

**BOARD OF SELECTMEN
TOWN OF MADISON
MARCH 7, 2011
MINUTES**

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

Others Present: Town Administrator Melissa Arias; Solid Waste Advisory Committee Chairman David Downs; Madison Boulder Advisory Commission Chairman Brian Fowler; Selectman in training Alyssa Brooks; Madison TV Videographer Noreen Downs.

Where and When Posted: Town Hall upper & lower bulletin boards and Madison & Silver Lake Post Offices on February 23, 2011.

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

APPROVAL OF MINUTES – Arruda made a **motion** to approve the Selectmen’s Meeting minutes of February 22, 2011 and February 28, 2011 as prepared, seconded by Brooks, and so voted **3-0**.

APPROVAL OF MANIFEST – Arruda made a **motion** to approve the Manifest of March 7, 2011 in the amount of \$130,835.45, seconded by Brooks, and so voted **3-0**. The Manifest breakdown is as follows: \$23,318.32 for payroll; \$57,517.13 for accounts payable; \$50,000.00 for the Madison School District.

POLICE SPECIAL EQUIPMENT ACCOUNT EXPENDITURE – Chief Mullen has requested permission from the Board of Selectmen to expend \$1,531.20 from the Police Special Equipment account for the purpose of purchasing and installing a base radio in the Police Department office.

Motion: Benoit made a **motion** to approve the Purchase Requisition for the Police Department radio equipment, seconded by Arruda, and so voted **3-0**.

Decision: The Purchase Requisition will be signed later under Signature Items.

REQUEST FOR HEARING BEFORE SELECTMEN – The Selectmen received a letter dated March 4, 2011 from resident Fred Ham complaining about the Chairman of the Conservation Commission and the Chairman of the Solid Waste Advisory Committee. Ham is requesting a hearing before the Selectmen on this matter and would ultimately like the Selectmen to remove both individuals from their appointed positions. Benoit read the letter into the record and pointed out that Ham tendered his resignation as an appointed Alternate on the Advisory Budget Committee. Arruda suggested the letter be discussed further in non-public session and possibly forwarded to Town Counsel for review and comment.

PROPANE & HEATING OIL COSTS – Arias and Stacey discovered earlier today that the Town has exceeded the number of propane gallons reserved through Irving Oil for the period August 1, 2010 to July 31, 2011. The Town has been receiving propane at a locked-in rate of \$1.864 per gallon but will now be billed the going rate for each gallon delivered. Most recently that amount was \$3.189 per gallon. Stacey estimates the usage based the average of two to three previous years. This is the first time her estimate has been inadequate. Stacey will prepare an estimate on the number of gallons to be used between now and July 31st so additional funds can be added to the 2011 operating budget at Town Meeting. Stacey will also be looking into the usage of heating oil at town-owned buildings for the same reason.

WASTE MANAGEMENT INVOICE SURCHARGES – The Selectmen received an e-mail reply from Waste Management explaining how they derive their fuel and environmental surcharges. The Selectmen would like an independent set of eyes and asked Arias to send a copy of the Waste Management contract and the details of the questionable charges to Town Counsel for review and comment. Brooks pointed out Town Counsel already has the contract language because he is assisting in the review of the North Conway Incinerator solid waste Agreement.

REQUEST FOR E-MAILS TO BE FORWARDED TO TOWN COUNSEL – Two recent e-mails have been received by the Board (via Arias' e-mail) from Bob King regarding Town Meeting Article 20. King has requested the e-mails be forwarded to Town Counsel, with attachments, for his review and research prior to Town Meeting. Arias asked for the Selectmen's wishes on forwarding the e-mails. Benoit commented on the March 6th e-mail that takes exception to statements Benoit made at Candidates Night regarding estimated legal expenses for road layout proceedings either by the Board of Selectmen or by the court. Benoit said he conducted research through Town Counsel prior to quoting legal costs at Candidates Night. Benoit said the second e-mail dated March 7th is regarding the Veilleux's building permit. Benoit doesn't support sending the e-mails to Town Counsel. Arruda and Brooks would rather send Attorney Meier the e-mails prior to Town Meeting so he isn't caught off guard by questions that will inevitably come up.

Motion: Arruda made a **motion** to send both e-mails to Town Counsel, seconded by Brooks, and so voted **2-1**, with Benoit in opposition.

Decision: Arias will forward the e-mails to Town Counsel.

MADISON BOULDER UPDATE – Madison Boulder Advisory Commission Chairman Brian Fowler was in with a quick update on Madison Boulder. Fowler said the Attorney General's Office drafted a letter to the heirs of the Gerry Estate outlining the State's plans for access to the Boulder property. The last contact with the Gerry heirs was around 1996 when Attorney Fay Melendy was involved in the Alexander Avenue case. Fowler said the ideal response from the heirs would be a positive one affirming that the State's proposal is within the intent of the original Gerry gift of land. Fowler has been told that a majority of the Gerry heirs would need to be in favor of the State's outline in order to move forward. Fowler said the National Park Service is interested in this matter and may have federal grant funds available in the future.

Motion: Benoit made a **motion** to authorize Chairman Fowler to send out the letters to the Gerry heirs, seconded by Arruda, and so voted **3-0**.

Decision: Fowler will send out the letters and keep the Selectmen apprised of the progress.

PUBLIC COMMENTS - David Downs resents the completely fabricated comment about him read from Mr. Ham's letter earlier in the meeting but understands the Selectmen have to pursue Ham's request.
END OF PUBLIC COMMENTS

SIGNATURE ITEMS – Purchase Requisition Police Special Equipment Account – Ossipee Mountain Electronics (\$1,531.20) radio base station purchase and install in PD office

NON-PUBLIC SESSION – 6:10 PM - Benoit made a **motion** to go into non-public session per RSA 91-A:3II(c, i) to discuss Mr. Ham's written request for a hearing before the Board of Selectmen, seconded by

Arruda, and so voted. Roll Call Vote: Arruda = aye, Brooks = aye, Benoit = aye. **6:42 PM** – Brooks made a **motion** to leave non-public session and seal the minutes, seconded by Arruda, and so voted **3-0**.

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

NEXT SELECTMEN’S MEETING – The next regular Selectmen’s Meeting will be Tuesday, March 22, 2011 at 5:30 p.m. The Selectmen have posted a special meeting on Tuesday, March 15, 2011 at 5:30 p.m. when they will meet with North Conway Incinerator Service to discuss the language and terms of the solid waste transportation and disposal Agreement. The Selectmen will meet in non-public session on March 15th immediately following the North Conway Incinerator meeting to discuss a personnel matter under RSA 91-A:3II(a).

Respectfully submitted,

Melissa S. Arias, Town Administrator
Recording Secretary