



## TOWN OF THORNTON BOARD OF SELECTMEN

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

Approved on:	11-23-15
BOS Initial:	JPH
Rec'd by Town Clerk on:	11-24-15
Town Clerk Initials:	Int Te MP

### Board of Selectmen Meeting Minutes November 9, 2015

12:00 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, Selectman Jim Demeritt, and Selectwoman Marianne Peabody.

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

#### ACTION FOLDER:

**MOTION: "To approve the vendor manifest 11-13-2015 in the amount of \$62,578.48."**

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

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

**Abstained: R. Sabourn**

**MOTION: "To approve the payroll manifest 11-13-2015 in the amount of \$20,173.55."**

Motion: R. Sabourn  
Seconded: J. Demeritt  
Discussion: None.

**Motion Passes: 5 - Yes, 0 - No**

**MOTION: "To approve the BOS public minutes of 10-28-2015 as amended."**

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

**Motion Passes: 5 - Yes, 0 - No**

#### ZCA Applications

The board reviewed the ZCA application file.

**MOTION: "To approve the ZCA Application #2015-38 for Map 16 Lot 7-31 for 55 Upper Mad River Road for John and Carol Green for a generator pad."**

Motion: R. Sabourn  
Seconded: B. Benton  
Discussion: None.

**Motion Passes: 5 - Yes, 0 - No**

#### Concerned Citizen Complaint

The Board reviewed a concern submitted by a resident. The Enforcement office has responded to the concern in writing.

**MOTION: "To approve the response letter generated by N. Decoteau for the concern citizen complaint."**

Motion: R. Sabourn

Seconded: B. Benton

Discussion: None.

**Motion Passes: 5 – Yes, 0 – No**

### **Liability Concerns**

B. Benton stated that the town loader is operated by vendors when loading their dump trucks for winter plow sand. The Board discussed liability concerns in the event of an accident. TA Beaulieu stated that a release of liability should be in place to try to deter any liability claims. It was also suggested that this concern be reviewed by Primex.

### **Town Administrator Presents**

#### *Cable Contract*

The Board reviewed the material presented at the previous meeting. N. Decoteau joined the meeting to discuss the status of the cable contract. She explained that the current cable franchise agreement is out of date and has been maintained to date. A current legal agreement needs to be agreed between the cable company and the town. The Board discussed the legal services involved to help the town through the renewal process and make sure the company is abiding by the contract. TA Beaulieu stated that legal assistance would be useful to make sure the cable company is meeting their obligations. The Board discussed establishing a cable committee and agreed that a committee would not be necessary. The Board agreed to have the staff currently involved review the any proposed changes put forth by the cable company. TA Beaulieu will request that the cable company accept the current contract conditions and if not, the town can consider seeking legal advice.

### **AGENDA ITEMS:**

1:30 Road Agent John Kubik Jr. – Winter Snow Plow/Season Plan

*Present: Road Agent John Kubik Jr.*

The Road Agent met with the Board to discuss a preliminary winter season plan. The plowing route plowing/vendor schedule was discussed. The Board suggested some changes to the plowing route. TA Beaulieu suggested that RA Kubik have a meeting with the vendors to receive feedback about proposed schedules. The Board has increased the rate by \$2.00 per hour for vendors and have adopted updated insurance requirements as recommended by Primex. TA Beaulieu explained that RA Kubik would like the board to approve the vendor list. All vendors have submitted necessary insurance requirements.

**MOTION: "To approve hiring of winter snow plow vendors as recommended by RA Kubik to include Bob Clay & Son, Brad R. Benton (1 vehicle) and Brad C. Benton (2 vehicles)."**

Motion: J. Demeritt

Seconded: R. Sabourn

Discussion: None.

**Motion Passes: 4 – Yes, 0 – No**

**Abstained: B. Benton**

The highway department has made changes to the plow route due to a shortage of vendors compared to last year. The Board appreciates the effort by the vendors and the highway department to work out a schedule that is best for the Town.

Non-public session pursuant to RSA 91-A: 3, II (a) personnel, b-hiring. c-reputation-Highway & Police Dept.)

**1:55 PM MOTION: "To enter non-public session pursuant to RSA 91-A: 3, II a,b,c (a personnel, b-hiring, c-reputation)."**

Motion: R. Sabourn

Seconded: J. Demeritt

Discussion: None.

Roll Call: John Paul-Hilliard -yes, Roy Sabourn -yes, Marianne Peabody -yes,  
Brad Benton -yes, Jim Demeritt -yes.

**Motion Passes: 5 - Yes, 0 - No**

**3:44 P.M. MOTION: "To exit nonpublic session."**

Motion: R. Sabourn

Seconded: B. Benton

Discussion: None.

**Motion Passes: 5 - Yes, 0 - No**

### **Fire Department-IGA**

The Board thanked the Campton Thornton Fire Department Chief Defosses for providing information regarding the Intergovernmental agreement for the board to review. The Board discussed the proposed changes to the proposed intergovernmental fire service agreement.

**MOTION: "To not approve the initial request to remove language under item 4 of the agreement, "Commissioner's powers and responsibility". To not agree to remove the Board of Selectman from the appeal process, but to approve that the appeal process should only be limited to those personnel qualified to file appeals by state RSA. To not approve item C in the proposal. To not approve the second item C that would remove the side approval of the Board of Selectmen."**

Motion: R. Sabourn

Seconded: B. Benton

Discussion: None.

**Motion Passes: 5 - Yes, 0 - No**

Chief Defosses will draft a new agreement for the board to review based on the discussion this evening and will present at the next Board meeting.

### *Fire Chief-MOU template*

The Board reviewed the memorandum of understanding regarding the CERT trailer. The Board agreed that they intend to reactivate the CERT service and does not want the trailer moved out of Town. The Board discussed the option presented last meeting to have Red Cross stock the trailer but have it remain in the Town's possession. The MOU received by Red Cross does not indicate this agreement. Chief Defosses agreed that the memo received is not in line with his prior conversation with Red Cross. Chief will follow up with Red Cross and present at the next meeting.

(Respectfully submitted in part by Jessi Fleury, Board Secretary)

### **Planning Director & Enforcement Secretary – DOS-Retail Dealer License**

*Present: Brian Regan and Nancy Decoteau*

B. Regan presented a Memo dated November 9, 2015 regarding Ed Pope Auto Sales Retail Dealer License application. B. Regan explained that the property owner is in the process of applying to the State to become a Retail Dealer as the State is no longer permitting the Bonded Dealer license.

B. Regan stated the State sent the required notification to the Town addressed to the Town Clerk and that it was presented to him for review/comment. N. Decoteau added that similar state forms for the licensing of day care centers are reviewed by the planning board. B. Regan reviewed his findings regarding the issue and presented a draft response to the state. The Board agreed to authorize B. Regan to complete the form and submit it to the state.

**MOTION: "To make a conditional offer of employment to Applicant #2 and to hire Applicant #2 as long as negotiations are not required as the 2015/16 winter season employee at Labor Grade 4 Step 9 \$15.47/hr."**

Motion: J. Demeritt

Seconded: M. Peabody

Discussion: None.

**Motion Passes: 5 - Yes, 0 - No**

**MOTION: "To make a conditional offer of employment to Applicant #1 as a part-time police officer per the terms and conditions listed on said application at Labor Grade 6 Step 12 \$19.45/hr."**

Motion: R. Sabourn

Seconded: J. Demeritt

Discussion: None.

**Motion Passes: 5 - Yes, 0 - No**

#### **Department Heads annual list of expenditure approvals**

T. Beaulieu stated that each year near the end of the fiscal year the department heads review the status of their budget and consider making requests for purchasing items if the purchase will not cause an over expenditure of the bottom line of their budget. R. Sabourn stated that the requests could be considered if the items are a "need" and not a "want" for the department.

T. Beaulieu requested that a new laptop computer be purchased for \$1996.00 and added that the laptop is due to be replaced.

T. Beaulieu stated that a new module for the accounting program which costs \$2,829.00 may need to be purchased to facilitate compliance with new ACA requirements.

T. Beaulieu suggested that the funds be encumbered for the new module to allow for time to discern whether it will be required for the Town of Thornton.

Chief Diamond requested the following items be purchased for the Police Department:

1. Qty 3 ---- X26P Tasers (\$1,292 ea. Totals \$3,876.00))
2. Qty 1 ---- APX6000 Radio/Charger/Mic \$2,915
3. Qty 1 ---- Surface Pro Tablet setup w/labor \$2,450
4. Qty 2 ---- Active Shooter Kits \$961

Chief Diamond discussed the cost to update the Police Department alarm system to one system which would include a keypad on each exterior door that would work on a combination fob system at a cost of \$5,606.00

T. Beaulieu stated the FY2015 approved budget for the Police Department is \$389,235.00 and to date the Police Department has expended \$274,560.00 which leaves a balance of \$114,675.00 with three and one-half payrolls remaining.

T. Beaulieu summarized the requested items for the Police Department total \$15,808.00.

T. Beaulieu stated the Highway Department submitted a request to purchase a wing for the F-550. T. Beaulieu added that Road Agent, J. Kubik was still waiting for a quote but estimated the cost for the wing to be a few thousand dollars. The Board determined to hold off on the request until the quote is available.

T. Beaulieu stated that Transfer Station Manager, K. McGuire had to purchase a new furnace for the recycling building for \$7,400 which was not a planned expenditure for FY2015.

T. Beaulieu stated the K. McGuire requested a cab enclosure for the uni-loader for \$4,750.00 and a fork for the 580 for \$1,115.00.

T. Beaulieu stated the requested items for the Transfer Station total \$5,865.00 and added that K. McGuire reported he feels comfortable taking this amount from the \$24,370.00 remaining in the FY2015 budget for his department.

Chairman Paul-Hilliard is aware of DOL/OSHA guidelines on machinery used as a forklift and asked that K. McGuire research the particulars of being sure our employees are properly endorsed through required training to perform this work.

J. Paul-Hilliard added that when you take the bucket off any piece of equipment and add forks it becomes a fork-lift and there may be a state requirement to attend a class to obtain certification to operate that piece of equipment.

The Board discussed the items requested from the various departments and noted that the items are needed and would be included in FY2016 requests if they are not purchased with remaining FY2015 funds from each department.

**TA Presents:**

T. Beaulieu stated that Grafton County Registry of Deeds is implementing a new on-line program to view documents which will include a fee for printing and that a training webinar is being offered.

T. Beaulieu stated that Planning Director, B. Regan suggests the Board of Selectmen always be informed when a new bond is received. T. Beaulieu stated B. Regan submitted information that at the October 15, 2015 meeting the Planning Board accepted a \$50,000.00 surety from F. A. Crane Holdings, LLC to assure reclamation of an excavation site on Tax Map 15 Lot 4-31 which is renewable annually. T. Beaulieu stated B. Regan indicated the original has been placed on file.

T. Beaulieu stated that S. Moulton submitted the information requested regarding flagpoles. The Board agreed to purchase a flagpole for \$685.00 which includes shipping. M. Peabody suggested the existing flagpole be taken down as soon as possible as it looks disrespectful in its current condition.

T. Beaulieu reported that to date nothing has been received regarding the updated Town/School/Library agreement.

T. Beaulieu reported that the state had informed the Town that the state was holding some unclaimed funds for the Town of Thornton. T. Beaulieu reported that B. Regan followed up with the state and the town has received payment in the amount of \$2,500.00 which was an escrow tax payment in 2008 for PID# 17-4-1. T. Beaulieu reported that the Tax Collector reviewed the record and found that all taxes dating back through 2008 have been paid. T. Beaulieu stated

her recommendation that the funds be returned to the property owner. The Board voiced their agreement.

T. Beaulieu reported that approval for the Emergency Management Performance Grant for Hardening and Equipment for the Local EOC has received approval in the amount of \$107,692.00 to expire on Sept 30, 2016.

T. Beaulieu stated a Public Hearing is required to accept the unanticipated revenue of the grant and suggested it be held on December 21, 2015 together with the Emergency Management Performance Grant for Purchase and Installation of a Generator that is pending approval.

R. Sabourn stated the Public Hearing required to accept a small piece of land for a plow truck turn around should be included on December 21, 2015.

T. Beaulieu stated the Supervisors of the Checklist have requested to be placed on the Dec 9, 2015 agenda to discuss moving the elections to a location other than the Town Office building.

T. Beaulieu stated she had contacted Thornton Central School to discuss holding the 5 elections scheduled in 2016 at the school. T. Beaulieu stated the response from the school was that they are not willing to close the school for five days as that would be too great an impact on their schedule, but that they would consider holding the presidential election held in November 2016 at the school if there is not another viable option.

T. Beaulieu stated that M. Pelchat reported she had encouraged Robert MacLeod to consider becoming the Moderator. T. Beaulieu presented a letter of interest from R. MacLeod. The Board members stated their agreement to move forward with appointing R. MacLeod to the position of Moderator.

T. Beaulieu stated there are two applicants to be interviewed for the position of Interim Town Clerk. T. Beaulieu updated the Board that T. Tyler agreed to stay on as the on-call municipal clerk to help the town during the transition to a new town clerk and to be compensated within the rate previously discussed. The Board agreed to move forward with the process to hire T. Tyler as the on-call municipal clerk.

T. Beaulieu stated that using \$250,000.00 from the undesignated fund balance will put the 2015 tax rate at \$19.10.

The Board members indicated their agreement.

R. Sabourn stated that tax payers need to be encouraged to attend the school budget hearings as the increase in the tax rate is due to the school budgets inflicting a \$.80 increase in the tax rate.

T. Beaulieu reported that an invoice from Maranatha Construction came in for the design of the Transfer Station for 41.5 hours at \$75/hr. totaling \$3,112.50 less donation to the Town of Thornton in the amount of \$2,112.50 leaving a balance to be paid of \$1,000.00.

T. Beaulieu stated J. Fleury has requested the Board review the 2016 holiday schedule observed by the Town of Thornton that is included in the annual report. The half day before Thanksgiving and the half day before Christmas were added to the list provided as well as a note that the office of the Town Clerk will be closed on the 2016 election dates.

**ACTION FOLDER:**

T. Beaulieu stated she checked on the Transfer Station dump-picking liability issue and found that town counsel does not have a specific position on dump-picking as it relates to liability coverage, but the town's coverage would typically apply to negligence claims related to allegedly dangerous conditions at a town owned/operated dump unless a policy exclusion applied to the facts of a particular loss. R. Sabourn stated that the question was asked relative to the operation of the Mall at the Transfer Station. The general consensus of the Board was that the Mall is being operated with practices mindful of safety policy.

T. Beaulieu asked for confirmation that the Board is satisfied with the current operation of the Mall at the Transfer Station and has no changes to implement at this time. The Board members indicated their agreement.

T. Beaulieu stated she is waiting to hear back on the issues relating to the police department vehicles.

Notice of Intent to Cut

**MOTION: "To approve the following Intent to Cut Applications:**

- 1. PID 7/2-15 located off Mill Brook Road owned by ARJ Wyllie**
- 2. PID 9/1-4 located off Stone Dam Road owned by K. Pomerantz & K. Cordeiro**
- 3. PID 11/1-66 located off Steel Bridge Road owned by B. Noseworthy**

Motion: R. Sabourn  
Seconded: M. Peabody  
Discussion: None.

**Motion Passes: 5- Yes, 0 - No**

**MOTION: "To accept the Report of Cut submitted by V. Levasseur PID# 9/1-2 and to approve the Timber Tax Warrant in the amount of \$685.31."**

Motion: R. Sabourn  
Seconded: J. Demeritt  
Discussion: None.

**Motion Passes: 5- Yes, 0 - No**

**MOTION: "To approve the Intent to Excavate submitted by F. A. Crane Holdings, LLC for PID# 15/4-31 off US Rt 3."**

Motion: R. Sabourn  
Seconded: B. Benton  
Discussion: None.

**Motion Passes: 5- Yes, 0 - No**

**MOTION: "To appoint N. Decoteau as a Trustee of the Trust Funds until the next election."**

Motion: J. Demeritt  
Seconded: M. Peabody  
Discussion: None.

**Motion Passes: 5- Yes, 0 - No**

**MOTION: "To accept the 2015 Equalization report as submitted by M. Conn."**

Motion: R. Sabourn  
Seconded: J. Demeritt  
Discussion: None.

**Motion Passes: 5- Yes, 0 - No**

**MOTION: "To accept the recommendation of J. Fleury to spend \$2,835.00 to print the annual town reports which includes the insertion of color photos."**

Motion: R. Sabourn

Seconded: J. Demeritt

Discussion: None.

**Motion Passes: 5– Yes, 0 – No**

T. Beaulieu reported that the Northern Pass Project submitted their application information in digital format and is available at the Town Office for review.

T. Beaulieu added that the information would have taken 30 binders if printed.

### **SELECTMEN COMMENTS**

M. Peabody commented that she received an email from a resident and forwarded it to the TA and asked that it be forwarded to the BOS members.

M. Peabody read the following email into the record:

*"I recently found out that Thornton has agreed to use the Accu-Vote method in tallying ballots when voting. I have to say that I am a little dismayed that the town chose to go that direction as Accu-Vote has many known issues. I am forwarding information that has been compiled by a couple of citizens in the Jaffery area who have been working on this for quite some time. As you will see, they note three methods being employed by towns across New Hampshire in regards to checking - or in some cases not checking- the accuracy of the vote on election night by selecting one competitive race and hand-counting against Accu-Vote, hand-counting all elections not checking at all. Apparently the Secretary of State is adamant about not checking the accuracy of the vote which is troubling. Please review the information and let me know if the Board has a plan to check the accuracy of the votes on election night."*

R. Sabourn stated other individuals have expressed their support of using the tabulator to count votes.

T. Beaulieu stated that F. Gunter called as the Pemigewasset River Local Advisory Committee member asking if the Town of Thornton will sign on with other area towns to support the push to have the Northern Pass lines buried the rest of the way.

J. Paul-Hilliard stated his opinion that as an elected official, serving as Selectmen for the Town of Thornton, the position he holds gives authority to make judgements and take action on anything that occurs within the Town of Thornton and that the Northern Pass Project is a state wide project that falls outside of what he was elected to have jurisdiction over.

R. Sabourn stated that submitting a petition warrant article may be something the PRLAC wants to consider.

Regarding on-going litigation, R. Sabourn stated that the Board should remind legal counsel of the fact that the second plan was submitted to the Registry of Deeds and was recorded after the Planning Board not give approval to a prior plan attempting to make a similar change.

R. Sabourn stated he received a call from a second engineer relative to the Mill Brook culvert problem. R. Sabourn asked what the Board wanted to do with regard to moving forward with

Engineer Sweeny at this point. The Board decided to see if S. Sweeny will submit a proposal within a couple of days to be considered at the next meeting along with the other proposal submitted.

**PUBLIC FORUM:**

No input.

The following motion was made at 5:53PM:

**MOTION: "To adjourn."**

Motion: J. Demeritt

Seconded: M. Peabody

Discussion: None.

Motion Passes: 5 - Yes, 0 - No

Respectfully submitted (in part),

Nancy Decoteau  
Administrative Assistant

**TOWN OF THORNTON**  
**Selectmen's Agenda**  
**Monday - November 9, 2015**  
**12:00 Noon**

**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.**

12:00 Pledge of Allegiance

12:00 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

12:45 P.M.            Work session Closed

12:45-1:00P.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)

1:00 P.M.            Town Administrator presents Action Folder Items  
Town Administrator presents

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

1:30            Road Agent John Kubik Jr. – Winter Snow Plow/Season Plan  
1:45            non-public session pursuant to RSA 91-A: 3, II (a personnel, b-hiring, c-reputation- Highway & Police Dept. )  
2:15            Department Heads annual list of expenditure approvals  
2:30            Fire Department-IGA  
3:00            Fire Chief-MOU template  
3:15            Planning Director & Enforcement Secretary – DOS-Retail Dealer License  
3:30            2016 BOS Meeting Calendar

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

November 9, 2015

**SIGN IN SHEET (Please Print)**

1		25
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4	Daniel DeFerry	28
5	BRIAN REGAN	29
6	Nancy DeCOSTA	30
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