

**BOARD OF SELECTMEN  
TOWN OF MADISON  
MAY 20, 2014  
MINUTES**

**Selectmen Present** - Chairman John Arruda, Michael Brooks, and Josh Shackford.

**Others Present** – Deputy Town Administrator Su Stacey; Fire Commissioner Dee Dudley; resident Myra Peck; Fire Warden Richard Clark; resident Mark Graffam; resident Phoebe Rand; Historical Society members Linda Smith, Becky Knowles & Penny Hathaway; firefighters Phoebe-Lynn Rand, Mike Mauro, Dave Cribbie, Dave Aibel; fire chief Jeffrey Eldridge and Madison TV Videographer Emilie Riss. Town Clerk/Tax Collector Marcia Shackford arrived after the fire commissioners met.

**Where and When Posted** - Town Hall upper & lower bulletin boards and Madison & Silver Lake Post Offices on December 5, 2013.

**Meeting Called to Order** – By Chairman Arruda at 5:30 p.m.

**APPROVAL OF MINUTES** – Brooks made a **motion** to approve the Selectmen’s Meeting minutes of May 6, 2014 as prepared, seconded by Shackford, and so voted **3-0**.

**APPROVAL OF MANIFEST** – Brooks made a **motion** to approve the Manifest of May 8, 2014 in the amount of \$3,000 for Accounts Payable, Manifest of May 19-23, 2014 in the amount of \$621,634.11, seconded by Shackford, and so voted **3-0**. The Manifest breakdown is as follows: \$22,862.37 for payroll; \$7,260.06 for payroll liabilities; \$16,511.68 for accounts payable; and \$575,000.00 for the Madison School District (release date of 5/22/14).

**PUBLIC COMMENTS** – Mark Graffam asked about the police logs not being updated, Arruda will ask the Police Chief.

Resident Phoebe Rand asked if the Fire Commissioners were going to be addressed tonight, Arruda told her it was next on the agenda.

The Town Meeting voted a warrant article to complete the Historical Society Building project to move it onto a solid foundation. Myra Peck told the Selectmen she wrote a letter about the construction work going on next to her property, at the Historical Society, she is concerned on how it will impact her property. She has spoken with the contractor, Bernie Quint Jr., she is under the impression a portion of her parking pad will be removed as well as several trees and the parking pad will not be replaced. Brooks asked her if the parking pad were made whole and the project would not affect the integrity of the pad would she be willing to sign a temporary easement allowing access on her property so the project can be completed. Peck agreed if her concerns were addressed and requests met then she would be willing to sign the temporary easement. Brooks will get with the contractor first thing tomorrow morning to discuss and draw up the language, he will call Stacey to notice a Selectmen’s meeting one morning after he has the document drawn up to meet with Ms. Peck and the Board sign a temporary easement. - **END OF PUBLIC COMMENTS**

**FIRE COMMISSIONERS MEETING** – Arruda said that originally this meeting time was scheduled for the Fire Commissioners quarterly meeting with the Selectmen, however in light of the 2 vacancies due to previous Commissioner Gilman and Commissioner Elliott resigning earlier this month, the Board will discuss with remaining Commissioner Dudley how to move forward. Arruda said considering the vote of

Town Meeting and advice of Town Counsel stating RSA 41:56 allowing Selectmen to sit in the chairs of commissioners and RSA 669:75 stating the Selectmen have the authority to fill the vacancies. Arruda suggested the Selectmen fill the open commissioner seats, Brooks pushed away from the table and said if that is going to be the case it would have to be the other 2 Selectmen. Arruda asked and Shackford agreed to fill the seat of a Fire Commissioner. Brooks abstained to serve in a commissioner role due to his position in the Fire Department.

**Motion:** Shackford made a **motion** to have Arruda and himself sit as Fire Commissioners on the open seats effective immediately until next March, seconded by Arruda, and so voted **2-1-0**.

**Decision:** Shackford and Arruda will sit as the 2 other Fire Commissioners until March.

**FIRE COMMISSIONER MEETING** - Arruda said they will be conducting the Fire Commissioner meeting next. Brooks stepped down from the table and Commissioner Dudley took the seat. Arruda asked Dudley about the fire department bylaws, he suggested they look at them to see if any alterations need to be made but for now the department should abide by the bylaws as written. Dudley stated several fire personnel have questioned how the point system is set up to work. Arruda asked what drives the point system, Aibel said he did the point system formerly, firefighter Rand said she was the person who did the point system last year and Clark said he has the point system electronically as he did it for 4 years. Dudley asked Aibel about the electronic minutes of the fire department members meetings, Aibel does have some electronically and questions what happened to the ones he turned over to the Town Clerk. Dudley does not understand how the points are established, what a point can be put in for and how Officers get stipends plus points. Arruda would like to understand the point system and believes that should also be a priority. Brooks suggested they identify issues they want to address then put them in a priority order and how to deal with them because if you dig too far into one issue now they won't be able to spend the time on what should be looked at. Arruda suggested they meet biweekly at the beginning of the Selectmen meetings for a half hour until they get things set. He suggested they read thru the bylaws, get input from the membership and clarify the document, he wants to be sure the reimbursement is being done fairly and correctly. Shackford said he wants any of the firefighters to reach out to him with their concerns. Dudley said she is always available to be contacted with any concerns.

The Commissioners received several documents from Eldridge to be approved and signed. Arruda told him in the future to have the bills and documents to Town Hall by the Thursday prior to the next meeting so they can be processed as other departments do. Eldridge was directed to sign off on the invoices with the knowledge the item/service was received. The Commissioners reviewed and signed the documents. Stacey will email a drawdown to Eldridge once bills are entered. Resident Rand asked about the change of the way the bill process is now going to be done and questioned whether the Commissioner meetings are still going to be held at the Fire Station on the Thursday night. Dudley explained that Arruda and Shackford are now also Commissioners and the Commissioners will now be meeting at the Town Hall not the Fire Station. Rand did not think they could do this. Brooks, from the audience, explained how the RSAs were cited per Town Counsel by Arruda earlier in the meeting that the Selectmen could sit in dual positions. Aibel would like to see the bill payment process stream lined so he can be reimbursed for items he orders on his personal credit cards. Shackford explained by processing the bills as all other departments are doing it will eliminate the step of the Commissioners signing the bills. Several questions relating to the documents were asked of Eldridge by the Commissioners. Dudley asked what the run sheet container was purchased for, Eldridge said he will be the only one who can access it. Clark said he has timesheets electronically and will turn them over to the town and Aibel will get the minutes he has to the town also. Arruda asked where the

radio 16 being installed. Eldridge told him the chief's fire car radio was out dated and over time 6 more radios will be needed to replace other outdated ones.

#### **FIRE SIGNATURE ITEMS –**

##### Invoices:

OME – vehicle maint. - Light Head replacement for CAR1	\$ 96.75
Bergeron Protective Clothing – new equipment – helmet with visor	\$ 267.49
Bailey Auto Supply – supplies – rags, car wash etc	\$ 34.92
NE Embroidery Co – supplies – job shirt	\$ 63.50
MacDonald Motors – vehicle maint. – CAR1	\$ 684.40

##### Request for Payments:

Jeffrey Eldridge/reimbursement – supplies – locking vertical mailbox	\$ 29.97
St. NH Criminal Records – supplies – D.E. background check	\$ 25.00
Jeffrey Eldridge/reimbursement – training – mileage	\$ 142.38
David Aibel/reimbursement – food – training	\$ 55.35
Sally Becker/reimbursement – training - navigate test prep	\$ 15.00

##### Receivers:

Silver Lake Home Center – vehicle maint. & supplies – batteries & rags	\$ 36.24
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##### Purchase Requisition:

OME – Radio repair – replacement radio CAR1	\$3788.26
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Dudley asked for clarification that a commissioner can view point sheets that would not be breaking any HIPPA laws. Aibel explained HIPPA laws do not apply for Madison as they do not bill for services but that confidentiality laws do apply to the department, however the point sheets would not fall under that law. Resident Rand said she watched the 91A workshop on Madison TV and learned that 1 commissioner could not view personnel files only the full commission could do so. Arruda told her if that were the case it would be done in a non-public session. Resident Rand asked if there is or was a list of what could be viewed in a personnel file, Brooks told who could see what record per 91A.

Shackford said the Fire Truck Committee decided not to fill the empty seats at this point in the process. He will be attending an ambulance meeting on Thursday and will bring up the comments made by Aibel and Mauro concerning the delay in response by the ambulance, ask how new personnel are not aware of the area.

Brooks asked on behalf of Old Home Week if they could still use the Fire Station for the Memorial Day breakfast. The commissioners did not have any issues with that. He also asked the EMS for help during the parade. Both Mauro and Aibel agreed to be present.

**Motion:** Dudley made a **motion** to allow Old Home Week to use the Fire Station for the Memorial Day Breakfast, seconded by Shackford, and so voted **3-0**.

**Decision:** The Old Home Week Committee will continue to use the Fire Station for the Memorial Day Breakfast.

Mauro told the commissioners the pager system could be turned into dual paging for rescue calls. Clark said the pagers were programed for the dual usage but they need to setup with dispatch. Dual tones are being utilized in other area towns.

**6:25 PM** – Dudley made a **motion** to adjourn the Fire Commissioner meeting, seconded by Arruda, and so voted 3-0. The next commissioner meeting will be June 3, 2014 at 5:30 p.m. Stacey will post that the commissioner meeting will be held prior to the Selectmen meetings.

Dudley left the table and Brooks rejoined the Selectmen's Meeting already in progress.

**BEACH SIGNS** – The Board will discuss whether to hold a ceremony for the new signage at a future meeting.

**LEGAL CASE SETTLEMENT** – Arruda read a public statement on the settlement of the Veilleux matter. See attached to these minutes.

**PEG TV - TOWN OF CONWAY** – The Town of Conway sent 2 signed copies of the Memorandum of Understanding between the Towns of Madison and Conway: Cable Channel 3 to be signed by the Madison Selectmen.

**Motion:** Brooks made a **motion** to sign the Memorandum of Understanding between the Towns of Madison and Conway, seconded the by Shackford, and so voted **3-0**.

**Decision:** The Selectmen will sign both copies of the Memorandum of Understanding between the Towns of Madison and Conway: Cable Channel 3, later in the meeting with other signature items.

**PUBLIC AUCTION UPDATE** – The Selectmen reviewed the proposal to auction the 4 properties that were discussed at a previous meeting. Arruda said the requirement to set a date is 4-5 weeks' notice for them to run it.

**Motion:** Arruda made a **motion** to engage James R. St. Jean Auctioneers to auction the 4 properties voted to be auctioned, seconded the by Brooks, and so voted **3-0**.

**Decision:** The Chairman will sign the proposal to auction the properties with James R. St. Jean Auctioneers later in the meeting during signature items.

**INTER-MUNICIPAL AGREEMENT for WELFARE TECHNOLOGY** – The Town of Freedom and the Welfare Director have signed the Inter-Municipal Welfare Technology Agreement.

**Motion:** Brooks made a **motion** to sign the Inter-Municipal Welfare Technology Agreement between the Town of Freedom and the Town of Madison, seconded the by Shackford, and so voted **3-0**.

**Decision:** The Selectmen will sign the Inter-Municipal Welfare Technology Agreement between the Town of Freedom and the Town of Madison, later in the meeting with other signature items.

**CARROLL COUNTY FISH AND GAME CLUB** – Brooks met with the Board of Directors of the Carroll County Fish and Game Club who are restructuring their organization and looking to take on community projects. They had visited Ledge Pond and found quite a few dump sites and would like to clean it up but would need permission for their out of town members to access the transfer station. Brooks

suggested to the Selectmen the town put a 30 yard roll off container on site. Brooks could contact our present contractor to ask if a container could be dropped off & and picked up. Arruda and Shackford are also in favor of this getting done, it would save on gas for the volunteers doing the transport as they'd only have to pick up the debris. Brooks will coordinate this project.

**HIGHWAY TRUCK #8 OUT TO BID** – Arruda spoke with the Road Agent who wants to sell highway truck #8 and put the 1 ton that will be replaced this year at the transfer station for the attendant to use up there for plowing. Shackford suggested putting truck #8 at the Madison Garage with a for sale sign on it requesting sealed bids as has been the custom to do in the past. Brooks questioned discussion had been that the 1 ton being replaced was going out to bid also. Arruda said get truck #8 sold then the Board can discuss selling the 1 ton. **See the minutes of June 3, 2014 as the Selectmen clarify the highway truck.**

**TRANSFER STATION COMPACTING RECYCLABLES** – Arruda told the Board that Bill Chick Jr. had created a steel plate to attach to the backhoe for the compression of the recycle containers and it is working great. He did a good job with it.

**HEAD OF THE LAKE MONUMENT REPAIRS** – Doug Arnold had called Arruda offering to fix the monument at no charge to the town but would like permission to do so. He will provide a copy of his insurance policy. Arnold is very good at mason work and his relative had built the monument. The Board was fine with him doing the repairs, they give him permission to repair the monument. Stacey will contact him to give him the okay and find out when he plans to do the work.

#### **THERE WERE NO PUBLIC COMMENTS**

#### **SIGNATURE ITEMS –**

Manifests

Payroll & Accounts Payable Checks

Purchase Requisition – Northern Tool for Highway Spreader of Calcium for \$637.98

Timber Tax Warrant & Worksheet - #13-283-01T – Norja, Inc (112-010)

Timber Tax Warrant & Worksheet - #13-283-08T – NFTI Ltd Partnership (111-28/217-9/220-3)

Timber Tax Warrant & Worksheet - #13-283-15T – AJ Coleman & Sons Inc (207-001)

Timber Tax Warrant & Worksheet - #13-283-19T – Sanderson Trust (238-001)

Petition & Pole License – licenses for 4 poles on Forest Pines Road

Veterans Credit & Elderly Exemption denial – 121-007

Appointment/Oath of Office –

Veterans Advisory Sub-Committee: Ed Foley, Paulette Lowry, Franklin Jones, Henry Forrest, John Sherwood, Bruce Brooks

North Country Council Transportation: Henry Anderson

Alternate Trustee of the Library: Mary Teresa O'Neill

Arruda told Tax Collector Shackford the Oath of Office looks official, she told him it came from Election Net and now it is 1 piece of paper.

**NON-PUBLIC SESSION - 6:25 PM** - Arruda made a **motion** to enter non-public session per RSA 91-A: 3II(c) to meet with Tax Collector on a delinquent property, seconded by Brooks. Roll Call Vote: Shackford – aye, Brooks – aye, Arruda – aye. **7:10 PM** – Arruda made a **motion** to leave non-public session and seal the minutes of the non-public session, seconded by Brooks, and so voted 3-0.

**7:10 PM** – Brooks made a **motion** to adjourn, seconded by Arruda, and so voted 3-0.

**NEXT SELECTMEN'S MEETING** – The next Selectmen's meeting will be Tuesday, June 3, 2014 at 5:30 p.m., following the Fire Commissioner meeting in the Town Hall Meeting Room.

Respectfully submitted,

Su Stacey, Deputy Town Administrator  
Recording Secretary

## VEILLEUX PUBLIC STATEMENT

The Madison Board of Selectmen announce it has successfully settled a longstanding action brought by Madison residents Donna and Mike Veilleux against the Town: (1) challenging the Selectmen's decision to not remove the restrictive highway to summer cottages designation on a portion of Lead Mine Road; (2) seeking to invalidate a Boundary Line Agreement with the Town; and (3) challenging the Selectmen's decision to remove a chain gate installed by the Veilleuxs over the right-of-way off Lead Mine Road.

In making the settlement, the Town did not admit to any liability. It settled the action to avoid the time and expense of further litigation.

The settlement agreement preserves the authority of Town Meeting to remove the highway to summer cottages designation and validates the Boundary Line Agreement. As part of the settlement, the parties executed an Addendum to the Boundary Line Agreement which define uses of the right-of-way under the doctrine of reasonable use which all attorneys agreed applies to the Veilleuxs' right-of-way. By defining uses in the Addendum, the Selectmen's goal is to avoid further disputes and litigation about what the Veilleuxs can and cannot do on the right-of-way.

Finally, in the settlement agreement, the Selectmen exercised their authority to plow a portion of Lead Mine Road in the winter in a manner similar to the establishment of an emergency lane. Based on information from the road agent, this plowing will be at no additional cost to the Town. The snowmobile club was consulted about the Town's plowing the road and had no objection.

The Veilleuxs' claims were not covered by the Town's insurance provider. As a result, the Town was paying all the litigation costs. Town Meeting reduced the Town's operating legal budget by \$50,000, which had been added to the legal line. Even if the Town prevailed in Superior Court, undoubtedly an appeal would have been filed resulting in additional legal costs that the Town would be required to pay.

Since 2000, the total legal costs for Madison road issues has exceeded \$385,000. Thousands of hours of staff time have been spent in litigation related tasks including responding to document and interrogatory requests. Due to litigation costs incurred by the Local Government Center (now the HealthTrust) in defending the Town, Madison's liability insurance costs have increased.

Although some may disagree with certain aspects of the settlement, the settlement is in the best interests of the Town.