

**BOARD OF SELECTMEN
TOWN OF MADISON
November 30, 2021
MINUTES**

Selectmen Present – William T. Lord, Josh L. Shackford

Selectmen Excused - Michael A. Mauro

Others Present –DPW Director Jon Cyr; Chief Robert J. King, Jr; Officer Michael Mosher; Town Administrator Linda Shackford; MadTV Videographer Carol Dandeneau; Attorney Jason Dennis and Curtis Coleman; Residents/Property Owners Cailee Bergeron, Jay Buckley, Shawn Bergeron, Nick Borelli, Mike Veilleux, Paul McKenna, Adam Price, Donald Burnham

Where and When Posted – Town Hall upper & lower bulletin boards and Madison & Silver Lake Post Offices on December 31, 2020.

Meeting Called to Order – By Lord at 4:30 pm.

APPROVAL OF MINUTES:

Motion by J. Shackford, seconded Lord by to approve the minutes from November 16, 2021 as written. The motion passed **2-0**.

APPROVAL OF MANIFEST:

Motion by J. Shackford, seconded by Lord to approve the Manifest of November 29 – December 9, 2021 in the amount of \$750,144.72. The manifest breakdown is as follows: \$110,782.20 for Accounts Payable; \$30,301.46 for payroll; \$9,061.06 for payroll liabilities; and \$600,000 for MES. The motion passed **2-0**.

PUBLIC COMMENTS: Lord opened public comment thanking all that are in attendance for coming. Lord stated that the 2021 tax rate has been set and it is down 10% over last year, the lowest in twelve years and one of the five lowest in the last thirty years.

Lord announced a meeting to occur on December 1st that includes members of this Board, Planning Board, Zoning Board, the Town Moderator and the three attorneys for those same Boards to talk about a way ahead of STRs. While all actions are well intended, they are not all well timed with a petition zoning amendment, Selectmen’s article and Planning Board’s articles all on the table. The purpose of the non-public session per **RSA 91-A:3II (I)** is the attempt to synchronize all these efforts.

McKenna asked when the results of that meeting will be announced. Lord responded it would be at the next meeting of this Board in two weeks.

Lord stated that the Board is considering the drafting of letters to go to potentially 171 STR owners. Bergeron thanked and agreed with the Boards holding the meeting on December 1st; everyone needs to be working together.

DISCUSSION ITEMS:

Veilleux regarding Tree Cutting – Mike Veilleux updated the Board that they will begin to have the trees cut soon; adding that he understands that the Board does not want to spend money on the project and Veilleux is absorbing the cost of the cut. Veilleux would like to return the forest to the beautiful place that it is and asked for permission to do just that by cleaning up the debris from the cut. The Board was in favor of the request and thanked Veilleux for his offer.

Coleman Regarding Ledge Pond Road as Private or Class VI- Hastings Malia Attorney and Madison resident Jason Dennis, along with Curtis Coleman, came to the Board to ask for clarity on their position of Ledge Pond Road being private or Class VI. Back in 2018 the Board received an opinion from the Hastings Malia office that showed the history of the road from circa 1888 on that concluded it to be a private road.

Lord has read the quite cogent opinion and asked why would deeded rights to a property be necessary if it were a Town road. Attorney Dennis commented on the obviousness of the question with Lord feeling it wouldn't be needed if it was public.

J. Shackford explained that back before this was presented in 2018, we used the Class VI Road Study to reason that this was a Town Road, but have since received the opinion from Hastings Malia that determines it to be a private road. This Board stands with the evidence provided before us and Ledge Pond Road is not considered a Class VI Road.

Don Burnham, Ledge Pond Road property owner, argued that it is a town road by prescriptive easement citing references from the 1930s, 40s and 50s, asking how the Board cannot see it as a Class VI Road.

Lord said that information from Town Counsel has him to see it not as Class VI.

Coleman interjected that the Coleman family has never said people cannot use the property and there has never been an issue with the deeded right to always use the road. Burnham feared that this decision could make it impossible for the public to access public land with Coleman reiterating that they have never not allowed public into the property noting quite often people come and ask for permission to hunt, we thank them and say great.

Lord asked Attorney Dennis how the Board's position could be documented. Attorney Dennis offered to create a document to make this opinion clear with J. Shackford stating that this would be reviewed by Town Counsel also.

J. Shackford told of the several times that the Town has gone to court defending the 1988 road study and lost handily each time to a cost of over \$100,000.

Burnham reiterated notes from the study that called out when a Town employee performed maintenance to the road in 1952 and 1953. Brooks questioned if Burnham is jumping to a conclusion because back in the day if someone needed help, they got help.

This decision could have an enormous ramification on the reclamation of the pit opined Burnham. The Planning Board loses its control in RSA 155-E because the pit is no longer required to be 50' from the road if it isn't a Town road.

Coleman reiterated the position of the Board that Ledge Pond Road is private and thanked the Board for their time.

Highway Heavy Equipment Expendable Trust Fund Withdrawal \$42,700.00 – Cyr explained that the expenses being requested for reimbursement were for plow frames for the 6-wheeler, the truck was returned to service today.

Motion by J. Shackford, seconded by Lord to request the withdrawal by the Trustees of Trust Funds for \$42,700.00 from the Highway Heavy Equipment Expendable Trust Fund to reimburse the general fund for the expenses incurred for the improvements to Truck #11. The motion passed **2-0**.

Review of Facility and Launch Permit Regulations – L. Shackford hoped to review the changes made in 2021 regarding facility use and facility permits after one year of working with those changes. It was noted that over \$7,000 was collected in Boat Launch fees. Lord stated that he heard only positive comments from the residents with which he spoke. Cyr heard comments that the \$100 non-resident/owner launch fee should be increased. L. Shackford listed other suggestions from the public which included Boat Launch day passes and transferable pass for a fee. King noted most of the problems that arose were not the Town's issue and were resolved. It was decided there was no need to adjust the way we are managing the facility permits and boat launch permits for the coming year.

OLD BUSINESS: There was none.

Selectman Lord's List - Lord began discussion asking Cyr to speak to the boat launch repair status. Cyr explained that we are still waiting for the water level to go down. Cyr noted that their time has been spent dealing with the clean-up of an illegal oil spill on Town roads. That oil spill resulted in the removal of 12 years of road with the assistance of DES. Lord also brought up:

- OME has programmed several of the radios and has plans to return to replace a building antennae and remaining radios;
- Lord confirmed with Chief King that working with VDOE regarding the tower is set, with King responding yes; and
- The school path group has had a meeting with several ideas presented but no agreements made.

Department Heads' List:

Chief King:

- The vandalism of and theft from cars in town is being worked on extensively with many local agencies working together;
- King presented information regarding the availability of a 2021 cruiser in Connecticut that has the police SSV package. The Board will consider purchasing the cruiser from this year's budget, King will get more information.

Director Cyr:

- Cyr is waiting on the grader being returned as it is out for repairs.

Chief Brooks:

- The volunteer Fire Department member reimbursements have been processed for the year;
- A call was received that the Mack MD7 chassis for the fire truck project is being delivered and it will be registered and brought up to Dingee. The contract states the work should be completed in 180 days.

Selectman Shackford's List – Shackford spoke to the tax rate in area towns going up while Madison's went down. Brooks noted that the overall amount he needs to collect is almost one million dollars less than 2020. Brooks added that we have received a substantial payment from Wells Fargo and that the bills are at the printers.

Administrator's List – No items

SIGNATURE ITEMS:

Manifest

Payroll & Accounts Payable Checks

Yield Tax: 21-283-04-T Coffield 227-015 \$490.52

21-283-12-T Ward 215-001 \$4,163.36

Purchase Requisition: 2021-POLI-004 Motorola Solution \$7,308.26

2021-POLI-005 NE Vehicle Outfitter \$6,125.00

2021-POLI-006 NE Vehicle Outfitter \$10,907.00

Veteran's Credit: Legault 102-038

Roberts & Greene Auditor Representation Letter

Tax Exempt Leasing 2022 Mack Chassis Schedule No. 12 Payment Request

5:56 PM – J. Shackford made a **motion** to adjourn, seconded by Lord, and so voted **2-0**.

NEXT SELECTMEN'S MEETING – The next Selectmen's Meeting is scheduled for December 14, 2021 commencing at 4:30 pm in the lower level of Town Hall.

Respectfully Submitted,

Linda Shackford,
Town Administrator