

**BOARD OF SELECTMEN
TOWN OF MADISON
JULY 14, 2015
MINUTES**

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

Others Present – Town Administrator Melissa Arias; Deputy Town Administrator Sue Stacey; Transfer Station Attendant Jim Cairns; Silver Lake Association of Madison (SLAM) Representative Ted Kramer; taxpayers Gregg Bailey, Bill Jones, & Rick Larsen from East Shore Drive; Fire Chief Jeff Eldridge; Fire Truck Committee Members Hersh Sosnoff & Bill Lord; resident Maryanne Sosnoff; Police Chief Jamie Mullen; & Madison TV videographer Carol Dandeneau.

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 5:33 p.m.

APPROVAL OF MINUTES – Brooks made a **motion** to approve the minutes of June 30, 2015 when the Board of Selectmen met with the Trustees of the Trust Fund and representatives of the Attorney General’s Office as prepared, seconded by Shackford, and so voted **2-0**. Brooks made a **motion** to approve the Selectmen’s Meeting minutes of June 30, 2015 as prepared, seconded by Shackford, and so voted **2-0**. Shackford asked Arias to explain the result of the personnel non-public session on June 30, 2015. Arias said after a year of planning, she and her family will be leaving NH and relocating to NC in early August. Arias said an ad for a full-time Administrative Assistant has been advertised and interviews will take place in non-public session on July 21, 2015.

APPROVAL OF MANIFESTS – Brooks made a **motion** to approve the Manifest of July 13 – 20, 2015 in the amount of \$285,263.46, seconded by Shackford, and so voted **2-0**. The Manifest breakdown is as follows: \$22,552.96 for payroll; \$6,728.36 for payroll liabilities; \$105,982.14 for accounts payable; and \$150,000.00 for the Madison School District.

PUBLIC COMMENTS - TRANSFER STATION RECYCLABLE HAULING VENDOR – Transfer Station Attendant Jim Cairns was in to discuss a recent change within Northeast Resource Recycling Association (NRRRA). NRRRA is the organization that currently oversees the hauling of Madison Transfer Station’s recyclables. Cairns said NRRRA has had a hauling contract with Empire out of Billerica, MA but Empire is either being sold or going out of business so NRRRA can’t rely upon them any longer. Cairns has been unable to schedule Empire to come to Madison. This has put Madison in a precarious position. Cairns said the hauling rate was \$325 before a recent increase to \$525 a few months ago. Cairns said we had full containers and no hauler so NRRRA stepped in and arranged for North Conway Incinerator Service (NCIS) to haul a tandem load to EcoMaine for \$625. The one time haul cost the Town \$525 and NRRRA is paying the difference up to \$625. Cairns said another tandem load will need to go out this coming weekend with no solution in sight. Cairns said NRRRA has been unable to find another hauling vendor other than NCIS or Waste Management. Brooks said the Town should meet with Kathy and Robert Garland of North Conway Incinerator at the next Selectmen’s Meeting on July 28, 2015 to see if the Town’s contract can be modified to incorporate the hauling of recyclables at a better rate for the town. Cairns said the town will have to use NCIS to haul recyclables to EcoMaine in the interim until a better and more cost effective solution can be

found. Cairns said NCIS is very easy to reach and coordinate hauling. Cairns said EcoMaine accepts single-stream recyclables and sorts them out at their facility and doesn't want recyclables separated in advance because pre-sorted materials have to be received and processed differently which takes more manpower and hours. Stacey said NRRRA used to pay the Town money for Madison's recycled paper which isn't going to happen any longer. **END OF PUBLIC COMMENTS**

SILVER LAKE ASSOCIATION OF MADISON (SLAM) BROCHURE – Ted Kramer from the Silver Lake Association of Madison (SLAM) was in to show the Board a new informational brochure put together by SLAM. The pamphlet also contains a membership application to SLAM. Kramer asked if the Selectmen would allow SLAM to display brochure copies in clear plastic hangers attached to the new green beach sign kiosks at the Foot of Lake Beach, Nichols Beach, Monument Beach, and Kennett Park beach for broad distribution and information sharing. The brochure includes ways to help keep the lake pristine and references the Fireworks Regulation that prohibits fireworks. Kramer said fireworks deposit phosphorus particles into the water which is harmful. Kramer doesn't feel placement of the brochure hangers would create a precedent for other such requests because of the annual partnership between the Town and SLAM, a private 501(c)3 non-profit organization.

Motion: Shackford made a **motion** to approve SLAM's installation of brochure hangers on the four beach sign kiosks, seconded by Brooks, and so voted **2-0**. Brooks specified that the paper brochures be secured in a fashion that they won't blow away in the wind.

Decision: Kramer will see to the installation and maintenance of the brochure hangers.

FOOT OF THE LAKE BEACH BOAT MOORING – Foot of the Lake Beach abutter Gregg Bailey was in to talk with the Selectmen about an issue he has with the Foot of the Lake Beach being used to access moored boats by people who don't have deeded rights to do so. Bailey specifically referred to original subdivision "Lot 5", which is the easternmost of the three lots (#3, #4, & #5) that were conveyed to the town and make up the Foot of the Lake Beach property. Bailey said he brought this issue to Town Hall last summer and also attended the Selectmen's Meeting on Election Day in November 2014 to make the Selectmen aware. Bailey said the Selectmen haven't taken any action on this matter that he's aware of. Bailey quoted language from the new beach kiosk signs and the Town Properties Regulation. Bailey said the regulation states that boat moorings shall be located a minimum of 50 feet from any swim lines and there are a couple boats at the Foot of the Lake in violation. Bailey provided a list of offenders and pointed out that one of the boats has compromised his mooring to the point he can't use it this year. Bailey said it should be easy enough to confirm identity of the boat owners so the Police Department can enforce the regulation. Bailey said he understands the State of NH Marine Patrol is responsible for enforcement on the actual body of water but the Town owns the Foot of the Lake property and is allowing placement of moorings off the shore which is against the language of the town's deed. The wind causes the moored boats to blow toward the swim lines where people could be injured and dangerously close to the town dock which makes it virtually unusable. Bailey said at least one of the boats belongs to someone in Eidelweiss and owning property in Eidelweiss doesn't give them the right to cross the Foot of the Lake Beach moor a boat in the lake. Bailey provided copies of the deed to the town for the beach property. Bailey said it is wrong for individuals to cross private property to access a boat mooring but it is equally wrong for them to think they can cross the Foot of the Lake property to access a boat mooring. Brooks pointed out that the issue for the town isn't just at the Foot of the Lake; it's out of hand at Nichols Beach also. Bailey said he's not concerned about Nichols beach or boat moorings in general, only the right to use "Lot 5" for boat access. Sosnoff said a few words about Silver Lake and its five public beaches. Sosnoff said Marine Patrol

might be able to help Bailey with this issue and the inability to use his mooring. Bailey said the deeded right to use the property as a boat landing is not public and is entirely exclusive to property owners on East Shore Drive starting at Bill Jones' property across from the beach. Police Chief Jamie Mullen asked to speak on this matter. Mullen said the process of taking someone to Court over a town regulation violation is not as simple as most think. Mullen said the burden of proof is on the Police Department and the hours of time spent on these matters takes officers away from other duties. Mullen said Madison Police Department is facing more pressing policing issues right now. There are life threatening cases involving domestic violence, sexual assaults, drug dealing, and heroin usage. Mullen said the Police Department is not equipped with a boat or the necessary tools to carry out the ticketing, towing, or storage of violating boats. Issuing summons and going through the Court hearing process uses an incredible amount of resources. Mullen suggesting finding a private citizen or hiring someone who would remove boats that are moored or found too close to the beach, dock, or swim lines. The owner would then seek the Police Department to get their boat back. Kramer said photographic evidence should be enough for Marine Patrol to respond and assist with these violators. Bailey said Marine Patrol met with him onsite earlier today and tried to locate the owner of one of the large pontoon boats in violation but running the boat registration number came up empty. Marine Patrol told Bailey this sometimes happens because boats can be registered at marinas and boat dealerships which causes a delay getting the information into the State's computer system. Bailey said in that case the town might have to document the vehicle license plate number of the boat user to determine ownership. Shackford said a conversation with Marine Patrol is in order. Brooks offered to reach out to them and request an on-site meeting to go over the various concerns, regulations, and violations to help determine where to go from here. Brooks will also ask Marine Patrol to accompany him to Nichols Beach the same day to discuss the many moorings and frequently beached boats on that town property. Kramer offered to use his boat to assist the town in any way.

NEW FIRE TRUCK – Eldridge handed out a single page specification sheet and sales agreement packet on a new fire truck. Eldridge said this truck is the best option for the town right now. There are a few features that have been left off due to cost but that won't compromise the operability of the truck in any way. Eldridge said those features could be added to the truck in the future. Eldridge said the truck hasn't been built so it can't be viewed. It doesn't have a light tower or a CAFS system of compressed foam but a compressor could be added in the future on this truck model for CAFS. Lake Region Fire Apparatus worked with Eldridge to come up with the cost of \$363,020. Shackford said the lowest cost from the recent fire truck Request for Proposal was \$525,000 with all the features currently not included. Sosnoff said the Fire Truck Capital Reserve Fund has \$263,000 and Town Meeting voted to bond/borrow up to an additional \$99,999 toward a purchase. Shackford said he'd like to see the town move forward with ordering this truck since it meets most all of our needs and fits within the budget. Brooks said it's not proper to look at the current price and compare it to any past bid process. Brooks said he personally doesn't want to see any of those add-on features ordered in future years; if the town is going to buy a lesser truck than it should live with a lesser truck and not slowly turn it into a \$500,000 truck. Brooks said he'd prefer to see a generator on the truck at the time of manufacture and suggested the cost be covered by the Fire Department operating budget, not the warrant article. Eldridge said the generator cost and related wiring and cord reel will be about \$20,000. The truck will take 270 calendar days to build. Stacey asked if the truck purchase will have to go back out to bid and the Selectmen said no. Brooks said he'd like to schedule a Public Hearing prior to the order being placed as a procedural measure and mostly due to the borrowing of the additional \$99,999. Sosnoff said the affirmative vote on the fire truck warrant article at Town Meeting 2015 should be evidence enough of voter support. Shackford said a Public Hearing shouldn't alter the decision of the Board but it will give voters one more chance to speak up prior to the order being placed. The Board asked for the Public Hearing to take place at the beginning of the July 28,

2015 Selectmen's Meeting. The Board reviewed the documentation from Lakes Region Fire Apparatus on the term of payment, which is in full at the time of pickup or delivery.

FIRE DEPARTMENT COMMAND VEHICLE – Fire Chief Eldridge asked the Selectmen when the outgoing Ford Explorer Police cruiser can be converted to a Fire Department command vehicle. Mullen said the vehicle is all set now. Arias said the “police” lettering will need to be stripped first. Eldridge said he will arrange for this as part of the quotes he’s obtained on other conversion options, including an \$800 paint job and additional lettering to differentiate between Police and Fire. Eldridge said the console cabinet for the rear is around \$1,900. Brooks said there is a nearby municipality interested in purchasing the red Ford F250 pickup truck. The group discussed referring to the Kelly Blue Book value to determine the appropriate asking price.

REACH THE BEACH RELAY RACE – Arias said Reach the Beach Relay Race Coordinator John Dionne has completed a Request to Use Town Property application for overflow parking at the Burke Field parking lot on September 18, 2015 from 2-10 pm. Arias asked Recreation Director Mike Lane whether this request will impact any fall sports and Lane said he could adjust the schedule accordingly. Arias said the only issue is use of the portable toilet at the ballfield and asked whether Reach the Beach should have to pay for an extra cleaning because drivers and runners will likely use the unit. The Selectmen were fine with this request.

OLD HOME WEEK WAIVER REQUEST – The Old Home Week Committee has submitted their annual request for waivers from the parking and alcoholic beverage ordinances between 7/29/15 – 8/9/15.

Motion: Brooks made a **motion** to approve the waiver request, seconded by Shackford, and so voted **2-0**.

Decision: Arias will notify the OHW Committee & Police Department of this decision.

ZONING BOARD HEARING TOMORROW NIGHT – Brooks asked Shackford whether he was planning on attending the Zoning Board of Adjustment meeting tomorrow night when they will hear the Appeal of the Selectmen's Administrative Decision to deny Fadden and Whitaker's application for an involuntary merger. Shackford said he would try to attend and Arias confirmed that a public notice was placed that a quorum of the Board of Selectmen might be present.

SIGNATURE ITEMS –

Manifest

Payroll & Accounts Payable Checks

Intent to Cut #15-283-03T Supplemental – Fadden/Whitaker (247-034) Goe Hill Road

Intent to Cut #15-283-13T – Lord (243-001 & 244-001) Plains Rd

Intent to Cut #15-283-14T – Cohen (246-002) E Madison Rd

Veterans Credit Application – (115-050)

Current Use Application [A-10 Form] – Benson (237-007) Fox Road

Inspection Station Appointment Renewal Application - #3411 Highway Dept. at Madison Garage

7:00 PM – Shackford made a **motion** to go into non-public session under RSA 91-A:3II(i) to discuss a security matter with the Police Chief, then into a second non-public session per RSA 91-A:3II(a) regarding personnel/payroll, then into a third non-public session under RSA 91-A:3II(b) to discuss an upcoming

vacancy and hiring process, seconded by Brooks. Roll call vote: Brooks – aye; Shackford - aye. **7:45 PM** – Brooks made a **motion** to return to public session and seal the minutes of the three non-public sessions, seconded by Shackford, and so voted **2-0**.

7:45 PM – Brooks made a **motion** to adjourn, seconded by Shackford, and so voted **2-0**.

NEXT SELECTMEN’S MEETING – The next Selectmen’s Meeting will be on Tuesday, July 28, 2015 at 5:30 p.m. in the Town Hall Meeting Room.

Respectfully submitted,

Melissa S. Arias, Town Administrator
Recording Secretary