

**BOARD OF SELECTMEN
TOWN OF MADISON
JUNE 25, 2013
MINUTES**

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

Others Present: Town Administrator Melissa Arias; Road Agent Bill Chick Sr.; Tax Collector Marcia Shackford; Old Home Week Committee Members Tammy Flanigan, Candy Sue Jones, Cheryl Brooks, and Jennifer Garside; Carol Kramer from the Scholarship group; Brian Fowler from the Madison Boulder group; Fire Commissioners Richard Wells, Alan Gilman & Joyce Elliott; Trustees of the Trust Fund Pam Wells, Lynne Gilman & Ali Judkins; Madison Fire/Rescue member Phoebe-Lynn Rand; residents Phoebe Rand, Wayne Jones, Norm Garside, Franklin Jones & Mark Graffam; and Madison TV Videographer Noreen Downs.

Where and When Posted: Town Hall upper & lower bulletin boards and Madison & Silver Lake Post Offices on June 30, 2011.

Meeting Called to Order: At 5:30 p.m. by the Chairman.

APPROVAL OF MINUTES – Shackford made a **motion** to approve the Selectmen’s Meeting minutes of June 11, 2013 as prepared, seconded by Arruda, and so voted **3-0**.

APPROVAL OF MANIFEST – Shackford made a **motion** to approve the Manifest of June 17 - 26, 2013 in the amount of \$168,108.08, seconded by Arruda, and so voted **3-0**. The Manifest breakdown is as follows: \$24,155.66 for payroll; \$6,991.52 for payroll liabilities; \$30,960.90 for accounts payable; \$106,000.00 for the Madison School District (6/27/13 release date).

THERE WERE NO PUBLIC COMMENTS

EAST MADISON ROAD PAVING BIDS – The Selectmen opened five sealed bids for a ¾” shim over three designated sections of East Madison Road (total of 13,200’ x 21’). The results were as follows:

Company	Tons	\$/ton	Total	Base AC \$	Add On
Carroll	1,270	\$80.75	\$102,552.50	\$622.50	
Central	1,285	\$77.00	\$98,945.00	\$620.00	
GMI	1,318	\$76.38	\$100,668.84	\$622.50	\$120/ton for hand method
Pike	1,330	\$77.60	\$103,208.00	\$622.50	\$2,000 ea. extra mobilizations
R&D	1,310	\$69.65	\$91,241.50	\$622.50	\$120/ton for hand method

The Selectmen will wait until the East Madison Road bridge replacement sealed bids are opened on July 23, 2013 to determine what will be done with the paving bids and proposed work.

BOAT LAUNCH DOCK – Road Agent Bill Chick Sr. discussed an incident that occurred at the Boat Ramp dock over the weekend. Chick said someone was injured when their foot got stuck in the gap between two sections of the Boat Ramp dock resulting in Fire/Rescue being called. Chick said the

existing dock is a floating setup bought from Silver Lake Home Center several years ago. Chick and Brooks have both talked with Silver Lake Home Center and found that they don't have a solution or add-on to the dock system to address the gaps. Chick said pieces of plywood have been attached to the independent sections in the past to bridge the gap but don't stay affixed because waves and wind separate the sections and force the plywood fasteners free. Brooks said there are two options; (1) fabricate a piece of steel with two pieces of angle iron to cover the void (which might be slippery), or (2) remove the docks entirely for fear of a lawsuit. Shackford asked when the Town's insurance provider last conducted a safety audit. Arias said it was within the last two years and she doesn't recall any notations about the docking system or floats other than they needed to have "No Diving" signs or decals added to them. The hardware store told Brooks that floating dock systems aren't ideal unless the water is so deep that a stationary dock can't be anchored to the bottom with posts. Arruda said he'd prefer to see the existing sections of dock fastened together and anchored to the shore or bottom in a different fashion. Arias said there are also floating dock systems at the Foot of the Lake and Head of the Lake beaches. Arias said the insurance company has already received a report on the injury and has asked for photographs to be taken and e-mailed to them. Hopefully a recommendation will be forthcoming from them soon. Until then, the Selectmen decided to leave the dock systems alone.

2010 UNPAID PROPERTY TAX LIST – Tax Collector Marcia Shackford was in to present the Selectmen with a list of property owners who have outstanding 2010 property taxes and are in jeopardy of losing their property to a Town tax deed in August. Marcia said she's also given the list and related information to the Code Enforcement Officer who will hopefully weigh in on any risk or hazard he sees in accepting a deed to the properties. Marcia said the next round of notices will be sent around July 9th with deeding on August 20th. Arias said the July 23rd agenda will have the deed waiver subject on it because that's the last regular Board meeting prior to the deed date where all three Selectmen will be present. Arias said an alternative would be to hold a special meeting the week of August 12th to decide upon the deed waivers. Marcia asked the Selectmen to let her know tonight or prior to the Board's next review if they have any questions or comments. Brooks asked if anyone on the list is making routine payments to the Tax Collector in an attempt to resolve their 2010 tax balance before the deeding date. Marcia said no but in February 2013 her office sent a letter to everyone in jeopardy of tax deeding to encourage them to contact the Selectmen's Office and request a meeting to discuss their situation with the Board.

2006 POLICE CRUISER – The Selectmen discussed the manner in which they want to dispose of the 2006 Ford Crown Victoria police cruiser now that the new one has arrived. The Selectmen were fine with placing an ad for sealed bids in the newspaper and asked that the car be parked in front of the Madison Garage for viewing.

NRRA RECYCLEMOBILE – Ray O'Brien of the Solid Waste Advisory Committee (SWAC) has reserved the Northeast Recovery Recycling Association's (NRRA's) Recyclemobile during Old Home Week in an attempt to properly dispose of aluminum beverage cans.

TRUSTEES OF TRUST FUND – The Trustees of the Trust Fund (TTF), after sending the Selectmen a recent e-mail inquiry, were in to talk with the Board about various Committees or ad hoc groups and their associated funds and/or accounts. The TTF have previously stated that any monies raised through donation need to be held by them and cannot be kept in an account under the control of the Town Treasurer or Committee/group. Trustee Wells said by law there are only two municipal boards/groups that can handle their own money and none of the five groups mentioned in their recent e-mail to the

Selectmen fall under that exception. Brooks read the following italicized description of Committees/groups and where things currently stand with their status and related accounts/funds.

VETERANS MONUMENT – *Funds in the amount of \$7,560.10 were transferred to the Trustees of the Trust Fund on 7/11/2012. The Town is currently (and has been for a while) waiting for Henry Forrest or another member of the ad hoc committee to provide the Selectmen with a list of members agreeable to taking an oath and serving officially on the Selectmen’s appointed Veterans Monument Committee. Once the list is received the Oaths will be drawn up by the Clerk’s Office for the Selectmen to sign at their next meeting.* Brooks said he can’t predict when the Selectmen will receive a list of individuals willing to officially serve on the Veterans Monument Committee. Brooks offered to contact Henry Forrest for the list of names.

SCHOLARSHIP – *Per Carol Kramer, the group is moving forward with the hope of becoming a Town Committee appointed by the Selectmen with the funds turned over to the Trustees. They are presently working on a "Document of Creation of the Madison Scholarship Committee" and have 2 new members, Sean Littlefield and Karen Lord. Carol has a few questions to ask of Town Counsel or Terry Knowles prior to presenting anything to the Selectmen. Carol Kramer read a report on the status of the Scholarship group and provided copies to the Selectmen. Kramer said the group is working with Attorney Penny Deans who has consulted with Terry Knowles of the Attorney General’s Office. Kramer had a few questions to ask the Selectmen before continuing along the path of becoming a Town appointed Committee with funds held by the Trustees.*

MADISON BOULDER – *Brian Fowler is working with Bill Carpenter of NH Department of Resources and Economic Development (DRED) and someone from the NH Geological Society to establish a State of NH “Friends of Madison Boulder” group. The Selectmen will review the finalized paperwork between the two parties prior to posting and holding a Public Hearing to transfer \$6,805 in funds within the Town’s Boulder Loop account over to the non-profit 501(c)3 of the NH Geological Society which will close out the account. At that point, the Town of Madison will no longer be involved other than having a couple residents participating in the State’s “Friends of” group. Fowler said the NH Geological Society has signed off on the new arrangement and Bill Carpenter from DRED is working on that agency’s acceptance. Fowler said the National Park Foundation has already given verbal permission for the \$4,500 in grant funds to be transferred from the Town to the NH Geological Society’s 501(c)3 and he’s awaiting written permission for the same. Fowler has also contacted the individual donors for the remaining \$2,800 to ensure their donations weren’t restricted in any way. Fowler said he’ll keep the Selectmen informed of the progress.*

OLD HOME WEEK – *The Old Home Week (OHW) Committee normally receives donations and makes expenditures within a short timeframe. The OHW Committee books are audited annually by the Town’s auditing firm. As of Dec 2012 there was \$9,720 in their account. The logistics of turning some or all of the funds over to the TTF would have to be discussed and well known prior to making any decision. The other options would be for OHW to seek non-profit 501(c)3 status to get out from under the Town’s Federal ID number or to disband. This topic is one that hasn’t been discussed by the Board of Selectmen before. Arruda asked OHW for the timing of their annual expenditures and received a response of mid-July to the end of August, plus a small amount for the Memorial Day pancake breakfast. Arruda wondered if OHW could maintain a checking account with a minimum balance during their non-working months while the bulk of their funds would be with the TTF. OHW Treasurer Cheryl Brooks and former OHW Treasurer Tammy Flanigan said they have a Certificate of Deposit (CD) that all but \$1,000 of the*

checking accounts funds is moved into during the winter months. Flanigan said the \$1,000 is held out in case there is a sale on grills or other necessary supplies, a deposit needed for t-shirts, etc. The TTF said non-profit status would be the best option for OHW but OHW said the \$850 cost to file for non-profit status and the annual responsibilities associated with maintaining a non-profit status are more than what the Committee wants to handle. Brooks would like to take on getting OHW a non-profit status but knows it will take several months to accomplish. Cheryl Brooks asked if the 2013 Old Home Week Committee can continue this year without transferring funds to the TTF. Someone from the audience pointed out that Madison is coming up on the 111th Annual Old Home Week and wondered why there is suddenly a problem with how they conduct business. Flanigan asked whether there's a difference between accepting money that goes toward a future expense, like fireworks, and monies charged and collected during an event, like people paying for the Bean Hole Supper meal. Brooks said he hasn't had an opportunity to find out whether there is a difference between collecting donations and the cost for specific events. The TTF said the governing law was enacted in 1916. Arruda suggested placing the OHW operating costs within the annual operating budget under Parks & Recreation to alleviate the cost of a 501(c)3. Wells said putting OHW under Parks and Recreation would only complicate matters. Cheryl Brooks said OHW is about to start everything up for 2013 and wants to be certain they aren't doing something they shouldn't be doing. Shackford asked the TTF what the repercussions would be if OHW didn't surrender their funds. The Trustees said the law is the law, to which Shackford said he is familiar with working with the law. Graffam said a non-profit organization must prove that their group is not making a profit and wondered if this would be possible with OHW. Graffam said the Village District of Eidelweiss (VDOE) is purposely not putting their money with the TTF and is placing it in the operating budget instead to circumvent the need for Trust Funds. Graffam said the cash flow is simpler for the District Treasurer than if it were with the TTF and the Department of Revenue Administration (DRA) has given the VDOE permission to conduct business this way. Brooks said the Selectmen need to reach out to Terry Knowles at the Attorney Generals Office and explain to her how OHW has been conducting business and see whether they need guidance in making a change. Graffam said years ago Tammy Flanigan was appointed Deputy Town Treasurer at the recommendation of the Auditor because she was in possession of the OHW checkbook from mid-July to mid-August. CandySue Jones said some of the funds collected during OHW are for the benefit of other groups, like the Historical Society & the Blueberry Festival, the Scholarship Committee & the Lucky Ducky Race and Golf Tournament; the Fire Department (previously) & Chicken BBQ. Brooks said this shouldn't be an issue because OHW is only the conduit for these events.

PARKS & RECREATION - (*Field Trip = \$10,455.88; Ballfield = \$14,299.13; Pavilion = \$15,943.66*)
The Parks & Recreation Committee is so recently disbanded that the Selectmen haven't had an opportunity to look into the nature of each account, the purpose behind deposits and the frequency of expenditures. Arruda said he's not clear on what has been deposited into or expended out of the Ballfield accounts over the last several years. Brooks said the Selectmen need to ask the Treasurer to research the details for the Parks and Rec accounts so the Selectmen will know how much from each of the three accounts was earned through donations.

TRANSFER STATION GLASS PIT - Arruda asked Chick when the glass pit was last crushed or pushed back. Chick thinks it was 3-4 years ago and doesn't recall the cost. Chick said it was a very large bulldozer that was used. Arruda said the pit is filling up and there is money to hire a machine again under the recycling line of the Solid Waste operating budget. Chick said more blocks may need to be added to the rear wall of the pit area so the pushed up glass doesn't fall out the back. Chick said he'll look into the cost of more blocks and a price to hire a machine to crush it down and push it back.

TRANSFER STATION COMPOST - Arruda said there is compost nearly ready at the Transfer Station and we need something called “inoculants” from a local resident to get the rest of the compost to break down quicker. Arruda said Chick would like to move some of the compost from the Transfer Station to the Ward Parcel so it can be turned with the equipment housed at the Highway Garage rather than driving the equipment to the Transfer Station to turn the piles. Arias asked the Selectmen if removal of compost from the Ward Parcel would be handled the same or differently than the requests for sawdust that are accompanied by a signed Waiver of Liability form and a Certificate of Insurance. The Selectmen and Road Agent didn’t seem concerned over how the compost will be managed on the Ward Parcel.

TRANSFER STATION OIL TANK – Arruda said the Transfer Station oil tank was relocated recently from one side of the Transfer Station driveway to the other side by the Highway Department. The embankment where the oil tank was will be slightly modified by the Highway Department to accommodate the new aluminum can recycling trailer.

TRANSFER STATION TRAILER – Arias read an e-mail from SWAC member Ray O’Brien to teacher Andy Shaw at the MWV Career and Technical Center thanking him and students Brandon Eldridge, Dalton Dimatteo, Chris Storey, Josh Field, and David Farrinella for the work they did converting the school’s old ski trailer to a trailer that will haul aluminum beverage cans from the Transfer Station to Ricker’s for recycling. The trailer was recently finished with lights and other small details by the Highway Department.

TRANSFER STATION SIGN – Arruda asked where the new Transfer Station sign is stored and when it will be installed. Chick said the new compliant sign is in the Transfer Station office building and will be hung in the near future.

LOGGING ON EBEN FARM ROAD – Arias informed the Selectmen that the forester for a recent timber intent was into Town Hall looking for someone to show the areas of Class VI Eben Farm Road that will need modification during the timber project. In the absence of a Selectman or the Road Agent, Arias asked the Code Enforcement Officer to go to the site with the forester. Arias said Babine had already been asked to take photographs of the Class VI Road for the file. Babine told Arias the forester would be looking to add 4 loads of material to the road bed and place a portable steel bridge over a wet area. Babine asked the forester to submit in writing the details of what will be done to the road. Arias had hoped to have the details prior to this meeting but said she will pass it along to the Selectmen upon receipt so they can determine whether a bond will be required.

SIGNATURE ITEMS –

Manifest

Payroll & Accounts Payable Checks

Purchase Requisition #2013-HIGH-001 – Shackford Construction (\$9,880) screened sand

#2013-WARR-001 – Lakes Region Fire App (\$2245) Engine 1 work

Property Abatement Decision – GRANTED – Veilleux (257-001)

Tax Collector Abatement - #2013-006 Booth Revoc Trust (117-037)

#2013-007 Kennett Realty Trust (203-009-001)

Appointment/Oath of Office – Stuart Lord – Zoning Board Alternate

NON-PUBLIC SESSION – 7:08 PM – Brooks made a **motion** to adjourn the public session and go into non-public session under RSA 91-A:3II(c) to discuss a property tax matter with a taxpayer and the Tax

Collector and then into a second non-public session under RSA 91-A:3II(c) at the request of the Fire Commissioners, seconded by Arruda, and so voted **3-0**. Roll Call Vote: Shackford – aye, Arruda – aye, Brooks - aye. **8:15 PM** – Arruda made a **motion** to return to public session and seal the minutes of the first non-public session but make the second set of non-public minutes public, seconded by Shackford, and so voted **3-0**.

8:15 PM – Arruda made a **motion** to adjourn the regular Selectmen’s Meeting, seconded by Shackford, and so voted **3-0**.

NEXT SELECTMEN’S MEETING – The next regular Selectmen’s meeting will be July 9, 2013 at 5:30 p.m. in the Town Hall Meeting Room.

Respectfully submitted,

Melissa S. Arias, Town Administrator
Recording Secretary