

**BOARD OF SELECTMEN  
TOWN OF MADISON  
JANUARY 22, 2013  
MINUTES**

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

**Others Present:** Town Administrator Melissa Arias; Road Agent Bill Chick, Sr. & Assistant Road Agent Bill Chick, Jr.; Library Trustee Peter Stevens; Library employees Sloane Jarell & Leonora Southwick; residents Fred Ham, Bob King, David & Noreen Downs; Conway Daily Sun Reporter Daymond Steer; 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 January 8, 2013 and January 17, 2013 as prepared, seconded by Brooks, and so voted **2-0**.

**APPROVAL OF MANIFEST** – Shackford made a **motion** to approve the Manifest of January 14 – 23, 2013 in the amount of \$160,961.00, seconded by Brooks, and so voted **2-0**. The Manifest breakdown is as follows: \$22,567.29 for payroll; \$7,477.42 for payroll liabilities; \$30,916.29 for accounts payable; \$100,000.00 for the Madison School District (release date 1/31/13).

**PUBLIC COMMENTS** – Fred Ham said he notified the Town Office last month about the East Shore Drive end of Lead Mine Road not being plowed a short distance to make a safe area for recreational purposes and vehicular parking. Ham said he wants the area cleared at 7 a.m. tomorrow morning or he wants the Road Agent fired. Ham also wants the Road Closed signs erected that the Town bought and paid for. Ham said it seems that nobody can tell the Road Agent what to do, not even a policy or ordinance.

Ham said people are trying to dispose of their garbage at the dump and are being bothered by a resident with a clipboard and petition to have his road plowed. Ham would like a sign on the office building that says ‘No Soliciting’. Ham expects the Selectmen to do something about these two complaints.

Daymond Steer from the Conway Daily Sun asked the Board whether they anticipate making a decision on the night of the Layout Petition Public Hearing or if they would render a decision afterward. Steer recapped the March 2012 Town Meeting vote regarding Lead Mine Road to ensure he understood it correctly, which Brooks said he did. Brooks also said the timing of the Selectmen’s decision can’t be anticipated prior to the hearing.

Library Trustee Peter Stevens asked whether an item under Arruda’s list would still be raised given his absence. The other Board members indicated they had no intention of discussing the matter without Arruda. Stevens and the Library employees then took their leave.

Bob King asked whether the Selectmen and Budget Committee had discussed whether to raise the cable franchise fees to cover the annual contribution to Conway/Valley Vision. Brooks said the Selectmen plan to pose two warrant articles in 2013 regarding PEG TV and Valley Vision. Brooks said the first warrant article would be to raise and appropriate \$5,000 for Madison's share of the Valley Vision contribution. The next warrant article would be to determine whether the voters want the funding to come from general taxation of through an increase in franchise fees. Brooks said the Selectmen and Budget Committee may discuss this at the January 29<sup>th</sup> Budget Committee meeting. King said Town Meeting would be an acceptable forum for the discussion on funding. King supports transparency in government and doesn't feel an increase in franchise fees which would only affect the cable subscribers is the right way to accomplish this. King said Madison TV has never touted themselves as working strictly for the cable subscribers; it's more of a community programming group that is working for the benefit of everyone to serve open government and encourage community spirit. King likened this with Madison taxpayers having to pay school taxes even if they don't have children in the system, or paying the annual Library operating budget but choosing to take advantage of its resources. **END OF PUBLIC COMMENTS**

**PUBLIC HEARING – FEMA FLOOD INSURANCE RATE MAPS** – Public Notice was posted on the bulletin boards of Town Hall (upper and lower levels) and in the Madison and Silver Lake Post Offices on December 20, 2012 and in the Conway Daily Sun on January 18 & 22, 2013. Brooks summarized the November 16, 2012 letter from the NH Office of Energy and Planning outlining the administrative steps each municipality participating in the National Flood Insurance Program needs to take. RSA 674:57 grants the Board of Selectmen authority to adopt the proposed resolution and amend the Zoning Ordinance without further action by the Planning Board or legislative body. The Chairman opened the Public Hearing but received no public comments from the audience so the public comment part of the hearing was immediately closed.

**Motion:** Shackford made a **motion** to adopt the Resolution on the Flood Insurance Rate Maps and amend the Madison Zoning Ordinance, seconded by Shackford, and so voted **2-0**.

**Decision:** Page 38 of the 03/13/12 Zoning Ordinance will be amended under Article VIII, Section 8.1. The revised Ordinance will be linked to the Town's website and given to the Town Clerk for certification and filing in the archival vault. A copy will be mailed to the Office of Energy and Planning and distributed to the Land Use Administrator.

**HIGHWAY DEPARTMENT TRUCK SEALED BIDS** – The Selectmen opened the sealed bids for the 2013 Highway Truck purchase and warrant article.

Yankee – Kenworth -           \$113,842 + \$850 for hood access panel = \$114,692  
**OR** \$39,463.46 for a 3-year @ 4.05% APR  
          \$24,611.18 for a 5-year lease @ 4.05% APR

McDevitt – Western Star -   \$110,907 acquisition + \$395 document fee = \$111,302  
**OR** \$38,336.92 for a 3-year lease @ 3.37% APR  
          \$23,782.15 for a 5-year lease @ 3.42% APR

DiPrizio – International -   \$118,328 + \$11,000 (84-mo warranty) + \$250 admin charge = \$129,578  
**OR** \$45,059.32 for a 3-year lease @ 4.3% APR  
          \$28,348.16 for a 5-year lease @ 4.6% APR

The Selectmen asked Arias to make copies of the truck bids for the Road Agent to review and compare with our specification sheet.

**POLITICKING AT THE TRANSFER STATION** – The Town has received complaints recently about individuals soliciting and/or politicking at the Transfer Station while residents are trying to off-load their waste. The Selectmen view this as a safety issue given the high traffic volume and hurry the patrons are in while there. Brooks asked Arias earlier today to consult with Town Counsel about whether a policy might be in order, especially from a safety standpoint. Town Counsel’s advice was to have the Selectmen establish an area within the Transfer Station where this type of activity will be allowed. Posting a public place with No Soliciting could be argued as a First Amendment issue according to the attorney.

**Motion:** Brooks made a **motion** to set up an 8’ x 8’ area within the Transfer Station, similar to electioneering zone outside the school on Election Day, for anybody who wants to politick or solicit. The location will be determined at a later date based upon traffic pattern and safety considerations. Shackford said the Town has been faced with this every political season and he would’ve preferred a policy prohibiting it. However, Shackford seconded Brooks’ motion. Chick asked that the Transfer Station attendants be put in charge of erecting and taking down the politicking area. Brooks said the Selectmen will make it as simple as possible and asked Arias to work up a simple draft for review by the Board. So voted **2-0**.

**Decision:** Arias will work up a draft Policy that establishes an area within the Transfer Station for politicking and solicitation purposes.

**VETERAN’S MONUMENT COMMITTEE** – This topic was tabled until a full board is present.

**CONWAY HUMANE SOCIETY CONTRACT** – The Police Chief copied the Selectmen on the proposed annual contract between the Town and the Conway Humane Society for boarding of stray dogs. The Chief asked that the Selectmen review the contract and grant him permission to sign it for 2013. Accompanying the contract was an invoice for the \$100 annual dues in 2013.

**Motion:** Brooks made a **motion** to ratify and affirm the Police Chief’s signature on the contract as an established place to take stray animals, seconded by Shackford, and so voted **2-0**.

**Decision:** The Police Department will receive a copy of these minutes. A copy of the signed contract will be placed on file with the Selectmen’s Office. The dues will be paid in the near future.

**E911 ADDRESSING/MAPPING UPDATE** – Arias met a few weeks ago with E911 Field Representative Mike Kelleher from the NH Bureau of Emergency Communications (BEC) to receive Madison’s unapproved set of E911 addressing maps and associated data. Along with the maps came three signature pages for the Selectmen to return to the BEC. The first document is the Data Capture Acceptance Letter, the second document is the Data Release Agreement, and the third is the Acknowledgement of Nonstandard Addressing. Arias briefly explained the state-wide mapping project the BEC is undertaking and the benefit it will be.

**TOWN OF CONWAY & PEG CHANNEL 3** – The Selectmen received a letter from the Town of Conway on January 15, 2013 accepting Madison’s September 3, 2012 payment of \$1,500 toward the shared PEG Channel 3. Conway is considering the payment as our contribution to Valley Vision for

2012. The letter acknowledges Madison's intent to propose a Warrant Article at March 16<sup>th</sup> Town Meeting for \$5,000 to support Valley Vision in 2013. This 2013 contribution will provide Madison's cable subscribers with "view only" access to Channel 3/Valley Vision programming and enable Madison TV to broadcast programming on the Town of Conway's PEG Channel 3. The letter warns that failure to appropriate \$5,000 at Town Meeting will result in the exclusion of Madison from airing programming on Conway's PEG channel and Madison cable subscribers from viewing Channel 3/Valley Vision programming. Brooks would like to schedule a meeting with the Town of Conway after the Town Meeting vote to iron-out some issues and work toward a long-term agreement that will take us through the remainder of our Cable TV franchise agreement. Noreen Downs pointed out that a couple sentences in Conway's letter are slightly off base. Brooks said he picked up on those same points which will be addressed and clarified after the Town Meeting vote as long as the outcome is favorable. King asked Brooks' to confirm for the public that Madison TV is not at stake because of this issue. Brooks said the only issue at stake is Madison's relationship with sharing a PEG channel with Conway and the ability to view Valley Vision programming. Brooks brought up the potential to negotiate the cost downward since we don't require any additional services from Valley Vision in order to air our programming. King said the Selectmen might expect an amendment to the 2013 warrant article to allow for negotiations based on the programming Madison TV is capable of producing on their own.

**LEAD MINE ROAD** – Shackford said a Memo should be written to the Road Agent directing him to plow a reasonable distance into Lead Mine Road from the East Shore Drive end for the safe parking of motor vehicles per our Regulation. Shackford asked that the Regulation be attached to the Memo.

**LIBRARY PAY INCREASES** – This matter was not raised due to Arruda's absence.

**BACKHOE WARRANT ARTICLE** – Arias received confirmation from the Department of Revenue Administration that a warrant article can be proposed to raise and appropriate money to be added to a capital reserve fund or expendable trust with the same amount of money coming from the unassigned fund balance and no amount to be raised through general taxation. The Selectmen said a Warrant Article may need to be proposed in 2013 to establish a new Capital Reserve Fund for this purpose if one doesn't already exist that can be used. Brooks asked Arias to look up the language of the Highway Department Heavy Equipment Expendable Trust to see whether purchases are allowed or not.

**SIGNATURE ITEMS –**

Manifest

Payroll & Accounts Payable Checks

Intent to Cut Timber - #12-283-17-T – Chick Sr. (229-001 & 229-023)

Scenic Road Notification form letter re: Intent to Cut above

Bureau of Emergency Communications – Data Capture Acceptance Letter

Bureau of Emergency Communications – Data Release Agreement

Bureau of Emergency Communications – Acknowledgement of Nonstandard Addressing

**NON-PUBLIC SESSION – 6:50 PM** – Brooks made a **motion** to go into non-public session under RSA 91-A:3II(c) to discuss a property tax matter with the Tax Collector, seconded by Shackford, and so voted. Roll Call Vote: Shackford – aye, Brooks – aye. **7:18 PM** – Brooks made a **motion** to return to public session and seal the minutes of the non-public meeting, seconded by Shackford, and so voted **2-0**.

**7:18 PM** – Brooks made a **motion** to adjourn, seconded by Shackford, and so voted **2-0**.

**NEXT SELECTMEN'S MEETING** – The next Selectmen's meeting will be an abbreviated one on February 5, 2013 at 5:30 p.m. in the Town Hall Meeting Room. The Selectmen will hold the annual Public Budget Hearing at 7:00 p.m. that evening in the James Noyes Memorial Hall at Madison Elementary School. The Selectmen will also hold a Public Hearing at 5:30 p.m. on Tuesday, January 29, 2013 prior to the 6 p.m. Advisory Budget Committee Meeting. The purpose of the public hearing is to discuss the funding/financing of the proposed fire truck and the withdrawal of funds from a Capital Reserve Fund for the down payment.

Respectfully submitted,

Melissa S. Arias, Town Administrator  
Recording Secretary