

**BOARD OF SELECTMEN
TOWN OF MADISON
JUNE 30, 2015
MINUTES**

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

Others Present – Town Administrator Melissa Arias; Deputy Town Administrator Sue Stacey; Tax Collector Marcia Shackford; Village District of Eidelweiss Treasurer Dinah Reiss; Village District of Eidelweiss Administrative Assistant Nancy Cole; property owners Andrew & Debra Berdell; logger Glen Bressette; Code Enforcement Officer Bob Boyd; property owner Roger Anderson; Fire Chief Jeff Eldridge; & Madison TV videographer Carol Dandeneau.

Absent - Village District of Eidelweiss Commissioners Ron Sandstrom, Mike Smith, & Larry Leonard; & Town Treasurer Catherine Tilton.

Where and When Posted - Town Hall upper & lower bulletin boards and Madison & Silver Lake Post Offices on January 7, 2015.

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

APPROVAL OF MINUTES – Brooks made a **motion** to approve the Selectmen’s Meeting minutes of June 16, 2015 as prepared, seconded by Arruda, and so voted **3-0**.

APPROVAL OF MANIFESTS – Brooks made a **motion** to approve the Manifest of June 29 – July 6, 2015 in the amount of \$108,219.47, seconded by Arruda, and so voted **3-0**. The Manifest breakdown is as follows: \$21,580.29 for payroll; \$6,500.18 for payroll liabilities; \$80,139.00 for accounts payable; and \$0.00 for the Madison School District. Brooks made a **motion** to approve the Manifest of June 30, 2015 in the amount of \$3,815.07 to the Trustees of the Trust Fund for principal and interest on cemetery perpetual care funds, seconded by Shackford, and so voted **3-0**. This matter was discussed at 3 pm today during a publicly posted meeting in the Town Hall Meeting Room between two of the Selectmen, three Trustees of the Trust Fund, Sue Stacey, and Terry Knowles and co-worker Tom from the Attorney General’s Office.

PUBLIC COMMENTS – Property owner Roger Anderson appeared to make the Board aware of a right-of-way dispute between him and Mr. Edwards. Anderson said Edwards’ claims to have a deeded right-of-way over Anderson’s property on Danforth Lane for the purpose of accessing the lot he bought from the Town at a Public Auction last year. Anderson said Edwards’ lot has road frontage along Winter Road but Edwards’ is trying to access his property over two rights-of-way off Danforth Lane (only one affects Anderson’s property). Anderson said he’s hired an attorney to research the legitimacy of the right-of-way and asked the Selectmen to delay the issuance of any driveway permit over the right-of-way until the issue is resolved. Anderson said this will ensure the Town isn’t brought into a lawsuit between the two parties.

END OF PUBLIC COMMENTS

PAYMENT AGREEMENT for SEMI-ANNUAL PROPERTY TAXES with EIDELWEISS – The Village District of Eidelweiss (VDOE) is looking to amend the existing ‘RSA 52:16 Agreement - Payment of Semi-Annual Property Taxes to the Village District of Eidelweiss’ which requires the Town to pay the VDOE within 45-day of the semi-annual property tax bill due date. The VDOE is asking the Town to consider revising the timeframe to 30-days after the tax bill due date for cash flow purposes. Arruda said

the VDOE collects the full amount of their tax commitment from the Town each year regardless of the percentage of outstanding property taxes in their district. Tax Collector Marcia Shackford said as of today roughly 83% of the 2015 1st issue property taxes are paid. Brooks said the Town and VDOE should work out new agreement terms because the alternative to the written agreement between the Town and VDOE Treasurers is a recordkeeping nightmare of complicated monthly calculations with interest. The Selectmen were inclined to try the new 30-day payment timeframe starting at the final 2015 tax bill cycle. Arruda said the 30-day payment in July will be easier for the town than the December bills because cash flow tends to be tight at the end of the year. A review of the agreement may be necessary in the future.

VDOE SHARE OF POLES & CONDUITS TAX REVENUE – The Village District of Eidelweiss (VDOE) brought up the passage of a recent House Bill (HB 193) this year which allows the Commissioners of a Village District to include the valuation of utility poles in the district assessment. Arias contacted assessor Jeff Earls of Cross Country Appraisal Group (CCAG) and Property Appraisal Representative Josephine Belville from the NH Department of Revenue Administration (DRA) to see how Madison would calculate the VDOE share of utility values. Belville talked with her superiors and also the Town of Ossipee because of their taxable fire precincts. Earls said his recommendation would be to determine the percentage Eidelweiss makes up of the total Town valuation from the last MS-1 Form (Inventory of Taxable Property) and pay them that percentage of the tax revenue collected on the poles and conduits assessments. The group wondered whether the value of poles and conduits assessed to NH Electric Cooperative (NHEC) should be removed from the calculation because NHEC doesn't have any poles or conduits in the VDOE. Arias is unsure how Earls arrived at the assessments on the poles and conduits but mentioned that there are currently appeals of those values before the Court and the Board of Tax and Land Appeals (BTLA). Arias doesn't believe the Town has any information about the number of utility poles located within Madison or the VDOE. Nancy Cole asked whether road mileage might be used instead of the comparative valuations between the Town and the VDOE. Arias was asked to look into this further and attempt to draft an agreement for Town Counsel, DRA, CCAG, the Selectmen, and the VDOE to review prior to signing.

TAX ABATEMENT REFUND PROTOCOL for VDOE PROPERTIES – The Selectmen brought up the fact that tax abatement refunds for properties in the VDOE include Eidelweiss' share of the overage paid toward VDOE property taxes during the previous year's billing cycle. The VDOE share of the granted refunds and the statutory 6% interest calculation has never been billed to or refunded by the VDOE to the Town. Cole said the State Statutes do not specifically address this issue but she feels the Eidelweiss Commissioners would be willing to review the annual refunds made to VDOE taxpayers. Since the amounts demonstrated for 2006-2008 are not large sums, Cole said the Commissioners would consider a request for reimbursement on their share annually through a written agreement. Brooks wondered if this matter should be included in the tax commitment agreement between the two treasurers but Arruda said it should be separate and distinct. Cole pointed out that the VDOE has no input or oversight over assessing, which is the responsibility of the Board of Selectmen.

VOLUNTARY CHANGE OF ADDRESS APPLICATION – The Selectmen's Office received an application for a voluntary change of address from property owners Allan and Elizabeth Stark who own tax map 104, lot 020. This application form, once signed by the Board of Selectmen, will correct the physical address of their corner lot from 31 Basil Street to 31 Saint Moritz Drive and also make the address correspond with the location of their driveway. This discussion item was on the last agenda but was postponed due to Arias' absence and because the VDOE was going to be present for this meeting. Arias asked Cole if the effective date on the form should be modified to fall outside of a 45-day period as recommended by the Bureau of Emergency Communications. Cole agreed, so the effective date of the

Stark's address change will now be August 15, 2015 instead of August 1st. Cole briefly explained a more complicated addressing anomaly along Jungfrau Road in the VDOE that needs to be corrected. Since not all property owners along Jungfrau Road can be reached for voluntary consent, Cole said VDOE is willing to help run the local Public Hearing advertisement and prepare abutter notifications in order to take the work load off the Selectmen's Office. Cole said the VDOE has no authority over physical addresses or enhanced 911 numbering changes but want to see the matter resolved and will help in any way possible.

CLASS VI ROAD LOGGING REGULATION VIOLATION – This discuss item was continued from the last Selectmen's Meeting on June 16, 2015 for follow up reasons. Brooks said he went out to the site on June 17th to look at the timber operation and Class VI Littlefield Road with Road Agent Bill Chick Sr. and Code Enforcement Officer Bob Boyd. Boyd took photographs at that time to document the condition of the Class VI Road. Brooks said the homeowners and logger will need to complete and sign a new Intent to Cut form because the one submitted June 3rd inaccurately listed access from Class V Fox Road. A blank Intent form was provided to them in the audience with the specification that the access list Class VI Littlefield Road instead. Brooks said the Town would have taken photos earlier in this process had the initial application listed a Class VI Road. Also, the Class VI Logging Regulation would have been provided to the property owner and logger and a \$1,000 performance bond would have been collected. Brooks said the three Town representatives didn't find any gross misconduct along the Class VI Road during the site visit. Brooks said the group located the front pin and back pin during the site visit, noting the front pin was left lying on the ground. Brooks said enough physical markings can be found on the face of the earth to prove the work done by the logger was within the limits of the Class VI Road, except for a couple trees that were cut over the line on Sherman's property. Brooks said abutter Randy Sherman should be able to locate his property boundary line along Littlefield Road without the need for a survey. Brooks found big rocks and natural embankments to demonstrate the old roadway hasn't been desecrated. Brooks said the Road Agent has no idea who installed the existing corrugated metal culvert under the Class VI Road. The logger spoke up and said he inspected the culvert and it's in good condition. Brooks begged to differ saying there is a decent dent in the top of the culvert and the bottom is almost rusted through. Brooks said the length of the culvert was measured at 20' which indicates Littlefield Road is a one-rod wide road. Brooks said the only issue of concern to him at this point is the condition of the culvert. Chick Sr. told Brooks onsite that he would replace the culvert if it was under a town-maintained road. However, public funds cannot be expended toward maintenance or repair of Class VI Roads. Therefore, if the culvert is to be replaced it will have to be done at the expense of the logger or property owner. Brooks said the purpose of the culvert is to divert seasonal run-off from Sherman's side of Littlefield Road to Berdell's side and out behind their house. Berdell said behind their house is overly wet most of the year so they hope cutting trees will dry the area out. Brooks said the cost of a metal corrugated culvert (36" x 20') is \$950 which includes a \$200 delivery fee. The cost of an ADS plastic culvert (24" x 20') is \$500. The Road Agent thinks a 24" diameter culvert would handle the run-off adequately. Arruda said if the Class VI Road only accommodated ATV traffic prior to the recent work it's unlikely ATVs caused the dent in the top of the culvert. Bresette said the log landing is on the other side of the culvert so heavy vehicles will have to pass over it during the project. The logger was asked and said he has pulled 3 loads of wood out over the culvert already. The Selectmen discussed whether to: (1) require a road performance bond in the event any further damage is caused, (2) require one of the parties to replace the culvert, or (3) allow the cutting to take place and follow up when the job is finished. The Board decided to wait until the operation is complete and address any further damage at that point. The newly completed Intent to Cut form will be signed by the Board under Signature Items.

EVERSOURCE MUNICIPAL HEATING EQUIPMENT INCENTIVE – Advisory Energy Committee Member Nicole Nordlund sent the Selectmen a Memo dated June 19, 2015 regarding an incentive program

being provided to municipalities by Eversource (formerly Public Service of NH) for high-efficiency heating equipment incentives. This program should be kept in mind and utilized prior to any heating upgrades being made. The program only reimburses or incentivizes if the paperwork is completed before purchases are made.

SCHOLARSHIP COMMITTEE – The meeting earlier today with the Selectmen, Trustees of the Trust Fund, and Attorney General’s Office representatives involved discussion about transferring funds from the Madison Scholarship Committee under the Town’s Federal ID number to the new Madison Scholarship Committee’s non-profit with their own Federal ID number. The NH Secretary of State’s Office recognizes Madison Scholarship Committee as a non-profit but they are awaiting acknowledgement from the Internal Revenue Service.

Motion: Brooks made a **motion** to have the Board of Selectmen authorize any money held in the name of the Madison Scholarship Committee with the Town of Madison’s Federal ID number in an account with Wells Fargo be transferred to a new account with Wells Fargo under the Madison Scholarship Committee’s new 501(c)3 non-profit organization, seconded by Arruda, and so voted **3-0**.

Decision: Documentation with Wells Fargo will be completed to accomplish this objective.

OLD HOME WEEK COMMITTEE – Brooks said Terry Knowles of the Attorney General’s Office has recommended that the Town of Madison cease to elect members of the Old Home Week Committee and change it to a group appointed by the Board of Selectmen. Knowles informed the Selectmen in the meeting earlier today that there is no statutory provision for an Old Home Week Committee which means the members can’t be bonded as municipal officials per the State Statutes. This issue will be discussed at a future Selectmen’s Meeting after Old Home Week 2015 when the current members can attend a meeting.

BALLFIELD BASES – Shackford said some of the bases on the ballfields need to be replaced. Brooks proposed that men’s softball cover the cost of bases on the upper field and Cal Ripken cover the cost of bases for the lower field. Brooks said he and Wayne Jones can do the installation if the purchase is made by the above organizations which use the ballfields annually.

CEMETERY PERPETUAL CARE FUNDS – The result of the meeting earlier today with the Trustee of the Trust Funds was that the Board of Selectmen authorized payment in the amount of \$3,815.07 with a breakdown of \$2,415.07 in principle & \$1,400.00 in interest for cemetery perpetual care funds. A separate set of minutes for that meeting were taken by Sue Stacey.

APPEAL OF AN ADMINISTRATIVE DECISION – The recent denial of an Involuntary Merger is being appealed to the Zoning Board of Adjustment on July 15, 2015 @ 6 pm in the Town Hall Meeting Room. Arias was asked to post that a quorum of the Board of Selectmen may be present.

TIMBER CUTTING – Code Enforcement Officer Bob Boyd explained for the benefit of the Berdell’s and their logger, Bresette, the proper procedure to follow when harvesting trees in NH, including having to wait until the Intent to Cut form is signed by the Selectmen, posting the Intent to Cut on the property, completing the Report of Cut within 60 days of the project completion, payment of the warranted timber taxes by the property owner, etc.

SIGNATURE ITEMS –
Manifest

Payroll & Accounts Payable Checks

Warrant for Unlicensed Dogs from Town Clerk's Office

MS-1 Extension Request Form – until 10/01/2015 per CCAG due to 2015 Statistical Update

Updated Veterans Credit Applications – 117-030; 227-020; 101-058; 129-048; 205-038; 262-016; 118-036;
219-004; 233-073; 121-015; 221-003

Purchase Requisition #2015-EMER-001 – Power Products (\$850) school & FD generator maintenance

Letter to Terry Knowles @ Attorney General's Office re: cemetery perpetual care funds

6:36 PM – Shackford made a **motion** to go into non-public session under RSA 91-A:3II(c) to discuss a property tax matter with the Tax Collector on behalf of a property owner and then into a second non-public session under RSA 91-A:3II(b) to discuss an upcoming vacancy and hiring process, seconded by Arruda. Roll call vote: Arruda – aye; Brooks – aye; Shackford - aye. **7:10 PM** – Arruda made a **motion** to return to public session and seal the minutes of the non-public sessions, seconded by Shackford, and so voted **3-0**.

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

NEXT SELECTMEN'S MEETING – The next Selectmen's Meeting will be on Tuesday, July 14, 2015 at 5:30 p.m. in the Town Hall Meeting Room.

Respectfully submitted,

Melissa S. Arias, Town Administrator
Recording Secretary