

# TOWN OF ORFORD

Board of Selectmen

Meeting Minutes

June 12, 2024

MEMBERS PRESENT: Kevin Follensbee, Chase Kling, Larry Taylor

OTHERS PRESENT: Esther Dobbins-Marsh, Jason Bachus, Steve Sanborn, David Smith, Brenda Smith, Seth Carter, JJ Hebb

**Call Meeting to Order** - The meeting was called to order at 6:00 p.m.

**Public Comments** – none received

## Approval of Minutes

- *Motion made by Taylor, seconded by Follensbee to accept the minutes of 05/22/2024*  
*Motion Passed 3/0*
- *Motion made by Follensbee, seconded by Taylor to accept the minutes of 06/05/2024*  
*Motion Passed 3/0*

## Reports

- A. **Fire Department** – Chief Sanborn reported on the department activity – for the month of May they responded to 15 calls, 11 of them were medical calls. In early June the department responded to another brush fire at the top of Mt. Cube. The department attended a training by Fire Tech and Safety where members watched demonstrations for new techniques and tools to be used for specific fire-related events. The department is working on a list of equipment they'd like to purchase and are exploring grants to cover the costs. One new member was added to the roster and one member is leaving Orford and the department. The tanker and Engine had foam units repaired (the company discussed how to better maintain these units to prevent costly repairs in the future).
- B. **Police Department** – Chief Bachus reported on the department activity – for the month of May 130 calls for service occurred in Orford, with 7 being handled by the State police. The 123 calls handled by the OPD included 1 fraud case, 2 each of animal complaints and motor vehicle accidents, 1 sexual assault and 1 disorderly conduct investigations, 4 each of fire agency assists and non-criminal incidents. There were 80 traffic stops, with 13 summonses issued. In addition to his regular full-time hours, Bachus worked 8 hours of the Highway Safety Grant patrol, along with patrol hours in Piermont and contracted services at Rivendell. Late in May, Bachus added two complex investigations to his list of work, and 1 child abuse case in early June.

With the bandstand concert series beginning in June, Bachus wants to remind everyone that alcohol is not permitted to be consumed on Town property, and if you bring your pets, please clean up after them.

Bachus completed his EMR training and received his National Certification. All paperwork has been submitted for his State Certification as well. Fire Chief Sanborn is obtaining EMR equipment for his use, along with a secondary response backpack that Bachus is putting together for rapid trauma response.

Kling discussed safety concerns when work is ongoing on Phase II of the Archertown Road project and asked Bachus to help with traffic control, as needed. The Road Agent will have signs posted when the Road is closed – Bachus' concern is for residents that live on the road and may need to leave during construction hours. It was also mentioned that the swim program will start the last week of July, and while locals may be aware of the road construction, parents bringing their kids for lessons from other towns won't be. It was suggested the swim program post information about the road on their Facebook page.

- C. **Parks & Playgrounds** – JJ Hebb addressed concerns over the corn hole fund raiser being held by Rivendell. As their contract ended on June 15<sup>th</sup>, it was asked why this group didn't complete the request to use Town Properties. Hebb explained she thought the contract ended June 30<sup>th</sup> and felt they didn't need additional permission to use the field. The group did ask about completing the form for approval, but Hebb said the error was on her and didn't feel the group should be penalized for it. In the future she will be aware of the dates. The Selectboard agreed to allow the event to continue.

The other issue raised was the condition of the baseball dugout and playing field following their last playoff game. Hebb said she'd address the situation with the AD at Rivendell, and they agreed to have the pitching mound covered, and the dugout cleaned up. Hebb will follow up on Monday to make sure the work is complete. It was asked if teams at Rivendell have managers, and if they do can part of their responsibility be to make sure equipment is taken care of and trash picked up? Hebb said it's been suggested before, but finding students to fill this role has been a challenge.

- D. **Cemetery Commission** – David Smith discussed the need to have some trees removed, but the Commission was recently told that the interest earned on perpetual care accounts can only be used for maintenance on specific lots, not general maintenance. This creates an issue for the Commission as they have no funds to cover items not included in the general operating budget. The cost to remove these trees is \$2,500. The Selectboard agreed to use the operating budget to pay for this expense as the line item for salaries will be significantly less than anticipated which means the Cemetery overall budget will be underspent and can absorb the cost of the tree removal. Smith said there are several other trees that need to be looked at. For trees on Town property, the Tree Warden can review and decide if the trees should be taken down.

Concern was expressed by Brenda Smith as how the Cemetery Commissioners can maintain the fences, trees and other major maintenance items if there are no funds to cover these expenses. If the sale of the plots always goes into the Perpetual Care Account it will then require warrant articles to fund major maintenance items. Dobbins-Marsh will contact the NH Municipality to see what they recommend the Commissioners do for funds, or any changes that can be made to help with this issue.

Smith also wanted to discuss trading the dual-axle Town owner trailer used by the cemetery for a single axle. He felt it was of similar value, and the hitch recently added to the Highway Ford Explorer doesn't work with the dual-axle trailer. Because the dual-axle trailer is owned by the Town, voters would need to approve the trade or sale, however, the Cemetery Building/Equipment EFT could be used (with no warrant article) to purchase a small trailer to move the mower from one cemetery to another. Then at the

2025 annual meeting, a warrant article can be presented to the voters to sell the dual-axle.

#### **E. Selectboard attended meeting recap**

- Planning Board – Kling attended their 06/11 meeting. The Planning Board has started to review the Telecommunications Ordinance and the Master Plan. The Board also discussed the need to review of the excavation gravel pit owned by Stacey Thomson.
- Future Committee Meetings:
  - i. Road Committee – The group will meet on 06/13 – Kling suggested to Taylor that he relay to the Road Committee chair to offer the fabric he has obtained to another town. The Selectboard never formally accepted the fabric, nor does it have any projects to use it on at this time.
  - ii. Conservation Commission – once the Town received the wetland permit for the culvert replacement on Indian Pond Road, the OCC is one group that has the authority to comment on this project and permit. Kling suggested the members vote on accepting the permit (or not) and have their minutes reflect the reasons why.

#### **Old Business**

##### **A. Update of Outstanding Projects**

- Town Office Overhead Lights update – Gray's Electric will be at the Town Office building to review the lights and provide an estimate to replace with LED's
- Heritage Center exterior painting project – because no bids were received, the Selectboard asked Dobbins-Marsh to reach out to contractors that expressed interest but didn't submit a bid.

#### **New Business**

**A. Upper Baker Pond road conditions** –Kling discussed the dusty condition of this road and others in Town. There are concerns using magnesium chloride on roads as a dust controlling agent as it's considered very toxic and corrosive to vehicles and asphalt, and can burn the skin of humans and animals. The Highway department uses sparingly and only as necessary on a limited basis.

**B. Right to Know Requests – use, misuse and abuse** – Kling addressed his concerns with the amount of Right-to-Know requests the Town has received and how it impacts the time spent by the Admin Asst and the cost of legal advice being obtained. He acknowledged the importance of these requests in general, but across the country it's being abused and costing Towns lots of time and money. Follensbee said because it's the law, there's not much we can do about it – requesting information is the right of the requester and it's our responsibility to reply to the requests. If a request is for information that doesn't qualify under the Right-to-Know law, then that's what's told to the requester.

Kling also commented that complaints seem to have become personal attacks on the Selectboard members and others. Follensbee said unfortunately, that's part of being a public official and it's something board members need to deal with. Personal attacks on others will be dealt with in non-pubic sessions. Regarding the Public Comment section of the Selectboard agenda, per the rules posted on the Town website, personal attacks are not allowed and will be shut down by the Selectboard chair

should they arise. However, it's important to allow the person to make their comment and not be interrupted unless the comment violates the rules set up by the Selectboard.

**C. Review of received “Notice of Intent to Cut Wood”**

Property Owner: Smart's Mtn Realty, LLC. Map & Lot #008-033-001, Logger: George Evarts

**D. Review Actual vs Budget Expenses report** – the Board will review and address any concerns at the next board meeting

**E. Action Folder**

- Credit Card revision to add Ted Nutter – *Motion made by Follensbee, seconded by Kling to add Ted Nutter, Road Agent to the Town's Credit Card account with a limit of \$1,500. Motion Passed 3/0*
- **Right to Know request** – Jo-Anne Fratus filed a Right to Know request to obtain a copy of the signed petition for the Warrant article to add Public Comments to the Selectboard agenda, and various items pertaining to the Archertown Road Phase II project. Dobbins-Marsh will send the information to her.

**F. Complaints**

- Jo-Anne Fratus and Charlie Smith filed a complaint against Kling for a violation of Warrant Article 15 (To add a Public Comment section to the Selectboard Agenda) and Constitutional First Amendment right to Freedom of Speech, for not allowing them to speak during the Public Comment section of the Selectboard agenda on 05/22/2024.

**G. Signature Folder**

- Orford Congregational Church request to serve refreshments during the 6/26/24 concert on the Common was approved and signed.
- Orford-Fairlee Lions Club request to serve refreshments during the 07/10/2024 concert on the Common was approved and signed
- Request for Reimbursement from the State Fire Marshall for the forest fire on top of Mt. Cube was signed
- Friends of the Orford Libraries request to hold raffles during the concerts on the Common was approved and signed.
- Timber Tax Certification for Timothy Olsen, William Nichols and Andrew Schwaegler were signed

**H. Correspondence**

- Water Testing results from 06/10/24 were reviewed – the ponds all tested under the level of concern.
- Peggy Villar submitted an article from the Valley News of the Grafton Superior Court ruling that Hanover was wrong in denying a right-to-know request.
- John Miller emailed to Selectboard to request they consider adding 2 additional 4x4 timbers to help maintain the water level. The Board will request Highway crew complete this work.
- Letter received from Camp Moosilauke regarding dates the camp will be open and included information on staff and equipment on site for medical emergencies
- Broadband Update from John Adams – NH Broadband is still on schedule for services to be in place by the end of 2024. They are in the process of negotiating

with Eversource for use of their poles. Once an agreement is in place they will begin installing cables. Lyme Fiber is also expected to have services available at the end of 2024. They have their permissions from Eversource in place and are waiting for their installer to supply cable and install it.

- Right Angle Engineering weekly project update for the week ending 06/07/2024
- Right Angle Engineering letter to the Selectboard regarding proposed design changes and communication protocol. Engineer Darrow expressed concerns with the Selectboard detailing considerable design changes so close to the start of construction, and providing this information directly to the contractor Wanner Earthmoving before Right angle Engineering could review the same information. Because Right Angle Engineering is providing design services, Darrow wants to make sure the changes suggested by the Board doesn't impact the drainage system. Second, communication to contractors should be done by one person, and Darrow was under the impression it would be her. Dobbins-Marsh explained to Darrow the Selectboard minutes reflecting changes was sent to her on Friday, but because Wanner Earthmoving was going to be in Orford the following Tuesday to mark for Dig Safe, she was directed to send the same minutes to the contractor. Darrow expressed concern that the design changes are substantial and additional engineering is required to determine what modifications are needed to provide adequate stormwater management. The Selectboard felt the changes they suggested were minor,

#### **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 Taylor to enter into non-public session under RSA 91-A:3, II(c) for Application for Public Assistance at 8:43 pm. A roll call vote of member's present was taken with a decision in the affirmative*

*The Board resumed the regular meeting at 8:47 pm. A motion was made by Kling, seconded by Follensbee to seal the minutes of the nonpublic session. Motion Approved 3/0*

The Selectboard agreed to schedule a call-in meeting sometime next week with Darrow, the Selectboard and the Road Agent to review Darrow's concerns.

#### **Adjourn**

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

The meeting adjourned at 8:50

Respectfully Submitted,

Esther Dobbins-Marsh