



TOWN OF THORNTON BOARD OF SELECTMEN

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

Approved on:	<u>11 Mar 20</u>
BOS Initial:	<u>J M m</u>
Rec'd by Town Clerk on:	<u>3/16/2020</u>
Town Clerk Initials:	<u>ajm</u>

Board of Selectmen Meeting Minutes February 26, 2020

4:00 P.M. Chairman Benton opened the Thornton Board of Selectmen meeting work session with the Pledge of Allegiance.

ROLL CALL: Chairman Brad Benton, Vice-Chairman Roy Sabourn, Selectwoman Marianne Peabody, Selectman Jack Gaites and Selectman Joseph Monti (arrived at 1:00 p.m.).

STAFF PRESENT: Debra Shepard, Town Administrator, Jessi Fleury, Board Secretary.

Action Folder:

MOTION: "To approve payroll manifest dated 2/28/2020 in the amount of \$29,749.43."

Motion: R. Sabourn

Seconded: J. Gaites

Discussion: None.

Motion Passes: 3 – Yes, 0 – No

Abstained: M. Peabody

MOTION: "To approve the vendor manifest dated 2/28/2020 in the amount of \$350,969.89."

Motion: M. Peabody

Seconded: J. Gaites

Discussion: None.

Motion Passes: 3 – Yes, 0 – No

Abstained: B. Benton

Minutes

MOTION: "To approve Board of Selectmen public meeting minutes of February 12, 2020 as amended."

Motion: R. Sabourn

Seconded: J. Gaites

Discussion: None.

Motion Passes: 4 – Yes, 0 – No

MOTION: "To approve Board of Selectmen nonpublic meeting minutes of February 12, 2020 as presented."

Motion: R. Sabourn

Seconded: J. Gaites

Discussion: None.

Motion Passes: 4 – Yes, 0 – No

MOTION: "To approve Board of Selectmen nonpublic meeting minutes of February 21, 2020 as presented."

Motion: R. Sabourn

Seconded: M. Peabody

Discussion: None.

Motion Passes: 3 – Yes, 0 – No Abstained: B. Benton

ZCA Review

MOTION: "To approve ZCA# 2020-02 for PID #10/3-3 to add a sunroom in place of an existing porch."

Motion: M. Peabody

Seconded: J. Gaites

Discussion: None.

Motion Passes: 4 – Yes, 0 – No

Town Administrator Presents:

Abatements

MOTION: "To approve an abatement for PID# 17/8-3-S131, Rhonda Moore, Goose Hollow Campground, in the amount of \$271.79."

Motion: M. Peabody

Seconded: J. Gaites

Discussion: None.

Motion Passes: 4 – Yes, 0 – No

TA Shepard brought before the Board nine abatement requests reviewed by Dave Woodward of Avitar with his recommendation. The Board discussed the recommendations and made the following motions:

MOTION: "To approve abatement for PID#3/3-15 Peter and Mary Stransky in the amount of \$1.86."

Motion: R. Sabourn

Seconded: M. Peabody

Discussion: None.

Motion Passes: 4 – Yes, 0 – No

MOTION: "To deny abatements for the following applicants per recommendation of the town assessor:

- **PID# 6/10-14 Robert Rodrigue Trust**
- **PID# 10/8-4 Robert and Catherine Sylvester**
- **PID# 16/2-6-2 Charles and Susan Thistle**
- **PID #16/7-15 Lewis and Joanne Marcotte**
- **PID# 17/7-9 Paul and Mary Pelchat**
- **PID #17/14-54 James McKenna**
- **PID# 17/14-55 James McKenna**
- **PID# 17/15-1 Cynthia Silvia."**

Motion: R. Sabourn

Seconded: J. Gaite

Discussion: None.

Motion Passes: 4 – Yes, 0 – No

Current Use

TA Shepard presented five applications for Current Use to the Board for their review and approval. The Board reviewed and discussed the Current Use applications.

MOTION: "To approve current use applications for PID# 8/9-5 Benjamin Harrison, PID# 8/5-9 Karen Lacasse and Craig Smith, PID# 10/3-30-1 Paul and Suzanne Jortberg, PID# 10/3-30-2 Paul and Suzanne Jortberg, and PID# 10/3-30-3 Paul and Suzanne Jortberg, as submitted

Motion: R. Sabourn

Seconded: M. Peabody

Discussion: None.

Motion Passes: 4 – Yes, 0 – No

MOTION: "To approve a request to the Trustee of Trust Funds to withdraw funds from the Capital Reserve- Property Tax Maps fund in the amount of \$12,000 for CAI Technologies Mapping Contract."

Motion: M. Peabody

Seconded: J. Gaite

Discussion: None.

Motion Passes: 4 – Yes, 0 – No

MOTION: "To approve a Yield Tax Levy warrant in the amount of \$7,587.49 for PID #11/1-31 Johnston Brothers LLC."

Motion: M. Peabody

Seconded: J. Gaite

Discussion: None.

Motion Passes: 4 – Yes, 0 – No

MOTION: "To accept and sign a deed with no covenants to repurchase tax deeded property for PID# 6/13-01-07, Maher Ave, to Ahmed Mohamed."

Motion: M. Peabody

Seconded: J. Gaites

Discussion: None.

Motion Passes: 4 – Yes, 0 – N

Abstained: J. Monti

J. Monti arrived at the meeting.

Myrtle Lewis – Conservation Commission

TA Shepard informed the Board that Myrtle Lewis of the Conservation Commission would like to set up a table at Town Meeting to inform citizens of different types of recyclables. After a brief discussion, the Board felt it would be more appropriate for the Conservation Commission to share information relative to the role, responsibility and plans of the Conservation Commission with residents instead of focusing on recycling. The Board is moving ahead with an advisory committee relative to the Transfer Station and will bring information to residents once this committee has had an opportunity to meet.

Department Update – Transfer Station

The Transfer Station Manager submitted a written monthly update in place of meeting with the Board today due to the Transfer Station being short staffed today.

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

1:15 p.m. PD Monthly Update

Chief Miller met with the Board to provide a monthly update on Police Department business:

- Reviewed the monthly call report
- COPS grant – The town may have difficulty meeting the Quality of Life criteria that would include a School Resource Officer or K9 Officer. The Town does not currently have either of these positions within the department.
- National Night Out planning has begun for next summer.
- Officer Wood will be teaching a class for women (ages 12- and up) relative to safety, rape, and self-defense. More to come on this class.
- Active Shooter Instructor – Chief is looking into having Dave Noyes teach an active shooter class for town employees. More to come on this training.
- An Officer will be staffed during voting times.

1:30 p.m. FD Monthly Update

Chief Defosses met with the Board to provide a monthly update on the Fire Department activities.

- Chief Defosses reviewed the monthly call report which included a higher amount of snowmobile accidents, and mutual aid calls.
- Dry hydrants have been checked and cleared regularly.
- General repairs have been made at the station.
- Regular staff meetings have been scheduled.
- Chief provided a breakdown of salary criteria based on certifications. Discussion continued on the salary amount as well as the work that is involved for employees to receive and maintain certifications for services.

1:45 p.m. Highway Department Update

RA Kubik met with the Board to update the Board on Monthly Highway Department business.

- Repairs on town vehicles and equipment
- Planning for Paving. The paving bid process will begin in March.
- Road Weight Limits – the weather is starting to get warmer. RA Kubik is monitoring the roads and will be placing road bans very soon.
- The department has been busy plowing and performing winter maintenance on roads.

2:00 p.m. White Mountain National Forest – Wanosha Project

Present: See attached sign-in sheet

Chairman Benton informed members of the public that comments can be made in 5 minute intervals after completion of a comment form.

Brooke Brown met with the Board of Selectmen to update the Board as to the status of the Wanosha Project. Brooke stated that she has met with the Board over the past three years while the project has been developing and has conducted a few open houses, public meetings, and formal comment periods to provide information and receive feedback from residents. The final decision of the EA has not been made yet. Brooke stated that she is hoping to work with the Board and continue discussions as 92% of the timber sales from this project will occur on property within Thornton.

There are five sales that will come from the Environmental Assessment.

In the five year plan, the first sale would be the Gore Mountain to be available for bid in 2021. Brooke stated that the bridge (Duffy Bridge) on Thornton Gore Road has an unknown weight limit that would require the Forestry Service to install a temporary bridge so that logging trucks could travel safely over the bridge. Johanna is coordinating with the Road Agent to see if the temporary bridge can be a possibility. Brooke also stated that the Board has conveyed a need for a snow plow turnaround area on Thornton Gore Road. She stated she believes the Forest Service will be able to accommodate this request.

The second sale includes Bald Mountain in 2022.

Clemson and Kettyhunk would be for sale in 2023.

Fisher would be the last sale in the EA and that would occur in either 2023 or 2024. The

Fisher sale is the project that the Forestry Service has proposed to use Millbrook Road for hauling. Brooke recalled a site visit meeting held on Millbrook Road in September 2019 when the Road Agent addressed safety concerns for 4.5 sites on the road. Brooke informed the Board that the Forestry Service has been asked to assist the Town with improving the road to lessen the safety concerns that were presented at the site visit. Brooke stated that the Town will receive Timber Taxes for 2 to 4 projects prior to the Fisher Sale. The income that the Town can receive is estimated between of \$158,000 to \$200,000 for the Gore and Bald Mountain sale. Brooke suggested that the town could use these funds at their discretion and it could be used to improve Millbrook Road prior to the Fisher project. Timber receipts for all five sales could yield an estimated income of \$366,000 to \$446,000. She also suggested the Town could apply for a Federal Land Access grant managed by the Federal Highways Department. These grant funds can be used to improve and upgrade roads that provide access to federal land. Brooke stated that the Forestry Service can provide letters of support for this grant on behalf of the Town's application process. She provided a hand-out of the grant requirements and frequently asked questions. Discussion continued on the grant and the uncertainty of the funds that will be available for NH. Brooke stated that the WMNF would not be able to spend any federal funds improving Millbrook Road but could require the loggers to provide flaggers or a pilot vehicle when they are actively hauling on the road for traffic control.

Brooke stated that she respects the town ownership of the road and would like to address the Board's concerns together within the constraints of the Forestry Service. B. Benton asked if she had been to Millbrook Road this winter. Brooke confirmed that she had not been on site this winter. The Board recommended that she visit the road during the winter to understand the limitations of the road and the Town's concern for safety. J. Monti stated that the first $\frac{3}{4}$ of the road is only 10 feet wide and two cars cannot pass safely. This would not allow a logging truck and another car to pass on the road during the winter. J. Monti requested that Brooke explain the steps for the approval process and explain how the approval process works. Brooke explained the approval process and what the next steps are in this process. She intends to meet with the BOS and objectors. . She anticipates having a decision regarding these projects within a month or two.

M. Peabody asked which month's loggers would be hauling through Millbrook Road. Brooke stated that hauling would take place from December 15 through March 15 unless roads are posted for weight limits earlier.

J. Monti asked Brooke if she believes a logging truck can pass safely on Millbrook Road during the winter months. Brooke stated that she does believe a logging truck can pass safely with precautions in place such as flaggers. The size of the logging trucks was discussed.

J. Monti asked how many loads would be traveling the road on a typical day. Ken Desmarais explained that he cannot say exactly as it depends on the logger that

purchases the sale, it could be one or two or up to ten trips per day. Ken explained that this is a five year contract and loggers are permitted to cut over the five year period.

The Board suggested that the Forestry Service use an alternate road instead of Millbrook Road given all the safety concerns and objections filed during the review of this project. Brooke stated that alternate routes were considered but were dismissed due to their forestry plan. She explained that Millbrook is a public road that is accessible to the public and this is their best option. She would like to work with the town to alleviate safety concerns. Brooke stated that the Forestry Service does not have funding that they can give to the town to make the road improvements that have been suggested by the Selectmen.

J. Monti stated that the Selectmen have been firm in their commitment to safety on Millbrook Road with regards to this project and he does not believe that the Forestry Service has addressed these safety concerns adequately.

J. Monti stated that Mr. Cowie has sent numerous letters to the town referencing different points of information regarding this project and he has provided copies to the BOS for review.

R. Sabourn stated that he would like to hear a firm commitment from the Forestry Service that they will work with the town to address improvements for safety on Millbrook Road for the Wanosha Project. He stated that the 10 foot wide road is a problem with no turnouts. He has spoken with the Road Agent and he believes that some turnouts could be accomplished without spending too much money, time, and equipment. The turnouts would help alleviate some of the safety concerns

R. Sabourn asked if the Thornton Gore Road will be used for the Gore sale or will some of the hauling be done through Tripoli Road. Ken explained that Thornton Gore Road will be used for the Gore Sale. The Bald Mountain sale would be hauled through Hicks Mountain Road (a forest road) through Tripoli Road.

Brooke stated that the Forestry Service has a fixed budget to help with forest roads and cannot spend it to improve town owned roads.

J. Monti asked where the funds would be coming from for the installation of a temporary bridge on Thornton Gore Road. Brooke explained that the Forestry Service has a temporary bridge in stock and that the logger would be responsible to install the bridge with the town's permission. Ken explained that paved approaches on each side of the bridge would need to be completed as well at the logger's expense.

J. Monti stated that the Forestry Service is suggesting that the town use taxpayer funds to improve the road or use timber tax sale funds for Millbrook Road to accommodate the logging project. He explained that the residents on this road are against this. Brooke replied that she understands that the road needs improvements for general travel and the town has had these issues with the road for years that are not specific to logging.

The BOS continued to express frustration with the Forestry Service over their failure to work with the town to implement road improvements needed for safety reasons. The BOS was very clear that flaggers, a lead car and applying for grants to assist with the cost of making road improvements for this project are not enough. The BOS does not feel it is feasible for the Town to use Timber Tax Revenues to help cover the cost of road improvements relative to this proposed timber project.

B. Benton stated that there are real safety concerns and having the town apply for a grant with additional expenses does not seem to be in the best interest of the town. R. Sabourn stated that in reviewing correspondence from 1998 relative to a proposed logging project, there were the same safety concerns with using Hazeltine Road. This project did not move forward in 1998.

R. Sabourn stated that Mr. Cowie had brought this past project to the Forestry Service's attention and was informed that there are no similarities to the Millbrook Road situation today. R. Sabourn stated that there are similarities with the road being scenic road and needing turnouts for two vehicles to pass safely. He disagrees that there is no similarities, and the concerns are the same. Brooke explained that the response to Mr. Cowie was that the EA's were not similar. R. Sabourn stated that this does not override the traffic concerns on the narrowness of Millbrook Road. He stated that the Forestry Service is asking the Town to expend taxpayer money to improve the road for logging from the Forestry area. R. Sabourn explained that he has concern for safety with Thornton Gore is less severe due to the low population on the road. He is confused as to how the Forestry Service can spend funds to install the temporary bridge on Thornton Gore but does not have funds to assist the town with installing turnouts on Millbrook Road which would help the situation.

R. Sabourn asked what happens when there is an accident or an incident on Millbrook Road when the logging trucks meet another car on the road. Discussion followed relative to possible road improvements, land acquisitions and alternate routes.

R. Sabourn stated it would be in the Forestry Service's best interest to have their engineers work with the town road agent to see what can be done to alleviate some of the safety concerns. All Board members, except J. Monti, agreed that the Forestry Service engineers can communicate directly with the road agent.

Chairman Benton asked for more information on the alternate route suggestions.

Brooke Brown explained that there are a few alternate routes. One of routes includes installing 5,000 feet of road off of Hicks Mountain Road to Tripoli Road, but this goes against ~~three~~ standards in the forest plan. There is also the Welch Mountain Road to Orris Road with similar situations. Lastly, there is Hackett Brook Road that would include creating a connecting road. The Forestry Service is not in favor of building roads in the WMNF at their expense.

Public Input

Carleton Kilmer – Mr. Kilmer explained that he has been working on these issues with Attorney Cowie for the past several years. He explained that his first concern is the safety of the road, and the amount of residents that live in Millbrook Road. He stated that the road before the hill is narrowest at about 14 feet wide with nowhere for vehicles to go when meeting a ten foot wide logging truck. He asked what he is supposed to do in this situation.

Mr. Kilmer asked who is financially and legally responsible for an accident or loss of property due to the safety of the road. He stated that the town will be held responsible. Mr. Kilmer is concerned with the town being exposed to this type of liability.

Mr. Kilmer stated that the residents are not against logging or the project. They are against the use of Millbrook Road for this purpose. Mr. Kilmer proposed that the Forest Service not use Millbrook Road for logging and that an alternative route be found, no cutting from Dickey Notch to the west because the Shattuck Brook watershed area is a major tributary and he has concerns with the culverts and flash flooding in the area. Mr. Kilmer also requested that there should be no cutting within 1,000 feet of boundaries. Mr. Kilmer stated that if this compromise cannot be achieved, then he is prepared to litigate this issue in court.

Attorney Tom Cowie – Mr. Cowie referenced the discussion about using a tri axel truck rather than a tractor trailer truck for logging. Mr. Cowie feels that using a smaller truck would require additional trips over Millbrook Road creating more confrontation and traffic concerns.

He stated that Brooke Brown discussed the other projects and that the Forestry Service is using alternate roads for the other sales. He proposes that they use Hicks Mountain Road as an alternative to Millbrook Road. He stated that the Forestry Service can build a road to get to the Hicks Mountain Road or haul through Hackett Brook Road. This would require the Forestry Service to build approximately 1.5 miles of skid road. He explained that in the EA, they are already planning to maintain 67 miles of skid road, and putting in another mile and a half would make the Wanosha project work.

Mr. Cowie mentioned the liability concern for the town that Mr. Kilmer brought up previously. Mr. Cowie stated that liability arises once the town is informed of a safety issue caused by the logging trucks using a narrow winding road. The town will be responsible if something happens or if safety measures are not adequate.

The town has a right of way plan and difficult areas of the road are where it narrows to 14 feet and it can't be widened due to boundary trees, stone walls, and septic systems. This would require the town going to the Planning Board where opposition would be met again. The residents would be opposed to widening the roads and removing trees to allow logging trucks to remove timber.

Attorney Cowie proposed that the Forestry Service use an alternative route other than Millbrook Road for their logging project. If they do not do this, the whole town is at risk.

Attorney Cowie informed the Forestry Service that if an alternate route is not used for this project, he and his client are prepared to litigate this to the highest court.

David Rivers stated that Millbrook Road will be heavily damaged by this traffic. He asked how the road will be fixed from the damage caused by logging trucks. *M. Peabody* asked if bonds are posted for wear and tear of the road. *Ken Desmarias* explained that it is common for the town to require a road bond from the loggers. He stated that state law was passed that doesn't allow towns to discriminate against the type of truck that is allowed to travel a public road way.

Mr. Rivers asked if there are times of travel that has been discussed. He expressed concern with the use of the jake break during logging hours and requested that this not be allowed.

J. Monti asked what would happen if the logger did not log the project in the five year period. *Ken* explained that this does not typically happen. If the logger does not complete the project within the five years, the forest service could keep the payments made to the forest service and could resell at the end of the five year period.

Julius Feinleib stated that there is only one road going into Millbrook and the slightest accident or delay could create a hardship for residents in that area.

Judy Gutry stated that there was a situation in January where the weather changed on the road dramatically. She had many cars slide off the road into her yard and drove through her front yard, almost hitting her propane tank. She stated that the highway department does a wonderful job with maintenance but is concerned with safety of others on the road.

Brooke Brown appreciates all the feedback on the road. She clarified that the town is responsible for the road but the forestry service is committed to working with the town.

The Board agreed that the Forestry Service can communicate directly with the Road Agent. *R. Sabourn* encouraged them to seek an alternative route that would avoid the use of Millbrook Road. He explained that for long range planning, creating an alternate route would be in the best interest of the Forestry Service for this project as well as any future projects in this area. The situation on Millbrook will only worsen for the Forestry Service in the coming years as population increases in that area.

Chairman Benton stated that the first priority of the Forestry Service should be finding an alternate route as well as working with the road agent.

3:00 p.m. Review and Acceptance of Weeping Birches Lane **Present: Anthony Patti, Maureen Patti, and Stanley Bujalski**

The Board reviewed all the documents received to date. *R. Sabourn* stated that one signature is missing still and that is of the Treasurer of Waterville Birches Condominiums Association. *Maureen Pattie* stated that this was an oversight and she has been in touch with him and he is going to send the signed easement to Attorney Conklin in the very near future..

MOTION: "To conditionally accept Weeping Birches to be formally adopted and approved as a town road once confirmation that the easements, plan, and deeds have been recorded at the Registry of Deeds. The Waterville Estates Village District has agreed to pay all attorney's fees and recording fees associated with this process.. Town Maintenance shall not be done until this condition has been met."

Motion: R. Sabourn

Seconded: M. Peabody

Discussion: R. Sabourn discussed a concern with parking in the cul-de-sac. Maureen stated that parking will not be permitted in this area and no parking signs can be installed and enforced by the town. J. Monti asked if the town will be able to plow the area. RA Kubik believes that the town snow plow trucks will be able to remove snow efficiently.

Motion Passes: 5 – Yes, 0 – No

SELECTMEN REPORT

M. Peabody, Health Officer, let the board know that she has had masks ordered for use at Town Hall for staff's use in light of the coronavirus.

3:37 p.m. MOTION: "To adjourn."

Motion: M. Peabody

Seconded: J. Gaites

Discussion: None.

Motion Passes: 5 - 0

Respectfully submitted,

Jessi Fleury
Board Secretary