

**BOARD OF SELECTMEN
TOWN OF MADISON
DECEMBER 10, 2013
MINUTES**

Selectmen Present: Chairman Michael Brooks and John Arruda. **Absent:** Josh Shackford.

Others Present: Town Administrator Melissa Arias; Road Agent Bill Chick Sr.; Madison TV Director Jim Molloy; Emergency Management Director Richard Clark; Fire Commissioner Joyce Elliott; firefighter David Cribbie; and Madison TV Videographer Emilie Riss.

Where and When Posted: Town Hall upper & lower bulletin boards and Madison & Silver Lake Post Offices on October 4, 2013.

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

APPROVAL OF MINUTES – Arruda made a **motion** to approve the Selectmen’s Meeting minutes of November 26, 2013 as prepared, seconded by Brooks, and so voted **2-0**. Arruda made a **motion** to approve the non-public Selectmen’s Meeting minutes of November 26, 2013 that are being made public, as prepared, seconded by Brooks, and so voted **2-0**.

APPROVAL OF MANIFEST – Arruda made a **motion** to approve the Manifest of December 2 - 11, 2013 in the amount of \$868,716.24, seconded by Brooks, and so voted **2-0**. The Manifest breakdown is as follows: \$36,504.23 for payroll; \$6,030.36 for payroll liabilities; \$171,676.65 for accounts payable; \$150,000.00 for the Madison School District (release date of 12/19/13); and \$504,505.00 for Madison’s share of the Carroll County 2013 tax commitment (release date of 12/17/13).

PUBLIC COMMENTS – Richard Clark told the Selectmen that he presented the Fire Commissioners with an official RSA 91-A Request for Information at their meeting on Tuesday, November 26th. Clark said he was seeking all information that went into calculating the 2013 member reimbursement amounts. Clark said he didn’t receive the information until the afternoon of Monday, December 9th, which was outside of the statutory 5 day response period. Clark said not all of the information available within the Firehouse software program which is used to track the firefighter point system was provided to him. Clark said they neglected to include information from the line item ‘Training and Reimbursements’. Clark said there were two stipends added this year for new members and he questions the amounts paid to these individuals but opted not to provide names in public session. Clark said the Fire Department used to require members to successfully complete any training course they signed up for in order to receive the points allocated for the time the member spent in training. Clark said there was a firefighter in 2011 who lost points for not completing a training course. Clark said there was another firefighter in the same position in the same year who the Chief instructed Clark to not withhold the points from even though they didn’t successfully complete the training course. Clark said this year there were points withheld from a member because he left the department without completing his training course. Clark said the Fire Department has never addressed the member who was previously paid without successfully completing a training course. Brooks clarified for Arruda’s sake the policy and procedure of the Fire Department with respect to trainings. Brooks said members have previously been reimbursed by the Town for their out-of-pocket expenses to enroll in training courses as long as they finished and passed the course. Brooks said there have been cases where the department has paid the enrollment cost with the understanding that the

member would reimburse the Town if they didn't pass the course. Clark said the member he was referencing about would owe the Town over \$1,700. Clark said the member reimbursement system needs to be looked at by the Selectmen.

Clark said the Fire Department bylaws went by the wayside when the Fire Chief convinced the Fire Commissioners to change the way the Fire Chief's position was filled. Clark said the position used to be done through an annual election of the Fire Department membership but was changed illegally to being appointed by the Commissioners. Clark said since this time many policies and procedures have been changed internally.

Brooks asked Arias to invite the Fire Commissioners to the Selectmen's Meeting on Monday, December 30, 2013 for the overdue Quarterly Meeting between the two groups. **END OF PUBLIC COMMENTS**

HIGHWAY DEPARTMENT FUEL PUMPS – Road Agent Bill Chick Sr. was supposed to appear before the Board but given the unexpected winter weather this afternoon the Board knows he is busy maintaining the roads. Brooks said the Road Agent sent the Selectmen a Memo on November 27, 2013 regarding the use of the Highway Department fuel pumps by other departments. Chick outlined his desire to have the cost of the Fire Department and Code Enforcement Officer's fuel taken out of his budget and put into their operating budget. Upon receipt of the Memo, Brooks said he asked Arias to dig out the handwritten gas and diesel fuel log sheets and start to create a computerized spreadsheet to determine how much fuel is being used by Highway, Fire and Code. Brooks is hopeful the Selectmen can work this issue out the issue without having to go to great expense or effort. Brooks said the Selectmen could take funds out of the Highway fuel line and put it into Fire Department and Building Inspection/Code Enforcement, or could move the entire fuel expense from the Highway Department into more neutral grounds like General Government Buildings. Brooks said Stacey might be able to generate a budget sheet for Fuel with subsections for Department A, B & C as another alternative. Brooks said the fuel usage information should be tracked going forward and could even be added by vehicle to the vehicle repair spreadsheet printed in the Town Report. Brooks said he is opposed to the Fire Department going to fuel up at one of the Department of Transportation locations because a large percentage of the Fire Department's activity takes place in the center of Town which is why he likes the idea of the fire trucks fueling up at the Highway Garage. Brooks said it's different for the Police Department because they can fuel their cruisers up on their way to court, on their way home, or as part of their regular shift. Brooks said there's not only extra miles involved for the fire trucks but also extra time it will take the volunteers to go to Tamworth or Eaton. Arruda said the Road Agent's point about the Fire Department pickup truck being driven by and housed at a member's residence that is outside the limits of Madison can be discussed with the Fire Commissioners at the Quarterly meeting on December 30, 2013.

TRANSFER STATION IN-GROUND METAL FRAME – Chick Sr. intended to ask the Selectmen for permission to remove the old metal frame bolted to the ground where the upper compactor used to sit. Arias said the frame is just beyond the office shed on the right. Chick would like to get the metal frame out of the ground to eliminate the risk of cutting a backhoe tire on it. Arruda said one of the attendants has been trained to compact the open containers with the backhoe to maximize hauling capacity and weight. The Selectmen were fine with the framework being removed as long as the Solid Waste Advisory Committee (SWAC) has no plan to install a large piece of equipment in that spot that would need the metal framework. Arruda will bring the topic up at the SWAC meeting Thursday morning before going over the results with Chick Sr.

MADISON TV BOARD OF DIRECTORS – Madison TV Director Jim Molloy was in to discuss a number of matters pertaining to Madison TV with the Board. Molloy was hoping to have had a Board of Directors meeting to discuss and vote on recommendations to the Selectmen but he was unable to produce a quorum for the meeting that was posted for yesterday. Molloy said he has posted another meeting for Thursday morning and will hopefully have a quorum then.

MADISON TV SERVICES FROM TELVUE – Molloy brought up the internet streaming of meetings as a great service to individuals who can't watch Channel 3 on the local cable network. Molloy said the Madison TV budget line has historically been proposed in an amount to match what is raised annually through cable franchise fees. However, Molloy said the cost to stream programming over the internet through Telvue skews his operating budget sheet due to the \$2,700 per year cost. Molloy said Madison TV has been streaming programming online for about two years and can log in to see how many hits the site has had, what board or committee meetings are the most watched, what time of day people are tuning in, etc. Molloy said he can forward a report to the Selectmen via Arias with this information. Molloy said he would like to find a way to ensure he can operate with the amount of annual franchise fees as well as the additional cost to stream programming on the internet. The group agreed that Town Meeting is the venue for this discussion, explanation, and decision.

MADISON TV EXPENDABLE TRUST – Molloy said there has been talk of proposing a warrant article at Town Meeting 2014 to create an expendable trust where unused funds from the Madison TV operating budget would be transferred into at year end for the purpose of upgrading equipment or making other service related purchases.

DOCUMENT PRODUCTION REQUEST – Molloy mentioned that Madison TV broadcasts have been included in a request for document production in an ongoing lawsuit. Molloy said Madison TV tape recordings are not preserved for any length of time and are not catalogued in any particular fashion. Molloy said eventually they are taped over but that a couple years worth of recordings are available for viewing on the internet. Molloy said Town Counsel advised that Madison TV could open the studio on a designated date and time so the parties can come and view any tapes they feel are necessary to pursuing their case against the Town. Molloy asks that the cost to cover the wages for the videographer who sits at the station during that time comes out of the Legal operating budget, not from Madison TV's budget. The Selectmen indicated that this was a reasonable request.

VALLEY VISION INVOICE for 2013 WARRANT ARTICLE – Molloy said Arias recently provided him with a copy of an invoice from Valley Vision in the amount of \$5,000. Molloy said that amount was approved conditionally through a Warrant Article in 2013. Molloy said he was under the impression that Madison would be working with and paying the Town of Conway directly in order to receive a credit back for the services of online program streaming which Madison TV is able to handle but Valley Vision apparently is not. Brooks asked Arias to send a letter to the Conway Board of Selectmen including the language of the approved 2013 warrant article which specifies under Article 10 that the approval was to be contingent upon an acceptable contract with the Town of Conway approved by the Selectmen. Arias said the warrant article was not proposed as a non-lapsing appropriation so whatever is going to be done needs to be done quickly if Madison is going to be able to pay Valley Vision or the Town of Conway before the end of 2013.

FIRE DEPARTMENT ORGANIZATION & 2014 WARRANT ARTICLE – Arruda said there have been a number of discussions about the organization of the Fire Department over the last several months. Arruda said Town Hall staff has gone back to the 1920's in the records looking for a vote of Town Meeting that officially organized the Madison Fire Department. Arruda said there have been a number of questions about the manner in which the department is operating and how it was changed over the past few years without taking it to Town Meeting for approval. Arruda said legal research has proven that the vote to organize a Fire Department under RSA 154:1 can only take place at Town Meeting. Arruda said the Board of Selectmen will be taking a warrant article to Town Meeting 2014 to officially organize the Fire Department given the absence of a previously documented Town Meeting vote. Brooks and Arruda asked Arias to schedule a Public Hearing to discuss this issue at the first regular meeting of next year, which is January 14, 2014. Brooks asked that the Public Hearing start at 5:45 pm. Arias mentioned holding a second Public Hearing at the same time to discuss the Madison Boulder project and vote to transfer funds from the Town's Boulder Loop account into the new State of NH non-profit organization under the NH Geological Society. The Selectmen asked Arias to send the language of the Public Hearing notice to Jim Molloy once prepared so he can set up a banner to run on Madison TV.

EOC GENERATOR & ACCESS TO SHED BUILDING – Clark said he happened to check the Fire Department and Emergency Operations Center (EOC) generator shed recently while changing the fire danger status on the Smokey the Bear sign. Clark found the shed building to be unlocked and the generator in poor repair. Clark said the generator is an older unit that was donated to the Town by the City of Amesbury, MA. Clark said the Town obtained a grant to install the generator at the Fire Department and another one at the Elementary School so it's now our duty to ensure the units are properly maintained. Clark said the generator was two quarts low on oil, the dipstick was pulled out of the generator and lying on top, the unit had blown oil all over the floor during its weekly test run, and the shed was not secured. Brooks said the Selectmen are in charge of general government buildings and would like to request that keys to the generator shed be turned over to the Town Administrator immediately so they can be logged into the master key system at Town Hall. Clark said he found the block heater to the generator unplugged at the same time and plugged it back it. Clark said the power control to that plug is within the Fire Department building, which he doesn't currently have access to. Clark said he added oil to the generator and put water in the radiator but not the 50/50 mix because that is stored in a cabinet in the back of the Fire Department building. Clark has enough money in the Emergency Management budget to go buy more supplies or have PowerProducts come up and do a service on the generator given the condition it was found in. Clark said the generator is serviced twice a year with the last service having been done in July 2013. Clark said the generator is schedule to run every week on Thursday evening because that's when meetings occur at the Fire Department. Brooks said there are ongoing legal matters that need to be resolved before certain aspects of Clark's concerns can be addressed but Brooks wants to ensure that damages aren't done to the generator in the process. Arruda said the safest way to accomplish this is to change the locks on the shed and ensure the Selectmen's Office has complete control over who has access. The Selectmen would then be able to turn a key over to their agent, Emergency Management Director Richard Clark, who will ensure the generator is in good working order. Brooks said the EOC may not have to open very often but when it does it's crucial that all aspects of it work properly.

BURKE FIELD SKATING RINK SIGN – Mustang Academy and Recreation Director Mike Lane from the Madison Elementary School forwarded the Selectmen's Office an electronic copy of the sign he had made for the skating rink the School is building on the Ward Parcel behind Burke Field. Brooks saw the sign in person over the weekend and said it looks good. Arruda was also fine with the language of the sign. Brooks said he will check with Lane to see if they received enough rain/snow recently to establish a skating

surface or if water is needed from the Fire Department. Clark said that might be a good chance to fire up the Forestry truck which has 1200 gallons of water on board.

ELECTION – Arruda said Town Clerk Marcia Shackford mentioned to him about a training seminar she attended where it was specified that the Selectmen need to be present at all elections. Arruda said Shackford sent an e-mail to the Secretary of State’s Office looking for clarification and received back that at least one Selectman should be present for the duration of each election. The exception is at the end of Election Day when the entire Board of Selectmen needs to sign the adhesive label that seals the ballot box. Brooks said he has interpreted the law to require a quorum of the Board of Selectmen to be present at elections when the Governor is on the ballot.

PLANNING BOARD APOLOGY – Brooks wanted to issue an apology to the Planning Board for missing last week’s Planning Board Meeting. Brooks said he attended his daughter’s basketball game which ended shortly before 7 pm and he automatically headed home after that. Brooks said by the time he realized it was Planning Board meeting night it was too late for him to join.

PIANO INQUIRY – Brooks said the Selectmen received a Memo from a resident who became aware of the piano on the 3rd floor of Town Hall that apparently hasn’t been used in years. The resident is looking to acquire a piano or make use of one on loan for a period of time. The Selectmen will wait until a full Board is present to discuss this further. Arias mentioned that someone has to research the origin of the piano before any decision is made.

TOWN HALL FLOORS – Arias informed the Selectmen that she has obtained a quote of \$275 from Thomas Cleaning Services to strip and wax the Town Hall vinyl tile floors. Arias asked permission to schedule the work as soon as possible in an effort to preserve the flooring during the upcoming winter months. The Selectmen were in favor of moving forward with the work as soon as it can be scheduled.

SIGNATURE ITEMS –

Manifest

Payroll & Accounts Payable Checks

Purchase Requisition - #2013-POLI-003 – Northledge Tech. (\$1,644.75) computer & setup

#2013-LIBR-001 – Solarize Window Insulators (\$750.00) 3 shades

Veterans Credit Applications – 112-010-027 & 247-032

Intent to Cut Timber – #13-283-16T – Clayton Family Living Trust (228-043)

#13-283-17T – Schneider (228-038)

#13-283-13T – Rancourt Supplemental Intent

Forest Fire Report/Bill – for 2013 fire permits issued by Deputy Wardens

NON-PUBLIC SESSION – 6:53 PM – Brooks made a **motion** to adjourn the public session and go into non-public session under RSA 91-A:3II(a) to sign a Mutual Release Agreement and then into a second non-public session under RSA 91-A:3II(e) to discuss ongoing litigation, seconded by Arruda, and so voted. Roll Call Vote: Brooks – aye, Arruda - aye. **8:10 PM** – Brooks made a **motion** to return to public session and seal the minutes of the non-public sessions, seconded by Arruda, and so voted **2-0**.

8:10 PM – Brooks made a **motion** to adjourn, seconded by Arruda, and so voted **3-0**.

NEXT SELECTMEN'S MEETING – The next Selectmen's meeting will be an abbreviated meeting to approve the Manifest and sign checks on Tuesday, December 24, 2013 at 7:30 a.m. in the Town Hall Meeting Room. The Selectmen will also meet on Monday, December 30, 2013 at 6:15 p.m. in the Town Hall Meeting Room to approve the Manifest, sign checks, vote year-end encumbrances and conduct other routine business.

Respectfully submitted,

Melissa S. Arias, Town Administrator
Recording Secretary