



TOWN OF THORNTON BOARD OF SELECTMEN

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

Approved on: 9-23-20
BOS Initial: mp
Rec'd by Town Clerk on: 9/29/20
Town Clerk Initials: dpm

Board of Selectmen Meeting Minutes September 9, 2020

10:00 AM Chairwoman Peabody opened the Thornton Board of Selectmen meeting work session with the Pledge of Allegiance. This meeting was held via Zoom with the link referenced on the posted agenda.

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

STAFF PRESENT: Debra Shepard, Town Administrator

ABSENT: Selectman Jack Gaites

MOTION: "To approve the consent agenda dated September 9, 2020 as presented."

Motion: J. Monti

Seconded: R. Sabourn

Discussion: None.

Roll Call: Marianne Peabody – yes, Roy Sabourn – yes, Joe Monti – yes, Brad Benton - Yes.

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

The following items were approved as part of the Consent Agenda for September 9, 2020:

1. Abatement Application for Herbert Ingram c/o James Ingram, PID #'s: 11-1-1731, 11-1-1732 and 11-1-1733, \$471.00.
2. Trustee of Trust Funds - Capital Reserve Fund Request – Property Tax Map – CAI Technologies Mapping Contract for Professional Services - \$2,000.

Manifests

MOTION: "To approve the vendor manifest dated 9/11/2020 in the amount of \$230,248.71."

Motion: B. Benton

Seconded: J. Monti

Discussion: None.

Roll Call: Marianne Peabody – yes, Brad Benton – yes, Roy Sabourn -yes, Joe Monti - yes.

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

MOTION: "To approve the payroll manifest 9/11/2020 in the amount of \$29,329.30."

Motion: J. Monti

Seconded: B. Benton

Discussion: None.

Roll Call: Marianne Peabody – yes, Brad Benton – yes, Joseph Monti – yes,
Roy Sabourn – abstained

Motion Passes: 3 – Yes, 0 – No Abstained: 1

Minutes

MOTION: "To approve Board of Selectmen public meeting minutes of August 26, 2020 as amended."

Motion: R. Sabourn

Seconded: B. Benton

Discussion: None.

Roll Call: Marianne Peabody – yes, Brad Benton – yes, Roy Sabourn – yes,
Joe Monti – abstained.

Motion Passes: 3 – Yes, 0 – No Abstained: 1

MOTION: "To approve Board of Selectmen non-public meeting minutes of August 26, 2020 as amended."

Motion: R. Sabourn

Seconded: B. Benton

Discussion: None.

Roll Call: Marianne Peabody – yes, Brad Benton – yes, Roy Sabourn – yes,
Joe Monti – abstained.

Motion Passes: 3 – Yes, 0 – No Abstained: 1

ZCA Application Discussion-Frazier

R. Sabourn brought two Zoning Compliance Applications before the board for discussion relative to the property owned by Joseph Frazier on Judges Road. R. Sabourn stated that upon review of the application, and based on state law, he does not believe the Board can approve either application until Mr. Frazier takes additional actions. It appears the applications are in violation of RSA 674-41 because it is a backlot and has no frontage. R. Sabourn understands that a detailed easement has been filed at the Registry of Deeds in an attempt to allow access to the proposed building lot. An option to avoid violation of the RSA includes merging the two lots together since Mr. Frazier owns both lots. Mr. Sabourn recommended speaking to town counsel prior to approving this application. Joe Frazier was present during this discussion with the board.

Chairwoman Peabody asked Mr. Frazier what his plans are for the proposed Yurt. Mr. Frazier replied that it would be used for outdoor recreation, such as workouts for his own private use. Selectman Sabourn stated that this use is fine, his concern is regarding the lack of road frontage. A voluntary merger would be the quickest way to rectify the RSA requirements for road frontage.

Selectman Sabourn stated that the applicant is claiming that the Yurt would be used for personal use and this is not consistent with the applicant's prior requests to build a Yurt for business use. Selectman Sabourn explained that Mr. Frazer applied to the Zoning Board for a special exception, received an approval but then withdrew his application negating the approval. This was on the ZBA agenda due to a request for a rehearing. The ZBA approved Mr. Frazier's request to withdraw his special exception application. R. Sabourn expressed concern that the neighbors on Judges Road left that meeting believing the Yurt would not be built. Selectman Sabourn cautioned that approving the Yurt structure for personal use may create some confusion to neighbors since the Yurt was originally applied for as a business use.

Selectman Sabourn discussed options for the application.

Mr. Frazier stated that he received legal advice to create a driveway easement to provide access to the backlot. Selectman Sabourn feels that if town counsel agrees with this, then the application for the single-family home could be approved.

Selectman Sabourn explained that the Yurt application is unclear due to the special exception application filed by Mr. Frazier with the Zoning Board. Mr. Frazier explained that his original intent was to build the Yurt for recreational purposes. He also explained that he had an interest in holding meetings in the Yurt for his business before COVID-19 restrictions were placed. Since then, he has experienced a reduction in business and push-back from a neighbor regarding his special exception application, so he is now deciding to revert to his original plan to build a Yurt for personal and family use. Mr. Frazier stated that at no point is he now planning to use this Yurt for business/commercial use.

Selectman Sabourn recommended speaking to town counsel regarding the RSA's and will reschedule this discussion for their next meeting. The board agreed.

2021-2030 Capital Improvement Plan and Bylaw Review – Bill DeLeo, Chair

Bill DeLeo discussed the informational changes to the CIP Bylaws. Regarding the CIP, Mr. DeLeo stated that he has only received two requests this year concerning the CIP from the Police Department to purchase a Dodge Charger as an unmarked Police Cruiser with equipment for the Police Chief - \$35,000 in 2021 and to delay the purchase of Police cruiser #3 from 2021 to 2022.

MOTION: "To approve and sign the revisions to the CIP Bylaws as presented."

Motion: R. Sabourn

Seconded: J. Monti

Discussion: None.

Roll Call: Marianne Peabody – yes, Brad Benton – yes, Roy Sabourn – yes,
Joe Monti – yes.

Motion Passes: 4 – Yes, 0 – No

Abstained: 0

Police Department CIP Chief Miller

B. DeLeo discussed concern regarding the ability to travel some roads in the winter season with the proposed unmarked car. Chief Miller explained that the vehicle is all wheel drive and many local agencies use this vehicle without an issue. Chief stated that with the sixth officer position being added to the department, a need for an additional cruiser was made. He explained that his personal cruiser does not need to be marked or equipped with the same equipment as the other cruisers which will be less expensive than purchasing a full equipped cruiser. The Board discussed this request and all were in favor of proceeding with this CIP request.

Fire Department CIP Chief Defosses

The Fire Department had requested the purchase of a fire engine #2 in 2020 rather than 2021 as originally scheduled. Chief Defosses explained that he had thought he could get a good deal on the engine, but it was missing items that the department would need.

Chief researched other engine options and feels that they should buy a mini pumper for the lower station (\$300,000) which is less than a full-size engine. This engine is four-wheel drive and small enough to fit over bridges in town.

Selectman Sabourn explained that a mini pumper was purchased many years ago and did not work out for the town needs. Chief Defosses explained that many drivers do not have CDL to drive the full-size engines and purchasing a smaller truck would allow more use. Chief Defosses plans to discuss this more with the Towns of Campton and Ellsworth. He has been trying to get more CDL drivers for the larger trucks for years and has been unsuccessful. This results in the larger trucks not being used as much.

Selectman Monti and Sabourn expressed concern that a smaller truck is not what the town needs for public safety. Selectman Monti does not agree with purchasing a smaller truck and feels that the full time employees should be able to drive the larger engines. Chief Defosses explained that the full-time staff are required to obtain a CDL, and two of the new employees are in the process. The full-time staff is not always at the lower station to drive the engines.

Chairwoman Peabody stated that this discussion will occur again with the Town of Campton and the board can discuss this further at that time. Bill DeLeo stated that there are discrepancies between the two town's CIP's and this will need to be discussed during the joint meeting as well. The Board agreed that the town CIP committees should meet to discuss discrepancies before scheduling a joint Board of Selectmen's meeting with Campton to discuss the Transfer Station and Fire Station CIP

Conservation Commission Update

Myrtle Lewis informed the Board that the Commission is working on the required natural inventory resource for the town. The Natural Inventory resource can be included in the new Master Plan in the future. M. Lewis continued to discuss the inventory resource and will provide the final draft for Selectmen approval once it is finished.

Department Updates:

Highway Department

Road Agent John Kubik and Assistant Manager Bruce Rodgers met with the Board to provide a monthly department update as follows:

- The Highway Department demoed the John Deere model for the Backhoe – RA Kubik is awaiting pricing on the backhoe
- The department has been ditching on Millbrook
- Chairwoman Peabody asked if the highway department is mowing the island on Mirror Lake Road. RA Kubik stated that they have been advised by the State of NH not to mow this area because there is Japanese Knotweed, an invasive plant species, and mowing this area would likely spread the invasive plant. Selectman Sabourn and Chairwoman Peabody received a complaint that someone has mowed this area, and that it belongs to her family. The property owner requested that the town ask permission before working in this area. RA Kubik stated that his department has not done any work or mowing this year at this site.
- TA Shepard informed RA Kubik that Mr. Hubbard is not pleased with the ditching. He would like the ditch to have crushed stone. RA Kubik visited the area and planted grass to help catch debris. The pipe is clear and there is no erosion occurring to his knowledge. RA Kubik feels that the town has delivered service as promised. Chairwoman Peabody suggested waiting until Spring to see how the ditching is working. Selectman Sabourn agreed and suggested waiting until the grass grows, and he offered to take a look at the area. Selectman Monti stated that the Board completed all the actions promised to Mr. Hubbard.
- Chairman Monti stated that 6 weeks ago, the Board discussed a complaint from a property owner regarding Chickenboro Road. The Board agreed to research who owns the road. TA Shepard stated that this research has not been completed but will be in the near future and she will reach out to the property owner soon.
- RA Kubik will work on a list of roads in town that need more clarification as to town ownership. The Board agreed that this is important, and that time needs to be devoted to this project.
- Selectman Monti commended the Highway Department on the ditching on Millbrook Road.

Police Department

Chief Miller met with the Board to provide a monthly department update as follows:

- Chief Miller provided a monthly update on calls for service, including many for the Transfer Station mostly relative to illegal dumping, and out of state visitors.
- An increase in parking issues when trailheads were closed.
- New Officer hire, due to COVID the academy is not housing overnight trainees. Chief offered the police sedan cruiser for travel back and forth to the academy rather than paying mileage.
- Selectman Monti asked Chief Miller to provide a running total of yearly calls in his monthly reports to show trends. Chief agreed.
- Discussion regarding when the new police officer will complete the academy and then the required FTO before patrolling on his own.
- Chief Miller is asking for approval to apply for equipment grants.

MOTION: "To give permission to Chief Miller to apply for grants for police equipment."

Motion: J. Monti

Seconded: R. Sabourn

Discussion: None.

Roll Call: Marianne Peabody – yes, Brad Benton – yes, Roy Sabourn – yes,
Joe Monti – yes.

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

Fire Department

Chief Defosses met with the Board to provide a monthly department update as follows:

- Finished the 8-weeks of full-time summer coverage, 187 calls.
- Calls have slowed down from the summer

Transfer Station

Manager Steve Chiocca submitted a written report for the Transfer Station for their review.

Town Administrator:

TA Shepard informed the board that the Town of Campton is continuing to push for a joint board meeting to discuss the Transfer Station Intergovernmental agreement before October. Carinna, Campton Town Administrator, suggested discussing a one-year agreement at this time and then meeting next year to discuss both the fire department and transfer station so that each agreement is for the same time frame.

Selectman Monti suggested that the Thornton Select board not rush into an agreement with the Town of Campton for the Transfer Station. He feels that Thornton may run out of space and capacity in sharing this facility due to the increase in population in Thornton. Chairwoman Peabody understands, and encourages discussion amongst the Thornton board. She does not feel that either town is in a position right now to acquire independent Fire Departments and Transfer Stations. The Board discussed that the agreement expires in December and discussed extending the contract for one year. Selectman Monti feels that using the same model as the fire department is not in the best interest of the town. Selectman Monti suggested asking for a one-year extension on the current contract.

Selectman Monti asked if any impact fees or assessments have occurred for the Owl's Nest recent developments. Selectman Sabourn confirmed that there have not been any impact fees assessed at this time. The planning board did discuss this and would like Campton's feedback. Impact fees are being discussed and addressed but are not in place at this time. Selectman Monti asked if there is anything that prohibits Owl's Nest development from depositing in the transfer station at this time. Selectman Sabourn confirmed that there is nothing in place at this time. Discussion has been held regarding the requirement for developments to provide a dumpster service for developments such as Owl's Nest.

MOTION: “To extend the current transfer station intergovernmental agreement with the Town of Campton and Ellsworth to December 31, 2021 and maintain the exact agreement in place for one more year.”

Motion: J. Monti

Seconded: B. Benton

Discussion: Chairwoman Peabody requested that they receive frequent updates on the transfer station committee. Selectman Sabourn feels that the Town of Campton will not receive this request well, considering their graciousness with the revised fire department agreement. He feels that an extension is appropriate due to COVID impacts this year. The transfer station advisory committee may be able to provide useful information over the next year.

Roll Call: Marianne Peabody – yes, Brad Benton – yes, Roy Sabourn – yes, Joe Monti – yes.

Motion Passes: 4 – Yes, 0 – No

Abstained: 0

The Board agreed to discuss moving the November 4th Selectman Meeting due to the National Election scheduled for November 3, 2020.

The Board agreed to schedule a work session on September 28th from 1:00-4:00 to review the Town of Thornton Personnel Policy.

Selectman Sabourn informed the Board that John Gabbeit approached him with a concern. Mr. Gabbeit explained that he registered his vehicle online when the town hall was closed due to COVID and made a keying error when typing in his bank account information. Both the town and state system accepted the payment initially but then charged him for insufficient funds due to the account number error. Mr. Gabbeit admits that he made a mistake entering information and would like the board to reconsider their policy to allow him to continue to write checks to the town as needed.

TA Shepard stated that this situation has happened to others in town as well. She informed the board that she will be meeting with staff next week to review the current policy and to make suggested edits to the Board at their next meeting regarding this issue. The Board agreed to review this amended policy at their next meeting TA Shepard will let Mr. Gabbeit know that the Board plans to revisit this policy.

Selectman Sabourn left the meeting.

CARES Act, Election Act, and the GOFFER Grant

MOTION: "To designate Debra Shepard, Town Administrator, as a signing authority for the CARES Act, Election Grant, and the GOFFER Grant."

Motion: B. Benton

Seconded: J. Monti

Discussion: None.

Roll Call: Marianne Peabody – yes, Brad Benton – yes, Joe Monti – yes.

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

Christmas Party

The Board agreed to discuss this during their next meeting.

Tax Deeding and Waivers

Chairwoman Peabody, Selectman Monti, and/or Selectman Benton will review properties available for tax deed on Monday, September 21, 2020 for further action of the board at the September 23, 2020 BOS meeting.

1:24 p.m. MOTION: "To adjourn."

Motion: J. Monti

Seconded: B. Benton

Discussion: None.

Roll Call: Marianne Peabody – yes, Brad Benton – yes, Joseph Monti – yes

Motion Passes: 3 – Yes, 0 – No

Respectfully submitted,

Jessi Fleury
Board Secretary