

# TOWN OF ORFORD

Board of Selectmen

Meeting Minutes

December 27, 2023

MEMBERS PRESENT: John Adams, Kevin Follensbee, Chase Kling

OTHERS PRESENT: Esther Dobbins-Marsh, Larry Taylor, Ruth Hook, Sylvia Paxton, Ann Green, Eva Daniels, Janice Bartley, Jim Hook, David Smith, Steve Sanborn

## Call Meeting to Order

Following the Public Hearing, the meeting was called to order at 5:35 p.m.

## Approval of Minutes

- *Motion made by Follensbee, seconded by Kling to accept the minutes of the 12/13/2023 Public Hearing. Motion Passed 2/0 (Adams was not in attendance)*
- *Motion made by Adams, seconded by Follensbee to accept the minutes of 12/13/2023 (as amended) Motion Passed 3/0*
- *Motion made by Follensbee seconded by Adams to accept the minutes of 12/20/2023 (as amended) Motion Passed 3/0*

## Reports

- A. Historical Society** – Ann Green made a request of the Selectboard, on behalf of the Historical Society, to obtain estimates to paint the Heritage Center building, per the lease agreement. The Historical Society members did not look for contractors, as the maintenance of the exterior of the building is the Town's responsibility, therefore, the Selectboard will advertise for estimates in the Spring of 2024.
- B. Church Study Committee Report** – Sylvia Paxton discussed the report for uses of the Congregational Church, should the Town decide to purchase it from the Church Trustees. She expressed her thanks to committee members for attending many meetings, and the work put into creating the report. Dave DeSimone completed an inspection of the church, as a curtesy to the committee, and provided his report to the committee. Paxton has a copy for those that would like to review it. Concerns were raised as to who would manage the building if the Town takes it over? What will it cost to operate if not used for a church? These topics will require additional research if the Town votes for the Selectboard to continue on with the process. The committee report will be posted on the Orfordnh.us website on the Church Study Committee page under documents. The Selectboard will work on a warrant article to address uses for the Church later in the meeting.
- C. Fire Department** – Terry Straight didn't attend the meeting. Straight sent an email to the Selectboard saying he had another commitment and wouldn't be able to meet with the Selectboard until January 10, 2024. Kling said this is considered an unexcused absence and he doesn't accept his excuse. The Selectboard required him to attend this meeting to address the mailer that was sent out - when your boss demands you attend a meeting and the employee doesn't show that's an issue. The Selectboard will discuss further in a closed meeting later tonight.

## Old Business

- A. **Box Holder Mailer from Concerned Volunteer Firefighters** – Adams asked Kling if he wanted to start the discussion as he and Kling differ on some of the basic freedom of speech of an organization or group of people.

Kling stated the Orford Fire Department (OFD) is a town sponsored department with a clear chain of command as to who is responsible for the department. It's been made clear that all communication coming out of the OFD is the fire chief's responsibility. The OFD is not the Orford Volunteer Fire Department, Inc (OVFD). Any use of the OVFD name is not allowed by the OFD as the OVFD is a separate corporation and not Town sponsored. OVFD is registered with the NH Secretary of State office, and has a board of directors. Kling has been told by members of the OVFD they are concerned with OFD members using OVFD to describe themselves. The OFD are not volunteers – they are on-call paid employees of the Town. Kling feels this mailing interchanges the OFD and OVFD, and the fire chief has been told not to allow this. Kling feels ownership of mailer should be with the fire chief. Per statute RSA 154 the fire chief is in control of the fire department and its members. Kling wants to know if the fire chief was aware of the mailer prior to mailing – if he is, he's liable and responsible, if not, why? Kling would like to know who the authors of the mailer are. He feels the mailer contains false and misleading information. Is this sub group of the fire department registered with the Secretary of State office? (as all political action groups must be).

Petitions are legal documents asking for political actions. Several residents have tried to determine what the petition is that residents may be asked to sign, but no information has been received. Are all the concerned members residents of Orford or even NH? In addition, the OVFD may have legal recourse against the Town, and when the lease of the fire house expires, they may decide to non-renew due to political activities taking place in the fire house. Kling stated the mailer was NOT approved by the Selectboard, and can only assume the fire chief approved it, but feels it puts the town in a compromising legal position. Kling wants to know who wrote the mailer, and who's responsible. Follensbee said the Selectboard needs answers and the fire chief needs to address with the Selectboard and act as the leader he proports to be. Further conversation should occur in a closed session. Adams said a lot of assumptions have been expressed, and disagrees with several, but agrees with Follensbee that a deeper conversation needs to occur in a closed session.

- Larry Taylor was looking for answers from Chief Straight regarding the mailer – what is the purpose of the mailer? He hopes the Selectboard takes the appropriate action with the fire chief. Taylor said the mailer says to “speak with members of the OFD if you have questions on the mailer” The members he's spoken to were not aware of the mailer until they received in the mail.
- Jim Hook was one member that was not aware of the mailer. Hook addressed the Selectboard and read his statement. *“Upon receiving this box holder sent by the Orford Fire Department I was shocked to think someone would make it sound like I approved this letter. I joined the Orford Fire Department in June of 1976 and have never seen anything like this. I could not believe what I read. I didn't have anything with this, nor do I support it at all”.*

- James Carter and Steve Sanborn were two more members that were not aware of the mailer.
- Dave Smith said while he's a member of the OVFD, he's more concerned as a citizen of Orford about the general state of the OFD.
- Janice Bartley, a member of the OVFD, but is addressing the Selectboard solely as a citizen, tax payer and resident of Orford to address the mailer sent out by the OVD members. After she shared her political opinion last March regarding support for a fire chief applicant, she filed a complaint against Chief Straight, not the fire department, as she felt retaliated against by Chief Straight. It was bad enough dealing with one town employee, but now there's a whole group going after her. She is asking if Chief Straight knew about the mailer, and if he didn't, why doesn't he know what his members were doing? She's concerned that members are doing things independently without his knowledge. Unlike the mailer, she signed her name to the complaints she's filed. With no names attached to the mailer, there is no transparency as to who the concerned members are. Not all members of the OVD were allowed to have a say in the mailer. She's asked 5 active members and they knew nothing of the mailer, and were shocked when they received it in the mail. The mailer stated "Do you know complaints against Chief Straight are from members of the OVFD" Why was this addressed in the mailer – while Bartley is a member of the OVFD, her complaints were against Chief Straight and were filed personally, not as a member of the OFVD. They were not filed against the Fire Department nor its members. She believes action needs to be taken against Chief Straight tonight. He continues to not comply with the Selectboard direction with no action taken against him.

Kling said when the Selectboard directs an employee to attend a meeting, that person needs to attend. He also feels complaints need to be address timelier.

**B. Review Warrant Articles** – the Selectboard reviewed several Warrant Articles that needed clarification.

- Capital Reserve Account funding – The Selectboard discussed the amount to fund into the Highway Truck CRF – because of timing of receiving the F-550 sooner than anticipated, additional funds will be needed to cover the cost of the truck and plow package. The options are to add \$134,000 into the Highway Truck CRF or apply for a loan to cover the shortfall of funds – approx. \$60,000. Bob Palifka had suggested the loan as a way to raise the funds needed to cover the shortfall, and use the sale of the old 6-wheeler and F-550 to cover the repayment of the loan in 2025. The Selectboard agreed to reduce the Highway Truck CRF funding to \$74,000 and write a separate warrant article for a \$60,000 loan.
- Charitable Appropriations – Bridge House was requesting funding for 2024. The Selectboard agreed to pass on this request, but to revisit it for 2025.
- Mousley Brook Bridge – Erin Darrow, Engineer is discussing the bridge as a Hazard Mitigation Plan under FEMA – this would provide 75% of the cost to be covered by FEMA funds, if accepted by FEMA. The Warrant Article will be written as a FEMA project.

- The 2 Warrant Articles addressing culvert replacements on Indian Pond Road and the Upper Baker Pond area is still on hold pending a cost analysis from the Engineer.
- The Warrant Article for funding for the Sand Pit Evaluation is on hold pending an estimate from the boring company.
- The Warrant Article for extending the Quinttown Road apron is on hold pending an estimate from a paving company.
- The Selectboard addressed adding a Warrant Article to ask if voters want the Selectboard to continue evaluating uses of the Congregational Church. A second Warrant Article will ask voters for funding to survey, inspect and for other expenses assuming the voters pass the prior warrant article.
- The Selectboard agreed to add a Warrant Article to increase the income limit to qualify for the Elderly Tax Credit (Single from \$25,000 to \$40,000, family from 37,500 to \$50,000)

The Selectboard will meet with the Budget Advisory Committee on January 3<sup>rd</sup> at 5:30 to review the 2024 operating budget and proposed Warrant Articles.

- C. Policies – Revision – Use of Town Properties** – the Selectboard agreed to remove the language stating “No pets allowed on Public Grounds” *Motion made by Follensbee, seconded by Adams to amend the Use of Town Owned Property policy by removing the line of “No pets allowed on Public Grounds” from the Sanitation section, item III. Motion Passed 3/0*
- D. Policies – 2<sup>nd</sup> Review – Complaint/Investigation Policy** – Follensbee read changes, based on suggestions from Town Council, pertaining to the time limit for responses. “With agreed upon time frame, if there is no response within the agreed upon timeline, respondent shall be considered to be in default and will accept the results without recourse”. The Selectboard agreed with the changes made, and the policy will be effective January 1, 2024. *Motion made by Adams, seconded by Follensbee to accept the change to the draft policy. Motion Passed 3/0*
- E. Other** – the 1998 front-end loader fuel pump needs to be replaced at an estimated cost of \$7,000 (worst case scenario). While the repair estimate is high, it’s less expensive than purchasing a new loader. The cost will be covered by the Heavy Equipment CRF.

## **New Business**

- A. Adoption of the Floodplain Resolution** – due to changes to the flood hazard areas by FEMA, the Selectboard must adopt the following resolution and amend the Town’s Flood plain Ordinance. The resolution reads *“Pursuant to RSA 674:57, by resolution of the Board of Selectmen, all lands designated as special flood hazard areas by the Federal Emergency Management Agency (FEMA) in its "Flood Insurance Study for the County of Grafton, NH" dated February 8, 2024, together with the associated Flood Insurance Rate Maps Panels 33009C0570F, 33009C0590F, 33009C0760F, and 33009C0780F dated February 8, 2024 and 33009C0545E, 33009C0555E, 33009C0560E, 33009C0565E, 33009C0735E, and 33009C0755E dated February 20, 2008, are declared to be part of the Town of Orford Floodplain Development Ordinance and are hereby incorporated by reference”*. *Motion made by Adams,*

*seconded by Follensbee to accept the resolution and to amend the Flood Plain Ordinance. Motion passed 3/0*

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

**C. Contracts** – the 2024 contract between the Town of Orford and the Upper Valley Humane Society was reviewed and accepted. *Motion made by Adams, seconded by Kling to accept the contract for 2024. Motion Passed 3/0*

**D. Complaints** (*Follensbee recused himself for the Bartley complaints*)

- **J. Bartley** filed a complaint for retaliation and harassment against the Orford Fire Department pertaining to the box holder mailer received by Orford NH residents. “My complaint is in response to the mailer sent to each box holder in Orford, NH from the “Concerned Volunteer Firefighters of Orford”. I believe this to be continued harassment and retaliation by Town employees. I would like to know what my affiliation to the Orford Volunteer Fire Department, Inc. has to do with regards to the mention in the mailer”.  
Kling said as the Selectboard didn’t send the mailer, he’s not sure who the author is, but believe Chief Straight does. Bartley said she thought the original complaint was already resolved, but concerned it’s not. She feels she may need to bring legal action. She’d also like to know what the petition is about.
- **J. Bartley** filed a complaint for inaction by the Selectboard in obtaining all Fire Department personnel files and securing them at the Town Office.  
”In multiple meetings, the Orford Selectboard said they would order Chief Straight to remove all personnel files form the Orford Fire Department and have them stored in a central location at the Town Office to ensure rights to privacy of personnel files. To date this has not happened. In paperwork regarding my complaint follow-up dated October 2, 2023, from the Orford Selectboard members Adams and Kling stating “Selectmen will also consider centralization of all department personnel records”. Why has this not been conducted? And I do not want to hear the continued excuse of “Terry has not shown up for meetings”, as I have continually heard throughout my complaint process. This is not an acceptable response. You have demanded, in public meetings, that he be present at all Orford Selectboard meetings, as scheduled, per the Selectboard, but we are not here for that. Although, I do thoroughly demand that be dealt with appropriately. Previous complaints have been met with ineffectiveness and inefficiency from this Selectboard. You say that actions will be forthcoming, but yet there is no follow through, there are no timelines given, and we are supposed to just trust that these things will be taken care of. As shown in my previous complaints, your willingness to protect the taxpayers and residents of this town is egregious. If you cannot or will not proceed with what you say you will do, then maybe it’s time for you to remove yourself as a leader in this town”.  
Adams said the Board has some work to do with this matter.
- **Ruth Hook** filed a complaint pertaining to the mailer that stated “Did you know there have been complaints against our Fire Chief that originated from a small group of people in the OVFD, Inc?”. “I want to clarify that my complaints have

nothing to do with the OVFD, Inc organization, they are all personal issues to me. To be labeled as such is truly very misleading to the citizens of Orford”.

She feels as members of the OFD are employees of the Fire Department, she has the right to know who they are, and feels it's the responsibility of the Selectboard to find out who the concerned Volunteer members are that issued the mailing. Hook also questioned why members of the OVD are paid to attend staff meetings, and why they are being paid an hourly rate now, not a flat fee to attend meetings and trainings? (*FYI – department meetings and in-house trainings are paid per meeting, not per hour*).

- **Ruth Hook** filed a complaint regarding the length of time it took for the Selectboard to respond to her complaints filed in 2018 regarding attendance records of the fire department personnel attending meetings. She submitted this as an example of the lack of timely response to complaints by the Selectboard. She discussed the Complaint policy and asked what the timeline will be for investigating and responding to the complainant. Follensbee said the amendment the Selectboard just added to the policy holds the Board responsible to start the process timely, and to set timelines for the person being complained about to respond to the Board. It's difficult to set an overall timeline to close out all complaints, as the more serious the complaint, the longer it will take

#### **E. Correspondence**

- James Carter submitted a statement to the Selectboard “James Carter of Orford, NH, claim discrimination against Terry Straight and his group; Orford Fire Fighters for excluding me and other members of the Orford Fire Department, for putting out a mailer stating that we are part of the group that is responsible for the mailing which states false accusations about the Fire Department and the Orford Fire Fighters Association. We had no knowledge of this group that sent the mailing out to the town's residents. This is extremely concerning the way this unidentified group used me and others for their own purposes”.
- Tom Thomson requested the Selectboard review the name plate for his brother Peter Thomson's photo. The Board agreed it should read “Orford Town Moderator 1970-2016, and School Moderator 1970-2000”
- NH Broadband sent a cost chart for internet services, along with a map of where services will be provided in Orford. Adams will review the map in greater detail.
- Charlie Smith sent an email addressing information on the road fabric he has available, and on a beaver containment system that he'd discussed at a Road Committee meeting. He feels there's a breakdown in communication between the Selectboard and the road committee, and feel the Selectboard isn't utilizing the road committee as effectively as they could.
- Grafton County FEMA mapping open house invitation in Plymouth on January 10<sup>th</sup>. Dobbins-Marsh will confirm the time.

#### **F. Other**

- The Selectboard reviewed the 2023 Municipal Assessment Data Certificate prepared by the Town's assessor Todd Haywood. Per Haywood's correspondence, the NH DRA completes its sales ratio to establish the Town's

share of the school, state and county apportionment. The sales he's released are between October 1, 2022 ad September 30, 2023 for their review. As there were not enough qualified sales in Orford to meet the minimum requirement, the DRA will need to add sales that occurred outside of the time period. Therefore, the document to be signed is preliminary and not for publication. *Motion made by Adams, seconded by Kling to accept the 2023 Municipal Assessment Data Certificate as written. Motion Passed 3/0*

- Unsealing of Closed Minutes – as a result of a Right to Know request, Town Council suggested unsealing closed minutes from 09/26/2023 and 09/29/2023. Council felt the minutes didn't meet the standard of being sealed. However, the Selectboard disagreed. *Motion made by Adams, seconded by Follensbee to NOT unseal the closed minutes from 09/26/2023 and 09/29/2023. Motion Passed 3/0*
- Trade in of Cemetery Mower – Dave Smith, Cemetery Commissioner, obtained an estimate to trade in an old mower for \$600 and asked the Selectboard to approve. *Motion made by Adams, seconded by Kling to accept a trade-in of \$600 for the cemetery mower. Motion Passed 3/0*

### **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 Follensbee, seconded by Kling to enter into non-public session under RSA 91-A:3, II(a) for personnel matters at 8:55 pm. A roll call vote of member's present was taken with a decision in the affirmative.*

The meeting was recessed at 10:00 pm, scheduled to reconvene at 9:00 am on Friday, December 29th

*The Board resumed the regular meeting at 10:44 am, December 29, 2023. A motion was made by Kling, seconded by Follensbee to seal the minutes of the nonpublic session. Motion Approved 3/0*

*Motion made by Adams, seconded by Follensbee that effective upon receipt of the Selectboard notification, Fire Chief Terry Straight is suspended as Fire Chief for just cause of failure to attend required meetings, keep the Selectboard appraised of Fire Department situations, and administrative discussions of 2023 and 2024 budgets. This suspension will be in effect until the terms of the suspension are met. Motion Passed 3/0*

### **Adjourn**

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

The meeting adjourned at 10:50 am

Respectfully Submitted,

Esther Dobbins-Marsh