

**BOARD OF SELECTMEN
TOWN OF MADISON
January 29, 2019
MINUTES**

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

Others Present – Chief Ted Colby; DPW Director Jon Cyr; Finance Director Su Stacey; DPW Mechanic Rob Rand; EAC Members Noreen Downs, Russ Dowd; Snowmobile Club Member Dave Charrette; Residents Jordann and Edward Firman, and Lynn Harrison; Town Administrator Linda Shackford; Madison TV Videographer Carol Dandeneau

Where and When Posted – Town Hall upper & lower bulletin boards and Madison & Silver Lake Post Offices on December 31, 2018.

Meeting Called to Order – By Chairman King at 5:35 pm

APPROVAL OF MINUTES:

Motion by J. Shackford, seconded by Arruda, to approve the minutes of January 15, 2019 as written. The motion passed **3-0**.

APPROVAL OF MANIFESTS:

Motion by J. Shackford, seconded by Arruda to approve the Manifest of January 28 – February 4, 2019 in the amount of \$197,311.21. The Manifest breakdown is as follows: \$56,155.68 for Accounts Payable; \$31,382.33 for payroll; \$8,098.94 for payroll liabilities; and \$150,000.00 for MES. The motion passed **3 -0**.

PUBLIC COMMENTS – There were none.

DISCUSSION ITEMS/NEW BUSINESS

Vote on Warrant Article Recommendations:

<u>Article #</u>	<u>Description</u>	<u>Vote</u>
2	Bingo RSA 287-E:27 Adoption	3-0-0
3	Operating Budget	3-0-0
4	Street Paving/Rd Improvement	3-0-0
5	Rubber Tired Excavator	3-0-0
6	Dump Truck with Plow	3-0-0
7	Police Cruiser	3-0-0
8	Fire Command Vehicle	3-0-0
9	Fire Station Parking Lot	3-0-0
10	Transfer Station Containers Add to ETF	3-0-0
11	Dissolve Grader ETF	3-0-0
12	Add to Highway Heavy Equip ETF	3-0-0
13	Assessing – Re -valuation Year 2020	3-0-0
14	Fireworks	2-1-0 Arruda against
15	RSA 41:9-a Allowed to collect fees	3-0-0
16	Energy Array Land Lease	3-0-0
17	Discontinue Kiljockey Trail	0-3-0
18	Elderly Exemption Increase Income Level	0-3-0

19	Tri-CAP – fuel assistance	3-0-0
20	Gibson Center – Meals on Wheels	3-0-0
21	Children Unltd – early support & service	3-0-0
22	Norther Human Services – Mental Health	3-0-0
23	Starting Point – Domestic Violence	3-0-0
24	White Mountain Community Health Ctr	3-0-0
25	Ossipee Childrens Fund	3-0-0
26	Carroll County Transit – Blue Loon	1-2-0 Arruda and Shackford against

ReVision Energy Letter of Intent and Exclusivity Agreement – A letter of intent was received from Revision Energy regarding the proposed solar array project. This letter of intent was sent to town counsel for review and several changes were made. The changes made were shown to Revision Energy and the only concern they had was with the confidentiality portion hoping to retain the ability to protect proprietary information. King asked Downs if this could be reworded to make it more specific, Downs will look into it. L. Shackford asked if there is a timeframe to get this signed. Downs stated it could be done after Town Meeting. The Board feels that the fact that this is being put on the warrant already shows good faith that we are moving forward and would like to wait until the Town has a chance to vote before signing.

LED Smart Start Lighting Upgrade Update – Downs had estimated figures for the electricity usage compared to average of 2016/2017:

<u>Building</u>	<u>% Reduction</u>
Town Hall	10%
Library	19%
Highway Garage	34%
Maintenance Garage	27%
Fire Station	32%

The Board was please to hear these statistics.

Request for Change to Snowmobile Regulations – A request was received January 17th through the Town’s Attorney regarding the closing of Ami Kennett Road to snowmobile traffic. The letter was from East Madison Rd property owner Samuel Bourne and read aloud and stated as follows:

“It has come to my attention that the Selectmen's snowmobile regulation permitting snowmobile travel on Ami Kennett road, has in fact, contributed to and promoted the unauthorized use and trespass of snowmobiles on my private access road and property. The snowmobiles come from the scrub oaks snowmobile club and travel up Ami Kennett road, cross east Madison road onto the Roger Cyr's property, and then onto my private access road and property. Therefore, directly interfering with the reasonable use of my property. Their trespass has also interfered with the maintenance and snowplowing efforts of my private access road, which again interferes with my use of my property. As such, I ask that you have town officials take all necessary steps to prohibit this abuse. The snowmobile club alleges that they do not need, or use, Ami Kennett road, but evidence on the ground proves otherwise. Madison police have also been contacted.

So, in an effort to prevent more litigation with the town, I request that you have town officials take all necessary steps to close Ami Kennett road to snowmobile use.

If no action is taken by the town within the next 48 hours, I will have no other choice but to file suit, and include the town as an additional defendant for their participation and contributing efforts to cause undue harm to my use of my property.”

L. Shackford clarified that this request was not addressed within the 48 hours because the Board did not have a meeting scheduled until tonight.

J. Shackford stated that the Madison Police and NH Fish and Game have done investigations into this issue. There is an ongoing lawsuit for the snowmobile club regarding this issue and J. Shackford hesitates to get involved. Chief Colby stated that one person has admitted involvement and nothing points to this being a snowmobile club issue. J. Shackford was of the understanding that the Ami Kennett Road was impassable due to a logging operation. Chief Colby stated if someone goes onto the Bourne property that could be treated as criminal trespass.

Jordann Firman stated that their neighbor Davis has permission to pass over their land. Arruda noted that even if someone is traveling from Ami Kennett Road over the East Madison Road, it has nothing to do with the Town. King was of similar opinion. Chief Colby expressed concern that if the Board did close the road it could be construed as the Town being somehow at fault. J. Shackford does not see the need for a public hearing.

Jordann Firman is of the understanding that Bourne's property is under contract so this may be a moot issue because only themselves and Davis use that portion of Ami Kennett Road.

Arruda asked that L. Shackford contact the Town's attorney and asked her to draft a response to Mr. Bourne encapsulating the Board's discussion and decision.

OLD BUSINESS – There was none.

Selectman King's List – King asked Dave Charrette to look into have a berm removed from the snowmobile trail on Lead Mine Road where it goes out to the powerlines as it presents a hazard. Charrette responded that the berm was removed about two weeks ago and that any issue is the result of Asplundh Tree Service's use of a skidder. King thanked Charrette.

Selectman Shackford's List – J. Shackford stated that every week the Town Hall receives correspondence from the public. J. Shackford noted a letter received expressing the appreciation for Officer Mosher's kind and compassionate actions in handling the death of a beloved dog that was hit by a car. Also received was a complimentary letter recognizing Sergeant Hayford and Officer Martin's competence and character in the handling of a car accident on Route 16. The Board will send letters to these officers thanking them for a job well done. J. Shackford also read a letter received from a Transfer Station patron in response to being notified that we had a check returned for insufficient funds. The letter contained strong language that was deemed inappropriate and unnecessary. Arruda noted that the fees collected were to cover what was charged by the bank and no more.

Selectman Arruda's List – No items.

Administrator's List – L. Shackford stated that there will be notices mailed to select property owner informing them that their property is on the list of being visited in 2019 as part of the assessing re-valuation process. This change notification was prompted by a policy change with our assessing company.

SIGNATURE ITEMS

Manifest

Payroll & Accounts Payable Checks

01/15/19 Edition of the Standard Operating Guidelines Snow Removal and Ice Control

Thank you for Service Letter – Ron Force of ABC

Purchase Requisition – 2019-HIGH-001 John Roberts \$4,000.00

6:10 PM – J. Shackford made a **motion**, seconded by Arruda to go into **Non-Public Session per RSA 91-A:3II (I)** Consideration of legal advice provided by legal counsel, either in writing or orally, to one or more members of the public body, even where legal counsel is not present

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

6:30 PM – Arruda made a **motion** to return to public and seal the minutes of the non-public session, seconded by J. Shackford and so voted **3-0**.

6:30 PM – Arruda 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, February 12, 2019 at 5:30 p.m. at the lower level of Town Hall.

Respectfully Submitted,

Linda Shackford,
Town Administrator