

**TOWN OF THORNTON BOARD OF SELECTMEN  
MEETING MINUTES  
Meeting Date: November 2, 2011**

The Thornton Board of Selectmen met and held a public meeting on Wednesday, November 2, 2011 10:00 am at the Thornton Town Hall.

**Board Members present:** Tim Tyler, Chairman, Butch Burbank, David Joyce, Roy Sabourn, and Brad Benton.

**Staff present:** Tammie Beaulieu, Administrator  
Marianne Peabody, Secretary  
Police Chief Moller  
Road Agent Dubey

**Public present:** Please see attached sign in sheet.

At 10:01 am Chairman Tyler led the Board with the Pledge of Allegiance. The Board of Selectmen held a work session until 10:48 am to review weekly correspondence.

At 10:48 am Chairman Tyler opened the meeting by asking for a motion to approve the bi-weekly vender & payroll manifest.

**Manifest**

**Motion**

A motion was made by Selectman Burbank and seconded by Selectman Sabourn to approve the payroll manifest for the amount of \$19,164.25 week ending November 4, 2011.

Voted 5-0 Motion passed.

**Motion**

A motion was made by Selectman Sabourn and seconded by Selectman Burbank to approve the vender manifest for the amount of \$138,193.03 week ending November 4, 2011.

Voted 4-0 Motion passed. Selectman Benton abstained.

### **Public Forum**

Jonathan Ham, Ham Farm Heirs, Route 3 approached the Board with a letter he received from Zoning Officer, Clint Rand. Mr. Ham attempted to contact Mr. Rand and was informed he was on vacation until November 6, 2011. Mr. Ham is before the Board with concerns regarding the letter he received. His reaction to this letter is personal. Mr. Ham wished Mr. Rand contacted him by phone before sending a letter like he did. Mr. Ham also questioned if other property owners received the same letters, or was his property singled out. Mr. Ham is aware of what the laws are and he just wished he was approached in a different manner. Board Members informed Mr. Ham they are trying to clean things up and other letters will be going out to property owners. This is what the people have requested. Selectman Sabourn informed Mr. Ham that he has been serving on the Board of Selectmen for five years and in fairness this has been an ongoing situation and you have been contacted each year to remove vehicles. Selectman Burbank feels everyone should be treated equally. The Board recommends Mr. Ham contact Zoning Officer Rand and work with him.

### **Waterthorn Road Association – Richard Valanti**

Chairman Tim Tyler recused himself from this agenda item.

Chairman Tyler stepped off the Board and sat with the public present.

Mr. Valanti, Mrs. Bourret, Jim Powers, Developer and Road Agent Dubey present.

Mr. Valanti representing Waterthorn Home Owners Association updated the Board with history beginning at the 2011 Town Meeting Warrant when the people voted to accept the Waterthorn Rd on the Board of Selectmen's approval.

Mr. Valenti informed the Board all written requirements of the HO Association are complete. They are before the Board today with Developer Jim Powers to inform the Board there is a section of road ending at the 1<sup>st</sup> cul-de-sac that is not owned by the HO Association and was not purchased by the Developer.

Selectman Sabourn and Burbank expressed their concern with the upper cul-de-sac at the top of the hill. The original letter mailed to the Homeowners Association stated: "The Town was not going to take the road over that far." After discussion of various things that had transpired with the letter from the Developer not put before the planning board, the Board agreed to take the road as far as and including the second cul-de-sac. The Board requested RA Dubey pave the top coat on the two missing sections after patching is completed in the spring.

Road Agent Dubey informed the Board of his visit to Waterthorn Rd and reported how impressed he is with the work that was completed by the HO Association. The Board of Selectmen informed the Waterthorn HO Association to prepare a draft deed turning the approved section of Waterthorn Road over to the Town. The draft deeds will be reviewed by Town Counsel and the costs associated with all legal expenses will be paid by the Waterthorn HO Association. The Board of Selectmen informed the HO Association and Developer Powers that the Town will take over the road once all legal work is complete.

### **Thornton Mall – Transfer Station**

Chairman Tyler welcomed Transfer Station Manager, Kevin McGuire, the Campton Board of Selectmen Members, and public for attending and asked if they would introduce themselves. Selectwoman Sharon Davis, Charles Wheeler and Marsh Morgan. Public present, Terri Qualters, Pat Barker, Cookie Benton and Robert Jones all volunteers who utilize the merchandise at the Mall to help non-profit organizations, and take the time to organize it. Campton Selectwoman Sharon Davis passed out a list of items her Board discussed relating to the Mall positives, negatives and alternatives.

Chairman Tyler updated the public of a joint Board Meeting held on October 3, 2011 where discussion centered on the existence, safety and cost associated with keeping the Mall open. The outline sheet Selectwoman Davis passed out outlines some of the concerns. Chairman Tyler asked Manager McGuire if he would like to add to the conversation. Manager McGuire informed the Board this morning a TV was dropped off at the Mall. The public are coming in leaving items at the Mall which require a fee to be paid. Not paying fees has become costly to the taxpayers, and is not fair to the people who are paying. Kevin also shared pictures he took of the mall showing the place in shambles. The public rummages through the items dropped off, the items they do not want are thrown aside and employees are cleaning the mess. Friends of the Mall each had an opportunity to share their opposition to closing the mall. Mr. Jones informed the Board that he and his wife volunteer their time to straighten it out when they are there. Cookie Benton also puts her share of time into cleaning it.

Administrator Beaulieu asked for the record to note that she informed TA Manager McGuire that volunteers at the transfer station are not approved. The Town is not set up for volunteers and she is mentioning this to make it clear that during her conversation with Mr. Jones at the Town Hall he understood that. Mr. Jones replied that he does. Jim Demeritt expressed he feels the mall is a good

gesture but it has become costly with people dropping payable items off. He also has concern with the sticker process. The public is not made to show proof of residency. Terri Qualters said: "To get rid of the mall would be a sad day in Town." Mrs. Baker has furnished items for the Campton Historical Society from the mall. The Jones's bring items to different thrift shops for donation. Cookie Benton helps the local people in town with items she has retrieved from the mall. Selectman Sabourn suggested a table be placed near the transfer station office. After further discussion Chairman Tyler informed the public present since friends of the mall took the time to come to this meeting with their concerns he feels a committee should be formed to come up with alternate solutions. These solutions would be presented to the voters at the March 2012 Town Meeting. Chairman Tyler agreed to head the committee and asked interested parties to sign up. Chairman Tyler looked to Board Members for motions to close the mall.

#### **Motion**

Selectman Joyce motioned to close the Transfer Station Mall as of January 1, 2011 Selectman Burbank seconded. Voted 4-1 Selectman Benton opposed. This vote to close the Mall coincides with the Campton Board of Selectman vote.

#### **Motion**

Selectman Burbank motioned to look for volunteers to present suggestions and report to Town Meeting March 2012. Selectman Joyce seconded Voted 4-0 Selectman Sabourn abstained.

Transfer Station Manager Kevin McGuire informed the Board he will be available to serve on the committee.

Chairman Tyler thanked the Campton Board of Selectman and public for attending.

**Fleet Inspection** – Board Members are scheduled to visit the Police Department, Highway Department, Transfer Station and Campton/Thornton Fire Department to review equipment inventory.

#### **Dick McCormack – Assessing**

Mr. McCormack came before the Board to discuss inconsistencies with the view feature assessments in his neighborhood. Gary Roberge, President of Avitar Associates and Administrator Beaulieu visited his property not very long ago which he thanked the Board for their consideration. Avitar adjusted the view feature and now someone else from Avitar was recently out and the assessed value has increased again. Mr. McCormack brought forward comparable in his

neighborhood. It was agreed that Administrator Beaulieu will meet with Mr. McCormack on Friday, November 4, 2011 @ 11:00 am to discuss this matter in further detail.

### **Beverly Chappell – ZBA Fees**

Beverly Chappell informed the Board she attended the October 24, 2011 ZBA Meeting for an appeal for Administrative Decision where the Board of Selectmen on September 7, 2011 voted to approve a building permit for a stage to be constructed at the Benton property PID 10-03-37 after consultation with Town Counsel and ZBA Counsel relation to the Chappell appeal, the Board of Selectmen rescheduled their next meeting to 8:00AM on October 21, 2011. Beverly stated; “You met with Town Counsel and it was decided that you would make some contingents or stipulations to the permit that in fact would have been the same requirements the ZBA would have probably had you do, and were also the same requirements that I said you needed to do on October 7, 2011, but I was told you weren’t interested in the views. Nobody discussed FEMA and you said site review was not required. So your Counsel suggested I’m assuming to making those changes you made those changes so there was no need for a hearing as the ZBA said moot. Meaning there is no issue. So I want my money back, and would like the full amount of \$249.86 that includes postage.”

Beverly Chappell mentioned ZBA Member, Jim Demeritt was there and the ZBA replied they did not have that authority to return the money. It had to go before the Board of Selectmen. Beverly Chappell is before the Board of Selectmen for the procedure of the return of fees. Beverly’s reasons for the return of the application fees she paid are as follows:

1. At the recommendation of Counsel the Board took the action to require site plan review and to insure compliance with FEFA Regulations at the October 21, 2011 Board of Selectmen Meeting. Had the Board made these requirements at the September 7, 2011 meeting I would have not had to file the appeal. The actions taken by the Board at the October 21, 2001 meeting prevented the need for a hearing to occur. If this decision were to be made in a timely manner the ZBA meeting would have been cancelled. If the Board does not refund the fees you are setting a president and the only way you can be compelled to do your job is if tax payers incur the cost and responsibility of seeking judgment against you either at the local or the judicial level. So what is your pleasure?

Selectman Burbank stated: "On the advice of Counsel, seeing that the Board of Selectmen has no jurisdiction to determine if the ZBA hearing occurred, the ZBA fees should not be refunded since the application was processed and considered." Selectman Burbank explained the fees were expended in mailings energy and time associated with setting up the ZBA Meeting. TA Beaulieu explained applications fees are put in place to cover the process involved with the application and mailings were processed and ZBA Attorney fees incurred. Beverly asked for a copy of the correspondence from the Board of Selectman Counsel, and was informed it was client privilege information. Board Member Brad Benton recused himself by stepping off the Board and sitting with the public.

Beverly Chappell informed the Board that they circumvented the process by amending the building permit and misrepresentation of yourself to Town Counsel in the eleventh hour.

Selectman Sabourn took exception to Beverly Chappell's misrepresentation remark. Selectman Sabourn informed Beverly Chappell there was no misrepresentation by the Board of Selectman. The Board of Selectman made some errors. Once it was learned errors were made the Board put stipulations on the building permit. That was not intentional Mrs. Chappell there was nothing intentional to damage you or anyone else. We found out we should have looked at it differently.

Beverly replied with: "Why should I have to assume the cost?"

Selectman Sabourn informed Beverly Chappell that she took it upon herself to challenge the decision and ultimately it's not going to change the decision of the building permit. Beverly replied with: "So the building permit has not been rescinded and it is still good to go? She was informed the building permit is on hold until the requirements are met through site plan review, and engineered drawings are presented.

Beverly proceed to say let's finish the procedural element of you denying me my money and me requesting you that I want a decision in writing.

### **Motion**

A motion was made by Selectman Burbank that the Board of Selectman will not be refunding the fees that Mrs. Chappell has put forward due to the process the ZBA occurred. Selectman Sabourn seconded. Voted 4-0 Motioned passed.

A letter of denial will be mailed as requested.

Beverly Chappell was informed it is her choice to appeal to the ZBA. The funds were expended.

Beverly Chappell replied “ Is this the procedure for how you deal with other people in Town that you require them to pay money or go to court in order to get you to do your job thoroughly first run out of the gate? You know, I have to say it took me a while to rap my head around the fact that you are all cowards, but coming down to the fact that you are willing to go to such extent to misrepresent yourself, and I do have verification that you misrepresented yourselves”

Selectman Benton returned to the table and sat with the Board.

### **Signature Folder**

#### **Notice of Intent to Cut Wood or Timber**

PID 10-16-1 – Jarrett Ham – Signed by Board of Selectmen  
 PID 18-04-03 & 18-05-02 Nevin & Mary Scrimshaw – Signed by Board of Selectmen  
 PID 03-03-12 Ralph & Ruth Bradley – Signed by Board of Selectmen  
 Certification of yield taxes assessed for tax year April 1, 2011 to March 31, 2011 to the Department of Revenue for PID 13-08-11 Thomas O’Haire for the amount of \$155.36.

William Tell Restaurant, Mr. Kevin M Friel – (2) letters – No objection to an on-premise license for alcohol and entertainment permit provided by the State of NH. Signed by Board of Selectmen

### **Action Folder**

#### **Selectmen Meeting Minutes**

##### **August 10, 2011 Regular Meeting Minutes**

#### **Motion**

Selectman Burbank moved to accept the amended meeting minutes of August 10, 2011. Selectman Joyce seconded. Voted 3-0 (2) abstentions. Selectman Sabourn & Benton abstained as they were not present at this meeting. Motion passed.

#### **Motion**

##### **October 5, 2011 Regular Meeting Minutes**

Selectman Burbank moved to accept the amended meeting minutes of October 5, 2011.

Selectman Sabourn seconded. Voted 4-0 (1) abstention. Selectman Joyce abstained. He was not present at this meeting. Motion passed.

### **Motion**

#### **October 5, 2011 Non-public Meeting Minutes**

Selectman Sabourn moved to accept the non-public meeting minutes of October 5, 2011. Selectman Benton seconded. Voted 3-0 (2) abstentions Selectman Joyce and Selectman Burbank were not present. Motion passed.

#### **October 21, 2011 Regular Meeting Minutes**

Selectman Sabourn moved to accept the amended meeting minutes of October 21, 2011. Seconded. Voted 4-0. Selectman Burbank abstained as he had left the meeting early for work.

#### **October 21, 2011 Non-public Meeting Minutes**

Selectman Saborun moved to accept the non-public meeting minutes of October 21, 2011 Voted 4-0. Selectman Burbank not present.

A letter from Deachman & Cowie, PA Attorneys at Law representing the interest of Mr. Carlton Kilmer, President of the Mill Brook Valley Maintenance Corporation was read by Chairman Tyler regarding a White Mountain National Forest cut of wood. Attorney Cowie is requesting to be scheduled before the Board in January 2012 to discuss the haul route for this project. After discussion the Board agreed to schedule a meeting with the parties requesting to meet after budget season.

### **ADAPT Program**

Administrator Beaulieu received a written request for the 2012 annual appropriation for the ADAPT Program. Sean O'Brien, ADAPT Director informed TA Beaulieu this past 2011 summer program was the best they ever had, and are planning more improvements for next summer. A newsletter will be mailed to students homes, letting them know what is being planned for 2012 Summer Program. The appropriation letter is asking for an increase of \$5,000.00. The amount raised for many years has been \$25,000.00. The ADAPT program is requesting \$30,000.00 for the 2012 fiscal year. Board Members agreed to place the increase in the ADAPT appropriation budget line and bring this increase to the attention of voters at the annual scheduled budget hearing.

A letter dated October 30, 2011 from Mr. Todd Baldwin of Chickenboro Road addressed to the Board of Selectmen was read by Chairman Tyler. This letter of concern is with the recent ditching work specifically, the ditching has encroached

further on his side of Chickenboro Road. Mr. Baldwin is asking for the Towns consideration to protect further damage on his side of the road in an effort to stop further ecologically damaging maintenance of Chickenboro Road. A copy of this letter will be forwarded to Road Agent Dubey.

### **Police Chief Moller – 2011 Emergency Management Grant Application**

Police Chief Moller informed the Board she is working with Jane Hubbard, Grant Writer and Paul Hatch, Emergency Management to revise the Town of Thornton Emergency Management Plan. Her initial thought was to reformat this plan to enable it to be more user friendly, and has since learned some categories must remain as they are. Government grant dollars are available for \$5,000.00 to follow through with the program. Chief Moller is before the Board for permission to apply for the grant, and to inform the Board it has been recommended for a Member of the Board of Selectmen to sit on the Committee.

#### **Motion**

A motion was made by Selectman Burbank and seconded by Selectman Joyce to approve \$5,000.00 and to allow Police Chief Moller to apply and accept the funds to update the Town of Thornton Emergency Management Plan. Voted 5-0 Motion passed. Board Members signed the grant application.

### **Town Administrator present**

The 2010 annual audit was complete and TA Beaulieu made copies for the Board to review.

TA Beaulieu explained to the Board we are waiting for the confirmed tax rate from DRA. She is requesting a motion by the Board to include two items. We retain \$50,000 in overlay for possible utility abatements and take \$124,000. 00 from the unreserved fund balance to reduce the tax rate burden for 2011.

#### **Motion**

Selectman Sabourn motioned to retain \$50,000 in overlay and take \$124,000 from the unreserved fund balance to reduce the tax rate burden for 2011. Selectman Joyce seconded. Voted 5-0 Motion passed.

TA received the Local Health Trust premiums for the coming year. All health insurance has increased with the exception of dental. It went down.

TA asked the Board how they prefer to proceed with informing the employees of considering a different plan. The Health Trust is recommending other options, and highly recommending a different RX Plan. TA reviewed the RX Plan, and does not see much of a difference. If employees continue with the "Cadillac plan" they will be taxed in the future. Selectman Burbank recommended to offer the Cadillac plan for employees who wish not to change, but employee would have to pay difference from less expensive plan. Selectman Sabourn would like to discuss this at a work session prior to going to the employees.

Avitar Terra Map- TA Beaulieu received a minimum maintenance invoice for updating tax maps. This is an 8 hr. charge for the amount of \$500.00. As requested we have been drawing the changes on the tax maps. TA Beaulieu recommends we submit the changes to Avitar since we are going to be charged anyway. Selectman Sabourn feels the town should make available the data base on line. It is a convenient feature other towns make available to the public. Board Members agreed to sign the contract for hourly mapping changes. This will be discussed during budget time.

TA Beaulieu spoke with Kevin Friel the new owner of the William Tell Restaurant and mentioned the Town's annual holiday celebration gathering. Mr. Friel was very interested in hosting the Holiday Gathering. TA asked the Board which dates are available for them. December 6,7,13. It was decided to try for Wednesday, December 7, 2011.

A letter will be drafted to Toni's thanking them for hosting the Holiday Gathering for the past three years, and that in fairness to other establishments in Town we plan to alternate each year if they would consider hosting in future years.

TA informed the Board we have been given advance notification of the tax deeding process from the tax department. There is a list available for the Boards review. The Board agreed to take a close review of the list as the deed date gets closer.

Waterville Estates proposed petition to change boundaries of the Village District TA Beaulieu informed the Board she spoke with Administrator Corey Smith of the Estates and the District Commissioners are scheduled before the Board of Selectman on November 16, 2011 @ 8:00PM.

Administrator Corey Smith was informed there is a cost associated with this undertaking. Administrator Corey Smith will bring this back to his Commissioners

for discussion. The Matson's also submitted a petition opposing the boundary adjustment.

TA Beaulieu asked if the Town still has a Budget Committee. Jim Demeritt has noticed the public for volunteers and to date no response. The Board decided to proceed with no advisory budget committee this year.

TA received the draft of the library and school agreement. This will be placed on the work session agenda for discussion with the purchase policy on November 9, 2011.

Waterline Project - TA informed the Board invoices are coming in and she would like to know what account they will be paid under. The Board agreed to use the building special reserve fund.

Rivendale Road & Riverview Dr. Developer Jim Ingram plans on completing the requirements set by the Board to take over the roads next week.

TA informed the Board she plans to record the meeting minutes onto a USB or DISC once the new dictation equipment being used is figured out. In conversations with other communities it appears the standard fee for a USB or DISC is a \$10.00 charge for each set of minutes. Board Members agreed the Town will supply the USB or DISC.

**Motion**

Selectman Burbank motioned to charge the fee of \$10.00 for each set of meeting minutes recorded on request. It is further understood that the Town will supply the USB or DISC. Selectman Joyce seconded. Voted 5-0 Motion passed.

TA informed the Board there was discussion with the librarian over where dollars should be placed for a reserve. TA informed Ms. Sargent that until an agreement is in place between the School & Town a decision cannot be made.

TA will be working on an excel worksheet for all contracted positions, and it will be forwarded to the Board of Selectmen. Two contracts will need discussion under non-public.

### **Board of Selectman Items for Discussion**

Selectman Joyce – Justin Atwood has completed the mandated work on his garage. He is waiting for the as-built from his surveyor.

Selectman Burbank – Woodwinds curbing. Selectman Burbank was informed the curbing was removed from the Town's ROW and the property owners land flooded.

Selectman Sabourn – Inquired if the Plymouth Regional High School Students where at the Town Hall to look at the building for renovations? Answer: Yes

Selectman Benton – Drove Mad River Road and observed areas of undermining near the cemetery. A complaint regarding Sugar Run culvert was received. Selectman Benton will inform RA Dubey.

### **Other items of Discussion**

The completion of Burbank Hill Road, Developers fair share dollars are still in escrow. RA Dubey will try to complete the project before winter.

### **Public Forum**

Jim Demeritt showed concern with Upper Mad River Road ditching.

### **Non-public session**

At 3:20 pm Selectman Burbank motioned to enter into non-public session. Selectman Joyce seconded according to RSA 91-A 3, II – (c) Reputation

### **Roll Call**

Selectman Burbank, Yes, Selectman Joyce, Yes, Selectman Sabourn, Yes, Chairman Tyler, Yes, Selectman Benton, Yes Motion passed (5-0)  
Administrator Beaulieu was present at this session.

At 3:40 pm the Board of Selectman came out of non-public session.  
No decision made.

This meeting will continue with the inventory of Town Fleet review at 3:53pm then adjourn.

Next scheduled work session will be held on November 9, 2011 at 5:00 pm.

Next scheduled regular meeting will be held on November 16, 2011 at 5:00 pm.

Respectfully Submitted

Marianne Peabody

Posting Date: 11-09-11