

**BOARD OF SELECTMEN
TOWN OF MADISON
March 21, 2017
MINUTES**

Selectmen Present – John Arruda, Robert J. King, Jr., Josh L. Shackford

Others Present – Avitar Assessor Chad Roberge; Administrative Assistant Linda Shackford; Madison TV Videographer Carol Dandeneau

Where and When Posted – Town Hall upper & lower bulletin boards and Madison & Silver Lake Post Offices on December 19, 2016.

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

PUBLIC HEARING:

It has been recommended by Town Counsel to hold a public hearing in accordance with RSA 231:163 to consider amending all previously issued and outstanding pole licenses and all future pole licenses to include the taxation provisions of RSA 72:23, I(b). This hearing is being held to determine if it is in the public good to amend the pole licenses to add the taxation language of RSA 72:23, I(b). 02/21/2017: PSNH, NHEC, Northern NE Telephone and Time Warner Cable sent certified notification of this public hearing with the petition. Confirmation of the receipt of the letters has been received. 03/01/2017: Notice of this hearing was posted at Madison PO, Silver Lake PO, upper & lower Town Hall and Conway Daily Sun.

The purpose of this hearing is to determine if it is in the public good to amend the pole licenses to add the taxation language of RSA 72:23, I(b). Avitar Assessor Chad Roberge is the petitioner.

Arruda asked for public comment. There was none.

Arruda read the letter dated March 9, 2017 from Eversource Energy into the record. Document attached.

Arruda read the letter dated March 14, 2017 from NH Electric Co-op into the record. Document attached.

Motion by Shackford, seconded by King to adopt the form for pole licenses submitted by NHEC and Fair Point Communications with the word “potential” added on the first page, last paragraph, end of second line, before the word real. The motion passed **3-0**.

Motion by Shackford, seconded by King to approve the following resolution read aloud by Arruda:

The undersigned **Madison Board of Selectmen**, acting pursuant to authority conferred upon the Board under the provisions of RSA 231:161 through RSA 231:163 has found it in the public good to amend all previously issued and outstanding pole licenses, and all future pole licenses in the Town of Madison to add the following language:

In accordance with the requirements of RSA 72:23, I(b), this license is granted to the licensee(s) subject to the condition that the licensee(s) and any other entity now using or occupying property of the State, the Town, School District or Village District(s) within the Town of Madison pursuant to this license shall be responsible for the payment of, and shall pay, all properly assessed real and personal property taxes no later than the due date. Failure of the licensee(s) to pay duly assessed personal and real property taxes when due shall be cause to terminate this license by the Town of Madison.

In accordance with the requirements of RSA 72:23, I(b), the licensee(s) hereunder and any other entity using or occupying the property of the State, the Town, School District, or Village District(s) within the Town of Madison, pursuant to this license shall be responsible for the payment of, and shall pay, both current and potential real and personal property taxes when due. Furthermore, in accordance with the requirements of RSA 72:23, I(b), the licensee(s) and any other entity using and/or occupying property of the State, the Town, School District or Village District(s) within the Town of Madison pursuant to this license shall be obligated to pay real and personal property taxes on structures or improvements added by the licensee(s) or any other entity using or occupying the property of the State, the Town, the School District, or any Village District(s) within the Town of Madison pursuant to this license.

The changes in the license set forth in the preceding two paragraphs shall take effect today, March 21, 2017, and shall remain in effect until changed in accordance with the requirements of RSA 231:163. The motion passed **3-0**.

The Board signed the Resolution and letters to PSNH, NHEC, Northern NE Telephone and Time Warner Cable informing them of the above amendment to the pole licenses.

Motion by King, seconded by J. Shackford to close the public hearing. The motion passed **3-0**. The hearing closed at 5:42pm.

APPROVAL OF MINUTES:

Motion by Arruda, seconded by King to approve the minutes of March 7, 2017 as written, the motion passed **3-0**.

PUBLIC COMMENTS – There were none.

APPROVAL OF MANIFESTS:

Motion by King, seconded by J. Shackford to approve the Manifest of March 20-27, 2017 in the amount of \$212,682.14. The Manifest breakdown is as follows: \$28,351.13 for accounts payable; \$25,813.81 for payroll; \$8,517.20 for payroll liabilities; and \$150,000.00 for Madison School District. Motion passed **3-0**.

DISCUSSION ITEMS/NEW BUSINESS

Administrative Correction of Tax Billing for 110-012 – Tax Collector Brooks has asked of the Board the permission for him to forgive an amount over \$10.00 for Map 110 Lot 012. L. Shackford explained that she missed collecting this deed transfer from the registry and therefore the new owner did not receive the bill; interest accrued not at the fault of the owner. **Motion** by Arruda, seconded by King to have the Tax Collector forgive this amount over \$10.00 for Map 110 Lot 012. The motion passed **3-0**.

Selectmen's Representatives to Boards/Committees – The Board discussed assignments to various Boards and Committees in town. The 2017 appointments will remain the same as in 2016:

Planning Board – Arruda

SWAC – King

Conservation Commission – Shackford

Energy Advisory Committee – King

Joint Loss Committee – Arruda

Police Liaison – King

Highway Agent Liaison – Arruda

Ambulance Committee Member Appointments – An email from Moderator Epstein was received asking to be notified of the Selectman and EMT representatives to the committee. J. Shackford stated he is willing to serve as the Selectman representative. The Board recommends that Denita Dudley be asked to serve as the EMT representative. This recommendation will be sent to Chief Eldridge with the instructions to contact Moderator Epstein with the name of the EMT representative.

Swim Instructor's Position - L. Shackford informed the Board that after a long posting in the Conway Daily Sun and notice on the town's website there have been no inquiries made about the swim instructor position. The board suggested publishing the notice at Cranmore Fitness, the Mill at Purity Springs and to contact Red Cross. It was also suggested that the town offer to pay for the class to become certified. L. Shackford will follow through on these suggestions.

Response from Yankee Truck regarding Warranty Questions – Arruda addressed the response from Carl at Yankee Truck regarding the questions about the warranty. The town's warranty will continue from the date of issue, no fresh start with the new engine. The question as to why there were modifications to the truck's oil pan and oil cooler were answered by Carl with the explanation that the new motor installed is different from the 2013 previously installed and necessitated the changes. Finance Director Stacey has approval to pay the repair bill with \$20,000 coming from the Highway Heavy Equipment Expendable Trust Fund and the balance to come from the Highways vehicle repair line. Should any funds be returned from the warranty it would be refunded directly to the town from PACCAR company. L. Shackford will be sure Road Agent Chick has a copy of the response from Carl at Yankee Truck.

OLD BUSINESS – There was none

Selectman Shackford's List – No items

Selectman Arruda's List – No items

Selectman King's List – No items

Assistant's List – No items

SIGNATURE ITEMS

Manifest

Payroll & Accounts Payable Checks

Oaths of Office:

Advisory Budget Committee – Edward Rogerson, Alternate

Planning Board – Philip LaRoche, Alternate

Andrew Smith, Member

Zoning Board – Mark Lucy, Member

Kenneth Hughes, Sr., Member

Kevin O'Neil, Alternate

Tax-Exempt Leasing Corp Credit Application – Fire Department Air Pack Purchase

Intent to Cut – 241-003

Arruda made mention of two invoices for the Fire Department from Noble Industries that were dated December 13, 2016. The two invoices were for the same product and amount of product for \$359.88, were submitted for payment after the due dates without packing slip showing receipt. Chief Eldridge will be informed of these deficiencies.

6:00 PM – Arruda made a **motion** to go into non-public under RSA 91-A:3II(a) Personnel seconded by King. Roll call vote: Arruda – aye; King – aye; Shackford – aye.

6:30 PM – Arruda made a **motion** to return to public session and to seal the minutes of the non-public sessions under RSA 91-A:3II(a), seconded by King and so voted **3-0**.

6:30 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, April 4, 2017 at 5:30 p.m. in the lower level of Town Hall.

Respectfully Submitted,

Linda Shackford, Administrative Assistant
Recording Secretary

See Attached Documents



780 N. Commercial Street
P.O. Box 330
Manchester, NH 03105—330

Christopher J. Allwarden
Senior Counsel, Legal Department
603-634-2459

Christopher.Allwarden@eversource.com

March 9, 2017

RECEIVED

MAR 13 2017

OFFICE OF SELECTMEN
MADISON, NH

Board of Selectmen
Town of Madison
PO Box 248
Madison, NH 03849

Re: **Notice – Public Hearing to Amend Pole and Conduit Licenses**

Hearing Date: March 21, 2017

Dear Board of Selectmen:

The undersigned is legal counsel to Public Service Company of New Hampshire, d/b/a Eversource Energy (“Eversource”). Eversource has received your notice of a public hearing at which the Town of Madison will take up the matter of a petition by Avitar Associates of NE for the universal amendment of existing pole and conduit licenses in the Town, to require the payment of properly assessed property taxes.

This is to advise that, to the extent the proposed amendments seek to make language changes to the pole licenses of Eversource consistent with RSA 72:23, and the rulings of the New Hampshire Supreme Court in N.E. Tel. & Tel. Co. v. City of Rochester, 144 N.H. 118 (1999) and Verizon New England v. City of Rochester, 151 N.H. 263 (2004), Eversource does not intend to raise a legal objection to the amendments. However, this should not be construed as a waiver of Eversource’s rights to protest, seek an abatement of, or otherwise legally challenge as excessive or disproportionate the assessment by the Town of Madison of any incremental property tax upon Eversource’s use or occupancy of the public right of ways in Madison, and Eversource fully reserves all such rights.

As Eversource is unable to send a representative to your hearing, Eversource respectfully requests that this letter be included in and made a part of the record of the minutes of the hearing of this matter on March 21, 2017. Thank you.

Very truly yours,

Christopher J. Allwarden
Senior Counsel, Legal Department

cc: Jeana Delisle, Eversource



579 Tenney Mountain Highway
Plymouth, NH 03264-3154
www.nhec.coop
603-536-1800 / 800-698-2007

March 14, 2017

Town of Madison
Office of Selectmen
P.O. Box 248
Madison, NH 03849

RE: Public Hearing pursuant to RSA 72:23

To the Selectmen,

The New Hampshire Electric Cooperative, (NHEC) recently received the notification of the Town's plan to amend and create a new "Petition for License" Form. NHEC respectfully requests that you consider the attached as an acceptable template for the new "Petition for License" form as part of your public hearing on March 21, 2017.

In trying to meet the changes that many of the towns are implementing to the respective licensing forms, NHEC has created a standard form that utilizes the RSA taxation wording that each town is trying to employ with their unique forms.

Please understand that it would be impossible for NHEC administer having one uniquely worded Petition form for each of the 115 towns we serve. Each of these submitted Petitions would also have either a detailed "Pole Location Plan" or "Petition Plan For Buried Cable" form associated with it (also attached), depending on the required type of construction requested by our members in Madison.

Thank you for your consideration and understanding in this matter. Please call me for any questions at 536-8603.

Sincerely,

Dean Benton
Plant Administrator
New Hampshire Electric Cooperative, Inc.

PETITION AND POLE LICENSE

No. _____

PETITION

Madison, New Hampshire

_____, 2017

To the **Board of Selectmen** for the Town of **Madison** New Hampshire, **New Hampshire Electric Cooperative, Inc.** and **Northern New England Telephone Operations LLC** Request(s) a license to install and **d/b/a FairPoint Communications-NNE** maintain poles and structures with wires, cables conduits and devices thereon, together with sustaining, strengthening and protecting fixtures along, across and under the following public ways:

FairPoint Communications - NNE
100 Gay Street
Manchester, NH 03103

New Hampshire Electric Cooperative, Inc.
579 Tenney Mountain Highway
Plymouth, NH 03264

By: _____ **By:** _____

TELEPHONE COMPANY

POLE LICENSE

Upon the foregoing petition and it appearing that the public good so requires, it is hereby

ORDERED

_____ 20 _____

That the N.H. ELECTRIC COOPERATIVE, INC. and FairPoint Communications-NNE

be and hereby are/is granted a license to erect and maintain poles and structures, with wires, cables, conduits and devices thereon, together with sustaining, strengthening and protecting fixtures in the public ways or ways covered by said petition. All of said wires except such as are vertically attached to poles and structures shall be placed in accordance with the National Safety Code in effect at the time of petition and/or license is granted.

In accordance with the requirement of RSA 72:23, I(b), this license is granted to the licensee(s) subject to the conditions that the licensee(s) and any other entity using or occupying property of the municipality pursuant to this license shall be responsible for the payment of, and shall pay all properly assessed real and personal property taxes no later than the due date. Failure of the owner/operator to pay its duly assessed personal and real taxes when due shall be cause to terminate this license.

In accordance with the requirements of RSA 72:23, I(b), the licensee (s) hereunder and any other entity using or occupying the property of the municipality pursuant to this license shall be responsible for the payment of, and shall pay, both current and potential real and personal property taxes when due. Furthermore, in accordance with the requirements of RSA 72:23, I(b), the licensee(s) and any other entity using and/or occupying property of the municipality pursuant to this license shall be obligated to pay real and personal property taxes on structures or improvements added by the licensee(s) or any other entity using or occupying the property of the licensor pursuant to this license.

Where applicable, this License is granted to the licensee(s) subject to the condition that the licensee(s) and any other entity now or hereafter using or occupying municipal property pursuant to this License shall be responsible for such notice and reporting requirements as have been duly and lawfully adopted by the Town as conditions to its pole licenses.

The approximate location of the poles or structures and designated or defined as shown upon pole location plan marked NEW HAMPSHIRE ELECTRIC COOPERATIVE, INC., No. _____ Dated _____ attached to and made a part hereof.

Approved By:

Selectman

Selectman

Selectman

Selectmen of Madison

Received and entered in the records of the city/town of Madison

Book _____ Page _____ Date _____

Attest _____ City/Town Clerk