectman Sabourn inquired if topsoil removal has been addressed. Mr. Demeritt stated it has not been discussed yet. It will need to be discussed at the hearing so that it will be legal to put a change to the voters.

Selectman Gross inquired if the PB has heard from Mr. Whitehouse relative to the gravel pit. NO

Welfare - Marianne Peabody stated spending may exceed the budget for 2007. For past 10-12 years welfare has been budgeted at \$20K. There have been 76 cases, 34 new this year. Rents, fuel and food costs are increasing. She recommended an additional \$5K be added to the budget. Fuel assistance funds just came through, but the federal government did not raise the allocations. An average family might get \$900 for fuel. The Governor is requesting a 2<sup>nd</sup> allotment. This usually gives families another \$150 which doesn't go very far with current fuel costs. Selectmen Sabourn and Gross agreed that increasing that line would be prudent.

Selectman Sabourn inquired the status of a complaint at Blake Mountain. Ms. Peabody responded that the Fire Marshall spoke to the Fire Chief who was going to inspect the property. She has had a report that the water has tested as substandard and the state is monitoring the situation. Blake Mt. cabins are classified as hotel/motel and the state does not have housing standards.

Health – Ms. Peabody handed the board a listing of health related calls covering several years. Selectman Gross inquired if Ms. Peabody can stay with the \$100 budgeted in 2007. YES. Ms. Peabody stated the majority of calls are in the spring with septic issues. She stated that the other day she had to deal with bed bugs for the very first time.

10:20 Covered Bridge – The RA stated he talked to Dirt Designs, Avery Construction, and association president Shawn Magoon. Dirt Designs stated they thought that it had been a jam in the brook that had caused the flooding of the road. They thought that Avery Construction had come in and built up the earth berm. Avery built the original 1000 ft of road then dredged the pond and built up the road. Shawn Magoon told him that because of the emergency situation, they had no plans for building the berm up higher. Mr. Magoon does not have original area plans but will give the town any information he has. Mr. Magoon believes that the Mill Brook Rd. side of the covered bridge is pinned into the ledge. The RA reported he had removed as much of the beaver material from the pond's culvert area as possible.

Selectman Sabourn stated he is not in favor of spending a lot of money to fix that bridge. The bridge is about ½ the length that it should be, and the orientation of the south bank forces the river into a tighter corner. There is obvious undermining of the pilings. He suggested the RA put some stone rip rap in place to stabilize the upstream edge. We should make the bridge last as long as possible with minimal expense until the town can replace the covered bridge with a real bridge. Too much water is being forced thru too small a place. All agreed that something needs to be done. People in the property owners association might be upset about the town taking down the covered bridge. The RA suggested that the property owners might want to take over ownership of the bridge. Selectman Sabourn stated that due to town road on both sides that probably wasn't possible. A fund raising drive to do something similar to what was done with Smith Bridge in Plymouth might be a possibility. He inquired if the general maintenance DES permit would cover rip rap. The RA responded that it would probably require a separate wetland permit and that we should apply as soon as possible so that it will be in place for spring. A wetland survey will be needed of that area for the permitting. Selectman Sabourn stated the RA should request an estimate from the engineering firm for and quote for the rip-rap and standard dredge-fill permit approval process. He suggested that possibly Horizons in Littleton also be contacted for an additional price to get in warrant ready for the 2008 budget. There should be a separate warrant article for the engineering and we should continue to add to Capital Reserve account.

Selectman Parziale stated that the covered bridge has to go. He suggested constructing a causeway with concrete pilings and I-beams that is elevated to reach higher ground. This might be less expensive and a better long range solution. Mr. Demeritt agreed with Selectman Sabourn that the town do the rip rap for now. If the bridge washes out, we would have to get a temporary bridge and then repairs would possibly be eligible for federal funds. Selectman Sabourn stated that if we could increase the span, we might not have to raise the road too much. We should add the covered bridge replacement into the emergency management plan for the future. Because of the flooding over the road in the past we should see if there would be any logic in dropping the berm with a safety area and possibly the addition of 3-4 more culverts to channel the water's flow to take some of the pressure away from the road washing out. This may require a drainage easement from the affected landowner.

The RA stated he thinks it is the wrong position for the town to take waiting until the bridge fails. That is a safety issue that would strand people on the other side until we could get a bailey bridge in place. The board agreed that the RA should get prices for the 2008 budget

Mr. Demeritt asked if engineering for the rip rap/temporary fix could be separated. Selectman Sabourn stated that the whole process should be looked at. It needs to be part of same process, one permit to include the secondary drainage issues. He continued it might be reasonable to ask the engineer to do a site visit and discuss options. He inquired if the state has engineers that might be available? The RA will check and schedule one or other as soon as possible. A morning site visit is preferable for board members.

Highway budget – The RA is recommending the addition of a 3<sup>rd</sup> full time person as had been discussed with the board. Selectman Gross stated that the position if approved would be for nine months or less. Mr. Kriebel inquired if the addition of a third person would allow for a reduction of part-time budgeting. YES. It was noted that six months of medical insurance would also need to be budgeted.

Mr. Demeritt handed the board a comparison of the Campton and Thornton highway budgets. He asked that the information be added into the record. (The board took no action.) Selectman Gross stated Mr. Demeritt was not comparing apples to apples. Mr. Mahmoud stated that it is not fair to ask Mr. Dubey to answer to the comparison without giving him advance notice to review the information. Mr. Demeritt stated his comparison is a tool and not directed against anyone personally. He indicated Thornton is spending a lot of money per mile and costs should be compared to other towns. Selectman Parziale stated roads in Campton are not comparable. Selectman Sabourn stated he is less than impressed with some of the work in that town. Mr. Demeritt stated Campton is putting a lot of money in their roads. Mr. Mahmoud asked the board to keep in mind that there is a lot of political motivation against Mr. Dubey and stated he has no complaints and has not had a problem with the roads. Mr. Demeritt stated he has no political motivation, and that all budgets need to be scrutinized. Selectman Gross thanked Mr. Demeritt for the information.

The board and RA reviewed the highway budget as follows:

Supplies/Misc includes such items as welding supplies, motor/hydraulic oils, diesel prep, nuts/bolts, hoses, fittings, etc. \$25,000 recommended as in past years.

Road repair/paving shows a recommended increase to \$125,000 due to the increased costs. Paving lasts for 10-12 years maximum. If the town is to maintain the current road inventory 2.3 miles of road need to be paved every year. It is estimated to cost \$100K /mile to pave with grinding. The RA suggested that Upper Mad Road and Mill Brook Road both be budgeted for 2-year completion. Separate warrant articles were discussed. The RA noted this budget line also includes gravel and other road repairs. The RA would like to continue to add to the capital reserve account as well. Selectman Sabourn stated he

would rather see the monies put in a budget line item due to the lack of interest being earned on savings accounts. Selectman Sabourn suggested \$160K in the line item vs. putting money in capital reserve noting that we are falling behind by half each year what should be spent for paving. We will probably need to do some work at the covered bridge as well. Mr. Demeritt questioned the price of asphalt and the cost for grinding? The RA responded that about \$8K was spent to grind the roads prior to paving. Mr. Demeritt suggested breaking up the pavement in house with our grader. Selectman Sabourn stated it may be worth researching what some other towns do. He continued the road grinding done this year was a good decision. It was decided that the budget line be \$130 be placed in the line item with an additional \$20K added to the capital reserve account.

Subcontractor Summer is for mowing the ball field and town offices.

Mowing-Sweeping – The RA would like to hire a sweeper to pick up sand vs. sweeping sand into the ditches. He budgeted \$5K for sweeping and \$2K for 2 weeks of mowing. Selectman Sabourn inquired about any particular area of concern where sweeping would be favorable over using the brushes. Upper Mad River, Mountain Woodlands and Upper Mt. Woodlands roads were mentioned. Sand collected can't be re-used because the grit is gone but it could be made available for public use. If we do our own sweeping \$1K would need to be budgeted for brush replacement. Selectman Sabourn suggested mowing for a longer period and asked if costs were less if the mower were rented for a month. The RA will inquire.

Equipment expense includes brakes, drums, and the 3rd payment of 5 on one of the trucks. The RA recommended maintaining \$55K in the budget.

Equipment Rental – Equipment to put up sand will not be needed and the purchase of sand will come out of line 4312-30 so that line can drop to \$5K.

Building Supply includes heating fuel, building repairs, electric, phone, internet, cell phones etc and is budgeted at \$15K.

Salt & Sand – The cost of salt and trucking has increased plus we will be purchasing sand in 2008 so that amount has increased to \$30K. Mr. Mahmoud stated that we will need to purchase more salt because we are going to have more ice with global warming. The board agreed.

Subcontractors-Winter includes the \$5/hour increase in the contractor rates and is a budget request of \$65K. The RA noted that fuel is \$.80 more this year than last. The state has also increased their winter contractor rates.

Selectman Gross inquired if Thornton works with the Town of Woodstock in the maintenance of Mirror Lake and Merrill Access Roads. Yes.

Safety Plan – The RA noted that the state’s inspector said that we need to include a minimum of the state’s rules, but the town can add to it. Selectman Sabourn suggested that we refer to the state’s rules by reference.

Mr. Mahmoud inquired if it is possible and if the board would agree to itemize employee wages in the town report. The board will take his request into consideration reporting the total earnings by employee.

It was moved to place warrant article to abolish the Advisory Budget Committee before the voters in March. Several ads and postings have been placed with no letters of interest received.

The board discussed closing the town office for the full day on 12/24 and 12/31 for the holiday. Mr. Demeritt questioned whether the Transfer Station would also be closed. The TA will check with the TA in Campton.

Library budget a \$1,500 increase is recommended for the replacement of books.

The RA inquired if the selectmen have done anything for Roland Downing. The board responded that they had, and a \$500 check is included in this week’s manifest.

APPROVALS:

Building Permit:

6 9 24

R&P Veit

demolish garage/build carport

12:32 It was moved to adjourn. PASSED (x3)

**There will not be a regular meeting on 12/19 due to a scheduled winter snow emergency exercise with FEMA**

**The next scheduled Selectmen’s Meeting  
Will be Thursday December 27, 2007  
9:00 AM at the Municipal Building**