

**BOARD OF SELECTMEN
TOWN OF MADISON
JANUARY 4, 2011
MINUTES**

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

Others Present: Town Administrator Melissa Arias; Robert & Kathy Garland of North Conway Incinerator Service; Solid Waste Advisory Committee members David Downs, Ray O'Brien, & Ruth Ham; resident and Budget Committee Member Fred Ham; resident Bob King; Road Agent Bill Chick; Scrub Oak Scrambler Snowmobile Club (SOSSC) President Tim Cupka; resident Bonnie Remick; and Madison TV Videographer Noreen Downs.

Where and When Posted: Town Hall upper & lower bulletin boards and Madison & Silver Lake Post Offices on December 29, 2010.

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

APPROVAL OF MINUTES – Arruda requested two amendments to page 4 of the December 28, 2010 Selectmen's meeting minutes to clarify points he made during the Lead Mine Road Right-of-Way Gate discussion.

Motion: Arruda made a **motion** to approve the Selectmen's Meeting minutes from December 28, 2010 as amended, seconded by Brooks, and so voted **3-0**.

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

TRANSFER STATION CONTRACT & REQUEST FOR PROPOSAL – The Selectmen and three members of the Solid Waste Advisory Committee (SWAC) met with Robert & Kathy Garland of North Conway Incinerator (NCI) regarding the Transfer Station contract and upcoming Request for Proposal (RFP). Robert Garland said NCI has been in operation for 33 years and is interested in providing a bid for solid waste disposal services. The NCI facility is located on East Conway Road, approximately 8 miles from the Transfer Station. NCI runs 4 roll-off trucks and has two tag-along trailers that can be used for tandem hauls. Garland said all containers are numbered for identification purposes. The NCI facility is large enough to temporarily store containers on-site so loads can be hauled in tandem. NCI currently manages waste for the Towns of Ossipee, Bartlett, and Jackson, NH, as well as Fryeburg and Brownfield, Maine. NCI has a number of 30 and 40 yard containers, all are numbered for identification purposes. NCI can be available on an on-call or emergency basis via cell phone to allow the changing out of full containers during the weekend so the operability of the compactor isn't interrupted. Garland said extra containers can be placed on holiday weekends or when volume is known to be high. NCI hauls municipal solid waste (MSW) to the Mt. Carberry Landfill in Berlin and hauls recyclables to EcoMaine in Portland. NCI has a 6-year contract with Mt. Carberry at a very competitive rate. The current landfill sits on 20 acres with 700 acres available for future expansion. Garland said depending on the economy, fuel surcharges wouldn't be out of the question in the future. NCI can write up a single contract for MSW, or we could have a separate contract for disposal of recyclables. The Town of Ossipee uses NCI to dispose of MSW, bulky waste, construction & demolition (C&D) and uses NRRA for disposal of recyclables. Garland said the cost per ton to the Town would be \$48. The group compared the rough mileage to Rochester Turnkey versus Berlin Carberry and determined them to be similar. The Solid Waste Advisory

Committee offered to meet the Garlands on-site at the Transfer Station to go over our existing operation. The RFP is currently being reviewed by Town Counsel and will be placed on the next meeting agenda to discuss his comments before finalizing and mailing out.

CORRESPONDENCE FROM SCRUB OAK SCRAMBLERS – The Selectmen received a letter from Scrub Oak Scramblers Snowmobile Club (SOSSC) President Tim Cupka regarding the Selectmen’s decision to not allow the Veilleuxs to plow beyond their right-of-way access. Benoit read the SOSSC letter received on January 3, 2011. SOSSC is asking the Selectmen to allow the Veilleuxs to plow beyond their right-of-way access for safety reasons, including but not limited to a transition area where the dual-use designation ends, the placement of signs, and a relief area for emergency vehicles. Cupka said the transition area is important to ensure snowmobiles don’t throw snow into the vehicular travel way when accelerating over the embankment at the end of the unplowed portion. Cupka said the first snowstorm proved that the dual use on this section can be successful. Cupka said the turn-around is a good location for excess snow; but Arruda clarified the Town doesn’t own the turn-around and can’t grant permission to push snow there. Benoit asked Chick if snow could be plowed beyond Veilleuxs driveway but remain within the Town’s right-of-way. Chick said yes; snow could be pushed down the middle and slightly outward on each side so private property isn’t encroached upon. Chick doesn’t believe the Goodwin family would oppose snow being pushed onto their land at the turn-around, which is between 200-250 feet beyond the Veilleuxs’ access. Bob King said there are stonewalls along this section of Lead Mine Road that indicate the road is less than 3 rods wide as stated at a previous meeting by Chick and the Selectmen. King suggested the Selectmen find an expert to research the actual width of Lead Mine Road before proceeding. Cupka said the SOSSC can establish a trail transition area with extra work by the groomer. His concern is the timing between the plowing of the road and the grooming. Brooks said this transition area concept should be the same on Black Brook Road and Winter Road. Cupka agreed and said he isn’t aware of any issues or complaints from the property owners off Black Brook or Winter Road. King said the Selectmen should put a limit on the length to be plowed because plowing a long straight stretch will require the truck to back up and could cause issues with getting stuck. Arruda isn’t opposed to snow being plowed beyond Veilleuxs’ right-of-way access as long as everyone is clear that the Town can’t grant permission to plow snow on private property. Arruda also said the Town can’t get involved if Veilleux gets hung up on private property.

Motion: Arruda made a **motion** to allow the Veilleuxs to plow past their driveway, in a westerly direction, not to exceed one hundred feet (100’), to allow a transition area for snowmobiles, seconded by Benoit, and so voted **2-1**, with Brooks in opposition.

SELECTMEN’S SNOWMOBILE REGULATION AMENDMENTS –

Motion: Arruda made a **motion** to gather all Board meeting minutes over last month that relate to this topic, including all voted motions, and forward them to Town Counsel as soon as possible for his review and rewriting of the Snowmobile Regulation, seconded by Brooks.

Discussion: Benoit would like Town Counsel to pay close attention to how RSA 215-C:8(XII), RSA 47:17(VIII) and RSA 41:11 interplay. Benoit believes sections of these statutes are contradictory and would like clarification on which one supersedes the other. Brooks would like the Regulation to specify the intent of the dual use authorization as prohibiting all motor vehicles except those using that road as access to their personal property.

Decision: The Selectmen voted **3-0** on the above motion. Arias will compile and send the documentation to Town Counsel.

LEAD MINE ROAD RIGHT-OF-WAY GATE – Arruda presented photographs taken by Fred Ham on December 31, 2010 that show the appearance of a locked gate leading into the Veilleux property which is not in compliance with the Selectmen’s December 28th decision that the gate must remain unlocked. Arruda pointed out a short section of chain that has been strung up to the west side of the gate making it appear as though pedestrian traffic isn’t allowed. Arruda asked Chick if the “Goodwin Forest – Non-Motorized Access Only Beyond This Point” signs have been posted; Chick said yes. Ham said he’s opposed to the addition of the chain because he sees it as a deterrent to people wanting to cross country ski or snowshoe. The Selectmen asked Arias to communicate to the Veilleuxs the Board’s wish to have the chain removed immediately. Ham asked the Selectmen to specify that the chain should not extend beyond the end of the gate. King added that the Veilleuxs need to be asked to stop making the area appear as though the property is private.

DRIVEWAY PAVING PERMIT REQUIREMENT – Brooks brought up Clinton Trussell’s request for information on the requirement of a driveway permit to pave an existing gravel driveway. Arias recapped the research conducted to date and offered to contact Trussell directly.

CODE ENFORCEMENT OFFICER’S 2010 REPORT – The Chairman read the 2010 Code Enforcement Officer’s Report.

PUBLIC COMMENTS – Bonnie Remick asked about the fairly recent rule that items can’t be removed from the Transfer Station property. Benoit offered Remick the same explanation presented at previous Board meetings and reiterated that the issue will be looked at again in the spring. Remick supports the setting aside of usable items as a worthwhile venture, with liability being addressed through signage. Benoit again encouraged residents and taxpayers to submit ideas to the Selectmen for review later in the year.

Bob King offered to research and provide evidence proving the width of the Highway to Summer Cottage section of Lead Mine Road. King said this section of road doesn’t carry the same width as the East Madison Road side of Lead Mine Road. King said the existing stonewall is considered monumental evidence. King is familiar with some of the history of this area and offered to conduct more research to ensure the language of the Regulation is proper and legal. King said the research will also be useful if the question of the Town maintaining this section of road comes up again at Town Meeting. King said the section of road isn’t wide enough to support year round maintenance by the Town. **END OF PUBLIC COMMENTS**

SIGNATURE ITEMS –

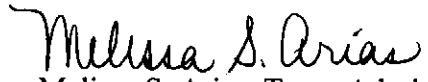
Report of Timber Cut – Town of Madison (258-008)

Timber Tax Warrant & Worksheet – Town of Madison (258-008)

ADJOURNED – 7:06 PM –Arruda made a **motion** to adjourn, seconded by Benoit, and so voted.

NEXT SELECTMEN’S MEETING – The next regular Selectmen’s meeting will be Tuesday, January 11, 2011 at 6:30 p.m. The Selectmen will meet with the Advisory Budget Committee from 5:30 p.m. to 6:30 p.m. on the same date.

Respectfully submitted,

A handwritten signature in cursive script that reads "Melissa S. Arias".

Melissa S. Arias, Town Administrator
Recording Secretary