



Approved on: 9/14/16  
BOS Initial: RS  
Rec'd by Town Clerk on: 9/14/16  
Town Clerk Initials: BR

## TOWN OF THORNTON BOARD OF SELECTMEN

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

### Board of Selectmen Meeting Minutes August 31, 2016

12:11 P.M. Vice-Chairwoman Peabody opened the Thornton Board of Selectmen meeting work session with the Pledge of Allegiance.

Chairman Sabourn joined the meeting at 12:20 p.m.

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

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

#### ACTION FOLDER:

**MOTION: "To approve the payroll manifest dated 9-2-2016 in the amount of \$23,416.92."**

Motion: J. Paul-Hilliard

Seconded: M. Peabody

Discussion: None.

**Motion Passes: 4 – Yes, 0 – No**

**Abstained: R. Sabourn**

**MOTION: "To approve the vendor manifest dated 9-2-2016 in the amount of \$166,740.83."**

Motion: J. Paul-Hilliard

Seconded: J. Gaites

Discussion: None.

**Motion Passes: 3 – Yes, 0 – No**

**Abstained: M. Peabody and R. Sabourn**

**MOTION: "To approve the BOS public meeting minutes of August 17, 2016 as amended."**

Motion: M. Peabody

Seconded: J. Gaites

Discussion: None.

**Motion Passes: 4 – Yes, 0 – No**

**Abstained: B. Benton**

## ZCA

*The Board reviewed two applications for zoning compliance.*

**MOTION: "To approve ZCA application #2016-34 for Gregory Sanborn for a single family home on PID#16-7-26. The application was reviewed during the previous board meeting. The mobile home on the property has been removed and the septic system design approval has been received."**

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

**Motion Passes: 5 – Yes, 0 – No**

**MOTION: "To request additional information for unknown information on ZCA application #2016-36 from Lance and Tanya Keene for a single family home on PID #12-1-9."**

Motion: J. Paul-Hilliard  
Seconded: M. Peabody  
Discussion: R. Sabourn explained that the installer of the septic system, plumber and electrician are unknown on the ZCA. The board discussed that the setbacks are within limits. R. Sabourn and M. Peabody would prefer the unknown information completed.

**Motion Passes: 5 – Yes, 0 – No**

## PUBLIC INPUT

*Special Events – David Rivers*

David Rivers met with the Board to discuss festival permits. He asked if there is a limit as to how loud the broadcast can be. He explained that the Bluegrass Festival noise level was acceptable. The White Mountain Boogie 'n Blues festival was exceptionally loud and permeated his surroundings. If there is a noise level then he asked what the ramifications would be for violation, and if not, then he asks that the board consider creating a limit on the noise level. The Board discussed if there was a decibel limit after the Benton's purchased a decibel meter. Selectman Benton explained that the level had not been established but he tries to keep the decibel level at or below 90 where the sound stage is so that they do not project too far past the bowl. B. Benton explained that the wind direction affects which way the sound is carried. He apologized for the inconvenience. B. Benton explained that the decibel level is not measured during the Bluegrass Festival. D. Rivers asked that he measure both events to compare them because the Bluegrass Festival noise level is adequate and suggested that perhaps the noise level be lowered for the Boogie 'n Blues. Selectman Benton agreed to measure the noise level of both festivals next year and to visit Mr. Rivers property during the Boogie 'n Blues to hear the noise as well.

D. Rivers mentioned concern that music was scheduled to stop at 10:00 p.m. during the Boogie 'n Blues event and asked if there is a consequence if these time parameters are not followed. Selectman Benton said there is no consequence at this time. Chairman Sabourn explained that there has not been a penalty in place but has expressed that the time limits have been discussed and the Selectboard has informed the Benton's that they need to adhere to them. Chairman Sabourn added that there are times when the music was played longer due to certain understandable circumstances. He explained that time over-run will be considered during the next permitting process and the Board may have to be stricter in this area. D. Rivers informed the Board that Friday night the music played two and a half hours past the allowed time. Selectman Paul-Hilliard explained that there are growing pains that may be experienced with this event and that the commerce of the event benefits the Town but that the Board will need to become stricter to setting limits and enforcing them while remaining supportive of the positive

event. D. Rivers hopes that the Board will understand and take some action during the next permitting process. B. Benton explained that the band did run over Friday and this is due because he did not account for change over time allowance between bands which caused a run over of the time limit and was not intentional. Chairman Sabourn agreed to address these concerns during the next permitting process. Selectman Paul-Hilliard also suggested that these concerns be discussed during the public hearing for special event approval because any other areas in need of correction will be discussed at that time as well.

TA Beaulieu informed the board that she has not received all of the post action reports yet for the festivals, but has received the Emergency Management Director report. The board agreed to schedule a review of the post reports on the next agenda when all of the reports are submitted.

#### *Appeal for Property Tax*

Avitar denied an abatement of property tax filed by John Palmieri. J. Palmieri explained that his next step is to appeal the abatement to BTLA. He thought that he should explain the request to the Selectboard for their further direction. He disagrees with the comparable homes and their record of sales in the area. He was also disappointed that Avitar did not provide back-up information as to how the decision was made. J. Palmieri asked the Board to reconsider his abatement so that he does not have to submit an appeal to BTLA. TA Beaulieu explained that Mr. Palmieri should submit his appeal to the BTLA since today is his deadline to apply for an appeal and the Board would not have adequate time to review the abatement denial. TA Beaulieu explained that there is a mediation process within the appeal process where discussions can be made.

#### *Festival – Special Event*

Selectman Benton asked to review copies of the post reports once all departments have submitted them. TA Beaulieu informed the Board that they should be in soon as they are due today. She also informed B. Benton that a few complaints were received regarding mostly noise. Selectwoman Peabody expressed her satisfaction with the layout of events at the Boogie 'n Blues Festival and the proceedings of the event while she was in attendance. TA Beaulieu added that the discussions during the Supervisors meeting were mostly positive regarding the festival activities and outcomes with only a few items in need of attention. Areas of concern can be discussed once all post reports are received as scheduled on the next agenda. Selectwoman Peabody informed B. Benton that she had a few things that also need to be discussed although she did not include them in her written report. TA Beaulieu added that some departments were not impressed with the new security that was hired. B. Benton agreed that he had concerns with the company as well. Selectman Benton explained that he expects to have some noise complaints due to the nature of the event. He stated that he would try his best, but he will never get the noise reduced to the Bluegrass event level due to the type of music that is played. Chairman Sabourn recommended that the noise level be reduced from this year to prevent an influx in future noise complaints. TA Beaulieu also suggested that Selectman Benton consider the timing of the event hours. The Police Department reported that the event was packed on a non-event day. Selectman Benton informed the board that the property was a private campground until the event hours began so no security presence was necessary. Selectman Paul-Hilliard explained that his report has some areas of attention to discuss during the next meeting. Selectman Benton explained that it is beneficial for reporting officers and Selectboard members to visit the festivals to view the event from inside as they would receive a bigger picture as to how things are run and would provide for a better report on events. Chairman Sabourn call the meeting to order and closed conversation until all reports are reviewed during the agenda next meeting.

**AGENDA ITEMS:**

**1:55 MS 434 DRA Report**

TA Beaulieu explained the new process for the MS 434. At this time, after revisions were made, the bottom line sub total is \$1,341,928 for the revenues. The process requires the Selectboard to inform the TA what amount they want to start with from the fund balance to reduce the tax rate. This process used to occur later in the year, but DRA is requiring a suggest amount now before being able to set tax rates. After discussion, the Board agreed to start with \$200,000 as used in previous years and will adjust that figure as needed.

TA Beaulieu discussed the requested overlay amount. Typically the town budgets \$25,000 during non-reval years. In consideration of the pending litigation regarding the utilities court case, the Board agreed to budget \$50,000 for 2017 and possibly the same for 2018.

The Board agreed with the contents of the MS434.

**TOWN ADMINISTRATOR PRESENTS**

*Letter from Howard Clement*

TA Beaulieu informed the Board that a letter was received from H. Clement regarding the fund balance and surplus policy and procedure and budget contingencies. He referenced the meeting minutes of July 20, 2016 when his letter dated January 19, 2016 was discussed. H. Clement requested a copy of the minutes. The Board agreed to waive the copy fee for the minute copy and mail him his request.

**MOTION: "To waive the fees for copying services to provide a copy of the minutes for Howard Clement."**

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

**Motion Passes: 5 – Yes, 0 – No**

*Mr. Lane – Mt. Woodlands Road Driveway Concern*

TA Beaulieu informed the Board that during the previous Board of Selectmen meeting, the highway department was asked to meet with Mr. Lane and review the water flow across his driveway. Selectman J. Paul-Hilliard sent pictures of stone line ditching that was installed by the highway department as agreed. Mr. Lane agreed to purchase a culvert for the Town to install under his driveway to aid in controlling ongoing drainage issues. He is requesting a cost estimate for the culvert. Previous town residents that had the town install a culvert received only the specs for the culvert needed from the Road Agent and the town resident researched the cost with different companies and purchased the material needed for the town to install. RA Kubik discussed underground wire concerns and the ongoing maintenance of the culvert after it is installed with Chairman Sabourn. The location of the wires is not known at this time. Chairman Sabourn stated that the maintenance of the culvert will be Mr. Lane's responsibility and the agreement must be made clear that the perpetual maintenance of the culvert is solely the responsibility of the land owner. RA Kubik mentioned that Mr. Lane also requested a dry stack header (rock) for the culvert. Typically DES recommends that the stone come up only so far with aggressive stone and then reduce in severity and over the top of the pipe, DES recommends only using earth and cover so that stones are not around the top of the culvert. TA Beaulieu will inform Mr. Lane of this requirement. Chairman Sabourn mentioned that RA Kubik is also concerned relative to the tree cutting necessary to do this work. The trees will need to be flagged before cutting so that Mr. Lane understands which trees will be cut. TA Beaulieu recommended that pictures be taken before the trees are cut and after to show

progression of the project and to add to the town road files. Selectman Paul-Hilliard will provide a sample form for permission to cut trees during the next board meeting for review.

The Board is unsure where the underground wires are located and it will be problematic if they are located right at the culvert. This should be made clear as a potential problem to Mr. Lane and should be determined prior to the purchasing of material. The Board agreed to have Digsafe locate the underground wires, and then have the Road agent find out if the wires are in the way of installing a culvert and submit his findings in writing before any further contact with Mr. Lane.

### **2:27 p.m. Moderator/Robert MacLeod – Election Set up**

*Present: R. MacLeod, joining during the discussion Desiree Mahurin and Gloria Kimball.*

TA Beaulieu informed the Board that the Supervisors of the Checklist have submitted concerns to the Town Clerk regarding the removal of the entry table in the hallway used in past years to check in. They would like the check-in table put back into the set up design for the election process as well as the use of the Selectmen's office. The table was removed and the Supervisors have been using the town office for efficiency purpose. The Supervisors are requesting the use of both areas at this time.

The Town Clerk has submitted concern with the flow of traffic with using two check in tables and submitted some suggestions. The supervisors were invited to attend the Board meeting this afternoon but were unable to attend. The Board agreed to have the single door entering the conference room converted to a double door to open traffic flow prior to elections.

TA Beaulieu presented the bulleted items of concern from the email submitted by Mary Pelchat regarding the supervisor of the checklist requests for the voting process for the Selectmen and Moderator's response.

TA Beaulieu and the Moderator received an email from Collen McCormick from the Secretary of State office, stating that the supervisors are not ballot clerks and cannot check voters in and be at the supervisors of the checklist table. C. McCormick suggested that a supervisor be a greeter to point voters in the right direction when they arrive at town hall depending on if they need to register with the supervisors in the selectmen's office or go right to the ballot clerks to check in.

The voting process was discussed with R. MacLeod (Moderator). The role of the Supervisors of the Checklist is to help make sure voters are registered and that their information is accurate as needed. The Ballot Clerks check voters in and give them the necessary items needed to vote. The Ballot clerks are also verifying addresses at the time of check in. Any changes in address could be noted and forwarded to the supervisors to update their records as the Supervisors should not be checking residents in to vote. Desiree Mahurin and Gloria Kimball joined the meeting.

The voting traffic was discussed. The use of the podium for greeting residents was beneficial and worked to move traffic and will be still be used. The use of the selectmen's office for the supervisors was discussed and agreed that this process worked and that there cannot be a desk in the hallway as requested by M. Pelchat. Gloria Kimball can continue to refer voters to the correct areas according to their needs. M. Pelchat indicated in her email that the supervisors are the only ones that can change names if a name change is needed and voters would not know they had to make changes prior to checking in with the ballot clerks. The Board agreed that name changes can be done after voting as to not impede the flow of voting.

Address corrections can be made with the Ballot Clerks at the time of voting. The Board discussed the option of a mailing to residents to update birthdates and names prior to voting or after the voting process. After discussion, all present agreed that a table in the hallway is not necessary and will not be included in the voting process. The supervisors can use the two selectmen's windows and the office and G. Kimball as the greeter at the podium as done last year. G. Kimball agreed that the process last February worked well. The Board asked Moderator MacLeod to inform M. Pelchat that her request to have the supervisors in the hallway at a desk checking voters in is unfortunately not possible due to legal and safety requirements set by the State. The Board discussed the benefits of a dual checklist for reconciliation at the end of elections. G. Kimball and R. MacLeod offered to discuss the decision and reasons for decisions of the voting process with the Supervisors of the Checklist.

**3:22 ZCA Application & Fees (BOS requested item back on future agenda)**

*Present: D. Mahurin*

Per recommendation of Avitar, the Board will not waive ZCA fees in the future. The Board discussed that the forms need to be completed in its entirety by the applicant in order to be considered by the Selectboard. Discussion continued on the amount of the fees for ZCA applications. It was suggested to change fees to \$25.00 for a relocation or change of use for any structure, \$50.00 for new garages, outbuildings, renovations, additions etc., and new house construction, mobile home, industrial, accessory apartments to \$100.00. The Board agreed to the new fees and will hold a public hearing as required by law.

**TOWN ADMINISTRATOR PRESENTS**

*Local Welfare Guideline Book*

TA Beaulieu informed the Board that the new welfare guideline book has been received. M. Peabody will review to view any changes to the new guideline book.

*City of Portsmouth Proposal*

Selectman Paul-Hilliard discussed a policy proposal for the City of Portsmouth for noise abatement for communities issued by the NHDOT resulting from the recent installation of rumble strips on roads. The State does not have the ability to construct noise barriers; the city is proposing that the NHDOT provide an abatement to homeowners impacted by the sound created by the rumble strips.

**Selectman Benton left the meeting briefly.**

*Intent to Cut*

**MOTION: "To approve an intent to cut for PID #6/9-19 for owner Joseph Flemming."**

Motion: J. Paul-Hilliard

Seconded: M. Peabody

Discussion: None.

**Motion Passes: 4 – Yes, 0 – No**

**MOTION: "To approve an abatement for PID #17/14-59 in the amount of \$470 plus interest, \$385 plus interest from the Waterville District."**

Motion: J. Paul-Hilliard

Seconded: M. Peabody

Discussion: None.

**Motion Passes: 4 – Yes, 0 – No**

**MOTION: "To approve the NHRS Group II certification form for the new Thornton full time patrol officer position."**

Motion: J. Paul-Hilliard

Seconded: M. Peabody

Discussion: None.

**Motion Passes: 4 – Yes, 0 – No**

**MOTION: "To approve the MS1 extension request until 9/30/2016 on the state form due to Avitar is still working on completion of the cyclical work."**

Motion: M. Peabody

Seconded: J. Gaites

Discussion: None.

**Motion Passes: 4 – Yes, 0 – No**

#### *Tax Deeded Property*

TA Beaulieu informed the Board that the tax deeded properties are ready for advertising and a change was made to the policy to reflect the Boards previous decision to require a larger deposit for properties that are available for bid.

**MOTION: "To approve the updated policy on the sale of tax deeded property to include a \$300 bid deposit requirement rather than \$100."**

Motion: J. Paul-Hilliard

Seconded: J. Gaites

Discussion: None.

**Motion Passes: 4 – Yes, 0 – No**

**Selectman Benton rejoined the meeting.**

#### *Wage & Classification Study*

TA Beaulieu will have the position questionnaires and the current job descriptions available for the Board to review during their shifts on Election Day.

#### *Hazardous Waste Day*

Pemi Baker is hosting Hazardous Waste Day for Thornton residents on Sunday August 28 and Saturday September 24 from 9 to noon at the Plymouth recycling center.

#### *Transfer Station Renovations*

TA Beaulieu informed the Board that K. McGuire met with the Town of Campton regarding the renovations proposed for the Transfer Station. The Campton board was surprised at the increased cost but understands that most of the renovations are necessary and recommended meeting with the Thornton board to discuss the details of the project. The Thornton Board would like to meet on September 26 with the Campton Selectboard. TA Beaulieu will inform the Campton Town Administrator.

#### *CIP*

TA Beaulieu had a conversation with B. DeLeo regarding the CIP; the plan is due to have a low fund balance in the future due to some road reconstruction needed that has been added into the CIP. The Board discussed the \$109,000 in the capital reserve account that was created for road paving and maintenance that is not designated at this time. The Board agreed to use these funds on the proposed Millbrook flooding project to fix Millbrook Road rather than allocating the funds for Millbrook Road in the CIP. The Board also discussed the option forwarded from Bill DeLeo (CIP ) pushing out department vehicles for an extra year to provide the needed funds for the CIP plan. Chairman Sabourn suggested removing the second

ambulance from the CIP program. TA Beaulieu requested that the board confirm with Chief Defosses that the CIP includes a second ambulance rather than a replacement.

#### **Town Hall Exterior Painting Update**

TA Beaulieu informed the Board that a second bid was submitted and there is one more vendor that was planning to submit a bid today but did not show up. The new bid received from Apex was for \$ 8,420 the first bid was received in the amount of \$7,800. Apex can start the project soon and have it completed within the time frame needed. Chairman Sabourn agreed that Apex is a reputable company. The Board agreed to contract with Apex for \$8,420 as quoted.

**MOTION: "To accept the painting bid contract with Apex in the amount of \$8,420.00."**

Motion: B. Benton  
Seconded: J. Paul-Hilliard  
Discussion: None.

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

#### *Tax Deeded Property*

Selectwoman Peabody and Selectman Gaites visited the following properties:  
PID 11/1-15 has a mobile home on the land with a vehicle trailer and may have someone living there. It did not appear to have hazardous material.

**MOTION: "To accept property PID# 11/1-15 for tax deed to be resold."**

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

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

**MOTION: "To start the eviction process for property PID# 11/1-15."**

Motion: M. Peabody  
Seconded: B. Benton  
Discussion: None .

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

PID #17/13-3-5 on Welch View Drive. Selectwoman Peabody explained that the property is part of a subdivision with a right of way. She drove down to the end but did not cross over the private right of way to view the lot and could not tell if there were buildings. The tax card does not indicate a building.

**MOTION: "To accept property PID# 17/13-3-5 for tax deed to be resold."**

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

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

PID #11/2-2 has a deed waiver prepared due to liability.

**MOTION: "To not accept property PID# 11/2-2 for tax deed and to forward the deed waiver form to the Tax Collector."**

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

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

PID #17/12-7 located at the end of Chickenboro Road consisting of 15 acres and a shed located with a foot bridge.

**MOTION: "To accept property PID# 17/12-7 for tax deed to be resold."**

Motion: J. Paul-Hilliard

Seconded: B. Benton

Discussion: The Board agreed to pose no trespassing signs at the property.

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

PID #8/9-9 has a deed waiver prepared due to bankruptcy.

**MOTION: "To not accept property PID# 8/9-9 for tax deed and to forward the deed waiver form to the Tax Collector."**

Motion: J. Paul-Hilliard

Seconded: B. Benton

Discussion: None.

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

PID #8/9-8 has a deed waiver prepared due to bankruptcy.

**MOTION: "To not accept property PID# 8/9-8 for tax deed and to forward the deed waiver form to the Tax Collector."**

Motion: J. Paul-Hilliard

Seconded: B. Benton

Discussion: None.

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

PID #11/1-83 located at Covered Bridge Road consisting of 1.8 acres.

**MOTION: "To accept property PID # 11/1-83 for tax deed to be resold."**

Motion: J. Paul-Hilliard

Seconded: B. Benton

Discussion: None.

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

PID #11/1-84 located at Covered Bridge Road, very wooded area.

**MOTION: "To accept property PID# 11/1-84 for tax deed to be resold."**

Motion: J. Paul-Hilliard

Seconded: B. Benton

Discussion: None.

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

PID #17/17-5 located at Snowood Drive, consisting of 1.06 acres.

**MOTION: "To accept property PID# 17/17-5 for tax deed to be resold."**

Motion: B. Benton

Seconded: J. Gaites

Discussion: None.

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

PID #17/17-9 located at Checkberry Ridge consisting of 1.03 acres.

**MOTION: "To accept property PID# 17/17-9 for tax deed to be resold."**

Motion: J. Paul-Hilliard

Seconded: B. Benton

Discussion: None.

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

PID # 11/1-1-18 lot 10 located at Woods at Millbrook Brook consisting of 1.8 acres.

**MOTION: "To accept property PID# 11/1-1-18 for tax deed to be resold."**

Motion: J. Paul-Hilliard

Seconded: J. Gaites

Discussion: None.

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

**Board Secretary Laptop**

AA D. Mahurin contacted certified regarding the board secretary laptop and after diagnosing the computer, the hard drive is in need of replacement. The Board agreed to purchase a new computer this year to prevent the consistent crashes experienced.

**SELECTMEN COMMENTS**

*Beautification Committee Update*

M. Peabody informed the Board that the "Welcome to Thornton" signs have been received. The signs are in the hallway at this time. The Board viewed the signs and were satisfied. The committee will purchase posts, and Selectman Hilliard will provide M. Peabody with contact information as to where to order the posts. The highway department will install the signs,

*Millbrook Speed concern*

Chairman Sabourn mentioned that D. Rivers approached him while he was out on Millbrook Road. He mentioned that Mr. Rivers was pleased with the new pavement but is concerned with the increase in speed on the road. Chairman Sabourn informed him that new signage has been ordered and asked him to let him know if it continues to be a concern.

**Non-public pursuant to RSA 91-A: 3, II (a - personnel, b- hiring, and c - reputation)**

***Non-Public session pursuant to RSA 91-A: 3, II (a-personnel, b-hiring, c-reputation)***

**4:58 P.M. MOTION: "To enter nonpublic session pursuant to RSA 91-A:3, II (a, b, and c)."**

Motion: M. Peabody

Seconded: B. Benton

Discussion: None.

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

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

**MOTION: "To exit non-public session."**

Motion: J. Paul-Hilliard

Seconded: M. Peabody

Discussion: None.

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

**MOTION: "To adjourn."**

Motion: J. Paul Hilliard

Seconded: M. Peabody

Discussion: None.

**Motion Passes: 5 – Yes, 0 – No**

Respectfully submitted,

Jessi Fleury  
Board Secretary