



Approved on: 8-1-18  
BOS Initial: JPH  
Rec'd by Town Clerk on: \_\_\_\_\_  
Town Clerk Initials: \_\_\_\_\_

## TOWN OF THORNTON BOARD OF SELECTMEN

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

### Board of Selectmen Meeting Minutes July 18, 2018

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

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

**ABSENT:**

**12:48 P.M. Chairman Sabourn opened the Thornton Board of Selectmen meeting with the Pledge of Allegiance:**

**MOTION: "To approve the payroll manifest dated 7/20/2018 in the amount of \$27,704.40."**

Motion: M. Peabody

Seconded: B. Benton

Discussion: None.

**Motion Passes: 4 – Yes, 0 – No**

**Abstained: M. Peabody**

**MOTION: "To approve the vendor manifest dated 7/20/2018 in the amount of \$633,059.28."**

Motion: J. Paul-Hilliard

Seconded: J. Gaites

Discussion: None.

**Motion Passes: 4 – Yes, 0 – No**

**Abstained: B. Benton**

#### *Minutes*

**MOTION: "To approve Board of Selectmen meeting minutes for July 2, 2018 as presented."**

Motion: M. Peabody

Seconded: B. Benton

Discussion: None

**Motion Passes: 3 – Yes, 0 – No**

**Abstained: J. Gaites and J. Paul-Hilliard**

**MOTION: "To approve Board of Selectmen non-public meeting minutes for July 2, 2018 as presented."**

Motion: M. Peabody

Seconded: B. Benton

Discussion: None

**Motion Passes: 3 – Yes, 0 – No**

**Abstained: J. Gaites and J. Paul-Hilliard**

*ZCA Review*

**MOTION: "To approve ZCA #2018-48 for PID# 16/7-84 owner Rebecca Noonan Trust to build a 30x10 deck/porch."**

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

**MOTION: "To approve ZCA #2018-49 for PID# 6/2-25 owner Peter and Denise Downing to add a 10x8 extension to an enclosed porch."**

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

**MOTION: "To approve ZCA #2018-50 for PID# 8/9-14 owner Gerald and Barbara Sabolowski to build a 30x32 barn."**

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

**MOTION: "To approve ZCA #2018-51 for PID# 16/1-7-03 owner LCJ Holdings Inc., Owls Nest Golf Course, to build a 31x70 Pro Shop over the cart barn."**

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

**MOTION: "To approve ZCA #2018-52 for PID# 17/17-23 owner Joshua and Kathleen Sims to build a 24x24 garage."**

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

**MOTION: "To approve the welfare manifest dated 7/21/2018 in the amount of \$775.00."**

Motion: J. Gaites  
Seconded: J. Paul-Hilliard  
Discussion: None.  
**Motion Passes: 4 – Yes, 0 – No                      Abstained: M. Peabody**

**Diamond Ledge Road Building - ZCA**

R. Sabourn stated that there is a property on Diamond Ledge Road that is building structures without a ZCA permit. R. Sabourn explained that the property owner applied for a driveway permit. The RA would not provide a driveway permit since the road may now be designated as a Class VI road. The Board discussed that if the property is on a Class VI road, the Town could not give them a ZCA since they do not have frontage on a town-maintained road. The Board agreed to have Chair Sabourn stop in and talk with the property owner regarding this issue since he is also the Zoning Compliance Officer.

R. Sabourn inquired what the homeowner's next step would be to obtain a ZCA since the board cannot approve the ZCA on a Class VI road. After a lengthy discussion, the Board agreed to

consider continuing maintenance to the end of this property and to allow the property owner to apply for a ZCA so that he can continue building. The Board could post the road as a Class VI road after this lot. The Board agreed to discuss the road maintenance with the Road Agent including winter maintenance plans. The Board also agreed to research the road status in previous minutes, planning board records, and road records.

**TA PRESENTS:**

Yield Tax Levy

**MOTION: "To accept a yield tax levy for PID# 17/14-15-2 for Thomas Haggerty in the amount of \$394.02."**

Motion: J. Paul-Hilliard

Seconded: M. Peabody

Discussion: None.

**Motion Passes: 5 – Yes, 0 – No**

**MOTION: "To approve an abatement for PID# 16/3-15s086, in the amount of \$78.00. The camper owner provided a current registration."**

Motion: J. Paul-Hilliard

Seconded: J. Gaites

Discussion: None.

**Motion Passes: 5 – Yes, 0 – No**

**MOTION: "To approve a request for funds from the Property Tax Map capital reserve account in the amount of \$17,890.00 for the 10% payment on the contract with Cartographics."**

Motion: J. Paul-Hilliard

Seconded: B. Benton

Discussion: None.

**Motion Passes: 5 – Yes, 0 – No**

**MOTION: "To accept the resignation from Brook Rose as the Town Clerk effective July 17, 2018."**

Motion: B. Benton

Seconded: J. Paul-Hilliard

Discussion: None.

**Motion Passes: 5 – Yes, 0 – No**

**MOTION: "To accept a tax deed waiver for PID# 16/13-1-8 to correct the timeline for notification."**

Motion: J. Gaites

Seconded: J. Paul-Hilliard

Discussion: None.

**Motion Passes: 3 – Yes, 0 – No**

**Abstained: B. Benton and Roy Sabourn**

**MOTION: "To appoint Susan B. Jane as a Fire Commissioner for the remainder term through 12/31/2018."**

Motion: M. Peabody

Seconded: J. Gaites

Discussion: None.

**Motion Passes: 5 – Yes, 0 – No**

*Tax Deed Agreement*

TA Shepard presented a deed for the board to sign upon repayment of past due taxes for PID #13/5-4D3.

**MOTION: "To sign a deed to convey the property known as PID# 13/5-4D3 to the previous owner, McAllister, with the condition that the past due taxes in the amount of \$7,797.41 are paid in full."**

Motion: J. Paul-Hilliard

Seconded: B. Benton

Discussion: None.

**Motion Passes: 5 – Yes, 0 – No**

*Town Clerk Resignation and Change of Schedules*

TA Shepard informed the Board that she met with town hall staff regarding the resignation of the town clerk. The staff has proposed a change in town clerk office hours for Tuesday nights as it is difficult for current staff to fill the evening hours. The new town clerk will also need training time before they would be able to work independently on Tuesday evenings. Staff has proposed keeping the town clerk office open on the first and last Tuesday evening of the month from 8:00 a.m. to 6:00 p.m. since this is their busiest time of the month. D. Mahurin and A. St. Amor will share coverage for these evenings. D. Mahurin will get notice out on the town's website, the PEG Channel and post at Town Hall. The Board agreed with this change.

**MOTION: "To approve the change in town clerk office hours to every first and last Tuesday evening of the month from 8:00 a.m. to 6:00 p.m."**

Motion: M. Peabody

Seconded: J. Gaites

Discussion: None.

**Motion Passes: 5 – Yes, 0 – No**

TA Shepard informed the Board that Owls Nest is interested in changing their liquor license to allow alcohol to be served in more locations at the golf course. The town must grant approval per State of NH requirements. B. Regan drafted a letter granting the proposed changes for the Board to sign. The Board agreed and signed the letter.

**MOTION: "To approve the change in liquor license for Owls Nest."**

Motion: J. Paul-Hilliard

Seconded: M. Peabody

Discussion: None.

**Motion Passes: 5 – Yes, 0 – No**

*Weeping Birches Lane*

TA Shepard stated that the residents of Weeping Birches Lane had requested permission to change the road name to Horizon Drive. During the previous meeting, R. Sabourn questioned if this name change would apply to the upper and lower portion of Weeping Birches Lane. TA Shepard stated that Chief Defosses confirmed that the road name change would only affect the upper portion of Weeping Birches Lane. The lower original section that connects to Snowood Drive will remain Weeping Birches Lane. The Board agreed to sign approval for the requested road name change.

**MOTION: "To approve the road name change for upper Weeping Birches Road to Horizon Drive and to have a new road sign installed by the property owners or the developer."**

Motion: J. Paul-Hilliard

Seconded: J. Gaites

Discussion: None.

**Motion Passes: 5 – Yes, 0 – No**

#### *Interim Town Clerk Position*

TA Shepard informed the Board that the interim town clerk position has been posted and advertised and is open until Wednesday, July 25, 2018. The Board agreed that either M. Peabody or R. Sabourn would be part of the interview board depending on their schedules to conduct interviews on Wednesday, August 1, 2018 from 2:00 p.m. to 4:00 p.m.

#### *McKay Court Order*

TA Shepard informed the Board that Mr. McKay did not submit his application to comply with the court order. TA Shepard is working with Attorney Laura Spector to move forward with the eviction process.

#### *Old Town Hall Concerns*

RA Kubik reviewed the sand bag concerns at the Old Town Hall Building and informed TA Shepard that there does not appear to be any visible structural damage just some minor visual washing out that can be seen from the road.

#### *Concerned Citizen Issues*

Ron Daly had a concern of a water pump running 24/7 at the Benton Sandpit. The Board reviewed the Planning Board approval that indicates hours of operation as well as the apron and a non-seeded pile of dirt that has not been addressed yet. The Board agreed that the Planning Board would need to address these gravel pit issues.

Daniel Reis was asked to pay \$15 to dispose of an unassembled 6-foot wood picnic table at the transfer station and he feels that \$15 is a considerable amount for the wood that was disposed of. Mr. Reis feels that he should have only been charged a \$5 miscellaneous furniture fee. Dan Day informed TA Shepard that Mr. Reis was being charged a portion of a fee relative to a pick-up truck full of debris. The Board agreed that the transfer station has to follow their fee schedule and should explain the amount charged in relation to the approved fee schedule. The transfer station charges \$45 for a pick-up truckload and it is estimated that the picnic table consisted of 1/3 of a truckload, which would equal \$15.00. The Board agreed to have TA Shepard provide this explanation to Mr. Reis.

Susan Thistle of Lyford Crossing, is concerned that the private road she lives on does not have a street sign at the end which could make it difficult for emergency services to find the road. RA Kubik believes that the sign could have been taken down when the State was paving and was never re-installed. RA Kubik stated that the town cannot provide a new sign since it is a private road but did provide contact information for the State Sign Shop. A new sign would cost about \$100. TA Shepard will relay this information to Ms. Thistle.

#### *Custodial Service Update*

TA Shepard informed the Board that the bids for custodial services were due on July 13 and no bids were received. The Board offered some suggestions for vendors to contact.

#### *Sale of Tax Deeded Property*

TA Shepard informed the Board that tax deeded properties available for resale have been advertised and are open for bids through July 27, 2018. The bids will be opened at the August 1, 2018 Selectboard meeting. No bids have been received to date.

#### *Transfer Station Assistant position*

The position has been posted until July 31, 2018 and there have been a few people that received applications and one application has been received. The Board agreed to have TA Shepard and J. Paul Hilliard on the interview board.

TA Shepard shared an email received from Chris Fournier, Engineer on the Covered Bridge Project relative to Mr. Denauw's request for trees and bushes. The Town negotiated an easement with Mr. Denauw and as part of that agreement, agreed to fix his driveway and loam and seed the side slopes that were washed away during the storms last year. The Board agreed that this was not part of the agreement and advised Chris Fournier that they would not agree to planting trees and bushes on Mr. Denauw's property. He would need to be responsible for that work.

**AGENDA ITEMS:** (no public input unless approved by the Chairman)

**2:00 Todd Baldwin, Chickenboro Road**

Mr. Baldwin met with the Board to continue discussion on Chickenboro Road. During the last meeting, R. Sabourn stated that there were old road maps that would provide additional information on the layout of Chickenboro Road but could not be located. R. Sabourn stated that he was able to find the Pauline Reed plan that was mentioned in the court records. The other plan was the Harts plan but he has not been able to find that plan. Copies of the Pauline Reed plan were provided to Mr. Baldwin for his records.

Mr. Baldwin and the Board reviewed the plans and compared them to the plans that had been previously submitted. After comparison, the plans were very close. The Reed plan shows that Chickenboro Road was considerable closer to Mr. Baldwin's house than it is at this time. Mr. Baldwin produced an old hand drawn map from 1969 that was used during the court hearing when he requested a cease and desist on the building in that area.

Selectman Sabourn stated that the finding of the old map is helpful and can be used to provide additional information. Selectman Sabourn requested a copy of the map. Mr. Baldwin stated that Chickenboro Road was a one-rod road and he would like it to begin in the middle of the road that the town laid out rather than beginning at his property. Mr. Baldwin asked what the town would like from him to solve this situation.

Chairman Sabourn stated that the town needs enough room to maintain the road. He explained that the town cannot accept his rendition of the pins being the edge of the road. Mr. Baldwin stated that he has tried to work with the town and he has done everything that the town has asked to try to come to an agreement that works for everyone and if the town cannot accept where the new pins have been set by his surveyor for the road, then they will have to go back to court. Selectwoman Peabody requested more time to review the newly produced map from the court hearing, and to come to a possible solution.

**2:30 Anita and Robert Ross, Mirror Lake Road**

Mr. and Mrs. Ross met with the Board to discuss some concerns with Mirror Lake Road including a culvert that crosses Mirror Lake property and onto their property. They are concerned with the drop off in that area and feel that a small (10 or 15 feet) guardrail would prevent any real damage or injury in the future. Anita shared a plan with board members illustrating her concern. The Board agreed to have the Road Agent visit the area and submit his recommendation.

Mr. Ross stated that another culvert that was replaced looks great and looks like it will reduce erosion. He stated that the culvert was placed 10 feet from where it should be and explained the water drainage in that area. The entrance of the culvert is 10 feet in from the pavement and captures the water off Mirror Lake Road but not Dobson Hill. He asked why the entrance to the culvert was moved from where it was years ago. RA Kubik explained that the culvert was directly under the road and had to be moved to correct that problem and prevent additional problems. He also did not want to create another unsafe drop off area. The Selectboard and

Road Agent discussed options to slope and redirect the water to travel as it has before the new culvert was installed. Mr. Ross suggested a culvert across his driveway. Selectman Paul-Hilliard asked if Mr. Ross is willing to purchase the culvert and the town could install it. RA Kubik expressed concern that another culvert could bring more water to properties downhill. The Board continued to discuss options. After extensive discussion, the Board agreed that Selectman Paul-Hilliard will work with RA Kubik to come up with a solution to Mr. and Mrs. Ross's concerns.

Mr. Ross requested to meet with the BOS in the near future to talk about a few other concerns. Chairman Sabourn asked him to wait a few weeks until the RA and John Paul-Hilliard could come up with a plan on how to proceed with the culvert. Mr. Ross will call TA Shepard to get on a future BOS agenda.

### **3:00 RA John Kubik – Highway Capital Improvement Plan**

RA Kubik discussed upcoming expenses for the CIP. RA Kubik made the following recommendations:

- Move replacement of truck 1 to 2025
- Move replacement of truck 3 to 2026, since this vehicle was not used this year due to the time it took to install equipment.
- Adding a used loader in 2028 to replace the current loader

### *Diamond Ledge Road Discussion Continuation*

The Board discussed the ZCA concern on Diamond Ledge Road and the maintenance plan. RA Kubik stated that it is very difficult for him to turn the plow truck around to maintain Diamond Ledge Road. The Board asked RA Kubik to provide an estimate as to what it would cost to bring the road to specifications to allow maintenance and plowing. Ms. Peabody recommended visiting the property and speaking with the property owner to request that he stop building and apply for a ZCA. R. Sabourn and TA Shepard will visit the property. If the building project does not stop after this visit by R. Sabourn and TA Shepard, then the Board agreed to issue a formal cease and desist order.

### **3:15 Chief Miller - Police Department Capital Improvement Plan**

Chief Miller discussed upcoming expenses for the CIP. Chief Miller made the following recommendations:

- Ford Explorer purchase with new camera, radio, and other standard equipment for \$55,000, Chief Miller stated that he will apply for a grant for the MTB and the camera. The cruisers were originally in the CIP at the cost of \$42,000.

Mr. DeLeo questioned a 32% increase in cost from last year and asked what changed from last year. Chief Miller stated that some of the equipment was moved from the previous cruisers to the new cruisers. He explained that he cannot do that this time because the equipment is too outdated.

- The Taurus will be put out to bid and the oldest SUV will be kept as a back-up cruiser. Mr. DeLeo stated that the replacement of the cruisers was extended to five years and asked if it is possible to extend the replacement of the cruisers to six or seven years. Chief Miller agreed to look into the possibility of extending his Chief vehicle to six years since his car will have less mileage.

### **3:30 Chief Defosses - Fire Department Capital Improvement Plan**

Chief Defosses discussed upcoming expenses for the CIP. Chief Defosses made the following recommendations:

- Addition of Engine 3 in 2027, which is a replacement after 22 years. He used the same amount of \$500,000 and there may be some reductions that could be had at the time of replacement.
- The 2004 Tahoe will be replaced this year. Chief is considering converting to a pick-up truck instead of a Tahoe which is a cheaper option for the Town. Chief stated that the Office of Emergency Management offers a grant for equipment and Paul Hatch is confident that the Town could apply for this grant. The Board agreed to have Chief look into grant options.
- Mr. DeLeo will explore the possibility of purchasing a F-150 for next year. He will provide an update of funding suggestions at the next Board meeting.
- Chief Defosses discussed options for replacing the ambulance. Discussion included replacing the ambulance or keeping the body of the ambulance and placing it on a new chassis. The BOS was open to this idea and will discuss further.

### **3:45 BOS/TA - Capital Improvement Plan**

TA Shepard stated that there are no additional expenses to add to the CIP for the BOS or TA.

### **SELECTMEN COMMENTS**

M. Peabody asked if the beautification committee should wait to work on the transfer station grounds until after the construction. The Board agreed that waiting would be the best option.

The Board discussed the grounds and recommendations for improving the visual appeal of the Transfer Station, while keeping in mind snow removal in the winter.

#### *Weeping Birches*

Selectman Paul-Hilliard met with Tom Avalone and John Kubik yesterday. Tom Avalone was given 30 days to correct some problems such as reducing the risk of rollover on a corner, marking all the culvert crossings, removing some evasive plant species that were found, and installing a drain at the top of the hill to alleviate the wet spot. Mr. Avalone was informed that the stone wall near the road will likely be in the way of winter maintenance and will not be reconstructed by the town if it is damaged. Selectman Paul-Hilliard stated that Mr. Avalone was very receptive to their suggestions for improvements and the changes will begin next week.

### **5:11 p.m. MOTION: "To adjourn."**

Motion: B. Benton

Seconded: J. Paul-Hilliard

Discussion: None.

**Motion Passes: 5 – Yes, 0 – No**

Respectfully submitted,

Jessi Fleury  
Board Secretary