



## TOWN OF THORNTON BOARD OF SELECTMEN

Town of Thornton • 16 Merrill Access Road • Thornton NH, 03285 • 603.726.8168

Approved on: 12 11 13  
BOS Initial: BRB  
Rec'd by Town Clerk on: 12 Dec 13  
Town Clerk Initials: ZK

### Board of Selectmen Public Hearing Minutes November 6, 2013

**6:00 P.M. Chairman B. Benton opened the Thornton Board of Selectmen meeting with the Pledge of Allegiance.**

**ROLL CALL:** Chairman Brad Benton, Vice-Chairman Roy Sabourn, Selectwoman Marianne Peabody Selectmen John Paul-Hilliard, and Selectman Steve Morton.

**STAFF PRESENT:** Tammie A. Beaulieu, Town Administrator

**PUBLIC PRESENT:** See attached sign-in sheet.

#### **6:00 PM PUBLIC HEARING – POLE LICENSE ORDINANCE PUBLIC HEARING**

Chairman Benton read the attached notice into the record for the Public Hearing as advertised in the Record Enterprise on October 3, 2013.

The board of selectmen reviewed a form for Petition-Pole for License of Utility Poles/Underground Conduit for utility companies to complete when installing new utility poles.

T. Beaulieu explained that legal counsel has advised the use of the forms to establish value for taxation purposes. This process will require the utility company to inform the town of other companies using the poles, which will assist the Town when establishing an assessed value of the poles.

T. Beaulieu informed the board that the utility companies with pole licenses on file have been officially noticed of the public hearing in accordance with the law.

*Discussion on Page 2, Location Description, Item 2:* R. Sabourn stated that most of the utility companies may not have licensed or certified engineers or surveyors to prepare the required line maps, which is allowed if the individuals performing the survey work are solely surveying for the utility company. R. Sabourn recommended removing the licensed land surveyor requirement. The board agreed to revise the wording to exclude the requirement of a certified professional.

T. Beaulieu confirmed that the Town Clerk keeps record of the Pole Petitions but that the Board of Selectmen is responsible for approval of the Permit and Pole Licensing. T. Beaulieu presented a draft of a resolution for the Board to review pursuant to RSA 231:163 and RSA 43:2.

S. Morton questioned the wording in paragraph 4 of the Resolution. After discussion and review of the RSA's the board requested that T. Beaulieu contact town counsel for wording clarification.

B. Benton opened the public hearing for public comments.

J. Demeritt asked how the Town will know if the utility company includes all of the users of the pole when completing the Pole Permit.

R. Sabourn replied that the utility company should be required to complete a new form to inform the town when another company uses the pole to be in compliance with state law.

**MOTION: “To accept the resolution for the licensing of utility poles as presented during the public hearing and in accordance with the requirements of RSA 72:23 as written on the resolution:**

**In accordance with the requirements of RSA 72.23, I (b), this license is granted to the licensee(s) subject to the condition that the licensee(s) and any other entity using or occupying property of the municipality pursuant to this license shall be responsible for the payment of, and shall pay, all properly assessed real and personal property taxes no later than the due date. Failure of the licensee(s) to pay duly assessed personal and real property taxes when due shall be cause to terminate this lease.**

**In accordance with the requirements of RSA 72:23, I(b), the licensee(s) hereunder and any other entity using or occupying the property of the municipality pursuant to this license shall be responsible for the payment of, and shall pay, both current and potential real and personal property taxes when due. Furthermore, in accordance with the requirements of RSA 72:23, I, (b), the licensee(s) and any other entity using and/or occupying property of the municipality pursuant to this license shall be obligated to pay real and personal property taxes n structures or improvements assed by the licensee(s) or any other entity using or occupying the property of the licensor pursuant to this license.”**

Motion: S. Morton  
Seconded: R. Sabourn  
Discussion: None.  
Motion Passes: 5– Yes, 0 – No

**MOTION: “To accept the Petition - Permit for License of Utility Poles/Underground Conduit application with the change of striking out (name of surveyor or certified professional) on page 2, #2 of the application permit.”**

Motion: S. Morton  
Seconded: J. Paul-Hilliard  
Discussion: None.  
Motion Passes: 5– Yes, 0 – No

B. Benton closed the public hearing.

### **6:30 PM PUBLIC HEARING – HAWKERS & PEDDLERS ORDINANCE**

Chairman Benton read the attached notice into the record for the Public Hearing as advertised in the Record Enterprise on October 3, 2013.

Chief Moller explained the ordinance and confirmed that the Town prosecutor has reviewed the ordinance. People that would not be exempt from the ordinance include door to door sales people selling products or services for profit they would need to apply for a license.

B. Benton asked if Schwan’s would need a license to provide products. Chief Moller confirmed that if Schwan’s is delivery to a customer, they would not require a license, however if they were soliciting their products door to door, they would need a license.

The board reviewed the ordinance and fees associated. J. Paul-Hilliard asked if the recommended \$50 fee is related to the administrative costs. Chief Moller compared the fee to other towns and took into consideration the administrative time involved to process the applications and is agreeable to whatever cost the board agrees is reasonable. After discussion, the board agreed that the \$50 fee is appropriate.

S. Morton suggested that the wording of the ordinance, first line under additional information (p.2 of the Hawkers & Peddlers Application) be amended to state, "Your application may not be approved unless all of the following items are attached." Chief Moller and the Board agreed with this modification.

**MOTION: "To adopt the Hawkers & Peddlers Ordinance and application with one amendment on p.2 of the Hawkers & Peddlers Application to state, "Your application may not be approved unless all of the following items are attached."**

Motion: R. Sabourn  
Seconded: M. Peabody  
Discussion: None.  
Motion Passes: 5– Yes, 0 – No

#### **7:00 PM PUBLIC HEARING – THORNTON FEE SCHEDULE**

Chairman Benton read the attached notice per RSA 41:9-a into the record for the Public Hearing as advertised in the Record Enterprise on October 3, 2013.

T. Beaulieu stated that in the past this process was done annually and now the fee schedule is only updated as needed. The board reviewed the proposed fee schedule changes.

The board discussed the Transfer Station fees. The board agreed that the Transfer Station pamphlet should include the fees charged.

T. Beaulieu explained that each time the Selectboard holds a fee schedule hearing, the departments have the opportunity to review fees charged for products/services. The board noticed that the Planning and Zoning Board fees have almost doubled.

R. Sabourn stated that the \$2.00 fee for an 11x17 black and white copy is too expensive.

The board reviewed the Police Department patrol/cruiser rates. Chief Moller stated that she is proposing the same rates as FEMA currently charges. Chief Moller and T. Beaulieu recommended including language on the fee schedule that states the Town will use the current FEMA rate for patrol/cruiser use along with the current date. The board agreed that the cruiser rate will automatically change to match the current FEMA rate in the future.

B. Benton opened the public hearing for public comment.

B. Benton asked how the detail rate would apply when the police department is hired for special events. Chief Moller explained that the applicant would not be charged for the use of the cruiser since the cruiser is only serving as a means of transportation rather than being used consistently for road construction details.

S. Morton stated he had previously questioned K. McGuire as to his consent with the fee schedule and has confirmed his approval of the change in fees. T. Beaulieu suggested allowing K. McGuire some time to see if the proposed fee changes are reasonable.

The Board agreed to recess the public hearing in case adjustments are needed.

**MOTION: “To recess the public hearing in case adjustments are needed. The Public Hearing will be continued until November 13, 2013 at 2:00PM.”**

Motion: S. Morton

Seconded: R. Sabourn

Discussion: The Board also asked that T. Beaulieu request additional information to explain the reasoning behind the increases in the Planning and Zoning Board fees.

Motion Passes: 5– Yes, 0 – No

### **7:30 PM PUBLIC HEARING – SPECIAL EVENT – 2014 PEMI VALLEY BLUEGRASS FESTIVAL**

Chairman Benton stepped down as Chairman for the two special event public hearings and joined the public.

R. Sabourn asked that S. Morton chair the meeting since he has not participated in the special event public hearings for the past few years due to allegations. R. Sabourn is not abstaining but feels that S. Morton did a good job when he chaired the meeting last year.

S. Morton opened the public hearing at 7:30 p.m. and read the attached notice into the record for the Public Hearing as advertised in the Record Enterprise on October 3, 2013.

S. Morton stated that last year was the first year of the Bluegrass Festival, and this year’s special event process will be smoother now that there is a record of the event.

S. Morton reviewed the special event checklist. M. Peabody offered to address the health checklist. It is the same as last year, the food vendor licenses were picked up by the police department last year. M. Peabody stated that this year, she would like to pick up copies of the food vendor licenses at the day of the inspection on July 30, 2014 at 6:00 PM. M. Peabody recommended that Ms. Marsden receive a copy of the vendor licenses at the time that they hire the vendors.

S. Morton revisited the special event checklist.

- Four days of stage performance – July 31 at 2:00 PM through August 3, 2014
- Set up dates - July 28, 2014 through July 30, 2014 from 8:00AM to 10:00PM
- Clean up dates – August 4, 2014 through August from 8:00AM to 5:00PM

Tents will be set up as temporary structures as shown on the site plan.

- Chief submitted an after action report last year on August 7, 2013, which included one minor issue. Chief Moller had no additional comments.
- An after action report was also filed by the Captain of the Campton/Thornton Fire Department, and no issues of concern were reported.

S. Morton opened the meeting for comment from the public.

Chief Moller amended her requirement related to the Friday traffic detail, as it is not necessary for the Pemi-Bluegrass Festival and is only needed for the Boogie ‘n Blues Festival. She asked for it to be removed from the requirements. S. Morton removed the statement from the original document.

J. Demeritt asked if there was a traffic detail needed after the requirement was removed, would the police department be able to perform the detail. S. Morton agreed that the number of details is at the discretion of the Police Chief per RSA 105:9. S. Morton reviewed the requirements for the Thornton Police Department. Chief Moller stated that the requirement for radio communication was not upheld last year at the Festival; cellular phones were used as part of the emergency plan. Chief Moller stated that she is not comfortable with the use of cellular phones in place of radios. S. Morton restated that the use of radio communication is a requirement for this special event.

Campton/Thornton Fire Department requirements for the special event were reviewed.

Tom Powers, Emergency Management Director wrote a letter referencing the application with no issues relating to the special event request.

M. Peabody as health officer provided the applicants with a copy of a questionnaire she had prepared related to the health requirements. T. Beaulieu stated that the applicants will receive a complete packet of all necessary information once the Board approves the special event.

T. Beaulieu confirmed that there were no outstanding fees from last year's festival.

S. Morton reviewed the requirements of the special event application as follows:

- A. The site is appropriate for the proposed use. The board agreed 5-0 that this requirement has been met.
- B. The proposal is not detrimental or offensive to the neighborhood. The board agreed 5-0 that this requirement has been met.
- C. There will not be undue nuisance or serious hazard to pedestrian or vehicular traffic. The board agreed 5-0 that this requirement has been met.
- D. Adequate and appropriate facilities will be provided to ensure operation. The board agreed 5-0 that this requirement has been met.
- E. The site provides adequate parking. The board agreed 5-0 that this requirement has been met.
- F. Adequate sanitation devices and waste removal facilities will be provided. The board agreed 5-0 that this requirement has been met.
- G. All other required licenses have been obtained. The board agreed 5-0 that this requirement will be met.
- H. Neither the property owner nor the applicant has failed in the past to pay the necessary fees associated in the past. The board agreed 5-0 that this requirement has been met.

**MOTION: "To grant a special events permit to the Pemi-Bluegrass Associates for the 2014 Pemi Valley Bluegrass Festival for the events dates of July 31, 2014 at 9:00 A.M. through August 3, 2014 at the Sugarshack Campground."**

Motion: M. Peabody  
Seconded: J. Paul-Hilliard  
Discussion: None.

*\*Motion Passes: 5 – Yes, 0 – No*

*\*The original motion was withdrawn and the vote invalidated.*

**AMENDED MOTION: “To approve the application for a special events permit to the Pemi-Bluegrass Associates for the 2014 Pemi Valley Bluegrass Festival for the events dates of July 31, 2014 at 9:00 A.M. through August 3, 2014 at the Sugar Shack Campground.”**

Motion: R. Sabourn  
Seconded: M. Peabody  
Discussion: Conditions of the Permit – Event dates are considered from 9:00 AM Thursday through July 31, through 9am August 4. Conditions also include successful reporting from the Police Department, Fire Department, and Health Officer. The quiet time will be at 10:00 P.M. and the last act will be at 3:00 P.M. The board agreed that the special event regulations relative to noise must be in accordance with the current campground regulations of quiet time being 10:00PM all days.

Motion Passes: 5 – Yes, 0 – No

**8:00 PM PUBLIC HEARING – SPECIAL EVENT – 2014 WHITE MOUNTAIN BOOGIE & BLUES FESTIVAL**

S. Morton opened the public hearing at 8:00 p.m. and read the attached notice into the record for the Public Hearing as advertised in the Record Enterprise on October 24, 2013. The applicant for the 2014 White Mountain Boogie ‘n Blues Festival is Bradford C. Benton and Helen Steele for PID 10-3/37 from August 14, 2014 August 18, 2014.

S. Morton reviewed the application checklist.

- Fees have been paid
- Applicant paid in full for last year’s event.

S. Morton reviewed letters from emergency personnel from the 2013 event:

- *Health Officer* – M. Peabody stated that she has a checklist for before and after comments. Last year she did not have complaints but this year she would like the food vendors licenses and inspection form complete when she arrives.
- *Thornton Police Department (TPD)*– August 19, 2013 After Action Report concluded that the size of the crowd continued to grow, patrons were respectful, and traffic was a problem with campers arriving on Thursday. TNT security did not provide radios to the TPD for the majority of the event. A lack of communication could relate to a safety issue in the future. No major incidents, problems, or concerns. The heaviest traffic was reported on Friday afternoon.
- *Campton/Thornton Fire Department* – emergency medical services were provided with no ambulance transportation needed, services provided ranged from minor cuts to partial airway obstruction. The Campton/Thornton Fire Department reported that a portable radio was needed at the EMS area to provide better communication.
- *Emergency Management* – T. Powers provided an after action report for 2013 Boogie ‘n Blues Festival. The traffic was well managed, crown management was effective, TPD were well staffed at the event.

S. Morton reviewed the TPD event requirements for 2014:

1. Driveway Permit per application instructions
2. Parking lot lighting from dusk until majority of vehicles have left.

3. Detail officers and times will be at the discretion of the Police Chief per RSA 105:9, as well as an agreement that in the event an emergency situation requires the TPD to acquire additional officers, the festival will cover the expense of the additional officers.
4. A Friday afternoon traffic detail will be added to reduce traffic congestion at the event.
5. Meeting with the department heads to review all hazards plan.
6. Event coordinator or Private Security Company will provide, at a minimum, 1 radio for communication between TPD and security staff. B. Benton confirmed that they will have radios this year.

The board discussed the traffic conditions. R. Sabourn and J. Demeritt recommended a warning-reduce speed sign in both directions for the beginning of the event. Chief Moller agreed to look into the signage.

S. Morton reviewed the Campton/Thornton FD (CTFD) event requirements for 2014:

1. During the fireworks display, one fire engine and two firefighters are needed to stand by
2. Area farm owners must be notified of fireworks prior to event
3. A minimum of 2 CTFD EMT's on duty during open hours of event
4. First Aid tent accessible by ambulance
5. All tents must have certificate of flame proofing
6. Parking and emergency lanes identified and inspected by fire department, marked with paint and signs
7. Walk through before event opens
8. Other unforeseen items after walk through
9. Campfire permit letter
10. Fire Chief added this requirement during the public hearing - Event coordinator or Private Security Company will provide, at a minimum, 1 radio for communication between CTFD and security staff. B. Benton confirmed that they will have radios this year.

R. Sabourn asked if the applicants have filled out the checklist for 2014 Health Inspection requirements as part of the special event application. M. Peabody stated that she collects the checklist at the time she completes the inspection.

The board discussed the process followed at this time concerning the health inspections. R. Sabourn is concerned that the applicants understand what is required for health inspections. R. Sabourn recommended that the Health Officer requirement/checklist be included in the application process.

M. Peabody explained that the applicants will sign receipt of the checklist and are aware of the requirements. She will not sign the permit as health officer if the requirements are not met. T. Beaulieu recommended that she remove the NO sections of the checklist as these items are not optional.

Health Officer M. Peabody submitted a copy of the health inspection requirement/checklist to the applicants; the only difference is that she is requiring 90 portable toilets. S. Morton read the Health requirements:

1. 3 -40 yard metal trash containers
2. Trash receptacles be placed throughout the site
3. Trash receptacles will be emptied into the 40 yard metal trash containers located on site
4. Portable toilets – 85 single, 5 handicapped, with antibacterial hand wash
5. Pump-out Service available for private RVs
6. Food Vendor Licenses provided to Health Inspector on the day of Inspection
7. Non potable, non-drinkable water on site
8. FDA bottled drinking water sold by NH licensed vendor requirement

Event dates and times:

- Four days with two and a half days of entertainment – August 14 at 4:00 PM through August 18, 2014 at 4:00 PM
- Set up dates – Week of the festival, August, 2014 through July 30, 2014 from 8:00AM to 11:00PM
- Clean up dates – Week after the festival, August 4, 2014 through August from 8:00AM to 5:00PM
- Performances are scheduled Friday August 15, 2014 5:00PM – 10:00PM, Saturday 11:00AM – 10:00PM with fireworks beyond the quiet hours, Sunday 11:00AM to 6:00PM

J. Paul-Hilliard restated that the campground regulations state quiet hours begin at 10:00PM, and asked if this is a request to extend the typical campground regulations. S. Morton stated that the fireworks have been held every year from 10:00 PM to 11:00PM. and the extended set up time to 11:00PM for Wednesday evening before the event.

S. Morton asked for any further public comments.

No comments were received.

S. Morton reviewed the requirements of the special event application as follows:

- A. The site is appropriate for the proposed use. The board agreed 5-0 that this requirement has been met.
- B. The proposal is not detrimental or offensive to the neighborhood. The board agreed 5-0 that this requirement has been met.
- C. There will not be undue nuisance or serious hazard to pedestrian or vehicular traffic. B. Benton stated that the warning signs for traffic ahead will help. B. Benton also stated that he will add a third lane of traffic coming into his property to keep the vehicles moving. The board agreed 5-0 that this requirement has been met.
- D. Adequate and appropriate facilities will be provided to ensure proper operation of proposed use of structure. The board agreed 5-0 that this requirement has been met.
- E. The site provides adequate parking. The board agreed 5-0 that this requirement has been met.
- F. Provide adequate sanitation devices and waste removal facilities will be provided. The board agreed 5-0 that this requirement has been met.
- G. All other required licenses have been obtained. The board agreed 5-0 that this requirement will be met.
- H. Neither the property owner nor the applicant has failed in the past to pay the necessary fees associated in the past. The board agreed 5-0 that this requirement has been met.

**MOTION: “To conditionally approve a special events permit for the 2014 White Mountain Boogie ‘n Blues Festival for the event dates of July 31, 2014 through August 3, 2014 at the Sugarshack Campground.”**

Motion: M. Peabody  
Seconded: J. Paul-Hilliard

*Discussion:* J. Paul-Hilliard reviewed the evacuation guidelines and noticed that the quiet time is listed as 11:00PM to 7:00AM, since the campground has quiet hours of 10:00PM, he questioned if this notation should be updated. Michael Benton agreed that it should be changed. J. Paul-Hilliard also stated that the Linwood Medical Center is not a walk-in as noted on the emergency list. B. Benton agreed that this should be removed from the emergency list.

*Conditions of the Permit include:*

1. Meeting all requirements established by the Campton/Thornton Fire Department, the Thornton Police Department, and the Health Officer.
2. Providing radio communications for the Event Coordinator or Private Security company to communicate effectively with the Fire Department and the Police Department as discussed.
3. Extend the campground quiet hours to 11:00 PM on the day before the event to allow vendors time to arrive and set up, and to extend quiet hours to 11:00 PM on Saturday, August 16 due to the firework schedule. The quiet time will be 10:00PM for all other nights.
4. To erect a warning-reduce speed sign in both directions for the beginning of the event.

Motion Passes: 5 – Yes, 0 – No

**MOTION 9:08 P.M.: “To adjourn.”**

Motion: R. Sabourn  
Seconded: M. Peabody  
Discussion: None.  
Motion Passes: 5 – Yes, 0 – No

Respectfully submitted,



Jessi Fleury  
Board Secretary  
Draft posted 11/13/2013

**TOWN OF THORNTON**  
**Selectmen's Agenda**  
**Wednesday, November 13, 2013**  
**12:00 PM**

12:00 PM Flag salute

Work session – (no public input)

Manifest  
Signature Folder  
Action Folder reviewed by Board for discussion later  
Mail Folder

Motion and sign the payroll and vendor manifest

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

1:00 PM Kelly Bolger-Clerk of Works PD Phase I update  
1:15 Fire Commissioner introduces new Fire Chief  
1:30 Cartographic - Mapping  
2:00 Fee Schedule Public Hearing continued from 11/6/13  
2:15 Permissible Fireworks  
2:30 Wage/Benefit criteria established by selectmen for 2014 draft budget  
2:45 PD Policy Change-PD living requirement changes  
3:00 Non-public session - pursuant to RSA 91-A: 3, II (a-personnel) PD

Town Administrator presents (no public input)

Action Folder (no public input)

Board of Selectmen Item Discussions (no public input)

**Public Forum (5 minute session per person)**

Other business or non-public issues as needed pursuant to RSA 91-A: 3, II

Residents may contact the Town Administrator to get placed on a future agenda.

\*The board may review decisions made during the meeting in public input, at the closing of the meeting, provided information that could result in an adjustment to a decision that was made during the meeting.

Board of Selectmen  
November 6, 2013  
SIGN IN SHEET (Please Print)

- 1 James Depina
- 2 Chief Moller
- 3 Steve M. Rydick
- 4 Aurora DeLuca
- 5 Mike Butler
- 6 Craig Engel
- 7 Susan Marsden Susan Marsden
- 8 Robert Dunlap
- 9 Helen Steele
- 10 Mary Bond
- 11 Daniel DeForest Chief GFR
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## NOTICE OF PUBLIC HEARING

The Board of Selectmen shall hold a public meeting on Wednesday, November 6, 2013 at the Thornton Town Office for the purpose of conducting other business and to conduct Public Hearings to consider the following Special Event applications at the times listed:

### **7:30pm – Pemi Valley Bluegrass Festival**

Special Event Application submitted by Pemi Valley Associates to hold the Pemi Valley Bluegrass Festival from July 31, 2014 to August 3, 2014 on property owned by Brad C. Benton and Helen B. Steele identified as Map 10 Lot 3-37 located at 2015 NH Rt. 175.

### **8:00pm – Boogie n' Blues Festival**

Special Event Application submitted by Brad C. Benton to hold the Boogie n' Blues Festival from August 14, 2014 to August 18, 2014 on property owned by Brad C. Benton and Helen B. Steele identified as Map 10 Lot 3-37 located at 2015 NH Rt. 175.