



TOWN OF THORNTON BOARD OF SELECTMEN

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

Approved on: 6-2-21
BOS Initial: MP
Rec'd by Town Clerk on: 6/4/21
Town Clerk Initials: djm

Board of Selectmen Meeting Minutes May 19, 2021

3:00 p.m. Chairman Roy Sabourn opened the Thornton Board of Selectmen meeting work session with the Pledge of Allegiance.

This meeting was held at the Thornton Town Hall and via Zoom. The Zoom code was referenced on the posted agenda.

ROLL CALL: Chairman Roy Sabourn, Vice-Chairman Joseph Monti, Selectwoman Marianne Peabody, Selectman Brad Benton, and Selectman Peter Laufenberg.

STAFF PRESENT: Debra Shepard, Town Administrator; Kerrin Randall Admin Assistant

OTHERS PRESENT: Steven Babin, Al Lewis, Tim McGrath

OTHERS PRESENT VIA ZOOM: Andy Harris

MOTION: "To approve the Board of Selectmen minutes of May 5, 2021 as amended."

Motion: P. Laufenberg

Seconded: J. Monti

Discussion: None.

Roll Call: Marianne Peabody – yes, Brad Benton – yes, Roy Sabourn – yes, Joseph Monti – yes, Peter Laufenberg - yes.

Motion Passes: 5 – Yes, 0 – No Abstained: 0

MOTION: "To approve the Board of Selectmen non-public minutes of May 5, 2021 as presented."

Motion: P. Laufenberg

Seconded: M. Peabody

Discussion: None.

Roll Call: Marianne Peabody – yes, Brad Benton – yes, Roy Sabourn – yes, Joseph Monti – yes, Peter Laufenberg - yes.

Motion Passes: 5 – Yes, 0 – No Abstained: 0

Manifests

MOTION: "To approve the payroll manifest dated 5/21/2021 in the amount of \$28,727.09."

Motion: J. Monti

Seconded: M. Peabody

Discussion: None

Roll Call: Marianne Peabody – yes, Brad Benton – yes, Roy Sabourn – yes, Joseph Monti – yes, Peter Laufenberg - yes.

Motion Passes: 5 – Yes, 0 – No Abstained: 0

MOTION: "To approve the vendor manifest dated 5/21/2021 in the amount of \$486,032.17."

Motion: B. Benton

Seconded: P. Laufenberg

Discussion: None



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Roll Call: Marianne Peabody – yes, Brad Benton – yes, Roy Sabourn – abstained,
Joseph Monti – abstained, Peter Laufenberg - yes.

Motion Passes: 3 – Yes, 0 – No Abstained: 2

Consent Agenda

1. Certificate of Appointment for Eben Gannett as a Library Trustee Alternate.
Said appointment for a one-year term to expire on May 19, 2022.
2. Certificate of Appointment for Kimberly Kuchon as Library Trustee Alternate.
Said appointment for a one-year term to expire on May 19, 2022.
3. Abatement Requests – Goose Hollow Campground – Michael and Robin McCarthy;
John Everton and Debra Pitts. Pemi River Campground - Jeff and Karen Grant.
Assessor recommends abatements totaling \$1,276.10.
4. ZCA 2021-37, Peter and Janet Vandermuelen, PID 8-8-2, Mill Brook Road.
Description: 27x45 SF 3 Bedroom House.
5. ZCA 2021-38, Robert J. LaRochelle Jr., Trust, PID 15-6-4-2, 42 Remington Rd.
Description: 18x22 Garage
6. ZCA 2021-39, Edward and Susan Danis, PID 15-4-55, Logan Street.
Description: 32x24 SF 1 Bedroom House
7. ZCA 2021-40, Barry Best and Cathleen Baker, PID 6-12-6, 57 Waterthorn Rd.
Description: 30x4 Addition to Deck

MOTION: “To approve the consent agenda as presented.”

Motion: J. Monti

Seconded: B. Benton

Discussion: None.

Roll Call: Marianne Peabody – yes, Brad Benton – yes, Roy Sabourn – yes, Joseph
Monti – yes, Peter Laufenberg - yes.

Motion Passes: 5 – Yes, 0 – No Abstained: 0

Consent Agenda approved for May 19, 2021.

R. Sabourn stated a ZCA was submitted and denied in July of 2020 due to lack of septic design and other missing information. He stated the missing information to grant the ZCA was received, and that the setbacks were incorrect. The Board reviewed the updated ZCA.

MOTION: “To approve ZCA 2020-39, ADJOMC Realty (Bob and Mary MacLeod), PID 11-1-15, 12 Karma Ct.

Description: Demo existing 3BR mobile home, replace with 14x64 3BR mobile home.”

Motion: J. Monti

Seconded: M. Peabody

Discussion: None.



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Roll Call: Marianne Peabody – yes, Brad Benton – yes, Roy Sabourn – abstained,
Joseph Monti – yes, Peter Laufenberg - yes.

Motion Passes: 4 – Yes, 0 – No Abstained: 1

TA Presents

TA Shepard stated a joint meeting with the Towns of Ellsworth and Campton is scheduled for June 7, 2021 at the Campton Town Offices at 5:30 p.m. to discuss the proposed Transfer Station Ordinance and truck.

TA Shepard stated there is an OSI training tomorrow from 12:00 p.m.-1:00 p.m. about broadband internet and it will be streamed at town hall for anyone interested in attending.

TA Shepard stated she had attended a Local Official's Workshop with NHMA and has printed copies of the power point along with the "Knowing the Territory" reference manual. This manual is available virtually or a copy can be printed. They are not available in bound copies.

TA Shepard stated a letter of appeal from Vertex Tower Associates, LLC was sent to the Zoning Board regarding the decision of the Planning Board to deny their site plan application.

R. Sabourn stated he spoke with Planner Menici and has been advised that Planning Board legal counsel has been asked for thoughts on if this appeal should be going to the ZBA or if another avenue is more appropriate.

Steven Babin, Planning Board Chairman, stated he has spoken with counsel and, in his opinion, the request for rehearing to the ZBA is not the appropriate avenue. S. Babin stated the applicant can resubmit an application to the Planning Board with the concerns addressed, and as the RSA reads, it is not appropriate to go to ZBA.

S. Babin stated he will be attending the ZBA meeting on May 27, 2021 if necessary. J. Monti, as Chair of the ZBA, stated the appeal was not received within the submission timeline and will not be addressed at the May meeting.

TA Shepard presented an Intent to Cut to the board for review.

MOTION: "To approve the Intent to Cut for Tayano LLC, PID 11-1-166 and 11-1-168, Millstone Circle."

Motion: R. Sabourn

Seconded: B. Benton

Discussion: None.

Roll Call: Marianne Peabody – yes, Brad Benton – yes, Roy Sabourn – yes, Joseph Monti – yes, Peter Laufenberg - yes.

Motion Passes: 5 – Yes, 0 – No Abstained: 0

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



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3:30 p.m. Internet Committee Report

Internet Committee members Al Lewis and Tim McGrath were present. R. Sabourn stated the Internet Committee had a presentation but cautioned that there may be some confusion regarding the Cable Television Franchise Agreement and what can be negotiated in relation to that agreement.

TA Shepard clarified that the Cable Television Franchise Agreement only pertains to cable television and has nothing to do with internet access and should not be part of the Cable Television Franchise Agreement negotiations. She cautioned that cable TV is regulated at the local level, but Broadband/Internet and Telephone are regulated at the federal level..

A lengthy discussion ensued.

J. Monti stated that he feels the current cable provider, Comcast, is not fulfilling the Cable Franchise Agreement, as there are eligible areas for coverage that are not being serviced.

R. Sabourn stated he has no problem with the Internet Committee trying to get together with Comcast to discuss the coverage area.

Mr. Laufenberg stated an extension on the Cable Franchise Agreement was signed to July 23, 2021. He stated the Committee can negotiate, but keep in mind that it is all about cable television coverage.

R. Sabourn stated the Committee can negotiate, but the Board will have final say on terms and will be the only body allowed to sign any contracts.

T. McGrath asked that the Board contact Comcast and request they evaluate the number of homes per mile in the area of Thornton Gore Road. He believes this part of town does meet the requirements for number of homes per mile and would be eligible for cable television. TA Shepard stated she would email her contact at Comcast to get this evaluation started.

MOTION: "To authorize the Internet Committee to conduct preliminary negotiations with Comcast to discuss the cable television contract only, including franchise fees, service extension density, and other cable television concerns the Committee finds necessary."

Motion: P. Laufenberg

Seconded: J. Monti

Discussion: None.

Roll Call: Marianne Peabody – yes, Brad Benton – yes, Roy Sabourn – yes, Joseph Monti – yes, Peter Laufenberg - yes.

Motion Passes: 5 – Yes, 0 – No

Abstained: 0

A. Lewis and T. McGrath exited at 3:50 p.m.

US Forest Service Grant – PD

TA Shepard stated the Board gave Chief Miller authorization to apply for this grant for patrolling on forest service roads. She stated the Board needs to sign the modification of the grant for the reimbursement of patrol fees on forest service roads; this is done every year.



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MOTION: "To accept and sign the modification to the US Forest Service Grant."

Motion: M. Peabody

Seconded: J. Monti

Discussion: None.

Roll Call: Marianne Peabody – yes, Brad Benton – yes, Roy Sabourn – yes, Joseph Monti – yes, Peter Laufenberg - yes.

Motion Passes: 5 – Yes, 0 – No

Abstained: 0

Ham Property – Junk Yard Compliance Issue

R. Sabourn asked John Ham where he was at regarding cleaning up his property as requested by the Board.

J. Ham stated he has registered some of the vehicles on his property to help bring his property into compliance. He stated there are five (5) remaining cars that are not registered and are being used for parts on other vehicles that are for his personal use.

J. Ham stated he has a concern with being singled out, as there are other properties in town that are worse than his.

R. Sabourn stated the Board received a complaint for the Ham Farm and it was investigated, resulting in Mr. Ham coming before the Board. R. Sabourn stated the complaint came from a citizen, and that there have been multiple complaints with the property in the past.

J. Ham stated that he will abide by the rules of the town regarding his vehicles. R. Sabourn asked J. Ham if he can get the remaining five (5) vehicles that are not registered under cover or moved by June 1, 2021; J. Ham stated yes.

M. Peabody acknowledged the work that J. Ham has done to clean up the property thus far. R. Sabourn recognized the work that has been done so far, and asked J. Ham not to load up the property again with unregistered vehicles.

J. Ham thanked the Board and exited at 4:15 p.m.

Flag Policy Discussion

TA Shepard presented the Flag Policy with the following added language:

"All flags will be replaced on a yearly basis in the month of May in recognition of the Memorial Day Holiday."

MOTION: "To accept the Flag Policy as amended."

Motion: J. Monti

Seconded: B. Benton

Discussion: None.

Roll Call: Marianne Peabody – yes, Brad Benton – yes, Roy Sabourn – yes, Joseph Monti – yes, Peter Laufenberg - yes.

Motion Passes: 5 – Yes, 0 – No

Abstained: 0



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COVID 19 Discussion – Town Buildings

TA Shepard stated the Governor's office has stated that towns and businesses have the authority to make decisions regarding their COVID 19 protocols.

TA Shepard stated Town staff would recommend having masks be optional within town buildings but would like to continue to require social distancing.

Discussion ensued.

MOTION: "To have all Town Facilities lift COVID 19 protocols, and return to pre-COVID 19 operations."

Motion: J. Monti

Seconded: P. Laufenberg

Discussion: None.

Roll Call: Marianne Peabody – yes, Brad Benton – yes, Roy Sabourn – yes, Joseph Monti – yes, Peter Laufenberg - yes.

Motion Passes: 5 – Yes, 0 – No

Abstained: 0

Tax Warrant Review and Signature

MOTION: "To accept the Tax Warrant as presented."

Motion: P. Laufenberg

Seconded: J. Monti

Discussion: None.

Roll Call: Marianne Peabody – yes, Brad Benton – yes, Roy Sabourn – yes, Joseph Monti – yes, Peter Laufenberg - yes.

Motion Passes: 5 – Yes, 0 – No

Abstained: 0

Board of Selectmen Item Discussions

R. Sabourn stated on May 10, 2021 he and J. Monti investigated a complaint that construction was going on without any ZCAs at property owned by LCJ Holdings, LLC; existing structures were being renovated without an updated septic design to accommodate extra bedrooms and bathrooms. He stated a Cease-and-Desist Notice was served by the Thornton Police Department and it appears that construction has stopped at this time.

R. Sabourn stated a second concern was brought to his attention by a town official; new residences were being constructed on foundations at Owl's Nest without permits. He stated that he and Planner Menici visited the site and confirmed that there are several units being built without permits for the 'Hotel Village'.

R. Sabourn stated the Planning Board granted conditional approval for the 'Hotel Village' to LCJ Holdings, LLC, but they have yet to meet the conditions of the approval.

R. Sabourn stated town counsel corresponded with LCJ Holdings, LLC attorney, Phil Hastings about this. P. Hastings stated the buildings being erected were ordered premade and must be placed on foundations upon delivery or they will be damaged. He stated he understands that the permitting is not complete, but his client needed to get the buildings up.

R. Sabourn stated Town counsel drafted a Cease-and-Desist letter to LCJ Holdings, LLC for the Board to review.



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Discussion ensued regarding actions to be taken in addition to the cease and desist.

S. Babin stated he spoke to Planning Board counsel and has been advised that the Planning Board cannot stop their processes because of enforcement of Board of Selectmen.

MOTION: "To approve and sign the Cease and Desist as prepared by town counsel to LCJ Holdings, LLC for

construction of the 'Hotel Village'."

Motion: P. Laufenberg

Seconded: J. Monti

Discussion: None.

Roll Call: Marianne Peabody – yes, Brad Benton – yes, Roy Sabourn – yes, Joseph Monti – yes, Peter Laufenberg - yes.

Motion Passes: 5 – Yes, 0 – No Abstained: 0

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

MOTION: "To enter into non-public session at 4:50 p.m."

Motion: J. Monti

Seconded: P. Laufenberg

Discussion: None.

Roll Call: Marianne Peabody – yes, Brad Benton – yes, Roy Sabourn – yes, Joseph Monti – yes, Peter Laufenberg - yes.

Motion Passes: 5 – Yes, 0 – No Abstained: 0

J. Monti exited the meeting at 5:05 p.m.

MOTION: "To exit the non-public session at 5:46 p.m."

Motion: R. Sabourn

Seconded: M. Peabody

Discussion: None.

Roll Call: Marianne Peabody – yes, Brad Benton – yes, Roy Sabourn – yes, Peter Laufenberg - yes.

Motion Passes: 4 – Yes, 0 – No Abstained: 0

5:46 p.m. MOTION: "To adjourn."

Motion: P. Laufenberg

Seconded: B. Benton

Discussion: None.

Roll Call: Marianne Peabody – yes, Brad Benton – yes, Roy Sabourn – yes, Peter Laufenberg - yes.

Motion Passes: 4 – Yes, 0 – No Abstained: 0

Respectfully submitted,

Kerrin Randall
Admin Assistant