

TOWN OF ORFORD

Board of Selectmen

Meeting Minutes

June 8, 2022

MEMBERS PRESENT: John Adams, Jen Carter Chase Kling

OTHERS PRESENT: Esther Dobbins-Marsh, Terry Straight, Tom Thomson

Call Meeting to Order

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

Approval of Minutes

Motion made by Adams, seconded by Carter to accept the minutes of 05/25/2022 (as amended)

Motion Passed 3/0

Reports

- A. **Fire Department** – Chief Straight presented the May report for the department. In May there were 18 calls, YTD 54 (2021 YTD there were 47 calls). There were 6 medical, 7 fire, 3 mutual aid, 1 for a hot air balloon rescue and 1 for a wilderness rescue. Kling asked Straight to check with Fish & Game to see if Orford receives reimbursement when assisting with rescues on the Appalachian Trail. The department held a meeting/training on May 2nd (6 members attended), a training on May 16th (7 members attended) and a work detail on May 23rd (5 members attended). In addition, the department held a live fire training with 4 neighboring towns, and 4 members attended classes at the Twin State Fire school.

The Selectboard received a response from the Orford Volunteer Fire Department, Inc. (OVFD), landlord of the fire station, regarding the request made from the Selectboard for some repairs to the fire station. Three lights were replaced, and the 4th light to be replaced soon; the water stain on the ceiling above the tanker bay has been cleaned and repainted; the well pump was found to be in working condition when left on (it was turned off last summer when the well was low/dry and the pump kept running, so it was turned off); a leaking paint can in the basement was removed, and other chemicals in the basement will be removed at a later date. The OVFD is looking to install new plumbing and link the apparatus spigots to the Town Water supply in an attempt to maintain a consistent water supply to the building. They are also looking to replace the fuel container in the basement in the summer of 2022. The OVFD also reminded the Town that the basement area is not part of the rental space and to remind the Orford Fire Department members not to access it. The OVFD also requested, in the future, to be notified timely when issues are spotted. The Selectboard agreed the fire chief will contact the Selectboard Administrative Assistant and she will forward the request to Larry Taylor, President of the OVFD. The Orford Fire Department will start using village water vs the well pump to wash fire department vehicles.

- B. **Highway Department** – Terry Straight presented the May report for the department. In May the crew primarily worked on adding gravel to the roads and grading. Equipment and vehicles are maintained on a regular basis. The department has started sweeping and cleaning off bridges as well as cutting brush around them. Culverts are being

cleaned out and checked for possible replacement. Cold patch is added to paved roads, and dust control material is being added to the roads.

River Road was reclaimed and gravel added and graded. Straight decided to remove the existing culverts vs leaving them in place, because as the culverts continue to rust they will fail, creating dips in the road. Also, ditching will be done along certain sections of the road, but not the entire road. Pike Industries is scheduled to put down the first base coat of pavement the week of the 13th.

The Highway department employees attended the UNH T12 certified culvert maintainer class held in the Niles Room in Orford, NH. The employees also attended the NH Public Works Association training/tradeshaw at the Sunapee State Park.

Signs were put up around the Archertown Road/Jacobs Brook bridge and Dublin Road. The detour will be tested as a house is being delivered to Archertown Road later this week. Hopefully the driver will observe the detour and weight limit signs.

Straight reported the new 6-Wheeler truck should be completed and delivered by October 3rd, (Reed's is trying to get an earlier completion date). Once received it will be delivered to the company to complete the upfitting and that may take up to an additional 60 days.

The Selectboard discussed the complaint discussed at the last board meeting from Jennifer Hebb regarding the damage caused during the first snow plowing in late 2021. (Kling recused himself for this conversation). Straight will contact Ms. Hebb to discuss the delivery date of product and the scope of work to be completed by the highway department or the landowner. Dobbins-Marsh will forward the consent form to be completed by the Road Agent and the property owner, Kenneth Cantlin, prior to the road crew doing any work on the property, if that is requested. Straight will also get the sign posted stating "Road End Here" at the end of Town Road #100.

Kling reported the electrical poles and lines near Town Road #100 have been moved off Ted Eck's property.

The Administrative Assistant received a call from the Orford Post Master regarding damage caused to the mailboxes at the start of Lower Stonehouse Mtn. road. It was indicated the damage was caused by the town grader. Chief Bachus and Straight reviewed the site and looked over the grader for paint transfer, but could not find any indication the grader caused the damage. Straight received a call from the Orford Post Master and she agreed with his assessment, as she also look around the mailbox site. Straight also asked the grader operator, and he confirmed he didn't hit the mail boxes.

Carter reported on her meeting with Straight regarding prioritizing of projects for the road crew for the 2022 work season, weather permitting. The nine items are as follows:

1. Getting roads back into pre-mud season condition, which includes grading, adding gravel and some ditching
2. Reclaiming, replacing culverts and ditching, as well as repaving River Road from the Lyme town line to Route 10 (paving contracted out to Pike Industries)
3. Repaving of Brook Road from 25A to the dead-end. Repaving Dublin Road from Route 10 to the gravel section (paving contracted out to Pike Industries)
4. Replacement of the Clough Brook culvert on the Orfordville Road (contracted to Paige Excavation)
5. Replacement of the Grimes Hill culvert just before the McGoff junkyard

6. Replacement of the culvert on Upper Baker Pond road at the girl's camp entrance
7. Additional ditching along Mud Turtle Pond road, as well as other roads intown
8. Make repairs to the Mousley Brook wooden bridge railing
9. Work on obtaining wetland permits to replace the culvert on the Indian Pond road just beyond the beach road

Carter did request that Straight check the roads weekly, vs daily, so he has more time to be out working with the crew to help complete this project list. She is concerned with the moral of the group – mud season and constant complaints is getting to the highway staff. Should the Selectboard office field complaints vs the Road Agent, which would allow the Selectboard to review the complaints with the Road Agent.

Kling asked about the priority list of roads for grading (item #1) – finish Piermont Heights road, Bear Tree Lane, TR 85, TR 107, Prettyman road, East Cemetery road, Baker Road, Indian Pond Road and Quinttown Road.

Adams asked if it's possible to contract someone to help with grading – Straight said no one is available at this time. Should the road department work over time to try to get all the roads graded by the July 4th weekend. Straight said he doesn't think the crew will want to work overtime, due to low morale, but he will leave it up to them.

Carter asked what can the Selectboard do to help the Road Agent - Straight said it would be helpful to have one board member as his contact person, like it was in the past. Kling felt all three Selectboard members are supervisors. Carter said with her background she can help Straight get organized. At this point, Carter will work with the Road Agent to create an updated list of outstanding work at the end of each work week. Any complaints received by the Selectboard can be added to this list when the Selectboard reviews it. Straight will post on Listserv reflecting what road is being worked on, and Carter will post the anticipated priority list to Listserv.

The Class VI section of Prettyman Road has some issues that need to be addressed. Both the highway 550 truck and the police cruiser bottomed out when driving the road. The Road Agent said the property owner needs to replace the culvert was removed, then restore the road to the condition it was in when they purchased the property, as it needs to be passable. Also, personal property cannot be stored on the road (town right of way). The Selectboard will invite Ms. Vance to the June 22nd Selectboard meeting to discuss the work to be completed, and options the board has to make sure the road is restored to good condition. (i.e.: contract the work to be completed, then billed to the property owner). Kling will prepare a letter to present to Ms. Vance outlining the requirements. The Road Agent should be checking all Class VI highways to make sure they are in good condition. The Selectboard requested the Road Agent place signs at the end of all Class V roads indicating "End of Class V Town Maintenance" by the turn outs, and "Class VI Unmaintained Highway - Pass at your own risk" at the start of the Class VI road.

Straight also asked about a change in policy to adopt Paid Time Off (PTO) vs time off tracked separately by vacation, sick and personal time. Several months ago, the Selectboard chose not to make that change. It can be addressed again, but there is more to consider than just combining all accrued time into one bank of time.

- C. **Committee Reports** – Charles Smith is interesting in serving on the Road Committee. Kling will address with the road committee members at their meeting scheduled for June 13th

Old Business

A. Update of Outstanding Projects

- Archertown Bridge at Jacobs Brook – DuBois & King submitted their revised Preliminary & Final Design Engineering Services agreement for review and signature. The total cost of the project is now estimated to be \$1,201,921 (engineering fees of \$168,921, Right of Way \$11,000 and Construction \$1,022,000). The Town will be responsible for 20% of the engineering fees and Right of Way costs, with the State of NH and federal government paying the balance.
- Mousley Brook Culvert FEMA Project – DuBois & King sent the Proposal for Professional Services for the Conceptual Study of the culvert replacement. The cost for this is \$9,100. However, before this work can be completed, D&K needs the survey completed before they can complete the hydraulic study and cost analysis. Dobbins-Marsh left another message for Pioneer Surveyors for a status on the survey.
- Purchase of Property update – the Selectboard will schedule another non-public session to discuss the next step
- Highway Garage Diesel claim – Dobbins-marsh will follow up with the consulting firm, Stoneciphers, for a status on this project.

B. Review/Update of Illegal Junkyards

- Dobbins-Marsh will follow up with Dave Smith for a plan of action with his property clean-up
- McGoff's are still working on removing cars and sending them to be crushed. Progress is being made, but the deadline of July 1st may need to be extended.

- C. **Abatement Application** – the Selectboard decided not to act at this time. Kling will review the application in depth and report to the board at their next meeting.

New Business

- A. **Complaints** – Tom Thomson submitted the following complaint, with accompanying photos:

“My first complaint is with the Road Dept. working on Mud Turtle Pond Rd. the week of May 16th using both the Grader and the Backhoe. For some reason they decided to change the ditch line and with the Backhoe cut a wide ditch out onto our land and diverted all the water from the hill. Prior to this the original ditch line continued around 120 feet or more and dropped in next to the Town culvert outlet and the water from the culvert and ditch line merged together at this point.

We the landowners were never asked by the Road Agent or the Road Dept. employees; on their own they decided to move the ditch line back and divert the water onto our property on an area that was used in the past to access this woodlot.

Thomson spoke with Adams regarding this issue, and prefers to work with the Selectboard to resolve this issue. Adams said he visited the site with Thomson and with the Road Agent. Thomson said the abutter has a similar issue, separately on the north side of the road, as the material taken from the ditch was left on the abutter's property, which is close to where the water runs to the culvert. There was no seeding or mulching to help maintain the water quality. Thomson stated he was shocked that the Road Agent allowed this to happen.

The Town cannot divert water onto a landowners' property without first getting permission. Does this Selectboard remember the Ella Tobelman lawsuit against the Town of Orford when the Road Dept. replaced a culvert 350 feet up the same hill that was just ditched. Instead of replacing it in the same spot they moved it down the road around 30 feet without first talking to the landowner Mrs. Tobelman, this went to court and the total cost was around \$70,000 to the Town just because the Road Agent didn't talk with the landowner but just went ahead and moved the culvert to a new spot to exit water onto the landowners' property.

This is now the 3rd time the Orford Road Dept. has diverted water on our properties in Orford without permission. The other two happened some 18 to 20 years ago on Mosely Road when the Road Agent installed two new culverts without contacting the landowner first and requesting permission. Over the years this has created erosion on our land, which flows into Mosley brook.

Because of the most recent diversion of runoff water onto our land, we are requesting the Selectmen give to the Road Agent a letter stating that no water is to be diverted onto any of our properties in Orford unless they first have written permission from us before any work is done, and we would like the same request before cutting any trees or altering any property we own that borders the Town roads.

The Road Dept. uses our driveways and pull-offs to turn around their equipment when working on the roads which is OK with us, if they leave it as they found it, but if they leave ruts, we expect they will smooth the ruts out before they leave or come back within a day or two and fix it. If they continue to choose not to make any attempt to do this they can turn around somewhere other than on our property."

This town should not be going onto someone's property or diverting water on someone's property without first discussing with the property owner, then obtaining written permission. Adams said this document has recently been created for the Road Agent to use moving forward. Thomson addressed a past issue when trees that were cut along Mud Turtle Pond Road then dumped over the bank on his property, without his permission. He met with the Road Agent and discussed moving them to another location on Thomson's property. After 4-5 weeks nothing was done, so he came to a Selectboard meeting and told them he wanted these trees taken off his land. Recently, the Road Agent had the highway crew pull a number of trees from the brook blocking a culvert on Quinttown Road by Mousley Brook near the inlet of the culvert, and the trees were dropped on his property. So tonight, he's asking of the Road Agent to have those trees removed off his property. Thomson appreciated having the trees removed – but why didn't the crew put the trees in the dump truck vs. leaving on his property – now the crew has to return to take care of the issue. Adams pulled the "Consent Form to Access Private Property" and will have Straight complete, Thomson sign, then the trees will be removed. Thomson said the use of this form could have resolved many of the issues being addressed, and he hopes it will be used consistently moving forward.

Thomson has given permission to turn around in their driveway, but he expects the ruts to be smoothed out at the end of that day or within a few days. If they continue to not smooth out his driveway, then they can find another location to turn around in. This should also be included in the letter to the Road Agent.

"My second complaint has to do with total lack of maintenance and grading on Quinttown, Marsh and Mousely Roads this year, other than the first 1/8th of a mile on Quinttown Road. Beyond where they stopped, there are 12 landowners with seasonal or year-round homes or cabins who many I have talked with feel the same as we do. It's been 2 ½ months since Mud Season and nothing has been done. When I met with the Selectmen on May 11th 3 ½ weeks ago I asked when

the Highway Dept. would grade in the Quinttown area and Terry Straight said, "they were finishing up in East Orford and then will address this road". I asked if the road was not graded in the next two weeks it would be helpful if he filled in the worst potholes; as of today, the Road Agent has not put one shovel full of gravel in any of the pot holes on Quinttown Road.

I have lived in Orford for over 68 years and have never seen our town roads and infrastructure in such poor condition even though we have some of the best equipment of any town in the area and we are spending well over half the entire Town Budget on the Road Dept. You the Selectmen of Orford have a serious problem before you and you need to deal with it before it gets worse."

Kling expressed his disappointment with the Road Agent's lack of supervision of the highway crew. It's important to uphold landowner rights. If the Road Agent is unsure of where the right of way is on the various roads, Bill McKee is the best resource for confirmation.

Adams said he reviewed the Mud Turtle area with the Road Agent - Thomson said he's contacted the NHDES to look at the water run off onto his property on Mud Turtle Pond road, and wants NO action taken by the road crew at this time. Thomson will complete the consent form to allow access to this property, then contact the Selectboard to schedule work by the highway department, after DES visits the site.

Thomson addressed an irritation with the grading near his driveway which results in a 5" high row. Material brought to be put on the road is graded into the ditches. After a recent rain storm, water was running down the road which occurred because on the left side of the road, up around the sharp corner, the ditch is higher than the road.

The railing on the Mousley Brook bridge has been damaged for over 1 ½ years. It's a liability to the Town and needs to be repaired. It was discussed last year, but to date nothing has been done.

Culvert maintenance - it's important to maintain the culverts in Town and there should be a schedule to clean all of them every spring and fall. If you want to save roads in this Town, that's the way to do it. Most of the damage to the roads during the July 2017 storm was because the culverts had not been maintained.

Straight said he didn't feel the highway department created the issue on Mud Turtle Pond road. All they did was clean out the ditch that was there and didn't create a new runoff at the bottom of Mud Turtle Pond road. Regarding the water running down the road, Morton Bailey called him at 6:15 the morning after the rain storm, saying water was running down the road – the crew responded immediately and filled in around the culvert that day.

B. Rivendell Contract Review – The contract between Rivendell (RISD) and the Town of Orford for the leasing of the Community Field is up for review. The expense to maintain the property was estimated for the expiring contract and needs to be reviewed to determine if a new lease rate should be assessed to RISD. Concern was expressed about the amount of funds being spent to maintain the soccer, baseball and softball fields. The Selectboard will schedule a meeting with Parks & Playgrounds to review the expenses and possibly look to budget for maintenance in 2023.

C. Review of Actual vs Budget Expenses report – The Selectboard discussed how to handle the expenses incurred for mud season. Will this be re-allocated into various line items within the highway budget, or handled some other way. Dobbins-Marsh said it's possible to leave the "mud season" line item as is, and if the total budget for 2022 is not over spent, the total costs can remain within the operating budget. However, if it looks like the mud season expenses will create an overall overspending

of the budget, the Road Improvement Capital Reserve account can be used to cover some or all of these costs. There's also a process to follow when the total operating budget is over spent, which would involve the NH DRA.

Why is the Tax Collector section of the budget under spent – it was explained the Tax Collector submits payment requests throughout the year, usually after the majority of the taxes have been collected in July and December.

Town Clerk supply line item is almost spent – Dobbins-Marsh will review to see if anything was posted can be re-allocated to another line item

D. Policy Introduction – Employee Handbook Sections VIII, IX and X – Adams will meet with Dobbins-Marsh next week to review several changes he's like to make regarding position titles, etc.

E. Review of received “Notice of Intent to Cut Wood” – none were received

F. Correspondence

- Highway weekly truck inspection reports
- Eversource sent a Vegetation Management scorecard which addressed the overview of reliability of vegetation management in Orford
- NH DHHS sent an official health alert on COVID-9 vaccines for infants and young children – monkeypox update
- Governor Chris Sununu signed SB325 into law, formally recognizing public works employees as first responders

G. Other

- Mark Burger resigned as a commissioner of the UV Lake Sunapee Regional Planning Commission. A notice will be posted on Listserv requesting anyone interested in filling this position should contact the Selectboard office.
- Carter was asked about setting up a Swap Shop at the recycling center – used goods can be left, and picked up by those that can use them. The organizer would need to submit the Request to use Town Property so the details can be reviewed and discussed by the Selectboard.
- Carter was asked by Cara Dyke about having a farmer's market on the common. Dobbins-Marsh said Cara was sent the Request to Use Town Property form and had also discussed with JJ Hebb
- J P Pest – when JP Pest was looking at the chimney at the Town office building, they noticed wood pecker damage to the corners of the building. A quote for \$975 was submitted to install flash deterrents on the four soffit corners. The Selectboard agreed to hold off on this work for now.
- Excavation Permit – the Planning Board is requesting Thomson Excavating file a new permit based on the lack of excavated material over the last two years. The permit was sent to Thomson Excavating, which they will complete and return, along with the required Bond, to the Planning Board to review.

Non-Public Session

A motion was made by Adams, seconded by Carter to enter into non-public session under RSA 91-A:3, II(a) for personnel matters at 8:40 pm. A roll call vote of member's present was taken with a decision in the affirmative

The Board resumed the regular meeting at 9:28 pm. A motion was made by Adams, seconded by Kling to seal the minutes of the nonpublic session. Motion Approve 3/0

Manifests, Payroll and Accounts Payable folders

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

Adjourn

Motion made by Adams, seconded by Kling adjourn the meeting. Motion Passed 3/0

The meeting adjourned at 9:30 pm

Respectfully Submitted,

Esther Dobbins-Marsh