

# TOWN OF ORFORD

Board of Selectmen

Meeting Minutes

February 14, 2024

MEMBERS PRESENT: John Adams, Kevin Follensbee, Chase Kling

OTHERS PRESENT: Esther Dobbins-Marsh, Jason Bachus, 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 01/16/2024 (as amended) Motion Passed 3/0*
- *Motion made by Kling, seconded by Follensbee to accept the minutes of 01/24/2024 (as amended) Motion Passed 3/0*
- *Motion made by Follensbee, seconded by Kling to accept the minutes of 01/30/2024 (as amended) Motion Passed 2/0*
- *Motion made by Follensbee, seconded by Adams to accept the minutes of 02/07/2024 (as amended) Motion Passed 3/0*

## Reports

- A. **Fire Department** – Chief Follensbee reported the department currently has 10 members – 6 are interior certified and 4 are EMT’s that are at an advanced level or higher. One of the EMT’s is completing their license renewal process. In January, the department responded to 15 calls-4 fire, 6 medical and 5 for the January 13<sup>th</sup> storm. Follensbee has filed the January 2024 reports with the Fire Marshall. He needs to look into the reports for October 2023 as they haven’t processed thru the Fire Marshall’s office yet. Possibly the file needs to be re-transmitted. The department members have completed the inventory of the department supplies and equipment. There was an issue trying to fuel the trucks at the NH DOT garage. The mileage of the truck needs to be entered at the fuel pumps before fueling can begin, however, past mileage entered was higher than the truck mileage, so NH DOT had to reset the mileage readings for each truck. Adams asked about recruiting additional members - Follensbee said following the Annual Meeting, the Selectboard will appoint a Fire Chief and that person will take over recruitment.
- B. **Police Department** – Chief Bachus presented his stats for January – the Orford PD responded to 77 calls, and State police responded to 3. The Orford PD calls included 3 fire related assistance, 3 misc. criminal, one each missing person, animal complaint, theft, parking complaint and fraud, 6 non-criminal incidents, 19 traffic enforcement (one summons), and 41 public service/administrative calls. Investigative calls continue with two being referred to prosecution, one arrest for DUI-Drugs, and one juvenile arrest. Three cases have continuing investigation needs. Bachus also worked 8 hours of patrol hours in Piermont.

Bachus asked to have the Selectboard approve the increase of the cruiser fee to \$25 per hour. This fee is charged when Chief Bachus provides coverage for special events.  
*Motion made by Adams, seconded by Kling to authorize the increase of the Cruiser fee to \$25 per hour. Motion Passed 3/0*

Bachus will be attending the Emergency Responder training which starts the last Saturday of March and goes thru the first Saturday of May. The classes are every Wednesday and Friday evenings, (online for four hours), and every Saturday in Bethlehem, NH for 6 hours (in person), for a total of 76 hours. Piermont PD will be available to respond to the Town as needed.

- C. **Highway Department** – Selectboard – with the recent warm weather, the gravel roads have become soft. The Highway department has been adding gravel to the roads, grading and raking to repair the ruts. The 6-wheeler is still at AGT in Lebanon with brake issues.

D. **Recap of Selectboard attended meetings**

- Cemetery Commission – Cemetery Commission members will be attending the annual Cemetery spring conference. The Commission is dealing with green burials, which will be a topic of discussion at their annual conference. The new mower is ready for use when needed.
- Road Committee – The committee discussed their concerns with Phase I of the Archertown Hill project. They reviewed the scope of work from the engineering firm and the gravel sample the committee took from the hill failed to meet her specs, which are also the NH DOT specs. The committee feels the road was constructed on what appears to be a substandard base and most likely will fail in a short amount of time.

Erin Darrow, engineer with Right Angle Engineering submitted her response to the minutes from the 1/11/2024 Road Committee meeting, disputing their claims of substandard gravel.

Darrow also requested meeting with the Selectboard to review Phase II of Archertown Road. It was agreed to postpone the meeting until after the annual meeting – if the warrant article for Phase II is defeated, no meeting will be needed, and if it passes the new Selectboard will need to meet with her to review the plan and other documents.

## Old Business

### A. Update of Outstanding Projects

- Broadband – Memorandum of Understanding was reviewed between NH Broadband and the Town of Orford. In this understanding, the Town will pay NH Broadband \$130,000 of ARPA funds to install broadband throughout the entire Town, with the exception of the area covered by Lyme Fiber, to cover the Gap Area in Orford.

*Motion made by Follensbee, seconded by Adams to enter into the Memorandum of Understanding between the Town of Orford and NH Broadband to extend the Orford Broadband Network to cover the Gap Area in exchange for \$130,000 of ARPA funds. Motion passed 3/0*

- B. Road Agent/Attorney General Response** – Adams discussed the conversation he had with the Attorney General's office regarding the Selectboard acting as the Road Agent on a long-term basis, which is not allowed. The AG's office gave the Orford Selectboard 30 days to find a solution to this issue. The Selectboard agreed to interview the highway department supervisor Ted Nutter for the position. If the interview doesn't meet everyone's expectations, the Selectboard will advertise for the position.
- C. Complaint Follow up – Jo Anne Fratus** – Fratus spoke to the Selectboard on her complaint filed January 10, 2024.
- Selectboard members not keeping their word – twice she's had to email the Selectboard to remind them of the agreement between her and the Town of replacing her driveway culverts "that would impact the Archertown Road project" according to Erin Darrow, the project engineer. Fratus offered to limb some trees along her property line abutting the road in exchange for the culvert replacement. Fratus wants it put in writing to her that the Town will honor the agreement made to replace her two driveway culverts. Fratus would also like a revised contract from Right Angle Engineering reflecting the scope of work to include the replacement of her driveway culverts, as well as other driveway culverts that will be impacted by the project. The Selectboard said the current plan is to reset driveway culverts, and replace those that are in bad condition. Fratus said that Darrow was told not to include driveway culverts in the scope of work, and Darrow's minutes from the meeting on 01/12/2024 reflects driveway culvert replacements are not in the scope of work. Fratus would like to see the revised contract reflecting driveway culverts being replaced/reset as part of the scope of work.
- D. Other**
- Fratus expressed her concern about not being notified that Asplundh Tree Service was in Town to trim trees. The Board said Asplundh was hired by Eversource to trim tree branches along their power lines, and as it's not a Town sponsored event, notice was not sent by the Town. However, Asplundh did send notices directly to property owners, but Fratus never received her notice. She contacted Adams, along with other property owners on Archertown Road, and he told her the Highway department knew Asplundh was in Town as they were parking their trucks at the highway garage. Fratus felt a notice should have been posted on ListServ by the Road Agent, aka the Selectboard.
  - Fratus commented on the Selectboard asking Terry Straight to remove the radio in her personal truck and return it to the Town. If Straight is willing to pay for the radio, and to remove it will cost the Town money, why is this happening? She expressed concern this is a personal vendetta and will also cost the Town money.

#### **New Business**

- A. Review and Sign MS-636** – The Selectboard reviewed the 2024 MS-636 (Budget).  
*Motion made by Adams, seconded by Follensbee to approve the MS-636. Motion Passed 3/0*

**B. Policy Introduction** – The “Elected and Appointed Officials Code of Conduct Policy” was introduced to the Selectboard. Members will review with suggested changes to be discussed at the 02/28/2024 Selectboard meeting.

**C. Action Items folder**

- Agreement and Release Permit for Construction on a Class VI Road – Jim & Sylvia Evans submitted the Application for property recently purchased abutting the Old Grimes Hill Road. They are planning to construct a house and barn on that property. Kling is working with them as the Old Grimes Hill road abuts Route 25A and the Town has to apply with the NH DOT when Town roads abut state highways. The line of site is 400’ each way, and may be an issue for the State as there is only about 100’-150’ going east when exiting Old Grimes Hill road onto Route 25A.
- FEMA Flood Insurance Rate Map locations – FEMA provided the properties in Orford that will be impacted by the new FEMA changes. A copy of the FEMA report will be sent to each property owner.
- Deputy Fire Warden – notice of the appointment of Kevin Follensbee as a deputy fire warden was presented to the Selectboard for their signatures. *Motion made by Kling, seconded by Adams to appoint Kevin Follensbee as the Deputy Fire Warden. Motion Passed 2/0*
- A draft letter was prepared, addressed to Erin Darrow, Engineer, regarding the additional charge from R&D for the overlay on the Archertown Road from the start of Phase I to the Dublin Road extension. This charge was more than the bid the Selectboard approved due to the shoulder gravel that was added at the time of paving, without Selectboard approval. The Selectboard will address at a future meeting.

**D. Complaints** – Adams reached out to Jo-Anne Fratus and Jennifer Carter regarding complaints filed in early January 2024. Adams will respond to each complainant, in writing, updating them on action being taken.

- Carter wanted reference to her to be removed from a letter sent to Emily Moore. The Selectboard agreed to remove that bullet point and re-send the letter to Emily Moore.
- Fratus has address her concern with her driveway culverts earlier in the meeting. The second item in her complaint was regarding the character assassin of Terry Straight by board members, and the third item was the need for a Code of Conduct policy.

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

**F. Correspondence**

- Letter from Terry Straight – Straight is requesting the Selectboard reconsider their decision to not sell the Town owned radio, installed in his personal vehicle, to him. Kling took exception to this request - when Straight resigned he should have known that all equipment provided by the Town should be returned to the Town. The Selectboard gave him a date of February 1<sup>st</sup> to have the radio removed and returned to the Town. He feels this is a stall tactic, and feels strongly the radio should be returned. Follensbee will contact the Town Attorney

to discuss the issue and obtain an opinion on what the options are for the Board. Follensbee said if a Fire Department radio fails, the department would have to purchase a new one, or the department could swap it out for the radio that Straight has, which would save the Town money.

- NH DRA – Equalization Ration notification – the DRA has completed their review and have determined the average level of assessment for Orford as of April 1, 2023. The Selectboard will review with the Town Assessor at the 02/28/2024 Board meeting
- Email from David Hubbard regarding the condition of Archertown Road Phase I paving – he expressed his concern about the deterioration of the paving (the Highway crew will patch these areas before the top cost of paving is put down in 2024), and the apparent narrowness of the road at the elbow between the new guardrail and the uphill drainage ditch. He suggested placing reflector posts on both sides of the road marking the culverts and slight bend in the road opposite High Bridge Road.
- Notice from Town Council on the Greg Gould vs Town of Orford and Mountain View Hideaway – a decision by the judge on this case should be available by April 1, 2024. Kling asked why the case was moved to Hillsborough Superior Court (it started at Grafton Superior Court). Adams explained all Land Use appeals are now assigned to the NH Land Use Court, which meets at the Hillsborough Court building, and this case is considered a Land Use case.

**G. Other** – an individual sewage disposal system design was submitted on behalf of James Feuille. Adams had questions for the designer, but was not receiving return calls. Dobbins-Marsh will try to contact the designer to have him reach out to Adams.

### **Manifests, Payroll and Accounts Payable folders**

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

### **Adjourn**

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

The meeting adjourned at 8:03 pm

Respectfully Submitted,

Esther Dobbins-Marsh