



TOWN OF THORNTON BOARD OF SELECTMEN

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

Approved on: 11/6/19
BOS Initial: RAB
Rec'd by Town Clerk on: 11/14/19
Town Clerk Initials: dpm

Board of Selectmen Meeting Minutes October 23, 2019

12:00 P.M. Vice Chairman Sabourn opened the Thornton Board of Selectmen meeting work session with the Pledge of Allegiance.

ROLL CALL: Vice-Chairman Roy Sabourn, Selectwoman Marianne Peabody, Selectman Jack Gaite and Selectman Joseph Monti.

ABSENT: Chairman Benton

STAFF PRESENT: TA Debra Shepard, Town Administrator

Residents of Weeping Birches were present at the meeting and requested an update on the town acceptance process for Weeping Birches Road. R. Sabourn suggested addressing this matter prior to the Board's work session. The Board agreed.

R. Sabourn stated that Attorney Conklin has received all pertinent plans and information needed to draft the deeds as discussed previously. R. Sabourn met with Attorney Conklin to review the information on file. He suggested that Attorney Conklin contact residents of Weeping Birches to clarify any information or sign any additional documents if needed. Attorney Conklin was working on the documents today and is planning to have them completed prior to the first week of November. R. Sabourn suggested that the Board may allow a conditional approval of acceptance of the road as long as all the documents are in order so that the process is not extended.

A resident informed the Board that the president of Weeping Birches is Bob Haskins and contact information was provided to the Board.

R. Sabourn expects documents to be available within the next two weeks for residents of Weeping Birches to sign and have notarized. The plan was approved at the Planning Board this month. The Board plans to have all documents recorded at the same time so that the records are complete.

The residents thanked the Board.

The Board continued with their work session.

MOTION: "To approve the payroll manifest dated 10/25/2019 in the amount of \$26,240.29."

Motion: M. Peabody

Seconded: J. Gaites

Discussion: None.

Motion Passes: 4 – Yes, 0 – No

MOTION: "To approve the vendor manifest dated 10/25/2019 in the amount of \$364,431.25."

Motion: J. Monti

Seconded: J. Gaites

Discussion: None

Motion Passes: 3 – Yes, 0 – No Abstained: M. Peabody

Minutes

MOTION: "To approve Board of Selectmen public meeting minutes of October 9, 2019 as amended."

Motion: J. Monti

Seconded: J. Gaites

Discussion: J. Monti amended the minutes to include "The Board of Selectmen understand the proposed addition and the plan that was provided and thanked the School Board for considering the town's needs."

Motion Passes: 4 – Yes, 0 – No

After review and discussion of the October 9, 2019 minutes, the Board agreed to remove the Thornton school addition plans from the Town Website and reassess this decision once the school board has a more complete plan with additional information.

MOTION: "To remove any information pertaining to the new construction at the school at this time."

Motion: M. Peabody

Seconded: J. Gaites

Discussion: None.

Motion Passes: 3 – Yes, 0 – No Abstained: R. Sabourn

MOTION: "To approve Board of Selectmen nonpublic meeting minutes of October 9, 2019 as written."

Motion: J. Monti

Seconded: M. Peabody

Discussion: None.

Motion Passes: 4 – Yes, 0 – No

ZCA Review

MOTION: "To approve ZCA #2019-45 for PID #16/4-15-07, Lot 7 Wallace Road, Owner William & Carole Wallace, to build a 28x48 manufactured house."

Motion: R. Sabourn

Seconded: M. Peabody

Discussion: None.

Motion Passes: 4 – Yes, 0 – No

MOTION: "To approve ZCA #2019-46 for PID #10/8-6, 2872 US Rte. 3, owner Joseph & Deborah Peznola, to build a 40x23 addition with demo and renovations."

Motion: R. Sabourn

Seconded: M. Peabody

Discussion: This has a second rental cottage on the property. This was a pre-existing building and R. Sabourn does not believe there is a zoning code violation.

Motion Passes: 4 – Yes, 0 – No

MOTION: "To approve ZCA #2019-47 for PID #16/1-27, 9 Southwest Spur Road, owner James Adelman & Karen Florio to build a 24x24 garage."

Motion: R. Sabourn

Seconded: M. Peabody

Discussion: None.

Motion Passes: 4 – Yes, 0 – No

MOTION: "To approve (after the fact) ZCA #2019-48 for PID #15/1-50-07, Centennial Way, owner Owen Franklin to build 38x20 house."

Motion: R. Sabourn

Seconded: M. Peabody

Discussion: None.

Motion Passes: 4 – Yes, 0 – No

MOTION: "To approve ZCA #2019-49 for PID #15/1-50-07, Centennial Way, owner Owen Franklin to renovate 16x16 dwelling back to a shed."

Motion: R. Sabourn

Seconded: M. Peabody

Discussion: None.

Motion Passes: 4 – Yes, 0 – No

MOTION: "To approve (after the fact) ZCA #2019-50 for PID #15/1-50-07, Centennial Way, owner Owen Franklin to build 16x16 shed."

Motion: R. Sabourn

Seconded: M. Peabody

Discussion: None.

Motion Passes: 4 – Yes, 0 – No

MOTION: "To approve (after the fact) ZCA #2019-51 for PID #15/1-50-07, Centennial Way, owner Owen Franklin to build 4x4 outbuilding."

Motion: R. Sabourn

Seconded: M. Peabody

Discussion: None.

Motion Passes: 4 – Yes, 0 – No

MOTION: "To approve (after the fact) ZCA #2019-52 for PID #15/1-50-07, Centennial Way, owner Owen Franklin to build 6x10 pole shed."

Motion: R. Sabourn

Seconded: M. Peabody

Discussion: None.

Motion Passes: 4 – Yes, 0 – No

MOTION: "To approve (after the fact) ZCA #2019-53 for PID #15/1-50-07, Centennial Way, owner Owen Franklin to build 15x15 patio deck."

Motion: R. Sabourn

Seconded: M. Peabody

Discussion: None.

Motion Passes: 4 – Yes, 0 – No

TA REPORT

TA Shepard informed the Board that the flag toppers were received and installed in the town hall as requested.

MOTION: "To request the withdrawal of funds from the Assessing capital reserve account in the amount of \$7,285.00."

Motion: J. Gaites

Seconded: J. Monti

Discussion: None.

Motion Passes: 4 – Yes, 0 – No

MOTION: "To request the withdrawal of funds from the Highway Vehicle, Equipment & Major Maintenance capital reserve account in the amount of \$682.37 for miscellaneous fittings and needs for the new truck."

Motion: J. Monti

Seconded: J. Gaites

Discussion: None.

Motion Passes: 4 – Yes, 0 – No

TA Shepard presented the 2019 Equalization Municipal Assessment Data Certification completed by Mary Conn.

MOTION: "To sign the 2019 Equalization Municipal Assessment Data Certification as presented."

Motion: R. Sabourn

Seconded: J. Gaites

Discussion: A brief discussion of the process for establishing the equalization ratio followed.

Motion Passes: 3 – Yes, 0 – No

Abstained: J. Monti

Health Trust

TA Shepard informed the Board that the Health Trust has provided an estimate of the new health insurance rates for budgeting purposes. The estimate is revisited in the spring and could be lower at that time. The medical insurance is estimated at increasing by 6.9% and dental has increased by 3.9% (this is expected to be the final amount), life insurance has decreased by 15%. These figures will be used for 2020 budgeting.

Appointment Request

Myrtle Lewis has requested her appointment to the Local River Management Advisory Committee.

MOTION: "To appoint Myrtle Lewis to the Local River Management Advisory Committee."

Motion: J. Monti

Seconded: M. Peabody

Discussion: None.

Motion Passes: 4 – Yes, 0 – No

Class-action Lawsuit

TA Shepard updated the Board on the Kane County, Utah vs. United States Class Action Lawsuit. The lawsuit was opened to any towns that had federal forest lands and was related to the payments in lieu of taxes which were received by towns and cities from the Federal Government. After TA Shepard contacted town counsel and other towns to receive more information, the Board had agreed that Thornton should participate in the lawsuit (this was at no cost to the town). As a result of the lawsuit, the Town of Thornton received a check in the amount of \$1,061.00.

Tax Mapping Project Update

TA Shepard provided mapping updates from CAI Technologies as requested by the Board at their last meeting.

Tax Rate Setting Update

Michelle Clark, NHDRA, has informed TA Shepard that the Town is well prepared to set tax rates and DRA should have this completed next week. TA Shepard explained that the Town of Thornton will receive \$44,537.00 in municipal aid from the State of NH for 2019 and 2020. Since the amount received for 2019 was unanticipated, the town can decide how to best use the funds. TA Shepard discussed the process of accepting these funds and how to apply them with Michelle Clark of DRA, Barbara Reid of NHMA and Tyler Paine of Plodizk. The process as outlined to TA Shepard was that the Town

of Thornton could accept the funds and apply them to the Town's tax rate which is currently being reviewed by DRA and would not need to take any further action or the BOS could use these funds for a different purpose and would need to follow RSA 31:95-b for procedures to accept and expend these unanticipated funds. J. Monti stated that the Town does not have to use these funds to offset the tax rate and can put the funds towards a different need of the town.

J. Monti stated that if the Board agrees to accept an amount of unanticipated funds that is less than \$10,000, no public meeting is necessary. He would like to see the funds designated for use by the Highway Department for road maintenance or paving needs for the coming year. J. Monti believes that the town roads are in need of additional maintenance and needs more funding. M. Peabody would like the funds to be designated in the CIP for the highway department for roads. TA Shepard cautioned that since these amounts of funds are over \$10,000, then a public hearing would need to be held.

R. Sabourn believes that the Town should be using the municipal aid funds to lower the tax rate and then the BOS could add additional funds into the Highway Department budget for these needs. He explained that it is too late in the season for paving and stock piling gravel creates additional work of loading and unloading gravel that is not necessary at this time.

TA Shepard stated that next year the funds will be anticipated from the State and will be automatically included on the PA 34. Discussion continued.

MOTION: "To use the \$44,537 in municipal aid to offset the tax rate."

Motion: J. Gaites

Seconded: R. Sabourn

Discussion: J. Gaites suggested using the funds to offset the tax rate and then allocating additional funds in the 2020 highway department budget for additional paving or road maintenance. R. Sabourn agreed. J. Monti stated that the town is falling behind in maintaining the roads and would like to see more funds included in the highway budget. TA Shepard suggested that since the board is entering into the budget season, perhaps it would make more sense to apply these funds to the tax rate and then decide as a board that the highway budget should be increased strategically to improve the road conditions on an annual basis. J. Monti suggested that the highway department should have additional resources to outsource projects to assist in getting more projects completed.

Motion Failed: 2 – Yes, 2 – No

MOTION: "To use the \$44,537 in municipal aid to offset the tax rate, with the understanding that \$44,537 will be applied to the Highway Department budget in 2020 for additional road maintenance material and paving needs."

Motion: J. Monti

Seconded: M. Peabody

Discussion: None.

Motion Passes: 4 – Yes, 0 – No

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

1:30 Highway Department Update

Bruce Rodgers met with the Board to provide a monthly update of activities for the Highway Department as follows:

- Brush hogging has been completed to remove overgrowth and increase visibility.
- Routine Maintenance on Highway Department Equipment.
- Sand was hauled in between projects; he expects another week of hauling to complete their winter stock. The material is good quality.
- Routine maintenance filling pot holes on various town roads.
- Wind Storm clean up with the wood chipper was completed. R. Sabourn stated that an invoice was not received from RA Kubik for the use of his personal chipper equipment. Bruce explained that the RA did not request payment for the use of his chipper. He only requested that the oil be changed and that the town use their own fuel. J. Monti praised the department on a storm clean-up.
- The new plow truck has been received. RA Kubik is ordering the plow kit and wing. They are not sure what option they are choosing for the dump body yet.
- Crack sealing has been completed on various town roads.
- Ditching was completed on Tamarack and Sugar Run Road.
- Employees went to Concord to consider future backhoe purchase options at John Deere and CAT.
- The plows and sanders will be installed and prepared in the coming month.
- Additional road maintenance will be completed next month in preparation for winter.

1:45 Transfer Station Update

Kevin McGuire and Steve Chiocca met with the Board to provide a monthly update of activities for the Highway Department as follows:

- Refrigerators are being moved to the metal pile daily for pick up.
- The trailer has been cleaned out and is ready for demotion. Four residents are interested in purchasing the trailer from the town. After a brief discussion, the Board agreed to sell the trailer through the bid process in an as seen, as shown condition. The trailer would need to be removed prior to winter. TA Shepard will work with the Transfer Station to get this accomplished.

MOTION: "To sell the trailer at the Transfer Station through the town bid process in an as seen, as shown condition. The winning bidder will need to remove the trailer prior to winter."

Motion: J. Monti

Seconded: R. Sabourn

Discussion: R. Sabourn asked if a title is needed to sell the trailer. TA Shepard will look into this as it may not require a title to be sold due to its age. If it is determined that the trailer cannot be sold due to legalities, the Board agreed to discuss this further at their next meeting.

Motion Passes: 4 – Yes, 0 – No

- J. Monti placed a complaint regarding a speeding vehicle with New York license plates at the transfer station. The person has apologized and has not returned to the transfer station.
- Conkey's was contacted for recyclable pricing. No response was received. The recyclables (steel, batteries, aluminum) were brought to Gilpatrick and the Town received a check in the amount of \$1,124.90.
- Columbus Day was a very busy weekend at the transfer station.
- A customer had a verbal altercation with another customer at the Transfer Station. S. Chiocca attempted to defuse the situation. When the woman left, she nearly hit him with her car. There have been no further incidents with this woman since then.
- Three quotes were received for recycling cardboard/OCC. NRRA was the highest bidder at \$42.27, the lowest bid was \$20.00.
- Hazmat day in Plymouth is finished. Since this date has passed, employees have found anti-freeze and paint placed in the metal pile.
- The footings, electricity, and water are installed for the new addition. B. Dumont has taken some planned vacation time. Kevin stated that the contractors have not been back to work on the addition in about two weeks. TA Shepard will follow up with the contractor, Bob Dumont to review the project schedule.
- Kevin sent Donnie to Plymouth on Hazmat day to drop off paint cans and pick up containers. He explained that this is the only day to pick up containers and it was on a first come, first serve basis. TA Shepard informed him that personal vehicles should not be used to transport waste and that this was the reason that she had spoken to him about the trip to Plymouth.
- The exit gate will be moved closer to the facility to allow the trash truck to pull over and park so that he can lock the gate. The moving of the gate will make this area safer and more efficient.
- There has been an increase in the amount of air conditioners and refrigerators. This area looks messy right now but will be cleaned up.
- The town has used one construction can in the past years for construction debris. The town has been using two cans to keep up with the construction debris this season. Steve discussed the large amount of debris that is being dumped by contractors. He requested that the Board consider implementing a policy for contractors that utilize the transfer station for debris. After discussion, the Board agreed to discuss this further during another meeting.
- 16 boxes of recyclable batteries were sent out via Fedex.

2:00 Police Department Update

Chief Miller met with the Board to provide a monthly update of activities for the Police Department as follows:

- Arrest log is 176 for 2019. The total arrests for 2018 was 103.
- J. Monti stated that EMS bills for medical calls and asked if the Police Department can bill for this service as well. Chief Miller stated that this is not a billable service, and the department responds to medical emergencies as part of their mutual aid agreement.
- Trunk or Treat and Mad River Trick or Treating is scheduled on the same night. Candy donations are being collected for both events.

- The Food Drive is scheduled for November 16th. J. Monti offered is assistance delivering food if needed.
- The Toy Drive is scheduled for December 14th at Walmart in Plymouth.
- DEA drug take back program is scheduled for October 26th from 10-2 p.m.
- Chief is in the process of seeking three bids for a new phone service system for the Police Department that will provide better call service when officers are not at the Police Station. TA Shepard has been working with him on this project and the hope is to update all Town offices at the same time. Three telephone service companies have met with Chief Miller and TA Shepard and they are now awaiting receipt of the quotes for review.

2:15 PD Events Pay

Chief Miller explained that he had requested permission to pay officers comp time in lieu of overtime for additional hours required for events, meetings, and trainings scheduled outside of regular shifts. He has been informed by the Department of Labor that only exempt employees can receive comp time. Chief Miller is requesting that Officers be paid at their overtime rate for hours worked after 43 hours a week.

Chief Miller explained that overtime would be paid for department meetings and training if an officer is not already scheduled for those hours during their shift. Some community events that require an official Police presence, such as Trunk or Treat and National Night Out, would also qualify for overtime hours if the officer works more than 43 hours per week. Chief Miller expects an overtime cost of approximately \$1,200 for the year.

J. Monti discussed that the National Night Out was brought to the Board initially as an event that was going to be staffed with volunteer hours and would not be a paid event. R. Sabourn informed Mr. Monti that he received confirmation from the Town of Campton that the Fire Department did receive compensation for participating in this event this year. Full-time fire department staff that were not scheduled on this day, did participate in National Night Out and were compensated at their overtime rates. Chief Defosses plans to pay Fire Department Staff overtime for attending the Trunk or Treat event as well.

R. Sabourn is concerned that this event was proposed initially as a volunteer community event. J. Monti recommended sending a letter to the Town of Campton questioning their allowance of overtime pay for these events. He further stated that he understands why Police Officers would need to be present at large community events (in an official capacity) but cannot rationalize why paid fire department staff is necessary.

J. Monti is concerned that employees gave volunteer hours for the first year of National Night Out and now expect to get paid to attend the event. J. Monti does not agree that employees should be paid to attend community events that are a benefit to the Town when everyone else is volunteering their time.

Chief Miller explained that the Officers that attend the event with their families and participate in the event activities are not being paid. The officers that are on duty and acting in an official capacity should be paid for the hours they are working. He also

stated that everyone else that is attending in an official capacity are getting paid except for Thornton officers.

After a lengthy discussion, J. Monti recommended paying the Police Officers for their attendance at the Trunk or Treat event due to the need for public safety. He is not convinced that the Fire Department should be paid to attend this event.

Chief Miller stated that the Fire Department does set up and break down for Trunk or Treat and National Night Out. He explained that the departments do enjoy the event but they are working as well. Chief Miller is concerned that if the Board decides not to compensate the Police or Fire employees that are necessary for the events, then the events will not continue and this will ultimately affect the community negatively.

After additional discussion and consideration, the Board agreed to leave discretion to the Police Chief as to required personnel and to maintain his overtime budget. The Board also agreed to discuss their concerns with overtime pay at community events with Chief Defosses. J. Monti suggested creating a line in the budget for event expenses. TA Shepard cautioned that creating a line in the budget would actually mean creating two separate payroll line items, one for regular pay for EVENTS and one for overtime pay for EVENTS. The Board agreed to discuss these concerns further during budget season

J. Monti also requested that the Fire Department be scheduled to provide a monthly update to the Board of Selectmen along with all the other town departments. TA Shepard will be sure to invite Chief Defosses to attend the BOS monthly meetings to give them a Fire Department monthly update.

2:30 PD Walmart Grant

The Walmart grant was received for \$2,000 to cover EMR training, certification, and equipment for cruisers.

MOTION: "To accept the Walmart Grant in the amount of \$2,000 for the Thornton Police Department."

Motion: J. Monti

Seconded: R. Sabourn

Discussion: None.

Motion Passes: 4 – Yes, 0 – No

3:06 p.m. MOTION: "To enter into non-public session pursuant to RSA 91-A:3, II, (a)"

Motion: R. Sabourn

Seconded: J. Gaites

Discussion: None.

Roll Call: Jack Gaites – Yes, Marianne Peabody – Yes, Roy Sabourn – Yes, and Joseph Monti - Yes.

Motion Passes: 4 – Yes, 0 – No

3:27 p.m. MOTION: "To come out of non-public session."

Motion: R. Sabourn

Seconded: M. Peabody

Discussion: None.

Motion Passes: 4 – Yes, 0 – No

MOTION: "To make a conditional offer of employment to candidate A as a part time Police Officer at \$22.45 per hour, Labor Grade 8 Step 10."

Motion: J. Monti

Seconded: M. Peabody

Discussion: None.

Motion Passes: 3 – Yes, 0 – No

Abstained: R. Sabourn

Draft Policy Regarding Electronic Participation in Selectmen's Meeting

The Board reviewed a draft policy for electronic participation in Selectmen's Meetings by other Board Members that are not able to physically attend a meeting. J. Monti stated that the Board had agreed to discuss this at a later time. J. Monti agreed that the Board should have a discussion as to how to move forward with electronic participation in Board meetings. The Board agreed to discuss this when a full board is present.

3:15 Draft Policy Regarding Electronic Communications with Board of Selectmen

R. Sabourn stated that this policy was drafted to remind Selectmen that Board members shall only communicate official town business to the Town Administrator outside of a public board meeting. This action was taken as a result of a new Board member previously contacting other Board members regarding town business via email outside of a public meeting.

The Board agreed that this policy is not needed and that a reminder for new board members is sufficient.

MOTION: "To take the Draft Policy Regarding Electronic Communications with Board of Selectmen off the table for discussion in total since it is covered thoroughly in the Knowing the Territory manual for Selectmen."

Motion: J. Monti

Seconded: M. Peabody

Discussion: None.

Motion Passes: 4 – Yes, 0 – No

3:45 2020 BOS Meeting Schedule

TA Shepard presented a draft meeting schedule. TA Shepard suggested starting the work sessions at 4:00 and beginning the agenda items at 5:00 p.m. in an effort to prevent late night board meetings. The Board agreed. TA Shepard will create a final schedule.

4:00 2019/2020 Budget Meeting Schedule

The Board reviewed the proposed budget schedule. J. Monti asked if information will be received prior to the scheduled budget meetings for each department. TA Shepard confirmed that this information will be available for review in advance of the meeting.

J. Monti suggested holding an additional meeting to complete the budgets in two days instead of holding the budget meetings during regularly scheduled meetings every two weeks. Board members discussed the benefit of having some time in between meetings to consider budget requests. The Board agreed not to schedule any additional meetings for budget sessions.

J. Monti requested changing the meeting start time for December 30th at noon instead of at 5:30p.m. The Board agreed. The work session will begin at 11:00 a.m. and the agenda will begin at noon.

After discussion, the Board agreed to approve the proposed budget meeting schedule as amended.

4:15 2020 Holiday Schedule

The Board reviewed and approved the proposed 2020 Holiday schedule.

TA REPORT - Continued

Tree Lighting Ceremony

The Board reviewed a proposal from Deb Duffy for the tree lighting ceremony for November 30th. The Board agreed that this is too early in the season and recommended the event be scheduled on December 4th prior to the Selectboard meeting to increase attendance. TA Shepard will relay this suggestion to the Events Committee.

Town Holiday Party Options

The Woodstock Station has been reserved tentatively for the Holiday party at \$32 per person. D. Mahurin contacted Owl's Nest and was quoted \$53 per person. Owl's Nest can only accommodate 80 people per room but does have a separate overflow room available. The DJ and dancing would also be in a separate room.

D. Mahurin also contacted JL Sullivan's multiple times to receive a quote and was not able to leave a message or speak with anyone until recently. The owner has not provided a confirmation as to his ability to accommodate this function.

TA Shepard reminded the BOS that that the Woodstock Station is a community supporter and asked that the Board consider approving their event to be held at the Station for 2019.

MOTION: "To hold the Thornton Annual Holiday Party at the Woodstock Station."

Motion: J. Monti

Seconded: J. Gaite

Discussion: None.

Motion Passes: 4 – Yes, 0 – No

Selectmen Comments

J. Monti informed the Board of some webinars available that will discuss Cable Franchise Agreements and Short-term rentals such as AirBNB's.

4:15 p.m. MOTION: "To enter into non-public session pursuant to RSA 91-A:3, II, (a, b & c)"

Motion: R. Sabourn

Seconded: J. Gaites

Discussion: None.

Roll Call: Jack Gaites – Yes, Marianne Peabody – Yes, Roy Sabourn – Yes,
and Joseph Monti - Yes.

Motion Passes: 4 – Yes, 0 – No

4:35 p.m. MOTION: "To come out of non-public session."

Motion: R. Sabourn

Seconded: M. Peabody

Discussion: None.

Motion Passes: 4 – Yes, 0 – No

MOTION: "To allow Vice Chairman Roy Sabourn to sign a document from Donahue, Tucker, and Ciandella relative to a special counsel representation agreement as recommended by Town Counsel."

Motion: J. Gaites

Seconded: M. Peabody

Discussion: None.

Motion Passes: 4 – Yes, 0 – No

4:36 p.m. MOTION: "To adjourn."

Motion: R. Sabourn

Seconded: J. Gaites

Discussion: None.

Motion Passes: 4-0

Respectfully submitted,

Jessi Fleury
Board Secretary