

**BOARD OF SELECTMEN  
TOWN OF MADISON  
FEBRUARY 1, 2011  
MINUTES**

**Selectmen Present:** Chairman Michel Benoit, John Arruda, Michael Brooks.

**Others Present:** Town Administrator Melissa Arias; Solid Waste Advisory Committee Chairman David Downs; Robert Garland of North Conway Incinerator; Karen McNaughton from Pine Tree Waste; Police Chief Jamie Mullen; and Madison TV Videographer Noreen Downs.

**Where and When Posted:** Town Hall upper & lower bulletin boards and Madison & Silver Lake Post Offices on January 13, 2011.

**Meeting Called to Order:** By the Chairman at 5:33 p.m.

**APPROVAL OF MINUTES** – Benoit brought up some suggested changes to the draft January 25, 2010 minutes. The Board discussed and Arias noted which edits to incorporate into the final version of the minutes. Benoit made a **motion** to approve the Selectmen’s Meeting minutes from January 25, 2010 as amended, seconded by Brooks, and so voted **3-0**.

**APPROVAL OF MANIFEST** – There was no Manifest to approve during this meeting.

**MUNICIPAL SOLID WASTE TRANSPORTATION & DISPOSAL PROPOSALS** – The Selectmen opened six sealed Municipal Solid Waste Transportation and Disposal proposals. Sealed proposals were received from the following solid waste vendors: Pine Tree Waste Services, Scarborough, ME; NRRA, Epsom, NH; EcoMaine, Portland, ME; Waste Management, Rochester, NH; North Conway Incinerator Service, Conway, NH; Normandeau Trucking, Groveton, NH.

The six proposals were opened with the results as follows:

| Vendor Name          | Transportation Costs<br>(s)=single haul<br>(t)=tandem haul |                          |                          |                        |                        | Tipping Fees Per Ton     |                       |                     |                           | Other Costs     |                           |
|----------------------|--|--------------------------|--------------------------|------------------------|------------------------|--------------------------|-----------------------|---------------------|---------------------------|-----------------|---------------------------|
|                      | MSW  | C&D                      | Bulky                    | Zero-Sort              | Recycl-ables           | MSW                      | C&D                   | Bulky               | Zero-Sort                 | Fuel Sur-charge | Container Rental          |
| Pine Tree Waste      | \$289 (s)  | \$289 (s)                | \$289 (s)                | \$358 (s)              |                        | \$77                     | \$79                  | \$79                | \$0                       | None            | None                      |
| NRRA                 | \$200 (s)  | \$200 (s)                | \$200 (s)                | \$225                  | \$225 (s)<br>\$225 (t) | \$72<br>CPI<br>Yr 3      | \$61<br>CPI<br>Yr 3   | \$72<br>CPI<br>Yr 3 | \$0                       |                 | None                      |
| Eco-Maine            | N/A  | N/A                      | N/A                      | N/A                    | N/A                    | \$55.85<br>CPIU<br>Yr 2+ | \$58<br>CPIU<br>Yr 2+ | \$49                | Rev.<br>Sharing<br>Option |                 |                           |
| Waste Mgmt           | \$235 (s)<br>\$330 (t)                                     | \$235 (s)<br>\$330 (t)   | \$235 (s)<br>\$330 (t)   | \$235 (s)<br>\$330 (t) |                        | \$70                     | \$70                  | \$70                | Mkt.-based                |                 | \$75-\$100<br>/month      |
| N.C. Incinerator     | \$235 (s)<br>\$465 (t)                                     | \$235 (s)<br>\$465 (t)   |                          |                        | \$235 (s)              | \$46                     | \$46                  | \$46                |                           |                 |                           |
| Norman-deau Trucking | \$325 (s)+<br>\$480 (t)+                                   | \$325 (s)+<br>\$480 (t)+ | \$325 (s)+<br>\$480 (t)+ |                        |                        | \$55<br>+\$<br>Yr 3      | \$55<br>+\$<br>Yr 3   | \$55<br>+\$<br>Yr 3 |                           | Yes             | \$175-<br>\$295<br>/month |

Benoit said the Selectmen have the option of involving the Solid Waste Advisory Committee (SWAC) in the proposal review and recommendation process. Arruda would like SWAC's help to compare and analyze the various proposals. The Selectmen gave SWAC permission to contact bidders if questions arise during their review process. SWAC was asked to prepare a spreadsheet for comparison purposes that ranks their choices and provide it to the Selectmen on or before Thursday, February 10<sup>th</sup>. Downs was specifically asked to look into gaps in some of the proposals where terms, escalators, fuel surcharges, etc. are concerned. The Selectmen said the companies need to understand the Town's annual budget process and know they can't change our rates if the budget doesn't reflect an upcoming cost increase. The two groups will discuss the proposals on Tuesday, February 15<sup>th</sup> at 6:15 p.m. in the Town Hall meeting room.

**NRRA COMPOST BIN SALE** – The Selectmen discussed whether or not to add funds to the 2011 operating budget for a pallet (20) of composting bins from Northeast Resource Recovery Association (NRRA). At Town Meeting 2010, the operating budget was amended upward by \$840 for this purpose. This year \$900 would need to be added to the budget. Arruda said local box stores offer larger capacity units for equal or less money. Arruda offered to approach store managers at Lowe's and Home Depot to see if they would be willing to issue a certain number of 10% off coupon for Madison residents wanting to purchase composting bins. The participating store would get free press by offering coupons to Madison residents and we wouldn't have to expend resources to pick up the pallet of bins in Epsom or find the storage space to house them until buyers are found. Downs likes Arruda's idea, especially since it benefits the local economy. Downs said Colleen Cormack from the MWV Green Team would be a good resource for contacts or promotional ideas.

**CONMPLAINTS ON SUMMER COTTAGES SECTION OF LEAD MINE ROAD** – The Police Chief requested a meeting with the Selectmen to talk about numerous complaints his department has received regarding the Highway to Summer Cottages section of Lead Mine Road. The number of recent complaints is putting an undue strain on the resources of the Police Department and taking up time that could be spent on other pressing matters. Mullen is looking to take some preventative steps in dealing with the matter and hopefully avoid any future lawsuits. Due to the on-going investigation by the Police Department, Mullen asked for a non-public to discuss specifics with the Selectmen.

**CLASS VI ROAD INTENT TO CUT TIMBER** – The Selectmen received an Intent to Cut Timber application from the Mudd Family Partnership (tax map 208, lot 002) which will use Class VI Tyler Road for access. The Town's Logging on Class VI Road Regulation states that performance bonds may be required by the Selectmen. The Selectmen decided to require a \$1,000 performance bond for Class VI Tyler Road, which is the same amount being required for logging off Class VI Goe Hill Road.

**Motion:** Brooks made a **motion** to require the same bond amount of \$1,000 in this case, seconded by Arruda, and so voted **3-0**.

**Decision:** With the signed Intent to Cut Timber application and Logging on Class VI Road Regulation, Arias will send the property owner and forester a cover letter specifying the required bond amount.

**EMERGENCY MANAGEMENT BUDGET** – Emergency Management Director Richard Clark has asked that his operating expenses, primarily his small compensation and supply expenses, be removed from the Fire Department's operating budget and put under its own category. Future Emergency Management Directors, who may not be affiliated with the Fire Department, should operate under their own line in the overall operating budget. The Selectmen were in favor of Clark's request for 2011.

**Motion:** Benoit made a **motion** to create a new 2011 budget line/page for the Emergency Management Department that contains two line items, \$3,400 for Director Compensation and \$1 for Supplies, with the appropriate parallel reductions from the 2011 Fire Department budget, seconded by Benoit, and so voted **3-0**.

**Decision:** Arias will notify Sue Stacey of this decision so the budget can be modified.

**CONWAY PINES APARTMENTS** – Following a meeting in Conway last week, the Selectmen have drafted a letter to the NH Housing Finance Authority supporting the Great Bridge Properties funding request for the Conway Pines apartments low income workforce housing building project.

**Motion:** Arruda made a **motion** to sign and send the letter, seconded by Benoit, and so voted **3-0**.

**Decision:** The letter will be signed later in the meeting under Signature Items.

**2011 ROAD WORK ON TASKER HILL & ALLARD HILL ROADS** – The Selectmen talked about the 2011 Warrant Article to conduct major road work on the paved portion of Tasker Hill Road and up Allard Hill Road to the area of Orchard Hill Drive. This project is being proposed in 2011 because the Town of Conway is reclaiming and repaving their section of Tasker Hill Road this year. Working cooperatively with Conway should reduce the asphalt cost per ton and save on mobilization expenses. The Selectmen talked about reducing the amount of the \$228,000 warrant article after receiving a slightly lower estimate from Conway's DPW Director Paul DegliAngeli. Arias reminded the Selectmen that DegliAngeli clearly advised Madison to keep the warrant article at \$228,000 in case additional or unforeseen work was required to carry out the project. The Selectmen talked about adding language to the warrant article that would allow remaining funds to be spent on other road work found on the Road Agent's routine maintenance list. Arruda said a recently passed warrant article was written in this manner and should be used for reference. Arias will pass this information onto Sue Stacey for preparation of a revised warrant article.

**CODE ENFORCEMENT OFFICER VEHICLE WARRANT ARTICLE** – The Selectmen discussed the proposed warrant article language to purchase a Code Enforcement Officer vehicle in 2011. The Selectmen were unsure whether purchasing a used vehicle for the Code Officer in 2011 was absolutely necessary. The Code Officer was scheduled to receive a 2005 hand-me-down police cruiser after a new cruiser lease is approved at Town Meeting. Due to a recent accident with the 2005 cruiser, the Code Official won't be able to use that vehicle. The 1999 Explorer currently being used is becoming less reliable and really can't be used for out-of-town business. There is a good likelihood of it either quitting altogether or requiring costly repairs before the next 4-wheel drive police vehicle become available to the Code Officer. The Selectmen wondered what would happen if the \$3,500 trade-in amount listed in the warrant article isn't achieved. Would the Town then be unable to raise the remaining funds (in excess of the \$1,500 specified in the warrant article) through general taxation? The Selectmen would like Sue Stacey to inquire about rewording the warrant article to either adjust the two figures or make it more generic so we're not boxed in. Benoit suggested language along the lines of, "...the balance due to be offset by the 1999 Ford Explorer trade-in value and paid through general taxation."

**Motion:** Benoit made a **motion** to put forward the Warrant Article as amended, seconded by Arruda, and so voted **2-1**, with Brooks in opposition.

**Decision:** Sue Stacey will be asked to reword the article to be less specific about trade-in value and the amount affecting general taxation, with guidance from Town Counsel and/or LGC.

**2010 TOWN MEETING RESOLUTION REGARDING CHARITABLE DONATIONS** – Sue Stacey received an opinion from Local Government Center’s (LGC) legal department regarding the legality of the 2010 Town Meeting resolution that all charitable donations be removed from future operating budgets and proposed through individual warrant articles. It was believed this would impact Green Mountain Conservation Group, SLAM and the Madison Food Pantry. LGC’s opinion letter states that the Selectmen are not bound by the passage of the resolution, per RSA 39:2. The Selectmen were provided a copy of the Green Mountain Conservation Group invoice for 2010 water sampling, which is for actual services rendered and therefore should not be considered a charitable donation. Brooks has always understood the Resolution to be advisory only. On the floor of Town Meeting 2010, Attorney Meier stated the Resolution was advisory only because the subject matter wasn’t properly warned on the tentative warrant. Brooks recalls a formal agreement with the Silver Lake Association of Madison (SLAM) and the Town of Madison stating the cost of the lake host program would be shared 50/50. He believes that expenditure is more of a contractual obligation than a charitable donation. Brooks recalls the first year of the program being approved through a warrant article and then lumped into the Parks and Recreation line of the operating budget every year after due to the written agreement. Arias explained how the \$2,000 paid to the Madison Food Pantry ends up saving the welfare line of the Direct Assistance budget from issuing more costly food vouchers to local grocery stores for residents in need of food. Benoit pointed out that each of these groups has their own line within a departmental budget in the overall operating budget which makes it clear that the Town and those departments are not trying to hide the appropriation.

**Motion:** Arruda made a **motion** to leave the warrant alone and not propose individual articles for the three expenditures discussed, seconded by Benoit, and so voted **3-0**.

**Decision:** Sue Stacey will be notified of the decision for warrant preparation purposes.

**HISTORICAL SOCIETY BUILDING PROJECT** – The Selectmen discussed the proposed warrant article for restoration of the Historical Society building. Mary Lucy from the Historical Society Board talked with the Selectmen at their December 14, 2010 meeting about the proposed work to the building. At that time, Arruda suggested sending out a request for sealed proposals to make Town Meeting discussion more detailed. Just yesterday, Lucy delivered the building plans to Town Hall with a request to put the RFP out as soon as possible. Arruda finds this somewhat problematic how the project is being handed over to the Selectmen at this late juncture. Brooks doesn’t dispute the fact that he may have offered to help out during the December 14<sup>th</sup> meeting but feels way too much time has passed to expect our help at this point. Arias and Stacey have heavy workloads this time of year and can’t be expected to handle a project of this magnitude. Benoit offered to take a look at getting the Request for Proposal put together so the warrant article isn’t passed over at Town Meeting due to the lack of supporting information. Arruda pointed out that the abutter will need to give written permission for the Town’s sub-contractor to go onto their property in order to relocate the building. Based upon past conversations in this regard, Arruda feels this could be an issue.

**Motion:** Benoit made a **motion** to give him the information so he can determine whether the RFP timing is feasible, seconded by Brooks, and so voted **3-0**.

**Decision:** Benoit will study the sample RFP language and make every attempt to coordinate the process prior to Town Meeting.

**HIGHWAY DEPARTMENT PLOWING AT THE ELEMENTARY SCHOOL** – Arruda said the Road Agent is running into difficulties providing plowing and sanding services at the Elementary School that meets their expectations. For example, the Janitors have blown snow from paths and walkways into the driveway immediately follow the Highway Department’s plowing and sanding. Also, the level of attention in the area of the parked buses, especially pertaining to sanding, is very different between the Highway Department and School. Chick has talked with the Principal recently about the lack of consideration being given to no-cost work being provided by the Highway Department. Arruda said other area schools have to hire out their plowing but he hopes we can resolve the issues without going to that extreme. The Board decided Arias would be the point of contact between the Road Agent and Principal regarding any future plowing or sanding issues.

**STREET LIGHT AT VILLAGE ROAD/DANFORTH LANE** – Arruda said Public Service of NH (PSNH) is nearly finished with the street light conversion project. The large number old mercury-based lights have been taken down and almost all of the new metal halide lights (fewer in number) have been hung. Arruda noticed that the intersection of Village Road (Route 113) and Danforth Lane doesn’t have a new street light which makes the curved intersection very dark. The Selectmen decided that the end of Danforth Lane should be illuminated and asked Arias to call PSNH to convey this message and inquire about cost.

**SELECTMEN’S REPORT 2010** – The Selectmen took one last look at the 2010 Selectmen’s Report which incorporated modifications discussed at the January 25, 2011 Selectmen’s Meeting.

**Motion:** Arruda made a **motion** to approve the final version of the Selectmen’s Report, seconded by Brooks, and so voted **3-0**.

**Decision:** Sue Stacey will print and include the final report in the 2010 Town Report.

**BRUSH AT TRANSFER STATION** – Benoit said the 2011 Solid Waste operating budget has no provision for brush disposal and wondered what should be done. The Selectmen decided to add \$5,000 to the Solid Waste budget and do as much as possible with that amount in 2011. Arias will continue to communicate with a brush processing vendor who is supposed to come view our brush pit and provide a proposal.

**THERE WERE NO PUBLIC COMMENTS AT THIS TIME.**

**SIGNATURE ITEMS –**

Intent to Cut Timber – Mudd Family Partnership (208-002) with Logging on Class VI Road Regulation  
(Logging on Class VI Road Regulation will accompany signed copies)  
Conway Pines apartment & workforce housing support letter

**NON-PUBLIC SESSION – 7:45 PM** - Benoit made a **motion** to go into non-public session under RSA 91-A:3II(c,e) at the request of the Police Chief to discuss an on-going investigation, seconded by Arruda, and so voted **3-0**. Roll Call Vote: Arruda – aye, Brooks – aye, Benoit – aye. **8:40 PM** – Arruda made a **motion** to return to public session and seal the minutes of the non-public session, seconded by Brooks, and so voted.

**ADJOURNED – 8:40 PM** –Arruda made a **motion** to adjourn, seconded by Benoit, and so voted.

**NEXT SELECTMEN’S MEETING** – The next Selectmen’s meeting will be an abbreviated one on Tuesday, February 8, 2011 at 5:30 p.m. due to the Public Budget Hearing being held at the Elementary School at 7:00 p.m. that evening. The Selectmen and Budget Committee will meet at 6:30 p.m. to vote last minute recommendations on proposed warrant articles.

Respectfully submitted,

Melissa S. Arias, Town Administrator  
Recording Secretary