

# TOWN OF THORNTON

## November 14, 2007

### Selectmen's Meeting Minutes

9:00 AM The meeting was called to order.

Board members present: Arthur Gross, and Roy Sabourn

Also present: Administrator Andrew (TA), Road Agent (RA) Tom Dubey, and Jim Demeritt

The board reviewed and approved manifests and correspondence.

Auditors – A letter was received from Plodzick & Sanderson the town's auditors in response to several questions asked by the board. The letter confirms that a letter was sent to all of their clients indicating that they can not **guarantee** completion and delivery of audits in time for Town Meeting deadlines as a result of AICPA Statement of Auditing Standards No. 103. Additionally they have not analyzed GASB statement No. 45 at this point as they have not had any clients that are required to implement its terms. Increases in auditing fees could be as much as 40% of current amounts due to the many changes in the governmental auditing world. They offered to release the town from its current engagement if the town so desired. The board will remain with the firm for the remainder of its engagement, the 2007 budget audit. A request for proposal will be advertised for the 2008 year audit.

Winter procedures and parking ban – The board reviewed and signed the Winter and Inclement Weather Policy and Priorities. The Winter Parking Ban was approved for November 15, 2007 until April 15, 2008 and will be posted.

Winter jacket – The RA has purchased a new winter jacket that is lime green with reflector strips. Additional jackets will be purchased for the winter seasonal people. The employees will have to turn them in at the end of the season.

Hard hat policy – Selectman Sabourn has started rewording the safety policy hard hat requirements.

Winter contractor Roland Downing will not be able continue his plowing obligations for this winter due to health issues. He will be sorely missed by the Highway Department and the Town.

Municipal Building/Fire House plowing – The RA presented a letter to the board that will be copied to the Police and Fire Chiefs as well as the TA relative to winter plowing procedures. The board agreed. Selectman Gross presented a copy of the letter to Mr. Demeritt for his review. Selectman Gross inquired if the RA going to advertise for another contractor. No, he is planning to handle the plowing needs in house. The process

contractor. No, he is planning to handle the plowing needs in house. The process will take a little longer, but it can be done. The RA reviewed how reconfiguring of plowing responsibilities would be handled. Most of the roads, except Mill Brook Road, have few residents. Cul-de-sacs will not be a priority during the initial storm. They will be a cleanup chore after the storm. If there is a problem contract responsibilities will be reconfigures. Ralph Bradley, Steve Small and Brad Benton will be the only contractors.

All agreed that as a town, we need to do something to recognize Mr. Downing's years of service. Roland has been plowing for 20+ years through many, many storms. Several suggestions were made. Selectman Gross inquired if Roland would still be mowing for the town. Yes.

Gas prices – The RA noted that prices have gone up 90 cents since this time last year. The 06/07 rates were;  $\frac{3}{4}$  ton truck \$47, 1 ton truck \$52 and a 6-wheeler \$57.00. He recommended an increase of \$5.00/hr for each truck. Selectman Sabourn stated that in an 8-10 hour event, that would add \$40-\$50 to each vehicle. If a contractor is plowing all day they would probably burn 30 gallons of fuel. Jim Demeritt asked what the State is paying. A \$3 increase won't break even for the contractors. Selectman Gross made a motion to increase contractor fees by \$5/hour. PASSED (x2)

Culvert in Mill brook by Everett Steele's is to be done tomorrow. Dirt Design's is planning to start at 8:30 AM and they believe they will be able to keep one lane open throughout the process. The Police and Fire Departments have been notified.

Wood railings - Ireland Lumber burned this past weekend, so RA went to Brookside Lumber. They should have the timbers by Friday.

Fadden Road will be graded today as the frost situation is okay.

Warning lights – The RA got a call from the Department of Safety relative to the warning light applications he has submitted. He has not yet been able to get hold of the individual on return calls.

Selectman Sabourn stated he talked with Jeff Caulder from the Department of Safety. Mr. Caulder stated that Bruce Holmes, Administrator for the Federal Motor Carriers Safety Administration was not made aware that the issue was relative to a grader pulling a truck. That fact had been left out when it was reported that town drivers were operating commercial vehicles requiring a Class A CDL license. Once that was explained, Mr. Holmes agreed with Mr. Caulder that a CDL A is not required. The NH Department of Safety is seeking approval from their counsel to make sure everyone is on the same page. Mr. Caulder has also been in touch with the CDL licensing people and they agree the different level of licensing does not apply because the vehicle in question is a grader. Consensus is that it is not an issue at either the federal or state level. Selectman Sabourn suggested the RA may want to run it by Chief Joyce for local approval if the RA has to

take out the grader again. Selectman Gross agreed since the board is actively pursuing an answer.

Safety Inspection report – The RA reported that everything on the inspection sheet has been taken care of with the exception of a guard for the drill press that has been ordered. The RA will draft a response to the board and copy Department of Labor Inspector Roy.

Selectman Sabourn inquired if the RA was able to have Jim Ingram give him a load rating on the highway garage office area? Not Yet.

Sand pile is complete. The RA stated the property will be reclaimed when finished. The RA noted that a few trees had been knocked down for this year's harvest. There was discussion about removing the remaining trees in the planned excavation area. Selectman Sabourn suggested we reorganize sand harvesting and start excavation at the lower end (toward Rte 3) so that areas can be reclaimed easier and to avoid a long standing scar. He continued that Mr. Freeman has faxed a letter stating several concerns with the process. It is not a commercial process and is for the town's use only but there should be some kind of written reclamation plan in place for the process.

GASB compliance – The RA stated that when the land was purchased Jim Sanborn was RA. The idea was that the material (sand) on site would save the town money each year. Mr. Demeritt recommended a 10-year plan from Rte 3 working into the property. Selectman Sabourn suggested a cross hatched plan for the incremental harvest of product, something that the public can see. He agreed that denuding the property of trees probably would not be the best idea. People will receive it better if they see we are trying to keep the property cleaned up as we progress. It will cost a little more over time, but it will look better in the process. A reclamation plan can be updated as is necessary. Selectman Sabourn suggested a plan with anticipated years harvest indicated, anticipated slopes and a note that the property is to be reseeded with Scotch pine or similar product as recommended by a forester. The plan when complete should be distributed to the Planning Board. He suggested that the RA possibly get on a Planning Board agenda to discuss the proposed plan with them.

Selectman Gross moved that Lee Freeman's faxes of 11/9 and 11/13/07 become part of today's minutes. PASSED (x2)

There was discussion about whether the sand needs to be recorded as an asset for GASB reporting where the land is not being sold. Mr. Demeritt stated that probably because it is an item that would otherwise have to be bought from someone else it probably should be shown as an asset. Selectman Sabourn stated the property was purchased for the highway garage and the sand was an extra bonus. The TA stated that GASB reporting is a work in process. She will request the town auditor's opinion.

Selectman Sabourn indicated that another item in Mr. Freeman's letter was that the board can not create line items. Selectman Gross stated that Bob Anderson, NH Department of

Revenue Administration had stated that FEMA monies should be kept separate and had no problem with the board's reporting at the tax rate setting. Selectman Gross quoted from the Local Government Center's **Knowing Your Territory** relative to the board's right to move monies within the budget. Selectman Sabourn stated the board has done what the DRA has advised us to do; our auditors will advise us if it should be done otherwise.

Selectman Sabourn stated that Lee (Freeman) also has expectations that the board will move to have their meetings at 5:30 PM on Tuesday and expects to get a response to his issues. Selectman Gross stated we are addressing his concerns in the meeting minutes and per counsel the board does not want to get into a letter campaign, since Mr. Freeman always has complaints. The budgeting issues should recognize occasional evening meetings including the budget hearing. Selectman Gross and Selectman Sabourn agreed that they are happy with morning meetings for the most part as they have been very productive and attendance has not changed with the exception of Mr. Freeman's inability to attend the meetings.

The Fire Chief has reported that the new ambulance is now certified and on line for calls. They will not start to transport until January '08 as we are still under contract with Plymouth.

Selectman Gross inquired if an assistant has been hired for the chief yet? Fire Commissioner Jim Demeritt stated he was not sure as he had missed the last meeting and noted that minutes of commissioners meetings have not been forthcoming recently.

Selectman Gross inquired how next year's Highway budget was coming. The RA stated he had increased paving, subcontractors, building maintenance and included a 3<sup>rd</sup> full time employee as was discussed. Fuel and paving costs play heavily into the budget increases. Selectman Gross inquired if he had met with the Capital Improvement Committee. The RA responded he had met with Ron Jansen and there are no new additions for his department at this point.

As Thanksgiving is in the third week of the month it was moved that the town office would close at noon on the Wednesday before Thanksgiving. PASSED (x2)

Mr. Demeritt noted that there is a Fire Commissioners and Zoning Board of Adjustment meeting this evening. Selectman Sabourn stated from his point of view, he fully supports the Fire Department and keeping the personnel safe. He expressed concern that intervals of equipment replacement are possibly too short on some items. Mr. Demeritt agreed that prices are going up and all budgets should be looked at very closely. Selectman Gross stated that school budgets should also be looked at very closely. Mr. Demeritt stated that federal mandates are pushing a lot of it.

Holiday gathering – The board discussed past years and the desire to express thanks to all of those individuals who volunteer time through the various town boards and committees.

It was decided to continue the tradition of having the gathering. A budget of \$500 will be utilized and the TA will see what can be arranged between 12/10-12/18/07.

APPROVALS

Intent to Cut

3-3-12

Ralph Bradley

10:55 It was moved to adjourn. PASSED (x2)

**The next scheduled Selectmen's Meeting  
Will be  
November 21, 2007  
9:00 AM at the Municipal Building**

Tuesday, November 13, 2007

Arthur Gross, Chairman  
Board of Selectmen  
Town of Thornton  
16 Merrill Access Rd  
Thornton, NH 03285

Dear Arthur:

I have been reviewing the 2007 Budget Worksheet "Appropriations and Expenditures". I am quite concerned with some of the accounting from the April wind storm.

There are two line items which seem to account for losses due to this natural event; 4299-00 and 4295-00. These two line items are not identified in the approved 2007 budget.

I know that the Board of Selectmen can move money around within the accounts that are established so long as the approved budget is not exceeded. I don't think that new account numbers can appear mid-year.

According to RSA 32:10 I (e); The town or district meeting may vote separately on individual purposes of appropriation contained within any warrant article or budget, but such a separate vote shall not affect the governing body's legal authority to transfer appropriations, provided, however, that if the meeting deletes a purpose, or reduces the amount appropriated for that purpose to zero or does not approve an appropriation contained in a separate article, that purpose or article shall be deemed one for which no appropriation is made, and no amount shall be transferred to or expended for such purpose.

My interpretation of this is that if a line item has not been identified and funded (even with one dollar) in an approved budget, then there can be no "appropriation" for that "purpose" therefore no expenditure in those accounts. The definitions of "appropriation" and "purpose" appear in RSA 32:3:II and RSA 32:3:V respectively.

Therefore, the solution is that the amounts expended need to be accrued in the accounts from whence they were spent. The funds from FEMA would be applied to the revenue side, perhaps as a negative expense.

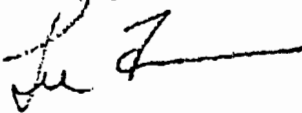
Arthur, this is the third issue I have brought forward in as many weeks to the board. The first issue concerned the timing of our auditor's letter, the second was compliance with GASB statement #34 relative to the identification of an asset and the depletion of said asset (sand pit), and now the third issue is compliance with Municipal Budget Law. By not addressing these 3 issues the board has shown disregard for the taxpayers of Thornton, the Federal Government, and Municipal Law.

I am aware that our Town's Administrator is not an accountant but it is the responsibility of the Board of Selectmen to insure that the Town's accounts are properly maintained. I urge you to use an outside resource if need be. Please remember that at Town Meeting 2005 many residents were upset by the adverse report presented by the town's auditors. Also, please remember that in Article 12 of 2005 we, the town, voted to increase our budget by \$12,000 to bring the town back into compliance and to avoid an auditor's statement such as we received for fiscal 2004.

Arthur, the board has inconveniently moved meetings so that the general public cannot attend and now, does not respond to written concerns. When you, Ralph and I were on the board, protocol was to respond to written concerns with a note or letter from the board of selectmen. My expectations are that A) you will move the meetings back to 5:30pm on Tuesday evenings (especially for budget presentations) and B) that you will respond to me regarding my 3 concerns.

My observations, critique, and solutions are only presented to serve the benefit of the town of Thornton. Please, as Chairman, lead the board in conversations to insure proper financial reporting.

Sincerely,



Lee Freeman

cc: Plodzick and Sanderson

cc: Bob Anderson, State of NH, Dept. of Revenue Administration

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