



TOWN OF THORNTON BOARD OF SELECTMEN

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

Approved on: 12/4/19
BOS Initial: J M M
Rec'd by Town Clerk on: 12/9/19
Town Clerk Initials: agm

Board of Selectmen Meeting Minutes November 20, 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 Gaites and Selectman Joseph Monti.

ABSENT: Chairman Benton

STAFF PRESENT: TA Debra Shepard, Town Administrator

MOTION: "To approve the payroll manifest dated 11/22/2019 in the amount of \$42,201.74."

Motion: J. Monti

Seconded: M. Peabody

Discussion: None.

Motion Passes: 4 – Yes, 0 – No

MOTION: "To approve the vendor manifest dated 11/22/2019 in the amount of \$396,189.46."

Motion: J. Gaites

Seconded: J. Monti

Discussion: None

Motion Passes: 3 – Yes, 0 – No

Abstained: M. Peabody

Minutes

MOTION: "To approve Board of Selectmen public meeting minutes of November 6, 2019 subject to the minor changes that were made this evening."

Motion: J. Monti

Seconded: J. Gaites

Discussion: None.

Motion Passes: 4 – Yes, 0 – No

MOTION: "To approve Board of Selectmen nonpublic meeting minutes referenced as session 1 of November 6, 2019 as written."

Motion: J. Monti

Seconded: R. Sabourn

Discussion: None.

Motion Passes: 4 – Yes, 0 – No

MOTION: "To approve Board of Selectmen nonpublic meeting minutes referenced as session 2 of November 6, 2019 as written."

Motion: J. Monti

Seconded: J. Gaites

Discussion: None.

Motion Passes: 4 – Yes, 0 – No

ZCA Review

MOTION: "To approve ZCA #2019-59 for PID #16/4-18, 1474 NH Route 175, Owner Raymond and Cathleen Bowen, to demolition and replace a 8x17 shed."

Motion: M. Peabody

Seconded: J. Monti

Discussion: None.

Motion Passes: 3 – Yes, 0 – No

Abstained: J. Gaites

MOTION: "To approve ZCA #2019-60 for PID #18/6-1, 154 Amory Leland Drive, owner David and Judy Fried, to add dormer to garage/replace roof, etc."

Motion: M. Peabody

Seconded: J. Monti

Discussion: None.

Motion Passes: 3 – Yes, 0 – No

Abstained: J. Gaites

TA REPORT

TA Shepard provided an amended budget meeting schedule. The only change was to the joint budget meeting with Campton to discuss the Fire Department and Transfer Station budgets. TA Shepard explained that the meeting was changed to January 6 to allow Chief Defosses to meet with the Town of Campton to discuss budget requests prior to the joint meeting.

Action Folder:

MOTION: "To approve an Intent to Cut for PID #15/4-11, Frazier Family Trust."

Motion: J. Monti

Seconded: J. Gaites

Discussion: None.

Motion Passes: 4 – Yes, 0 – No

MOTION: "To sign and approve the deed for PID #15/4-52."

Motion: M. Peabody

Seconded: J. Gaites

Discussion: None.

Motion Passes: 4 – Yes, 0 – No

MOTION: "To request \$7,285.00 from the Trustee of Trust Funds to be expended from the Assessing Capital Reserve for the monthly invoice"

Motion: J. Gaites

Seconded: J. Monti

Discussion: None

Motion Passes: 4 – Yes, 0 – No

MOTION: "To request \$20,150.00 from the Trustee of Trust Funds to be expended from the Highway Department – Major Maintenance and Equipment Capital Reserve for the 2019 F550 equipment."

Motion: J. Gaites

Seconded: J. Monti

Discussion: None

Motion Passes: 4 – Yes, 0 – No

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

MOTION: "To approve six tax abatements in the total amount of \$9,255 for properties that were deeded to the town in 2019."

Motion: R. Sabourn

Seconded: J. Monti

Discussion: None.

Motion Passes: 4 – Yes, 0 – No

Elderly Exemption

TA Shepard explained that some properties received a large increase in their assessed value due to the recent revaluation. She expressed concern that some of these properties belong to elderly residents and their tax bills increased significantly. TA Shepard asked permission to research the elderly tax exemption amounts offered by the State of NH and review the amounts that comparable towns have approved. Any change in the exemption amount would need to be reviewed and approved by the Selectboard and brought before the residents in a warrant article during town meeting. The Board granted permission for TA Shepard to research the current elderly exemption amounts and report her findings back to them at their next meeting.

Veterans Tax Credit

TA Shepard was approached by a resident asking that the Board consider adopting an All Veterans Tax Credit. She explained that the Town of Thornton currently offers the standard \$500 Veteran Tax Credit. In order to qualify for this credit, Veterans must have served in specific wars and during very limited dates. The State of NH approved the All Veterans Tax Credit about three years ago for all veterans, without requiring that they serve in specific conflicts. Out of 259 towns, 131 towns have adopted this new credit. The Town would set the amount of the credit if they choose to adopt the All Veterans Tax Credit. The Board agreed to consider this further once more research is provided and when there is a full board present. This would also need to be presented through a warrant article at town meeting.

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

1:00 Highway Department Update

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

- Multiple Windstorm clean-ups
- Building the 2019 F550 – a hoist should be arriving tomorrow and they are working on finalizing the body options. RA Kubik explained the options that they considered for the body and recommended using a flatbed based on comparisons. The cost for the flatbed is \$2250. J. Monti noted that this is the lowest cost option, and asked if this is also the best quality for the Town. RA Kubik agreed that this is the best option.

MOTION: “To approve the purchase of the Rugby Body flatbed body in the amount of \$2250 from HP Fairfield as recommended by the Highway Department.”

Motion: J. Monti

Seconded: J. Gaites

Discussion: None.

Motion Passes: 4 – Yes, 0 – No

- J. Monti stated that the Highway Department has done a good job cleaning up from the windstorms. He noticed that much of the debris during windstorms is caused by old dead trees. J. Monti asked if the RA has plans to be proactive in removing dead trees periodically to lessen the threat of damage and debris during future windstorms. RA Kubik replied that this is a decision of the Board, since most of these trees are on scenic roads and he is not permitted to remove them unless they are leaning over the road and causing an imminent threat.
- A notice for subcontractors for winter snow plowing was advertised. R. Sabourn stated that no interest was received from the advertisement. RA Kubik stated that the Highway Department is equipped and staffed to handle the winter maintenance of the town at this time. RA Kubik stated that with the rehiring of the fifth (seasonal part-time) employee, he expects to be able to cover the towns needs. The seasonal part-time position will include the months of December,

January, February, and March for 32 hours a week or more if needed, at a rate of \$18 per hour (includes the COLA increase for 2019).

MOTION: "To approve the rehire of Devon McIver for the Seasonal Part-time position with the Highway Department at a rate of \$18.00 to include the COLA increase that was approved for employees in 2019."

Motion: R. Sabourn

Seconded: J. Monti

Discussion: None.

Motion Passes: 4 – Yes, 0 – No

- RA Kubik stated that the culverts were replaced when the department repaved Banjo Drive. A storm-water culvert at the top of Banjo Drive was also replaced and the ditch line was reestablished and cleaned out. The neighbor to this culvert claims that the Town has caused water problems for his property. RA Kubik has visited the property and reviewed the drainage in place. He does not believe that the water coming out of the culvert is the cause for the water problems at the property. The highway department installed a berm as a temporary fix. RA Kubik stated that unless there is a drainage easement in writing he is unsure if he can continue to run the ditch line to the wooded area where he believed it was going, or if he should reestablish a ditch line to run the water alongside the road. The Board discussed acquiring an easement for the drainage and maintenance to continue the ditch line further below so that the water was draining away from neighboring properties. The Board recommended that TA Shepard send a letter to the property owner to inquire about an easement.

MOTION: "To contact the current property owner to discuss granting the Town a drainage easement."

Motion: R. Sabourn

Seconded: J. Gaites

Discussion: None.

Motion Passes: 4 – Yes, 0 – No

1:15 Transfer Station Update

Steve Chiocca met with the Board to provide a monthly update of activities for the Transfer Station Department as follows:

- Televisions were hauled away.
- The tire can was sent out.
- Construction debris is slowing down.
- Mixed metal pile is being hauled away prior to winter weather.
- Construction on the Transfer Station renovation is moving along.
- Planet Aid removed their donation boxes from the Transfer Station. Any location north of Concord is not equitable for Planet Aid and they no longer are accepting donations in this area. S. Chiocca will look into another company that may be willing to take donations in an effort to keep these items out of the landfill.
- The exit gate has been moved creating a safer environment for truck haulers.

- R. Sabourn was asked by a resident why the brush pile has been closed. S. Chiocca explained that the brush pile is closed due to not having any water at this time.

Year End Department Surplus Requests 2019

S. Chiocca discussed the year end surplus. TA Shepard explained the surplus request process. Last year, they were able to purchase oil containment pallets with surplus funds. The surplus request for 2019 includes three more pallets, a replacement blue tipping dumpster, eight two-way radios for communication. He would also like to request a pressure washer to be used for maintenance for the backhoe, skid steer, and the pit where the household trash is collected, a lawn mower, and corrugated boxes to store aluminum cans. These items are in prioritized order and he would like to purchase them as the budget allows.

MOTION: "To allow the Transfer Station to purchase the items listed on their surplus purchase request provided the funds are available to do so before year end.

Motion: R. Sabourn

Seconded: J. Gaïtes

Discussion: None.

Motion Passes: 3 – Yes, 0 – No

Abstained: J. Monti.

1:30 Police Department Update

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

- 512 Calls for service
- 14 Arrests
- 191 Arrests for 2019
- Drug take back went well
- Trunk or Treat had a good turn out with positive feedback
- The food drive at Walmart was very successful
- The toy drive is scheduled for December 14
- Officers are working on State testing
- He has been working on the 2020 budget

Year End Department Surplus Requests 2019

Chief Miller discussed the year end surplus. Chief Miller explained that he attended an Internal Affairs training and the Guardian Tracking Software was recommended. Chief Miller stated that this is an early warning system for tracking personnel information such as tardiness, warnings, use of force, as well as positive information. The software will provide an alert for different types of information. The officers are also able to enter good reports, and peer reviews. The software will make it easier for the Chief to manage the department and can assist in promotion and salary increase justification. The cost is \$286 for a one-time fee and \$860 annually.

MDT license through IMC is needed for the new cruiser. The license was taken off the computer in the Chief car and transferred to the new patrol cruiser. The cost is \$1250

and \$225 a year afterward which can be budgeted for 2020. The request for surplus is \$1250 for the license and \$37 maintenance fee for the rest of this year. He is also requesting a dog and cat microchip reader. This will give the department the opportunity to scan missing pets that are not claimed when brought to the Police Department.

Chief Miller's surplus request also includes portable batteries for radios as well as body cameras. He feels these would be very beneficial to the department and explained the many benefits.

Chief Miller provided a quote for Azon 2 Body Cameras. This would include five body cameras, four docking stations and a replacement plan over five years. The cost would be spread over five years. Year 1 would be \$4,470. Year 2 would be \$3,275, Year 3, \$3,275, Year 4, \$3,275 and Year 5, \$3,275. The amount from surplus for 2019 would be \$4,470. Years 2 through 5 would be included in the PD budget going forward.

MOTION: "To allow the Police Department the surplus funds as requested in the amount of \$7,565.97 provided that the funds are available before year end."

Motion: J. Monti

Seconded: M. Peabody

Discussion: None.

Motion Passes: 4 – Yes, 0 – No

Economic Development Request

Chief Miller and Brian Regan asked the BOS to allow them to use \$1,100 of surplus funds to begin the process with the State of NH for the purchase of the land around Town Hall as discussed previously.

B. Regan explained the process going forward which includes determining the value of the land and the need for a survey. This entire process can take from a year to a year and half to complete. Chief Miller encouraged the Board to allow them to continue this process. If the BOS allows him to continue moving forward with this, he will apply for whatever land grants available. R. Sabourn agreed that \$1,100 is worth spending to begin the process and would be well spent for planning purposes. He is unsure if the goal can be met, but supports the effort.

MOTION: "To allow the Police Chief and B. Regan to use \$1,100 of ZBA surplus budget funds to support this process."

Motion: J. Monti

Seconded: J. Gaites

Discussion: None.

Motion Passes: 4 – Yes, 0 – No

2:00 Terry Knowles – DOJ – Cemetery Trustee Discussion

T. Knowles met with the Board to answer questions pertaining to Cemetery Trustees. R. Sabourn stated that Peter Laufenberg is concerned that the current trustees are busy and the former trustee has retired leaving the sale of plots to the current trustees. The trustees would like the town hall staff to be the initial point of contact, giving advice,

selling lots, etc. The staff is not opposed but is concerned with liability issues and the legality of staff performing the work of Cemetery Trustees.

P. Laufenberg explained that the plots were purchased from a trustee's home and now all the trustees work full time and have limited availability. He said he believes many towns allow the front-end work to take place at the town hall and then the trustees complete the process.

T. Knowles explained that when the cemetery laws were rewritten in 1994, it mandates that every town has to have a cemetery trustee board. If the town votes not to have cemetery trustees then the town can vote to assign the duties of the cemetery trustees to the Board of Selectmen Department who can then assign the duties to a Department Head.

T. Knowles stated that the biggest area of risk is the sale of the lots. She explained that caskets have been buried in the wrong lots and that some lots have been sold twice in other towns. These are examples of the risks. The courts must decide how to proceed when mistakes like these have been made and the towns can be held financially responsible.

She stated that the Cemetery Trustees can hire a sexton which can do all the "front-end" work that Mr. Laufenberg suggested town staff could complete. She also said that in some towns, the director of public works complete these tasks. T. Knowles suggested that the Trustees should discuss whether they would like to hire a sexton or have these responsibilities completed by the Director of Public Works.

Discussion continued on Brad C. Benton as the superintendent and what role he has been filling with the cemetery responsibilities. P. Laufenberg asked if the Trustees could have more than one sexton or an assistant. T. Knowles believes that having more than one sexton would be permissible. Additional discussion continued relative to hiring a Sexton and they being available to work out of town hall and perhaps be available on an "on call" basis and be paid by stipend. R. Sabourn explained that hiring a person on a stipend basis that is familiar with the lots would be more desirable than having staff members in the office sell lots. He agrees that one person should handle selling of lots to avoid mistakes and duplicate sales. R. Sabourn suggested scheduling a meeting with the Cemetery Trustees to discuss their options further rather than asking staff to sell lots and potential expose the Town to liability.

J. Monti agreed to that a joint meeting should be scheduled and that it would be beneficial if plots could be sold from town office. R. Sabourn agreed that the service should be provided at town hall, but that a separate person should be hired to complete this task rather than current town staff. P. Laufenberg suggested that perhaps town staff could assist by receiving phone calls and directing interested parties to the Cemetery Trustees for assistance.

T. Knowles explained that some people have religious requirements regarding burials and may require a burial on the same day. She explained other situations where arguments take place between family members regarding burial places etc.

After a lengthy discussion, the Board agreed that they should meet with the Trustees to discuss a solution that would work for everyone. In the meantime, J. Monti suggested that town hall staff contact cemetery trustees to forward information if a person is interested in purchasing a cemetery lot.

1:45 Fire Department Update

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

- He is working on having the vehicles removed from the side of the fire station
- Same amount of calls as compared to last year
- Call Captain passed away due to a cardiac event
- Town of Campton is installing a new phone system
- Station 3 received a generator through the Homeland Security grant
- The new ambulance is in service and working well, the power load has been a great upgrade.
- The new radio will be installed within the next few weeks.
- Successfully completed a combined safety training with the Police Officers in Thornton and Campton and some State Troopers.
- Medicare has many new rules, and started a new process for billing that requires transport patients to sign forms for billing. Two iPads were purchased for electronic signing.

2:30 Avitar – Proposed Contract Review

Marc Swenson and Dave Woodward met with the Board to discuss the proposed assessing contract with Avitar. D. Woodward explained the changes with cycled inspections. In the past the town was divided into thirds to ensure that all properties were visited during update years. In the new contract, they will be doing 10% each year. Avitar has been doing data verification for Thornton for 17 years and they consider the data that they have collected accurate. This will free up more time for Avitar to concentrate on other assessing duties in town. The contract was increased due to the additional work and time above the contracted assessing time that has been experienced in Thornton.

J. Monti asked why the assessing time would take longer and cost more if the data that has been collected is good data. D. Woodward explained that Avitar will be focusing on sales that take place in town. The data of exterior of the homes are accurate, but they are not always able to view the interior of homes which can improve the quality of data and accuracy of the assessing.

J. Monti stated that he thinks this would be a reduction in time spent and thus a reduction in contract amount. Marc Swenson explained that the assessing contains different aspects and data verification is just one aspect and does not include picking up new construction, assessing subdivisions, transfers, and law changes. This level of general assessing activity has increased over the past 5 years as a reflection of the work that has been generated by the Town of Thornton. D. Woodward stated that the implementation of the ZCAs allows less to go unassessed as in previous years.

The Board discussed changes to the contract relative to fees.

R. Sabourn would like to have the opportunity to review the contract and would like the Chairman to be present before deciding on the contract.

J. Monti stated that having the contracts ahead of time was very helpful to him. He asked if the Town is going to follow the procurement policy for this contract. The Board agreed to discuss this question and the contract further when a full board is present.

3:00 Conservation Commission – Myrtle Lewis

M. Lewis informed the Board that the Commission has not met due to no wetlands applications being submitted. A new member is interested in joining the Commission. The Commission members attended a training that brought many ideas into mind. M. Lewis would like to create an inventory of town owned lands that could show specific resources for the town. She would also like to update the natural resources map using the NH Granite software, begin roadside litter pick up, assist with recycling efforts, and other projects that would provide more visibility to the town. M. Lewis would like the opportunity to present at town meeting to gather new ideas of interest from residents for Thornton.

NHDES completed surveys of about 50 culverts in town relative to historical flooding and population at no cost to the town. The survey was very comprehensive.

The board agreed that the Commission could set up a table for information, and have some time at the end of town meeting. The board thanked her for all of her work and dedication to improve the Town.

3:15 Brian Regan – Heafitz Property Discussion

B. Regan met with the Board to discuss a phone call he received from Mr. Heafitz, as he would like to disperse some land. Mr. Heafitz discussed the properties with Mr. Regan. Mr. Regan provided information to the Board about the two parcels of land (4 acres and 1.7 acres) that Mr. Heafitz would like to sell to the town at a low price. Chief Miller stated that if the Town would like to grow and designate a park or town center area, this would be an inexpensive option. B. Regan suggested that the Board look at the land and make a serious consideration as this could be beneficial for future town use.

R. Sabourn stated that this would require a town meeting vote. The school will also have a large money article at town meeting soon. He is unsure if the town residents will approve this. R. Sabourn stated that he does not believe this is a good option for the town with the old gas station, underground tanks, and monitoring wells. J. Monti feels that it is worth exploring and getting more information. R. Sabourn recommended having the structures inspected to provide more information as their condition.

The Board agreed to accept more information on the land opportunity.

3:45 Joseph Monagle – Appeal of ZCA Stop Work Order Fine

Mr. Monagle met with the Board to appeal the ZCA stop work order fine that was directed by the Selectboard during a previous meeting. He explained that he is respectfully requesting that the fine he received be reduced. Mr. Monagle stated that he submitted an application for a ZCA, workers became available, and he started the work before the permit was officially issued. He was asked to stop working without the permit. He continued to install the posts and collar ties until about 12:30 that afternoon. He said he would have kept working if he had known he was going to be fined anyway because he lost his electrician because he told him to stop working. He explained that he was rushing to get the work done so that he could receive a tax credit that is expiring at the end of the year. The fine received was for \$1,925 as allowed by state RSA.

R. Sabourn stated that the stop work order was given verbally by himself because the ZCA was not signed. The order was specific to inform him that if work is not stopped it would be \$275 per day for the 7 days that work commenced without a permit. R. Sabourn viewed the property and noted that the construction did continue. The stop work order was very clear as to the consequence if work continued without a signed permit.

Mr. Monagle stated that the only additional work that was completed after the stop order was to secure the work in place due to high wind that was expected. He stated that once the order was actually delivered, he did stop working. He continued working in between the verbal stop order and then stopped once the Police Department delivered the written stop order. Discussion continued on the time line of the events. R. Sabourn indicated after a lengthy discussion that this appeal could be heard before the Zoning Board of Adjustment.

J. Monti does not agree that the fine should be assessed for 7 days. He feels that the fine assessed is harsh. R. Sabourn stated that the town has the policy in place and the fine is according to the NH RSA and Town Zoning Ordinance. R. Sabourn called for a final decision. No decision was made. R. Sabourn suggested continuing this discussion with a full board present on December 4, 2019.

Non-Public Session pursuant to RSA 91-A:3, II (a)(I)

4:26 p.m. MOTION: “To enter into non-public session pursuant to RSA 91-A:3, II, (a, I)”

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

4:34 p.m. MOTION: "To come out of non-public session."

Motion: J. Monti

Seconded: M. Peabody

Discussion: None.

Motion Passes: 4 – Yes, 0 – No

4:38 p.m. MOTION: "To adjourn."

Motion: R. Sabourn

Seconded: M. Peabody

Discussion: None.

Motion Passes: 4-0

Respectfully submitted,

Jessi Fleury
Board Secretary