

**BOARD OF SELECTMEN
TOWN OF MADISON
OCTOBER 18, 2011
MINUTES**

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

Others Present: Town Administrator Melissa Arias; Ted LaLiberte from Carroll County Transit; Solid Waste Advisory Committee Chairman David Downs; resident Robert D. King; Madison TV Videographer Tim Hughes.

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 5:40 p.m.

APPROVAL OF MINUTES – Brooks made a **motion** to approve the minutes of October 4, 2011 as prepared, seconded by Shackford, and so voted **3-0**.

APPROVAL OF MANIFEST – Brooks made a **motion** to approve the Manifest of October 7 – October 19, 2011 in the amount of \$253,789.47, seconded by Shackford, and so voted **3-0**. The Manifest breakdown is: \$21,743.87 for payroll; \$32,045.60 for accounts payable; \$200,000.00 for the Madison School District (10/27/11 release date).

CARROLL COUNTY TRANSIT – Ted LaLiberte from Carroll County Transit wanted to take the time to talk with the Selectmen about where the public transportation program stands today and where it is headed. Currently the program is providing rides from homes to medical facilities or other appointments. LaLiberte said there have been approximately 200 rides provided to Madison residents during the first year of the program (125 from Silver Lake & 75 from Madison). LaLiberte said they have provided approximately 5,000 rides total in the first year. LaLiberte just received word that the Transit will be starting the round-trip public transit buses from North Conway to Wolfeboro in the near future. The requirement of placing the busing out to bid is what has held the program up. LaLiberte said the only outside bidder recently withdrew their bid so the Transit is advertising for drivers for their own buses currently parked in the Gorham area. Arruda asked if there is a tentative bus route or schedule for Madison. LaLiberte said it runs along Route 113 with stops at Silver Lake Landing and Community Market. Additional stops along the route can be arranged by calling the dispatch center or by flagging the bus down in a safe location. Arruda asked for a complete report of Madison statistics of riders, stops, etc. on an annual basis. LaLiberte said the route map system of reporting riders and stops is already in place.

TAX MAP UPDATES – The Terra Map Division of Avitar Associates has sent our annual tax map maintenance renewal agreement. They are now offering an on-line GIS application in addition to updating the large tax maps, providing a reduced scale set of maps, shape files and a pdf booklet. Madison was one of Terra Map's test towns for this new on-line feature, at no cost to us; however, we will now be expected to pay for the on-line service if we want to keep it available to users. Terra Map is offering a one-year renewal for \$6,700 (\$2,700 for maps + \$4,000 for on-line service) or a reduced rate for a three-year renewal which would be \$18,400 for three years or \$6,133 per year (\$7,600 for maps & \$10,800 for on-line services). Arias has been reluctant to publicly advertise the trial on-line map and

assessment service because she knew we would eventually have to start paying for the service. The real estate agents, appraisers and insurance adjusters who have discovered the on-line information themselves have given Arias very positive feedback. Arias believes the majority of phone calls and e-mail requests for assessment record cards would be eliminated if the on-line GIS application were budgeted for annually. Professionals, or even property owners, would be able to access the information from their home or office 24-hours a day, seven days a week. This is a huge convenience for everyone involved. Arias asked for the support of the Selectmen toward the appropriation. Based upon the estimate and what is currently appropriated in the budget annually, the extra feature would cost \$633 more per year. This matter will be discussed at an upcoming Advisory Budget Committee meeting.

TOWN HALL & BURKE FIELD SIGN REPLACEMENT – Due to weatherization issues, Arias has obtained quotes from Gemini Sign to re-do the signs at the Town Hall and Burke Field. The existing Town Hall sign is fading badly and the existing wooden Burke Field sign is literally splitting in half horizontally. Arias would like to see the Town Hall sign changed slightly to incorporate space for public notices, similar to the Elementary School sign where lettering is displayed for local news and current events. Arruda is not in favor of the leader board addition after having to manage one for many years. He said the harsh winters make it difficult to access and the white background proposed by Gemini should be a darker color to hide the dust and dirt generated from the traffic. Arruda would rather look into Option A but have it modified with two metal facades bolted on top of the existing sign. Arruda said the sign posts need to be scraped and painted but the two metal signs should cost less and would probably weather better. The existing Burke Field sign is made of a thick wood with carved or routed lettering. Arias sent an e-mail to the Conservation Commission looking for feedback into the Burke Field sign replacement. The Commission doesn't believe they have any deeded authority to manage Burke Field or the Ward Parcel but appreciated being asked about the sign. Arias asked whether the Burke Field sign should be moved closer to the driveway entrance and whether it should be made plural now that we have two athletic fields. Brooks wondered if the MWV Career & Technical Center would be interested in designing a field sign. Arias thought the Selectmen would need to decide upon the naming of the upper field first.

TRANSFER STATION SHED PROJECT – Arias has talked with MWV Career & Technical Center Director Lori Babine about the Transfer Station shed project. Babine is inquiring about payment options for the purchase of materials and supplies. Building Trades teacher Jason Daggett told Arias and members of the Solid Waste Advisory Committee (SWAC) that they do a good deal of business with Silver Lake Home Center. Arias asked the Selectmen if they would be comfortable issuing written authorization, either in the form of a Purchase Requisition or formal agreement, to Silver Lake Home Center giving Jason Daggett the ability to charge materials and supplies to the Town of Madison account up to a certain dollar amount and between two specific dates for the sole purpose of constructing the new Transfer Station shed. Brooks said Silver Lake Home Center can set up a sub-account with the specific job label so invoicing is separate from our regular monthly invoice/statement. Arias was instructed to draw up a Purchase Requisition for specified dates, a capped dollar amount, and one agent to expend.

DOCUMENT WIDTH OF SUMMER COTTAGE SECTION OF LEAD MINE ROAD – The Selectmen's Office received a proposal from Land Surveyor and Civil Engineer Paul King of Tamworth to determine the width of the Summer Highway portion of Lead Mine Road. Paul King estimates the project cost to be between \$400 - \$800 at his rate of \$50 per hour. Brooks supports the project, even though the Conservation Commission withdrew their request for new parking spaces for Goodwin Forest access, due to the level of scrutiny and questions that have come up over the last several years.

Motion: Brooks made a **motion** to engage Paul King to provide professional land surveying services to delineate the width of the Summer Cottage section of Lead Mine Road for a cost not to exceed \$800 per his proposal, seconded by Shackford, and so voted **3-0**.

Decision: Arias will make out a Purchase Requisition and inform Paul King as soon as possible so the work can be completed before winter sets in.

GOODWIN FOREST PARKING SPACES – The Conservation Commission has withdrawn their request to establish new designated parking spaces for access into the Goodwin Forest off Lead Mine Road.

LEGAL REIMBURSEMENT FOR DEED PREPARATION – The Selectmen’s Office received a letter from Attorney Peter Malia of Hastings Law Office in Fryeburg requesting his clients, Thomas and Margaret Ettinger, be reimbursed \$665.00 for the preparation of a Quitclaim Deed to the Town of Madison. Arias said there is \$1,850 remaining in the 2007 non-lapsing warrant article for this purpose. Arruda recalls something about the chain of properties needing to be completed through Quitclaim Deeds before a certain date or the land would revert back to the original owners. Brooks believes the language was changed to remove the reversion clause. Brooks would like to negotiate with Attorney Malia over the requested amount because it appears as though a lot of inter-office communications were invoiced. Brooks said the Selectmen should be reimbursing roughly the same amount as was reimbursed to May Ward, which was \$125. Brooks said it should be the preparation of the deed that is reimbursable, not the overall legal fees. Brooks offered to call Malia and request to meet somewhere in the middle. Brooks will also request that proof of the Ettinger’s payment be provided. Brooks will make the Eldridge transaction a priority and already knows they have no opposition. He plans to accomplish this well before Town Meeting 2012.

CONSERVATION COMMISSION UPDATE – Shackford attended the October Conservation Commission meeting where a number of items came up that require potential review, discussion and appropriate action by the Selectmen.

- Eagle Scout project – Torin LaLiberte is looking for an Eagle Scout project and has inquired about clearing the Ward Parcel nature trail. The Selectmen don’t have any concerns over this proposal. Arias will communicate this to the Conservation Commission.
- Town Forest Designation – The Conservation Commission is seeking clarification on the Selectmen’s intent with respect to the management of several town-owned properties. Arruda would like to dedicate some time for a detailed review of this topic in late November or early December so the Board can decide whether proceed with a warrant article in March 2012. Arias was asked to provide background information prior to the next discussion. Brooks said the Conservation Commission, during the Hocking era was a very active group and wouldn’t have let the lack of management authority for town-owned properties to go unnoticed. Therefore, Brooks feels the town-properties are the way they are for a reason, not due to an oversight.
- Stream Contamination – Brooks suggested the Code Enforcement Officer call DES regarding the citizen complaint and any investigation they conducted or any adverse conditions that could have been caused to Silver Lake.

DAILY SUN ARTICLE REGARDING THE ROAD AGENT – Shackford said he misspoke at the last meeting when he said the Selectmen can’t dictate to the Road Agent which roads to maintain or fix.

Shackford has conducted extensive research since that time and wanted to touch on a couple issues tonight, including the nepotism claim and the use of Town equipment to obtain a CDL license. Shackford said he and the other Board members had no advance knowledge of the prospective hire using Town equipment to obtain his CDL license. Shackford said a former Highway employee was hired without a CDL license and given permission to use Town equipment to practice and test on but had to obtain his CDL license within a certain time period. Shackford said volunteer firefighters have also used Town vehicles to become licensed to drive the fire apparatus. Shackford spoke of the over expenditure on the Tasker/Allard Hill Road project. Shackford said the warrant article appropriation of \$228,000 was over expended by less than \$40,000. Shackford said there are rumors out there that the project went closer to \$90,000 over budget. Shackford said the over expenditure is a very big deal and fortunately there were funds within the Highway Department operating budget that covered the over expenditure. Arruda has also taken a lot of heat over this issue. Arruda looked back over the initial road project estimates to try and determine where the project went wrong. Arruda believes a lot of the added cost came from the Road Agent's decision to remove the old asphalt surface instead of grind it in place. Arruda said there's an argument for mismanagement of the Tasker/Allard Hill Road project but the Town ran into the same type of scenario with Town Line Road, which wasn't managed by the Road Agent. Arruda said the old pavement was nearly 12" thick in spots which wasn't anticipated. Shackford asked what would have happened if we had a subcontractor overseeing this project. Brooks said a sub-contractor would have immediately appeared before the Board of Selectmen when they anticipated a budget overrun so a discussion could take place and a change order considered. Brooks said communication between and subcontractor and the Town would have been automatically expected. Brooks said he was in favor of the warrant article initially based upon the old asphalt being ground in place and used as a base. Brooks said the decision to pull up the asphalt was made solely by the Road Agent without consent of the Selectmen. Brooks said the Town of Conway engineer reviewed our original proposed warrant article amount and felt it was more than adequate based upon the scope of work. Arruda said another complication with this is the pile of asphalt that currently stockpiled at AJ Coleman that still needs to be processed. Arruda doesn't mind taking heat on an issue as long as he and the Board of Selectmen are calling the shots. In this case, and others pertaining to roads, road maintenance and the Road Agent, the Selectmen shouldn't have to take the heat because they aren't making the calls. Arruda said the Madison voters have an important decision to make in March 2012. Arruda consulted with an attorney at the Local Government Center last week about this issue. The attorney said the Selectmen don't have much in the way of grounds to dictate to the Road Agent due to the lack of written Town policies and procedures. Although the state law gives the Selectmen the authority to direct the Road Agent in carrying out his duties, it doesn't tell the manner in which the Board of Selectmen deals with deficiencies. Shackford sees the overrunning of a road improvement warrant article as breaching a lawful directive. Brooks said the Selectmen never issued the Road Agent a written directive to not overspend the warrant article. Arruda said all department heads know you cannot legally overspend a warrant article according to the Department of Revenue Administration. Brooks said the project was proposed one way and carried out another. Some facets that were proposed weren't carried out and some that weren't proposed were done without proper communication or documentation from the Road Agent. Arruda said Brooks' statement is a well-known fact but it's unclear what the Selectmen are to do about it. Brooks cited RSA 231:65 which pertains to the removal of a Road Agent. Arruda said the Board of Selectmen has attempted twice in the last 10 years to change the Road Agent position from elected to appointed/hired. The warrant articles weren't supported by the voters either time, with the Selectmen being wrongfully accused of pulling a power-grab. Arruda said if he had an employee at his store that cost him an additional \$35,000 he would unequivocally fire them. Arruda said this isn't the private sector though and the issue is gray. Arruda said the Town doesn't have any authority over the elected Town Clerk/Tax Collector, but she works for several agencies within

the State of New Hampshire. Shackford said he will gladly live and die by his mistakes but he isn't willing to take the blame for other peoples decisions. Shackford read from the statute that gives the Road Agent the authority to hire and fire his departmental personnel. Shackford said the whole group sat through the interviews and made it clear to Bill Chick Sr. that he would have to deal with the consequences of his decision politically. The Selectmen decided they were not in a position to act upon this right now.

TRANSFER STATION CONTAINER COMPACTION – John said the Solid Waste Advisory Committee (SWAC) has enough evidence to prove that compacting the open-top roll offs is beneficial to the Solid Waste budget. Arruda would like to see the Highway Department backhoe at the transfer station at lease once a week to compact containers so we can capitalize on the haul tonnage. Brooks said every little bit helps and it definitely needs to be done on a regular basis. Brooks remembers our sub-contracted hauler stating that we can't overload the containers in a way that would prohibit them from being hauled over the road. Arruda said the Selectmen, SWAC, and the Road Agent should vocally support a new backhoe for the Highway Department at Town Meeting 2012 so the existing one can be housed at the Transfer Station and used frequently to compact the open-top containers. Brooks said the presentation at Town Meeting needs to go beyond the needs of the Transfer Station. We need to sell the purchase by supporting the Road Agent's request for a newer Highway Department machine, the extremely low current interest rates, statistics on the cost saving when containers are compacted, and having a backup backhoe when one of them breaks down. Arias will draft a Memo to the Road Agent requesting the containers be compacted at least once a week until after Town Meeting 2012.

TRANSFER STATION GLASS PIT – SWAC believes the glass pit should be used for what it was originally intended. Glass is currently filling up the commingle container and requiring additional commingle hauls. Arruda said a new 12-16' table would need to be built, new signs saying "leave glass here" displayed, and only the attendants would be authorized to throw glass into the pit due to liability. Brooks suggested using barrels cut in half, two if necessary, that can temporarily store the bottles until the attendant can throw it into the pit. The Selectmen agreed that the Road Agent should receive a directive to improve the access road around the glass pit area.

TRANSFER STATION BRUSH PIT & YARD WASTE – LE Taylor has moved equipment into the Transfer Station and will be grinding up and hauling away the existing brush pit and yard waste piles. SWAC talked about moving the brush and yard waste disposal locations to the Ward Parcel so future burning and composting would be safer. Brooks has a concern about the lack of supervision on the Ward Parcel. He also said the topography and proximity to the brook would make burning less desirable than in a contained pit area. Arruda said the current brush pit area has a supervision problem but Shackford said it's more of a personnel issue. Brooks said the commercial burn permit should be used often, like when a couple pickup truck loads accumulate. Brooks said the piles need to be burned at a very high temperature to keep the smoke going straight up and the smoldering under control. Shackford said the Freedom Transfer Station personnel doesn't have a problem keeping yard waste separated from brush or turning people away who attempt to dump brush over 5" diameter. Shackford said this fall the brush and yard waste should be separated as soon as the pit area is cleaned out. It will be a month or more before the brush pit is closed for the winter. Downs talked about cordoning off the brush pit area in a way that requires an attendant to be present when brush is being unloaded for compliance purposes. Downs said there could be pushback with this, along with the redirection of traffic around to the glass pit area. Brooks said a Memo to the Road Agent to improve the glass pit access road should eliminate a lot of the complaints currently made because of the poor condition. Downs said cardboard could be put in with the

mixed paper to ensure the paper container fills up at the same rate as the commingle container so we get the benefit of tandem hauls.

PUBLIC COMMENTS – Robert D. King said the Selectmen are moving in the right direction with respect to the Road Agent position. King said removing the Highway Agent would be cut and dry given the circumstances, as long as the Board of Selectmen hadn't made any mistakes along the way. Any mistakes made by the Board would work against them should they seek to remove the Road Agent. King suggested getting guidance from Town Counsel. King said the Selectmen's primary mistake is treating the Road Agent as though they have no control over him in his official position. King said the Road Agent has thumbed his nose at the Board of Selectmen, and even at Town Meeting, regarding the maintenance of Lead Mine Road. King said the Road Agent has been defiant and ignored directives from the Selectmen on more than one occasion, like when he didn't place a jersey barrier at the east end of Lead Mine Road after the Selectmen directed him to. King said the Selectmen need to find out whether they could have legally prohibited the Road Agent from recently hiring another of his sons. King said if the Selectmen have the authority to stop an employee action but fail to exercise that authority the Selectmen then become part of the problem. King said the Selectmen should consult with Town Counsel before proceeding with the removal and a Public Hearing should be held to discuss the issue. King said the Selectmen can't rely upon Town Meeting to solve this problem because the Town's options are limited if nobody steps up to run against the current Road Agent. King feels Town Counsel and a Public Hearing will give the Selectmen the direction they need. **END OF PUBLIC COMMENTS**

SIGNATURE ITEMS –

Purchase Requisition - #2011-FINA-001 - Brown's River Marotti (\$2,300) Town Record Book #7

Veteran's Credit Application – (112-010-024)
(256-076)

After Deeding Letter – Kelly (107-086) certified letter & USPS

Notice of Intent to Cut Timber – Hadlock (119-026 & 241-006)

Appointment/Oath of Office – Rec. Committee member Heidi Forde

NON-PUBLIC SESSION – 7:15 PM - Arruda made a **motion** to adjourn the public session and go into non-public session under RSA 91-A:3II(c) to meet with the Welfare Administrator about an application for direct assistance, seconded by Brooks, and so voted **3-0**. Roll Call Vote: Brooks-aye, Shackford-aye, Arruda-aye. **7:45 PM** – Arruda made a **motion** to leave non-public session and seal the minutes of the non-public session, seconded by Brooks, and so voted **3-0**.

ADJOURN: 7:45 PM – Brooks 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 Tuesday, November 1, 2011 at 5:30 p.m. The Board of Selectmen will attend the Advisory Budget Committee meeting on Tuesday, October 25, 2011 at 6:15 p.m. in the Town Hall meeting room.

Respectfully submitted,

Melissa S. Arias, Town Administrator
Recording Secretary