



TOWN OF THORNTON BOARD OF SELECTMEN

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

Approved on: 10/23/19
BOS Initial: 745
Rec'd by Town Clerk on: 10/29/19
Town Clerk Initials: djm

Board of Selectmen Meeting Minutes October 9, 2019

5:00 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 Brad Benton

STAFF PRESENT: TA Debra Shepard, Town Administrator and Jessi Fleury, Board Secretary

MOTION: "To approve the vendor manifest dated 10/11/2019 in the amount of \$413,018.14."

Motion: J. Monti

Seconded: M. Peabody

Discussion: None

Motion Passes: 3 – Yes, 0 – No Abstained: J. Gaites

MOTION: "To approve the payroll manifest dated 10/11/2019 in the amount of \$26,774.85."

Motion: M. Peabody

Seconded: J. Gaites

Discussion: None.

Motion Passes: 4 – Yes, 0 – No

In review of the payroll manifest, J. Monti noticed town employees do not take a lunch break during their work day and it is not noted in the personnel policy that employees do not take a lunch break.

TA Shepard replied that the previous Town Administrator had researched the legality of employees choosing not to take a lunch break with the Department of Labor. The Department of Labor confirmed that the Town can allow employees not to take a lunch break if they choose and provide an agreement in writing which the town has done.

TA Shepard further explained that some town employees choose not to take a lunch break to prevent the office from having to close when one person is on duty. The staff prefers not to take a lunch break so that they are not working an additional half hour at the end of the day. The Highway Department typically takes a lunch break unless certain projects are in process and then the employee will eat while working. R. Sabourn explained that

the Police Department does not take a regular scheduled lunch break because they are on call. All employees are allowed to take a lunch break if they choose and those that prefer not to have signed an agreement with the Town.

Selectman Monti stated that he will reach out to the town's free legal service to receive an interpretation of the RSAs regarding lunch breaks for employees because the town's personnel policy does not support no lunch breaks.

J. Monti stated that he has concern with the amount of compensation time that has been earned by an employee. He stated that the Town Personnel Policy states that comp time cannot be earned in excess of 40 hours for the year. J. Monti stated that he did not sign one of the timecards this week because collecting 19 hours of comp time in a pay period seems excessive. TA Shepard stated that the timesheet reflected 10 hours accrued and 8 hours used of comp time. TA Shepard agreed that she too would review the comp time policy and believes the policy is being followed correctly.. Vice Chairman Sabourn stated that the Board can have this conversation at a later time.

Minutes

MOTION: "To approve Board of Selectmen public meeting minutes of September 24, 2019, Site Visit for Millbrook Road re: White Mountain National Forest Project, as amended on 10/9/2019."

Motion: R. Sabourn

Seconded: J. Monti

Discussion: J. Monti made an amendment to page 5 to reflect the location of a site referenced as 4 1/2. The change was made.

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

MOTION: "To approve Board of Selectmen public meeting minutes of September 25, 2019 as amended."

Motion: M. Peabody

Seconded: J. Gaites

Discussion: None.

Motion Passes: 4 – Yes, 0 – No

MOTION: "To approve Board of Selectmen nonpublic meeting minutes of September 25, 2019 as presented."

Motion: M. Peabody

Seconded: J. Gaites

Discussion: None.

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

Selectman Monti stated that the previous meeting minutes were not posted within the five days as required by state RSA. TA Shepard informed Mr. Monti that the draft minutes were completed and posted within the RSA requirement. She also explained that the Town Administrator reviews the minutes prior to sending the draft to the Board for additional recommended changes. J. Monti stated that the minutes are not supposed to be changed unless done at a public board meeting.

Vice-Chairman Sabourn explained that it takes almost an hour to review the minutes and this would impact the length of the meeting time for the Board. Any changes that are proposed are sent to the Recording Secretary and are grammatical in nature. J. Monti stated that the Town Administrator should not be changing the minutes. Roy Sabourn and Jessi Fleury explained that any changes that are made are grammatical or to improve the wording to be clearer. Any additional proposed changes that would alter the content of the minutes are reviewed again by the Recording Secretary and then brought before the board during a public meeting. Vice Chair Sabourn and J. Fleury further explained that all changes are always attached to the final draft for review by all Board Members during a public meeting and any discussion regarding the proposed changes can occur during the public meeting as well.

ZCA Review

MOTION: "To approve ZCA #2019-41 for PID #17/14-47, 100 Doe Run Road, Owner Karen and Stephen Waters, to build a 24x24 garage."

Motion: M. Peabody

Seconded: J. Gaites

Discussion: None.

Motion Passes: 4 – Yes, 0 – No

MOTION: "To approve ZCA #2019-44 for PID #17/3-7, 80 High Brook Road, owner Julie Lindholm, to build a 32x25 house (continuation of a 2016 ZCA)."

Motion: M. Peabody

Seconded: J. Gaites

Discussion: None.

Motion Passes: 4 – Yes, 0 – No

MOTION: "To approve ZCA #2019-43 for PID #16/4-9, 133 Mad River Road, owner Justin Milazzo for a 30x7.5 roof over deck."

Motion: M. Peabody

Seconded: J. Gaites

Discussion: None.

Motion Passes: 4 – Yes, 0 – No

TA REPORT

MOTION: "To approve and sign an Intent to Cut for PID #7/2-13-30."

Motion: R. Sabourn

Seconded: M. Peabody

Discussion: None.

Motion Passes: 4 – Yes, 0 – No

MOTION: "To approve and sign an Intent to Cut for PID #3/3-2."

Motion: R. Sabourn

Seconded: M. Peabody

Discussion: None.

Motion Passes: 4 – Yes, 0 – No

MOTION: "To request the withdrawal of funds from the Property Tax Maps capital reserve account in the amount of \$6,200.00 for a check to CAI Technologies - Mapping Contract for Professional services."

Motion: J. Monti

Seconded: M. Peabody

Discussion: J. Monti requested an update on the Mapping project from CAI Technologies. TA Shepard stated that an update is expected in about 2 weeks. TA Shepard also stated that CAI reported that they are on schedule and has been in contact throughout the process. The board agreed to have the TA request an update in writing.

Motion Passes: 4 – Yes, 0 – No

M. Peabody stepped out of the room.

MOTION: "To request the withdrawal of funds from the Municipal Building capital reserve account in the amount of \$4,887.50 for a check to Dumont Construction Invoice for Transfer Station Renovations – excavation and foundation work."

Motion: J. Monti

Seconded: J. Gaite

Discussion: None.

Motion Passes: 3 – Yes, 0 – No

MOTION: "To request the withdrawal of funds from the Highway Vehicle, Equipment & Major Maintenance capital reserve account in the amount of \$44,935.00 for a check to Irwin Automotive Group for the purchase of a 2019 Ford F550."

Motion: J. Monti

Seconded: J. Gaite

Discussion: None.

Motion Passes: 3 – Yes, 0 – No

M. Peabody rejoined the meeting.

Annual Christmas Party

TA Shepard informed the Board that AA Mahurin has been working on the annual Christmas Party for Town employees, officials, and volunteers. The proposed date is Friday, December 6, 2019. The Woodstock increased their cost by \$2.00 per person. R. Sabourn suggested looking into J.L. Sullivan's Inn Irish Pub as it is a new Thornton business. TA Shepard will contact Sullivan's.

Transfer Station Report

TA Shepard provided an updated budget report from the Transfer Station. After review it was agreed that the Transfer Station is doing pretty well with recycling when compared to other towns. Transfer Station staff is stock piling recyclables to receive a better price.

TA Shepard stated that the revenue coming in to the transfer station from the disposal of residential items is up \$12,000 for 2019 when compared to 2018. The assistant manager is providing a spreadsheet at the end of the year to provide more information about the

types of items that are received at the transfer station. This will help the Transfer Station run as efficient as possible.

TA Shepard informed the Board that she received a phone call from a property owner asking if the Town had any interest in purchasing land to be used for town purposes. After a brief discussion, the Board agreed that they are not interested in purchasing additional land for the town at this time.

Security Update

Minuteman Security will meet with TA Shepard, Kevin McGuire, and Steve Choicca on October 29, 2019 at the Transfer Station to discuss security. A proposal for the additional security will be forwarded from Minuteman after the meeting. J. Monti asked if the Town has received three quotes for the new service at the Transfer Station. TA Shepard confirmed that three quotes were received when the town switched security companies last year. She explained that the system at the Transfer Station will have to be compatible with the town's current security system. The Board agreed that they should follow the procurement policy but this would need to be compatible with the current system.

Mandatory Primex Workshop

Primex has informed TA Shepard that all employees will need to attend a Slip, Trip, and Fall workshop. This workshop has been scheduled at the town hall for December 10, 2020 at 12:30 p.m. and is no cost to the Town. The Town will also provide a healthy lunch for all staff at this training which will be funded by HealthTrust as part of their Wellness Program. Important information relative to services provided by HealthTrust will also be distributed.

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

6:00 Dave Woodward – Avitar – Revaluation Update

Dave Woodward from Avitar Associates met with the Board to provide an update of the re-evaluation completed for Thornton. Prior to September 30, the new valuations and transfer of data was completed. All the new cards and sales book has been delivered to the town hall.

D. Woodward stated that the hearings scheduled went well overall. There were 100 hearings that were scheduled. There are over 4,000 parcels in town. Some resident were not happy with their new values. Residents will have the opportunity to file for an abatement after tax bills are sent if they still do not agree with their new assessment.

J. Monti stated that he is concerned that the MS1 increased 20% from last year and does not understand how this happened in one year. D. Woodward explained that the total town valuation increased.

J. Monti asked if every parcel was viewed during the revaluation. D. Woodward explained that by law, the town has to renew their values every 5 years. The review of properties was broken up and completed in 2016, 2017, and 2018. During these three years, Avitar has visited every property. The assessed values for the properties do not change during this 3-year period unless there has been new construction or the removal of an assessed

item or any another factual information. Every five years, Avitar performs a revaluation (which is this current year in discussion) of the whole town and at this time the base rate is changed to accurately reflect the value of property.

J. Monti asked if Avitar reviewed properties that were questioned during the hearing process after meeting with the property owner. D. Woodward confirmed that this did occur. He spent 2 ½ days in the field reviewing properties in question before final values were set.

D. Woodward explained the coefficient of disbursement process as a measure of equity to ensure that everyone is assessed fairly. J. Monti discussed the fairness of this system and disagreed that the system that is used by Avitar fairly reflects the value of property. D. Woodward respectfully disagreed with this statement. He explained that it is and always has been Avitar's goal to assess fairly and provide the best work they can for the town.

D. Woodward explained the process again and informed the Board that the State of NH will also review this information and that his company and assessors are held to high standards set by the NH Board of Tax and Land Appeals and the Assessing Standards Board. He stated that the system in place is a fair representation of property value. A detailed manual of the process was provided to the town for additional information.

6:15 Thornton School Board – Discussion of Community Building Improvements

Present: Barry Van De Mere, School Board Chairman

School Board members and SAU Officers/employees met with the Board of Selectmen to discuss their conceptual plans and proposed addition to the Thornton Elementary School to include more classroom space, demographics, technology, art, music, and voting (needed on behalf of the Town).

Barry explained that an additional Kindergarten class has been added due to an increase in students.

John Francis further explained that the renovation includes the town needs for voting and emergency sheltering. It will also address the needs of the Library Building.

Barry also stated that many of the school's current CIP items will be deferred since those items will be addressed in the proposed addition.

R. Sabourn asked if there would be storage space available to store the voting booths that will be used at the school. This would prevent the highway department from having to move them back and forth from the town hall to the school for elections. John Francis agreed that this is a request that can be fulfilled and the logistics of the voting booths can be worked out.

Barry explained that the School Board's interest is to make this plan available for the residents to review and provide feedback. A designated email has been established to address feedback and questions from the residents. 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. TA Shepard will publish information on the school's behalf on the town website.

6:30 Owen Franklin – Zoning Compliance Enforcement Issue

Mr. Franklin met with the Board to discuss the enforcement issue.

R. Sabourn informed the Board that ZCA application #2019-39 was received from Owen Franklin for construction of a new home on Centennial Way. During the previous meeting, it was discussed that upon review and site visit, it was clear that multiple structures were already in place including a dwelling unit. When R. Sabourn and AA Mahurin visited the site two weeks ago, a concrete truck was at the site and in the process of pouring a foundation for a 4-bedroom house. There were also several other unpermitted structures on the property. A previous ZCA had been approved for a shed. Upon review, it was apparent that the actual structure built was not the same structure that had been approved by that ZCA. R. Sabourn and AA Mahurin took pictures of the site and contacted Attorney Mitchell.

Following discussion with town counsel and with his assistance, a cease construction letter was drafted, signed and mailed to Owen Franklin to stop all construction until all issues have been addressed. The letter explained options that Mr. Franklin could take to rectify the lack of permits for the existing structures, ensure zoning requirements are met and allow the Town to update the property records accordingly.

The options include an after the fact building permit for the original dwelling unit that was built in 2016 (formerly a 16x16 shed) FEE: \$350 (\$400 less \$50 paid in 2016), three after the fact ZCAs shall be completed for the 2 outbuildings and that 2 platforms existing on the property, FEE \$600 (\$200 per structure), An after the fact ZCA shall be completed for the new single family home FEE \$400 with conditions that the additional dwelling unit either be removed from the property, after acquiring a permit to do so or the structure be converted back to a shed as originally permitted. An inspection shall be conducted at the property before the permit will be signed. For a total fee of \$1,350.

R. Sabourn explained that the Board could assess a fee of \$275 per day as allowed by State law and the Thornton Zoning Ordinance, this would total approximately \$4,125 (15 days) plus legal and court costs. He also stated that he could have stopped the concrete from being poured but decided not to since it would have caused some irreversible problems for Mr. Franklin. R. Sabourn stated that the board's intent is to fix the problems.

In review of the application, the septic plan design, and the work that has been conducted on the property. Sabourn believes the information on both ZCA's were purposely misrepresented and that Mr. Franklin should have been honest with his intentions for the structures on his application.

R. Sabourn stated that he cannot have two dwellings on the same lot as it violation of the zoning ordinance. He believes that the town has put forth a fair settlement to address the violations. The second dwelling cannot exist on the same lot as the primary swelling. R. Sabourn suggested moving the cabin to another adjoining lot owns by Mr. Franklin or converting it back to a shed that does not consist of a living space.

J. Monti asked if Mr. Franklin knew from the beginning that he was going to live in the "shed". Mr. Franklin stated that his plan was to stay in the shed while the house is being built and then convert the shed into a working shed or a guest cottage with a bed. He was not aware that the shed would be considered a dwelling if it had water and electricity attached. The cabin was attached to the septic plan design in case he decided to make the cabin an accessory dwelling. R. Sabourn stated that there are guidelines and requirements for accessory dwellings that this structure does not meet. Mr. Franklin referenced the Thornton Zoning Ordinance for accessory ordinance. R. Sabourn stated that the State RSA has additional requirements that are state law and this structure does not meet the requirements.

The Board discussed receiving the fee paid in full and a written agreement from Mr. Franklin that states he will live in the shed/cabin only until the primary dwelling is livable and that the shed will be converted back to a working shed and not a living space. The Board agreed that a sink in the shed is not unreasonable but the shed cannot be rented out or lived in after the home is built.

After discussion, the Board agreed to allow Mr. Franklin to live in the shed/cabin only on a temporary basis until the primary structure is built. Mr. Franklin must also agree in writing to the terms discussed this evening. Mr. Franklin informed the Board that it would take at least a year to improve the primary home enough to be livable. J. Monti stated that it would be in Mr. Franklin's best interest to provide the Town with updates as the progress of completing the home.

Mr. Franklin agreed to these terms. The Board requested that TA Shepard create an agreement and forward it to Mr. Franklin.

7:00 TA Presents Continued

Weeping Birches Update

TA Shepard informed the Board that Gray Birches association is scheduled to go before the Planning Board on October 17, 2019. Residents agreed to waive the certified notices for abutters required by the Planning Board process in writing. Hand delivering notices will expedite the process. The town attorney is working on deeds as discussed during the Board's previous meeting. The attorney fees will be paid by the Village District. The plan and deeds will be recorded at the Registry at the same time.

John March intends to have a new plan drafted in time for the Planning Board meeting.

Spring Instant Structure

Brian Regan was approached by Owls Nest Golf Club regarding a structure that needs to be removed at Owl's Nest. He would like to know if the town has any interest in the structure. It is valued at over \$100,000 and Owl's Nest would be interested in giving the structure to the Town in lieu of taxes. After discussion, the Board agreed that they were not interested in acquiring this structure.

ZCA – Waterville Estate Water District

Corey Smith, WEVD, asked if the Town could include a note on the ZCA applications that informs applicants that they need to contact the village district as they have their own process for building within the district in addition to the Town ZCA. This will allow applicants to be in compliance with Village District requirements as well. The Board agreed to include a note on the ZCA to instructing applicants to also contact the Village District

Joint Meeting

A joint budget meeting is scheduled with the Towns of Campton and Ellsworth at the Campton Town Hall on Monday December 9, 2019 at 5:30 p.m. to discuss the Fire Department and Transfer Station budgets.

Transfer Station CIP

After discussion with the Town Administrator from the Town of Campton, Campton is not in favor of adding 2 Transfer Station plow trucks to the 2020 CIP due to the funding needed for the renovations. Town Administrator Carina Parks will follow up with TA Shepard after the Campton CIP meets with more information.

Charter Communications

TA Shepard has been trying to contact Charter Communications regarding installing cable on Mill Brook Road and Wanosha Road. The last communication held was on May 8, 2019. After many attempts, she was informed by Charter Communications that there was not enough residential homes to meet their need. J. Monti requested a copy of the letter from Charter. The Board discussed their dissatisfaction with Charter Communications for years. J. Monti agreed to look into it further.

Monthly Manager's Meeting

TA Shepard informed the Board that a Manager meeting is scheduled on a monthly basis with the Town Administrator as a means to be updated on department activities. She asked the Board if this monthly meeting is still necessary since the departments now meet with the Selectboard on a monthly basis to provide updates. The Board agreed that the monthly manager meeting with the TA is not necessary anymore.

Tax Rate Setting

NH DRA is almost ready to set the tax rate. Their goal is to have tax rates set by the end of October so that tax bills can be mailed by November.

8:25 Non-Public session pursuant to RSA 91-A:3, II (c), (I)

MOTION: "To enter into non-public session pursuant to RSA 91-A:3, II, (c and 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

8:52 p.m. MOTION: "To come out of non-public session."

Motion: R. Sabourn

Seconded: M. Peabody

Discussion: None.

Motion Passes: 4 – Yes, 0 – No

9:00 p.m. MOTION: "To adjourn."

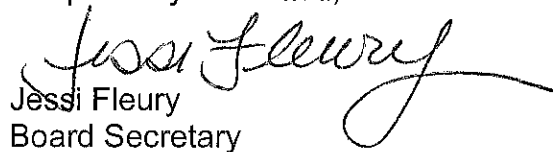
Motion: R. Sabourn

Seconded: M. Peabody

Discussion: None.

Motion Passes: 4-0

Respectfully submitted,


Jessi Fleury
Board Secretary