

# TOWN OF ORFORD

Board of Selectmen

Meeting Minutes

June 14, 2023

MEMBERS PRESENT: John Adams, Kevin Follensbee, Chase Kling

OTHERS PRESENT: Esther Dobbins-Marsh, Larry Taylor, David Smith, Lawrence Hibbard, Ruth Hook, Mark Miller, Attorney Carey, Terry Straight, Shawn Garran, Sylvia Paxton

## Call Meeting to Order

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

## Approval of Minutes

- *Motion made by Kling, seconded by Follensbee to accept the minutes of 05/24/2023 (as amended) Motion Passed 3/0*
- *Motion made by Adams, seconded by Follensbee to accept the minutes of 05/31/2023 (as amended) Motion Passed 3/0*
- *Motion made by Kling, seconded by Follensbee to accept the minutes of 06/07/2023 (as amended) Motion Passed 3/0*

## Reports

- A. **Highway Department** – the Selectboard recapped ongoing work at the Highway department. After trees were removed from Archertown Road, clean-up will be needed. The crew will start on this following the boring work, with material removed from the sides of the road taken to the sandpit. Gravel from the Upper Baker Pond road project that was stored at the East Cemetery parking lot will be moved this week and used on the Upper Baker Pond beach access area. Boring work will start on Friday, June 16<sup>th</sup> on the Archertown Road. The road will be closed from the intersection of High Bridge road and Blackberry Hill road, however, access to the campground will be available as well as local traffic and emergency vehicles. Once the boring data are received and reviewed by the engineering firm, the design plan for the road work will be updated and presented at the Public Hearing. (to be scheduled).  
Engineer Darrow indicated she can help the Town file wetland permits. She will work with the Highway crew to review the culverts that need replacing this year. Darrow can also help with the placement of the wetland mats at the Mousley Brook culvert site, as well as offering information on how best to install them.
- B. **Fire Department** – Chief Straight presented his report to the Board for May 2023. The department responded to 21 calls (YTD 84 compared to 2022 YTD of 53). The calls consisted of 8 medical, 7 fire and 6 mutual aid. Trainings in May were held for tanker training with Lyme & Piermont, and Hydrant training. Members also attended the fire school in Wells River and worked on dry hydrant flushing. The Board asked Straight for the status of the department's incident reporting. Straight indicated he's about a year behind, primarily due to the new CSI system instituted thru Hanover dispatch. He will be attending a training on June 22<sup>nd</sup>. Straight said the new system has been challenging for those that don't have strong computer skills. The Board expressed concern they were

not notified of this issue when it first began. Follensbee asked about the lack of incident report filings for many months prior to the CSI system being instituted. Straight said he was unsure of the timing of the last report filed, and didn't have documentation to address at this meeting.

The Board asked Straight why Fairlee was charging Orford to use their water – there should be no charge when responding to a mutual aid fire in Fairlee. Adams suggested negotiating this with the Fairlee Selectboard. He will contact the Fairlee Selectboard chair. The Board also addressed the ruts left on the Common during the 2022 “Touch a Truck” event. Straight agreed to have them repaired by July 1, 2023.

**C. Selectboard attended meeting recap**

- Cemetery Commission – Kling attended their monthly meeting, The Commission discussed another tree that needs to be removed at the Dame Hill Cemetery; however, a conversation needs to happen with the Trustees of the Trust Funds to determine the amount of funds available to cover this expense. Currently the estimate is between \$7,500 - \$8,000. Also, to remove this tree, the contractor will need to access private land, so a temporary easement will be needed. David Smith indicated that fall would be the best time to remove the tree, but need to schedule the contractor now in order to finalize the contract and get on their schedule.
- Planning Board - Adams attended the meeting held on June 13<sup>th</sup>. The Planning Board approved the Lot Line adjustment for Sheila Thomson, and the Voluntary Merger from William Riehl. An informal hearing was held with Hunter Nutter & Addie Lyndes for a proposed minor subdivision. The Committee members continue to review the Subdivision Regulations. Adams will review the computer in the Niles Room for possible use during Planning Board meetings.
- Church Feasibility Study Committee – Adams said the group is meeting weekly and working on a town wide survey/mailer.

**Old Business**

**A. Update of Outstanding Projects**

- a) Streetlight Project – the contractor has completed the streetlight audit. The Selectboard will review the information in detail at the 6/28/23 meeting, then schedule a Public Hearing for this project.
- b) Highway Garage Well – Kling will reach out to Sargent's Artesian Wells for a date to complete the work on the well.
- c) Diesel Spill Ground Water Qualify Assessment – Adams spoke with Jennifer Stonecipher regarding the Ground Water Quality assessment – her company can do the testing as required by NH DES – Adams will request a proposal for this work. To re-install the fuel tank, a concrete pad may need to be poured, and the tank at the highway garage connected by an electrician.
- d) Archertown Road Jacobs Brook bridge – the State DOT is requesting additional information from Megam Ooms, Engineer at DuBois & King. Dobbins-Marsh will contact Ooms to make sure the information has been provided.

**B. Policies – Review – Social Media Policy – this will be addressed at a future meeting**

- **Other - Mountain View Hideaway, LLC** – Due to recent correspondence from Attorney Schuster representing Gregory Gould, property owner of the abutting property, the Selectboard responded to his requests as follows:

- *Motion made by Adams seconded by Kling to deny Attorney Schuster's request that the Board hold a Public Hearing on the request for reconsideration because no statute requires a hearing on this sort of request. Motion Passes 2/0*
- *Motion made by Adams, seconded by Kling to deny the request that the Board reconsider its approval of the building permit because the request for reconsideration did not identify any procedural mistakes or any reason that the Board's decision was unreasonable or unlawful. Motion Passed 2/0*
- *Motion made by Adams, seconded by Kling to not appoint a board of appeals to hear Mr. Gould's appeal from the decision to grant the building permit because the statute does not authorize that sort of board to hear an appeal by an abutting property owner of the approval of a building permit. Motion Passed 2/0*

(As this approval occurred prior to Follensbee being appointed as a Selectboard member, he recused himself from this discussion).

**Public Hearing** scheduled for June 21 – Dobbins-Marsh will send notice of the hearing to abutters of McGoff Salvage, LLC

### **New Business**

- A. Review of the Orford Fire Station lease** – the Orford Volunteer Firefighters, Inc (OVFD) submitted an updated lease for the Orford Fire Station with an increase in rent from \$8,400 to \$10,800 for the term of July 1, 2023 – June 30, 2024. Adams asked for the reason for the increase in rent. Taylor, President of OVFD, said rents in the area have increased, and the rent to the Town of Orford has not increased since July 2015. Taylor said, per their by-laws, funds raised, including the rent, are used to support various entities within the Town of Orford. Adams also expressed a concern regarding security for the fire trucks as the truck bays can be accessed by others, not just the Orford Fire Department members. Taylor said when the OFVD members need to access the basement, they have to enter thru the bay area – also, both entities share the kitchen area, so it would be difficult to limit the area where the trucks are parked. *Motion made by Kling, seconded by Adams to accept the amended lease agreement for the Fire Station at the increased annual rent of \$10,800 from July to June. Motion Passed 2/0 (Follensbee abstained as he's a member of OVFD)*
- There was also a conversation about the agreement between OFVD and the Town of Orford regarding the field behind the Fire Station. At the March 1996 annual meeting, voters approved an agreement between the OVFD and the Town that allows the Town to use the portion of the field where the baseball diamond is located on the condition the Town will be responsible for the cost of lawn care of said property. As no written agreement exists, Dobbins-Marsh will create one for all parties to review and sign.
- B. Funding for a survey & building inspection of the Congregational church** – The committee requested funds from the Town to hire a surveyor to survey and lay out the property lines of the Church property, and to hire someone to do an extensive building inspection. There was no funding associated with the Warrant Article authoring the forming of this study committee. In addition, as the Town doesn't own the Church it's an issue to spend tax dollars for something not owned by the Town. Could the Church committee ask the Niles Fund for funding? The Selectboard suggested sending out a

Town wide mailer first to get a general sense of how the Town residents feel about the Church being purchased and maintained by the Town.

- C. Time Tax Appeal – Simon Thomson** – Thomson submitted a request to appeal his Timber Tax as he feels he was over taxed by \$593.17 He had the forester review the worksheet and the forester felt the location rate was too high, and Thomson feels this rating factor is one of the computations that is subjective. Kling feels the location was rated correctly – the Selectboard agreed to deny the request. Dobbins-Marsh will contact Rick Evans at the NH Timber Bureau to determine if there is a specific document to use when denying the appeal request.
- D. Appoint Planning Board Ex-Officio** - after some discussion, Adams agreed to take the appointment as the Planning Board Ex-Officio, and Follensbee as the alternate.
- *Motion made by Kling, seconded by Follensbee to appoint John Adams as the Ex-Officio to the Orford Planning Board. Motion Passed 3/0*
  - *Motion made by Kling, seconded by Adams to appoint Kevin Follensbee as the Alternate Ex-Officio to the Planning Board. Motion Passed 3/0*
- E. Review Actual vs Budget expense report** – Kling had comments on the Highway Department budget vs actual expenses: Equipment Rental and Contracted Services still have funds available in the budget to cover upcoming work; Safety Supplies – nothing spent to date, but some equipment (cones, etc.) were ordered; Gasoline used for equipment (chainsaws, etc.) and Diesel for the trucks are in line at approx. 50% spent as of 06/14; Uniforms- in 2023 the Town paid for Unifirst uniforms for January & February, then the highway employees used funds to purchase their own work clothes with a town logo added to shirts and coats; Road Salt-budget in good shape, plus plenty of inventory for this winter. Actual expenses are at 55.81% of the Budget YTD.
- F. Complaints**
- Ruth Hook read her complaint against Chief Straight into the minutes (please see the attached PDF). The Selectboard will discuss with Chief Straight and ask for his response. The Selectboard will respond to Hook with a written update to her complaint. Hook also asked for copies of the incident reports cited in her complaint. These will be requested from Chief Straight as well.
  - Community Field – the condition of the Baseball Field following an end of season event was discussed. Per the Lease between Rivendell and the Town, teams are responsible for clean-up following games and practices. The Selectboard will request Jennifer Hebb, Chair of Parks & Playgrounds, attend the 06/28/23 Board meeting to discuss.
- G. Review of received “Notice of Intent to Cut Wood”**  
Property Owner: George Tullar, Jr., Map & Lot #008-089-038, Forester: George Tullar, Jr.
- H. Correspondence**
- Eastern Analyticals’ report of water testing from 06/05 and 06/12/2023 – testing of the lakes is all within safe limits.
  - Individual Sewage Disposal for construction at 30 Mack Drive was approved by NHDES

- Dog Control email sent out by Police Chief Bachus had several responses. The Selectboard may need to address the policy.
- Fence Viewer Report – Kling filed a report on a Boundary dispute between Mike Burnett and Charles Pierce on Bridge Street. As there are no boundary monuments, posts, pins blazes or other markers present, this is beyond any capabilities of Kling’s duties. Most likely a surveyor will need to be hired before resolution can be reached.
- Janice Follensbee sent an email regarding rescheduling a meeting with the Selectboard due to Adams having a conflicting appointment. She expressed her frustration in having to do so.
- Streetlight Project – the Selectboard received information from John Karol regarding the streetlights. Adams will reach out to him to discuss further.

**I. Other**

- **Gazebo Condition** – the Selectboard wants Ann Green, member of the Bandstand committee to attend the regular board meeting on June 28<sup>th</sup> to discuss the condition of the Bandstand and actions to be taken to have it repaired.
- **Road Agent job description** – the Selectboard worked on amending the Road Agent job description. Follensbee reviewed what other towns use and incorporated some of that information into our job description. Adams said the job description should be used to assess the employee during a performance review. Follensbee will update with comments made, and present a new draft at the 06/21/23 work session.

**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 Adams, seconded by Follensbee to enter into non-public session under RSA 91-A:3, II(a) for personnel matters at 8:25 pm. A roll call vote of member’s present was taken with a decision in the affirmative*

*The Board resumed the regular meeting at 8:58 pm. A motion was made by Adams, seconded by Follensbee to seal the minutes of the nonpublic session. Motion Approved 3/0*

**Adjourn**

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

The meeting adjourned at 9:00 pm

Respectfully Submitted,

Esther Dobbins-Marsh

06/14/2023 – The following complaint was filed by Ruth Hook against the Orford Fire Department – Fire Chief Terry Straight regarding his action

**When and where did the action/activity leading to this complaint/comment/suggestion take place?**

May 10, 2023, at Ruth Hook's, located at 17 Hammond Lane (Dame Hill Rd), Orford, NH caused an accidental Fire by shooting a bottle rocket at a gray squirrel

**Describe your complaint/comment/suggestion. Include all observations that you made.**

After shooting a bottle rocket at a gray squirrel that was on my bird feeder, I heard some crackling noises, saw smoke, and found a ground fire in the dog pen next to my cottage. I called 911 and while on the phone, they asked me how the fire started. I explained that I shot a bottle rocket at a gray squirrel that was on my bird feeder. While still on with Dispatch, Two Techs from Irving Oil Co. arrived and started to help me put the fire out. We were still dousing out the fire with a garden hose when Chief Terry Straight showed up with the Tank Truck. Shawn Garrans, FF, had arrived just prior to the truck arriving and was walking down my driveway when Terry turned in. Shawn laid out the fire hose and went to the back of truck to get a nozzle. In the meantime, Terry started to pump water without anyone manning the hose. One of Irving's Techs was still in the dog pen dousing out the fire when Terry "**yelled**" hey buddy get out of there. The Irving Tech kept dousing the fire with the garden hose and only left after Shawn entered the dog pen with the fire hose and showed him where the fire was burning under the ground on the South side of the pen. At some point, Terry asked me how the fire started and I explained to him exactly what I had told Dispatch. In the meantime during this event, after the fire truck arrived, I discovered my landlord needed medical attention. When I returned to the scene, two more fire fighters had shown up, Zack (don't know last name) and my brother, Jim Hook, Orford Fire Warden, and the crew was almost done clearing the scene. Terry backed out with the Tank Truck and never said anything more about the fire to me. As he was leaving, Jim told me that Terry had called the State Forest Ranger as he felt it was a conflict of interest being we are brother and sister. State Forest Ranger John arrived shortly afterwards. I had a lengthy discuss with John about the incident. He asked me if I had permission from the Landlord to burn — yes, I had a permission. He asked me if I had a fire pit permit — yes, I had that too. I did tell John that I was not aware of the high risk for fire. He then issued me a written warning. Again, I did not intentionally set the fire. The warning is not what bothers me. The **REAL ISSIJE** is I **accidentally** caused a fire with a bottle rocket. In the meantime, there was a brush pile burnt behind the houses on the north side of Bridge Street a couple of weeks before my fire that got out of control and the Fire Department responded. The owner, Jean-Pierre Daigneault, 589 Rte. 10, **did not** have a permit to burn and yet Terry **did not** call the State Forest Ranger on him. As I have already stated, the **real issue** here is **calling** the State Forest Ranger when one **unintentionally causes a fire** vs. **not calling** the State Forest Ranger when the one who **does not** have a permit **intentionally sets the fire**.

I want an explanation to why when someone burns without a burn permit even though the State requires one, that the State Forest Ranger is **NOT called**, but calls the State Forest Ranger, even though I too **DID NOT** have a permit, but I caused an intentionally fire.

I want to see copies of **both Fire Reports** for Jean-Pierre Daigneault's and my fire incident. My final comment is that In my opinion, again, our Fire Chief is a "Public Official", representative for the Town of Orford, appointed by the Selectboard, who continues this **RETALIATION** which is nothing more than a juvenile response and totally unprofessional.

**Attach any pictures or other documentation that supports your complaint/commentl. suggestion.**

When looking up information pertaining to State Forest Ranger information on outside burning, you will find, "Under State law (RSA 227-L:17) a fire permit is required for all outside burning, unless the ground is completely covered with snow". There was no snow.


Per RSA 227-L:17 the state of New Hampshire requires anyone wishing to have an outdoor fire to have **written permission from the landowner** and a **written fire permit from the local forest fire warden** or local fire department in the town or city where the fire will be kindled. Fire Permits are obtained locally through the Forest Fire Warden, Deputy Warden's and Issuing Agents or online at [www.nhfirepermit.com](http://www.nhfirepermit.com) You can contact your Town Office or Fire Department to find out who your town Forest Fire Warden is. **The only time Fire Permits are not required is when there is a 100 foot radius of complete snow cover around the fire.**

When I was searching for the dates of when fire permits are required in NH this was one of the results: People also ask

***Do you need a fire permit in New Hampshire?***

In New Hampshire, fire permits are required for all outside burning when the ground is not covered with snow. These permits are either issued locally by the appointed forest fire wardens or are available online in many communities. Currently there are 165 communities enrolled in the state's online fire permit system

***To squash any rumors that I light illegal fireworks***, I have attached from the website <https://gencourt.state.nh.us/rsa/html/X11/160-C/160-C-mrg.htm> **TITLE XII - PUBLIC SAFETY AND WELFARE - Chapter 160-C - PERMISSIBLE FIREWORKS - Section 160-C:1: Section 160-C:12-a Retail Sale of Bottle Rockets and Rocket Launchers. — I. No person shall purchase a bottle rocket unless the person also purchases a rocket launcher** — when I purchased the bottle rockets, I also purchased the Rocket Launcher. Note that NH is a "most consumer fireworks permitted" state.

Signature:   
Ruth Hook