

# TOWN OF ORFORD

Board of Selectmen

Meeting Minutes

October 23, 2024

MEMBERS PRESENT: Kevin Follensbee, Chase Kling, Larry Taylor

OTHERS PRESENT: Esther Dobbins-Marsh, Charlie Smith

## Call Meeting to Order

The meeting was called to order at 6:00 p.m.

**Public Comments:** None

## Approval of Minutes

- *Motion made by Follensbee, seconded by Taylor to accept the minutes of 10/09/2024 (as amended) Motion Passed 3/0*
- *Motion made by Taylor, seconded by Follensbee to accept the minutes of 10/16/2024 (as amended) Motion Passed 3/0*

## Reports

### A. Selectboard attended meeting recap

- Conservation Commission – Follensbee did not attend the meeting on 10/17/2024 as he attended the Upper Valley ambulance meeting.
- Parks & Playgrounds – Taylor attended the meeting on 10/16/2024 – the primary discussion was on their budget requests for 2025
- Road Committee – Taylor attended their meeting on 10/10/2024 – the committee discussed Warrant Article #14 and the Highway block grant funds.

## Old Business

- A. Violation of the 2024 Warrant Article #14** – Charlie Smith addressed his concerns regarding the 2024 Warrant Article #14 that was approved by the voters. Kling asked about items #1- #6, as these items have not been dealt with. Smith said he was on the agenda to address the timeframe for the Road Agent to respond to the Road Committee once their recommendation was received. Road Committee member Herb Austic attempted to deliver the recommendation to use the wicking fabric to Nutter on September 17th, but he refused to accept it. Smith attempted to hand the same recommendation to Nutter prior to the Selectboard meeting on 09/25, but again he refused to accept the document. (Smith noted the Selectboard approved minutes of October 2<sup>nd</sup> state the recommendation was handed to Nutter during the meeting. Smith would like this amended, as the attempt was made prior to the meeting as noted in the Selectboard minutes of 09/25).

Smith said as the Warrant Article was approved by the voters at the March 2024 annual meeting, it's the responsibility of the Selectboard to implement the actions outlined in the article. Smith said if the Selectboard violate an approved warrant article, it could be

considered a breach of their legal duty and could lead to legal action. Smith requested the following:

- For the October 2, 2024 Selectboard minutes, be amended to reflect the recommendation was handed to Nutter prior to the meeting, not during
- To request a Public Hearing within 14 days from October 23, 2024 to address and work to resolve the violation of this warrant article
- Legal Action - while he hopes he does this does not come to this, legal action to proceed, pursuant to dereliction of duty under the NH Constitution, Article 84 – Oath of Office for Municipal Officials, violating a legal document.

Taylor felt the words “accept delivery” can infer the delivery of the fabric and not the document. Smith said he used the language from the warrant article, and Nutter’s signature is only needed for proof that the document was received, not that he’s agreeing or disagreeing with the recommendation. Kling said that Nutter came to the Selectboard to review the document as he was uncomfortable signing the document.

Follensbee asked what Smith will accept to close out this matter. After further discussion, Smith agreed to amend the document to read “Acceptance of delivery of this recommendation”, and Follensbee agreed to deliver the document to Nutter for him to sign and respond to the recommendation in writing to the Road Committee Chair. Kling commented that the Selectboard has never agreed to accept the fabric, and in a prior meeting agreed to have Smith donate it to another town.

**B. Indian Pond Dual Culvert project** – Per Right Angle Engineering, the NH DES is behind approving documentation, including the plan design for this project. The design is needed to complete the wetland permit required for this project.

**C. Update of Outstanding Projects**

- a) Archertown Road Jacobs Brook bridge – Follensbee attended the monthly zoom meeting on 10/10/24 with the engineer from DuBois & King, and the rep from NH DES. The date for advertising the bids has been pushed to April 2025 due to Eversource lack of final decision on how to handle power to the area during construction. If there are additional delays, the project will most likely be delayed until 2026. The design is completed, just waiting for the Environmental Report from the federal government.
- b) Historical Barn Reviews – Taylor will let Dobbins-Marsh know an available date to review the barns, then she will contact the barn owners with this information.

**D. Other** – should the request for the Highway compactor be a separate Warrant Article or added to the operating budget under the Equipment Replacement/Repair line item. The Selectboard agreed to add to the operating budget.

**New Business**

**A. Set 2024 Tax Rate** – the 2024 tax rate was calculated at \$35.07 per \$1,000 of assessed value. This is an increase of \$2.39 over the 2023 tax rate. The Selectboard looked at various amounts the Town could take from the unassigned fund balance to help reduce the Town’s portion of the tax rate. Because the unassigned fund balance calculation assumes that 100% of taxes have been collected, the current unassigned fund balance is already lower than the 5% recommended by the NH DRA. The Selectboard agreed to take \$51,000 from the fund balance, which will lower the 2024

tax rate to \$34.75. *Motion made by Taylor, seconded by Follensbee to set the 2024 tax rate at \$34.75. Motion Approved 3/0 (Taylor=yes, Follensbee=yes, Kling=yes)*

**B. Election Set up Schedule** – The Selectboard will meet on Monday, November 4<sup>th</sup> to set up the voting booths and other areas for the general election being held on November 5<sup>th</sup>. At this meeting the members will decide who will be on site during election hours of 7:00 am – 7:00 pm

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

Supplemental Intent to Cut filed by Willow & Michael Murphy, Map & Lot #008-093-24F&24G, Logger-John Ruggles

**D. Contracts**

- **Cargill Salt** - the contract for the 2024-2025 term lists the price per ton at \$87.00
- **Morton Salt** – the contract for the 2024-2025 term list the price per ton at \$83.68  
Kling signed both contracts as the Selectboard Chair

**E. Signature Folder** – the auditors prepared a letter for the Selectboard to send to the Town Attorney for the FYE 2023 requesting information on any current and known legal events. Kling signed the letter as the Selectboard Chair

**F. Correspondence**

- An update on the FEMA status for the Mousley Brook culvert replacement project was received from our rep with the NH HSEM. The project is still under review at the CRC in Boston, MA.
- The Orford Community Bandstand Inc submitted a draft of their fundraising letter for the Selectboard to review. No changes were made.
- Notice from Ford regarding a service issue for the Highway F-550 – Follensbee will deliver to the Road Agent
- City of Lebanon Landfill – information was received about changes at the Lebanon Landfill. They will hold a webinar on 11/14 to address questions.
- The draft audit and financial report for 2023 was received from the auditors.

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

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

### **Adjourn**

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

The meeting adjourned at 7:35 pm

Respectfully Submitted,

Esther Dobbins-Marsh