

TOWN OF ORFORD

Board of Selectmen

Meeting Minutes

January 10, 2024

MEMBERS PRESENT: John Adams, Kevin Follensbee, Chase Kling

OTHERS PRESENT: Esther Dobbins-Marsh, Jason Bachus, Terry Straight, Marc Beaudoin, Charlie Smith, Jo Anne Fratus

Call Meeting to Order

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

Approval of Minutes

Motion made by Adams, seconded by Follensbee to accept the minutes of the 12/27/2023 Public Hearing. Motion Passed 3/0

Motion made by Adams, seconded by Follensbee to accept the minutes of 12/27/2023 (as amended). Motion Passed 3/0

Motion made by Adams, seconded by Follensbee to accept the minutes of 01/03/2024 (as amended) Motion Passed 3/0

Reports

- A. **Police Department** – Chief Bachus presented his December stats to the Selectboard. The department responded to 116 calls (State Police responded to 7 of these calls). The Orford Police Chief responded to 109 calls that included 58 traffic stops, 2 sexual assaults, 1 fraud investigation, and 14 other public service related calls. Investigative calls continue, with Chief Bachus now working on 6 cases involving DCYF, DUI drugs and 1 fraud case. 4 calls for service occurred between midnight and 8:00 am, 62 between 8:00 am – 4:00 pm, and 50 calls between 4:00 pm and midnight. In December, Chief Bachus spent 12 hours of overtime for the Highway Safety Grant, which focused on speed enforcement and drunk driving. In 2023, the total calls totaled 1340 compared to total calls in 2022 of 791. 240 hours of this increase is for traffic enforcement with approximately 100 calls coming from the Traffic Safety grant. Due to an increase in sexual assault cases, Bachus will be attending a Sexual Assault Investigation two-day training in March 2024. He requested the Selectboard approve the cost of an overnight hotel as part of his training budget. *Motion made by Adams, seconded by Follensbee to authorize the cost of an overnight hotel stay while attending the Sexual Assault training. Motion Passed 3/0*

Bachus also mentioned when working on the Safety Grant with the state, it was mentioned that the rate he charges for his cruiser is the lowest in the State, and he'd like to increase to \$25 per hour. This rate is charged when he provides off duty special detail, and for the State Grants. The Selectboard will discuss at a future meeting.

Bachus provided a response to the letter received from the Orford Volunteer Fire department, Inc. (OVFD) regarding the police coverage and related cost billed to the organization. He provided a copy of his memorandum to the Selectboard to read and it

will be addressed at the February 14, 2024 Selectboard meeting. Bachus explained when he provided off duty special detail work for non-Town sponsored activities, he bills the organization or individual party an hourly rate. A few examples of events he charges for are the Prouty, weddings, Rivendell events, and for the OVFD Flea Market.

Kling asked about the status of cases before the Grafton County Superior Court. Bachus said the system is working the way it should, but the courts are running 1-2 month out. As of January 1st, the process changed – all cases start at the District Court, with felony cases moving to the Superior Court.

- B. **Fire Department (FD)**– Chief Straight attended the meeting with his Attorney Marc Beaudoin. No reports were prepared for the meeting, as Chief Straight had been suspended by the Selectboard after failing to attend the required meeting on December 27, 2023 due to a prior commitment, and also had Covid. Attorney Beaudoin requested the Selectboard reinstate Chief Straight and allow him an additional week to create the December reports and other administrative work. At this point the Selectboard were not ready to reinstate Straight. Beaudoin was concerned with the timing of when Straight received the certified letter, and asked if the Selectboard tried to contact Straight prior to the certified letters being mailed. Follensbee said no – sending certified provided the Selectboard with a signature as proof the letter was received, and it's not up to the Selectboard to make sure Straight gets his mail timely.

Kling said there are many issues the Selectboard need to discuss with Straight, such as the over spending of the 2023 budget by approximately \$12,000, the 2024 budget, and the mailer that members of the FD sent out that upset many people in Town. Kling wanted to deal with the budget issues and then the mailer. The extra cost of training included \$6,600 to learn how to use the new State reporting system (CSI) and to enter several years of unreported data. Straight said Adams authorized the training, but Adams said all he authorized was for training on how to use the new system scheduled to be held in Hanover and Bradford, VT, which would only be a few hours. Adams also authorized Straight to train a few other FD members on how to use the CSI system, but not for the data entry hours.

The Selectboard also asked about the amount of salaries paid for calls – Straight said calls were up in 2023, and the department has no control on when calls will come in. The Selectboard asked why there are so many calls for mutual aid to Fairlee? Orford went on automatic mutual aid to Fairlee in the spring of 2023, and again for August due to the passing of a member. The Selectboard feel long-term agreements like this are an abuse of the mutual aid agreements between towns. Straight making this unilateral decision to spend Orford tax dollars responding to all these calls in Fairlee is wrong.

The mailer was addressed next – Kling reminded Straight, from a previous meeting, that all forms of communication coming from the FD members is Chief Straight's responsibility. Attorney Beaudoin said Chief Straight was aware of the mailer, but as it's not official FD correspondence, Straight had no control over it. The members of the department are expressing their 1st amendment rights. Did Straight have any part of this mailer? Straight said no. Kling said he heard that Straight took the mailer to be copied.

Kling said Straight could have suggested to the members not to send the mailer. Beaudoin said it's not a political issue because it's not directing anyone to vote a certain way or for a specific person. Beaudoin also expressed concern over the lack of policies and procedures, which need to be developed, which are being worked on by Chief Straight. Kling disagrees with being a 1st amendment rights' issue because when a petition references a petition asking residents to sign, it becomes a political action. Beaudoin said the mailer was a sharing of information, and because no petition was attached to the mailer, the mailer was more like a newsletter, and again, not an official FD document. Kling still feels it's a political action because it's asking for change. Kling also asked who wrote this mailer, and he feels Straight knows. If he doesn't, he needs to find out. Beaudoin said when a petition is presented, where names will be listed, then you'll possible have your answer as to who sent the mailer.

Follensbee asked Beaudoin to confirm that Chief Straight has not given any orders to members of the Orford FD since being suspended. Beaudoin confirmed that's what he was told. Follensbee asked Straight if he knew who responded to a call in Fairlee on December 12th. Straight said he heard Jimmy Carter sign on, but didn't know of anyone else. Follensbee then shared a copy of a text between Straight and a FD member directing him to put himself as unavailable for 9-1-1 calls. Later on, Follensbee said Straight was discussing other FD members that responded to the call. Follensbee shared several texts with Attorney Beaudoin between Straight and FD members since being suspended. Beaudoin said these texts fall under personnel matters and the Selectboard needs to start an internal investigation. Straight also continues to post on the Facebook page. As addressed in past meetings, this is considered a Department Facebook page, and he is in violation of the Town's Social Media policy. The Selectboard are also requesting all FD personnel files be brought to the Selectboard office, where they will be maintained. The Selectboard discussed lifting the suspension for administrative work only. Attorney Beaudoin asked for a brief recess so he could confer with Straight. The meeting recessed at 6:53 pm

At 7:01 pm the meeting resumed. The Selectboard stated Straights suspension was for cause due to not attending required meetings, not keeping the Selectboard apprised of FD activities, and over spending the 2023 budget with no prior discussion with the Selectboard. The board agreed to lift the suspension for the following matters: 1. Move personnel files to the Selectboard office, 2. Attend the budget meeting scheduled for January 16, 2023, and 3. Explain the over spending of the 2023 budget.

Motion made by Kling, seconded by Adams to lift the suspension of Chief Terry Straight (for administrative purposes to move all Fire Department personnel files to the Selectboard Office, work in the 2024 FD budget, and explain the over spending of the FD 2023 budget) until January 16,2024 when he will meet with the Selectboard, at which time the suspension may be lifted entirely. Motion passed 2/1 (Follensbee voted no).

The Selectboard will schedule a work session for January 15, 2024 to review and discuss the FD compensation options. Follensbee asked Straight what the annual stipends paid to the FD officers are for. Straight said it covers building inspections (2-3 at 4-5 hours each) and to attend meetings. Follensbee said that feels like a lot of money for

a few hours work. At this point, Straight said he was done answering questions, and left the meeting.

- C. **Highway Department** – the department met with Follensbee to plan for the storm coming the weekend of January 12th. Issues with the 6-wheeler and 10-wheeler have been addressed. The front-end loader still needs to be repaired, but can still be used for loading gravel into the trucks.
- D. **Road Committee** – Charlie Smith addressed his concerns of lack of communication between the Road Committee and the Selectboard. He feels the Selectboard should have a Code of Conduct policy, as many other Town do. He's heard many negative comments made about himself and the Road Committee in Selectboard meetings, and stated it must stop. Smith asked if the Selectboard is actively looking for a Road Agent. Should the board hold a special meeting to address this issue? He feels having the Selectboard act as the Road Agent is in violation of RSA 669:7 which states that no person shall at the same time hold any 2 of the following offices: Selectman, treasurer, moderator, trustee of trust funds, tax collector, auditor and highway agent. This RSA pertains to Town Elections and for elected positions, and the Selectboard feel this doesn't apply to a Road Agent that's hired. Currently the Highway department has three (3) full-time employees, and the plan is to train and grow one into the Road Agent position. Smith asked if hiring a Road Agent can be addressed at the annual meeting, or would a Special Meeting be a better option. The Selectboard said hiring a Road Agent would add a 4th member to the Highway department, and would most likely be paid to perform more office work and supervision vs a working Road Agent. Smith feels this type of person could save the Town money in engineering fees, as they would take on supervision of Town projects. The Selectboard said a petitioned Warrant Article could be presented at the annual meeting for hiring a Road Agent. Adams said the Selectboard needs to meet on a quarterly basis with the Road Committee to help improve communication between the two groups.
- E. **Selectboard attended meeting recap** – Adams reported the court didn't accept the request to appoint the three (3) candidates to fill the vacant Planning Board positions, but scheduled a hearing for February 7th to hold a hearing on the matter. Adams will contact the applicants to see if they attend this hearing.

Old Business

- A. **Support for the Orford Fire Department** – Jo Anne Fratus addressed the Selectboard and stated her support for the Orford Fire Department (OFD) and Chief Straight. As a new resident in Orford, she was never aware that the Orford Volunteer Fire Dept., Inc. (OVFD) and the OFD are two separate entities – it's very confusing. Why is a private entity allowed to use this name – because it refers to volunteers, she assumed they were the same. Can the Selectboard clarify this? Adams said because the OVFD is not a Town entity, Fratus would need to discuss with the OVFD to learn of their history and reason for their name. Kling said while the OFD and OVFD are similar, there is also confusion around the "Friends of the Libraries" – another independent group in Orford that supports the two Town libraries. Fratus also expressed her concern that the

Selectboard are reprimanding Straight for over spending his training budget, but allows over spending of other department and warrant articles. Training is very important for OFD members. Adams said the concerns is for the type of training, which included hours of data entry – the Selectboard supports professional training of OFD members.

B. Review of 2024 Proposed Warrant Articles – the Selectboard reviewed the Warrant Articles for potential changes.

- Loan to cover the shortfall for funding of the purchase of Highway trucks – the Selectboard had discussed asking to the voters to approve the Board taking a loan to cover the shortfall vs adding additional funds into the Highway Trucks CRF. After a conversation with Chris Crowley, Trustee of the Trust Funds, he felt because the original Warrant Article indicated the Town would pay for the trucks using the Highway Truck CRF, using funds from the loan would violate the original article. Dobbins-Marsh spoke with our rep at the NH DRA to see if the loan could be moved into the Truck CRF, but she said that was not allowed. Therefore, the request to take a loan was removed as a Warrant Article, and the funding into the Truck CRF will be increased to \$146,000
- Archertown Road Phase II – the Board discussed using \$100,000 from the Road Improvement CRF account to cover some of the cost for the project.
- Quinttown Road Apron Extension – Follensbee said he thought the cost to extend the apron paving would be close to \$25,000. He's requested a quote from Blaktop to pave 450 additional feet, and one to pave an additional 240 feet.

A meeting will be scheduled for January 16, 2024 at 5:30 pm between the Selectboard and the Budget Advisory Committee to wrap up the proposed 2024 operating budget and the warrant articles for presentation at the Budget Public Hearing scheduled for January 30, 2024 at 7:00 pm

C. Update of Outstanding Projects

- New ListServ accounts – Orford now has two ListServ accounts – one will allow for sharing of official information such as minutes, agenda and election information. Anyone that requests to join will be allowed to. *Motion made by Adams, seconded by Follensbee to allow access to this ListServ account to anyone that requests membership. Motion Passed 3/0*
The 2nd ListServ will be similar to the old version and will allow for interaction between members of this group (lost dog, items for sale, etc.). A mailer was sent to all residents with instructions on how to sign up for both sites. The information is also available at the Libraries, Town Clerk and Selectboard offices.

New Business

A. Complaints

- Jo Anne Fratus filed a complaint against the Selectboard Members. Due to receipt of the complaint only a few minutes prior to the meeting, the Selectboard will review at their regular Selectboard meeting on January 24, 2024
- Mandy Bragg sent an email regarding her mailbox being hit by the Town plow. Follensbee will work with the Highway crew to have it replaced.

B. Selectboard Coverage at the 1/23/2024 Presidential Election – the Selectboard will meet on Monday, January 22nd at 1:00 pm to set up for the annual meeting at the Town Office. Areas outside for campaigning and voting booths inside the Niles Room. On the day of the Presidential Election, January 23rd, the board members will work shifts to be on site for the election day.

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

D. Action Items Folder

- Appointment of Edmond Cooley to the UV Lake Sunapee Regional Planning Commission – *Motion made by Adams, seconded by Kling to appoint Edmond Cooley to the UVLSPRC effective immediately, for a two-year period. Motion Passed 3/0*
- Resignation as an Inspector of the Elections from Marion Spottswood. *Motion made by Adams, seconded by Follensbee to accept the resignation of Marion Spottswood as an Inspector of the Election for the Town of Orford. Motion Passed 3/0*
- Susan Kling sent a letter to the Selectboard stating she’d like to fill in as a Ballot Clerk for the NH Primary election in Orford on January 23, 2024. She requests to be appointed. *Motion made by Adams, seconded by Follensbee to appoint Susan Kling as an Inspector of the Election for the Town of Orford. Motion Passed 3/0*
- The Highway department requested to purchase a box to store heavy equipment (chainsaws, etc) inside the cab of the 10-wheeler. The cost will be less than \$1,000 and part of the Highway operating budget. The crew will install the box. The Selectboard approved this purchase.
- Curb Cut Application received from Hunter Nutter. Kling will work with Ted Nutter, Highway Supervisor to review the sign and possibly approve the Curb Cut.

E. Correspondence Folder

- NHDES Notice of Permit Application for 21 Norris Road
- Peter Thomson plaque approval – the Selectboard agreed with the information to be printed on the plaque for the photo of Peter Thomson
Orford Town Moderator – 1970 to 2016 (46 years)
Orford School Moderator – 1970 to 2000 (30 years)

F. Contracts – none received

Manifests, Payroll and Accounts Payable folders

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

Adjourn

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

The meeting adjourned at 9:17 pm

Respectfully Submitted,

Esther Dobbins-Marsh