

# TOWN OF ORFORD

Board of Selectmen

Meeting Minutes

June 9, 2021

MEMBERS PRESENT: John Adams, Fred Kidder II, Chase Kling

OTHERS PRESENT: Esther Dobbins-Marsh, Harrison Pease, Terry Straight, Mark Miller, Quentin Mack, Charlotte Furstenberg, Attorney Schuster

## Call Meeting to Order

The meeting was called to order at 5:30 p.m.

**Roll Call** – Adams-present, Kidder-present, Kling-present

## Approval of Minutes

*Motion made by Kidder, seconded by Adams to accept the minutes of 05/26/2021 (as amended)*

*Motion Passed 3/0*

## Reports

- A. **Moderator** - Harrison Pease discussed procedures followed by the Moderator at the Annual meeting and ways to help the meeting run more efficiently. Around the issue of “Calling the Question”, Pease feels it’s important to allow voters to speak to the issue, and it’s helpful when both sides of the article can be addressed. However, when someone calls the question, it stops debate and goes to a vote to stop discussion. Pease said that he can make it clear to the voters that if the vote is in favor to stop discussion of an article, attendees at the meeting may not have heard enough information to make an informed decision. Pease did hear from attendees about the tone of the meeting and he should have asked some speakers to lower their voice when speaking, but keeping emotions under control is often difficult. Regarding comments about speakers personally attacking the Selectboard and Road Agent, Pease felt those comments did pertain to the article being discussed, so they were allowed. Adams suggested further research should be made on what options the Moderator has when the Question is called, such as if speakers are in line that haven’t previously spoken can the Question be delayed to allow them to speak.
- B. **Fire Department** – Chief Straight presented the May report to the Selectboard. There were 12 calls in May (total YTD at 47 vs 37 in 2020) – 5 for medical, and 7 for mutual aid. The department had two trainings in May – 8 members attended each training. On 05/03/21 the department completed truck and equipment maintenance and the 05/17/21 meeting was for hydrant flushing. On May 18<sup>th</sup> there was a mutual aid Chief’s meeting attended by Straight. Straight said we are still in drought conditions with fire ponds and lakes being low, as well as the Ct. River. There is a Tanker Task force in place with Lyme and other towns to provide water for fires. One concern the department is working on is where to access water for fires that occur north of town.
- C. **Highway Department** – Terry Straight presented the May report to the Selectboard. The department has been grading roads, as weather permitted, cutting brush around bridges and sweeping them, cleaned out culverts and checked if any need replacing. Straight is looking into the cost to rent an excavator for a month for ditching as well as replacing

some culverts. Cold patch was put down on paved roads where needed, and the department started putting down dust control material on the dirt roads. Maintenance of trucks and equipment is ongoing each week, and the sandpit was cleaned up and prepped for winter. The backhoe tires need replacing – Straight had two quotes – Pete’s Tires \$4,600, and Roush Tire \$\$2,200.

*Motion made by Adams, seconded by Kling to accept the quote from Roush Tire for \$2,200. Motion passed 3/0*

Straight gave the list of dates that roads were graded – Kidder said that Quinttown Road still needs some attention as there are a few pot holes that should be filled. Straight said he was waiting to order gravel until after the budget passed, but that road will be worked on next week. Regarding the apron for Quinttown Road, Straight will send Dobbins-Marsh the spec sheet for the project, and she will post the Legal notice.

Straight provided copies of the maintenance logs he maintains for the Highway vehicles and equipment. He was concerned as it was stated at the Annual Meeting that no maintenance was being done on the Town equipment. The department changes oil and filters on a regular basis, tools are kept clean and properly stored. The garage is kept clean and organized and trucks are washed weekly.

The truck specs used to obtain bids for the new 2022 highway truck were put together by Straight and Jeff Hebb (head mechanic for the State of VT). Ronnie Taylor and Mike Wright were satisfied with the specs created by Straight & Hebb. From the 5 bids received for the 2022 highway truck, Straight recommended bid #1 from Reed’s for the 2022 International Truck at a cost of \$173,700. *Motion made by Adams, seconded by Kling to accept the bid from Reed’s for the International Truck with a Chalmers suspension in the amount of \$173,700. Motion passed 3/0*

A 2-way radio was also part of the warrant article. The quote of \$2,835.40 from Ossipee was recommended by Straight. *Motion made by Adams, seconded by Kling to approve the purchase of a 2-way radio from Ossipee in the amount of \$2,835.40. Motion Passed 3/0*

## **Old Business**

**A. Building Permit** – the Selectboard reviewed the “Building Permit for Construction of a building on property not fronting a Class V or Class VI road” application submitted by Mark Miller. The Selectboard previously met with the Town Attorney to discuss the application. The opinion of the Town Attorney is when property doesn’t have direct frontage to a legal road, no building can be constructed. While there is a Right of Way (ROW) providing legal access to the site, it doesn’t meet the legal definition of a street. Kling feels the permit can be approved based on the 1983 survey filed by the Planning Board granting the ROW. The document was stamped “approved” and filed at the Grafton Reg of Deeds. Attorney Schuster (representing Charlotte Furstenberg’s family) said in 1983 the Planning Board was not allowed to approve ROW’s, and this approval stamp was only the approval for the document to be filed at the Reg of Deeds (the Planning Board minutes of 06/20/1983 support this).

Adams said there have been three legal opinions issued on this situation and all agree that construction should not be allowed. (Because the opinion issued in 2003 was shared with those in attendance it is now considered a public document). Adams said there are two options to move this process forward – Miller can submit a new application to establish a private road to the Planning Board for review. If this is not

approved by the Planning Board, a Special Town Meeting can be called for voter approval under RSA 674:40

*Motion made by Adams, seconded by Kidder to approve the Building Permit for Construction of a building on property not fronting a Class V or Class VI road application submitted by Mark Miller. Motion failed 1/2 (Kling-yes, Adams-No, Kidder-No)*

**B. Town Road Commission mailer** – Adams presented language for the mailer to be mailed Monday, June 14<sup>th</sup>. *Motion made by Kidder, seconded by Adams to accept the language presented. Motion passed 3/0*

Dobbins-Marsh will create the mailer and deliver to the post office for processing.

**C. Update of Outstanding Projects**

- a) Highway Garage grader cover – Kidder will work with Brad McCormack as the Selectboard had previously accepted his estimate for labor for the project. No bid will be required for this project.
- b) Highway Garage storage addition – Straight provided an updated spec sheet and design of the storage addition. Dobbins-Marsh will post the legal notice for bids.
- c) Archertown Bridge over Jacobs Brook – Adams will reach out to Bob Durfee at DuBois & King to determine the next steps to be taken.
- d) FEMA Updates
  1. Town Road #100 – still waiting for the guardrails to be installed. No commitment date as of today. Kling asked about the electrical poles being relocated. Adams said once the guardrails are installed, then the poles will be moved.
  2. Quinttown Road Culvert Replacement – reimbursement funds were received from FEMA - this project is now closed.

**New Business**

**A. Review of received “Notice of Intent to Cut Wood”** – none received

**B. Contract** – Twin Bridges Services Contract for 2021 for IT Services and hardware support was signed by John Adams

**C. Correspondence** – none received

**Manifests, Payroll and Accounts Payable folders**

The manifest, payroll and accounts payable folders were reviewed and signed where necessary.

**Non-Public Session**

*A motion was made by Kidder, seconded by Kling to enter into non-public session under RSA 91-A:3, II(a) for personnel matters at 7:45 pm. A roll call vote of member’s present was taken with a decision in the affirmative*

*The Board resumed the regular meeting at 8:00 pm. A motion was made by Kidder, seconded by Adams to seal the minutes of the nonpublic session. Motion Approved.*

**Adjourn**

*Motion made by Kidder, seconded by Adams adjourn the meeting. Motion Passed.*

The meeting adjourned at 8:03 pm

Respectfully Submitted,

Esther Dobbins-Marsh