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TOWN OF THORNTON BOARD OF SELECTMEN

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Board of Selectmen Meeting Minutes December 12, 2018

ROLL CALL: Chairman Roy Sabourn, Vice Chairman John Paul-Hilliard, Selectwoman Marianne Peabody, Selectman Brad Benton and Selectman Jack Gaites.

STAFF PRESENT: Town Administrator (TA) Debra Shepard

5:00 P.M. Chairman Sabourn opened the Thornton Board of Selectmen meeting with the Pledge of Allegiance:

AGENDA ITEMS: (no public input unless approved by the Chairman)

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

5:10 p.m. MOTION: "To enter into non-public session under RSA 91-A: 3, II (a-personnel)."

Motion: M. Peabody

Seconded: J. Gaites

Discussion: None.

Roll Call: Roy Sabourn – Yes, John Paul-Hilliard – Yes, Marianne Peabody – Yes, Jack Gaites – Yes, Brad Benton – Yes.

Motion Passes: 5 – Yes, 0 – No

5:30 p.m. MOTION: "To exit nonpublic session."

Motion: J. Paul-Hilliard

Seconded: B. Benton

Discussion: None.

Motion Passes: 5 – Yes, 0 – No

MOTION: "To approve the revisions to the current job description of Bookkeeping/Assessing Clerk to Finance Assistant/Assessing Assistant."

Motion: M. Peabody

Seconded: B. Benton

Discussion: None.

Motion Passes: 5 – Yes, 0 – No

MOTION: "To approve a change in Labor Grade from Grade 6 to Grade 8 for the Finance Assistant/Assessing Assistant position to be effective for January 1, 2019."

Motion: M. Peabody

Seconded: B. Benton

Discussion: None.

Motion Passes: 5 – Yes, 0 – No

MOTION: "To approve a step increase from Labor Grade 15 Step 3 ½ to Labor Grade 15 step 5 for the Town Administrator effective January 1, 2019."

Motion: M. Peabody

Seconded: J. Gaites

Discussion: None.

Motion Passes: 5 – Yes, 0 – No

MOTION: "To approve Board of Selectmen nonpublic meeting minutes of December 5, 2018 as presented."

Motion: J. Paul-Hilliard

Seconded: B. Benton

Discussion: None.

Motion Passes: 5 – Yes, 0 – No

Action Folder

MOTION: "To request funds from the Trustee of Trust Funds in the amount of \$582.50 from the Bridge Repair and Maintenance Capital Reserve fund for an HEB invoice."

Motion: J. Paul-Hilliard

Seconded: J. Gaites

Discussion: None.

Motion Passes: 5 – Yes, 0 – No

MOTION: "To request funds from the Trustee of Trust Funds in the amount of \$4,068.75 from the Road Paving Construction and Repairs fund for invoices for the Millbrook culvert project."

Motion: M. Peabody

Seconded: J. Gaites

Discussion: None.

Motion Passes: 5 – Yes, 0 – No

Postal Service Request

TA Received an email from Leanne Payeur of the United States Postal Service regarding the two mail boxes located at the entrance to town hall. One mailbox belongs to the Freemans and one to the Bus Company located next to Town Hall. An agreement was apparently made between the town and a previous post master to place these mailboxes in this location for many reasons. The Post Office is asking permission to place an outdoor parcel locker for the Freemans near their current mailbox. The Post Office will install this parcel box, at their own cost if the town grants permission to do so. Installation will include a cement pad, post and large parcel box.

After discussion, the Board felt this would not be the appropriate place for such a large, permanent structure and agreed that the Post Office should make other arrangements for delivering packages to Mr. Freeman.

MOTION: "To not approve the installation of an outdoor parcel locker at the end of the town hall entrance."

Motion: J. Gaites

Seconded: J. Paul-Hilliard

Discussion: None.

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

6:00 Joint Budget Meeting with Campton and Ellsworth – Intergovernmental Meeting

Present: Chief Defosses

Chairman Sabourn thanked the Campton and Ellsworth Board members for attending the meeting. The agenda for this meeting is to approve a new Intergovernmental Agreement as well as the 2019 budget of the Fire Department and Transfer Station.

Chief Defosses presented his 2019 Fire Department budget. He discussed the proposed 8-week additional overnight hours for January and February as discussed previously and the impact this change will have to the budget.

Discussion was held on particular budget lines which were over expended this year. Chief Defosses was encouraged to adequately fund each line so they are not consistently showing as being over expended. It was noted that the Fire Department bottom line does not appear to be over expended.

All three boards agreed that adding the 8-week overnight coverage hours for January and February would be beneficial for residents and the department.

MOTION: "Town of Campton Selectboard motioned to approve adding an 8-week overnight coverage shift during January and February."

Motion Passes: 4 – Yes, 0 – No

MOTION: "Town of Campton Selectboard voted to approve the final 2019 Proposed Fire Department budget in the amount of \$807,253.00, and to approve no more than a \$5,000 increase if needed once healthcare plan costs are updated."

Motion Passes: 4 – Yes, 0 – No

MOTION: "Town of Ellsworth Selectmen voted to approve the final 2019 Proposed Fire Department budget in the amount of \$807,253.00, and to approve no more than a \$5,000 increase if needed once healthcare plan costs are updated."

Motion Passes: 3 – Yes, 0 – No

MOTION: "Town of Ellsworth Selectboard motioned to approve adding an 8-week overnight coverage shift during January and February."

Motion Passes: 3 – Yes, 0 – No

MOTION: "Town of Thornton Selectboard motioned to approve adding an 8-week overnight coverage shift during January and February."

Motion Passes: 5 – Yes, 0 – No

MOTION: "Town of Thornton voted to approve the final 2019 Proposed Fire Department budget in the amount of \$807,253.00, and to approve no more than a \$5,000 increase if needed once healthcare plan costs are updated."

Motion Passes: 5 – Yes, 0 – No

Transfer Station Budget

TA Shepard presented the Thornton Transfer Station budget for review. She informed the Boards that the Thornton Selectmen had approved a 2.8% COLA increase at their last meeting and that increase is reflected in the 2019 wages. One employee also received a 2.5% step increase as requested by the Transfer Station Manager.

Discussion was held on employee wages, repairs to the buildings and recycling costs and revenues.

MOTION: "Town of Campton Selectboard voted to approve the Sanitation Administration and Solid Waste Disposal Budget in the amount \$481,062.00 for 2019 as presented."

Motion Passes: 4 – Yes, 0 – No

MOTION: "Town of Ellsworth voted to approve the Sanitation Administration and Solid Waste Disposal Budget in the amount \$481,062.00 for 2019 as presented."

Motion Passes: 3 – Yes, 0 – No

MOTION: "Town of Thornton Selectboard motioned to approve the Sanitation Administration and Solid Waste Disposal Budget in the amount \$481,062.00 for 2019 as presented."

Motion Passes: 5 – Yes, 0 – No

Intergovernmental Agreement

Chairman Sabourn presented the updated Fire Department Intergovernmental Agreement to be forwarded to the Secretary of State Office once approved by all three towns.

Chairman Sabourn stated that all three towns have negotiated in good faith in updating the contract and the calculation of percentages per town. Representatives from all three towns met several times and developed how the percentages would be calculated. Based on those very productive meetings, it was agreed that the percentages will be based using the most current population numbers available (2015) as provided by the New Hampshire Municipal Association and the assessed value of each town (2018)- MS1 Form Line 23B. These two percentages are then averaged together for a percentage due by each town. Ellsworth and Campton have recommended to phase in any increase to the percentages over the next two years. Thornton will have a significant increase. Campton and Ellsworth will each have a decrease. The Town of Thornton will have a 7% increase over the next three years. The current percentage is 38.5%, 2019 it will be 40.5%, in 2020 it will be 43% in 2021 it will be 45%. Campton is currently at 58%, in 2019 it will be 56.5%, 2020 54.5% and 2021 53.0%. Ellsworth is currently at 4% with

no Capital Costs responsibility. In 2019 it will be 3.0%, 2020 2.5% and in 2021 \$2.0%. However, in 2021 Ellsworth will be responsible for an additional 2% of Capital Costs going forward. All Board members present agreed that the new percentage calculation as presented in the Fire Department Intergovernmental Agreement is fair. Chair Sabourn thanked everyone who worked on this process for their professionalism and for allowing the increase for the Town of Thornton to be phased in over the next three years. He stated that while no one likes to pay more, this calculation needed to be revised and he feels this is a much more equitable and fair calculation for all three towns..

MOTION: "Town of Ellsworth Selectmen voted to approve the Ellsworth, Campton, and Thornton proposed Intergovernmental Fire/Rescue Service agreement."

Motion Passes: 3 – Yes, 0 – No

MOTION: "Town of Campton Selectboard voted to approve the Ellsworth, Campton, and Thornton proposed Intergovernmental Fire/Rescue Service agreement."

Motion Passes: 4 – Yes, 0 – No

MOTION: "Town of Thornton Selectboard voted to approve the Ellsworth, Campton, and Thornton proposed Intergovernmental Fire/Rescue Service agreement."

Motion Passes: 5 – Yes, 0 – No

All Board members signed the agreement and TA Shepard notarized signatures.

Selectman J. Paul-Hilliard stated that with the Fire Commission coming to an end at the end of 2018, he would like to give recognition to all members who served, past and present for serving the terms of their office to the best of their ability.

All boards present then discussed the Town of Waterville's recent inquiry into their potential participation in the Transfer Station for their residents at a later date. Everyone present agreed that there would need to be lengthy discussions and a study to determine if the transfer station could even accommodate the additional use and traffic and what percentage of costs would be for each town utilizing the transfer station.

All three boards agreed that there would be a committee formed in 2019 to review the Transfer Station Intergovernmental Agreement and determine if a change is needed for the calculation of percentages going forward.

7:00 CIP Committee 2019 Budget Final Review

Present: William DeLeo

Mr. DeLeo informed the Board that the increase relative to the Fire/Rescue Intergovernmental Agreement have been added to the CIP. Total increase is about \$81,000 in the CIP budget. He resolved deficits that were created in the plan by moving funds while making sure that capital items that are needed are still funded.

MOTION: "To approve the proposed CIP plan and the reserve calculation dated 12/12/2018 as presented."

Motion: J. Gaites

Seconded: M. Peabody

Discussion: None.

Motion Passes: 5 – Yes, 0 – No

7:30 Weeping Birches Lane Discussion

Present: Corey Smith, Commissioner Lloyd Willey of WEVD, and various citizens

R. Sabourn informed the members of the public that the Board of Selectmen have drafted a letter to the Developer of Weeping Birches regarding the status of Weeping Birches Lane, some concerns with the proposed deed, as well as other road concerns that need to be addressed prior to the Town accepting the road as a town road.

R. Sabourn raised several concerns with the content of the deed as well as the referenced plans that are noted on the proposed deed. Discussion was held on the many deficiencies as presented by Chair Roy Sabourn relative to the proposed deed, referenced plans and condominium documents.

Chairman Sabourn also informed the public that due to some confusion, Road Agent Kubik added this road to his winter maintenance schedule under the belief that the road deed had been recorded and the road had been accepted as a town road. However, this was not the case. The BOS received the signed deed and because of several concerns, did not record the deed and therefore, the town has not accepted the road.

The town cannot legally expend funds to maintain a private road and that is why the BOS sent the first letter to Mr. Avalone. The BOS did agree as a courtesy to Mr. Avalone and the residents who live on Weeping Birches Lane, to continue to maintain the road for approximately two weeks until December 17, 2018. The intend of this two-week time period was to give Mr. Avalone ample time to put a plan in place to resume responsibility for the maintenance for this private road.

During the previous Board meeting additional concerns were discussed regarding the storm water detention pond and culverts as indicated on the plans referenced in the deed. It appears that the plans have several inaccuracies. The Board had also discussed additional items of concern that were not noted previously. The Board drafted a list of concerns to be forwarded to Tom Avalone and his attorney so that the deficiencies could be addressed and rectified, which would allow the BOS to continue towards their ultimate goal of accepting this road as a town road.

MOTION: "To approve sending a letter to Tom Avalone and his attorney regarding Weeping Birches dated December 12, 2018 as presented."

Motion: M. Peabody

Seconded: B. Benton

Discussion: J. Paul-Hilliard requested that the homeowners on Weeping Birches Lane be permitted to view the draft letter and discuss any concerns. A question was asked if the road bond has been released. R. Sabourn confirmed that it was released, and that the construction of the road is not the concern. The issue that need to be addressed are relative to deed description, maps, boundaries, etc. R. Sabourn stated that there is a liability to the town if we plow or maintain the road and there are any damages to private property. Residents discussed several homeowners associations that are in place for the development. A homeowner expressed concern that the town will not be plowing and sanding this road anymore, leaving the residents in a difficult situation. R. Sabourn explained that the town began plowing in error and cannot continue to do so.

Discussion continued on who was hired to plow for prior years. It was determined that the developer plowed the road previously. A resident explained that the developer does not own the road either. R. Sabourn stated that the Town has not accepted the road and does not own it.. The resident stated that the Town is putting 16 property owners at risk when they already assumed that they would plow the road. R. Sabourn explained that the error was made by the Road Agent and has since been stopped because the town has no right to spend public funds maintaining a private road . R. Sabourn suggested that the homeowners work together to have the road plowed until the issues as outlined in the letter to Mr. Avallone are remedied and the town can accept the road.. Discussion followed on who owns the road and who can maintain it..

R. Sabourn explained that the BOS wants to make sure that they have done their due diligence before accepting this road. He went on to say that when the "draft" deed was received from WEVD's attorney, Bart Maher, it was reviewed by the BOS and several deficiencies and concerns were noted. These are accurately spelled out in the letter to Mr. Avallone. .

After a lengthy discussion, the Board assured the homeowners that they intend for this to be a town road and will work towards that ultimate goal once all of the deficiencies have been addressed. The homeowners asked the Board to notify them of any information received from the town attorney. R. Sabourn stated that all information will be disclosed during their Board meetings, and the next one is scheduled for next Wednesday. TA Shepard suggested that the homeowners discuss this situation with their attorney. The Board will discuss this situation with town counsel to seek advice on how to proceed until such time as the deficiencies have been remedied and the deed is recorded. The Board will meet in nonpublic session before their next meeting to review legal counsel's response. R. Sabourn recommended to the homeowners present that they should contact a plow company and have a plan in place if the town, after discussion with legal counsel, is not able to plow the road until such time as it is a town road.

Motion Passes: 5 – Yes, 0 – No

9:37 p.m. MOTION: "To adjourn."

Motion: J. Paul-Hilliard

Seconded: J. Gaites

Discussion: None.

Motion Passes: 5 – Yes, 0 – No

Respectfully submitted,

Jessi Fleury
Board Secretary