

**BOARD OF SELECTMEN  
TOWN OF MADISON  
NOVEMBER 15, 2011  
MINUTES**

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

**Others Present:** Town Administrator Melissa Arias; Reach the Beach race coordinator John Dionne & co-director and Reach the Beach race founder Mike Dionne; Police Chief Jamie Mullen; Town Clerk/Tax Collector Marcia Shackford; Road Agent Bill Chick, Sr.; resident Robert D. King; Daily Sun Reporter Daymond Steer; 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:** By the Chairman at 5:30 p.m.

**APPROVAL OF MINUTES** – Shackford made a **motion** to approve the minutes of November 1, 2011 and November 14, 2011 as prepared, seconded by Brooks, and so voted **3-0**.

**APPROVAL OF MANIFEST** – Brooks made a **motion** to approve the Manifest of November 7 – 16, 2011 in the amount of \$548,726.95, seconded by Shackford, and so voted **3-0**. The Manifest breakdown is: \$22,187.30 for payroll; \$46,539.65 for accounts payable; \$480,000.00 for the Madison School District (11/23/11 release date).

**REACH THE BEACH ANNUAL RELAY RACE** – John Dionne, coordinator for the annual Reach the Beach relay race, and his brother Mike Dionne, co-director and Reach the Beach relay race founder, were in to talk with the Selectmen about concerns raised after the 2011 race. Dionne provided two packets of information in advance of the meeting for the Board to review, including the 2011 Official Race Handbook for NH (version 1.3 from 9/7/11) and Team Orientation 2011. Arruda explained the negative and dangerous situations he encountered while driving his motorcycle home in the dark during this year's race. Arruda said his issues are not with the runners; since all but one of them were running on the proper side of the road. Arruda's complaints are primarily with the drivers of the support vans. Mike Dionne asked Arruda for the location of the specific incidents, which were between Community Market & Deli and FW Webb and again going up the hill past Boulder Road. Arruda said one van crossed over the yellow line before FW Webb to get close to a runner who was running on the wrong side of the road. Past Boulder Road Arruda encountered several vans stopped in dangerous locations with two wheels on the pavement and two wheels in the ditch. Other vans were passing around these parked vans without proper sight distance for oncoming traffic. Arruda received several comments at his store after the Selectmen's Meeting aired that included appreciation for addressing the annual safety concerns. Arruda doesn't want to see the race diverted around Madison but would support that for safety reasons. Mullen said he has worked with Dionne during his tenure as Chief and has recently increased the number of police details required during the race. Mullen knows the Rec. Department and Elementary School are appreciative of revenue they receive from manning designated stops during the race. However, Mullen said the Town will have to take a more authoritarian approach next year based upon negative feedback and safety concerns. Shackford was working as a part-time police officer during this year's race and said safety is of utmost concern because the race comes through Madison just after dark on a Friday at evening commute

time. Mullen agreed. Mike Dionne said the first race team leaves Franconia at 7:30 a.m. Friday morning and the last team leaves around 4 p.m. Mike Dionne said each race team has two vans, which means there are about 450 vans spread out over a 60 mile distance as the racers progress along the 200 mile course. John Dionne said Reach the Beach instituted and conducted a mandatory 15-minute training just prior to the race in an attempt to increase safety awareness. Mike and John Dionne said they will go back and devise a plan using the Town's feedback. The plan will be forwarded to the Town through the Police Chief for review. The Dionne's are hopeful that the plan will be accepted by the Town. John Dionne said the race has many rules for runners and support vans. Running lanes are marked with arrows to depict which side of the road to run on. Brooks said an op-ed (opposite the editorial page) piece in the local newspaper might help get the word out to drivers that runners will be on the road. This would give drivers the option to seek alternate routes to avoid race traffic. Brooks suggested trying to modify the protocol to absolutely limit the number of support vehicles that are stopping alongside the road. Mullen said there are other annual races held in Madison that don't generate safety concerns because they are held on different days of the week or at a different time of day and there are no support vehicles involved.

**COMMITTEE VACANCIES** – Town Clerk Marcia Shackford was in to talk with the Selectmen about current and upcoming Board and Committee vacancies. Marcia provided copies of a Memo dated November 1, 2011 showing regular and alternate member vacancies on various boards and committees. Marcia said there were vacancies from March 2011 that were never filled. Vacancies include: two regular members and three alternate members on the Conservation Commission; three members on the Heritage Committee; an alternate member on the Library Board of Trustees; two members on the Madison TV Board of Directors; two alternate members on the Planning Board; five alternate members on the Recreation Committee; one alternate member of the Zoning Board of Adjustment; one Town Forester. Marcia said the Heritage Commission and Town Forest Warden position were established through Town Meeting votes. Although the Heritage Commission has had names associated with it previously, there has also been discussion about the group falling under the umbrella of the Conservation Commission. Marcia said the position of Town Forest Warden was created at the 1988 Town Meeting. Marcia said the Conservation Commission relies upon resident Robbin Rancourt as an unofficial Town Forest Warden Rancourt having an official appointment or sworn oath. Marcia provided a sample form from Bedford NH dealing with Boards, Commissions and Committees as a model for posting on the website. The form solicits interest and participation in the form of an application for appointment to various boards, commissions, and committees. The group discussed ways to get vacancies publicized, including the website, flyers for handout at Town Meeting, and a printed page in the Town Report.

**MOTOR VEHICLE REGISTRATION SLEEVES** – At the recent Town Clerk/Tax Collector conference, Marcia received sample plastic sleeves intended to protect printed motor vehicle registrations. The Department of Motor Vehicles has changed the shape and size of vehicle registrations which has generated comments about disliking and not even recognizing the new format. The Clerk is contacting other municipalities and seeking out the best possible price for the registration sleeves in hopes of providing them as a one-time token to registrants. Marcia will update the Selectmen when she has more details.

**SILVER LAKE DAM REPAIRS** – Bill Chick brought an issue with the Silver Lake Dam structure to the Selectmen's attention at their May 3, 2011 meeting. Now that the lake level is at winter level, Huston Bros. Masonry set up a temporary dam to get a closer look at the current deficient situation. Huston sent in a written proposal for \$6,800 and provided photos of the areas in need of repair. Huston has worked on the dam before and this afternoon showed Chick and Arruda the current damages caused by erosion which

are compromising the structure. Arruda is concerned about the effect ice-out will have on the structure next spring if not repaired immediately. Shackford also visited the dam today and although he's no expert the problem spots were obvious. Chick said the dam could have been lost had Hurricane Irene brought the amount of rain originally predicted. Huston has even offered to do the work immediately to ensure the structure holds and take payment after Town Meeting 2012. Arruda said we should be able to find \$6,800 in the 2011 operating budget but the General Government Budget will be over expended. Arruda said the Town has a responsibility to the people who reside around the lake and downstream. Shackford said he understands there may be an ownership issues around the dam but the necessary repairs can't be delayed at this time. Brooks sees the current proposal and repair work as only putting a Band-Aid on the dam situation. Brooks thinks the State's Dam Inspector should be looking at the structure and making recommendations on a replacement or re-design. Huston has a deadline of November 23, 2011 for completing the proposed work. Once the repair work is completed, and before the lake level is brought up in the spring, the State's Dam Inspector should come up and look the structure over.

**Motion:** Shackford made a **motion** to accept Randy Huston's proposal not to exceed \$6,800 to repair the dam, seconded by Brooks, and so voted **3-0**. Brooks said the Town will need to address the long term rights of the Town to make all necessary repairs to the dam structure.

**Decision:** Arias will prepare a Purchase Requisition and forward it to Huston tomorrow.

**TOWN OF MADISON WEBSITE** – Arias said the new Town of Madison website is slated to go live on or before December 1<sup>st</sup> with the same website address.

**2011 PROPERTY TAX WARRANT** – The Selectmen will be looking to sign the 2011 property tax warrant as soon as the tax rate is confirmed by the Dept. of Revenue Administration and the formal warrant is prepared.

**Motion:** Arruda made a **motion** to sign the 2011 property tax warrant out-of-session as soon as it's prepared, seconded by Brooks, and so voted **3-0**.

**Decision:** Arias will await confirmation of the tax rate before preparing the 2011 tax warrant for the Selectmen to sign out-of-session.

**TRANSFER STATION SHED** – The Selectmen received an e-mail update from Jason Daggett, Building Trades teacher at Kennett's MWV Career and Technical Center, regarding the Transfer Station shed progress. Five photographs were also forwarded via e-mail to show the floor being framed, insulated, and covered with plywood. The walls are being framed and the trusses were supposed to have been assembled last week, which Brooks was able to confirm. The doors and windows will be sized and ordered next. Charlie Allen of Glen Builders, a Madison resident, has consulted with Daggett and networked him with a licensed electrician and plumber for the next phase of construction. Arias received a call from Cheryl Cook at the Tech. Center yesterday regarding the purchase of doors and windows. Daggett has shopped around for the best prices and has found them at a box store where we don't have an account. The Tech. Center wanted to ensure we would accept an invoice from them if the doors and windows were purchased elsewhere as long as the total project cost didn't exceed \$8,000. Arias confirmed we would, reviewed the bi-weekly accounts payable cycle with them and thanked them for seeking out the best prices for the taxpayers of Madison.

**TRANSFER STATION CARDBOARD** – Arias informed the Selectmen that the recent decision to put flattened corrugated cardboard in with the mixed paper container hauled by NRRA wasn't properly communicated in advance to North Conway Incinerator Service (NCIS). This resulted in NCIS making a couple wasted trips to the Transfer Station in anticipation of full cardboard dumpsters. As of now, the emptying of the cardboard dumpsters will be on an on-call basis, similar to the on-call arrangement with the MSW compactor. The purpose of the trial is to ensure NRRA can haul in tandem full mixed paper and commingle containers to save hauling costs.

**CONSERVATION LAND MANAGEMENT** – Shackford said the Conservation Commission brought up their previous request for the Selectmen to decide how to proceed with management responsibilities for some of the town-owned properties that were acquired without management authority being specified. Arias said the topic is already on the agenda for one of the next two meetings.

**LEAD MINE ROAD TO SUMMER COTTAGES** – Shackford mentioned the upcoming date of December 10<sup>th</sup> as it pertains to the law on Roads to Summer Cottages and said the Town needs to be prepared. Shackford said the advice from Town Counsel several months ago should be reviewed again. Shackford isn't in favor of using jersey barriers to block the two ends of the Lead Mine Road to Summer Cottages. Shackford said the issue should be discussed on November 29<sup>th</sup>. Shackford believes Town Counsel cautioned against blocking off Summer Cottage Roads for emergency purposes but this contradicts the Selectmen's current directive. Chick said he doesn't feel concrete barriers are safe on Lead Mine Road due to large volume of snowmobile traffic. The group also discussed Glines Hill Road to Summer Cottage. Brooks feels the Town should consider a Policy on Class V Roads to Summer Cottages in order to protect the condition of the roads outside of the designated maintenance period. A policy could outline how the roads will be protected, especially during the spring thaw, and outline when the Town will deviate from the December 10<sup>th</sup> and April 10<sup>th</sup> statutory maintenance dates. Chick said the state statute is very clear that maintenance must be provided from April 10<sup>th</sup> to December 10<sup>th</sup> without exception. Brooks proposed putting a draft Policy together for Town Counsel to review. Arruda would like to see Town Counsel e-mailed and asked for the Selectmen's flexibility in deviating from the statutory maintenance dates for summer cottage roads.

**GOULD FUND-TOWN POOR** – Brooks brought up the November 1<sup>st</sup> discussion regarding the Gould Fund-Town Poor. The Selectmen received an e-mail response from the Trustees of the Trust Fund today regarding this. Brooks took it upon himself to contact the NH Attorney General's Office upon receipt of the e-mail. Brooks said the Attorney General's office reiterated that the 1985 Town Meeting vote has no legal standing today. Brooks was provided the necessary information and documentation that needs to be completed and submitted back to the Attorney General's Office for review. Upon consent by the Attorney General's Office, the form will be submitting to the Carroll County Probate Court for a ruling which will hopefully allow the Town to accomplish to goal of withdrawing the interest from this old trust fund. Brooks will complete the legal paperwork, meet with the Trustees of the Trust Fund, and ensure the matter is resolved. Brooks said the Trustees are doing a lot of research into the origin of the various trust funds in order to better manage them and invest in a higher interest earning establishment. The Attorney General's Office pointed out to Brooks that Trustees of the Trust Fund in New Hampshire should be monitoring investment tools in order to capitalize on their assets.

**BUDGET DRAWDOWN** – Arruda brought up the budget drawdown reviewed closely by the Selectmen and Budget Committee this time of year to track expenditures. Arruda asked that a similar report be generated quarterly to reflect revenues over a two to three-year period. Arruda was surprised to find a

significant drop in revenues for 2011 year-to-date as compared to the same time last year. These revenue figures are part of the annual tax rate setting process.

**CLASS VI ROAD LOGGING BOND** – Arias has been contacted by a local insurance company that will be preparing a Class VI Road Logging Bond on behalf of their client. Arias said previous Class VI Road Logging Bonds have been produced in the form of a check and deposited into the general fund until the project is completed. This time, the subcontracted logger for Operation #11-283-08-T is asking to provide a surety bond instead of a cash bond. The insurance agent has asked the Board to determine the amount of surety that will be required. Based upon advice from Town Counsel, Brooks suggested the surety bond amount be \$10,000. The alternative would be to provide a \$1,000 cash bond similar to the one paid on the same property last tax year.

**Motion:** Brooks made a **motion** to require a \$10,000 surety bond or \$1,000 cash bond for the above timber harvest, seconded by Shackford, and so voted **3-0**.

**Decision:** Arias will deliver this decision via e-mail to the insurance agent.

**PUBLIC COMMENTS** – Robert D. King wished to provide clarification on what lies ahead with the Summer Cottage issue. King said years ago Selectmen were using their discretion in maintaining the sections of Lead Mine and Glines Hill Roads. King said there are emergency situations which can require Town's to temporarily close certain roads until corrective action can be taken. King said there is a period of exemption in the Summer Cottage Road statute but it has no effect on the maintenance during the remainder of the year. King said the Town of Eaton has no authority to close their side of Glines Hill Road during the winter because they haven't voted to designate it as a Summer Cottage Road. King said one Eaton resident could challenge the winter closure and the Town of Eaton would have no choice but to maintain the road all winter. King said each April 10<sup>th</sup> brings varying road conditions; many years it is impracticable for the Town to start providing maintenance on April 10<sup>th</sup> due to the extreme snowpack. King said the Town has the discretion to temporarily delay the opening of the summer cottage road until such time as it is practical and safe for the Town to maintain it. King said it is a little harder to demonstrate discretion at the December 10<sup>th</sup> date. King said Town Counsel should weigh in on this.

Bill Chick asked Shackford what he meant about legal ownership issues around the dam. Chick said the dam desperately needs to be fixed even though there may be a rumor that the dam doesn't belong to the Town. Chick said he can't believe the foot bridge was built over the dam with the intention of it not belonging to the Town. Chick said if there's any question about the dam not belonging to the Town we should stop paying a part-time employee to document the lake level and make adjustments to the dam. Shackford said he was referring to the legal ability to encroach upon abutting private property while conducting major dam repairs or a replacement, which isn't applicable currently. Shackford remembers the lengthy DES process when the boat ramp was rebuilt a few years ago. Brooks read an excerpt from the July 1998 Quitclaim Deed between Clark Realty Trust and the Town of Madison which excepts and reserves to the Town the right to enter on the premises for the purpose of operating, repairing, replacing and maintaining said dam, which right was expressly excepted and reserved to the Town in an Indenture dated December 1, 1951. **END OF PUBLIC COMMENTS**

#### **SIGNATURE ITEMS** –

Timber Tax Warrant & Worksheet – Mudd Family Partnership (208-002) #11-283-04  
2011 Equalization Municipal Assessment Data Sheets Certificate

**ADJOURN: 7:06 PM** – Shackford 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, November 29, 2011 at 5:30 p.m. The Selectmen will also attend the Advisory Budget Committee Meeting on November 30, 2011 at 6:15 p.m.

Respectfully submitted,

Melissa S. Arias, Town Administrator  
Recording Secretary