

**BOARD OF SELECTMEN
TOWN OF MADISON
August 25, 2015
MINUTES**

Selectmen Present - Chairman Josh Shackford; John Arruda; Bob King.

Others Present – Administrative Assistant Linda Farinella; Deputy Town Administrator Sue Stacey; Fire Chief Jeffrey Eldridge; Gregg Bailey; Jim Edwards; Town Clerk/Tax Collector Marcia Shackford; Michael Brooks; Phoebe and John Rand; 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 5:34 p.m.

As the first order of business, Shackford and Arruda signed an Oath of Office to appoint Robert Joseph King, Jr. as a Selectman to finish the term of exited Michael Brooks until March Town Meeting. Town Clerk/Tax Collector Marcia Shackford swore King into office.

Town Clerk/Tax Collector presented to the Board Tax Collector Deeds that were signed by the Board.

Chairman Shackford asked Brooks if the ZBA had made a decision regarding Case No: 15-06 Fadden & Whitaker. Brooks responded that the ruling was overturned and is 3 lots not 5 lots. It will be put back to the 3 lots as per statute RSA 674:54 III. Farinella will follow through on this change to property records and tax maps.

APPROVAL OF MINUTES

Motion by Arruda, seconded by King to approve the minutes of August 11, 2015 as written. The motion passed **3-0**.

APPROVAL OF MANIFESTS

Motion by Arruda, seconded by King to approve the Manifest of August 24 – August 31, 2015 in the amount of \$897,550.27, so voted **3-0**. The Manifest breakdown is as follows: \$23,923.13 for payroll; \$7,065.06 for payroll liabilities; \$266,562.08 for accounts payable; and \$600,000.00 for the Madison School District.

PUBLIC COMMENTS

There was none.

DISCUSSION ITEMS/NEW BUSINESS

Gregg Bailey of 135-019 approached the Board regarding property at the Foot of the Lake beach. Bailey presented another photograph and list of boats that have been using the property. Bailey claims that three are holders of deeds, three are not holder of deeds and four are unknown users. Shackford stated he personally contacted Town Council about this issues with the beach. Shackford read aloud a letter dated August 13, 2015 containing Town Council Gorrow’s opinion and also gave Bailey a copy. The letter stated that the Town cannot regulate the use of the mooring as those are done by the state and the Town cannot prohibit use of the beach to access moorings. Bailey questioned why nothing about the deeded rights to lot #5 were addressed. Bailey again read from his deed noting that is states “expressly reserved” and that does not include any others than those granted deeds. Bailey stated he does not have a concern about the water,

it is the use of the land; he feels the question has not been addressed. It is an exclusivity of the deeded rights that is the issue, where has the town been conveyed this right? Chairman Shackford will again contact Town Council.

Jim Edwards regarding 120-010 driveway permit request on Danforth Lane

Edwards approached the board with plans showing the proposed driveway requests to access Lot #10 over Lots #8 and #9 via two rights-of-way. Edwards explained and presented plans that the town approved in 1981 and 1984 showing deeded rights from Danforth Lane, along with deed copies. Chairman Shackford was of the understanding that there were no deeds that showed the rights-of-way to the Road Agent, therefore no permit was issued. Chairman Shackford added that about two hours ago a copy of an ex-parte restraining order was received by this office that restricts disturbance of the plaintiff's land; Lot #8. Edwards asked then for approval to use the right-of-way on Lot #9 to access Lot #10. The owner of Lot #8 and Lot #9 are different. Shackford re-read the order and it makes no mention of Lot #9. Edwards stated that the Road Agent has been to the property and has approved them and no culvert installation was necessary.

Motion by Arruda, seconded by King to approve the right-of-way over Lot #9 to get to Lot #10 on Map #120 in regards to this driveway permit. The motion passed **3-0**.

OLD BUSINESS

Water system – DES requirements to deactivate and apply for approval of drilled well placement at Burke Field

As per required, DES was notified with digital pictures proving that the water line supply has been deactivated, this will cease the obligation for water sampling. The agreement with Tasker Well prompts filing a New Well Location Approval for Non-Community Public Water System form with DES. Farinella will gather the information necessary to meet the requirements and file the form with information from Brooks as to the proposed location.

Culvert Item – Phoebe & John Rand of 227-004

The owners are dealing with a contaminated well. This contamination has led to a buyer pulling out of the sales agreement. It is a concern that a change in the direction of water from local culverts onto the neighbor's property is the cause because the neighbor then changed the direction. It was suggested by Arruda that the Town could provide a couple of sections of pipe allowing Rand to install them to pick up the water flow. This issue is not within the Town's right-of-way. The Board will ask Road Agent Chick to attend the next meeting for further discussion.

Selectmen King's List

King attended the August SWAC meeting. The committee is looking to expand the compost at the transfer station but needs Selectmen approval to expand the pit. They intend to grind the glass that has been collected since 2002 as a base. This project could cost between \$10 and \$12,000.00. This will be revisited October/November to see if there is money left in the budget or if it will be required to be submitted as a warrant article.

King also asked on behalf of SWAC if they could put out for a bid proposal for a new vendor. Chairman Shackford noted that at the meeting with NRRA a few weeks ago we found we are in a bad situation and it would do no harm to put a bid proposal out.

Selectmen Shackford's List

No items.

Selectmen Arruda's List

No items.

Administrator's List

Stacey informed the Board that there are new bank signature cards, due to the change in Selectman, which will be available tomorrow for signatures, these will be signed out of session.

Stacey also asked for Shackford to sign documents that the new highway truck has been received and the approval to pay the bill.

Farinella presented a new E911 Data Operations Liaison Form appointing Farinella and Stacey as authorized liaisons. Chairman Shackford signed the form.

The Trustee of Trust Funds have made a recommendation to appoint Kathleen Mary Moore to finish the term of former Trustee Gilman.

Motion by Chairman Shackford, seconded by Arruda to appoint Kathleen Mary Moore as a Trustee of Trust Funds. The motion passed **3-0**.

SIGNATURE ITEMS –

Manifest

Payroll & Accounts Payable Checks

Purchase Requisition – PO#2015 PARK 001 – Taskers Well Company \$9280.00

Request to Use Property – Foot of Lake 8/12/15 – N. Higgins

Request to Use Property – Foot of Lake 8/18/15 – R. Troon Scout Troop

Employee Request for Personnel Day – 10/21/15 S. Stacey

Letter of Appointment to State of NH - Brooks as Town Clerk/Tax Collector

Waiver of Liability – Compost Removal – Dudley

Avitar Associates of New England, Inc. Map Maintenance Agreement

6:50 PM – Shackford made a **motion** to go into non-public session under RSA 91-A:3II(a) to discuss with Fire Chief a member's performance and under RSA 91-A:3II(e) for a legal item.

Roll call vote: Shackford – aye; Arruda – aye; King - aye.

7:21 PM – Shackford made a **motion** to return to public session and seal the minutes the non-public sessions, seconded by Arruda, and so voted **3-0**.

7:21 PM – Shackford made a **motion** to adjourn, seconded by Arruda, and so voted **3-0**.

NEXT SELECTMEN'S MEETING – The next Selectmen's Meeting will be on Tuesday, September 8, 2015 at 5:30 p.m. in the Town Hall Meeting Room.

Respectfully submitted,

Linda Farinella, Administrative Assistant
Recording Secretary