



TOWN OF THORNTON BOARD OF SELECTMEN

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

Approved on: 6-16-21
BOS Initial: me
Rec'd by Town Clerk on: 6/17/21
Town Clerk Initials: Dea for TC

Board of Selectmen Meeting Minutes June 2, 2021

10:00 a.m. Chairman Roy Sabourn opened the Thornton Board of Selectmen meeting work session with the Pledge of Allegiance.

This meeting was held at the Thornton Town Hall and via Zoom. The Zoom code was referenced on the posted agenda.

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

STAFF PRESENT: Debra Shepard, Town Administrator; Kerrin Randall Admin Assistant

OTHERS PRESENT: Julie Piehn, Mark Fischler, Jeremy Barnaby

OTHERS PRESENT VIA ZOOM: 1-978-771-1214, Elaine Sholtz, Sally Davis, Ron Sykes

MOTION: "To approve the Board of Selectmen minutes of May 19, 2021 as presented."

Motion: M. Peabody

Seconded: R. Sabourn

Discussion: None.

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

Motion Passes: 4 – Yes, 0 – No

Abstained: 1

MOTION: "To approve the Board of Selectmen non-public minutes of May 19, 2021 as presented."

Motion: M. Peabody

Seconded: P. Laufenberg

Discussion: None.

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

Motion Passes: 4 – Yes, 0 – No

Abstained: 1

Manifests

MOTION: "To approve the payroll manifest dated 6/4/2021 in the amount of \$29,331.53."

Motion: R. Sabourn

Seconded: M. Peabody

Discussion: None

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

Motion Passes: 3 – Yes, 0 – No

Abstained: 2

MOTION: "To approve the vendor manifest dated 6/4/2021 in the amount of \$244,220.75."

Motion: J. Monti

Seconded: P. Laufenberg

Discussion: None



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

Motion Passes: 3 – Yes, 0 – No Abstained: 2

Consent Agenda

1. Certificate of Appointment for Katie White as an Events Committee Member. Said appointment term shall be until rescinded.
2. Notice of Intent to Cut. Peter and Janet Vandermeulen, PID 8-8-2, Mill Brook Road.
3. Abatement Requests — Goose Hollow Campground — Michael and Robin McCarthy; John Everton and Debra Pitts. Pemi River Campground - Jeff and Karen Grant. Assessor recommends abatements totaling \$1,133.74.
4. ZCA 2021-41, Mark Evans, PID 11-14, 1854 NH Route 175.
Description: 12x16 Shed
5. ZCA 2021-42, James and Karen Detora, PID 16-1-07GL211 Edgewater Lane.
Description: 67x 59 SF 3 Bedroom House with Attached Garage
6. ZCA 2021-43, J. Howard and Anna Manningham, PID 17-19-19, 7 Waters Edge Rd.
Description: 40x28 3 Car Garage w/Storage Above.
7. ZCA 2021-44, Alfred & Pauline Burbank Family Rev Trust, PID 16-7-41, 161 Upper Mad River Road. Description: 52x1 1 Deck (replacing existing deck)
8. ZCA 2021-45, Deborah Engelhardt Trust, PID 16-7-43, 15 Bear Ridge Road.
Description: 24x24 Garage
9. Yield Tax Warrant. Parker Uhlman, PID 16-7-073, Mad River Road, \$155.31.

MOTION: “To approve the consent agenda as presented.”

Motion: J. Monti

Seconded: P. Laufenberg

Discussion: None.

Roll Call: Marianne Peabody – yes, Brad Benton – yes, Roy Sabourn – yes, Joseph Monti – yes, Peter Laufenberg – yes.

Motion Passes: 5 – Yes, 0 – No Abstained: 0

Consent Agenda approved for June 2, 2021.

MOTION: “To approve the LCJ Holdings, LLC. manifest dated 6/4/2021 in the amount of \$1,153.41.”

Motion: P. Laufenberg

Seconded: J. Monti

Discussion: None

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



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Motion Passes: 3 – Yes, 0 – No

Abstained: 2

Town Administrator (TA) Presents

TA Shepard stated the Zoning Compliance Officer position has been posted with an application deadline of June 18, 2021.

TA Shepard stated Chief Miller submitted a written report, as he was unable to attend the meeting.

TA Shepard reminded the Board that the joint meeting with Campton and Ellsworth to discuss the Transfer Station is on Monday, June 7, 2021 at 6:00 p.m. at the Campton Town Hall.

B. Benton stated he cannot attend, as he is hosting graduation.

TA Shepard stated a letter regarding Vertex Tower Assets, LLC was received for review and is in the mail folder.

Zoom Discussion

Mr. Laufenberg stated streaming meetings via Zoom was done due to the COVID-19 protocols in place; as the protocols have now been lifted, do they need to continue using Zoom.

Discussion ensued.

MOTION: “To continue streaming meetings via Zoom; meetings will no longer be recorded.”

Motion: J. Monti

Seconded: P. Laufenberg

Discussion: None.

Roll Call: Marianne Peabody – yes, Brad Benton – yes, Roy Sabourn – yes, Joseph Monti – yes, Peter Laufenberg – yes.

Motion Passes: 5 – Yes, 0 – No

Abstained: 0

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

Monthly Reports by Department:

Transfer Station

Transfer Station Manager (TSM) Steve Chiocca entered the meeting at 10:31 a.m.

TSM Chiocca reviewed his written report submitted to the Board. He highlighted that he is waiting on a quote for budgeted concrete pads; elongate current pads for public safety.

J. Monti asked is asphalt could be used for the pad extensions over concrete, as there are funds in the CIP for asphalt for transfer station. TSM Chiocca stated he will speak with Road Agent (RA) Kubik.

P. Laufenberg asked if current tonnage amounts to date could be presented comparatively with years past. TSM Chiocca stated he can compile that for the Board.



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J. Monti asked if specific numbers for recycling, fee schedule, and construction debris could be compiled for review. TSM Chiocca stated he can compile that for the Board.

J. Monti asked if there had been any progress with researching scales for weighing construction debris. TSM Chiocca stated portable scales would not fit the need of the transfer station, and permanent scales would cost upwards of \$60,000.00.

P. Laufenberg asked TA Shepard if she has made any progress with researching the use of credit cards at town facilities. TA Shepard stated she has reached out to other towns who currently accept credit cards and has also reached out to Accufund and Avitar to see if there is a way to utilize those programs for credit card transactions. She stated she will continue to work on this and expects it will take some time to pull together.

TSM Chiocca exited the meeting at 10:44 a.m.

Fire Department

Fire Chief Dan Defosse entered the meeting at 10:45 a.m.

Chief Defosse reviewed his written report submitted to the Board. He stated approval from Campton was given to hire three (3) employees, and that 24-hour coverage, 7 days a week will go into effect June 27, 2021.

Chief Defosse stated a complaint was received regarding a resident being billed for ambulance services. The Board reviewed the submitted letter of complaint.

Chief Defosse summarized that in 2005-06 the Campton-Thornton Fire Department got their own ambulance, and that it was known that getting the ambulance would require services to be billed to residents. He stated it is common practice in communities to charge for ambulance services, and that he referred the complaint to the town offices.

Discussion ensued regarding insurance carriers' coverage for ambulance services.

P. Laufenberg stated people do not remember that the ambulance service was changed in 2005-06, and community outreach should be reviewed to ensure that the public is aware that ambulance services charge a fee.

R. Sabourn suggested that Chief Defosse speak with Lakes Region Mutual Fire Aid and submit concerns to the NH Insurance Department regarding ambulance service coverage inconsistencies with insurance providers.

Chief Defosse stated the department has been getting several calls to Plymouth, as the Plymouth Fire Department is short-handed and often needs mutual aid. He stated the Plymouth Fire Department is currently speaking with their Board of Selectmen to remedy this.

Chief Defosse exited the meeting at 11:08 a.m.

Highway Department

Road Agent (RA) John Kubik entered the meeting at 11:09 a.m.



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RA Kubik stated paving has been occurring on schedule, and more has been able to be paved than was planned.

RA Kubik stated he talked to the US Forestry service about extending the use of the temporary bridge for Thornton Gore Road; they are interested in extending the time the town would be able to use the bridge and would like the Board's input.

J. Monti asked if there are tall guardrails on the temporary bridge. RA Kubik stated he will verify the height of the guardrails. R. Sabourn asked that a Forestry engineer be brought in after the bridge is placed to ensure its safety.

P. Laufenberg asked if the temporary bridge would be in place until funds for a permanent bridge are secured. R. Sabourn stated yes; funding for a permanent bridge is currently half of what it needs to be.

R. Sabourn asked that a draft agreement between the Town of Thornton and the US Forestry Service be composed for review. TA Shepard stated she will work with RA Kubik to get a draft agreement prepared; this will have to be reviewed by Town Counsel and Primex Insurance as well.

RA Kubik exited the meeting at 11:25 a.m.

Police Department

R. Sabourn stated a written report from Police Chief Miller was received and reviewed. He asked for any comments from the Board regarding the report; there were none.

R. Sabourn asked if there were any public comments to be made to the Board.

Mark Fischler, Chair of the Thornton School Board, stated a building committee is being established to see what improvements to the school and library would be feasible to be done. He stated he would like a member of the Board to participate on this building committee, and that he was also seeking a member from the Planning Board as well.

M. Fischler stated the improvements needed will affect everyone in town and that they are hoping to have public input at their meetings.

Discussion ensued. Mr. Monti volunteered to be on the building committee.

M. Fischler thanked the Board and exited the meeting at 11:41 a.m.

Jeremy Barnaby entered the meeting at 11:48 a.m.

J. Barnaby asked if the Town is currently spending money for legal fees on two (2) sides for Vertex Tower Assets, LLC lawsuits in progress.

R. Sabourn stated yes, there are cases currently in litigation; the details of which cannot be discussed.



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R. Sabourn clarified that the ZBA approved waivers for Vertex Tower Assets, LLC; the granting of those waivers is being opposed by a group of residents in Superior Court and the ZBA attorney has filed for a dismissal.

R. Sabourn stated the Planning Board denied a Site Plan application submitted by Vertex Tower Assets, LLC. As a result, Vertex Tower Assets LLC filed to overturn the denial in Federal Court.

J. Barnaby stated the motion to dismiss filed by the ZBA could be withdrawn, as it doesn't make sense for tax money to be spent in different directions. He inquired where the ZBA obtained their attorney, Chris Boldt, from.

R. Sabourn stated C. Boldt has been the ZBA attorney for many years. J. Barnaby asked if C. Boldt was brought on when Vertex Tower Assets, LLC approached the ZBA. R. Sabourn reiterated that C. Boldt was the attorney for the ZBA well before Vertex Tower Assets, LLC filed anything to the ZBA.

J. Barnaby thanked the Board and exited the meeting at 11:53 a.m.

LCJ Holdings, LLC ZCA Applications

R. Sabourn reviewed that a cease-and-desist letter was sent to LCJ Holdings, LLC on May 10, 2021 for construction of additional bedrooms and bathrooms in two (2) existing rental units without ZCA approval. He stated construction stopped as requested and no ZCA has been applied for yet for those units.

R. Sabourn reviewed a second cease-and-desist letter was sent to LCJ Holdings, LLC on May 19, 2021 for construction of the 'Hotel Village' units without final Planning Board approval or ZCA approval. He stated that as of today, June 2, 2021, the conditional approvals from the Planning Board have been resolved and there are four (4) ZCAs before the Board to review.

R. Sabourn stated the Planning Board has other conditional approvals that need to be met but those can be completed after construction begins. He stated the State Energy Compliance Permit is in process and will be submitted once obtained.

R. Sabourn stated conditional approval can be given for ZCA approval:

- NH State Energy Compliance Permit will be provided.
- Remaining conditions of approval that can be obtained post construction for the Planning Board will be provided.

Discussion ensued.

The Board reviewed the ZCAs.

1. ZCA 2021-46, LCJ Holdings, LLC (Owl's Nest), PID 16-1-7, 1447 NH Rt. 175.
Description: 25x73 Inground Pool and 28x8 Spa
2. ZCA 2021-47, LCJ Holdings, LLC (Owl's Nest), PID 16-1-7, 1447 NH Rt. 175.
Description: Lakehouse
3. ZCA 2021-48, LCJ Holdings, LLC (Owl's Nest), PID 16-1-7 (Lot 4), 1447 NH Rt. 175.
Description: Hotel Village, North #1-6



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4. ZCA 2021-49, LCJ Holdings, LLC (Owl's Nest), PID 16-1-7 (Lot 6), 1447 NH Rt. 175.
Description: Hotel Village, North #7-13

MOTION: "To approve ZCA 2021-46, 2021-47, 2021-48, 2021-49 with the following conditions:

- **NH State Energy Compliance Permit will be provided.**
- **Remaining conditions of approval that can be obtained post construction for the Planning Board will be provided."**

Motion: P. Laufenberg

Seconded: B. Benton

Discussion: J. Monti stated he does not believe that conditional approval means that construction can begin; all conditions should be met prior to work occurring.

Roll Call: Marianne Peabody – yes, Brad Benton – yes, Roy Sabourn – yes, Joseph Monti – yes, Peter Laufenberg – yes.

Motion Passes: 5 – Yes, 0 – No

Abstained: 0

J. Monti stated he does not feel it is appropriate for a member of the Board to vote on items that come from other boards that those members are on. He stated if there was an item from the ZBA being voted on, he would recuse himself. J. Monti stated this should be reviewed in case legal proceedings occur.

R. Sabourn stated Commercial ZCA fees need to be looked at in the future, as they are currently per parcel, not per building.

LCJ Holdings, LLC Cease-and-Desist Fees

R. Sabourn stated any construction done after the cease-and-desist order of May 19, 2021 should be assessed fines for non-compliance, and LCJ Holdings, LLC should pay attorney's fees for the Town regarding this issue. He stated the Attorney for LCJ Holdings, LLC has admitted they knowingly violated the order of the Board and agreed to pay attorney's fees.

J. Monti stated he thinks an evaluation needs to be done at Owl's Nest to see what is constructed, as it is hard to tell what is being constructed. TA Shepard provided the Board with a map of Owl's Nest that indicated what is being built and where; this information is accurate based on a recent site visit conducted by her and R. Sabourn.

MOTION: "To authorize Town Counsel to send a letter to LCJ Holdings, LLC for the collection of building violation fines and attorney fees accrued following a cease-and-desist letter sent on May 19, 2021."

Motion: P. Laufenberg

Seconded: M. Peabody

Discussion: None.

Roll Call: Marianne Peabody – yes, Brad Benton – yes, Roy Sabourn – yes, Joseph Monti – yes, Peter Laufenberg – yes.

Motion Passes: 5 – Yes, 0 – No

Abstained: 0

R. Sabourn asked if there were other Board items to discuss.

J. Monti stated there was a resignation of an elected official to discuss.



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MOTION: "To accept the resignation of Donna Monti as Town Clerk."

Motion: P. Laufenberg

Seconded: B. Benton

Discussion: None.

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

Motion Passes: 4 – Yes, 0 – No

Abstained: 1

Elaine Scholtz stated she wanted to reiterate J. Barnaby's position on the town paying legal fees on two (2) sides of proceedings regarding Vertex Tower Assets, LLC.

Sally Davis asked if alternative communication methods could be explored for emergency services in Thornton; a Campton BOS member stated they were looking to use federal funding to provide better communications for their departments. She stated that she is disappointed to see town boards fighting opposing issues on the same topic in court.

Board of Selectmen Item Discussions

Non-public pursuant to RSA 91-A: 3, II (a-personnel; l-legal)

MOTION: "To enter into non-public session at 12:46 p.m."

Motion: J. Monti

Seconded: M. Peabody

Discussion: None.

Roll Call: Marianne Peabody – yes, Brad Benton – yes, Roy Sabourn – yes, Joseph Monti – yes, Peter Laufenberg - yes.

Motion Passes: 5 – Yes, 0 – No

Abstained: 0

MOTION: "To exit the non-public session at 12:58 p.m."

Motion: P. Laufenberg

Seconded: B. Benton

Discussion: None.

Roll Call: Marianne Peabody – yes, Brad Benton – yes, Roy Sabourn – yes, Joseph Monti – yes, Peter Laufenberg - yes.

Motion Passes: 5 – Yes, 0 – No

Abstained: 0

MOTION: "To appoint Pamela White as interim Town Clerk until Town Election in March 2022."

Motion: M. Peabody

Seconded: B. Benton

Discussion: None.

Roll Call: Marianne Peabody – yes, Brad Benton – yes, Roy Sabourn – yes, Joseph Monti – yes, Peter Laufenberg - yes.

Motion Passes: 5 – Yes, 0 – No

Abstained: 0



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MOTION: "To accept the resignation of Jessi Fleury as Board Secretary effective June 1, 2021."

Motion: R. Sabourn
Seconded: M. Peabody
Discussion: None.
Roll Call: Marianne Peabody – yes, Brad Benton – yes, Roy Sabourn – yes, Joseph Monti – yes, Peter Laufenberg - yes.

Motion Passes: 5 – Yes, 0 – No Abstained: 0

MOTION: "To appoint Kerrin Randall as Board Secretary effective immediately as a Labor Grade 8, Step 2."

Motion: M. Peabody
Seconded: B. Benton
Discussion: None.
Roll Call: Marianne Peabody – yes, Brad Benton – yes, Roy Sabourn – yes, Joseph Monti – abstained, Peter Laufenberg - yes.

Motion Passes: 4 – Yes, 0 – No Abstained: 1

MOTION: "To adjourn at 1:01 p.m."

Motion: P. Laufenberg
Seconded: B. Benton
Discussion: None.
Roll Call: Marianne Peabody – yes, Brad Benton – yes, Roy Sabourn – yes, Joseph Monti – yes, Peter Laufenberg - yes.

Motion Passes: 5 – Yes, 0 – No Abstained: 0

Respectfully submitted,

Kerrin Randall
Board Secretary