

# TOWN OF ORFORD

Board of Selectmen

Meeting Minutes

July 13, 2022

MEMBERS PRESENT: John Adams, Jen Carter Chase Kling

OTHERS PRESENT: Esther Dobbins-Marsh, Chris Crowley & Seth Carter (Trustees of the Trust Fund), David Smith, Cemetery Commissioner, Terry Straight, Fire Chief, Paul Griffin

## 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 06/22/2022 (as amended)*

*Motion Passed*

Kling addressed the tone of the June 22<sup>nd</sup> meeting - during the Bridge Street discussion about excessive speed, the meeting became very loud and angry, with speakers being interrupted by those not on the agenda. The Selectboard needs to control the meeting better and follow the protocol to only allow those on the agenda to speak on a topic. Adams said in the future he will spell out the ground rules so attendees understand the meeting is controlled by the agenda – it's a working meeting of the board, not a hearing.

*Motion made by Adams, seconded by Carter to accept the minutes of 06/29/2022 (as amended)*

*Motion Passed*

*Motion made by Adams, seconded by Carter to accept the minutes of 07/06/2022 (as amended)*

*Motion Passed*

## Reports

- A. **Fire Department** – Chief Straight presented his June report to the Selectboard. There were 9 calls for service, bringing the total calls in 2022 to 71 (compared to 53 calls this time in 2021). Calls for service included 6 medical and 3 fire calls. There were two training sessions, with eight members attending each. Firefighters attend when they can, and several members attend special trainings, which Straight maintains records for. Straight said the parts for the electrical upgrade for Truck #3 are starting to arrive.
- B. **Highway Department** – the Selectboard discussed the progress being made by the road crew on the roads. East Cemetery road should be completed this week. A lot of funds and time have been invested on the East Orford roads, which was needed, but with this extra work, it means other roads haven't been attended to. The original plan was to finish up out east, then move to Baker Road (ditching and grading), Indian Pond Road (grading) then Quinttown Road (Flat Rock to the 4 corners, grading and ditching). Other projects include patching pot holes on Archertown Road, and ditching on Mud Turtle Pond road and several other locations in town, plus cleaning out culverts and replacing as needed.  
Adams is concerned with the wetland area on Mud Turtle Pond road. The NH DES recommended adding silt barriers, and if we don't the Town could possibly have a 2<sup>nd</sup> violation on its hands. Kling will work on putting down the silt barrier on Mud Turtle Pond road near the wetlands, then seed and mulch to stabilize. Thomson will obtain the silt

barrier fence for the Town to use. Adams reminded Kling the purchase of the silt barrier needs to be billed to the Town of Orford.

Adams expressed his concern with an Orford citizen patching the pot holes on Archertown Road, which can not be allowed. Kling had given the person a verbal warning. Adams has been listening to phone messages at the Town garage, and there were no messages left at the Highway regarding the pothole issue. The Selectboard agreed to have the crew finish out east, then move to Archertown Road to patch the pot holes, then start on Baker Road, which needs ditching and some gravel added to the road, and grading.

Another sensitive area is Dublin Road. It was mentioned to Adams the possibility of adding a perforated pipe on the ditched side of the road, covering with stone/gravel to create a surface which would widen the road. Kling expressed his concerned of how the pipe would handle excessive water runoff due to another major storm, and the possibility of the road washing out.

There is a new driveway off Archertown Road which appears to be expanded beyond the original design, and additional pipe has been added that appears smaller than the original pipe. Adams will visit the site and visit with the property owners the weekend of 07/16/22.

**C. Cemetery Commission** – Crowley reviewed the Trustees recommendations pertaining to cemetery expenses, and which account they should be paid from. There are three accounts – the Common Cemetery Trust (perpetual care), the Cemetery Mower & Building Capital Reserve Fund, and the operating budget. The Trustees of the Trust Funds recommend the following:

- That the Town Property ETF, Tree Care and Replacement ETF or Town Buildings Maintenance CRF not be used towards cemetery related expenses. This may require additional funding into the Cemetery Mower & Building Capital Reserve Fund to cover these costs.

*Motion made by Adams, seconded by Carter to support the recommendation to use the Common Cemetery Trust, Mower & Building Capital Reserve Fund and the Cemetery operating budget for Cemetery related expenses. Motion Passed 3/0.*

- For Purchases: That the Cemetery Mower & Building CRF continue to be used for purchases of mower and building replacements or upgrades. In the future, the Town may consider a Change of Purpose Warrant Article that would allow this CRF to purchase/replace equipment to be used by the Cemetery Commission, in addition to the mower. Until that change occurs, a Warrant Article would be proposed for the purchase of additional equipment as needed for Cemetery Maintenance.

*The Selectboard supported this recommendation.*

- For Maintenance: That the town consider the following options:
  1. Preferred-That the Cemetery Mower & Building CRF be used for the maintenance of the Cemetery equipment and building. Using this option might require supplementing appropriations this CRF by \$1,000 to \$2,000 per year
  2. Alternate-That the Town Cemetery Operating account (Supplies & Maintenance) be used for the maintenance of the Cemetery equipment and building. Using this option might require supplementing appropriations to the operating budget by \$1,000 to \$2,000 per year (the 2022 budget of \$600 would be insufficient).

3. That the Common Cemetery Trust NOT be used for maintenance expenditures, or to purchase replacement parts for the Cemetery equipment and building. The reasoning is that these are town-owned items, so the Town appropriations should pay for upkeep, not the Common Cemetery Trust. In practice, this trust has been invoiced for about \$1,000 annually for equipment replacement parts and maintenance. *The Selectboard supported Option 2*

- Equipment Consumables (such as mower blades, trimmer string, supplies and fuel) – That the Town Cemetery Operating Budget be used for expenditures of these consumable items in support of the Cemetery equipment.

*The Selectboard supported this recommendation.*

Regarding maintenance of Cemetery Properties, which expenditures should be charged to the Town operating budget vs. the Common Cemetery Trust? Per NH Statue, the Common Cemetery trust is allowed to spend only from its income, never the Principal. Income is defined as interest & dividends. Currently the income to the Common Cemetery trust is about \$5,000 per year. Due to savings over the years, there is approximately \$57,000 of spendable income in reserve. Currently, the operating budget covers wages for personnel working to maintain cemetery grounds, and mileage reimbursement. The Common Cemetery Trust covers expenditures for maintenance of headstones, fences, trees and decorations. The Trustees of the Trust Funds recommended the following:

- The Trustees recommend the division of these expenditures continue as described above. The Cemetery Commission and the Trustees of the Trust funds will communicate annually to review the status of the Income Balance and plans for use of the Common Cemetery income for the coming year.

*The Selectboard supported this recommendation.*

Property Maintenance Expenditures overlapping – some other misc. supplies related to the Cemetery equipment (mower blades, oil, trimmer string, hand tools, etc.) and personnel protective gear (ear protection, boots, first aid kits, etc.) have been charged sometimes to the Operating budget and sometimes to the Common Cemetery Trust. To be consistent, the Trustees of the Trust Funds recommend the following:

- That the Town operating budget be used for miscellaneous supplies, but not the Common Cemetery Trust. This might require supplementing appropriations to the operating budget for additional funding.

*The Selectboard supported this recommendation.*

Crowley will rewrite the outcome of the discussion and reflect the changes regarding which account will pay for Cemetery related expenses.

Smith asked about the process to sell mowers that haven't been used for many years. Adams asked the Cemetery Commission to submit a document listing the equipment to be sold to the Selectboard for approval, then the Cemetery Commission can move forward with the sale.

#### **D. Committee Meetings attended by Selectboard members**

- **Planning Board** – Carter attended the Planning Board meeting – Mountainview Hideaway is still looking for an engineer to review the street plat. An additional 60-day extension was granted for this project. The board is working to revise the voluntary merger application, and have started reviewing the Master Plan, last

updated in 2018. The board requested an updated budget (Dobbins-Marsh will print for their next meeting).

- **Broadband Committee** – Adams attended the June 30<sup>th</sup> Broadband Committee meeting which was remotely joined by Brian Lim, Consolidated Expansion Analyst for their presentation. Their discussion point was that they could become a supplier to the entire town for broadband services. They will work up numbers for Orford to review regarding how to could work with public/private funding, which would include a municipal bond to cover the costs. Potentially, they could have the Town wired within 4 months. Residents would still have the option to stay with their current provider, or change to Consolidated – it would be a competitive situation. In addition, Grafton County is moving ahead with the installation of the “middle mile” terminal at the Town office building. This provides a central connection point for future expansion. This system would also be in competition with the other vendors. Still a lot of puzzle pieces to put together

## Old Business

### A. Update of Outstanding Projects

- **Highway Garage storage addition** – the Road Committee obtained three estimates for the concrete work for the storage addition. The lowest estimate was from Richard Saffo for \$7,500

*Motion made by Kling, seconded by Adams to accept the estimate from Richard Saffo in the amount of \$7,500. Motion passed 3/0*

The Selectboard agreed to attend the Road Committee meeting scheduled for July 18<sup>th</sup> at 6:00 pm. The Selectboard will discuss the role of the Road Committee and projects they'd like the Road Committee to provide input on, such as the future paving plans, the grader cover project and Archertown Road hill reconstruction.

- **Mousley Brook Culvert Project-FEMA Project** – the survey was completed, waiting for the report from Pioneer Surveyors, which should arrive next week, and will be forwarded to DuBois & King Engineering.
- **Other**
  - the Selectboard will meet with the Library Trustees on July 20, 2022 to review a possible building for a Community Center.
  - Prettyman Road Class VI Section Update – Kling reported the condition of the road following mud season is pretty torn up due to excess travel. Vance will need a plan to restore the road to become passable to traffic. Culverts need to be replaced, and the one that was replaced is already plugged. Kling will meet with Vance and a contractor she's contacted on July 14, 2022, to review the work that needs completion. Vance will also need to work with the Police Department and follow a legal process to have the vehicles on her property removed (they are not registered to her), and to have the trailer in the Town Right-of-Way removed.

**B. Policies – Handbook Sections VIII, IX and X** – This will be addressed at a later meeting.

## New Business

- A. Budget vs Actual Review** – Other than the gravel line item, spending is on track with the budget. Closer to the end of the year, the Selectboard will need to determine the overall impact on the total budget and if overspent, what the next step will be. Dobbins-Marsh reported the propane rate for the contract term of July 2022 – June 2023 was locked in at \$1.767 with Dead River.

- **Legal Requirement for purchases by Town** – Carter obtained a legal opinion that involves reimbursement to residents when repairs are made to private property and property owners are requesting reimbursement of expenses from the Town. This is not allowed, even if the damage is caused by the Highway department. Does this mean property owners would need to sue the town to receive reimbursement for work done to repair damage caused by the Town? What it would entail is a conversation between the Town and property owners to determine what work needs to be done to repair the damage, have the town purchase the product, and either the town would do the repair work or the property owner would at their own cost for labor. There is some wiggle room in the event of an emergency, or if the reimbursement is due to a lawsuit.
- **Shoulder Work on newly paved roads** – Adams contacted Pike Industries to obtain an estimate to complete the shoulder work on River Road. Their shoulder machine puts down 18” and a variety of material can be used. The Selectboard want to be sensitive to the petition received from some River Road residents requesting the material to be used for the shoulder and the impact on their lawns. The Pike rep said it’s not uncommon for residents who had grass growing up to the edge of the pavement to be sensitive about a shoulder, but it’s the Town’s responsible to have a road that can drain properly. Pike will work up an estimate for the cost to shoulder River Road.

The Highway department will work to smooth out the entry from the pavement to driveways and the dirt portion of the road on Dublin and Brook roads.

**B. Complaints** – none received

**C. Review of received “Notice of Intent to Cut Wood”** – None Received

**D. Correspondence**

- **E-Coli Testing** – Eastern Analytical processed the samples taken on July 6<sup>th</sup> at the three Town ponds and various spots along Jacobs Brook. Readings were high at Upper Baker Pond (notice of such is posted at the beach), and Creamery Bridge.
- **Archertown Road Culvert** – an email was received notifying the Selectboard of the road surface over the culvert just west of 229 Archertown Road has been slowly eroding, exposing the culvert underneath the surface. The road shoulder along the guardrail appears to be shifting – the road crew may want to make an examination of the area to assess the stability of the road. The same email expressed concern regarding the Archertown Road Jacobs Brook bridge. The cones continue to disappear, and overweight vehicles continue to cross the bridge. Also, may drivers fail to stop where the new stop signs were placed.
- **Construction of Septic System approved** – Notice of approval for construction was received from the NH DES for map & lot #008-108R-21

### **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 Kling, seconded by Adams to enter into non-public session under RSA 91-A:3, II(a) for personnel matters at 8:05 pm. A roll call vote of member’s present was taken with a decision in the affirmative*

*The Board resumed the regular meeting at 8:25 pm. A motion was made by Adams, seconded by Carter to seal the minutes of the nonpublic session. Motion Approved.*

**Adjourn**

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

The meeting adjourned at 8:26 pm

Respectfully Submitted,

Esther Dobbins-Marsh