

**BOARD OF SELECTMEN  
TOWN OF MADISON  
FEBRUARY 28, 2011  
MINUTES**

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

**Others Present:** Town Administrator Melissa Arias; Solid Waste Advisory Committee Chairman David Downs and member Ruth Ham; and Madison TV Videographer Noreen Downs.

**Where and When Posted:** Town Hall upper & lower bulletin boards and Madison & Silver Lake Post Offices on February 24, 2011.

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

**APPROVAL OF MINUTES** – The Selectmen will approve two sets of minutes (February 22, 2011 and February 28, 2011) at their next meeting on March 7, 2011.

**APPROVAL OF MANIFEST** – Arruda made a **motion** to approve the Manifest of February 24, 2011 in the amount of \$101.61, seconded by Brooks, and so voted **3-0**. The Manifest breakdown is as follows: \$101.61 for a payroll correction.

**SOLID WASTE AGREEMENT** – The Selectmen posted this special meeting to discuss how best to proceed with drafting a new solid waste transportation and disposal agreement. Benoit explained how our current solid waste agreement with Waste Management will expire tonight at midnight. The recent Request for Proposal process resulted in the Selectmen voting to enter into an Agreement with North Conway Incinerator Service beginning March 1, 2011 at 12:01 a.m. Robert & Kathy Garland signed a sample solid waste Agreement between North Conway Incinerator and the Town of Madison on February 23, 2011 but were open to changes or additions being made by the Town.

**Motion:** Brooks made a **motion** to change the title of North Conway Incinerator's Solid Waste Agreement signed by the Garlands on February 23, 2011 to a Memorandum of Understanding with a couple slight modifications mutually agreed upon by the Selectmen this evening and sign the MOU out of session to allow the time necessary to work up the formal solid waste Agreement with the Garlands on or before March 31, 2011, seconded by Benoit, and so voted **3-0**.

**Decision:** Arias will work up the Memorandum of Understanding tomorrow so the three Selectmen can sign it with a March 1, 2011 date and then deliver two original copies to North Conway Incinerator Service for Robert and Kathy Garland to sign.

The Selectmen went through Benoit's mark-up of the previous Waste Management contract that was modified with North Conway Incinerator's information. The group proposed further changes and additions which will be incorporated into the draft document by Arias. Arias will e-mail the revised draft to the Selectmen and SWAC members tomorrow, giving them each until Wednesday morning to respond back with questions or further suggestions. Arias will then send the revised draft agreement to Town Counsel midday Wednesday for his comprehensive review and comment. Arias will schedule an appointment with North Conway Incinerator on March 15, 2011 at 5:30 p.m. for the sole purpose of discussing and negotiating the terms and conditions of the solid waste Agreement.

**WASTE MANAGEMENT SURCHARGES** – A draft letter to Waste Management was provided for the Selectmen’s review and consideration regarding questionable charges that appeared on past Waste Management invoices over the term of our contract. These include the listing of fuel/environmental surcharges, minimum tonnage charges, delivery charges, trip charges, and administrative fees. During the recent solid waste RFP process, SWAC Chairman David Downs came across these questionable fees and has encouraged the Selectmen to pursue the matter with Waste Management. Benoit read Section 5 of the Waste Management contract which states that increased costs due to uncontrollable circumstances may be proposed on an annual basis to the Town. Proposed increases were to have been presented to the Town on December 1<sup>st</sup> in the form of an Amendment to the Agreement so the Town could figure the increase into the following years operating budget. Downs said there was no provision in the previous Waste Management Agreement for minimum tonnage charges, delivery charges for extra containers on holiday weekends, etc. Benoit is concerned that environmental and fuel surcharges were lumped into one line on various invoices. Arruda suggested asking Waste Management for the breakdown of how much of the total fuel/environmental surcharge was for fuel and how much was environmental. Arruda also wondered what the environmental portion is comprised of. Since our Waste Management Agreement only contains one Addendum to incorporated the CPI-U and doesn’t address additional costs for fuel, Arias was asked to find out whether Waste Management’s files contain any contractual documentation to this effect. Arruda recalls discussing escalating fuel prices with Waste Management around 2008 but not necessarily signing related documentation. Once an answer is received from Waste Management on this, Town Counsel may be asked to review Section 5 of the Waste Management Agreement to see whether we have any claim to recoup some of the overcharges.

**SCHOOL DISTRICT ISSUE** – Brooks said misinformation was provided at the Madison Elementary School Deliberative Session pertaining to the timing and completion of the school district audit. The question of why the auditor’s letter of opinion wasn’t printed in the School District Annual Report came up during the meeting and Brooks recalls hearing that the opinion letter wasn’t available at the time the annual reports were printed but could certainly be found at the local Town Clerk’s Office. Town Clerk Marcia Shackford has since confirmed that no such opinion letter or audit report for the school district is filed at Madison Town Hall. Arias said the Town Clerk’s Office at Town Hall seems an unlikely place to file the school district audit report and doesn’t believe any current or previous school district audit reports are on file at Town Hall.

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

**SIGNATURE ITEMS** – There were no signature items for this meeting.

**ADJOURN:** At 6:25 pm Benoit made a **motion** to adjourn, seconded by Arruda, and so voted **3-0**.

**NEXT SELECTMEN’S MEETING** – The Selectmen have posted their next meeting for Monday, March 7, 2011 at 5:30 p.m. to address checks and the Manifest. The regular Board meeting originally scheduled for Tuesday, March 8, 2011 falls on Election Day.

Respectfully submitted,

Melissa S. Arias, Town Administrator  
Recording Secretary