BOARD OF SELECTMEN
TOWN OF MADISON
May 8, 2018
MINUTES

Selectmen Present – Robert J. King, Jr., Josh L. Shackford and John Arruda

Others Present – Chief Ted Colby; DPW Director Jon Cyr; Foreman William Chick Jr; Administrative Assistant Linda Shackford; Madison TV Videographer Carol Dandeneau; several members of the public

Where and When Posted – Town Hall upper & lower bulletin boards and Madison & Silver Lake Post Offices on January 10, 2018.

Meeting Called to Order – By Chairman King at 5:30

PUBLIC HEARING
EMERGENCY LANE

The Madison Board of Selectmen will hold a public hearing in accordance with RSA 231:59-a Emergency Lanes. The hearing is being held to declare, as currently located, Ledge Pond Road an Emergency Lane because there is a public need to keep the road passable for emergency vehicles which is supported by an identified public welfare and safety interest which surpasses or differs from any private benefits of landowners abutting such lane.

This hearing was posted at the Town Hall, Madison Post Office and Silver Lake Post Office on April 25, 2018 and certified notices were sent to involved parties.

Chairman King opened the Public Hearing per RSA 231:59-a at 5:30pm.

Arruda explained that over the last year it has been brought to the Boards attention that Class VI Ledge Pond Road has been moved. The Board intends to declare the road an emergency lane to be able t offer safe access to the land at the end of the road for all. This declaration can be made to private or Class VI roads. This will allow time to do work on the road improving access for emergency vehicles. At a future date it will be determined if it was a Class VI road in the location that it was or will it become a Class VI road in the location that it is now.

Attorney Thomas Dewhurst, representing Don Burnham, asked for a point of clarification of the notice's wording "currently located" Ledge Pond Road. Dewhurst wants to know where the town intend to have this emergency lane asking if the location of Ledge Pond Road has been changed by the town. Arruda responded it was not changed by the Selectmen.
Dewhurst asked if the Selectmen are declaring the emergency lane over a private road, not Ledge Pond Road. King responded we cannot make an emergency lane over a road that no longer exists adding it is the Town's position that this lane is being declared in its current position and that Ledge Pond Road is a Class VI road wherever it is.
Arruda added that his public hearing is not about creating a Class VI road, it is about taking steps to protect our access and other property owners' access; this emergency lane declaration allows the town to make repairs so the fire department has safe access. Arruda explained that further down the road the Selectmen can use RSA 231:27 to re-establish boundaries of Class VI roads that become lost or uncertain.

Arruda stated that the process will be two-fold with the Selectmen in charge of the road and the Planning Board in charge of excavation. Dewhurst asked if the Selectmen will be addressing the Fire Chief's concerns about the road being too close to the excavation. The excavation issue, explained Arruda, will be handles by the Planning Board and their attorney. The Selectmen will handle the road and will have cost estimates once the DPW Director has a chance to review. After all is settled, with a declaration of Ledge Pond Road as an Emergency Lane, brush can be cut and gravel added. This is not necessarily a permanent declaration, it can be removed at any time. Ultimately, the Selectmen want safe passage for all.

Dewhurst asked if the purpose of this hearing is to establish an emergency lane over a private way that is now existing. King disagreed as it is not the position of the Town that it is a private way; it is a town road that was moved and is still a town road now.

Attorney Andrew Pierce, Coleman representative, asked for the towns basis that Ledge Pond Road is a Class VI road. The Town has an affirmation from 1914 that Ledge Pond Road is a town road. King recognized that Coleman considers it a private road. King read a description of Ledge Pond Road from pages 79-81 of the *Reports of the Class VI Roads Study Committee of the Town of Madison 1998-2001* which was affirmed at the 2001 Town meeting.

J. Shackford stated that any improvements that would be made to Ledge Pond Road will be minimal and simply enough to have safe access.

King asked for comments from the public. Mr. Coleman stated that years ago he came to the town about a bridge washed out in 1973. The town wanted nothing to do with the repair of the road so it was improved by Coleman. Access was always allowed for all to travel on the road with maintenance being done by Coleman. Mr. Coleman stated that they have no problem with the emergency lane but absolutely disputes that it is a Class VI road, citing back in 1973-1974 when the Town did not want anything to do with the road. Coleman stated that five-six years ago a sign went up stating it is a Class VI road. Mr. Coleman reiterated that he has no problem with the emergency lane and will go so far as to say he would be willing to add some gravel to the pot holes, noting that the road has had bumps and holes since the 1950's; but will dispute that it is a Class VI road.

Motion by King, seconded by J. Shackford to declare, as is currently located, Ledge Pond Road an Emergency Lane because there is a public need to keep the road passable for emergency vehicles which is supported by an identified public welfare and safety interest which surpasses or differs from any private benefits of landowners abutting such lane. The motion passed **3-0.**

King declared the Public Hearing closed at 6:11pm.

A two-minute recess began.

APPROVAL OF MINUTES:
Motion by Arruda, seconded by J. Shackford to approve the minutes of April 24, 2018 and the Non-Public Session minutes, made public, of April 24, 2018 as written. The motion passed **3-0.**

APPROVAL OF MANIFESTS:
Motion by J. Shackford, seconded by Arruda to approve the Manifest of May 7 - 18, 2018 in the amount of $231,612.75. The Manifest breakdown is as follows: $58,623.20 for Accounts Payable; $25,737.30 for payroll; $7,160.88 for payroll liabilities; $15,091.37 for New Hampshire Retirement System; and $125,000.00 for Madison Elementary School. The motion passed **3 -0.**

PUBLIC COMMENTS – There were none.

DISCUSSION ITEMS/NEW BUSINESS:

DPW Director Fence Proposal at Foot of Lake Beach – Director Cyr brought to the Board a proposal for fencing at the parking area at the Foot of the Lake Beach. The idea is to move the fence line back, install new split rail, install some good gravel and keep access to the porta-potties. Arruda asked for costs. Cyr has not gathered that information as of yet adding that the install would be done by his department. The Board agreed with the idea and asked that Cyr put a cost together as a purchase requisition with the amount of the project.

DPW Director Grader Discussion – Director Cyr brought to the Boards attention the current status of the grader. It has been looked at by Cat and there are several deficiencies. The estimated amount of a refurbishment of the equipment would be $100,000 - $200,000. Cyr has information about a lease program using the town's grader for trade with a cost of $345,000. Arruda feels there is no doubt that a new grader is needed but questions the ability to spend without a vote of town meeting. J. Shackford noted that in Article 4 of the 2016 warrant the Selectmen were voted as agents to expend.

Cyr noted that the grader is in need of new tires at a cost of $11,000. Cyr is not saying he cannot run the grader, he is answering a request by the hiring committee to bring forward his findings on the condition of the grader.

All were in agreement that any decision would at the least involve a public hearing. L. Shackford will find out if funds can be taken out and if a long-term lease can be entered without town meeting approval.

This will be placed on the agenda for continued discussion at the May 22 meeting.

CIP – Arruda asked Cyr to develop a spreadsheet of all vehicles with a year of replacement as a tool for the Planning Board's Capital Improvement Plan. Chick asked if there is still a schedule in place for how long trucks are to be kept? The Board asked for that to be decided for each vehicle in the fleet and worked into the spreadsheet.

Chief Colby asked, while on the subject of vehicle retention, if he could keep the oldest cruiser in his fleet, as a spare, even after a replacement is obtained. The reasoning is that the equipment cannot be transferred into a new cruiser so Colby feels it should just be run until it is no longer fiscally responsible. The board agreed.

Smart Start LED Lighting Upgrade Quality Control Sign off – The Smart Start LED lighting upgrade of Town Hall, Fire Station, Library, Garage and Mechanic Garage have been finished. Chairman King signed off of the project. Arruda asked if there has been discussion about an upgrade of the lower level of town hall. Noreen Downs has been looking into this.

Class VI/Private Road Waiver: Lundquist 248-060 – This waiver has been reviewed by the Planning Board with no comment. The owner is filing this in anticipation of a possible project. The Board signed the waiver. L. Shackford will send this to the registry for recording.

OLD BUSINESS:

Historical Society Roof – At the February 27, 2018 meeting the Board agreed to look into roof repairs/replacement at the Historical Society once snow was gone. L. Shackford will look into getting two prices from local roofing companies and the company that sealed the Town Hall roof.

Selectman Shackford's List – Shackford and Cyr are still working together to get prices for steel to do the gates on the newly designated Class A Municipal Trails.
Selectman Arruda's List – Arruda presented a letter from the Mount Washington Economic Council that asked to reappoint Ted Kramer as the Town's representative.
Motion by Arruda, seconded by J. Shackford to appoint Ted Kramer as the Town's representative to the Mount Washington Economic Council for the next year. The motion passed **3-0.**
Selectman King's List – No items.
Assistant's List – Boy Scout Wood Duck Boxes – L. Shackford asked, on behalf of Bob Boyd, if the Boy Scouts could have permission to install wood duck boxes on the town's forest. The Scouts have constructed them and are looking for places to put them up. The Board applauded the idea and gave the Scouts their support.

SIGNATURE ITEMS
Manifest
Payroll & Accounts Payable Checks
Abatement: Shields & Head $1,788.00 – Correction of paperwork signed at April 24, 2018
Yield Tax: 17-283-19-T Dowd
Intent to Cut: Downs 258-003
Department of Public Works Job Description Updates

- Director, Foreman, Equipment Operator, General Maintenance, Technician, Transfer Station Attendant, Transfer Station Assistant Attendant

Purchase Requisition: 2018-POLI-003 Frechette Tire Co $622.08

Verrochi – L. Shackford updated the Board regarding the Verrochi property. As of May 4th, the Town has not received the $10,400.00 owed and can enter the property and begin to take care of things that have not been removed per the court decision. The Board agree to have Code Officer Boyd move forward to the next step. Chief Colby offered his assistance if necessary.

7:11 PM – King made a **motion** to go into non-public sessions under **Non-Public Session per RSA 91-A:3II (a)** The dismissal, promotion, or compensation of any public employee or the disciplining of such employee, or the investigation of any charges against him or her, unless the employee affected (1) has a right to a meeting and (2) requests that the meeting be open, in which case the request shall be granted.

Roll call vote: Shackford – aye; Arruda – aye; King – Aye

7:50 PM – King made a **motion** to return to public, seconded by Shackford and so voted **3-0**.

7:50 PM – King made a **motion** to adjourn, seconded by J. Shackford, and so voted **3-0**.

NEXT SELECTMEN'S MEETING – The next Selectmen's Meeting will be on Tuesday, May 22, 2018 at 5:30 p.m. in the lower level of Town Hall.

Respectfully Submitted,

Linda Shackford,
Administrative Assistant