

**BOARD OF SELECTMEN  
TOWN OF MADISON  
NOVEMBER 12, 2013  
MINUTES**

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

**Others Present:** Town Administrator Melissa Arias; Tax Collector Marcia Shackford; Road Agent Bill Chick Sr.; Mustang Academy & Recreation Director Mike Lane; Emergency Management Director Richard Clark; Dick and Ann (Pomeroy) Martin; Attorney Peter Malia representing the Ettinger's; and Madison TV Videographer Tim Hughes.

**Where and When Posted:** Town Hall upper & lower bulletin boards and Madison & Silver Lake Post Offices on October 4, 2013.

**Meeting Called to Order:** By Shackford at 5:30 p.m.

**APPROVAL OF MINUTES** – Shackford made a **motion** to approve the Selectmen's Meeting minutes of October 29, 2013 as prepared, seconded by Arruda, and so voted **3-0**.

**APPROVAL OF MANIFEST** – Shackford made a **motion** to approve the Manifest of November 4 - 13, 2013 in the amount of \$69,560.86, seconded by Arruda, and so voted **3-0**. The Manifest breakdown is as follows: \$19,881.76 for payroll; \$6,435.34 for payroll liabilities; \$43,243.76 for accounts payable; and \$0.00 for the Madison School District.

**PUBLIC COMMENTS** – Emergency Management Director Richard Clark was in to talk about the lighting trailer unit currently parked behind the Fire Department building. Clark said he has learned by watching Madison TV that the Fire Department wants nothing to do with the trailer so he has come to ask the Selectmen for permission to take the trailer on under Emergency Management and provide the necessary shelter, upkeep, and maintenance. Clark said he doesn't want to see the trailer not used or maintained and can store it under the canvas shed on his property. Arruda asked whether this relocation would include transferring the ownership of the trailer to Clark and Clark said no. Brooks asked whether the lighting trailer would fit inside the white tag-along box trailer parked behind the Fire Department and Clark said no. Brooks and Shackford were in favor of granting Clark's request since we currently have no room to store the trailer inside a town-owned building.

**Motion:** Brooks made a **motion** to authorize the Emergency Management Director to remove the lighting trailer from behind the Fire Station and house it in his garage/shed in Madison Shores, seconded by Shackford, and so voted **3-0**.

**Decision:** Clark will store the lighting trailer on his personal property and make it available to any town department that might need it.

Clark said he still doesn't have access to the Emergency Operations Center (EOC) which is currently in the Fire Department building. Clark said this means he doesn't have access to the Forestry truck, telephone system, or digital radio that were initiated by and designated for Emergency Management. The Selectmen were not prepared to discuss this matter at the present time. **END OF PUBLIC COMMENTS**

**TAX DEEDING** – Tax Collector Marcia Shackford was in after following through with the Board’s wishes to start the tax deeding process on two Madison properties (map 120, lot 005 and map 111, lot 003). Marcia said the deed date was set as November 7, 2013 in the statutory notices sent by her office.

Map 120, Lot 005: Marcia said she is aware the Selectmen met with the occupant of this property in a posted non-public session and have made an agreement to delay the deeding until noon on Monday, March 31, 2014 when all back taxes, interest, and penalties must be paid in full.

**Motion:** Brooks made a **motion** to sign a Deed Waiver in accordance with RSA 80:76 II-a, seconded by Arruda, and so voted **3-0**.

**Decision:** The Selectmen signed the Deed Waiver for map 120, lot 005. The Selectmen instructed the Tax Collector to mail the statutory notices early enough to make the above date and time the tax deeding date if the taxes aren’t paid in full.

Map 111, Lot 003: Brooks said the Town hasn’t received any updates from the owner of map 111, lot 003 and to the best of the Board’s knowledge no one is currently living in the residence.

**Motion:** Brooks made a **motion** to accept a Tax Collector’s Deed for tax map 111, lot 003 to be signed out of session once prepared, seconded by Shackford, and so voted **3-0**.

**Decision:** The Tax Collector will prepare the deed for the Board to sign. Arias will notify Town Counsel of the taking of an improved piece of property.

**2013 TAX BILLS** – Tax Collector Marcia Shackford announced that the 2<sup>nd</sup> issue 2013 tax bills will be due later than usual since the Town is still waiting to have the tax rate set by the NH Department of Revenue Administration. Arruda said due to circumstances beyond our control the rate setting has been delayed this year. Marcia said tax bills probably won’t be mailed until after Thanksgiving which means they probably won’t be due until the first Tuesday in January 2014, if everything goes as scheduled.

**HIGHWAY CIP SHEETS** – The Selectmen asked Road Agent Bill Chick Sr. in to talk about the Highway Department 2015-2020 Capital Improvement Program (CIP) sheets he provided to the Planning Board.

East Madison Road: Shim, Overlay = \$160,428. Brooks said the proposed project year was listed as 2016 so the Planning Board broke the cost down into two equal appropriations of \$85,000 into a Capital Reserve Fund in 2015 and 2016. Brooks said his understanding was that the shim overlay of East Madison Road would happen immediately following the bridge replacement in 2014 even if additional funds need to be proposed at the 2014 Town Meeting to cover the cost. Chick said he thought the major shim overlay would happen in either 2015 or 2016. Chick was planning to use any funds remaining from the two existing non-lapsing East Madison Road warrant articles toward box-cutting and repairing some of the worst sections of the road after the bridge project is done. Brooks said the last two Town Meetings have appropriated \$100,000 toward East Madison Road so he’d like to continue with similar warrant article language and amounts until we have enough money to address all of East Madison Road. The Selectmen will instruct Sue Stacey to propose a 2014 warrant article identical to the one approved in 2013 for East Madison Road, including the non-lapsing status.

New 6-Wheel Dump Truck: \$180,000. Brooks said the proposed purchase year was listed as 2015. Chick said the first highway truck that needs to be replaced is the 2006 one-ton (#11) used by the part-time seasonal employee. Chick said the new truck, plow, and body will cost \$55,000 and he'd like to purchase it outright at the 2014 Town Meeting. Chick said the next truck to be turned out is the 2005 GMC 8500 truck (#9). Chick said it's becoming difficult to find parts for these older model trucks. Chick said the 1996 Topkick (#5) with plow, wing, & sander can be sold in the Spring of 2014, along with the 2002 one-ton (#8). Arruda said the Selectmen should consider placing money into a Capital Reserve Fund in 2014 toward the future purchase of the new 6-wheel dump truck. Brooks asked Chick to tell the Selectmen which Highway trucks are currently covering the winter plow routes in order to determine how many trucks we current have as back up vehicles.

High Street: Paving, Shim, Overlay, Drainage = \$208,105. Proposed project year was listed as 2017. Brooks said the sheet listed \$70,000 going into a Capital Reserve Fund in 2015 and again in 2016 with the balance being raised in 2017 if everything stays on target. Chick explained the need to establish better ditches along a certain section of High Street and primarily on one side of the road. Chick said the entire length of High Street will be overlaid and the worst sections will have more extensive work done on them.

New Grader: \$300,000. Proposed purchase year was listed as 2018. Brooks said the worksheet referenced a lease purchase. Chick said the 1987 grader is the oldest piece of equipment in the fleet except for the 1982 Oshkosh. Chick said the Oshkosh is mainly used in the winter and the grader is mainly used in the summer. Chick would like to propose a new grader with plow and wing that will combine the features of the two oldest and most expensive pieces of equipment into one new one.

Town Line Road: Although there was no CIP worksheet for Town Line Road Arruda said it will need an overlay pretty soon given the 10-year old base coat that currently exists. Chick said he's aware of this and hopes to be able to find money in his operating budget. Chick mentioned a rental paver unit that could be made available to the Highway Department so they can shim roads themselves to save money.

**SILVER LAKE DAM REPAIRS** – The Selectmen received a letter of inspection from the State of NH Department of Environmental Services (DES) Dam Bureau on August 29, 2013. As a follow up, dam keeper Wayne Jones met on-site recently with Randy Huston of Huston Brothers Mason Contractors who has worked on the dam several times before. A quote from Huston was received on November 12, 2013 in the amount of \$5,800 to make the necessary repairs. The Selectmen said time is of the essence in getting the work done while the lake level is down. The Board would like Huston to do the repairs given his experience in working on the dam previously. Brooks asked that Huston be supplied a copy of the Dam Bureau's letter of deficiency to ensure the work being proposed will alleviate the issues outlined by the State. Brooks said he would also like to ask Huston to speak with the State inspector via phone.

**Motion:** Brooks made a **motion** to proceed without delay with the repairs outlined in the proposal, and that the contractor be put in touch with DES to ensure the work being done will address the deficiencies within the letter, and to deviate from the Town's Purchasing Policy to protect the integrity of the dam structure and allow the work to be done as soon as possible while the lake level is low, seconded by Arruda, and so voted **3-0**.

**Decision:** Arias will prepare a Purchase Requisition for the Selectmen to sign out of session once prepared. Arias will notify Huston of the Selectmen's decision, forward him a copy of the DES letter and request that he contact the inspector via phone before work begins.

**WINTER SKATING RINK** – Mike Lane, Madison Elementary School’s Mustang Academy and Recreation Director, sent the Selectmen a letter seeking permission to build a skating rink on top of the Ward Parcel asphalt basketball court this winter. Lane said he was nominated to look into establishing an outdoor skating rink by the Principal. Lane said he first looked for viable locations on the school grounds but found none. Lane said the primary intent of the rink is to be used by school students but the public would be able to use the rink because of its location on town property. Lane said the rink would be 30’ x 60’ and made out of 2x6 boards with a shrink wrap liner that would hold 4” of water. There would be no backstop or walls but 2” of wood would protrude around the perimeter of the rink. Lane has found a parent volunteer who has the tools to build the rink and he’s working with Silver Lake Home Center to receive the materials at a discounted rate. Lane said signage will be key given his experience at Marblehead Parks and Recreation and as pointed out in literature on public skating rinks from the Town’s Property-Liability insurance provider. Lane said kids using the rink for school related activities will be required to wear helmets which will be provided by the school. Lane said the school will also handle cleaning off the rink and that there will be no means of smoothing out the ice if it becomes rigid. Brooks said the outcome of the lawsuit or settlement in the Town of Conway should be looked into before moving forward. Lane said he’ll look into that before going any further. Lane also confirmed that he will arrange and pay for the necessary signs and will run the language by the Selectmen’s Office. Arias was asked to share with Lane contact information for any sign vendors the Town has used in the past.

**RSA 674:41 BUILDING PERMIT APPLICATION REVIEW – POMEROY/MARTIN (125-003-003)**

The Selectmen reviewed the Memo from the Planning Board regarding their review and comment on the Pomeroy/Martin building permit application for tax map 125, lot 003-003 from the November 6<sup>th</sup> Planning Board meeting. The Memo stated, “The Planning Board, after careful review and in consideration of its concerns for access and safety which currently exist, recommends a minimum of one sufficient turn-around for safety apparatus”. Arruda asked whether the Planning Board specified where the turn-around should be located. Brooks said the Planning Board didn’t feel comfortable outlining where the turn-around should be. Dick Martin said a turn-around already exists at the top of the hill. Martin said in the past large trucks have either turned at the top of the hill and backed themselves down toward unit #3 or driven down and backed themselves out. Arias said that was likely the case for a single oversized vehicle, not several at once. Arruda recalls an unfavorable letter from the Fire Department several years ago when they were asked to comment on the condominiumization proposal. Arias offered to produce a copy of the letter for the Board but was told it wasn’t necessary. Arruda asked whether language could be incorporated into the waiver agreement denoting that safety vehicles may not be able to turn around on the property. Brooks expects the agreement presently being bounced between Town Counsel and Ben Pomeroy’s attorney, Jeremy Eggleton, to be the same document that will need to be signed before building permits can be issued for any of the other condo sites. Attorney Malia said the Planning Board is recommending the Board of Selectmen place stipulations on the issuance of the building permits. Malia recommended the Selectmen reach out to the Fire Chief in the interim to ask for his opinion on access by emergency vehicles. Arruda said the draft agreement is still a work in progress so the Selectmen have nothing to consider tonight. Shackford said he’d like to see the Board take a stand and move forward even if the outcome is a lawsuit. Shackford is sick of hearing from outside parties who want their feedback into the language of the document to be considered. Malia stated for the record, and the Selectmen concurred, that he hasn’t weighed in on the language of the agreement. Brooks said the agreement drafted by Town Counsel was altered drastically by Eggleton with one of the biggest changes being the elimination of the term “camp” and the insertion of the word “dwelling”. Brooks said Eggleton’s comments and marked up document were received via the Town Administrator instead of through Town Counsel as had been requested. The Selectmen asked Arias to communicate their wishes with Town Counsel tomorrow that the next draft agreement the Board receives

be one that the attorneys believe will be supported by their clients as a final work product. Arruda asked Arias to ensure that Town Counsel is aware of the recent Planning Board Memo that included their recommendation for an adequate turn-around. Arias was asked to send a request to the Fire Chief for his feedback on the location of a safe and sufficient turn-around for fire apparatus on the Pomeroy property. Arias was also asked to ensure Town Counsel is aware that the ownership of the common land and all 3 units are currently under the Pomeroy Limited Partnership so the signatures required on the agreement should be from all the named partners.

**RSA 674:41 BUILDING PERMIT – POMEROY (125-003-001)** – Based upon the above paragraph, the Selectmen didn't discuss the agreement document any further.

**BUDGET DRAWDOWN** – Arruda said he's reviewed the Budget Drawdown which is looking okay but news of the tax bills not going out until after Thanksgiving could put the Town in a cash flow problem. Arruda asked Shackford and Brooks whether they want to send a Memo to Department Heads explaining the situation and asking for assistance in putting off paying invoices until the end of the year. Brooks suggested using the same stop-gap Memo from year's past to make everyone aware of the current situation.

**FIRE COMMISSIONER MEMO** – Arruda said the Selectmen sent the Fire Commissioners a very nice Memo on October 31, 2013 after the Board's October 29, 2013 discussion regarding RSA 91-A (Right-to-Know) and the dangers of not following the law. Arruda said the Fire Commissioners publically posted a meeting for Thursday, November 7, 2013 at 6 p.m. at the Fire Department yet the personal vehicles of two Fire Commissioners and the Fire Chief were photographed in the Fire Department parking lot at 10:45 a.m. that morning. Arruda said he can only assume they were discussing Fire Department related materials outside of a properly posted meeting. Arruda intends to request and closely review copies of the Fire Commissioner's meeting minutes for the last 8 weeks and start looking into their operations. Arruda said the Town has been in trouble over RSA 91-A infractions in the past and we don't want to go down that road again. Brooks said this is happening on purpose and wonders whether the Fire Commissioners are thumbing their nose at the Board of Selectmen or at the State Law. Brooks said there should be no such thing as a "chance encounter" or meeting of two or more Fire Commissioners at the Fire Department. Brooks said when Commissioner #1 sees Commissioner #2's vehicle in the Fire Department parking lot they should continue on their way unless there's a properly posted meeting. Shackford and Brooks both supported Arruda's plan to request and review copies of their meeting minutes.

**WELFARE REIMBURSEMENT TO CONWAY** – Brooks said he was contacted recently by BJ Parker from the Town of Conway Welfare Department because she assisted a couple with emergency shelter at a motel when the assistance should have come from Madison based upon their last address. The people in need appeared at the Town of Conway late on a Friday afternoon when Madison Town Hall was closed. Brooks said he inquired with Town Hall staff as to whether the couple ever contacted the Town of Madison. Brooks said he discovered that the couple had called Town Hall and were informed of the application process but never came to get an application. The last Madison knew the couple was staying with friends. Brooks said the cost to put the couple up for a week was \$265 and an invoice should be forthcoming from Conway. Brooks said he wants to avoid people skipping over the Town of Madison's welfare application procedure by going to Conway when we're not open. Arruda doesn't have a problem providing the reimbursement. Brooks would like our new welfare administrator, once hired, to sit down with the Conway welfare administrator to review each town's guidelines and ensure they are in sync. Arruda said Sue Stacey has already identified the need to revise our guidelines with respect to the number

of people in the household and the qualification they have based upon the number of bedrooms contained within the dwelling.

**Motion:** Brooks made a **motion** to reimburse the Town of Conway \$265 upon receipt of an invoice for a public assistance matter, seconded by Shackford, and so voted **3-0**.

**Decision:** Arias will be on the lookout for an invoice from Conway for welfare reimbursement.

**SIGNATURE ITEMS –**

Manifest

Payroll & Accounts Payable Checks

Tax Deeds

Purchase Requisition #2013-FIRE-006 – Bergeron Protective Clothing (\$3,550) 2 sets gear

#2013-SOLI-001 – Shackford Construction (\$1,000) TS glass pit work

#2013-PARK-002 – Briggs Land Surveying (\$900) update Ward Parcel septic design

Intent to Cut Timber #13-283-15T – AJ Coleman & Son (207-001)

Petition & Pole License – Northern New England Telephone – 1 new pole on Forest Pines Rd

**NON-PUBLIC SESSION – 7:30 PM** – Brooks made a **motion** to go into non-public session under RSA 91-A:3II(c) to discuss a property tax matter with a property owner and the Tax Collector, seconded by Shackford, and so voted. Roll Call Vote: Shackford – aye, Brooks – aye, Arruda - aye. **8:15 PM** – Brooks made a **motion** to return to public session and seal the minutes of the non-public meeting, seconded by Shackford, and so voted **3-0**.

**8:15 PM** – Shackford made a **motion** to adjourn, seconded by Arruda, and so voted **3-0**.

**NEXT SELECTMEN’S MEETING** – The next Selectmen’s meeting will be on November 29, 2013 at 5:30 p.m. in the Town Hall Meeting Room. The Selectmen will attend the Advisory Budget Committee meeting on Tuesday, November 19, 2013 at 6 p.m. in the Town Hall Meeting Room.

Respectfully submitted,

Melissa S. Arias, Town Administrator  
Recording Secretary