



Approved on: 2-14-18
BOS Initial: JH
Rec'd by Town Clerk on: 2/20/18
Town Clerk Initials: JS

TOWN OF THORNTON BOARD OF SELECTMEN

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

Board of Selectmen Meeting Minutes January 31, 2018

ROLL CALL: Chairman Paul-Hilliard, Vice Chairwoman Marianne Peabody, Selectman Brad Benton, Selectman Roy Sabourn, and Selectman John Gaites.

STAFF PRESENT: Town Administrator (TA) Debra Shepard

5:00 P.M. Chairman Paul-Hilliard opened the Thornton Board of Selectmen meeting with the Pledge of Allegiance:

5:00 p.m. MOTION: "To enter into non-public session under RSA 91-A:3, II (c)."

Motion: R. Sabourn

Seconded: J. Gaites

Discussion: None.

Roll Call: John Paul-Hilliard – Yes, Roy Sabourn – Yes, Marianne Peabody – Yes, John Gaites – Yes, and Brad Benton – Yes.

Motion Passes: 5 – Yes, 0 – No

5:16 p.m. MOTION: "To exit non-public session."

Motion: R. Sabourn

Seconded: J. Gaites

Discussion: None.

Motion Passes: 5 – Yes, 0 – No

ACTION FOLDER

MOTION: "To approve the vendor manifest dated 2-2-2018 in the amount of \$277,258.99."

Motion: J. Gaites

Seconded: M. Peabody

Discussion: None.

Motion Passes: 3 – Yes, 0 – No

Abstained: R. Sabourn, J. Paul-Hilliard

MOTION: "To approve the payroll manifest dated 2-2-2018 in the amount of \$27,350.53"

Motion: B. Benton

Seconded: M. Peabody

Discussion: None.

Motion Passes: 3 – Yes, 0 – No

Abstained: R. Sabourn, J Paul-Hilliard

MINUTES

MOTION: "To approve meeting minutes of January 17, 2018 as amended."

Motion: R. Sabourn

Seconded: J. Gaites

Discussion: None.

Motion Passes: 4 – Yes, 0 – No

Abstained: J. Paul-Hilliard

MOTION: "To approve meeting nonpublic meeting minutes of September 13, 2017 as written."

Motion: R. Sabourn

Seconded: J. Gaites

Discussion: None.

Motion Passes: 3 – Yes, 0 – No

Abstained: J. Paul-Hilliard

MOTION: "To approve meeting nonpublic meeting minutes of September 27, 2017 as written."

Motion: R. Sabourn

Seconded: J. Gaites

Discussion: None.

Motion Passes: 3 – Yes, 0 – No

Abstained: M. Peabody

MOTION: "To approve meeting nonpublic meeting minutes of November 2, 2017 as written."

Motion: R. Sabourn

Seconded: J. Gaites

Discussion: None.

Motion Passes: 3 – Yes, 0 – No

Abstained: J. Paul-Hilliard

MOTION: "To approve meeting nonpublic meeting minutes of November 8, 2017 as written."

Motion: R. Sabourn

Seconded: Gaites

Discussion: None.

Motion Passes: 5 – Yes, 0 – No

MOTION: "To approve meeting nonpublic meeting minutes of November 20, 2017 as written."

Motion: R. Sabourn

Seconded: J. Gaites

Discussion: None.

Motion Passes: 5 – Yes, 0 – No

Abstained: M. Peabody

MOTION: “To approve meeting nonpublic meeting minutes of December 18, 2017 as written.”

Motion: R. Sabourn

Seconded: B. Benton

Discussion: None.

Motion Passes: 5 – Yes, 0 – No

Minuteman Security

The Board reviewed the final contract with Minuteman Security. TA Shepard stated that all components of the contract are as previously agreed upon. The Board signed the contract.

TA Shepard stated that wireless remotes do not work with the new system. An estimate of \$1461.36 was presented to include new wireless devices for the updated security system.

MOTION: “To approve the purchase of wireless panic remotes for the security system in the amount of \$1,461.36 from Minuteman Security.”

Motion: M. Peabody

Seconded: B. Benton

Discussion: None.

Motion Passes: 5 – Yes, 0 – No

MOTION: “To approve an Intent to Cut for PID #15-1-20 as presented.”

Motion: R. Sabourn

Seconded: Gaites

Discussion: None.

Motion Passes: 5 – Yes, 0 – No

MOTION: “To approve an abatement from an elderly tax deferral that was approved for PID#10-7-7 in the amount of \$18,756.00.”

Motion: R. Sabourn

Seconded: Gaites

Discussion: None.

Motion Passes: 5 – Yes, 0 – No

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

Selectman R. Sabourn and Selectman B. Benton recused themselves from the meeting temporarily.

6:00 M. Mahmoud – resident concern

Chairman Paul-Hilliard read a statement into the record. The Town and the Board do not condone discrimination of any kind and takes seriously any suggestion of that taking place. The actions of the Town and the Board of Selectmen with respect to Mr. Mahmoud have never been motivated by discrimination of any kind. The Board's understanding that the alleged conversation Mr. Mahmoud is speaking about was a

private one and although it included a member of the Board of Selectmen, he was speaking as a private individual in a private setting and not in his capacity as a Selectperson or on behalf of the town or the Board of Selectmen. The Board appreciates Mr. Mahmoud bringing his matter to their attention.

Chairman Paul-Hilliard explained to Mr. Mahmoud that he would be allotted 15 minutes with no interruptions to address the board with his concerns. Chairman Paul-Hilliard cautioned Mr. Mahmoud that there will be no discussions relative to the current court proceedings.

M. Mahmoud made it clear to the BOS that he does not want the town to send him anything by email going forward. He wants everything sent to him by US Mail.

Mr. Mahmoud stated that he would like the Board to recuse Roy Sabourn and Brad Benton from anything that has to do with him from now on.

He went on to say that he disagrees that comments made by Brad Benton were made in a private capacity and that he feels it is wrong for Mr. Benton to refer to him as a terrorist and that it was illegal for him to do that. He asked for Selectman Benton's resignation from the BOS and he also requested an apology from him.

Mr. Mahmoud stated that he wrote a letter to the Thornton Police Chief asking for copies of all the police reports he has made. Mr. Mahmoud stated that he has made many reports to the Police Department and has never received a follow up. The Chief informed him that there is a fee for copies of police reports. Mr. Mahmoud stated that he does not have the money to pay for these copies and asked that the fees be waived.

Mr. Mahmoud discussed subdivision disputes with his property and claimed that the disputes were due to racism from the Board of Selectmen.

Mr. Mahmoud again requested that Selectmen Benton resign and issue an apology and he stated he wants the BOS to recognize the inappropriate comment.

Mr. Mahmoud asked the Board if they do not request Selectman Benton to resign, if they would require Selectman Benton to recuse himself from all future Maher Mahmoud discussions. He also asked again that the BOS waive the police department fees for copies of police reports.

Chairman Paul-Hilliard stated that this will be taken under advisement and a decision will be provided in writing to Mr. Mahmoud. Chairman Paul-Hilliard stated that the Board of Selectmen cannot interfere with a law enforcement investigation and are only empowered to control monetary spending and disciplinary action on the part of employees. He further stated that the Board of Selectmen does not have the authority to intervene in investigations or waive fees under the jurisdiction of the Chief of Police. Chairman Paul-Hilliard stated that any request to have fees waived would have to be made through the Chief of Police.

Mr. Mahmoud stated that he is not asking for the Board to intervene with an investigation and is under the impression that the Board of Selectmen can waive fees. Chairman Paul-Hilliard stated that they will seek direction from legal counsel.

Selectman Sabourn and Selectman Benton rejoined the meeting after Mr. Mahmoud left.

6:15 Chief Miller – STEP Grant and CHAD Grant (Bike Helmets)

Chief Miller met with the Board to discuss the STEP Grant and CHAD Grant and receive signatures for grant approvals.

MOTION: “To allow the Police Chief to accept the STEP Grant funds.”

Motion: R. Sabourn

Seconded: J. Gaites

Discussion: None.

Motion Passes: 5 – Yes, 0 – No

MOTION: “To allow Chief Miller to apply for and accept the CHAD grant and to accept 25 bicycle helmets at no cost to the Town so that the Police Department can provide bicycle helmets to children.”

Motion: R. Sabourn

Seconded: J. Gaites

Discussion: None.

Motion Passes: 5 – Yes, 0 – No

6:30 CIP Revision – Bill DeLeo

Bill DeLeo met with the Board to discuss revisions made to the CIP. TA Shepard provided packets to the Board members for review. B. DeLeo explained that he anticipated that \$135,000 would be left in the building fund by the end of the year due to the delay in Transfer Station and Town Hall renovations. The Trustee of Trust Funds provided a balance that was less than was anticipated. B. DeLeo noticed more than \$7,500 was withdrawn from the balance that he was not aware of which created a negative balance in 2026. He was able to move \$5,000 of proposed reserve funding from the highway fund to the building reserve fund.

TA Shepard explained that Alba Architects had billed \$3,174 for the Transfer Station project and \$4,353.40 for the Town Hall project for preparation of the bid packets for a total cost out of this Capital Reserve account of \$7,528.36. TA Shepard explained that the proper process was followed for requesting these funds from the Trustee of the Trust Funds. It was discovered, however, that Campton and Ellsworth's shares of the Transfer Station bid work was also paid out of this capital reserve. Both towns have been billed and these funds will be returned to the Capital Reserve accounts once received. TA Shepard stated that moving forward, the Bookkeeper will send each cooperating Town an invoice for their share of cost and ask them to forward their checks made out to the vendor to the Town of Thornton. Our bookkeeper will then send in the checks for payment. TA Shepard again noted that the correct process for the release of funds was followed, but that communication between the CIP and the Town could be improved and would be going forward.

TA Shepard stated that Mr. Dumont has come into the office to inquire about the Town Hall Renovation project and was provided with a copy of the bid package. He has been a couple of times to review the project and she is hopeful an estimate will be received soon. He also took a copy of the Transfer Station bid packet. The Board was very pleased with this information.

The Board discussed the pending renovation projects.

MOTION: "To approve a revised CIP plan dated January 23, 2018 as presented this evening to correct a fund deficiency in the municipal building capital reserve fund."

Motion: R. Sabourn

Seconded: J. Gaites

Discussion: None.

Motion Passes: 5 – Yes, 0 – No

6:45 Signatures on Final Warrant and DRA MS 636

MOTION: "To approve and sign the 2018 MS 636 for the Town of Thornton for the period of January 1, 2018 through December 31, 2018."

Motion: R. Sabourn

Seconded: Gaites

Discussion: None.

Motion Passes: 5 – Yes, 0 – No

MOTION: "To approve and sign the final warrant for the 2018 Town Meeting."

Motion: R. Sabourn

Seconded: B. Benton

Discussion: None.

Motion Passes: 5 – Yes, 0 – No

TOWN ADMINISTRATOR PRESENTS

Fire Department Tahoe Purchase Request

TA Shepard stated that Chief Defosses asked when the Fire Department could purchase the Tahoe. The Board agreed that the purchase can be made after town meeting. The Board discussed the CIP and suggested that she discuss this with the CIP committee. Selectman Sabourn stated that the CIP funding does not usually take place until the July tax bill. TA Shepard will inform Chief Defosses.

Blake Mountain

TA Shepard stated that AA Mahurin had completed paperwork from the town attorney regarding the Blake Mountain complaint and request for preliminary and permanent injunctive relief, penalties, cost and attorney's fees. The town attorney had prepared an affidavit for Brian Regan to sign as the town Enforcement Officer. The Board had

previously discussed that the BOS Chairman should sign the affidavit as the enforcement officer. TA Shepard presented the updated affidavit for signature. Chairman Paul-Hilliard signed the affidavit.

Special Event Applications

The Board had previously asked TA Shepard to have the Administrative Assistant contact both special event applicants to see when they would be available for the public hearing for the Pemi Bluegrass Festival and Boogie 'n Blues special events. TA Shepard stated that the applicants have agreed on the date of Monday, February 19, 2018 at 6:00 p.m.

MOTION: "To schedule a Special Event public hearing on Monday, February 19, 2018 at 6:00 p.m. for the Pemi Bluegrass and Boogie 'n Blues special event application."

Motion: R. Sabourn

Seconded: B. Benton

Discussion: None.

Motion Passes: 5 – Yes, 0 – No

Millbrook Culvert Update

TA Shepard stated that a new cost estimate was received from Tom Ballestero. Mr. Ballestero is suggesting an additional overflow culvert. Road Agent Kubik is in support of this change. The Board wants more time to review the new cost estimate and will discuss this further at the next meeting. The Board agreed to have Selectman Sabourn contact Tom Ballestero and he will also meet with RA Kubik.

Notice of Hearing - Mahmoud

TA Shepard stated that she received a Notice of Hearing on the M. Mahmoud case in Superior Court, scheduled for March 8th at 1:30 p.m. TA Shepard will attend.

Avitar

TA Shepard gave an update on Avitar. Dave Woodward our current assessor informed TA Shepard that he was going to be training a new assessor who would eventually take over his role as assessor for Thornton. TA Shepard contacted Loren Martin of Avitar to get more information on this proposed change. Loren assured her that Dave would be training Robb Jutton in the field and the change will occur over the course of a year. A new data collector will be working with the Town as well.

Material Request

RA Kubik received a request from resident Bruce McDonald. He asked if he could repurpose the wood from the Mill Brook covered bridge. He assured RA Kubik that he would clean up the area when he was finished. RA Kubik felt by giving the wood away to be repurposed, it would save the town from having to dispose of the wood. The Board discussed potential liability and the preparation of a waiver. The Board agreed to have TA Shepard follow up on this with counsel.

Fire Department Financials

TA Shepard stated that Chief Defosses spoke with the Fire Department Treasurer Deb Sullivan regarding incorrect balances in the fire department's budget at year end. She explained that there were funds that were not cleared on a regular basis and had to be done at year end. The Board discussed that these funds should have been updated on a monthly basis or at least a quarterly basis. D. Sullivan suggested that as a way to correct this, she will review financial statements and make these adjustments quarterly going forward. TA Shepard will send a letter to Chief Defosses stating the Thornton BOS would like this accounting process done monthly or at a minimum, quarterly to help alleviate this issue at year end.

MOTION: "To accept the notice of retirement from George Cheney effective February 28, 2018."

Motion: J. Gaites
Seconded: B. Benton
Discussion: None.

Motion Passes: 5 – Yes, 0 – No

Veterans Administration

TA Shepard informed the Board that a request was made from the Veterans Administration to include information in the 2017 Thornton Annual Town Report. The Board agreed to include this information in the 2017 Annual Report.

7:52 p.m. MOTION: "To adjourn."

Motion: J. Gaites
Seconded: B. Benton
Discussion: None.

Motion Passes: 5 – Yes, 0 – No

Respectfully submitted,

Jessi Fleury
Board Secretary