

**BOARD OF SELECTMEN
TOWN OF MADISON
JANUARY 25, 2011
MINUTES**

Selectmen Present: Chairman Michel Benoit, John Arruda, Michael Brooks (arrived late).

Others Present: Town Administrator Melissa Arias; Planning Board Chairman Marc Ohlson; resident Fred Ham; resident Bob King; Road Agent Bill Chick, Sr., Fire Commissioners Richard Wells and Alan Gilman; and Madison TV Videographer Emilie Riss.

Where and When Posted: Town Hall upper & lower bulletin boards and Madison & Silver Lake Post Offices on September 1, 2009.

Meeting Called to Order: By the Chairman at 5:35 p.m.

APPROVAL OF MINUTES – Arruda made a **motion** to approve the Selectmen’s Meeting minutes from January 11, 2010 as prepared, seconded by Benoit, and so voted **2-0**.

APPROVAL OF MANIFEST – Arruda made a **motion** to approve the Manifest of January 14-26, 2011 in the amount of \$408,409.50, seconded by Benoit, and so voted **2-0**. The Manifest breakdown is as follows: \$24,404.88 for payroll; \$45,238.62 for accounts payable; \$200,000.00 for the Madison School District; \$138,766.00 for Village District of Eidelweiss.

CLASS VI ROAD INDEPENDENT STUDY – Planning Board Chairman Marc Ohlson was in to talk with the Selectmen about the Planning Board’s proposal that an independent third party review the validity of the roads listed in the Class VI Road Study Report. Ohlson said the Planning Board voted to further to recommend this study due to concerns over unnecessary legal expenses to the Town in the past and how the Planning Board should address applications containing Class VI Roads on the proposed plan. The Planning Board obtained a \$3,000 quote from Attorney and Surveyor Stephan Nix before voting to recommend the warrant article to the Selectmen. Ohlson said the Planning Board is comfortable with the proposed dollar amount as well as the intent of the warrant article, especially in light of the Planning Board’s obligations under RSA 674:41. Ohlson said the intent is not to accept new Class VI Roads or reject existing Class VI Roads, but to review the documentation and research found within the existing Class VI Road Study Report. Arruda said the Town is involved in litigation in Federal court that involves issues related to a Class VI Road listed in the original report. Arruda said current and past Selectmen are personally named in the suit, along with the Town as a whole. One of the claims within the lawsuit is the bad faith of certain Selectmen in the Class VI Road matter. Therefore, Arruda can’t support the Class VI Road independent study warrant article at this time because it could damage the Town’s case in court. Arruda said he might be able to support the study at a future time. Arruda said Town Meeting charged the Selectmen with defending the Class VI roads within the Class VI Road Study Report, which they have been doing. Ohlson left the meeting after saying he would report back to the Planning Board at its monthly meeting on February 2nd.

HIGHWAY DEPARTMENT BACKHOE PURCHASE – Road Agent Bill Chick was in at the Selectmen’s request to discuss the proposed purchase of a new backhoe for the Highway Department. The current Highway Department backhoe would be kept and not traded in so the open-top containers at the Transfer Station can continue to be compacted down and glass can be moved easier. Previous

discussions included purchasing a tag-along equipment trailer to move the current backhoe from the Highway Garage to the Transfer Station in lieu of purchasing a new machine. Chick said the Ford and Peterbilt highway trucks could be set up to tow a 20-ton tag-along trailer. However, Chick said trailers require a lot of maintenance and upkeep, especially for the tires and lights. Arias researched the price of used trailers and found a wide range of \$5,000 to \$14,000 for used 20-ton equipment trailers. Chick doesn't think a trailer is a good investment for the Town for a couple reasons. First, the Town equipment only leaves the town's jurisdiction for major repairs. In those instances, the Town has hired a local contractor to transport the equipment back to the dealership. Secondly, the Highway Garage is centrally located in town, which allows the backhoe and loader to be driven wherever needed. Chick said the backhoe can't stay at the Transfer Station on winter weekends when bad weather is forecast because it is used to load sand and salt into the 1-ton highway trucks. Chick said the loader is too big for this purpose and is only used to load the larger dump trucks. Brooks joined the meeting discussion and pointed out that a Class "A" commercial driver's license is required when hauling a tag-along trailer. The Selectmen agreed to drop the concept of a trailer purchase and move forward with the backhoe warrant article.

HIGHWAY ROAD WORK FUNDING IN 2011 – At the last Advisory Budget Committee meeting, the Committee and Selectmen decided to remove \$50,000 from the \$70,000 proposed in the Road Maintenance line of the 2011 Highway operating budget. Instead, both groups decided to stand firmly behind the \$228,000 warrant article for capital improvement work on portions of Tasker Hill and Allard Hill Roads. The groups want the 2011 operating budget proposal to be the same amount approved in 2010; level funding. Chick said the \$70,000 in his operating budget was for a ¾" compacted shim on portions of Boulder Road, Nacomia Drive, Spruce Spur, Colby Hill Road and/or Westview Drive (2.3 miles total) under routine road maintenance. None of these sections are included on the Capital Improvement Plan (CIP), which is why \$228,000 has been proposed under a separate warrant article. Arruda suggested sending out a Request for Proposal (RFP) as soon as possible with the paving vendors pricing the work as a Madison only project, as well as a cooperative project with the Town of Conway. Chick will call Andrew Smith at the Conway DPW to get the details of their job scope on Tasker Hill Road before proceeding with the RFP.

FIRE DEPARTMENT OPERATING BUDGET 2011 – During the last Advisory Budget Committee meeting, the Selectmen and Committee reduced the Fire Department's proposed 2011 operating budget to the same amount appropriated in 2010. The group felt level funding the Fire Department budget was more fiscally responsible given the tough economic times. The Selectmen invited the Fire Commissioners in to discuss the revised 2011 operating budget amount. Wells said the Fire Chief's duties have increased recently which is why the Commissioners proposed a large pay increase. The pay increase is based upon the Chief working three days per week on Fire Department duties, including seeking and applying for grants. Wells recognizes that grant seeking may have to be put off into the future for lack of funding. Wells also sees the Emergency Management Director's position being underpaid based upon his experience, hard work and dedication. Ultimately the Commissioner's agreed to try to operate with a level funded 2011 budget.

FIRE DEPARTMENT WARRANT ARTICLES 2011 – The Selectmen touched on the three Warrant Articles addressing Fire Department matters. Article 3 is to expand the purpose of an existing Capital Reserve Fund (CRF) to allow for refurbishing, repairing, replacing and/or purchasing fire apparatus. The previous CRF was for purchasing only. Deputy Clark has information on the refurbishment of Fire trucks and will be asked to share it with the Selectmen prior to Town Meeting. Article 14 is for updating radio equipment and Article 15 is to replace the overhead doors at the station.

CODE ENFORCEMENT OFFICER VEHICLE – The Selectmen considered whether or not to propose a warrant article in 2011 for the purchase of a used vehicle for the Code Enforcement Officer. The Code Officer was slated to inherit the 2005 Ford Explorer police cruiser after Town Meeting. This may not be possible due to a recent accident with the vehicle. The current Code vehicle is a 1999 Ford Explorer, used previously as a police cruiser, which Babine has been limping along with for a year or more. The Selectmen will address this matter on February 8, 2011 once more information is received about the 2005 Explorer from the insurance company.

2011 WARRANT ARTICLE RECOMMENDATIONS – Benoit said there are several warrant articles the Selectmen haven't voted to recommend or not recommended. The Board decided to vote on the ones they could during this meeting and get more information on others so they can be voted on at the February 8th Public Budget Hearing. Article 17 needs more explanation regarding whether the GGE line has been reduced by \$3,500 to reflect the establishment of the Expendable Trust before the Selectmen vote to recommend or not recommend this article. The Selectmen also didn't address Article 11 for the used Code Enforcement vehicle.

Motion: Benoit made a **motion** to recommend Article 6 for the Police Cruiser lease, seconded Arruda, and so voted **3-0**.

Motion: Brooks made a **motion** to recommend Article 7 to place \$37,500 into the Fire Truck CRF, seconded Arruda, and so voted **3-0**.

Motion: Benoit made a **motion** to recommend Article 10 for \$24,000 for the 1st year of a 5-year backhoe lease, seconded by Arruda, and so voted **3-0**.

Motion: Brooks made a **motion** to not recommend Article 18 for the Class VI Road independent study, seconded by Arruda, and so voted **3-0**.

Decision: Arias will share the above votes with Stacey so she can mark the tentative warrant accordingly.

SELECTMEN'S OFFICE FEE SCHEDULE – Arias has updated the Selectmen's Office Fee Schedule from 2009 to include the recently released Madison Street Maps prepared by the Terra Map division of Avitar Associates. The cost of the map is proposed at \$5, which includes a separate alphabetically index page with coordinates to help locate roads.

Motion: Benoit made a **motion** to approve the revised Selectmen's Office Fee Schedule, seconded by Arruda, and so voted **3-0**.

Decision: Fee Schedule will be signed later under signature items.

2010 SELECTMEN'S REPORT – The Selectmen discussed the 2010 Selectmen's Report drafted by Chairman Benoit for publication in the 2010 Annual Report. Arruda proposed a few minor modifications. Brooks asked Benoit to include a whole decade of information in the charts. Benoit considered this but found too large a fluctuation due to the revaluations. Arruda suggested looking at the last five years, between the two revaluations in 2005 and 2010. The group decided a five-year spread from 2006 – 2010 would capture Benoit's intent. Benoit will make the modification and send it to Arias.

SELECTMEN'S SNOWMOBILE REGULATION – The Selectmen have received from Town Counsel the revised 'Town of Madison - Selectmen's Regulation - Authorizing the Use of Snowmobiles on Certain Highways and Regulating the Use of Certain Highways'. Benoit proposed a few notations to Attorney Cooper's draft which were agreed upon by the other two Selectmen.

Emilie Riss asked about the reference to Class VI Winter Road under Section 1,b,vi described as running southerly from tax map 245, lot 003 to tax map 251, lot 010. Brooks assured Riss this section was inserted by Attorney Cooper after the Selectmen tasked him with reviewing and redrafting the Regulation. The Selectmen reviewed the pieced together tax maps that were provided to Cooper by Arias upon request. Bob King said the Supreme Court ruling was clear in confirming there was no Class VI Road over the Riss property. Brooks said the Town has accepted confirmatory deeds from May Ward and Mr. & Mrs. Ettinger for the portions of Class VI Winter Road that run over their properties. Jim and Jennifer Eldridge have yet to execute a deed to the Town for the portion passing over their property, even though Town Meeting instructed Attorney Cooper to obtain deeds from Ward, Ettinger, and Eldridge. Brooks offered to help get an executed deed from the Eldridge's before Town Meeting. In the interim, he will ask them for a written statement confirming that they do not oppose snowmobile use.

Motion: Brooks made a **motion** to adopt the Selectmen's Regulation Authorizing the Use of Snowmobiles on Certain Highways and Regulating the Use of Certain Highways as amended at the table tonight to be signed out of session once prepared, seconded by Arruda, and so voted **3-0**.

Decision: Arias will make the revisions to the Selectmen's Snowmobile Regulation and have the Board sign it out of session before filing with the Town Clerk's Office, posting in two public places, and forwarding to the Bureau of Trails at the Department of Resources and Economic Development.

TOWN CLERK FILING FEES – Town Clerk Marcia Shackford has received documentation from the NH Town Clerk's Association regarding new forms that can be filed at the municipal level. Each NH town is being advised to adopt a filing fee for the filing of landlord agents for restricted rental property affidavits. Some towns have established a filing fee of \$15 for these forms, which is what Shackford is recommending to the Selectmen. The Selectmen had too many questions to proceed without speaking with Shackford first so Arias summoned her to appear before the Board. Shackford was able to explain how the State is trying to establish a resident agent in every municipality to accept these new types of filings. The State feels the likely resident agent would be the Town Clerk's Office in each town. Shackford explained the other types of filings currently accepted by the Town Clerk's Office for set filing fees, which include Articles of Incorporation, Articles of Agreement, etc. Some filing fees are set by State statute, but for those that aren't, it's up to the local governing body to set the filing fee.

Motion: Brooks made a **motion** to adopt a \$15 filing fee for landlord agents for restricted rental property affidavits as required under newly adopted RSA 540:1-b,I,II, seconded by Benoit, and so voted **3-0**.

Decision: Shackford will be given a copy of these minutes as proof of the Selectmen's decision.

TOWN COUNSEL AT TOWN MEETING – The Selectmen decided to request the presence of Town Counsel, or his designee from Cooper Cargill Chant, at the Saturday, March 12, 2011 Town Meeting. Arias will ask for the attorney representative's name so an advance meeting can be scheduled for a non-meeting week, possibly February 15th.

2010 TOWN MEETING RESOLUTION – Arruda brought up a resolution voted at the 2010 Town Meeting to address all charitable contributions through separate warrant articles. Arruda said this would deal with Green Mountain Conservation and the Madison Food Pantry. Arias said the Town operating budget has contributed to the Food Pantry since she began working here in 1995. The resolution now means the Selectmen will have to remove the \$2,000 contribution to the food pantry from the 2011 operating budget and add it as a Warrant Article. Due to time constraints, the Selectmen will put the warrant article up this year without requiring a petition. In future years, the Church will be asked to submit a petitioned warrant article just like they do for the Neighbor Helping Neighbor program.

TRANSFER STATION BRUSH – Benoit brought up the Transfer Station brush pit. Arias has been in contact with Dennis Berry in New Durham who is willing to establish a program with the Town to dispose of our brush. It is unclear until Berry meets with Arias what the Town's financial obligation will be. Arias hopes to meet with Berry later this week.

PUBLIC COMMENTS – Fred Ham asked the Selectmen about the Highway Department plowing a short distance of Lead Mine Road on the East Shore Drive end for people to park personal vehicles for the purpose of recreating on Town Forest. Ham said cars have been parking in the area on the side of the road on a slight slope with a hill which causes poor sight distance. The Selectmen instructed Arias to convey this message to the Road Agent for the safety of the traveling public.

Bob King asked for clarification on the Selectmen's vote earlier in the meeting regarding Warrant Article 18 on the Class VI Road independent study. King was uncertain whether the Board voted to remove the warrant article all together or whether they voted to not recommend the article but keep it on the warrant. King said the Selectmen should clarify their intentions for the record.

Motion: Brooks made a **motion** to not place the Class VI Road independent study warrant article on the 2011 warrant, seconded by Arruda, and so voted **3-0**.

Decision: Arias was asked to notify the Planning Board of this decision tomorrow morning.

Police Chief Mullen asked for a brief non-public session with the Selectmen regarding a personnel matter.

END OF PUBLIC COMMENTS

NON-PUBLIC SESSION – 8:05 PM - Benoit made a **motion** to go into non-public session under RSA 91-A:3II(c) to discuss a personnel matter with the Police Chief and sign signature items upstairs in the Selectmen's Office, seconded by Arruda, and so voted **3-0**. Roll Call Vote: Arruda – aye, Brooks – aye, Benoit – aye. **8:10 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.

SIGNATURE ITEMS –

Intent to Cut Timber – Hertel (247-018)

Intent to Cut Timber Supplemental - #2010-283-12-T – Deaderick (229-030-001)

Tax Collector's Abatement - #2010-025 Vitale

Selectmen's Office Fee Schedule – updated 01/25/11 to include cost of street map

ADJOURNED – 8:10 PM – Arruda made a **motion** to adjourn, seconded by Benoit, and so voted.

NEXT SELECTMEN'S MEETING – The Selectmen and Solid Waste Advisory Committee (SWAC) will hold a special meeting on February 1, 2011 at 5:30 p.m. to open sealed proposals for Municipal Solid Waste Transportation and Disposal services. The next regular Selectmen's meeting will be Tuesday, February 8, 2011 at 5:30 p.m. The Public Budget Hearing will be held at the Elementary School at 7:00 p.m. that evening, with the Selectmen and Budget Committee meeting at 6:45 p.m. to vote last minute recommendations on proposed warrant articles.

Respectfully submitted,

Melissa S. Arias, Town Administrator
Recording Secretary