

**BOARD OF SELECTMEN  
TOWN OF MADISON  
SEPTEMBER 8, 2015  
MINUTES**

**Selectmen Present** - Chairman Josh Shackford, John Arruda, Bob King

**Others Present** – Administrative Assistant Linda Farinella; Phoebe and John Rand; Gregg Bailey; Jeffrey Eldridge; Bill Chick Sr.; 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 5:35 p.m.

**APPROVAL OF MINUTES:**

**Motion** by Arruda, seconded by King to approve the minutes of August 28, 2015 as prepared, the motion passed **3-0**.

**Motion** by King, seconded by Arruda to approve the minutes of September 1, 2015 as prepared, the motion passed **3-0**.

**APPROVAL OF MANIFESTS:**

**Motion** by Arruda, seconded by King to approve the Manifest of September 7-14, 2015 in the amount of \$269,413.20. The Manifest breakdown is as follows: \$23,303.74 for payroll; \$6,835.72 for payroll liabilities; \$39,273.74 for accounts payable; and \$200,000.00 for the Madison School District. The motion passed **3-0**.

**PUBLIC COMMENTS:**

**Gregg Bailey of 135-019** approached the Board regarding property at the Foot of the Lake beach. Bailey reference the letter from Town Council Gorrow dated August 13, 2015 that is does not address the issue that he has brought before the board. Bailey still has the same concern about the deeded rights and the lack of it being addressed. Shackford stated he has been in contact with Town Council and she is researching it further and will submit a letter specifically addressing that point. The State RSAs specifically dictate what the Selectmen can do in terms of ordinances, such as beach hours, no glass, no alcohol but regulating the water is the state's jurisdiction. Bailey suggested that since the ordinance is not an accurate document for guidance that it should be removed from the town's website, Shackford agreed. Mr. Bailey will be back at the next meeting in anticipation of receiving a letter from Town Council.

**DISCUSSION ITEMS/NEW BUSINESS:**

**Road Agent Bill Chick – Rand Property 227-044**

Road Agent Chick and the Rands were present for discussion about the detection of e-coli in the well and run off on the property. Chick asked to be updated. Phoebe Rand explained the concern with run off coming on to the property, washing out under the structures and having a problem with e-coli in their well. Rand explained that water pools within 1' of the well when it rains hard, then soaks in. She assumes that this is where the e-coli is coming from. The culvert was installed in 1978 in the neighbor's driveway. No way to tell where contamination is coming from.

The neighbor's culvert has been replaced within the last year. Chick explained that if it is out of the town's right-of-way it would be the land owners' concerns and not an issue for the Town. Chick offered to go out and take a closer look at the situation. Shackford accepted his offer adding that this does not look like a simple solution and that the e-coli would not be the town's issue. Arruda suggested that the e-coli would come from a source such as septic or livestock. Chick stated that there should be a solution without doing all kinds of underground work.

### **Code Enforcement Officer Bob Boyd – Zoning Ordinance Clarification Items**

Boyd explained an issue with the property at 105-088; 23 Diessbach Drive. A complaint from Eidelwiess came in and a cease and desist was issued after inspection of the property. The owner had begun a project that Boyd feels may require permits as a structure, but the owner questions such citing lack of definition in the zoning ordinance, specifically about stone walls. The owner has continued working after several verbal agreements to stop. Boyd asked about enforcement. He has not issued any penalties as he was unsure if it did require permits, but the fine of \$275.00/day may need to be pursued. Boyd requested to contact Town Council for guidance on this issue. The board agreed, Boyd will contact Town Council.

Boyd then asked about "tiny houses". He has received a call from a person looking to buy property in Madison but wanted to be sure it would be allowed to have an 8.5'x24' house on a trailer. It was suggested that Boyd look at mobile home requirements. Arruda noted it would have to meet life safety codes. Boyd will be attending meetings at the State soon and will bring it up to other town's code officers and do some more research.

Boyd asked about Accessory Dwelling Units and how to handle them. It has been brought to his attention that a property has one that has been there for a long time. Boyd understood that if it does not have a kitchen then it does not fit the definition of accessory dwelling unit. Arruda asked if it is attached. Boyd answered yes. Arruda questioned if it would be grandfathered. Shackford stated that the owner would not be forced to comply with zoning at this point.

Boyd then asked the board about a property that proposed constructing a garage on an existing non-conforming structure that would be higher than the existing house due to a slope behind it. The ordinance stated the expansion cannot be any higher than the existing roofline, does that include areas of the garage that would not violate the setback. The board agreed it would include that area, a variance would be necessary.

Boyd presented two building application, for different owners, that proposed to place sheds on properties that front on Class VI roads; Clark at 116-063 and Gatcomb at 116-094. Boyd asked how to handle it.

Shackford expressed his opinion to do the Class VI/Private Road agreement with the owners directly, as sending it on to planning board has historically yielded no comments. If the owner meets code and understands that emergency services may not be able to get there, he has no problem with it.

**Motion** by Shackford, seconded by Arruda to sign the agreements out of session. The motion passed **3-0**.

### **Committee/Liaison replacements for Melissa's seats**

Direct Assistance Liaison – Linda Farinella

Highway Road Agent Liaison – John Arruda

Highway Safety Committee – Linda Farinella

Joint Loss Management Committee – Sue Stacey

Legal Liaison – Linda Farinella  
Municipal Records Committee – Linda Farinella  
Police Liaison – Bob King

**Tax Deeded Property: 115-011 and Tax Deeded Property: 113-120**

These two properties taken by the Town at the August 25, 2015 meeting contain dwellings. Certified USPS and first class USPS communication will be made with the owners requesting that they contact the office as to whether they will set up a lease/tenant agreement or if the eviction process will begin.

**Shackford's list:**

Employee requests for leave notices have been coming through the Selectmen's desks. Shackford feels if the employee has the time and the Department Head approves the leave it does not need to come before the board. The board agreed.

**Arruda's list:**

No business.

**King's list:**

No business.

**Assistant's list:**

Farinella received a quote in the amount of \$350.00 from Haley Plumbing and Heating to winterize the Town owned property at 363 Danforth Road. The Board found the price acceptable, Farinella will schedule the winterization.

Farinella asked how to handle Requests to Use Town Property forms. The board agreed that they will be handled in the office and only sent before the board if an unusual request.

**SIGNATURE ITEMS –**

- Manifest
- Payroll & Accounts Payable Checks
- Letters of Right to Repurchase for Deeds – Vacant Properties
- Intent to Cut – Hart 238-004
- Intent to Cut – Charter Trust Co 228-015
- Foot of the Lake Beach Use Request – Johnson
- Tax Collector Recommittal Warrants

**7:19 PM – Motion** by Shackford, seconded by King to adjourn the meeting, voted 3-0.

**NEXT SELECTMEN'S MEETING** – The next Selectmen's Meeting will be on Tuesday, September 22, 2015 at 5:30 p.m. in the Town Hall Meeting Room.

Respectfully submitted,

Linda Farinella, Administrative Assistant  
Recording Secretary