



Approved on: 4/24/19  
BOS Initial: RS  
Rec'd by Town Clerk on: 4/30/19  
Town Clerk Initials: djm

**TOWN OF THORNTON  
BOARD OF SELECTMEN**

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

**Board of Selectmen Meeting Minutes  
April 10, 2019**

**ROLL CALL:** Chairman Brad Benton, Vice-Chairman Roy Sabourn, Selectwoman Marianne Peabody, Selectman Jack Gaites, and Selectman Joseph Monti.

**6:00 P.M. Chairman Benton opened the Thornton Board of Selectmen meeting with the Pledge of Allegiance:**

**STAFF PRESENT:** Town Administrator (TA) Debra Shepard, Jessi Fleury, Board Secretary

**Action Folders:**

**MOTION:** "To approve the vendor manifest for April 12, 2019 in the amount of \$218,543.65."

Motion: M. Peabody

Seconded: J. Monti

Discussion: None.

**Motion Passes: 3 – Yes, 0 – No**

**Abstained: M. Peabody, J. Gaites**

**MOTION:** "To approve the payroll manifest for April 12, 2019 in the amount of \$25,750.77."

Motion: J. Gaites

Seconded: M. Peabody

Discussion: None.

**Motion Passes: 5 – Yes, 0 – No**

**ZCA**

The Board reviewed the ZCA file.

**MOTION:** "To approve ZCA #2019-06 for PID# 8/4-3 for a new roof and to increase insulation."

Motion: M. Peabody

Seconded: R. Sabourn

Discussion: None.

**Motion Passes: 4 – Yes, 0 – No**

**Abstained: J. Gaites**

**MOTION: "To accept meeting minutes of March 27, 2019 as amended."**

Motion: R. Sabourn

Seconded: J. Gaites

Discussion: The Board reviewed suggested edits from other Board members. Discussion followed relative to dirt roads and maintenance plans.

**Motion Passes: 5 – Yes, 0 – No**

**MOTION: "To accept non-public meeting minutes of March 27, 2019 as presented."**

Motion: R. Sabourn

Seconded: J. Gaites

Discussion: None.

**Motion Passes: 5 – Yes, 0 – No**

*Road Maintenance Discussion*

Selectman J. Monti asked RA Kubik if there was a maintenance plan for dirt roads in Thornton. He also asked about the different types of product available to use on dirt roads like different fabrics, different stones, and/or ledge pack for repairs and maintenance which may be different than what has been used in the past. RA Kubik stated that he used stone crush last year and that seems to be working well in thin layers. He stated that it will take some time to see if this is a good choice for the dirt roads and there are not a lot of options for material in the local area.

J. Monti stated that the stone crush that was used recently is a round rock that over time feels like driving on marbles. He also stated that other towns use a more jagged edge crush that becomes harder than the current stone crush being used. J. Monti stated that he felt that adding more fill with the round rock crush may be a waste of money and time and suggested using a different material.

RA Kubik stated that the repairs and maintenance have been made as needed and an official maintenance plan is not in place for dirt roads. Repairs have been made using the local materials available. Discussion continued on different materials that could be used and the location of the materials. R. Sabourn suggested that RA Kubik consider using a different material if available. J. Monti would like to have a maintenance plan in place for dirt roads so that the town is more proactive instead of reactive. RA Kubik explained that there is routine ditching, especially on Millbrook Road, but it is not a part of a specific plan. J. Monti also stated that the Millbrook area has more full-time families than in the past, which results in more traffic and wear on the road. RA Kubik stated that they are experimenting with the stone dust material. He will know how well this material will work with more time.

**TA Presents:**

TA Shepard informed the board that she had consulted with the town attorney regarding the trees located on private property which are close to falling onto the town cemetery. Town counsel informed TA Shepard that there are no specific laws regarding the removal of trees adjacent to cemeteries. General law does not allow the town to remove privately owned trees. Town Counsel suggested that the best course of action may be to talk with the owner of the trees and discuss a plan to remove the trees before they fall in the cemetery and cause damage to irreplaceable stones. Counsel suggested several ways for the town to negotiate the removal of these "hazardous" trees with the landowner and the Cemetery Trustees. The BOS asked TA Shepard to follow up with counsel to get clarification relative to notifying an abutting property owner of the potential liability of damages and to seek clarification from counsel on the process of filing for a claim and collection of costs for damages caused by an abutters hazardous trees falling and causing damage to cemetery property.

Vice-Chairman Sabourn suggested looking into emergency funds or cemetery trust funds for the expense of tree removal. Chairman Benton reported that he has discussed this with Trustee Phyllis Holbrook and she agrees that these trees should be removed if possible. Chairman Benton offered to have a conversation with the abutting property owner about the hazardous trees and the process to have them removed.

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

**6:00 White Mountain National Forest**

Brooke Brown, District Forest Ranger of the Pemigewasset District, Ken Desmarais Assistant District Ranger, Ben Farina, Forester, Johanna Nugent, Civil Engineer, Scott Hall, Tree Specialist. Residents Barbara and Jerry Sobolewski

Brooke Brown met with the Board to discuss an update to a their pre-scoping of the Winosha Project Area.

B. Brown stated that the pre-scoping has been completed to determine ideas and where the project would take place. A meeting with the towns within the proposed project was held along with other public meetings. A scoping document was released with an official public comment opportunity. Two open houses were held in Campton as well about general information and mountain biking trails. All public comments were received and the project was refined based on landscape needs and the comments received from the public. An environmental analysis was then completed at this time.

The draft EA will be released this Friday, which will allow another 30-day comment period for the public that will run through May 6, 2019. The draft EA shows specific proposed actions. A projects link is also located on their website for informational purposes that includes all proposals and documents. Members of the public can also subscribe to an email list that pertains to their area of interest that will provide email responses to make sure they engage members of the public.

B. Brown stated that within the proposed EA is a forestry management project, campground improvements at Waterville Valley and Campton, mountain biking trail system, and re-working of the parking at the Welch Dickey Trailhead.

B. Brown informed the Board that they would like to discuss the use of the town roads for their project and be a good neighbor while moving forward with the project. One specific road that needs discussion is Millbrook Road that includes some hairpin turns that will affect the timber hauling.

Selectwoman Peabody asked how long the project is expected to take place. Ben stated that the length of time has to do with the size of the sale. The entire project could be intermittent over a five-year period. The project will be sold to one logger. The logger will have 5 years to complete the project that would affect Millbrook Road.

Ken discussed the sharp turns on Millbrook Road and concerns of the tractor-trailer trucks staying in their own lane. The White Mountain Forest service does not have jurisdiction over what type of vehicle hauls timber once the project is sold to a logger. R. Sabourn raised concerns with the trucks being able to safely travel the road with the turns even if they were to use the whole road. R. Sabourn stated that Millbrook Road is probably the poorest road in town for this type of project. He expects that less damage to the road would occur if the road were frozen. R. Sabourn also stated that there are not enough turnouts on the road to allow traffic to

safely pass, especially if one of the vehicles is a loaded logging truck. There are many areas where the road is only one lane at best. R. Sabourn discussed a concern that residents would need to back up and risk being caught in a ditch to avoid a larger vehicle. He does not want to make it impossible for residents to travel the road during this project.

Brook Brown stated that the season of harvest lasts all winter and will stop once the road is posted for weight limits in the spring. She explained that they share the same concerns and want to try to find ideas with the Town to be respectful of neighbors. The forester explained that a summertime harvest is difficult due to the rating of the logging roads at that time of year and the northern long eared bat mating season which restricts activity in that area. Ken also explained that during the winter, it is easier to see through the tight curves in the road, but once the leaves are on the trees it reduces visibility for oncoming traffic.

R. Sabourn asked if some turnouts could be installed throughout the road to allow traffic to pull over when needed. B. Brown is not sure of the funds being available but this could be considered if the turnouts were located within the town's right-of-way. R. Sabourn stated that having turnouts would be necessary for traffic to pass. R. Sabourn suggested the forester visit the road with the Road Agent to see where turnouts could be installed. B. Brown also stated that logging would commence Monday through Friday and the time of day for truck travel could be discussed as well.

Jerry Sobolewski asked how many trucks would be encountered during a typical logging day. Ben stated that it depends on the job, and could see up to 10 trucks in a day. J. Monti stated that the fundamental challenge on Millbrook Road is when the pavement ends and the dirt begins, the straight away is barely wide enough for one car to pass and vehicles do end up in the ditch. He understands this is a scenic road and recommends looking at removal of some of the dead trees on the side of the road to allow more travel room. Discussion continued on the process required for removal of trees on a scenic road. Discussion was also had on alternate travel roads other than Millbrook Road. It was agreed that there were no other travel roads that were practical for this project.

J. Monti stated that the travel on this road is difficult and are not wide enough for one vehicle during the winter. He recommended discussing the widening of the road and installing turnouts. B. Brown agreed to have a meeting with the Road Agent after the mud season to discuss options.

The Board agreed that the safety concerns are foremost with this project. Ken stated that this project could help improve ongoing safety concerns with this road if the road can be widened with turnouts installed.

Jerry Sobolewski stated that another concern is the length of project. M. Peabody stated that the national forest are abutters and have a right to log the property as they have for years. It was agreed that there are no other travel paths beside Millbrook Road. Ken explained that the log yards are spread through hundreds of acres and are thousands of feet from the road, which will have a relatively small impact on noise for residents in the area. He expects that more log trucks will be noticed but the noise should not create much of a nuisance. Ken also explained that the loggers do not usually use the full 5 years to complete the logging but that timeframe allows the loggers to determine when the best market is to complete the project. B. Brown reminded the board that additional public meetings would be held in the future. R. Sabourn stated his opinion that turn-outs will be necessary to make this project work. The Forest Service and Board agreed to schedule a site meeting on Millbrook to determine what can be accomplished to address safety concerns discussed this evening.

In closing, Ken explained that there are some resources that will benefit the Town. The expected timber tax assessed to the logger for the project would bring about \$150,000 to \$200,000 in revenue to the Town over the 5-year period (or when the jobs are cut). There is also a 25% fee (\$370,000-\$620,000) that will be paid back to the state and returned to the counties where the wood is cut to be dispersed for roads and schools. These funds would not be returned to Thornton directly, but to the communities with National Forests.

Selectman Monti asked when they expected the sale of the parcels and was told the sale process would start in the spring of 2020 once the EA is approved.

R. Sabourn discussed the bridge status on Gore Road. This bridge has never had a problem, but is red-listed according to the State. The allowable weight is 80% of the amount of the weight listed for the vehicle. R. Sabourn stated that the bridge allows access for residents on Gore Road and there is no room for a temporary bridge if something were to happen to the current bridge. Joanna believes that if a logger is traveling over the legal limit on a posted bridge and it is damaged, it would be the logger's responsibility to repair the bridge. R. Sabourn would not recommend increasing the weight limit on the bridge. He recommended staying within the legal weight limit for the bridge.

#### **7:00 Fee Schedule Public Hearing**

*Present: No public was present for the hearing.*

Chairman Benton opened the Public Hearing at 7:00 p.m. and read the advertisement as published on the Town Website, Public Access Channel, Record Enterprise, Facebook, School, and Transfer Station.

TA Shepard reviewed the proposed changes;

1. Audio Recording Fee - include thumb drive for the same price as CDs with no additional fee
2. New fee of \$50.00 for the extension of an existing ZCA permit
3. New fee of double the original ZCA application fee for After-the Fact ZCA applications.
4. New fees for the newly adopted Property Alarm ordinance.

#### **MOTION: "To accept the proposed changes to the fee schedule as presented."**

Motion: R. Sabourn

Seconded: M. Peabody

Discussion: None.

**Motion Passes: 5 – Yes, 0 – No**

#### **7:15 Myrtle Lewis – Stream Crossing Initiative**

M. Lewis met with the Board to discuss the Stream Crossing Initiative. She is working on a FEMA project that entails the determination of flood risks for the town. The program allows college interns to provide an inventory of all the town's stream crossings. Several State and Federal agencies participate in this initiative and is a way that Homeland Security can assess risks.

Participation in this program would be no cost to the town and not many towns know about it. This would include a three-day training session for photographs, measurements, and wildlife components. The program would provide a lot of data that the town could use. The Board agreed to participate in this initiative and to allow Myrtle Lewis to represent the town relative to the program. RA Kubik supported this initiative as well.

**MOTION: "To appoint Myrtle Lewis as the town's representative for the Stream Crossing Initiative."**

Motion: R. Sabourn  
Seconded: J. Gaites  
Discussion: None.  
**Motion Passes: 5 – Yes, 0 – No**

**ACTION FOLDER**

**MOTION: "To approve an Intent to Excavate for PID# 15/4-30, for owner Lee Johnston."**

Motion: R. Sabourn  
Seconded: J. Monti  
Discussion: None.  
**Motion Passes: 5 – Yes, 0 – No**

**MOTION: "To approve an Intent to Excavate for PID#15/4-69, for owner Lee Johnston."**

Motion: M. Peabody  
Seconded: J. Gaites  
Discussion: None.  
**Motion Passes: 5 – Yes, 0 – No**

**MOTION: "To approve an Intent to Excavate for PID# 15/4-31, owner Francis Krane."**

Motion: R. Sabourn  
Seconded: J. Monti  
Discussion: None.  
**Motion Passes: 5 – Yes, 0 – No**

**MOTION: "To approve an Intent to Excavate for PID# 10/3-41, owner Jerel Benton."**

Motion: M. Peabody  
Seconded: R. Sabourn  
Discussion: None.  
**Motion Passes: 5 – Yes, 0 – No**

**MOTION: "To approve a yield tax levy warrant for PID# 10/3-53 in the amount of \$75.87 for Zachary Moylan."**

Motion: R. Sabourn  
Seconded: J. Gaites  
Discussion: None.  
**Motion Passes: 5 – Yes, 0 – No**

**MOTION: "To approve a yield tax levy for PID# 16/7-1D in the amount of \$944.76 for Shirley Benton."**

Motion: R. Sabourn  
Seconded: J. Gaites  
Discussion: None.  
**Motion Passes: 5 – Yes, 0 – No**

**MOTION: "To approve a yield tax levy for PID# 11/1-3 in the amount of \$2,254.54 for Jerel and Shirley Benton."**

Motion: J. Gaites  
Seconded: J. Monti  
Discussion: None.  
**Motion Passes: 5 – Yes, 0 – No**

**MOTION: "To approve a land use change tax in the amount \$2,860.00 for PID# 7/2-13-30."**

Motion: M. Peabody

Seconded: J. Gaites

Discussion: None.

**Motion Passes: 5 – Yes, 0 – No**

*Appointments*

TA Shepard presented a certificate of appointment for Roy Sabourn to the Planning Board ex-officio.

**MOTION: "To appoint Roy Sabourn as the Planning Board ex-officio."**

Motion: J. Monti

Seconded: M. Peabody

Discussion: None.

**Motion Passes: 4 – Yes, 0 – No**

**Abstained: R. Sabourn**

**MOTION: "To appoint Ken Miller to the Zoning Board of Adjustment."**

Motion: J. Monti

Seconded: M. Peabody

Discussion: None.

**Motion Passes: 5 – Yes, 0 – No**

**MOTION: "To appoint Alan Rawson to the Zoning Board of Adjustment."**

Motion: J. Monti

Seconded: M. Peabody

Discussion: None.

**Motion Passes: 5 – Yes, 0 – No**

**MOTION: "To appoint Jerry Sobolewski to the Zoning Board of Adjustment."**

Motion: J. Monti

Seconded: M. Peabody

Discussion: None.

**Motion Passes: 5 – Yes, 0 – No**

**MOTION: "To appoint Judy Gutory to the Zoning Board of Adjustment as alternate."**

Motion: M. Peabody

Seconded: J. Monti

Discussion: None.

**Motion Passes: 5 – Yes, 0 – No**

**MOTION: "To appoint Joan Marshall to the Zoning Board of Adjustment as alternate."**

Motion: R. Sabourn

Seconded: J. Gaites

Discussion: None.

**Motion Passes: 5 – Yes, 0 – No**

*Tax Map Update*

TA Shepard informed the Board that Civicware will be updating tax maps and will be doing some ground surveys and aerial photography. This has been posted on the town website.

*Police Department*

The Board reviewed call numbers from the Police Department for the month.

TA Shepard presented a statement regarding payment for a training attended by part time Officer Bill Melanson. Chief Miller would like to submit for reimbursement from the grant in the amount of \$381.71.

**MOTION: "To allow Chief Miller to submit for reimbursement from the grant in the amount of \$381.71 for Officer Bill Melanson."**

Motion: R. Sabourn

Seconded: M. Peabody

Discussion: None.

**Motion Passes: 5 – Yes, 0 – No**

*American Air Systems – Annual Furnace Maintenance*

TA Shepard submitted two proposals for annual maintenance for the town hall and police department furnace.

**MOTION: "To approve a \$450.00 contract with American Air Systems for Town Hall HVAC and furnace maintenance."**

Motion: R. Sabourn

Seconded: M. Peabody

Discussion: None.

**Motion Passes: 5 – Yes, 0 – No**

**MOTION: "To approve a \$180.00 contract with American Air Systems for Police Department HVAC and furnace maintenance."**

Motion: R. Sabourn

Seconded: M. Peabody

Discussion: None.

**Motion Passes: 5 – Yes, 0 – No**

*Update of Open Job Positions*

TA Shepard stated that the part time position at the Transfer Station is open until filled at this time.

The new full-time highway position is open until April 15, 2019. Applications have been received. Interviews with RA Kubik, TA Shepard, and Vice-Chairman Sabourn will be scheduled after April 15, 2019.

*Paving Bid Update*

Paving Bids have been advertised and are due April 22, 2019 and will be opened April 23, 2019 at 3:00 p.m. Bids will be awarded at 2:00 on April 24, 2019 during the Board meeting.

**7:30 Robert Ross – Mirror Lake Road Drainage Concern**

Robert Ross met with the Board to discuss the drainage culvert. He explained that the culvert was replaced due to concerns with the depth of the old culvert. R. Ross explained the past history of the water from the road washing sand into his front yard and fills the drainage ditch. Mr. Ross has cleaned the ditch every year to keep the culvert working. Mr. Ross dug a drainage ditch along the pavement after the culvert was replaced. He explained that he dug a drainage ditch because the soil eroded during a rainstorm and the sand carried over the culvert and cistern and into his front yard again.



Mr. Ross stated that he received a phone call from the TA to stop the ditching because it was undermining the road. He stated that he dug the ditch to control the flow of water because the culvert was not working. Mr. Ross asked for permission to continue to do what he can to control the flow of water out of his front yard. R. Sabourn asked when he started digging the ditch. Mr. Ross replied that he dug the ditch about one week after the new culvert had been installed.

Vice-Chairman Sabourn stated that Mr. Ross digging the ditch will make the pavement break and will damage the road. R. Sabourn explained that this is destabilizing the edge of the road. The Board asked Mr. Ross to stop digging and not to do any more work to the side of the road or the culvert besides removal of any leaves. R. Sabourn explained that the Board has been through expenses and time to alleviate concerns of Mr. Ross relative to the old culvert. The new culvert will work if it is given time to heal. The ditching that Mr. Ross is doing loosens the dirt and makes it move into the culvert. This will also create additional maintenance and will break up the asphalt on the edge of the road. Once the stone stabilizes, the culvert will work but needs time to set up. Mr. Ross agreed to stop digging and to only remove leaves from the intake grate. The Board agreed that the highway department will maintain the cistern and fix the ditching that Mr. Ross has done. The Board asked that Mr. Ross let them know after a month or so if the water flow is still a problem.

#### *New Town Website*

TA Shepard presented a new license and software agreement with Civic Plus for the purchase of a new town website. The development of the website is \$7,500 and \$2,000 per year for maintenance and training. The \$7,500 will be paid over a 3-year contract period. The Police Department will be part of the town's website but will have its own interface. The town employees will also be able to make their own changes and updates as directed by department heads. TA Shepard will draft a social Media Policy afterward to outline employee responsibility and expectations when updating the website.

**MOTION: "To agree to a three-year contract with CivicWare in the total amount of \$7,500 for the purchase of the website (to be paid over a three year period) and \$2,000 per year for maintenance and training as presented."**

Motion: R. Sabourn

Seconded: J. Gaites

Discussion: None.

**Motion Passes: 5 – Yes, 0 – No**

#### *Re-Motion Payroll Manifest*

TA Shepard explained that there was a calculation error in the payroll manifest due to retroactive pay from the COLA increase approved after town meeting.

**MOTION: "To re-motion the payroll manifest approval dated March 29, 2019 from \$40,815.93 to \$40,847.51, a difference of \$31.58."**

Motion: R. Sabourn

Seconded: J. Gaites

Discussion: None.

**Motion Passes: 5 – Yes, 0 – No**

#### **Abatement Recommendations**

**MOTION: "To deny abatement application for PID #15/3-2 and PID #16/3-4 per recommendation of the assessor."**

Motion: R. Sabourn

Seconded: J. Gaites

Discussion: None.

**Motion Passes: 5 – Yes, 0 – No**

**MOTION: "To approve abatement application for PID #16/1-10-4 in the amount of \$709.00 per recommendation of the assessor."**

Motion: R. Sabourn

Seconded: J. Gaites

Discussion: None.

**Motion Passes: 5 – Yes, 0 – No**

**MOTION: "To approve abatement application for Goose Hollow Campground PID #17/8-3S104 in the amount of \$121.00 per recommendation of the assessor."**

Motion: R. Sabourn

Seconded: J. Gaites

Discussion: R. Sabourn asked if the Board will have to approve these abatements every year. TA Shepard stated that the campground owner would not allow the assessor to verify camper registrations and is hopeful that the owner will comply next year to avoid the abatement process.

**Motion Passes: 5 – Yes, 0 – No**

**MOTION: "To approve abatement application for Goose Hollow Campground PID #17/8-3S109 in the amount of \$121.00 per recommendation of the assessor."**

Motion: R. Sabourn

Seconded: J. Monti

Discussion: None.

**Motion Passes: 5 – Yes, 0 – No**

**MOTION: "To approve abatement application for Goose Hollow Campground PID #17/8-3S129 in the amount of \$121.00 per recommendation of the assessor."**

Motion: R. Sabourn

Seconded: J. Gaites

Discussion: None.

**Motion Passes: 5 – Yes, 0 – No**

**MOTION: "To approve abatement application for Goose Hollow Campground PID #17/8-3S134 in the amount of \$121.00 per recommendation of the assessor."**

Motion: R. Sabourn

Seconded: J. Gaites

Discussion: None.

**Motion Passes: 5 – Yes, 0 – No**

### **SELECTMEN'S COMMENTS**

R. Sabourn informed the Board that he assisted the TA in generating a letter to John March regarding Weeping Birches Lane. The letter was mailed on Friday and the Board looks forward to a response.

R. Sabourn informed the Board that he researched the deeds to the first five or six properties at the beginning of Weeping Birches Lane to see if there was a possibility that the property owners owned to the middle of the road. After his research, he has concluded that this is not the case and this no longer is a concern. The deeds give the ability for the road to be conveyed to a public agency.

The next step in this process is to wait to hear from Mr. March to verify the plans.

TA Shepard informed the Board that the Thornton School board has agreed to hold State and Federal elections at the school in the future. The Town March elections will continue to be held at the Thornton Town Hall.

**Non-public pursuant to RSA 91-A: 3, II (a-personnel and e-litigation)**

**8:25 p.m. MOTION: "To enter into non-public session under RSA 91-A: 3, II (a, e)."**

Motion: R. Sabourn

Seconded: J. Gaites

Discussion: None.

Roll Call: Roy Sabourn – Yes, Marianne Peabody – Yes, Jack Gaites – Yes, Brad Benton – Yes, Joe Monti – Yes.

**Motion Passes: 5 – Yes, 0 – No**

**9:42 p.m. MOTION: "To exit nonpublic session."**

Motion: J. Gaites

Seconded: J. Monti

Discussion: None.

**Motion Passes: 5 – Yes, 0 – No**

**MOTION: "To authorize Town Counsel to approve a proposed settlement offer to Public Service Company."**

Motion: R. Sabourn

Seconded: J. Monti

Discussion: None.

**Motion Passes: 5 – Yes, 0 – No**

**9:25 p.m. MOTION: "To adjourn."**

Motion: R. Sabourn

Seconded: M. Peabody

Discussion: None.

**Motion Passes: 5 – Yes, 0 – No**

Respectfully submitted,

Jessi Fleury  
Board Secretary