

# TOWN OF ORFORD

Board of Selectmen

Meeting Minutes

March 15, 2023

MEMBERS PRESENT: John Adams, Jen Carter, Chase Kling

OTHERS PRESENT: Esther Dobbins-Marsh, Terry Straight, Kevin Follensbee

## Call Meeting to Order

The meeting was called to order at 5:30 pm – the meeting was recessed to move into the Niles Room due to the large number of residents attending the meeting in support of Straight and/or Follensbee for Fire Chief. The meeting reconvened in the Niles Room at 5:32 pm

## Appoint Selectboard Chair

*Motion made by Carter, seconded by Kling to name John Adams as the Selectboard Chair.*

*Motion passed 3/0*

## Appointment Approvals

- **Auditor** – *Motion made by Adams, seconded by Carter to nominate Tim Greene of Roberts & Greene Associates as the Town Auditor. Motion Passed 3/0*
- **Fire Chief** – Adams stated this year the Town has two candidates interested in the position. Normally the person holding the position is automatically reappointed, so the Selectboard doesn't currently have a process to follow when there are two or more to choose from. Carter stated she would like to interview both candidates to make the decision as fair as possible. Kling feels the decision should be made at the meeting as all the relative material has been available to the Selectboard to review. If Adams and Carter want to interview the candidates, why can't that happen now? Adams said interviews would be conducted in a non-public session, similar to employee interviews, but the decision is done in a public meeting. Adams also stated that until the position becomes available, interviews are not normally conducted. Kling said the board has a very clear consideration received from the Town attorney, and referenced the opinion she provided to the Selectboard last week regarding how reappointments work. If the Board doesn't reappoint a position it defaults to a "hold-over" position and the current chief continues to hold the position, which means the Selectboard can only remove for cause. Both Adams and Carter disagreed with this understanding, believing the hold-over position is only in place until the appointment is made. Kling read from the attorney's opinion which discusses Varney vs. Town of New Durham "When the Fire Chief's term ended, the Selectboard did not appoint anyone new, and the Chief continued to serve for the next 5 years. When the board appointed a replacement, the chief argued he could only be removed for cause. However, the court agreed with the Town that once the term was over, the chief continued to serve only as a hold-over until someone was appointed by the Board to a new term. The failure to appoint someone did not mean the chief was automatically appointed to a new term." Kling expressed concern that if someone doesn't like the outcome, the Town might be sued. Adams stated the need for cause doesn't apply to a hold-over position, and

therefore he isn't concerned with being taken to court based on the Board's decision of who to appoint. Adams agreed that an interview with both candidates is a good idea, and these interviews would be held in a non-public meeting. The right of privacy applies when having a discussion with an applicant that might impact their credibility in the community. The decision would be a public decision. It was asked if the Selectboard could interview the candidates tonight, followed by a public appointment. Carter said she needs time to prepare for the interview, but asked the candidates if they were prepared for an interview. Candidate Kevin Follensbee said for the benefit of the Town, and to obtain the best candidate, the Selectboard should take their time and follow their process. Candidate Terry Straight agreed.

*Motion made by Adams, seconded by Carter to defer the appointing of the Fire Chief for up to one week to allow the Selectboard to determine a uniform questioning process and to hold non-public interviews for background and comments. Motion Passed 3/0*

The interviews will be held on Thursday, March 16<sup>th</sup> at 8:30 for Terry Straight, and at 10:30 for Kevin Follensbee. The current fire chief will continue in his role until the Selectboard appoints a fire chief at their March 22, 2023 Selectboard meeting. (The appointment document from 2022 states the officer continues in the position until replaced).

- **Police Chief** – *Motion made by Adams, seconded by Carter to appoint Jason Bachus as the Police Chief. Motion Passed 3/0*
- **Road Agent** – The Board agreed to leave this appointment open for now. The Selectboard will continue serving as the acting Road Agent.
- **Emergency Management Director** – *Motion made by Adams, seconded by Carter to appoint Carl Johnson as the Emergency Management Director.* Kling said Johnson called him a name in the meeting that is not a respectful term and some might call it insubordination. The EMS is supposed to write reports and keep logs, which hasn't happened. Because of this and his disrespect towards Kling, he feels Johnson should not be appointed as the EMD. *Motion Passed 2/1 (Adams and Carter-yes, Kling-no)*
- **Health Officer** – No appointment was made. Adams will continue in the role of Acting Health Officer
- **Niles Committee Members** – *Motion made by Kling, seconded by Adams to appoint David Coker, Melinda Ricker, Jennifer Tilden, Ann Green and Ruth Hook as members of the Niles Committee. Motion Passed 3/0 for all*
- **Tree Warden** – *Motion made by Kling, seconded by Adams to appoint Bill Wilson as the Tree Warden. Motion passed 3/0*
- **Zoning Board of Adjustment for Flood Plains** – *Motion made by Adams, seconded by Carter to appoint Paul Messer, Sr., Peter Dooley and Shawn Washburn as members of the Zoning Board of Adjustment for Flood Plains. Motion Passed 3/0 for all*
- **Conservation Commission Alternate** – *Motion made by Kling, seconded by Carter to appoint John Miller as an alternate of the Conservation Commission. Motion passed 3/0*
- **Road Committee Members** – *Motion made by Adams, seconded by Kling to appoint Mike Wright, Herbert Austic and Charles Smith, Jr. as members of the Road Committee. Motion passed 3/0 for all*

### **Selectboard Liaisons to Boards, Commissions and Committees**

- **Planning Board** - *Motion made by Kling, seconded by Adams to assign Jennifer Carter as the Ex-Officio to the Planning Board. Motion Passed 3/0*
- **Cemetery Commission** – *Motion made by Adams, seconded by Carter to assign Chase Kling as the Liaison to the Cemetery Commission. Motion Passed 3/0*
- **Road Committee** – *Motion made by Adams, seconded by Carter to assign Chase Kling as the Liaison to the Road Committee. Motion Passed 3/0*
- **Broadband Committee**- *Motion made by Kling, seconded by Carter to assign John Adams as the liaison to the Broadband Committee. Motion Passed 3/0*
- **Parks & Playgrounds** – *Motion made by Adams, seconded by King to assign Jennifer Carter as the liaison to the Parks & Playgrounds Committee. Motion Passed 3/0.* The Selectboard discussed having Parks & Playgrounds review their list of members. If there are members that no longer want to serve, it should be suggested they resign, then P&P can nominate another person to serve on the committee.
- **UV Ambulance** – while this isn't an official committee of the Town, Adams has served as a board member to represent Orford. *Motion made by Kling, seconded by Carter to assign John Adams to the UV Ambulance Board. Motion Passed 3/0*

**Review Action Items from the Annual Meeting** – Adams congratulated Jennifer Carter for being elected to a three-year term as a Selectboard member.

- **Article 8 – Highway F-550 truck** – the Road Foreman will be asked to write up the final draft of the proposal for the F-550, bring to the Selectboard for approval, then the truck will be ordered.
- **Article 10 – Garage Generator** – three (3) estimates will be needed for the purchase of the generator – need to create a spec sheet for this
- **Article 9 – Archertown Road hill project** – need to have the engineer start this process, and the board will need a public hearing scheduled and notification to abutters
- **Article 12 – Streetlights** – The Selectboard will work with members of the Energy Committee on this project. A future work session will be scheduled for this discussion.
- **Article 11 – Highway equipment** – The Road Foreman can place the order for these two (2) items – the leaf blower and the segmented grader cutting edge
- **Article 19 - Main Street Congregational Church** – a committee will be formed to study the feasibility of the Town purchasing the church.
- **Building Maintenance projects** – at the annual meeting, Jordon Sutherlin asked about maintenance for the Town Office building, specifically painting the roof. The Selectboard will work to create a list of projects and timetable for completion, then invite residents to attend a future work session to discuss their involvement.

**The meeting was recessed at 7:00 pm** – the meeting will reconvene at 8:30 am on Thursday March 16, 2023 to interview the two candidates.

**The Meeting was reconvened March 16, 2023 at 8:30 am in the Niles Room**

**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 8:31 am. A roll call vote of member's present was taken with a decision in the affirmative.*

*The Board resumed the regular meeting at 12:03 pm. A motion was made by Adams, seconded by Carter to seal the minutes of the nonpublic session. Motion Approved 3/0*

**Adjourn**

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

The meeting adjourned at 12:05 pm

Respectfully Submitted,

Esther Dobbins-Marsh