



## TOWN OF THORNTON BOARD OF SELECTMEN

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

|                         |            |
|-------------------------|------------|
| Approved on:            | 9/30/2015  |
| Amended on:             | 10/14/2015 |
| BOS Initial:            | JH         |
| Rec'd by Town Clerk on: | 10/29/15   |
| Town Clerk Initials:    | AJ         |

### Board of Selectmen Meeting Minutes September 16, 2015

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

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

**STAFF PRESENT:** Tammie Beaulieu, Town Administrator, Jessi Fleury, Board Secretary

**ABSENT:** Selectman Jim Demeritt

#### ACTION FOLDER

**MOTION: "To approve the payroll manifest 9-18-2015 in the amount of \$20,440.92."**

Motion: M. Peabody

Seconded: R. Sabourn

Discussion: None.

**Motion Passes: 4 – Yes, 0 – No**

**MOTION: "To accept the BOS meeting minutes of 8-19-15 as amended with the correction of ZCA application 2015-27 to be for PID #2015- map 6 lot 9-50 ."**

Motion: B. Benton

Seconded: M. Peabody

Discussion: None.

**Motion Passes: 4 – Yes, 0 – No**

#### LAND USE REPORT

##### *ZCA Applications*

The board reviewed the ZCA application file.

**MOTION: "To approve the ZCA Application # 2015-28 for Map 7 Lot 2-13-19 for a covered porch detached from the home."**

Motion: B. Benton

Seconded: R. Sabourn

Discussion: None.

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

**ACTION FOLDER:**

*Warrant Article Request*

The board reviewed a request from Cindy Kudlik for the Selectboard to submit a warrant article on the 2016 warrant on behalf of the New Hampshire Community Rights Network (NHCRN) - a nonprofit, all volunteer, grassroots organization of NH communities. The board recommended that she submit the warrant article as a petition warrant article at town meeting.

**MOTION: "To not approve the request from Cindy Kudlik to place an article on the 2016 town warrant and to recommend that she submits a petitioned warrant article."**

Motion: B. Benton

Seconded: R. Sabourn

Discussion: None.

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

*Wetland Permit Request*

The Board received a wetland permit request from Craig Smith. Road Agent J. Kubik reviewed the driveway permit request and recommends approval. of the wetland permit #HE15157 for Craig Smith Wanosha Road.

**MOTION: "To approval Wetland Permit #HE15157 for Craig Smith Wanosha Road."**

Motion: R. Sabourn

Seconded: B. Benton

Discussion: None.

**Motion Passes: 4 – Yes, 0 – No**

*Generator Grant*

The PD Administrative Assistant Sandy Moulton submitted grant paperwork for the Police Department generator for the board to review and sign. The board signed the grant forms as submitted.

**MOTION: "The Town of Thornton Board of Selectman, in a majority vote, accept the terms of the Emergency Management Performance Grant (EMPG) as presented in the amount of \$47,688.00 for the purchase and installation of a generator for the EOC/Safety Complex. Furthermore, the Board acknowledges that the total cost of this project will be \$95,376.00, in which the Town will be responsible for a 50% match (\$47,688.00)."**

Motion: M. Peabody

Seconded: B. Benton

Discussion: None.

**Motion Passes: 4 – Yes, 0 – No**

*2015-2016 Plowing Rates*

John Kubik submitted plowing rates for 2015-2016 for the Selectboard's approval as follows:

- ¾ Ton Plowing \$58.00
- ¾ Town with Sander \$62.00
- 1 Ton \$63.00
- 1 Ton with Sander \$67.00
- 6 Wheeler \$68.00
- 6 Wheeler with Sander \$72.00

**MOTION: "To approve the 2015-2016 Plowing rates as submitted."**

Motion: M. Peabody

Seconded: B. Benton

Discussion: None.

**Motion Passes: 3 – Yes, 0 – No**

**Abstained: Selectman B. Benton**

*Land Use Change Tax*

TA Beaulieu presented a request from Avitar Associates for a land use change tax for PID 18/5-2, owner Mary Scrimshaw. Due to a boundary line adjustment, an area that is occupied by the barn no longer qualifies for current use. Thus amount of land is calculated to be .13 of an acre.

**MOTION: "To approve a land use change tax warrant for PID 18/5-2, owner Mary Scrimshaw, in the amount of \$1,200.00"**

**Motion: R. Sabourn**  
**Seconded: M. Peabody**  
**Discussion: None.**  
**Motion Passes: 4 – Yes, 0 – No**

*Intent to Cut Application*

**MOTION: "To approve an intent to cut for property owner Thomas Avallone for PID 17/14-15 off Weeping Birches Road. An error in the estimated amount to be cut presented has been changed by Roy Sabourn (with permission) to reflect the intended acres that were cut. "**

**Motion: R. Sabourn**  
**Seconded: B. Benton**  
**Discussion: None.**  
**Motion Passes: 4 – Yes, 0 – No**

**Town Administrator Report**

*Safety Committee*

During a recent safety committee meeting the Town Administrator was informed that a tree limb had fallen on the CERT vehicle a year ago causing damage to the top of the trailer. The damage has been covered and will require repairs in the future as there has been water damage to some of the contents of the trailer and the damaged items will need to be replaced. Chief Defosses recommends suggesting to Red Cross that they take over the vehicle ownership with a Memorandum of Understanding (MOU) in place agreeing that Red Cross will own the C.E.R.T vehicle which includes updating supplies however it is to be kept at Thornton Town Hall for easy use for the Town of Thornton.

J. Paul-Hilliard stated that the vehicle can be used by Red Cross for other communities if not in use for Thornton.

*Cable Renewal Contract - Comcast*

TA Beaulieu informed the Board that N. Decoteau is scheduled on the next meeting agenda to discuss the cable contract process with Comcast. TA Beaulieu distributed information for the Selectmen to review prior to the next meeting.

*Firework Restrictions*

PD has been receiving complaints. Heidi Hawkenson complained that fireworks were being set off at the Crawford Ball Field. The town has not given permission to set fireworks off on town property. The Police Department has been informed that fireworks are not permitted on town property. H. Hawkenson seemed satisfied with the response from the Town Administrator.

*Snowood Paving Budget Update*

TA Beaulieu informed the Board that the Highway Department is expected to over-expend their budget for Snowood Drive paving. They will not over expend their bottom line budget.

*Moderator*

TA Beaulieu informed the Board that the Town Clerk attended a conference last week and was informed that it is the town's Supervisors of the Checklist's responsibly to appoint a Moderator. If a Moderator is not appointed, the town cannot hold elections. The town staff has advertised for the Moderator position with no interest received to date.

TA Beaulieu explained the duties involved in the Moderator position to the CIP members present during the meeting.

*CDBA Appeal*

TA Beaulieu informed the board that clarification was sought on applying regulations to new applications in front of the Planning Board via Attorney Matt Serge. Planning Board regulations in the process of acceptance to include, posting, public hearings, and adoption via a motion is pertinent to the case and dates for application..

**AGENDA ITEMS:**

**6:30 CIP Committee**

*Present: Cindy Schofield, David Gravel, Jim Murphy and Bill DeLeo*

TA Beaulieu presented packets created by N. Decoteau outlining the current 2016 Draft CIP plan.

C. Schofield informed the board that the CIP is meeting monthly with agendas and meeting minutes being recorded in the same format as the Planning Board. C. Schofield is the chair, and B. DeLeo is the secretary.

C. Schofield reviewed Thornton's 10 year plan 2016-2025 and confirmed that \$270,000 is raised each year to fund the CIP plan. C. Schofield reviewed the process.

CIP members had questions on the funding layout submitted from Gif Kriebel to them for their 2016 plan and will seek some answers to be prepared for the next meeting with the Selectmen.

The CIP will meet with the BOS again in January.

**7:00 Matthew Baxter – Eagle Scout project proposal**

*Present: Matthew Baxter, Danielle Baxter*

M. Baxter met with the Board to explain his eagle scout project. He requested permission to update and upgrade the backstop at Crawford Field. He also asked if the town has any restrictions as to the project. M. Baxter would like to finish the project by early April and would raise the funds needed.

Chairman Paul-Hilliard suggested lead-free paint. After discussion, the Selectboard requested that M. Baxter return to the board with three options for backstops while the town looks into liability questions. The Board was very supportive as long as the volunteer work can be covered by the town liability insurance.

**Future Ownership of Weeping Birches**

*Present: Mike Hering, Harry Bertino, Judy Kinney, Corey Smith, Michael Baumann, Harry Learned, Tom Avalone (sign-in sheet attached)*

TA Beaulieu reminded the Selectboard that during a previous meeting, the Board agreed that the subdivision process for the site approval for Weeping Birches process is completed by the

Planning Board and is not under the Board of Selectmen's jurisdiction. The Water District and Tom Avalone were informed to contact Brian Regan to discuss the road ownership issues. TA Beaulieu contacted the Water District to reschedule this meeting; however the message was not received by Corey Smith. The Board agreed that there is information that can be discussed during this unexpected meeting and permitted the conversation without an appointment on the agenda.

TA Beaulieu explained that the Selectboard is not involved in what occurs during the subdivision process and that the whole process is governed by the planning board. The only time the Selectboard decides on a subdivision related process is when a petition request comes forward for the town to take ownership of a private road. TA Beaulieu explained that there is confusion over whether T. Avalone or the Water District owns Weeping Birches. Any request for the Town to take over a road should be made by the current legal owner of the road.

T. Avalone explained that portions of the road are owned by both himself and the Water District. T. Avalone explained that Weeping Birches was moved which created different ownership of parts of the road. The road plans in 2007 were amended due to concern that one stretch had a 14 percent grade. The new section was cut and the maximum pitch became 12 percent. T. Avalone met with the fire department and planning board years ago to discuss the road specifications and standards with the intention that he would request the town to take over ownership of the road at the end of the project. His goal is still for the town to accept this road as a town road once the project is finished.

TA Beaulieu explained a previous conversation held with T. Avalone informing him that even though the Planning Board may approve a subdivision and a road that is not to town standards, that approval does not indicate that the town will accept ownership of that road. TA Beaulieu explained the process needed in order for the Town to accept ownership of a private road. The process includes a petition warrant article and review of a road checklist and site visit by the Board of Selectmen and the Road Agent confirming that the road meets current town road standards.

T. Avalone asked the board for a formal understanding that they would be in agreement with the Planning Board to accept Weeping Birches as a town road as long as it meets town specifications. The Board explained that they cannot commit to that understanding since the board members may be different at the time of completion and the road standards may change. They are unable to foresee the future.

R. Sabourn suggested that the Water District deed their rights of their portion of Weeping Birches to T. Avalone to take the district out of the road ownership issues. Corey Smith agreed that this is an option to review since the district has no interest in owning the road. R. Sabourn also stated that the planning board has approved roads that do not meet town standards and some of those were not accepted by the town. C. Smith informed the board that the Water District would like to be transparent in their intention to have the town own this road as this seems to be in the best interest of the home owners. The Board understands the intent of the district. R. Sabourn again stated that he does not understand why the district does not deed their interest to T. Avalone as this would alleviate any question of ownership and simplify future processes.

The Board agreed that they cannot speculate whether a future board would allow the 12 percent grade on the road even though the town specs state a maximum of 10. The Board agreed that they would need to have a site visit before discussing this question. T. Avalone indicated that B. Regan has viewed the area and did not have objections. The board suggested T. Avalone contact the Planning Director to discuss his additional questions and make sure

decisions are noted in the planning board minutes and notices of approval for future reference. TA Beaulieu confirmed that the final approval for acceptance is jurisdictional to the Board of Selectmen and town staff do not have authority.

*Resale of Tax Deeded Property*

TA Beaulieu informed the board that a deed without covenants has been prepared to resell tax deeded property to original owners.

**MOTION: "To approve the resale of PID 17/7-48 on Upper Mad River Road to March, Linda Trust for the resale amount of \$8,615.31."**

Motion: M. Peabody  
Seconded: B. Benton  
Discussion: None.  
**Motion Passes: 4 – Yes, 0 – No**

**MOTION: "To approve the resale of PID 15/4-19 on 32 Morrill Lane for the resale amount of \$18,250.63."**

Motion: M. Peabody  
Seconded: B. Benton  
Discussion: None.  
**Motion Passes: 4 – Yes, 0 – No**

R. Sabourn questioned the wording of the deeds as they appear to have the new owner names listed in the incorrect order. TA Beaulieu replied that the Town must deed property back in the exact format that the property was deeded to the Town. M. Conn verified the names and the Board signed the deeds as presented with the addition of comma's separating last name from first name.

**Selectman Comments**

*Beautification Committee*

M. Peabody informed the Board that the Committee met Monday evening and are waiting for dig safe to view the area so that they can move forward with planting the tree at Town Hall. The cost for the tree is \$30 and is expected to be planted within the next month.

*Turnaround area Update*

R. Sabourn spoke with Ralph Bradley regarding the Town accepting turnaround area as mentioned previously. R. Sabourn contacted RA Kubik and scheduled a site meeting for 7:30 a.m. on September 24, 2015 to look at the area and determine the next step. TA Beaulieu stated that she was not aware of this meeting until she spoke with RA Kubik. RA Kubik recommended that Ralph Bradley be scheduled on the next Selectboard agenda. R. Sabourn does not see a need to schedule an agenda meeting with R. Bradley as additional information will be obtained at the site meeting and R. Sabourn will update the Board at the next meeting.

*Millbrook Update*

R. Sabourn has also viewed the Millbrook problem as discussed previously and has received a referral for a hydrology specialty engineer. A preliminary meeting has been set for meeting September 19, 2015 at 10:00 a.m. onsite.

*Transfer Station Addition Update*

R. Sabourn has researched permit questions for the addition that is taking place at the transfer station. Permits are needed for this work and a package of information has been forwarded to the Town Administrator. R. Sabourn spoke with an engineer at NHDES transfer station division and was advised that if the primary recycling structure is changed and reconfigured, a type 3

modification permit is needed. If another town such as Waterville joins the facility it would require a type 1B modification requiring a different type of permit. Neither permit seems to be extensive, but permitting is necessary. TA Beaulieu added that Waterville Valley Town Manager, Mark Decoteau is discussing if the Waterville selectmen would like to invest in the upgrades of the facility due to their interest in using Thornton's transfer station.

**MOTION: "To approve the vendor manifest 9-18-2015 in the amount of \$458,143.57."**

Motion: R. Sabourn

Seconded: B. Benton

Discussion: None.

**Motion Passes: 3 – Yes, 0 – No**

**Abstained: J. Paul-Hilliard**

#### *Town Report*

The Board discussed the town report specifications and agreed to order 500 books with 2-4 color inserts.

#### **Non-public session pursuant to RSA 91-A: 3, II**

**7:58 p.m. PM MOTION: "To enter nonpublic session under RSA 91-A: 3, II, a,c, e (a-personnel TA b-hiring PD & e - legal)."**

Motion: R. Sabourn

Seconded: B. Benton

Discussion: None.

Call: John Paul-Hilliard – yes, Roy Sabourn – yes, Marianne Peabody – yes, Brad Benton - yes.

**Motion Passes: 4 - Yes, 0 – No**

**8:59 p.m. MOTION: "To exit nonpublic session."**

Motion: R. Sabourn

Seconded: B. Benton

Discussion: None.

**Motion Passes: 4 - Yes, 0 - No**

**MOTION: "To approve the welfare manifest for check date 9-19-2015 in the total amount of \$600.00."**

Motion: R. Sabourn

Seconded: B. Benton

Discussion: None.

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

#### **Police Department Hiring Update**

R. Sabourn stated that applicant #1 has withdrawn his application for the part time patrolman position with the Thornton Police Department.

**MOTION: "To delegate the Town Administrator to follow up with Department Heads for appropriate procedures and protocol and chain of command discussions."**

Motion: R. Sabourn

Seconded: B. Benton

Discussion: None.

**Motion Passes: 4 - Yes, 0 - No**

**MOTION: "To delegate the Town Administrator to negotiate a possible solution through town counsel relative to the Mahmoud case."**

Motion: R. Sabourn

Seconded: B. Benton

Discussion: None.

**Motion Passes: 4 - Yes, 0 - No**

**9:02 p.m. MOTION: "To adjourn."**

Motion: R. Sabourn

Seconded: M. Peabody

Discussion: None.

Motion Passes: 4 - Yes, 0 - No

Respectfully submitted,

Jessi Fleury  
Board Secretary



**TOWN OF THORNTON**  
**Selectmen's Agenda**  
**September 16, 2015**  
**5:00 PM**

Public Input is not permitted throughout the Selectmen's meeting unless requested by the chairman of the board. Public forum is scheduled for the public to have a 5 minute discussion period. If the individual requires more than 5 minutes we request that you schedule as an agenda item.

5:00 Pledge of Allegiance

5:00 P.M.            Selectmen Work session

**Review documents in the following folders:**

Payroll/Vendor Manifest

BOS Motion/Sign Folder

Signature Folder

Action Folder reviewed by Board for presentation by the Town Administrator later

Zoning Enforcement Folder

Planning Director's Folder

Minutes Folder

Mail Folder – initial top right corner of each mail item to allow filing

5:45 P.M.            Work session Closed

5:45- 6:00 P.M.    Selectmen motion and sign the payroll manifest  
Selectmen motion and sign the vendor manifest  
Selectmen motion and sign the minutes in the folder  
Selectmen process the work supplied by Nancy Decoteau in the Z.E. Folder  
Selectmen process the work supplied by Brian Regan in the Planning Director Folder  
(Items from above folders that require lengthy discussion will be reviewed after the agenda appointments)

6:00 P.M.            Town Administrator presents Action Folder Items  
Town Administrator presents

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

6:30            CIP Committee

7:00            Matthew Baxter – Eagle Scout project proposal

7:15            Non-public session pursuant to RSA 91-A: 3, II (a-personnel TA & b-hiring PD)

Board of Selectmen Item Discussions

**Public Forum**

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

September 16, 2015

SIGN IN SHEET (Please Print)

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| 7  | <del>Greg Smith</del> Greg Smith | 31 |
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