



**TOWN OF THORNTON  
BOARD OF SELECTMEN**

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

Approved on: 4-1-15  
BOS Initial: JPH  
Rec'd by Town Clerk on: 4-2-15  
Town Clerk Initials: JPH

**Board of Selectmen Meeting Minutes  
March 18, 2015**

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

**ROLL CALL:** Selectman John Paul-Hilliard, Selectwoman Marianne Peabody, Selectman Roy Sabourn, and Selectman Jim Demeritt.

**ABSENT:** Selectman Brad Benton

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

The Selectboard began their work session.

**5:28 P.M. MOTION: "To enter nonpublic session pursuant to RSA 91-A:3, II (e)."**

Motion: R. Sabourn

Seconded: J. Demeritt

Discussion: None.

Roll Call: John Paul-Hilliard – yes, Roy Sabourn – yes, J. Demeritt – yes,  
Marianne Peabody – yes.

Motion Passes: 4 - Yes, 0 - No

**5:45 P.M. MOTION: "To exit nonpublic session."**

Motion: R. Sabourn

Seconded: J. Paul-Hilliard

Discussion: None.

Motion Passes: 4 - Yes, 0 - No

**Public Forum**

*Maher Mahmoud*

Chairman John Paul-Hilliard announced that he would move up the public forum portion of the meeting to allow conversation requested by Maher Mahmoud. M. Mahmoud thanked the Board since they discussed his case already. He stated that he is here in good faith to see if he can come up with some kind of mediation work out instead of litigation and is open for both litigation and mediation. He stated that if they wish to sit down with him and hear him out about this case and do what is in the best interest of the town financially, or if they want to go through the litigation by all means he has no choice but going with litigation. M. Mahmoud stated that he is here in good faith to see if he can convince them enough that he is not in the wrong, but that he is in the right. M. Mahmoud further stated that if the board insists that he is in the wrong and seek

litigation he has no other alternative but to continue to seek litigation. He again stated that he is here in good faith to present his case to the board as to whether the land is his or not. M. Mahmoud stated that he spoke with the Town's attorney on Friday, which gave him 25 minutes of fame after he had to go 50 miles there and 50 miles back, he accomplished nothing in 25 minutes. He stated that it was not discussion in good faith as Judge McCloud directed them to do. The judge has not issued an order yet, while waiting for his order, if the board wishes to mediate this issue and save the Town some money, he would be glad to work it with the Board. M. Mahmoud explained that if the Board chooses to continue litigation, he also has no choice but to answer to litigation.

Selectman Sabourn stated that he believes (M. Mahmoud interjected and stated that he knew Selectman Sabourn would speak first) they are already in the litigation mode and are represented by legal counsel and have been before the judge. As far as the board working out a deal with M. Mahmoud, today, tomorrow or the next day, he recommends talking with town counsel since the board is not in a position to make any deal. Selectman Sabourn stated that if M. Mahmoud and town counsel can come to a resolution that the Board believes makes sense upon advice from town counsel then they can probably work something out. Selectman Sabourn stated that tonight is not the night to listen as to who the land belongs to, in his opinion. Sabourn explained that M. Mahmoud has court orders and has filed motions and the town has filed motions. Sabourn advised M. Mahmoud to speak to town counsel to see if he can come to a meeting of the minds that town counsel can put forth as a proposed agreement in writing that each party would be willing to sign then maybe they can make the whole thing go away. Selectman Sabourn stated that if M. Mahmoud still thinks that he is right, then he does not think the Board is headed there based upon what the Board thinks. Selectman Sabourn expressed that these are his thoughts, and if they can't come up with a resolution with counsel that they can live with, then he does not think there is another option than to let the judge decide and see where that goes. If the judge concurs that M. Mahmoud is right and the town is wrong, so be it.

M. Mahmoud stated that he contacted the town attorney on Friday and met with them for 25 minutes which was not enough time to negotiate anything at all. M. Mahmoud stated that the body of the town, the selectmen, who elected to sue him...he would like to know how much money so far the Town has invested in this case. Selectman Sabourn stated that he cannot say, he does not know the answer to that question tonight. M. Mahmoud asked him how much more or less has been spent on this case. Selectman Sabourn reiterated that he does not know the answer to that question this evening. M. Mahmoud requested that the Board tell him tomorrow how much they have invested in this case. Selectwoman Peabody stated that the Town Administrator is not in the office at this time and is in vacation this week and she would be the person that can pull these numbers together. Administrative Assistant stated that the Town Administrator would be back Monday or Tuesday. Selectman Sabourn suggested by the middle of next week, the Town Administrator could have that information ready. M. Mahmoud asked if the Board has any idea how much the case has cost so far. Selectman Sabourn repeated that he did not know tonight. M. Mahmoud asked the Board if they were aware that the attorney withdrew his request for attorney fees. The Board agreed that they are aware. M. Mahmoud stated that the town is investing all this money just to prove what exactly.

Chairman J. Paul-Hilliard stated that this is a conversation the Board should not have and does not want to enter into conversation when the town has counsel that is doing that on their behalf. M. Mahmoud stated that the conversation is not admissible in court that it is just a discussion. M. Mahmoud repeated that he is here in good faith again; if the Board is willing to work it out with him instead of litigation. He stated that litigation is very costly, he lives in this town and his children live in this town, and he is going to live and die in this town. He does not want to be someone that sues the town but if he has no other alternative but to seek guiding counsel from court he will do that although it doesn't make it easy. M. Mahmoud stated that the selectmen had made a threat before to sue him and his family and he does not want to go this route. M. Mahmoud stated that he does not understand why the selectmen would want to spend the taxpayer money, which is his money, for litigation if they can work it out with agreement.

Chairman Paul-Hilliard stated that they are not denying that they have heard his message, and it has been heard loud and clear that M. Mahmoud would like to negotiate or mediate but they cannot do it right now. It is not right, as elected officials to undertake any kind of litigation of any form without counsel present and in a public forum where there may be an expectation of privacy. Chairman Paul-Hilliard repeated that tonight is not the right time to do this.

M. Mahmoud repeated that he would like the Board to assist with their attorney and work it out. Selectman Peabody suggested that the Board contact their attorney and let them know that M. Mahmoud would like to talk to them to negotiate. Selectman Sabourn agreed that the town attorneys will likely schedule another meeting with Mahmoud. M. Mahmoud stated that the attorneys scheduled a meeting with him on Friday at 8:00 a.m. and only gave him 25 minutes. Selectman Sabourn confirmed that the Board has heard this concern four times this evening and believes that Mahmoud will hear from the town's attorney to try to negotiate a solution.

M. Mahmoud addressed Selectman Sabourn and stated that in the future when he talks to him, don't tell him that he has heard him four times because he feels like he is making fun of him. Selectman Sabourn stated that he is not making fun of him, he has heard his message. M. Mahmoud stated that he was not finished talking and that it was his turn to speak.

Chairman J. Paul-Hilliard interjected that he is the chairman and can stop the conversation as well and asked that M. Mahmoud respect the Board. Chairman Paul-Hilliard asked that M. Mahmoud go ahead with the content of his concerns. M. Mahmoud expects that the town will contact their attorney and ask them to mediate. Chairman Paul-Hilliard stated that the board has heard that request loud and clear and has agreed to contact their attorney. Chairman Paul-Hilliard asked if there were any new concerns. M. Mahmoud replied that he did not have any further concerns. Chairman Paul-Hilliard thanked Mahmoud for his time.

#### *Farnsworth – Special Event Application*

B. Farnsworth met with the Board to discuss a Special Event Checklist submitted by S. Keeny on March 12, 2015 for a wedding event consisting of 150 people to be held in the campground field at the Sugar Shack Campground. B. Farnsworth stated there was some confusion as to whether they should have answered "yes" to the first question.

Chairman Paul-Hilliard read the first question that asks if they are leasing or renting the event, and the applicant checked - yes.

B. Farnsworth stated that everything goes into a spiral if they answer yes for question 1. S. Keeney stated that they told him that no one else has had to come before the Board for a wedding and asked if they had checked the wrong box. Selectwoman Peabody asked how many people they plan to have at the wedding. S. Keeney stated that they plan to have 150 people at the wedding. Selectwoman Peabody stated that the cut off is 200 people. B. Farnsworth stated that they are renting the camping field but are not having any vendors and that the questions are vague. Selectman Sabourn stated that he can see their concern and usually the number of people attending are so big that the special event process is followed. Selectman Sabourn recalled that in the past, the field was used by family members and a fee was not charged which did not require a license.

The Selectboard reviewed the Checklist and the Special Event Regulations. The Board discussed the possible need to add a waiver section to the Special Event Regulations to address similar circumstances in the future. B. Farnsworth stated that they would like to amend the checklist submitted to reflect that they will not be renting/leasing the site. Selectman Paul-Hilliard stated that if no fee is being collected to hold the event at the site that it would be appropriate to answer "no" to the first question.

Chairman J. Paul-Hilliard asked if there was latitude or a precedent in past history. N. Decoteau asked if the applicant would be using the special event area and the stage area. B. Keeney stated they are not using this area, only the camping area. B. Farnsworth stated that if people want to stay at the camp ground, they can but that use has nothing to do with the wedding.

The Selectboard asked if this wedding was at the same time as the Boogie 'n Blues event. B. Farnsworth replied that it is not, it is the week after. Selectman Sabourn reviewed the regulations and requirements a-e. Selectman Demeritt asked if they could waive the license requirement. Selectman Sabourn looked for a waiver clause in the regulations. A waiver was not located in the regulations. Chairman John-Paul asked if the board could table the discussion to determine if they can waive the regulations for this event. Selectman Demeritt suggested adding a waiver to the regulations.

Selectman Sabourn stated that the Board may be within bounds to grant an exception even though they are renting the site, but needs to look at the RSA and perhaps contacting NHLGC to obtain an answer. B. Keeney stated that Paul Steele offered to not charge a rental fee if the process became too involved. Chairman Paul-Hilliard stated that not paying a rental fee would allow Keeney to check the no answer to question 1 which would not require a special event license. B. Keeney asked if she changes the answer from yes, to no, if it would make everyone happy.

B. Farnsworth and B. Keeney stated that Paul Steele informed him that they would have to fill out the special event application, but that no one ever has any trouble. B. Farnsworth also stated that she spoke to N. Decoteau and M. Conn in the office and was informed that no one ever has any trouble. B. Keeney stated that the application

needs a waiver. Chairman Paul-Hilliard agreed that the Board would work on the waiver.

B. Keeny confirmed that if they check no for question 1 then the Board will be happy and everyone else will be happy. Selectman Sabourn stated that he recalls in the past, the weddings held at the campground were family and there was no rental fee being charged. The rental fee is what tripped the special event process. B. Kenney stated that it was good this happened so that the Board can modify the process since they are under the limit. Selectman Sabourn suggested adding a waiver clause at the end of the regulations in cases where the attendees are not over the limit. B. Keeney changed the form to reflect the answer "no" to the first question. B. Keeny initialed and dated the change to the form.

The Board agreed to give consideration to updating the Special Event Regulations to allow the Board of Selectmen to include a waiver clause. Selectman Sabourn asked N. Decoteau to follow up on this, check the RSA as he does not see why they cannot add a waiver clause, but would also like the Town Administrator's input.

#### **AGENDA ITEMS:**

#### **6:00 Nominate Chair, Vice Chair, Beautification Member, and Enforcement Officer**

##### **MOTION: "To nominate John Paul-Hilliard as Selectboard Chairman."**

Motion: R. Sabourn

Seconded: M. Peabody

Discussion: J. Paul-Hilliard accepted the nomination.

Motion Passes: 3 – Yes, 0 – No                      **Abstained: J. Paul-Hilliard**

##### **MOTION: "To nominate R. Sabourn as Selectboard Vice-Chairman."**

Motion: J. Demeritt

Seconded: M. Peabody

Discussion: R. Sabourn accepted the nomination.

Motion Passes: 3 – Yes, 0 – No                      **Abstained: R. Sabourn**

##### **MOTION: "To nominate M. Peabody as Beautification committee member."**

Motion: R. Sabourn

Seconded: J. Demeritt

Discussion: M. Peabody accepted the nomination.

Motion Passes: 3 – Yes, 0 – No                      **Abstained: M. Peabody**

##### **MOTION: "To nominate R. Sabourn as Code Enforcement Officer."**

Motion: M. Peabody

Seconded: J. Demeritt

Discussion: R. Sabourn accepted the nomination.

Motion Passes: 3 – Yes, 0 – No                      **Abstained: R. Sabourn**

***VENDOR MANIFEST***

**MOTION: "To approve a vendor manifest dated 3-20-2015 in the total amount of \$34,676.85."**

Motion: M. Peabody  
Seconded: J. Demeritt  
Discussion: None.  
Motion Passes: 4 – Yes, 0 – No

***VENDOR MANIFEST***

**MOTION: "To approve a second vendor manifest dated 3-20-2015 (for Internal Revenue Service) for the total amount of \$5,140.08."**

Motion: M. Peabody  
Seconded: J. Demeritt  
Discussion: None.  
Motion Passes: 4 – Yes, 0 – No

***PAYROLL MANIFEST***

**MOTION: "To approve a payroll manifest dated 3-20-2015 in the amount of \$19,309.30."**

Motion: J. Demeritt  
Seconded: M. Peabody  
Discussion: None.  
Motion Passes: 3– Yes, 0 – No                      **Abstained: R. Sabourn**

***WELFARE MANIFEST***

**MOTION: "To approve a welfare manifest dated 3-21-2015 in the amount of \$760.00."**

Motion: R. Sabourn  
Seconded: J. Demeritt  
Discussion: None.  
Motion Passes: 3– Yes, 0 – No                      **Abstained: M. Peabody**

**Police Department Firing Range Update**

Chief Diamond met with the Board to discuss the recent proposal from Stoneciphor & Clark. Chief Diamond informed the board that after review of the plan, he disagrees with the containment plan as the units are not designed to serve as an effective shoot trap. In review of the new location and the area space that is needed, the containment units would not fit in this area. Chief Diamond understands that the containment of contamination is the goal and that it is safer to use an earth berm rather than containment units. The town would endure some additional work if they choose to close the firing range in the future with the sifting process but it using an earth berm is more cost effective and safer. Chief Diamond presented different containment options for the Board to consider rather than shooting into a natural earth berm. The board discussed the possible units and the option of a natural berm. M. Peabody asked if a natural berm is allowed by the State. Chief Diamond confirmed that this is allowed. The board discussed that it may be more effective to create the natural earth berm than purchasing containment units. The board agreed that a water well sample should be made prior to use and perhaps on a yearly basis but does not agree that soil samples

are needed on a continuing basis. The plan also proposed a yearly inspection of the firing range. Chief Diamond and the Selectboard agreed that the level of usage for the range should not require an annual inspection. The board agreed to review the proposal from Stoneciphor & Clark and the recommendations from the Police Chief over the weekend to have a complete understanding of the proposal.

Chief Diamond informed the board that he has a meeting on Friday morning at 10:00 a.m. with Stuart Anderson from Alba Architects and Bryant Lehr from CCI regarding the Emergency Operation Center (EOC) process. Paul Hatch is meeting with the Chief on Wednesday to begin finalizing the grant process. The board agreed that they would move forward with the generator and equipment furnishing of the EOC grants and to use CCI for this project during their previous board meeting. The hardening of the police station should be included in the current grant application and if it is not approved by the State, then the board will consider other options available including applying for another 50/50 match grant for the following year.

#### ACTION FOLDER

##### *Minutes*

**MOTION: "To accept Board of Selectmen public meeting minutes of March 4, 2015 as amended."**

Motion: R. Sabourn

Seconded: M. Peabody

Discussion: None.

Motion Passes: 3– Yes, 0 – No

**Abstained: J. Demeritt**

##### *Minutes*

**MOTION: "To accept Board of Selectmen non-public meeting minutes of March 4, 2015 as submitted."**

Motion: R. Sabourn

Seconded: M. Peabody

Discussion: None.

Motion Passes: 3– Yes, 0 – No

**Abstained: J. Demeritt**

**MOTION: "To accept the timber yield tax levy warrant to the Tax Collector in the amount of \$1,260.69 from Beachcraft Construction LLC for PID 10/1-5 lot 17 through 25 on Compass Point Road."**

Motion: R. Sabourn

Seconded: J. Demeritt

Discussion: None.

Motion Passes: 4– Yes, 0 – No

**MOTION: “To approve a land use change tax for Mountain River Development LLC for PID 7/2/13-23 in the amount of \$2,600 and a land use change tax for Mountain River Development LLC PID 7/2/13-25 in the amount of \$2,600, both on Joshua Lane.”**

Motion: M. Peabody

Seconded: R. Sabourn

Discussion: R. Sabourn informed the board that the assessor has compared values for other non-built lots and the recommendation makes sense and is based on accurate figures.

Motion Passes: 4– Yes, 0 – No

**MOTION: “To approve a land use change tax for True Lane 9/1/3 lots 01, 04, 05, 06 in the amount of \$12,200 for Stephen Shaughnessy.”**

Motion: M. Peabody

Seconded: J. Demeritt

Discussion: None.

Motion Passes: 4– Yes, 0 – No

**MOTION: “To approve a supplemental notice for an intent to cut for PID 10/14-1.”**

Motion: R. Sabourn

Seconded: J. Demeritt

Discussion: None.

Motion Passes: 4– Yes, 0 – No

#### **6:15 Annual policy update, motion, signatures**

##### *Investment Policy*

The board reviewed updates for the Investment Policy

**MOTION: “To approve and sign the Town of Thornton Dog Ordinance as approved at town meeting.”**

Motion: R. Sabourn

Seconded: J. Demeritt

Discussion: None.

Motion Passes: 4– Yes, 0 – No

**MOTION: “To approve and sign the updated Fund Balance Policy for the Town of Thornton.”**

Motion: J. Demeritt

Seconded: M. Peabody

Discussion: None.

Motion Passes: 4– Yes, 0 – No

**MOTION: “To approve and sign the updated Investment Policy for the Town of Thornton.”**

Motion: J. Demeritt

Seconded: M. Peabody

Discussion: None.

Motion Passes: 4– Yes, 0 – No

## **HEB- Millbrook Covered Bridge update**

The board reviewed an update on the Millbrook Covered Bridge received from HEB Engineers.

### *Land Use Folder:*

- The Board reviewed the Zoning Ordinance Amendment for 2015.
- The Board reviewed the Notice of Public Hearing for March 19, 2015.

J. Demeritt stated that Sullivan Drive needs to be discussed by the Planning Board at their next public meeting as part of the review of the application. J. Demeritt stated his opinion that Sullivan Drive should be widened and improved for safety, including drainage and a turnaround area.

N. Decoteau stated the current subdivision application is for a 4-Lot subdivision and discussion has taken place regarding the future plan to have not more than 21 lots averaging four acres per lot becoming part of the Millbrook Association on the +100 acre site. The board discussed their concerns with the current road conditions for Sullivan Drive and Millbrook Road. The board discussed the need to improve the road before these four lots are created. R. Sabourn and J. Demeritt recommended that the Planning Board schedule a site walk with the Road Agent once the snow is melted prior to approving the subdivision so that they have a clear understanding of the road situations.

### **7:32 P.M. MOTION: "To adjourn."**

Motion: J. Demeritt  
Seconded: M. Peabody  
Discussion: None.  
Motion Passes: 4 - Yes, 0 - No

Respectfully submitted,

Jessi Fleury  
Board Secretary

**TOWN OF THORNTON**  
**Selectmen's Agenda**  
**March 18, 2015**  
**5:00 PM**

5:00 Pledge of Allegiance

Work session – (no public input)

Manifest  
BOS motion/Signature Folder  
Action Folder reviewed by Board for discussion later  
Zoning Enforcement Folder  
Mail Folder

Motion and sign the payroll and vendor manifest

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

6:00 Nominate Chair, Vice Chair, Beautification Member, and Enforcement Officer Representative  
6:15 Annual policy updates: Fund Balance Policy & Investment Policy  
6:30 WEB- Millbrook Covered Bridge update

Administrative Assistant 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  
March 18, 2015  
SIGN IN SHEET (Please Print)

1	Rebecca Farnsworth	26
2	Sam Keeley	27
3	<del>Brian Farnsworth</del>	28
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