

# TOWN OF ORFORD

Board of Selectmen

Meeting Minutes

February 28, 2024

MEMBERS PRESENT: John Adams, Kevin Follensbee, Chase Kling

OTHERS PRESENT: Esther Dobbins-Marsh, Charlie Smith, Todd Haywood (called in)

## Call Meeting to Order

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

**Annual Meeting Presentation** – Kling discussed the framed photo of Peter Thomson, to be presented at the Annual Meeting, and displayed at the Town Office.

## Approval of Minutes

- *Motion made by Follensbee, seconded by Kling to accept the minutes of 02/14/2024 (as amended) Motion Passed 3/0*
- *Motion made by Follensbee, seconded by Adams to accept the minutes of 02/20/2024 Motion Passed 3/0*

## Reports

- A. **Assessor** – Todd Haywood reminded the Selectboard of one appeal for 2022 that is with the BTLA. He is in communication with the BTLA and will let the Selectboard know of future action they may need to take. He's completed the land changes that were approved since April 1, 2023.

The NH Dept. of Revenue (DRA) has finalized the 2023 equalization ratio study. The results are, a median assessment to sale ratio of 63.8% (this is the statistic used for abatements, current use and utilities equalization). The weighted means was 62.3% (this statistic is used to determine Orford's share of any shared budget such as school and county). The coefficient of dispersion (COD) was 23% (this statistic measures the equity among assessments). It is slightly outside the acceptable range determined by the NH Assessing Standards Board of 20%. The price related differential (PRD) is 1.01 – this suggests a slight bias towards the higher valued properties but is within the ASB's acceptable range.

Adams asked why the equalization value is just over 60%. Haywood explained the valuations were last set in 2020. Market values have increased substantially which impacts the calculation used to set the value.

In 2025, the entire Town will be reassessed, according to the NH constitution and State law. Haywood follows a 6-step process when reassessing a Town from start to finish. Haywood also prepared a Land Use Change Tax (LUCT) application for map & lot #001-093-01B for property coming out of Current Use.

- B. **Selectboard attended meeting recap**

- Conservation Commission meeting was attended by Follensbee. The members discussed the upcoming snowshoe event and future events for the summer of 2024

- Road Committee work session was attended by Kling. The members met on the Archertown Road hill to review Phase I concerns. Members had an open dialog with Erin Darrow, Engineer and discussed specific concerns and remedies.
- Planning Board meeting was attended by Adams, along with the three recently appointed members. Vickie Davis reviewed the process that members follow. The Planning Board reviewed and approved a Major Subdivision (had to file as major due to timing of a previous minor subdivision).

## Old Business

- A. **Archertown Road Phase I-Road Committee concerns** – Charlie Smith reported on concerns the Road Committee has had for some time about Phase I, and has made recommendations about gravel and water mitigation, to no avail. The design by DuBois & King in 2020 varied vastly from the design by Right Angle Engineering, whose contract as of 04/18/2023 states the project will consist of a comprehensive full reconstruction of the road. Kling, as the liaison to the Road Committee, has not reported to the Selectboard topics discussed during the Road Committee meetings and concerns expressed about the project. Quarterly meetings between the Selectboard and Road Committee members have also not taken place. The Road Committee has been told to focus on future projects, and to not communicate with the Engineer on the Archertown Road Phase I project, but where is it stated this is the case? After 8 months of the Road Committee expressing concerns about the project, Kling requested a copy of the draft minutes from their 02/08/2024 and had them sent to Darrow. Why? Draft minutes aren't official until approved by the committee.

Smith shared photos of Archertown Road hill supporting the Road Committees concerns. There is a 3/8"-1/2" wide crack in the paving about 40' in length, and a depression of about 1-1/2" in the road. After spring thaw there will be more issues. The Road Committee has expressed concern about water mitigation, but nothing seems to have been taken into consideration. SW Cole took gravel samples, the 1<sup>st</sup> analysis failed specs. 304.3 gravel will work on roads when no water mitigation is needed, but for the hill, water mitigation is necessary. Also, the paving was done when it was too cold

- Adams said R&D Paving has reviewed the road and took a gamble the paving would adhere even with the cold temperatures. However, the options were to pave or to leave the road unpaved, which would have created a muddy mess on the hill.

The Road Committee scheduled a work session for Feb 21, 2024 at 10:10 on Archertown Road to review and discuss concerns about Archertown Road Phase I. Kling relayed to the Road Committee he could not attend due to short notice, but Kling was at the site before the work session began, meeting with Erin Darrow, Engineer, Ted Nutter, Road Agent, Roger Hadlock, Highway crew member and a rep from R&D Paving. Upon Smith's arrival to the site, Kling quickly yelled at him (the chair) "you're on public property and can't hold an official meeting on public property." Smith told Kling the meeting hadn't been called to order yet, but Kling continued for several minutes "yelling from the top of the hill" on the same topic. Everyone on the road heard him yelling, including the outside Civil Engineer that Smith brought to the Road Committee meeting. The Road Committee

would have welcomed the engineer, and did, but none of the participants wanted to join the outside engineer. Was the Selectboard members made aware of this meeting with Right Angle Engineering? Was the Town billed for this meeting?

- Kling corrected Smith, as he was parked on private property, not public as stated.
- Regarding Smith's comments on draft minutes, Kling reminded him all draft minutes are available to the public, upon request, within 5 work days from the meeting. They can be shared with anyone. At the Road Committee meeting on 02/08/24, the members discussed the road base, materials used, improper installation and design of the project. Darrow was concerned about her professional reputation, and asked for a copy so she could respond, which she did.
- Darrow and Bill Wanner (not R&D) came to Orford to review the project (at no charge to the Town), and called Kling to join them. Darrow also asked Ted Nutter and Roger Hadlock to attend the meeting, as they had discussed the paving situation with R&D previously. This was not a public meeting, so no posting was necessary. Some of the issue with the paving is due to the weight of trucks driving on the edge of the pavement. Either the engineer or project manager was on site to make sure the road design specs were followed.
- The Road Committee meeting started late because Smith arrived late. After about 15 minutes, Smith left with the Civil Engineer and didn't rejoin the group. This was Smith's chance to ask questions of Darrow. Kling feels the issues can be worked out. Kling asked Smith about the comment Darrow made that Smith had contacted her at Right Angle Engineering to try to work for her on this project. Is that true? (Smith said no). Kling stated conflict of interest is a serious matter.
- Adams said there needs to be a work session scheduled for the Selectboard, Road Committee members, the Engineer of record and other experts. This will allow everyone to hear the same concerns and responses. The Road Agent will also be invited. Dobbins-Marsh will get dates from Darrow and notify the other Board and Committee members. The Town wants to have a good road that lasts, but concerns need to be address and clarified.

Smith introduced the potential legal matter for the Selectboard to review:

*Oath of Town Officers-Title III, Chapter 42, Subsection 42:1, Oath Required – A sworn in official Selectman/Selectwoman would face the municipality, state and/or federal level consequences-depending on level of violation. Monetary funding falls under NH Rev. Stat 673:13 (Removal of Members)-This topic is recommended to be discussed in an executive session).* Kling continues to act in an unprofessional and unethical manner. He has told the Road Committee chair to "shut up" and spoken about its members, and others in Town, in derogatory terms. Smith will not take his abuse any more.

- Kling commented that as he did not contact Darrow to come to Town – it was her decision, and no Town funds were spent, so feels there's no misconduct on his part.

The Road Committee had recommended "by-laws" to the Selectboard, but these by-laws have not been fully approved, therefore the Road Committee submitted a petitioned

Warrant Article for the Town to approve. If the Road Committee can't get their recommendations heard by the liaison or the Selectboard, what's the purpose of establishing a Road Committee?

- Adams told Smith the Selectboard had approved all the by-laws suggested by the Road Committee, except for the response time as 14 days won't work due to the Selectboard meeting schedule. If changed to a 30-day response time, the Selectboard could then approve the by-laws. Smith said the Road Committee had asked Kling to present that option to the Selectboard.

Smith said at some point during the meeting on the hill, Darrow mentions some concerns she had about the Phase I project. He asked if the Selectboard could request these in writing from Darrow. Adams said the request will be made, but her concerns should be addressed at the meeting to be scheduled.

**B. Old Grimes Hill Road/Route 25A Intersection** – Kling is working with the new property owners and the NHDOT Division 2 out of Enfield, NH. As Old Grimes Hill road intersects with Route 25A, the state engineers will need to review the site to determine if Old Grimes Hill road can be used (site lines may be an issue). Old Grimes Hill road might be able to be used for power poles to be installed – the property owners will need to work with NH Electrical Coop to layout the Right of Way.

9-1-1 was contacted to provide an address for the property abutting Old Grimes Hill Road. After 9-1-1 provided the address, they strongly suggested having the road renamed to avoid confusion with Grimes Hill Road.

**C. Policy 1<sup>st</sup> Review – “Appointed & Elected Officials Code of Conduct”** – after a brief discussion, Adams agreed to work on revising the policy. The policy will be reviewed at the 03/27/2024 Selectboard meeting.

**D. Update on FD Radio** – the radio installed in Terry Straight's personal vehicle will be removed on 02/29/2024 and returned to the Fire Department.

#### **New Business**

**A. Road Closures eff 02/28/2024** – *Motion made by Adams, seconded by Follensbee to post the roads as of 02/28/2024. Motion Passed 3/0*

As a reminder, once the decision is made to post the roads, 24 hours are allowed to have heavy equipment removed from a logging site.

#### **B. Action Items**

- The Selectboard reviewed and signed the LUCT application for removing acreage from Current Use due to a recent purchase of map & lot #001-093-01B
- Veterans' Tax Credit application submitted by Daniel Kardos was reviewed and signed. *Motion made by Adams, seconded by Kling to grant the Veterans' Tax Credit of \$500 to Daniel Kardos. Motion Passed 3/0*
- Request to use the Common for the 2024 concert series by the Bandstand Committee. The form will be amended to include language that driving on the Common is only allowed to load and unload band equipment.

#### **C. Complaints**

- *Faith Knapp – Chase Kling as a Selectboard member is not available with personal land line, cell phone or computer. As an elected member to serve the*

*community, he is not available. Knapp has a problem with Kling using town facilities as his private domain.*

Adams felt if there is no requirement of Selectboard members to have published contact information, then this doesn't reach the level of a complaint. If contact information is required, then the Board will address, if not, this complaint becomes correspondence only.

Kling responded that his contact information is published in the annual town report, but his home is not a Town office, and his wife is not a Selectboard member. His land line should be used for emergency calls only. He doesn't have a computer and has a deep cynicism for electronic media as it's often misused. He is unaware of any NH Statutory regulation that requires a municipal office holder to use such. He doesn't use the Town Office as his private domain and has no desire to take over the Administrative Assistant position.

- *Ann Green – Green is asking the Selectboard why the 2015 Ford Explorer was retained for the Highway Department, and not sold/traded as per the Warrant Article approved at the March 2022 annual meeting.*

Adams said this will be addressed as part of correspondence, as it doesn't meet the definition of a complaint.

- *Shawn Garran – Defamation for using his name in a response to a complaint filed by J. Follensbee*

Adams said as this is considered a personnel issue it will be addressed in a closed session.

- Old Complaints – Adams will be responding to a complaint filed by Jennifer Carter and one filed by Jo-Anne Fratus next week.

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

**E. Correspondence**

- Ann Green – concerned the 2015 Interceptor was retained for the Highway Department vs being sold or traded. Per the Town's purchasing policy, this is allowed. The Selectboard had also received a legal opinion stating the Board is allowed to make this decision. That said, the Selectboard will review using the vehicle by the Highway department to determine if it should still be kept for the Highway Dept use.
- Stephen Sanborn submitted his letter of interest for the position of Fire Chief for the Town of Orford. The Selectboard will consider his application at the time of appointments following the annual meeting
- NH DES – the NH DES determined there are no violations of the property at 13 Tannery Road in Orford, and NH DES won't take jurisdiction over this matter at this time.
- Vickie Davis sent an email asking if there are any properties in Orford what might be considered a brownfield. The Selectboard aren't aware of any, but will address with the Planning Board and Conservation Commission.
- Erin Darrow, Engineer submitted an email with explanation of contractor invoices paid on behalf of the Town by Right Angle Engineering. As per the contact, a 15% administrative fee is added to these invoices.

**F. Other** – Voting booths will be set up by the Selectboard members for Town Meeting on March 12<sup>th</sup>. Follensbee said that Rivendell is having an issue with their elevator and the Town will need to make signs to direct handicap voters to access to the gym at different entrance points. Information will be published on the Website, ListServ and on sandwich boards at the school.

**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 Adams to enter into non-public session under RSA 91-A:3, II(a) for personnel matters at 7:55 pm. A roll call vote of member's present was taken with a decision in the affirmative*

*The Board resumed the regular meeting at 8:25 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 Adams, seconded by Follensbee to adjourn the meeting. Motion Passed 3/0*

The meeting adjourned at 8:26 pm

Respectfully Submitted,

Esther Dobbins-Marsh