

**BOARD OF SELECTMEN  
TOWN OF MADISON  
MAY 31, 2011  
MINUTES**

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

**Others Present:** Town Administrator Melissa Arias; Madison TV Director Jim Molloy; residents Roger Ambrose, Ann Filson, Lynn Slanetz, Mary Holmes, Jan Eskedal, Pete Craugh, Dick Eldridge, Bob King, Bruce Gordon, Robert Murphy, Scott and Robin Hain, Mike and Donna Veilleux, and a few others; Conway Daily Sun Reporter Daymond Steer; and Madison TV Videographer Noreen Downs.

**Where and When Posted:** Town Hall upper & lower bulletin boards and Madison & Silver Lake Post Offices on May 10, 2011.

**Meeting Called to Order:** By the Chairman at 4:05 p.m.

**APPROVAL OF MINUTES** – Shackford made a **motion** to approve the minutes of May 17, 2011 and the non-public minutes of May 17, 2011 that are being made public, as prepared, seconded by Arruda, and so voted **2-0**.

**APPROVAL OF MANIFEST** – Arruda made a **motion** to approve the Manifest of May 23 – June 1, 2011 in the amount of \$269,940.79, seconded by Shackford, and so voted **2-0**. The Manifest breakdown is as follows: \$21,622.02 for payroll; \$98,318.77 for accounts payable; \$150,000.00 for the Madison School District. Shackford made a **motion** to approve the Manifest of May 19, 2011 in the amount of \$10,000.00 to the Town of Conway for Tasker/Allard Hill Road inspection services, seconded by Arruda, and so voted **2-0**.

**PUBLIC HEARING – UPCOMING CHANGES TO MADISON PEG TV & TIME WARNER CHANNEL 3** – Public Hearing notice was published in the Conway Daily Sun on May 26, 28, & 31, 2011 and posted on the upper and lower Town Hall bulletin boards and in the Madison and Silver Lake Post Offices on May 11, 2011. The Chairman opened the Public Hearing and explained that the Madison Selectmen received an e-mail on May 4<sup>th</sup> from Conway Town Manager Earl Sires regarding changes to the way Conway's PEG channel will be operating. The Towns of Madison, Conway, and Fryeburg have contractual agreements with Time Warner Cable for a shared PEG access channel. Conway and Fryeburg contract with the non-profit organization Valley Vision for their taping and broadcasting services while Madison has established Madison TV. The airing of the PEG programs, whether by Madison or Conway, is funded by cable franchise fees. Madison's cable franchise fee contract currently calls for the collection of a 3% franchise fee from all Madison Time Warner cable subscribers. Arruda said Madison currently has a 24-hour per week timeslot to air our Madison TV broadcasts which run from 9 a.m. Monday through 9 a.m. Tuesday. Outside of this timeslot our viewers are able to watch programming from Valley Vision. Conway's rather abrupt e-mail spoke of a December 2010 cable contract renegotiation and said Madison will be expected to pay \$5,000 to continue viewing Valley Vision programming. If Madison decides not to pay the contribution, not only will our viewers lose the ability to watch Valley Vision programming but all Valley Vision viewers will lose the ability to watch Madison programming. Arruda then turned the floor over to Madison TV Director Jim Molloy. Molloy said he attempted to contact Conway Selectman Mike DeGregorio and Town Manager Earl Sires via e-mail to get clarification on this

matter but has received no response. Molloy said the original \$5,000 contribution amount cited in Sires's e-mail is now believed to be \$6,000. He believes the additional \$1,000 cost has been added to allow Madison to air our programming. Molloy briefly recapped the series of questions he asked the Town of Conway in his e-mail. Molloy said the first thing Madison did upon receipt of Sires' e-mail was to contact our government representatives at Time Warner Cable. Molloy said the grant for upgraded equipment referenced by Conway in a recent newspaper article is more of a loan according to Time Warner. Time Warner said Conway will receive the new equipment and pay the cost back over time through an increase in franchise fees based upon Conway's renegotiation of their cable franchise agreement with Time Warner. Selectman Brooks joined the meeting at this point. Molloy said Conway and Madison currently share one common PEG access channel. At 9 a.m. every Monday morning there is an automatic switched from Valley Vision to Madison TV until 9 a.m. every Tuesday morning when it automatically switches back to Valley Vision. Molloy said his correspondence with Time Warner leaves us two options. The first is to negotiate with the Town of Conway to continue sharing broadcast time on one common channel. The second is to have a new dedicated channel for exclusive use and viewing by Madison only. Molloy asked for feedback from the audience on whether they wish to retain control of our Madison TV broadcasts through our own dedicated channel or whether they want to risk losing control of our current broadcasts in order to continue seeing shows from Valley Vision, such as high school sporting events, concerts, and other town's board meetings. Molloy said a dedicated Madison channel would allow for 24 hour per day, seven day per week broadcasts by Madison TV but would also require a study on how to fill the additional time. Molloy said taped meetings could be set to run in a continuous loop and also mentioned looking into a direct link from the Madison TV station to the Elementary School which would help fill the additional hours. Arruda said Conway Selectman DiGregorio was going to attend the Public Hearing tonight but took exception to a recent Letter to the Editor from Molloy regarding this topic. Arias said DiGregorio wants to deal with the Board of Selectmen only and offered via phone to have a joint Board meeting with Madison and Conway. Craugh thanked Molloy and the Madison TV videographers for an outstanding job. Craugh said franchise fees are the cost of doing business and should only be worked out with Time Warner. Arruda said Madison TV originally came about when Valley Vision started charging the Town \$177 dollars per hour to air our programming. King said there is premature information leaking out causing difficulties in the two towns working together. King said Conway has the Valley Vision system which is paid for by Conway's franchise fees. Conway wants sending towns like Bartlett and Jackson to contribute and pay their fair share for Valley Vision. King said other towns have become unwilling to sacrifice financially when piggybacking on the PEG channel. King said Madison needs to give Conway a chance to formalize their proposal before coming down on them or overreacting. King said Madison TV shouldn't be made any more expensive than it is now. Arruda said the Town gets about \$20,000 in annual franchise fees, which is the same amount of money appropriated annually to fund Madison TV. Brooks said tonight's Public Hearing was scheduled to determine the impact on Madison TV viewers who might lose the ability to view broadcasting from other towns through Valley Vision if Madison doesn't comply with the request for financial contributions. Brooks has frequent comments from Conway residents who watch Madison TV and is hoping to learn whether the folks of Madison want to spend additional funds to continue viewing Conway's programming. Brooks was asked to clarify the cost involved. He said the original amount for "view only" was \$5,000 but there has been another amount of \$1,000 thrown out in order to air Madison shows. Molloy said it is uncertain whether Madison would be able to retain our same 24-hour timeslot if we contribute to Valley Vision or whether the 24-hour per week would be broken up into less prime periods. Ann Filson said she has never watched Conway programming but does enjoy Madison TV broadcasts very much. Bob Murphy is in favor of keeping things the way they so school related events at the High School and Middle School levels can be seen in Madison. Mary Holmes asked where the contribution funds would come from.

Arruda said we don't have funds in the current operating budget to pay the contribution. Although Madison TV has a line within the Town's operating budget, the 2011 budget amount is all spoken for. Arruda said taking \$5,000 - \$6,000 out of that budget line could significantly limit the amount of programming we can afford to produce. King said Time Warner subscribers should be the ones weighing in on this issue but many may not be property owners or residents. Arruda said the franchise fee portion of our current cable contract, which expires on April 30, 2018, allowed for three modifications or amendments. Arruda believes Madison has already made three modifications to the contract. Arruda said a meeting with the Conway Selectmen is in order. Arruda said the last minute e-mail from Conway was less than helpful, especially considering their negotiations with Time Warner were on-going toward the end of 2010. Madison would have been able to consider adding funds to the 2011 operating budget in late 2010 had we received communication from Conway at that time. At this point, Madison may have to ask Conway to delay the discontinuance of Madison seeing Valley Vision shows until our next budget cycle. That way Town Meeting can decide whether the benefit exceeds the financial contribution. Molloy said he would be happy with the status quo but the lack of information or response from Conway makes him skeptical about the timeslot Conway will give Madison. The Chairman closed the Public Hearing and said the Madison Selectmen will look to schedule a meeting with the Conway Board of Selectmen in the near future to discuss this matter and consider negotiations.

**LEAD MINE ROAD** – Donna and Mike Veilleux requested an appointment with the Selectmen and submitted a three-page document on May 26, 2011 for the Selectmen to review prior to the discussion. The document contained a number of questions and points including clarification regarding Lead Mine Road issues, clarification on the newly adopted Snowmobile Regulation, and plans to address safety issues discussed at the Lead Mine Road dual use hearing. Mike Veilleux started reading the May 26, 2011 document and looked to the Board for an answer to the first point or question. Speaking for himself, Arruda said he would like to send the Veilleux's document to Town Counsel, who is really Selectmen's Counsel, for review and comment on items relating to law or Town Regulation. Those comments from Counsel would be made public upon receipt. Veilleux wanted to continue reading their questions, not just for the Board of Selectmen but for the Madison TV listening audience. Arruda asked the other Board members for their input. Shackford said he doesn't feel the Veilleuxs need to read the document because it was produced in advance for the Board to review and consider prior to the meeting. Shackford said reading the lengthy document out loud does not benefit the conduct of the Selectmen's Meeting said any interested party could request a copy of the document from Town Hall. The Veilleuxs said having an appointment on the Selectmen's agenda entitled them to the reading of the document for the Madison TV audience. Veilleux asked how the information will be released from Town Counsel. Arruda said Counsel will be asked to communicate in writing on any of the items that pertain to law or regulation. Donna Veilleux said it would benefit the Town of Madison if the RSA 674:41 rumor could be put to bed.

**PRELIMINARY LIST OF 2008 DELINQUENT PROPERTY TAXES** – The Tax Collector provided an alphabetical list of property owners who are in jeopardy of losing their property to a Tax Collector's deed on August 22, 2011 if their 2008 taxes are not paid in full prior to that date. There are 30 properties affecting 26 property owners. Of the 30 properties, 10 are vacant parcels and 20 are improved. Of the 20 improved parcels, 15 are the property owner's primary residence.

**BOARD OF SELECTMEN INDEMNIFICATION** – Since Selectman Shackford rejoined the Board in March 2011, the Selectmen need to formally vote to indemnify the current Board of Arruda, Brooks, and Shackford. This procedure should be followed in any year that a new member of the Board is voted in, preferably closer to the March Election.

**Motion:** Arruda made a **motion** to vote to indemnify the current members of the Board of Selectmen, seconded by Brooks, and so voted **3-0**.

**Decision:** The current members of the Board of Selectmen have been formally indemnified.

**INDEMNIFICATION ORDINANCE REVISION** – The Town of Madison Indemnification Ordinance, originally adopted by the Board of Selectmen on June 15, 2004, is in need of revising. The intent of the Ordinance is to affirmatively vote to adopt the provisions of State Law RSA 31:105 which indemnifies municipal elected officials, board members and employees from personal financial loss and expense, including legal fees, arising out of any claim while acting in the scope of employment or office. The Ordinance language mirrors the language of RSA 31:105, which has been amended as recently as January 1, 2011. Therefore, the Indemnification Ordinance has been revised to incorporate the amended statutory language for the Selectmen’s approval.

**Motion:** Arruda made a **motion** to approve the revised and amended Indemnification Ordinance regarding RSA 31:105, seconded by Brooks, and so voted **3-0**.

**Decision:** The amended Ordinance will be signed by the Board prior to filing with the Town Clerk’s Office.

**PUBLIC COMMENTS** – Bob King said some of the Veilleux comments from earlier contain false information. Some contain allegations that legal counsel won’t be able to respond to. King said one matter could be cleared up right now. King said the Veilleux permit was obtained in clear violation of RSA 674:41. The Selectmen refrained from revoking the Veilleux permit due to the financial hardship it would have caused the Veilleuxs. King said the Selectmen have taken steps to ensure all future building permit applications comply first with RSA 674:41, partly because of the mishap with the Veilleuxs. King said he has no knowledge of attorney/client privileged documents but would like to know how much money the taxpayers of Madison have expended to date on the Veilleux and Lead Mine Road matters.

Dick Eldridge asked about the status of a petition signed and submitted a few years ago from 30+ residents requesting Winter Road and Charlotte Point Road be paved. Arruda recalls the petition but said the Board couldn’t answer the question without looking at the road improvement list to see what year those roads appear. Eldridge said a wash-out from late winter/early spring still hasn’t been touched by the Highway Department. Eldridge pointed out the large tax revenue collected annually from all the improved properties accessed by these two roads, especially from the Silver Lake waterfront properties. Eldridge is upset about the improvements made by the Highway Department to the summer cottage section of Lead Mine Road which has no residents and the neglect shown to Winter Road and Charlotte Point Road which has dozens of residents. **END OF PUBLIC COMMENTS**

**SIGNATURE ITEMS** –

**Tax Anticipation Note** – Promissory Note, Certificate, Errors & Omissions Agreement, & Loan Withdrawal Authorization

**Timber Tax Warrant & Worksheet** – McNair Revoc. Trust (250-001)

**Letter** to former owner of tax deeded parcel (238-010)

**Letter** to DRA Property Appraisal Division Commissioner re: 2010 assessment review

**Indemnification Ordinance** – revision May 31, 2011

**ADJOURN: 5:23 PM** – Arruda made a **motion** to adjourn, seconded by Brooks, and so voted **3-0**.

**NEXT SELECTMEN’S MEETING** – The next Selectmen’s Meeting will be on Tuesday, June 14, 2011 at 4:00 p.m. Per RSA 91-A:3II(c ), the Selectmen have posted a non-public meeting for Wednesday, June 1, 2011 at 7:30 a.m. to meet with a property owner and the Tax Collector regarding overdue 2008 property taxes.

Respectfully submitted,

Melissa S. Arias, Town Administrator  
Recording Secretary