



**TOWN OF THORNTON
BOARD OF SELECTMEN**

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

2 changes
on page 8

12/18/19
Approved on: *[Signature]*
BOS Initial: *[Signature]*
Rec'd by Town Clerk on: 12/30/19
Town Clerk Initials: *dpm*

**Board of Selectmen Meeting Minutes
December 4, 2019**

5:00 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.

STAFF PRESENT: TA Debra Shepard, Town Administrator

MOTION: "To approve the payroll manifest dated 12/6/2019 in the amount of \$29,868.46."

Motion: J. Monti

Seconded: R. Sabourn

Discussion: None.

Motion Passes: 4 – Yes, 0 – No Abstained: M. Peabody

MOTION: "To approve the vendor manifest dated 12/6/2019 in the amount of \$1,069,775.95."

Motion: M. Peabody

Seconded: R. Sabourn

Discussion: This includes the county tax payment of \$717,000.

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

Minutes

MOTION: "To approve Board of Selectmen public meeting minutes of November 20, 2019 as amended."

Motion: J. Monti

Seconded: J. Gaites

Discussion: None.

Motion Passes: 4 – Yes, 0 – No Abstained: B. Benton

MOTION: "To approve Board of Selectmen nonpublic meeting minutes of November 20, 2019 as written."

Motion: J. Monti

Seconded: R. Sabourn

Discussion: None.

Motion Passes: 4 – Yes, 0 – No

Abstained: B. Benton

ZCA Review

MOTION: "To approve ZCA #2019-61 for PID #18/3-1, 1474 NH Route 49, Owner Richard and Brenna Provost and Lucy Chase, for a new single family home."

Motion: R. Sabourn

Seconded: M. Peabody

Discussion: None.

Motion Passes: 5 – Yes, 0 – No

Updated ZCA form

R. Sabourn stated that the form was update for clarity and no content was changed.

MOTION: "To approve the updated ZCA form as submitted."

Motion: R. Sabourn

Seconded: M. Peabody

Discussion: None.

Motion Passes: 5 – Yes, 0 – No

The updates include two areas for clarification that permits are issued upon approval of the application by the Board of Selectmen. That no construction shall start prior to the receipt of an approved permit. Construction process is subject to inspection by the Thornton Zoning Officer. J. Monti was pleased with the changes and agreed that the permit is much clearer.

TA REPORT

Action Folder:

MOTION: "To approve an Intent to Cut for PID #10/10-7, Nathan Laylock."

Motion: J. Monti

Seconded: R. Sabourn

Discussion: None.

Motion Passes: 5 – Yes, 0 – No

MOTION: "To approve an Intent to Cut for PID #3/7-3, Roy and Terry Sabourn Family Trust."

Motion: M. Peabody

Seconded: J. Monti

Discussion: None.

Motion Passes: 4 – Yes, 0 – No

Abstained: R. Sabourn

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

Motion: M. Peabody

Seconded: J. Gaite

Discussion: None.

Motion Passes: 5 – Yes, 0 – No

MOTION: "To request \$6,229.92 from the Trustee of Trust Funds to be expended from the Municipal Building Capital Reserve for Dumont Construction for Thornton's share of the Transfer Station Renovations."

Motion: J. Gaite

Seconded: J. Monti

Discussion: None

Motion Passes: 5 – Yes, 0 – No

MOTION: "To request \$10,000 from the Trustee of Trust Funds to be expended from the Property Tax Map Update Capital Reserve for CAI Mapping."

Motion: R. Sabourn

Seconded: J. Monti

Discussion: None

Motion Passes: 5 – Yes, 0 – No

MOTION: "To request \$4,982.06 from the Trustee of Trust Funds to be expended from the Highway Vehicle Major Maintenance Capital Reserve for the equipment for the new highway department truck."

Motion: M. Peabody

Seconded: J. Gaite

Discussion: None

Motion Passes: 5 – Yes, 0 – No

TA Shepard stated that Richard Baker is a new Trustee of the Trust funds and he is doing very well in this position.

TA Shepard shared with the board a thank you received from Phyllis Holbrook for the beautiful Thanksgiving centerpiece that was sent on behalf of the board to celebrate her retirement.

TA Shepard informed the board that a late purchase request for year-end surplus was received from Donna Monti, Town Clerk. She is requesting three sets of stanchions for \$585.00 that will be used for voting at the school.

MOTION: "To approve the Town Clerk request to purchase three stanchions in the total amount of \$585.00 for the elections."

Motion: J. Gaite

Seconded: M. Peabody

Discussion: None.

Motion Passes: 5 – Yes, 0 – No

TA Shepard presented a deed to the Gilpatric's as their tax agreement has been paid in full. The Board signed the deed.

MOTION: "To approve and sign the deed to the Gilpatric family as the tax agreement has been paid in full."

Motion: J. Gaites
Seconded: M. Peabody
Discussion: None
Motion Passes: 5-0

MOTION: "To approve a current use change tax application from Avitar for PID #7/2-19B, owners John and Rebecca Benton for a current use assessment penalty in the amount of \$5,450.00."

Motion: R. Sabourn
Seconded: M. Peabody
Discussion: None
Motion Passes: 5-0

TA Shepard shared the NH Department of Revenue Monitoring Report received and explained that NHDRA oversees the assessing company (Avitar) of the Town and submits monitoring reports showing that the assessing work has been reviewed by NHDRA.

MOTION: "To waive the procurement policy and approve the Avitar Assessing Contract based on the long term relationship of over 17 years with Avitar and to accept the contract as presented."

Motion: R. Sabourn
Seconded: M. Peabody
Discussion: J. Monti stated that the procurement policy is put in place to allow the town to get an assessment and multiple bids. There were no bids received and he feels that it is a good policy to advertise the work to ensure the town is getting the best for their money. He feels that the town should use their procurement policy to be prudent. M. Peabody stated that she understands the experience and quality of Avitar's work. She is satisfied with the quality of their work, as is the Department of Revenue. J. Monti does not understand why the contract has increased 10% and it seems they are doing less work. TA Shepard explained that Avitar is not spending as much time on measuring and data collection but more time on the assessing aspects. J. Monti would like to see the changes from the old and new contract. R. Sabourn explained that he did review both old and new contracts and does not disagree with the new contract or the 10% increase. Discussion continued. J. Monti stated that he is not for or against Avitar, but he would like to see the contract advertised for bid to compare prices. TA Shepard explained the many benefits of contracting with Avitar again and would asked the board to waive the procurement policy and approve the contract as presented. Chairman Benton suggested that perhaps the Town consider putting this contract out for bid during the next time.

Motion Passes: 4-1

TA Shepard shared with the Board that North Country Council is offering a one day review of Transfer Station procedures free of charge to perform site walks and provide ideas for improvement. J. Monti stated that he would like to know if the Transfer Station Manager approves of this before deciding. TA Shepard will follow up with TS Manager and discuss this further.

TA Shepard shared with the board that Chief Defosses' father passed away.

MOTION: "To approve a contribution consistent with previous amounts to Operation Santa Fund in the honor of Chief Defosses' father."

Motion: R. Sabourn

Seconded: M. Peabody

Discussion: None

Motion Passes: 5-0

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

6:00 Police Department – USDA Phone Grant and Watch Guard Grant

Chief Miller informed the Board that he would like to apply for this grant for the phone system upgrade, the new cruiser camera, and new department camera's. The grant application would be \$22,178 and the grant would reimburse the town 35%. Chief Miller explained the funding process.

MOTION: "To give Chief Miller permission to apply for the USDA Phone Grant and Watch Guard Grant."

Motion: J. Monti

Seconded: M. Peabody

Discussion: None

Motion Passes: 5-0

6:15 CIP Committee 2020 Budget and Update on Public Hearing

B. DeLeo informed the Board that the CIP budget has not changed. Discussion continued on the pick-up truck for the Transfer Station. The Thornton Board has approved this purchase, but B. DeLeo is unsure if the Town of Campton has approved the purchase. He explained that he needs to schedule a meeting with the Town of Campton to discuss joint department expenses.

J. Monti stated that the CIP has spent a great amount of time making sure that the items meet the criteria. He feels that some items on the CIP are becoming a wish list rather than needs. He does not feel that these items are must-have appropriate purchases.

- Transfer Station (year 2020) Transfer Station Ford F350 \$10,200. R. Sabourn explained that this vehicle is a 1 ton and would be used for snow plowing. The staff has been using the bucket loader for snow removal and is not adequate.
- Fire Department (year 2022) Command Vehicle #2 for \$28000. R. Sabourn agreed that a second Command vehicle may not be a necessity.

- Fire Department (year 2025) Utility Truck for \$20,000. R. Sabourn stated that this truck would be used to haul the hoses and gear after a fire. He suggested speaking to the Fire Chief for further explanation.

J. Monti stated that the paving and road improvements are falling behind and would like to see more funds in the budget for paving as well as the operating budget. He does not feel that the current funding will allow the town to catch up on its road needs. R. Sabourn explained that he prefers to have the paving included in the operating budget rather than the CIP due to increasing paving costs.

The Board agreed to hold off on approving the CIP until their questions for departments regarding their CIP requests are answered. The Board thought this would be a great idea to meet with Campton's BOS and CIP Committee as well as Ellsworth to discuss the CIP further and to get a better understanding of the ten year plan. B. DeLeo agreed that this would be appropriate. The Board will also invite the Fire Chief and Transfer Station Manager to attend this joint meeting

B. DeLeo has a concern with the inflation and does not want to have a large surplus built into the plan. He does understand that the committee does their best to predict the costs of items in 20 years. If the inflation rate is less than they thought, he does not want to use the additional funds for a wish list. He intends to remind department heads not to inflate their purchases as the CIP committee will be calculating the inflation rates themselves. B. DeLeo would also like to recommend that the department heads provide updated information to the Board concerning any changes in purchases.

The Board supports this request to receive more detailed information on purchase requests from the department heads.

Selectwoman Peabody stepped off the Board to discuss the Welfare and Health Officer Budgets

6:45 Welfare 2020 Budget

M. Peabody explained the 2020 welfare budget and provided a comparison of 2019 and proposed 2020. She explained that federal COLA for this year is 1.6%. TA Shepard stated that the past practice has been to follow the Federal COLA. M. Peabody asked TA Shepard to research the COLA increases other towns are offering this year. Research showed that most towns are implementing a 2% COLA for 2020. Other towns will be using the 1.6% COLA but will incorporate automatic step increases as well. R. Sabourn stated that the 2% COLA increase is reasonable and merit steps will be discussed as requested.

MOTION: "To give Thornton employees a 2% COLA increase in 2020.

Motion: R. Sabourn

Seconded: J. Gaites

Discussion: None

Motion Passes: 4-0

M. Peabody continued to explain the proposed budget for 2020.

MOTION: "To approve the proposed 2020 Welfare Budget in the amount of \$20,190.00.

Motion: R. Sabourn

Seconded: J. Gaites

Discussion: None

Motion Passes: 4-0

J. Monti discussed the stipend amount for the Welfare Officer. M. Peabody is satisfied with her stipend amount.

7:00 Health 2020 Budget

M. Peabody explained the 2020 health budget. She explained that this department has not been very busy this year.

MOTION: "To approve the proposed 2020 Health Budget in the amount of \$1,153.00."

Motion: J. Monti

Seconded: R. Sabourn

Discussion: None

Motion Passes: 4-0

Selectwoman Peabody rejoined the Board.

7:15 Joseph Monagle – ZCA Stop Work Order Fine

Joseph Monagle met with the Board to discuss a previous stop work order issued by the Board of Selectmen and discussed at the last meeting. He is respectfully requesting that the Board reconsider the \$1,925 fine as allowed by state RSA.

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 before the written notice was provided and then stopped working. He said he would have kept working if he had known he was going to be fined anyway because he lost his electrician since he told him to stop working.

He explained that there was a miscommunication at the town hall as to his intention to complete the project.

Mr. Monagle submitted a ZCA on October 28, 2019. He worked on his property from October 28, 2019 through October 31, 2019. J. Monti asked what day R. Sabourn visited the property. R. Sabourn visited the property on October 31, 2019 Thursday at 8:00 a.m. and issued a verbal stop order. About 3:00 p.m. on the same day Mr. Monagle received written notice from the Police Department. Mr. Monagle stated that he has not done additional work since the written stop work order. He offered to provide written documents from contractors confirming that no additional work had been completed after the Police Department served the stop order.

The permit was approved on November 6, 2019 by the Board of Selectmen. Mr. Monagle began working again after receiving the signed permit.

→ The fine was assessed for 7 days. R. Sabourn stated that the 7 days includes the date of the stop order through the date that the Board approved the permit. R. Sabourn stated that work had been completed prior to October 28 when the ZCA was submitted. Mr. Monagle confirmed that the sauna tubes had been installed prior to October 28.

Sona
J. Monti stated that the RSA states that the \$275 per day penalty is effective from the date that a written stop order is received. Written notice was given on October 31. J. Monti stated that the RSA would apply if Mr. Monagle continued to work after the written stop order was delivered, but Mr. Monagle claims he stopped working at that time.

The Board discussed the RSA and their interpretations of the RSA. Mr. Monagle stated that he was under the impression that the fine would be implemented if he continued the work and after consideration he decided to stop working after the written notice.

J. Monti asked if Mr. Monagle informed the Town that he decided to stop working as instructed. Mr. Monagle did not inform the Town but did write a second check for the \$100 ZCA "after-the-fact" application fee. J. Monti reviewed the conversation. J. Monti does not feel that assessing the fee to the property owner while waiting for the permit to be approved is prudent. If Mr. Monagle continued working after the written stop order, then he would agree that the fine is adequate. Chairman Benton does not agree with this viewpoint. He understands the RSA to include work days that occurred without an approved ZCA.

→ The violation is that Mr. Monagle was working without an approved ZCA. R. Sabourn stated that Mr. Monagle would not have received the fine if he had stopped working when Mr. Sabourn gave him the verbal stop work order. He also stated that Mr. Monagle could go to the ZBA to appeal the Board's decision as well. Selectwoman Peabody agrees that the issue should be brought before the ZBA. J. Monti disagreed with the time frame of the fine and *agreed* that this should be brought before the ZBA. Selectwoman Peabody asked Mr. Monagle how many living units are in the current building. Mr. Monagle stated that currently there are two apartments and he lives in the commercial unit on the first floor.

Discussion continued. Consistency with previous ZCA cases was discussed.

MOTION: "To implement a fee of \$275 for one day of construction after the verbal stop order was issued and refund the additional fee amount of \$1,650.00 that was paid."

Motion: B. Benton

Seconded: J. Gaites

Discussion: None.

Motion Passes: 3 – Yes, 1 – No

Abstained: J. Monti

R. Sabourn stated that he continues to try to do what is right by the Town of Thornton Zoning Ordinance. At this point in time, he is resigning as Code Enforcement Officer and encourages another BOS member to assume this position.

7:30 Review of Town Report Printing Bids

TA Shepard provided three quotes for the 2019 Annual Town Report as follows:

- **Select Print Solutions**
\$2,165.00 (\$1,905 plus \$260 for color pages)
- **Minuteman Press**
\$3,580.45 (Price with 2 pages full color photographs)
- **R.C. Brayshaw**
\$1,967.00 (\$1,767 plus .20 per color page, 2 pages x 500 books = an additional \$200.00)

Jessi Fleury, Board Secretary informed her that the Town has used Select Print Solutions for years. She also explained that R.C. Brayshaw quotes every year and he is always cheaper. She feels like this would be a good year to try a new company if the Board is interested.

She informed TA Shepard that she has never had a bad experience with Select Print Solutions.

J. Monti asked if there is a relationship between any of these companies and town staff. TA Shepard stated that she was not aware of any relationships and that any relationship between a staff member and a vendor would need to be disclosed.

MOTION: "To approve the quote from R. C. Brayshaw in the amount of \$1,967.00 for the 2019 Annual Town Report."

Motion: J. Monti

Seconded: J. Gaites

Discussion: None.

Motion Passes: 5 – Yes, 0 – No

TA Report Continued

The advertisement for the trailer at the Transfer Station has been posted.

TA Shepard asked Peter Laufenberg for contact information for Cemetery Trustees in the Interim until the Board decides who will be completing the sale of cemetery lots.

Planning Board Update – Short Term Rentals

R. Sabourn stated that the Thornton zoning does not allow for AirBNB at this time. The Planning Board has decided to try to create some definitions of what is a short term rental and what is not. They are also looking into altering the zoning ordinance that addresses the short term rentals. J. Monti stated that the NH Supreme Court has made a ruling about short term rentals and the Planning Board should review that information.

Non-public session pursuant to RSA 91-A:3, II (a)(c)(I)

8:28 p.m. MOTION: "To enter into non-public session pursuant to RSA 91-A:3, II, (a, c, and I)"

Motion: R. Sabourn

Seconded: M. Peabody

Discussion: None.

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

Motion Passes: 5 – Yes, 0 – No

8:57 p.m. MOTION: "To come out of non-public session."

Motion: R. Sabourn

Seconded: J. Gaites

Discussion: None.

Motion Passes: 5– Yes, 0 – No

MOTION: "To reject the employee's offer of settlement and forward this matter to the town attorney for follow up."

Motion: J. Monti

Seconded: M. Peabody

Discussion: None.

Motion Passes: 5-0

MOTION: "To approve and adopt the amendments as recommended by counsel to the Town's current Family Medical Leave Policy in the Town Employee Handbook with the addition of a referral at the end of the second revision that would point employees to additional documents that would explain the current situation of eligibility more clearly."

Motion: R. Sabourn

Seconded: J. Monti

Discussion: None.

Motion Passes: 5-0

Transfer Station Update

TA Shepard informed the Board that the Transfer Station was closed early on Sunday (at 3:00 p.m.) because the hopper was full. Assistant Manager Chiocca expressed concern that residents of other towns were using the Transfer Station. TA Shepard asked S. Chiocca if the Transfer Station employees were checking dump stickers and Mr. Chiocca confirmed that they are not. TA Shepard requested S. Chiocca to make a solid effort to check transfer station permits as the town staff takes care to issue them consistently. He agreed that they would make a better effort to check the permits. Selectman Monti stated that due to the holiday weekend, there could be an excess of garbage. The Board agreed to discuss this further with the Transfer Station Manager.

9:06 p.m. MOTION: "To adjourn."

Motion: R. Sabourn

Seconded: J. Monti

Discussion: None.

Motion Passes: 5-0

Respectfully submitted,

Jessi Fleury
Board Secretary