

**BOARD OF SELECTMEN
TOWN OF MADISON
August 20, 2013
MINUTES**

Selectmen Present: Chairman Michael Brooks, Josh Shackford & John Arruda.

Others Present: Town Administrator Melissa Arias; Tax Collector Marcia Shackford; Road Agent Bill Chick Sr. & Assistant Road Agent Bill Chick Jr.; resident Francis Gigli and contractor Barry Packard; Eidelweiss Commissioner Mark Graffam; Mike McManus from Nortrax; Madison TV Videographer Emilie Riss.

Where and When Posted: Town Hall upper & lower bulletin boards and Madison & Silver Lake Post Offices on June 30, 2011.

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

APPROVAL OF MINUTES – Shackford made a **motion** to approve the Selectmen’s Meeting minutes of August 6, 2013 as prepared, seconded by Arruda, and so voted **3-0**.

APPROVAL OF MANIFEST – Shackford made a **motion** to approve the Manifest of August 12 – 21, 2013 in the amount of \$666,063.01, seconded by Arruda, and so voted **3-0**. The Manifest breakdown is as follows: \$24,120.10 for payroll; \$7,115.70 for payroll liabilities; \$34,827.21 for accounts payable; \$600,000.00 for the Madison School District (8/29/13 release date).

THERE WERE NO PUBLIC COMMENTS

BACKHOE SEALED BIDS – The results of the backhoe sealed bid request were as follows:

<u>Vendor</u>	<u>\$</u>	
Nortrax	\$112,000	2013 John Deere
Nortrax	\$ 79,000	2012 John Deere (used – 500 hours)
Beauregard	\$ 93,600 (w/thumb)	Case 580
Beauregard	\$ 87,900 (no thumb)	Case 580
Milton CAT	\$112,000	2013 CAT 420F IT

Bid packages will go the Road Agent and Assistant Road Agent for review and to ensure the machines are comparable before the Selectmen consider the Road Agent’s recommendation on which one to purchase.

PROPERTY TAX DEEDING – Tax Collector Marcia Shackford presented an updated list of properties with outstanding 2010 property taxes that are scheduled to be deeded to the Town unless the Board opts to sign a Deed Waiver form in place of the deed. As of today’s payment deadline there were 7 properties on the list; 1 land only parcel and 6 with houses. Marcia said the Tax Collector’s Deeds will be prepared for the Board to sign out of session based upon the votes taken tonight. The group reviewed the list property by property and made votes accordingly.

Motion: Brooks made a **motion** to sign a Deed Waiver for tax map 134, lot 034 under RSA 80:76,II-a, seconded by Shackford, and so voted **3-0**. Brooks said he will follow up with the owner(s) to arrange for a meeting with the Board since this is the first time they haven't paid by the deadline.

Motion: Brooks made a **motion** to sign a Deed Waiver for tax map 115, lot 040 under RSA 80:76,II-a, seconded by Shackford, and so voted **3-0**. A non-public meeting with the property owner is scheduled for the end of the next Selectmen's Meeting.

Motion: Brooks made a **motion** to sign a Deed Waiver for tax map 232, lot 008 under RSA 80:76,II-a, seconded by Shackford, and so voted **3-0**.

Motion: Brooks made a **motion** to sign a temporary Deed Waiver for tax map 111, lot 003 under RSA 80:76,II-a but instruct the Tax Collector to start the deeding process and move forward with a title search and notifications as soon as possible, seconded by Shackford, and so voted **3-0**.

Motion: Brooks made a **motion** to accept a Deed for tax map 105, lot 068 (land only) with the deed to be signed out of session once prepared, seconded by Shackford, and so voted **3-0**.

Motion: Brooks made a **motion** to sign a Deed Waiver for tax map 113, lot 120 under RSA 80:76,II-a, seconded by Shackford, and so voted **3-0**. The Selectmen asked Arias to refer back to notes from a non-public meeting with the property owner and remind him of the verbal agreement made.

Motion: Brooks made a **motion** to sign a temporary Deed Wavier for tax map 120, lot 005 under RSA 80:76,II-a but instruct the Tax Collector to start the deeding process and move forward with a title search and notifications as soon as possible with Town Counsel being brought in on the matter, seconded by Shackford, and so voted **3-0**. Marcia said the notifications on this property will be very costly due to the number of mortgagees and the fact that notices have to be sent for 2008, 2009, and 2010. All costs associated will be closely tracked because they can be added onto the fees to be collected from the property owner.

CLASS VI ROAD LOGGING REGULATION WAIVER REQUEST – Barry Packard from Barry's Tree Service was in to talk with the Board about a tree cutting job he's doing for Francis & Julie Gigli off Class VI New Road. The associated Intent to Cut Timber form will be considered later in the meeting under Signature Items. Packard said he runs a tree service specializing in removals and therefore doesn't have large equipment like most logging operations. Packard went over the size and weight of his various vehicles to demonstrate that impact to the Class VI Road condition will be very minimal. Property owner Francis Gigli said New Road tends to wash out several times throughout the year and he and his neighbor work together very hard at their own expense to keep the road in good condition. Chick Sr. said the road base is made up of good material so he has no concerns about the project. Arruda asked Chick Sr. to check in on the small-scale project as it proceeds. Packard said he's done work for the Town before so his Certificate of Insurance is on file at Town Hall. Packard hopes to start the project within the next couple weeks and finish up before snow flies.

Motion: Shackford made a **motion** to waive the \$1,000 performance bond requirement for logging on Class VI New Road, seconded by Arruda, and so voted **3-0**.

Decision: Arias will note on the Intent to Cut form for #12-283-06-T that the bond was waived.

PERSONNEL POLICY CONSIDERATION REGARDING PERSONAL CELL PHONE USE –

The Selectmen discussed a recent Memo from the Road Agent to his full-time employees restricting the use of personal cell phones during working hours. Arruda questioned whether the message within the Memo should be incorporated into the Personnel Policy for all non-Police employees. Shackford said Freedom recently went through something similar to this. Shackford would prefer to keep personal cell phone use out of the Personnel Policy and allow the Department Head(s) to manage the issue within their Department if it exists. Shackford said our existing Personnel Policy probably contains language dealing with job performance and safety precautions that could be used to substantiate the restriction of personal cell phone use during working hours. Chick Sr. said there are ways for employees to make contact in case of emergency and for employees to be reached by others under similar circumstances. Brooks said it basically boils down to the fact that the Town expects a day's work for a day's pay and cell phone use can certainly distract from this.

2013 REVENUE ESTIMATES (MS-4 FORM) – The Selectmen discussed the proposed amounts on the tentative spreadsheet as prepared by Sue Stacey prior to the MS-4 Form being finalized and sent into the Department of Revenue Administration. The Selectmen were fine with the numbers which will be reviewed again around the time of the tax rate setting.

NEFAB PROPOSAL – REQUEST FOR REVIEW & COMMENT – The Selectmen have received a request from White Mountain Survey & Engineering for their review and comment on the subdivision proposal of NEFAB (tax map 118, lot 004) on Village Road as part of the Planning Board's consideration process. Similar requests for review and comment went to the Police Chief and Fire Chief. The Board of Selectmen is being asked to pay particular attention "to the relationship of the proposed water system and drainage lines in existing public ways" which may be a formality in this case because the access road is a State Highway. Brooks said there are no water systems or drainage lines that the Town needs to be concerned over. Arias was asked to send correspondence back on behalf of the Board that there are no concerns about the proposal at this time.

2013-2014 HEATING OIL & PROPANE PRICE PROPOSAL – The Selectmen have received fixed prices of \$3.249/gallon of #2 heating oil and \$1.729/gallon of propane from Jesse E. Lyman Heating Oil & Propane for the coming 2013-2014 heating season. Lyman's prices for a variable rate/rack price program are \$3.199/gallon of #2 heating oil and \$1.599/gallon of propane. The Town reached out to Irving Oil, White Mountain Oil, and Eastern Propane but none of them were able to beat Lyman's proposal. Arias said the agreement from Lyman for Town employees to receive the locked in rate typically comes in on a separate form and she will ask Sue Stacey to follow up with this as soon as possible.

Motion: Arruda made a **motion** to accept and sign the fixed pricing proposal of Lyman for the 2013-2014 heating season, seconded by Brooks, and so voted **3-0**.

Decision: The signed agreement will be forwarded to Lyman.

ROCKHOUSE MOUNTAIN ASSOCIATION WATER EASEMENT – Arruda received an envelope containing plans of the Rockhouse Mountain Association from Briggs Land Surveying on July 30, 2013 at his store. Arruda said these plans are eventually to be used in drafting the language of an Easement over Class VI Modoc Hill Road for the installation of a water line from Debra Iampietro's property at 1005 Modoc Hill Road (tax map 214, lot 006) along Class VI Modoc Hill Road, across Conway's portion

of Town Line Road, and onto Association property. The Code Enforcement Officer has noted that excavation on Iampietro's property has already begun, likely for heavy equipment to access the wellhead site toward the rear of Iampietro's lot. Brooks said there isn't anything the Selectmen can do at this point until the Association comes back to the Town and verifies that they've located an ample water supply and want to move forward with an Easement.

LAND CONVEYANCE FROM THE TOWN TO EIDELWEISS – The Selectmen reviewed minutes from March 5th and April 16th where they learned of the Village District of Eidelweiss' interest in acquiring 6 St. Moritz Drive (tax map 109, lot 047) for the amount of back taxes and interest (\$1,590) so it can be used to divert water onto as part of their upcoming Oak Ridge Road reconstruction project. The three-year redemption period afforded to the former owner expires on September 2, 2013. The Selectmen were fine with moving forward and asked Arias to prepare the deed for signature at the next meeting.

TRANSFER STATION GLASS GRINDING – Arruda brought up discussions from the most recent Solid Waste Advisory Committee (SWAC) meeting where the group decided to recommend the Selectmen have the existing glass in the glass pit area ground this year. Arruda said SWAC is working on getting a proposal but believes it will be between \$6,000 and \$7,000 and may even exceed the funds we currently have available in the Solid Waste budget.

PROCELAIN/CONCRETE DISPOSAL – Arruda said SWAC is also recommending the existing porcelain and concrete pile be loaded into the Construction and Demolition containers each week by the Highway Department as space allows to get rid of what has accumulated so we can start separating the porcelain from the concrete going forward. Arruda said the glass grinding vendor will grind porcelain but won't touch concrete and the concrete can go back to Coleman's for recycling but he won't take any porcelain. Shackford suggested putting porcelain directly into the Construction and Demolition containers in the future instead of creating a new and separate pile for it on-site. Arruda said that option was also discussed by SWAC. Chick Sr. said the Transfer Station attendants were told to keep porcelain separate from brick and concrete after the pile was hauled to Coleman's last time but it's all been stacked together again.

TRANSPORTATION OF ALUMINUM CANS – Brooks asked Chick Sr. to find a less expensive way to get the aluminum cans moved from the Transfer Station to Ricker's for recycling. Brooks said reimbursing mileage for hauling with a personal vehicle isn't paying off so he hopes Chick can make arrangements for the cans to be hauled by an employee in a Town vehicle.

SUPERVISOR OF THE CHECKLIST REPLACEMENT – The Supervisors of the Checklist have named Jennifer Garside as Carol Hally's replacement. Hally resigned earlier this summer and Garside will fill the remainder of Hally's term which expires in March 2014. By statute, the Supervisors have the authority to fill Supervisor vacancies without the Selectmen needing to sign an Appointment or Oath.

POLICE DONATION – The Selectmen received a Memo from Police Chief Mullen stating that Discount Beverage Plus in North Conway has donated \$110 to the Police Department for the purpose of drug enforcement education or equipment. This donation was made after the Police Department returned property that belonged to Discount Beverage. The Memo asks for the Board's consent to deposit the donation into the Police Special Equipment account. The Selectmen were fine with the check being deposited into the Special Equipment account and asked Arias to notify the Chief of this.

SIGNATURE ITEMS –

Manifest

Payroll & Accounts Payable Checks

Purchase Requisition - 2013-FIRE-001 – Firematic (\$2,295)

2013-FIRE-002 – Firematic (\$2,096)

Intent to Cut Timber #13-283-06T – Gigli (241-016) off Class VI New Rd

(pending discussion item above with logger re: bond for Class VI Road Regulation)

#13-283-07T – Cradock (233-029) off Danforth Ln

Timber Tax Warrant & Worksheet #13-283-03T – McGunagle (237-017)

2013-2014 Heating Oil & Propane Price Program Proposal

Appointment/Oath of Office – Denita Dudley – Direct Assistant Administrator

Rebecca VandeWater – Collection Clerk

Carol Hally – Deputy Town Clerk/Tax Collector

NON-PUBLIC SESSION – 6:37 PM – Shackford made a **motion** to adjourn the public session and go into non-public session under RSA 91-A:3II(c) to discuss a property and liability insurance settlement authorization matter, seconded by Arruda, and so voted **3-0**. Roll Call Vote: Shackford – aye, Arruda – aye, Brooks - aye. **6:42 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**.

6:42 PM – Arruda made a **motion** to adjourn the regular Selectmen’s Meeting, seconded by Shackford, and so voted **3-0**.

NEXT SELECTMEN’S MEETING – The next regular Selectmen’s meeting will be on Tuesday, September 3, 2013 at 5:30 p.m. in the Town Hall meeting room.

Respectfully submitted,

Melissa S. Arias, Town Administrator

Recording Secretary